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7-17-81  
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# federal register

Friday  
July 17, 1981

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## Highlights

- 37049 **Child Day Care Services** HHS/Sec'y postpones effective date of child day care regulations until 1-2-82 and requires applicable State and local standards be met for Federal funding.
- 37056 **Federal Home Loan Banks** FHLBB proposes to allow member banks to pay interest on demand deposits.
- 37017 **National School Lunch Program** USDA/FNS delays implementation and compliance dates for meat alternate equivalencies for certain schools.
- 37048 **Motor Vehicle Safety** EPA establishes carbon monoxide emission standards for several 1982 model year light-duty vehicles.
- 37054 **Marketing Agreements** USDA/AMS requests comments on Federal Marketing Order programs for fruits, vegetables, and specialty crops.
- 37020 **Banks and Banking** DIDC phases out ceiling rates on all time deposits.
- 37232 **Surface Mining** Interior/SMREO amends regulations on disposal of excess spoil. (Part III of this issue)

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## Highlights

- 37040 Securities** SEC amends commodity transaction regulations on net capital requirements for brokers and dealers.
- 37065, 37068, 37072, 37088 Handicapped** HUD/Sec'y, DOD/Sec'y, CAB and Commerce notifies recipients of Federal financial assistance to comply with nondiscrimination provisions. (4 documents)
- 37072 Grant Programs—Higher Education** ED announces list of approved need analysis systems that institutions must use in making awards to students during 1981–1982.
- 37100 Comprehensive Employment and Training** Labor/ETA lists organizations that have submitted preapplications for Federal assistance for fiscal year 1982 funds under migrant and other Seasonally Employed Farmworker Programs.
- 37115 Trade** Trade Representative issues notice on the U.S. Generalized System of Preferences.
- 37051 Marine Resources—Seafood** Commerce/NOAA imposes size limit for surf clams harvested in mid-Atlantic surf clam management area.
- 37059 Endangered and Threatened Wildlife** Interior/FWS proposes to revise rules on ivory trade.
- 37029 Laboratories** Commerce/Sec'y amends National Voluntary Laboratory Accreditation Program procedures.
- 37046 Postal Service** PS issues regulations on postage due mail addressed to U.S. Government agencies.
- 37152 Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)
- 37063 Agriculture—Meat** USDA/ERS plans to discontinue publication of weekly retail prices and farm to retail price spreads for beef and pork.
- 37023 Patents** NASA revises Patent Waiver Regulations.
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- 37089** HUD  
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# Rules and Regulations

Federal Register

Vol. 46, No. 137

Friday, July 17, 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

#### National School Lunch Program; Meat Alternate Equivalencies

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice of delay in full implementation and compliance date.

**SUMMARY:** This notice announces a delay in full implementation of the meat alternate equivalencies for cooked dry beans or peas, eggs and cottage cheese used to meet the meal pattern requirements of the National School Lunch Program regulations (7 CFR Part 210) published at 45 FR 32502, May 16, 1980. Reports from food manufacturers of difficulties in meeting the new requirement and the Department's intent to review the meat alternate equivalencies have prompted the Department to delay implementation another year.

**DATE:** Schools which purchase products from manufacturers who cannot comply with the equivalencies set out in the table found in § 210.10 are exempt from the July 1, 1981 compliance date until July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Stanley C. Garnett, Branch Chief, Room 4122, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, or by telephone: 202-447-9069.

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to section 9(b) of the National School Lunch Act, the Department has established minimum nutritional requirements for lunches served in the National School Lunch

Program. One required component is meat or a meat alternate. The Department has by regulation determined that certain quantities of meat alternates such as cooked dry beans or peas, eggs and cottage cheese can be used to satisfy the meat requirement.

Prior to the final rules published on May 16, 1980 (45 FR 32502), one-half cup of cooked dry beans or peas, one large egg, or two ounces of cottage cheese were considered equal to a two ounce portion of cooked lean meat. The new equivalencies, published after the receipt and analysis of extensive public comment, changed the meat alternate equivalencies. Under the new rule, one-half cup of cooked dry beans or peas, one large egg and two ounces of cottage cheese are equivalent to one ounce of meat. The final rules also allowed the combination of more than one meat alternate to meet the required amounts.

The preamble to the final rules fixed the implementation date for the new meat alternate equivalencies at the start of the 1980-81 school year (July 1, 1980). Because of anticipated administrative and operational hardships for schools using commercially prepared products, schools could apply to State agencies for exemptions until their food supplier could alter manufacturing techniques to accord with the new equivalencies. The exemptions were available until July 1, 1981, and only to schools whose suppliers could not quickly comply with the new equivalencies.

As the July 1, 1981 deadline draws near, the Department has received several requests from schools and food manufacturers concerning a further delay in implementation. Some manufacturers have encountered difficulties in reformulating their products to comply with the equivalencies.

Further, the Department will soon conduct a review of the nutritional requirements for all child nutrition programs, of which the equivalencies are a part. In light of the increasing need to undertake efforts to reduce the cost of complying with the regulations for the child nutrition programs, the Department will review the nutritional requirements for possible cost-cutting revisions.

In light of these developments, and in response to the requests voiced by manufacturers of products for the school lunch program, the Department is

delaying implementation of the new equivalencies for schools served by food manufacturers unable to comply with the new equivalencies. For the 1981-82 school year, schools and institutions supplied by food manufacturers who cannot comply with the new equivalencies may consider a one-half cup of cooked dry beans or peas, one large egg, or two ounces of cottage cheese to be equal to a two ounce portion of cooked lean meat. Adjustments shall be made where appropriate for age/grade groups I, II, III, and V.

Accordingly, those schools which purchase products from manufacturers who cannot comply with the equivalencies set out in the table in § 210.10 are exempt from the July 1, 1981 compliance date until July 1, 1982.

(Catalog of Federal Domestic Assistance No. 10.555)

(Sec. 9, Pub. L. 79-396, 60 Stat. 233, (42 U.S.C. 1758(a)))

Signed in Washington, D.C. on July 10, 1981.

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

[FR Doc. 81-21032 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-30-M

## Animal and Plant Health Inspection Service

### 7 CFR Part 331

#### Mediterranean Fruit Fly

##### Correction

In FR Doc. 81-20800 appearing on page 36148 in the issue of Tuesday, July 14, 1981; third column, under **DATES**, the effective date should have read "July 14, 1981."

BILLING CODE 1505-01-M

## Agricultural Marketing Service

### 7 CFR Part 910

[Lemon Regulation 313, Amdt. 1; Lemon Regulation 314]

#### 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 19-25, 1981, and increases the quantity of lemons that may be shipped during the period July 12-18, 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 19, 1981, and the amendment is effective for the period July 12-18, 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 14, 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 record keeping) 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 910.614 is added as follows:

**§ 910.614 Lemon Regulation 314.**

The quantity of lemons grown in California and Arizona which may be handled during the period July 19, 1981, through July 25, 1981, is established at 300,000 cartons.

2. Section 910.613 Lemon Regulation 313 (46 FR 35630) is revised to read 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 375,000 cartons.

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

Dated: July 16, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21193 Filed 7-16-81; 12:10 pm]

BILLING CODE 3410-02-M

**Animal and Plant Health Inspection Service**

**9 CFR Part 75**

**Contagious Equine Metritis (CEM); Area Released From Quarantine**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this amendment is to release a portion of Boone County in Missouri from the areas quarantined because of contagious equine metritis (CEM). Surveillance activity indicates that CEM no longer exists in the area quarantined.

**EFFECTIVE DATE:** July 14, 1981.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, 6505 Belcrest Road, Room 738, Hyattsville, MD 20782, 301-436-8433.

**SUPPLEMENTARY INFORMATION:** This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." Also, the emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the economy of less than \$100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action, which releases the Federal quarantine for CEM, affects only one premises owned by one entity located in Boone County in the State of Missouri. Therefore, this amendment releases a portion of Boone County in Missouri from the areas quarantined because of CEM. The restrictions pertaining to the interstate movement of horses from quarantined areas contained in 9 CFR Part 75.5, as amended, will no longer apply to the released area.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

1. In § 75.7(b)(1), relating to the State of Missouri, paragraph (i)(A), the premises of Barr Trak Farm, Inc., Boone County, is removed. Accordingly, paragraph (i) relating to Boone County is removed and reserved.

**§ 75.7 Areas quarantined.**

- • • • •
- (b) • • •
- (1) • • •
- (i) (Reserved)
- • • • •

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended [21 U.S.C. 111-113, 115, 117, 120, 121, 123-126], 37 FR 28464, 28477; 38 FR 19141)



This amendment relieves restrictions no longer deemed necessary to prevent the spread of CEM from certain areas which have been determined to be free of CEM. This amendment should be made effective immediately in order to permit affected persons to move equidae interstate from such area without unnecessary restrictions.

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

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment at this time.

Done at Washington, D.C., this 14th day of July 1981.

**K. R. Hook,**

*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 81-20970 Filed 7-16-81; 8:45 am]  
BILLING CODE 3410-34-M

## DEPARTMENT OF ENERGY

### 10 CFR Part 781

#### Patent Licensing Regulations

**AGENCY:** Department of Energy.  
**ACTION:** Notice of Effect of Pub. L. No. 96-517 on 10 CFR 781, DOE Patent Licensing Regulations.

**SUMMARY:** Pub. L. No. 96-517 provides a statutory basis for the licensing of federally owned inventions, including inventions owned by the Department of Energy (DOE). To implement the invention licensing authority of Pub. L. No. 96-517, the General Services Administration (GSA) has amended the Federal Property Management Regulations, 41 CFR 101-4.1, effective July 1, 1981 (46 FR 29955, June 4, 1981).

This notice is to advise that, effective July 1, 1981, DOE will license its patents pursuant to the amended 41 CFR 101-4.1, and in addition, pursuant to DOE's patent licensing regulations, 10 CFR 781 (45 FR 73446, November 4, 1980), to the extent that the DOE regulations are not inconsistent with Pub. L. No. 96-517 or 41 CFR 101-4.1. DOE will revise 10 CFR 781 to formally implement 41 CFR 101-4.1 after the amended 41 CFR 101-4.1 becomes a final rule.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Marchick, Department of Energy, Washington, D.C. 20585, 202/252-2806.

Signed at Washington, D.C. on this 10th day of July 1981.

**R. Tenney Johnson,**  
*General Counsel.*

[FR Doc. 81-20905 Filed 7-16-81; 8:45 am]  
BILLING CODE 6450-01-M

## DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

### 12 CFR Parts 1200, 1201, 1202, 1203

#### Change of Agency Address and Delegation of Authority

**AGENCY:** Depository Institutions Deregulation Committee.

**ACTION:** Amendment of final rules.

**SUMMARY:** The Committee has amended its regulations regarding organization and procedure, availability of information, and public observation of meetings to indicate that the principal offices of the Committee have been moved from the Federal Reserve Building to the Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. The Committee has also delegated certain authority to the Policy Director of the Committee, and has established procedures for the review of any action taken pursuant to such delegation.

**EFFECTIVE DATE:** June 25, 1981.

**FOR FURTHER INFORMATION CONTACT:** Gordon Eastburn, Acting Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

**SUPPLEMENTARY INFORMATION:** On March 26, 1981, the Secretary of the Treasury was elected Chairman of the Depository Institutions Deregulation Committee, succeeding the Chairman of the Board of Governors of the Federal Reserve System in that capacity. In conjunction with this change, the principal offices of the Committee have been moved from the Federal Reserve Building to the Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. The regulations have been amended accordingly.

A new provision has also been added to the existing regulations delegating authority to the Policy Director of the Committee to act on requests for Committee action and reconsideration of action already taken by the

Committee. The new provision also provides for the review of any action taken pursuant to such delegation. The new provision is § 1201.7. The existing § 1201.7 is redesignated § 1201.8.

Pursuant to the provisions of Subsection 553(b)(A) of Title 5 of the United States Code, the Committee has determined that the provisions of Section 553, relating to notice and public participation and to deferred effective dates, are not applicable and are not being followed since the amendments are of a procedural nature.

Title 12 of the Code of Federal Regulations, Chapter XII, is amended as follows:

## PART 1201—RULES OF ORGANIZATION AND PROCEDURE

Sections 1201.3, 1201.6(b), 1201.7, 1202.4(b), 1203.4(c), 1203.4(d), 1203.6(d), 1203.12(b) are revised and a new § 1201.8 is added, all to read as follows:

### § 1201.3 Offices.

The principal offices of the Committee are in the Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. The Committee's regular business hours are from 9:00 a.m. to 5:30 p.m. Monday through Friday; but such business hours may be changed from time to time.

### § 1201.6 Procedure for regulations.

(b) **Public Participation**—The usual method of public participation in the rulemaking process is through the written submission of data, views, or arguments. They should be sent to the Executive Secretary of the Committee, The Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Such material will be made available for inspection and copying upon request, except as provided in Part 1202 of this chapter regarding availability of information.

### § 1201.7 Delegation of authority.

(a) **Policy Director.** The Policy Director of the Committee shall have the authority to deny (1) a request for Committee action, and (2) a request for reconsideration of Committee action.

(b) **Review of Action.** Any action taken by the Policy Director pursuant to § 1201.7(a) shall be subject to review by the Committee only if such review is requested by a voting member of the Committee, either on the member's initiative or on the basis of a petition for review by the person whose request was denied. Any such petition for review must be received by the Executive



Secretary of the Committee not later than the tenth day after the date of such denial.

#### § 1201.8 Amendments.

Except as otherwise provided by law, any of these rules may be altered, amended, or repealed, or new rules may be adopted at any meeting of the Committee by a majority vote of the voting members of the Committee.

### PART 1202—RULES REGARDING AVAILABILITY OF INFORMATION

#### § 1202.4 Records available to the public upon request.

(b) *Obtaining Access to Records.* Records of the Committee subject to this section are available for public inspection or copying during regular business hours on regular business days at the office of the Executive Secretary of the Committee, The Department of the Treasury, 15th Street, and Pennsylvania Avenue, NW., Washington, D.C. 20220. Every request for access to such records shall be submitted in writing to the Executive Secretary of the Committee, The Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Such request shall state the name and address of the person requesting such access, shall clearly indicate whether such request is an initial request or an appeal from a denial of information requested pursuant to the Freedom of Information Act, and shall describe such records in a manner reasonably sufficient to permit identification without difficulty.

### PART 1203—RULES REGARDING PUBLIC OBSERVATION OF MEETINGS

#### § 1203.4 Meetings open to public observation.

(c) The agency will maintain a complete electronic recording adequate to record fully the proceedings of each meeting or portion of a meeting open to public observation. Cassettes will be available for listening in the office of the Executive Secretary of the Committee, and copies may be ordered for \$5 per cassette by telephoning or by writing the office of the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

(d) The agency will maintain mailing lists of names and addresses of all persons who wish to receive copies of agency announcements of meetings open to public observation. Requests for

announcements may be made by telephoning or by writing the office of the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

#### § 1203.6 Public announcements of meetings.

(d) Public announcements required by this section will be posted at the office of the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220, and may be made available by other means or at other locations as may be desirable.

#### § 1203.12 Procedures for inspection and obtaining copies of transcriptions and minutes.

(b) Requests for copies of transcripts, recordings or transcriptions of recordings, or minutes described in § 1203.11(c) of this part shall specify the meeting or the portion of the meeting desired and shall be submitted in writing to the Executive Secretary of the Committee, The Treasury Department, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Copies of documents identified in minutes may be made available to the public upon request under the provisions of Part 1202 of this chapter (Rules Regarding Availability of Information).

By Order of the Committee, June 26, 1981.  
Gordon Eastburn,  
*Acting Executive Secretary.*

[FR Doc. 81-20956 Filed 7-16-81; 8:45 am]  
BILLING CODE 4810-25-M

### 12 CFR Part 1204

[Docket No. D-0019]

#### Phaseout of Ceiling Rates on All Time Deposits

**AGENCY:** Depository Institutions Deregulation Committee.

**ACTION:** Final rules.

**SUMMARY:** The Depository Institutions Deregulation Committee ("Committee") has established a schedule for the orderly phaseout and ultimate elimination of interest rate ceilings on all time deposits at commercial banks and thrift institutions. Under the schedule, which is effective August 1, 1981, interest rate ceilings will be completely eliminated according to a step-by-step procedure based upon the original maturity of new time deposits. Ceilings will be eliminated first for

deposits having an original maturity of 4 years or more. The minimum maturity for deposits without any rate ceiling will be reduced by one year during each of the next four years until, on August 1, 1985, all interest rate ceilings on all categories of time deposits will be eliminated. As part of its phaseout plan, the Committee also removed the existing "cap" on the ceiling rate for 2½ years or more small saver certificates ("SSCs"), but retained the current ceilings, which are determined by the average 2½-years yield on U.S. Treasury securities, and retained the current minimum ceilings. During the phaseout period, the ceiling rate for new time deposits with certain maturities will be indexed to the yields for U.S. Treasury securities with comparable maturities. For those deposits with indexed ceiling rates, a ¼ percentage point differential in favor of thrifts will be maintained for the first two years of the phaseout period, but will be removed entirely for all new deposits issued on or after August 1, 1983, which are covered by the schedule. The new rules do not change the terms or rates of any existing time deposits or passbook-type savings accounts.

**EFFECTIVE DATE:** August 1, 1981.

#### FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4261), Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281), Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798), Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880).

#### SUPPLEMENTARY INFORMATION:

On March 31, 1981, the Committee requested public comment on two proposals to help accomplish the Committee's statutory objective of an orderly phaseout and ultimate elimination of interest rate ceilings on all time and savings deposits by April 1, 1986 (See 46 FR 20155). The first proposal was intended to further deregulation in the short run by removing the "cap" applicable to interest rate ceilings on 2½ years or more small saver certificates (SSCs). Under the proposal, an interest rate ceiling would continue to apply, but the current cap of 11¾ percent for commercial banks and 12 percent for mutual savings banks and savings and loan associations would be eliminated. As proposed, the ceiling would continue to be determined by the average 2½-



year yield on U.S. Treasury securities. The second proposal was intended to further deregulation in the long term by completely eliminating the rate ceilings on deposits beginning with those of longer maturities, or by indexing the interest rate ceilings on such deposits to a market rate. The Committee also requested comments on any other plans for deregulating interest rate limitations.

In response to its request, the Committee received more than 700 written comments from depository institutions, trade associations, Federal instrumentalities and individuals. In summary, the comments varied greatly and produced no consensus on how a deregulation plan should be structured.

With respect to the proposal to eliminate the cap on SSCs, slightly more than one-half of the relevant comments opposed the proposal, with thrifts and their trade groups generally opposed, and banks and their trade groups generally in favor of the proposal. Many of the respondents who favored eliminating the caps were of the view that it would have a positive impact on all depository institutions by providing a competitive longer-term instrument. These respondents felt that an uncapped SSC could attract new deposits, which could be reinvested profitably by depository institutions.

Those opposing the proposal argued that the circumstances that originally caused the regulatory agencies to establish the caps had not changed. Some respondents maintained that removing the caps would result in a sharp rise in the ceiling rate, would not increase deposits appreciably, would increase the cost of funds to institutions and would exacerbate earnings pressures at thrift institutions.

With regard to the proposal to phaseout interest rate limitations by maturity, approximately 30 percent of those comments favored the proposed schedule, and about 30 percent opposed any decontrol. The remaining respondents found the concept of a schedule acceptable, but were of the view that the proposed schedule was either too fast (15 percent) or too slow (25 percent). Respondents favoring no decontrol or a slower pace for decontrol, primarily thrift institutions, argued that more time was needed to adjust asset portfolios. Moreover, they maintained that deregulation would mean a higher cost of funds and lower earnings at a time when thrifts were unable to absorb them. Suggestions on how to "slow" the process of deregulation included delaying the start of the phaseout period for two or three years and beginning the phaseout with longer maturity deposits, such as eight years. Those favoring the

proposed schedule or suggesting a faster pace for deregulation, generally commercial banks, indicated that, while it would be desirable to allow all institutions time to adjust their asset portfolios, market events do not permit such a delay in the process of deregulation. In addition, some respondents suggested that the schedule should begin with shorter maturity deposits, since they felt that deposits with a 5-year maturity could not be attracted without a substantial premium, and complete deregulation should be achieved before 1986.

With respect to the issue of whether ceiling rates should be eliminated completely or indexed to some market rate during the phaseout, the Committee received more than 240 comments, a majority of which favored indexing. Some of the respondents favoring the indexing approach maintained that, in the absence of regulated ceilings, there would be greater potential for irrational, as well as predatory pricing. Those respondents supporting the complete elimination of ceilings argued that indexing could be confusing to depositors, and that a rate ceiling becomes, in effect, the rate that is offered by depository institutions. In addition, it was noted that, at the end of the period when ceiling rates were indexed, the Committee would have to eliminate the ceilings in any case, and it would be better to start now, gradually, rather than eliminating them all at once.

The Committee also received a number of suggestions on alternative methods of deregulation. These proposals included the establishment of a short-term deposit instrument that could improve the competitive position of depository institutions in competing with instruments offered by non-depository institutions.

After considering all of the comments, the Committee established a four-year schedule that will result in the complete elimination of interest rate ceilings on all time deposits. The phaseout plan adopted by the Committee is as follows:

#### Step 1 (August 1, 1981)

1. Eliminate all rate ceilings on all new time deposits with an original maturity of 4 years or more.
2. Index rate ceilings for new time deposits with an original maturity of 2½ years to 4 years to the average 2½ year yield on U.S. Treasury securities and retain the 25 basis point differential between commercial banks and thrift institutions. The interest rate ceiling for thrifts will be the average Treasury yield, and the rate ceiling for commercial banks will be the average Treasury yield less 25 basis points.

#### Step 2 (August 1, 1982)

1. Eliminate rate ceilings on all new time deposits with an original maturity of 3 years or more.
2. Index rate ceilings for new 2 to 3 year time deposits to the average 2 year yield on U.S. Treasury securities and retain the differential, as described in step 1 above.

#### Step 3 (August 1, 1983)

1. Eliminate rate ceilings on all new time deposits with an original maturity of 2 years or more.
2. Index rate ceilings for new 1 to 2 year time deposits to the rate for 1 year Treasury securities without a differential between commercial banks and thrift institutions.

#### Step 4 (August 1, 1984)

1. Eliminate rate ceilings on all new time deposits with an original maturity of 1 year or more.
2. Index rate ceilings for new time deposits with a maturity of less than 1 year to the rate for 13-week Treasury securities without a differential between commercial banks and thrift institutions.

#### Step 5 (August 1, 1985)

1. Eliminate rate ceilings on all time deposits.

The new rules apply only to new time deposits issued on or after each of the relevant dates; the rates payable on existing time and savings deposits are unaffected by the new rules. Moreover, ceiling rates for new time deposits with maturities other than those specified in the phaseout schedule on each of the relevant implementation dates will remain unchanged unless specifically acted upon in the future by the Committee. For example, on August 1, 1981, the maximum interest rate payable on time deposits (except for MMCs, governmental units and IRA/Keogh Plans) will be as follows:

Original maturity	Commercial banks	Thrift institutions
4 years or more.....	No limit	No limit.
2½-4 years.....	2½ year treasury yield <sup>1</sup> less 25 basis points.	2½ year treasury yield. <sup>1</sup>
1-2½ years.....	6 Percent	6½ Percent.
90 Days-1 year.....	5½ Percent	6 Percent.
14-89 Days.....	5¼ Percent	No separate account category.

<sup>1</sup>On June 22, 1981, the Treasury yield for 2½ year securities was 14.35 percent.

In taking this action, the Committee concluded that the phaseout plan is necessary to provide meaningful deregulation and to provide depository institutions and their customers with a specific schedule so that they may better



plan their asset and liability strategies in anticipation of an environment without interest rate ceilings. Nonetheless, the Committee emphasized that it would monitor the phaseout schedule at least annually, in light of economic conditions and with due regard for the safety and soundness of depository institutions, and that it would alter the phaseout schedule, by hastening the phaseout, by deferring implementation of certain steps, or by taking other action, whenever conditions indicate that such action is warranted.

As is currently provided, interest may be compounded and there is no minimum denomination for any time deposit (except for the \$10,000 money market certificates ("MMCs"), which are not affected immediately by the new rules). Until August 1, 1983, the effective date for ceiling rates that are indexed to an average Treasury yield will be determined as is currently the procedure for SSCs (See 12 CFR 1204.106). Under these procedures, the average Treasury yield is determined bi-weekly, and the effective date of the ceiling rate is the first day after the new yield is announced. For example, the rate for SSCs is established bi-weekly, normally on Monday, with the ceiling rate effective on Tuesday. On August 1, 1983, the ceiling rate will be established weekly, as is currently the procedure for MMCs (See 12 CFR 1204.104).

The Committee also discussed the adequacy of the existing early withdrawal penalty with respect to the phase out plan and determined to take no action to change that penalty. Accordingly, the existing early withdrawal penalty, as well as all other rules regarding the payment of interest on deposits, will continue to apply to all time deposits. The Committee emphasized that if the current penalty is not adequate to deter early withdrawals from new time deposits with original maturities of 4 years or more, it would consider changing the penalty.

Finally, with respect to SSCs, the existing minimum ceiling of 9.25 percent and 9.50 percent for banks and thrifts, respectively, will remain unchanged; thus, regardless of how low the yield for 2½ Treasury securities might be, banks and thrifts would be able to pay up to those rates for deposits with maturities between 2½ years and 4 years. However, because the ceiling rate on SSCs will, in effect, be superseded by the ceiling rate on the new 2 year deposit category, the SSC rule will expire on August 1, 1982.

The Committee also considered the proposal to phase out interest rate ceilings in terms of its impact on small

entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In this regard, the Committee's action does not impose any new regulatory burden, or increase any new reporting or recordkeeping requirements. Rather, this action eliminates regulatory restrictions on the maximum interest rate payable for certain time deposits on August 1, 1981, and eliminates all such limitations by the end of the phaseout period. Thus, small entities that are depositors generally should benefit from the Committee's action since they will be able to earn higher interest on their time deposits. Small entities that are depository institutions could have increased operating expenses as a result of this action, because it is likely that they will be paying higher interest rates on certain time deposits; however, their competitive position *vis-a-vis* non-depository institution competitors should be enhanced by their ability to offer higher rates on time deposits.

The statute creating the Committee requires the ultimate elimination of interest rate ceilings on time deposits. The Committee considered several alternatives to accomplish this objective; an analysis of these alternatives is available from the Executive Secretary of the Committee. In the Committee's view, the plan that was adopted provides the greatest flexibility for all depository institutions during the phaseout period, without having a disproportionately adverse impact on any particular size of depository institution.

Since the Committee's action relieves a restriction, deferral of the effective date pursuant to 5 U.S.C. 553(d) is not necessary. Furthermore, because of the public nature of the meeting where the rule was adopted and the press release issued the day following that meeting, adequate notice of the Committee's action has been given to the public. Accordingly, the Committee finds that good cause exists under § 1201.6 of the DIDC's regulations for making the effective date less than 30 days from date of publication in the *Federal Register*.

Pursuant to its authority under Title II of Pub. L. 96-221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of Federally insured commercial banks, savings and loan associations, and mutual savings banks, effective August 1, 1981, the Committee amends Part 1204—Interest on Deposits (12 CFR Part 1204) as follows:

1. Section 1204.106 is revised to read as follows:

**§ 1204.106 Time deposits of less than \$100,000 with maturities of 2-1/2 years to less than 4 years.**

(a) A commercial bank may pay interest on any non-negotiable time deposit with an original maturity of 2½ years to less than four years at a rate not to exceed the higher of one-quarter of one percent below the average 2½-year yield for U.S. Treasury securities as determined and announced by the U.S. Department of the Treasury immediately prior to the date of deposit, or 9.25 percent (except as provided in 12 CFR 217.7(g) and in 12 CFR 329.6(b)(6)). Such announcement is made by the U.S. Department of the Treasury every two weeks. The average 2½-year yield will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit.

(b) A mutual savings bank or savings and loan association may pay interest on any non-negotiable time deposit with an original maturity of 2½-years to less than 4 years at a rate not to exceed the higher of the average 2½-year yield for U.S. Treasury securities as determined and announced by the U.S. Department of the Treasury immediately prior to the date of deposit, or 9.5 percent. Such announcement is made by the U.S. Department of the Treasury every two weeks. The average 2½-year yield will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points. The rate paid on any such deposit cannot exceed the ceiling rate in effect on the date of deposit.

(c) This section expires August 1, 1982.

2. A new section, § 1204.115, is added to read as follows:

**§ 1204.115 Phaseout schedule of interest rate ceilings by maturity for all time deposits of less than \$100,000.**

A commercial bank, mutual savings bank or savings and loan association may pay interest on time deposits of less than \$100,000 at rates not to exceed the rates set out below. Where the ceiling rate for a deposit with an original maturity of more than one year is indexed to the average yield on Treasury securities, the applicable rate ceiling is determined and announced every two weeks by the Department of the Treasury. The effective date for the rate ceiling is the first day after the day the average yield on Treasury securities is announced. The applicable ceiling rate will be rounded to the nearest 5 basis points by the U.S. Department of the Treasury. Where the ceiling rate for a deposit is indexed to the rate for a



particular Treasury security (auction average on a discount basis), the rate is established and announced each week ("Bill rate"). The effective date for the rate ceiling is the first day after the day the rate is announced. The rate paid on all such time deposits cannot exceed the ceiling rate in effect on the date of deposit.

Original maturity	Commercial banks	Mutual savings banks and savings and loan
(a) Effective Aug. 1, 1981—		
(1) 4 years or more.	No limit	No limit
(2) 2½ years to less than 4 years.	See Section 106 (12 CFR 1204.106).	
(b) Effective Aug. 1, 1982—		
(1) 3 years or more.	No limit	No limit
(2) 2 years to less than 3 years.	Average yield for 2 year Treasury securities less ¼ percentage point (Average yield for 2 year U.S. Treasury securities for governmental units and IRA/Keogh depositors).	Average yield for 2 year Treasury securities.
(c) Effective Aug. 1, 1983—		
(1) 2 years or more.	No limit	No limit
(2) 1 year to less than 2 years.	Bill rate (52-week)	Bill rate (52-week)
(d) Effective Aug. 1, 1984—		
(1) 1 year or more.	No limit	No limit
(2) less than 1 year.	Bill rate (13-week)	Bill rate (13-week)
(e) Effective Aug. 1, 1985—		
(1) All time deposits.	No limit	No limit

By Order of the Committee, July 7, 1981.

Gordon Eastburn,  
Acting Executive Secretary.

[FR Doc. 81-20987 Filed 7-16-81; 8:45 am]  
BILLING CODE 4810-25-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1245

#### Patent Waiver Regulations

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final regulations.

**SUMMARY:** The National Aeronautics and Space Administration (NASA) has revised its Patent Waiver Regulations. The intended effect is to bring them into conformity with the requirements of Pub. L. 96-517 and implementing policies, procedures, and guidelines therefore, as set forth in OMB Bulletin No. 81-22 dated June 30, 1981; and to

maintain continuity in contractor rights under Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

**EFFECTIVE DATE:** July 1, 1981.

**ADDRESS:** General Counsel, Code G, National Aeronautics and Space Administration, Washington, D.C. 20546.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Kempf, 202-755-3932.

**SUPPLEMENTARY INFORMATION:** As of July 1, 1981, Pub. L. 96-517 (35 U.S.C. 200-211; 94 Stat. 3019-3027) revises Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457) with respect to the disposition of rights to inventions made under any grant, contract, or cooperative agreement with a nonprofit organization or small business firm. Accordingly, conforming amendments are made to this subpart to reflect that fact. In particular § 1245.100 "Scope" and § 1245.101 "Applicability" are amended to make it clear that this subpart applies only to inventions that are subject to provisions of 42 U.S.C. 2457, and not to 35 U.S.C. 200 et seq., Pub. L. 96-517 (35 U.S.C. 211; 94 Stat. 3027) also repeals section 305(g) of the National Aeronautics and Space Act of 1958, as of July 1, 1981, which section forms the basis for NASA's present Licensing Regulations (14 CFR 1245.1), and new regulations for the licensing of "Federally-owned inventions" are to be issued under the authority of 35 U.S.C. 208, 94 Stat. 3024. In order to maintain continuity in contractor rights under this subpart, the license to the contractor set forth in the current NASA Licensing Regulations (14 CFR 1245.204(a)), which license will not be within the scope of the regulations to be promulgated under 35 U.S.C. 208, is expressly provided for in § 1245.108 of this revision rather than by reference.

Pub. Law. 96-517 (35 U.S.C. 205; 94 Stat. 3023) also authorizes all Federal agencies to withhold from disclosure to the public information disclosing a subject invention for a reasonable time in order for patent applications to be filed, and implementing procedures are to be included in Government-wide regulations outside the scope of this subpart. Therefore, former § 1245.106(c), relating to similar subject matter, is deleted by this revision. A new § 1245.106(c) is added to provide administrative ease for petitioners who wish to designate additional countries when waiver of foreign rights have been granted. In addition, § 1245.109(b)(7) has been amended to clarify the fact that invention utilization reports are not required after the term of the patent has expired.

Finally, as a transitional provision for existing contracts under Section 305 of the Space Act, new § 1245.118 enables petitioners to obtain, upon request, application of the basic tenets of Pub. L. 96-517 to any reported invention made on or after July 1, 1981, in the performance of work under a NASA contract (except for contracts for the operation of a Government-owned research or production facility) awarded prior to July 1, 1981 to a nonprofit organization or small business firm.

Additional minor amendments have been made to increase clarity and provide for an improved reading and understanding of the regulations.

Other than the foregoing revisions to conform this subpart to the requirements of Pub. L. 96-517, and minor amendments to increase clarity, this revised subpart does not change any rights enuring to either the Government or to a NASA contractor. The revised Patent Waiver Regulations are hereby adopted and shall become effective on July 1, 1981.

**Effective Date:** The provisions of this subpart supplants the NASA Patent Waiver Regulations (NASA Management Instruction 5109.2) of November 3, 1977 (37 FR 57449-57454) as follows:

(a) This subpart will apply to all petitions for waiver based on a contract executed on or after July 1, 1981;

(b) Any petition subject to the provisions of § 1245.105 and pending on June 30, 1981 will continue to be considered under the NASA Patent Regulations of November 3, 1977;

(c) Any petition subject to the provisions of § 1245.105 and received on or after July 1, 1981, will be considered under these newly revised NASA Patent Waiver Regulations except as provided by (d) below;

(d) The license to the contractor granted by § 1245.108 shall apply to all inventions reported after July 1, 1981. Subpart 1 of Part 1245 is revised to read as follows:

#### Subpart 1—Patent Waiver Regulations

Sec.	
1245.100	Scope.
1245.101	Applicability.
1245.102	Definitions and terms.
1245.103	Policy.
1245.104	Advance waivers.
1245.105	Waiver after reporting inventions.
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- Sec.  
 1245.112 Notice of proposed Board action and reconsideration.  
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 Authority: 42 U.S.C. 2457.

### Subpart 1—Patent Waiver Regulations

#### § 1245.100 Scope.

This subpart prescribes regulations for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

#### § 1245.101 Applicability.

The provisions of this subpart apply to all inventions made or which may be made under conditions enabling the Administrator to determine that the rights therein reside in the Government of the United States under section 305(a) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(a)). The provisions do not apply to inventions made under any contract, grant, or cooperative agreement with a non-profit organization or a small business firm that are afforded the disposition of rights as provided in 35 U.S.C. 200-204, 94 Stat. 3019-3023, except as provided in § 1245.118.

#### § 1245.102 Definitions and terms.

As used in this subpart:

- (a) "Contract" means any actual or proposed contract, agreement, understanding, or other arrangement with the National Aeronautics and Space Administration (NASA) or another Government agency on NASA's behalf, including any assignment, substitution of parties or subcontract executed or entered into thereunder, and including NASA grants awarded under the authority of 42 U.S.C. 1891-1893.  
 (b) "Contractor" means the party who has undertaken to perform work under a contract or subcontract.  
 (c) "Invention" includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.  
 (d) "Made," when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(e) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

(f) "Board" means the NASA Inventions and Contributions Board established by the Administrator of NASA within the Administration under section 305(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(f)).

(g) "Chairperson" means Chairperson of the NASA Inventions and Contributions Board.

(h) "Petitioner" means a contractor or prospective contractor who requests that the Administrator waive rights in an invention of class of inventions made or which may be made under a NASA contract. In the case of an identified invention, the petitioner may be the inventor(s).

(i) "Government agency" includes any executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(j) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(k) "Administrator" means the Administrator of the National Aeronautics and Space Administration or the Administrator's duly authorized representative.

#### § 1245.103 Policy.

(a) In implementing the provisions of section 305(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(f)), and in determining when the interests of the United States would be served by waiver of all or any part of the rights of the United States in inventions made in the performance of work under NASA contracts, the Administrator will be guided by the objectives set forth in the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451-2477) and by the basic policy of the revised Presidential Memorandum and Statement of Government Patent Policy

issued August 23, 1971 (36 FR 16887-16892). The President's statement of Government Patent Policy regarding the disposition of rights has been authorized by Congress (35 U.S.C. 210(c); 94 Stat. 3027). Among the most important goals are to provide incentives to foster inventiveness and encourage reporting of inventions made under NASA contracts, to provide for the widest practicable dissemination of new technology resulting from NASA programs, and to promote early utilization, expeditious development, and continued availability of this new technology for commercial purposes and the public benefit. In applying this regulation both the need for incentives to draw forth private initiatives and the need to promote healthy competition in industry must be weighed.

(b) Several different situations when waiver of all or any part of the rights of the United States may be requested are prescribed in §§ 1245.104-1245.106. Under § 1245.104, advance waiver of rights to any or all of the inventions which may be made under a contract may be requested prior to the execution of the contract, or within 30 days after execution of the contract. Waiver of rights to an identified invention made and reported under a contract may be requested under any of these provisions even though a request under a different provision was not made, or if made, was not granted. Waiver of foreign rights under § 1245.106 may be requested concurrently with domestic rights or independently.

(c) With respect to inventions which may be or are made or conceived in the course of or under contracts for research, development, or demonstration work awarded by NASA on behalf of the Department of Energy (DOE) or in support of a DOE program, on a reimbursable basis pursuant to agreement between DOE and NASA, the waiver policy, regulations, and procedures of DOE will be applied. (See § 1245.110(e), § 1245.111(b).)

#### § 1245.104 Advance waivers.

(a) The provisions of this section apply to petitions for waiver of domestic rights to any or all of the inventions which may be made under a contract. The petitions may be submitted by the contractor prior to its execution of the contract or within 30 days thereafter.

(b)(1) The Board shall recommend to the Administrator that waiver of domestic rights to any or all of the inventions which may be made under the NASA contract involved be granted when the Board makes each of the findings of paragraphs (c) and (d) of this



section and concludes that the interest of the United States would be served thereby. The waiver shall apply to inventions reported under the terms of the contract and which are designated at the time of reporting as being an invention on which the waiver recipient intends to file or has filed a U.S. patent application.

(2) When the Board is unable to make one or more of the findings to support a waiver under paragraph (c) of this section as to the contract but nevertheless finds that exceptional circumstances exist so that the public interest would best be served by a waiver of rights to any or all of the inventions which may be made under the contract, the Board shall recommend to the Administrator that waiver be granted (conditions of paragraph (d) of this section are not relevant to the Board's findings under this paragraph). A finding of exceptional circumstances shall be accompanied by a discussion of the rationale. Examples of exceptional circumstances would include:

(i) A contract where participation of the contractor may only be secured through the grant of waiver and such contractor is deemed essential to a NASA program objective;

(ii) A contract having as the principal objective the application of aerospace related technology to other uses in accordance with an established NASA program and where the grant of waiver would materially advance this objective; or,

(iii) Where the contract requires significant cost participation by the contractor, such as cost sharing, cost matching, cost limitation (direct or indirect), participation in kind, or recoupment commitments. In the case of an invention which is identified prior to execution of the contract, exceptional circumstances may also be found where waiver is a necessary incentive to call forth risk capital and expense to bring the invention to practical or commercial application and where either (A) the contractor has established substantial equities at its own expense in the development of the invention; or, (B) the grant of advance waiver will significantly advance the availability of the invention to the general public.

(c)(1) It is not a principal purpose of the contract to create, develop, or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations.

(2) It is not a principal purpose of the contract to explore into fields which

directly concern the public health, public safety, or public welfare.

(3) The contract is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and acquisition of exclusive rights at the time of contracting would not likely confer on the petitioner a preferred or dominant position.

(4) The contract is not for services of the petitioner for (i) the operation of a Government owned research or production facility; or (ii) coordinating and directing the work of others.

(d)(1) The purpose of the contract is to build upon existing knowledge or technology, to develop information, products, processes, or methods for use by the Government.

(2) The work called for by the contract is in a field of technology in which the petitioner has acquired technical competence [demonstrated by factors such as know-how, experience, and patent position] and either (i) the work is directly related to an area in which the petitioner has an established nongovernmental commercial position; or (ii) the commercial position of the petitioner is not sufficiently established, but a special situation exists such that the public interest in the availability of inventions would best be served by a waiver of rights to the petitioner. The special situations include, but are not limited to the following:

(A) A newly formed company having a definite program for establishing a nongovernmental commercial position in the field of the contract or in an area directly related thereto.

(B) An established company lacking an established nongovernmental commercial position in the field of the contract or a directly related field, but having established plans and programs for achieving such a position.

(e) When a petition for waiver is submitted under paragraph (a) of this section, prior to contract execution, it will be processed expeditiously so that a decision on the petition may be reached prior to execution of the contract. However, if there is insufficient time or insufficient information is presented, or for other reasons which do not permit a recommendation to be made without unduly delaying execution of the contract, the Board will inform the contracting officer that no recommendation has been made and the reason therefor. The contracting officer will then notify the petitioner of the Board's action.

(f) After notification by the contracting officer under paragraph (e)

of this section; the petitioner may, upon its execution of the contract, or within 30 days, request the Board to reconsider the matter under paragraph (b) of this section either on the record or with any additional statements submitted in subpart of the original petition.

(g) A waiver granted pursuant to a petition submitted under this section shall apply only to those inventions reported under the terms of the applicable contract and which are designated at the time of reporting as being an invention on which the petitioner intends to file or has filed a U.S. patent application. The waiver shall extend to the claimed invention of any division or continuation of the patent application filed on the reported invention provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(h) A waiver granted pursuant to a petition submitted under this section shall extend to any contract changes, modifications, or supplemental agreements, so long as the purpose of the contract or the scope of work to be performed is not substantially changed.

#### § 1245.105 Waiver after reporting inventions.

(a)(1) The provisions of this section apply to petitions for waiver of domestic rights to identified inventions which have been reported to NASA and to which a waiver of rights has not been granted pursuant to § 1245.104. A petition for waiver under this section should be filed promptly after the reporting of the invention to NASA, and must be submitted prior to the filing by NASA of a U.S. patent application claiming the reported invention.

(2) A waiver granted under this section shall extend to the claimed invention of any division or continuation of that patent application filed on the reported invention provided the claims of the subsequent application do not substantially change the scope of the reported invention.

(b) The Board shall recommend to the Administrator that waiver of domestic rights to an identified invention be granted where the Board makes all of the findings below and concludes that the interest of the United States would be served thereby:

(1) The invention is not directly related to a governmental program for creating, developing, or improving products, processes, or methods for use by the general public at home or abroad.

(2) The invention is not likely to be required by governmental regulations



for use by the general public at home or abroad.

(3) The invention does not directly concern the public health, public safety, or public welfare.

(4) The invention is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and the acquisition of exclusive rights in the invention would not likely confer on the petitioner a preferred or dominant position.

*Provided*, that the Board also finds in view of the petitioner's plans and intentions to bring the invention to practical application, and the activities of the Government, the incentives provided by waiver will increase the likelihood that the benefits of the invention would be readily available to the public at an early date.

(c) If the Board is unable to make one of the findings to support a waiver under paragraph (b) (1) through (4) of this section, the Board may nevertheless recommend that waiver of domestic rights be granted by the Administrator if the Board further finds that such waiver is a necessary incentive to call forth risk capital and expense to bring the invention to practical application, or that the Government's contribution to the invention is small compared to that of the contractor.

#### § 1245.106 Waiver of foreign rights.

(a) The Board will consider the waiver of domestic and foreign rights concurrently when so requested by the petitioner in accordance with § 1245.110(d). Where the Board makes the findings necessary to support a waiver of domestic rights, the petitioner will normally be granted the right to secure patents in any country in which it elects to file provided that the grant of such right is consistent with the economic interests of the United States. The Board may also recommend the grant of only foreign rights, in accordance with the guidelines of paragraph (b) of this section, when the interests of the United States will best be served.

(b) The Board will also consider a separate request for the waiver of the right to secure a patent in any country in which the petitioner elects to file as to an identified invention when requested by the petitioner in accordance with § 1245.110(d). Waiver of such foreign rights will normally be granted in countries in which the Administrator does not desire to file an application for patent provided that the grant of such

rights is consistent with the economic interests of the United States.

(c) The petition for foreign rights must designate those countries in which the petitioner elects to file and secure patents. The Board will normally grant the right to secure patents in the designated countries provided the criteria set forth in paragraphs (a) and (b) of this section are satisfied. If, subsequent to the granting of the petition for foreign rights, the contractor requests and designates additional countries in which it wishes to secure patents, the Chairperson may grant such request, in whole or in part, without further action by the Board.

#### § 1245.107 Reservations.

(a) For any particular invention, each waiver of domestic or foreign rights granted shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the U.S. Government or any agency thereof, any foreign government under any existing or future treaty or agreement with the United States, or States and/or domestic municipal governments unless the Administrator determines, based upon a recommendation of the Board, that it would not be in the public interest to acquire the license for States and/or domestic municipal governments.

(b) For any particular invention, each waiver of domestic rights granted shall be subject to the reservation by the Administrator of the right to require the granting of a nonexclusive or exclusive license for the practice of the invention to any responsible applicant on terms that are reasonable under the circumstances:

(1) Unless the waiver recipient, its licensees, or assigns have taken effective steps within 3 years after a U.S. patent issues on the invention to bring the invention to the point of practical application and thereafter continue to work the invention and make its benefits reasonably accessible to the public; or

(2) Unless within 3 years after a U.S. patent issues on the invention, the waiver recipient, its licensee, or its assigns have made the invention available for licensing royalty-free or on terms that are reasonable in the circumstances; or

(3) To the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health, safety, or welfare needs, or for other public purposes stipulated in the contract.

(c) For any particular invention, each waiver granted for domestic or foreign rights shall be subject to the reservation by the Administrator of the right to require refund of any amounts received as royalty charges on the waived invention in procurements for or on behalf of the Government and to provide for that refund in any instrument transferring rights to any party in the waived invention.

(d) For any particular invention, each waiver granted for domestic or foreign rights shall be subject to any other reservations called for by the Administrator on the grant of the petition.

(e) The waiver recipient shall be given an opportunity to show cause before the Board why it should not be required to grant a license under paragraph (b) of this section or why it should retain the principal or exclusive rights as provided by waiver for a further period of time.

#### § 1245.108 License to contractor.

(a) Each contractor reporting an invention is granted a revocable, nonexclusive, royalty-free license in each patent application filed in any country on the invention and in any resulting patent in which the Government acquires title. The license extends to the contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the contractor is a part and includes the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. The license and right is transferable only with the approval of the Administrator except when transferred to the successor of that part of the contractor's business to which the invention pertains.

(b) The contractor's domestic license may be revoked or modified by the Administrator to the extent necessary to achieve the earliest practical application of the invention under an exclusive or partially exclusive license to be granted under the NASA Patent Licensing Regulations (14 CFR 1245.2). This license shall not be revoked in that field of use and/or the geographical areas in which the contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Administrator to the extent the contractor, its licensees, or its domestic affiliates have failed to achieve practical application in that foreign country.

(c) Before revocation or modification of the license, the contractor shall be



allowed 30 days (or any other time as may be allowed by the Administrator for good cause shown by the contractor) after the notice to show cause why the license should not be revoked or modified. The contractor shall have the right to appeal, under the NASA Patent Licensing Regulations (14 CFR 1245.2), any decision concerning the revocation or modification of its license.

**§ 1245.109 Revocation and voidability of waivers.**

(a) If the waiver recipient fails to file a domestic or foreign patent application on any waived invention within the prescribed time periods, or decides not to continue prosecution of any such patent application, or to pay any of the required maintenance fees, or for any reason decides not to retain title to any patent application or any patent issued thereon, the waiver recipient shall notify the Chairperson and shall, upon request, convey to NASA the entire right, title, and interest in the invention, and to any corresponding patent application or patent. The conveyance shall be made by delivering to the Chairperson duly executed instruments (prepared by the Government) and, if applicable, any other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention and any corresponding patent application. In addition, any waiver of rights (domestic or foreign) shall be voidable as set forth in paragraphs (b) through (d) of this section.

(b) For any particular invention, each waiver of domestic rights shall be voidable at the option of the Administrator unless:

(1) Within 6 months from the date of reporting an invention under a contract subject to a waiver granted under § 1245.104, or 6 months from the date of the granting by the Administrator of a waiver pursuant to § 1245.105, or longer periods as may be approved by NASA for good cause shown, the waiver recipient causes an application for U.S. Letters Patent to be filed disclosing and claiming the invention and shall include as the first paragraph of the specification following the abstract, the statement:

The invention described herein was made in the performance of work under NASA Contract No. \_\_\_\_\_ and is subject to the provisions of Section 305 of the National Aeronautics and Space Act of 1958 (72 Stat. 435; 42 U.S.C. 2457).

(2) Within 2 months after the filing or within 2 months after the date of the grant of waiver if the patent application previously has been filed, the waiver recipient delivers to the Chairperson a

copy of the application including the filing date and serial number.

(3) Within 6 months after the filing, or within 6 months after the grant of waiver if a patent application has been previously filed, the waiver recipient delivers to the Chairperson a duly executed and approved instrument prepared by the Government, fully confirmatory of all the rights to which the Government is entitled, and provide the Administrator an irrevocable power to inspect and make copies of the patent application.

(4) The waiver recipient furnishes to the Chairperson a copy of the patent within 2 months after the patent is issued on such application.

(5) The waiver recipient notifies the Chairperson not less than 30 days before the expiration of the initial response period for any action required by the Patent and Trademark Office of any decision not to continue prosecution of the application and delivers to the Chairperson executed instruments granting the Government a power of attorney to prosecute the application.

(6) The waiver recipient grants any license which the Administrator may require under § 1245.107.

(7) The waiver recipient files a utilization report with the Board, upon NASA's written request, not more often than annually. The report shall set forth in detail the steps taken by the waiver recipient or its transferee regarding the progress, development, application, and commercial use being made and that is intended to be made of the waived invention. No such utilization report need be submitted after the term of the patent has expired.

(8) The waiver recipient notifies the Chairperson in not less than 60 days prior to any transfer of principal rights in the invention to any party, and submits a statement of the transferee's development and commercialization plans to bring the invention to practical application. The statement should accompany the notification or it may be submitted in not less than 30 days prior to the transfer of rights. The statement must show to the Board's satisfaction that the property rights in the transferee will increase the likelihood that the benefits of the invention would be made readily available to the public at an early date.

(9) The waiver recipient complies with any other terms and conditions called for by the Administrator with respect to the grant of the petition.

(c) For any particular invention, each waiver granted shall be voidable at the option of the Administrator if a patent claiming such invention is held, in a final determination, to have been used

in violation of the antitrust laws in any suit, action, or proceeding brought before a properly constituted authority authorized to hear such matter.

(d) For any particular invention, waiver of foreign rights as to any foreign country shall be voidable at the option of the Administrator unless:

(1) A patent application is filed in the country within 8 months from the date a corresponding U.S. application is filed, or 6 months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where the filing has been prohibited for security reasons, or longer periods as may be approved by the Administrator;

(2) The waiver recipient furnishes to the Chairperson the identifying serial number and filing date of each foreign patent application filed promptly upon receipt thereof; and, upon request, a copy of an English version of the foreign application without additional compensation and a copy of the foreign patents;

(3) The waiver recipient delivers to the Chairperson a duly executed and approved instrument prepared by the Government, fully confirmatory of all the rights herein reserved by the Government; and

(4) The waiver recipient, in the event it elects not to continue prosecution of any foreign application filed on the invention or if it intends to abandon a foreign patent by the nonpayment of a maintenance tax, notifies the Chairperson within sufficient time to allow assumption of prosecution by the Government, or payment of the maintenance tax, respectively, and delivers to the Chairperson the executed instruments as are necessary to vest in the Administrator title thereto, including an instrument of assignment.

**§ 1245.110 Content of petitions.**

(a) *General contents and forms.* Forms which may be used in petitioning for waiver and for filing utilization reports are available from the NASA Inventions and Contributions Board, Code NB, National Aeronautics and Space Administration, Washington, D.C. 20546. Each request for waiver of domestic or foreign rights under § 1245.104, § 1245.105, or § 1245.106 shall be by petition to the Administrator and shall include:

(1) An identification of the petitioner, its place of business and address, and if the petitioner is represented by counsel, the name, address, and telephone number of the counsel;



(2) An identification by number of the pertinent NASA contract or proposed contract;

(3) The nature and extent of the rights desired and a citation to the section under which the petition is submitted; and

(4) The signature of the petitioner or its authorized representative, and date of signature.

(b) *Petitions for advance waiver under § 1245.104.* In addition to the information specified in paragraph (a) of this section, each petition for waiver under § 1245.104 shall include:

(1) A copy of the statement of work of the pertinent NASA contract or proposed contract;

(2) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the contract and the petitioner as specified in § 1245.104 and, if applicable, whether exceptional circumstances of § 1245.104(b) and/or special situations under § 1245.104(d)(2) are present; and

(3) The date of contractor's execution of the contract if the petition is filed subsequent to contract execution.

(c) *Petitions for waiver for identified inventions under § 1245.105.* A separate petition shall be submitted for each identified invention except as provided by § 1245.105(a)(2). In addition, to the information specified in paragraph (a) of this section, the petition shall include:

(1) The full names of all inventors;

(2) A statement whether a patent application has been filed on the invention, together with a copy of the application if filed; or, if not filed, a complete description of the invention;

(3) If a patent application has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 102 or a statement that no bar is known to petitioner to exist;

(4) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the invention as specified in § 1245.105 (b) or (c);

(5) Where principal rights in the waived invention are to be transferred to another party, a statement identifying the party and its relationship to the petitioner; and

(6) Where the petitioner(s) is the inventor(s), a statement in writing from the contractor that the contractor will not request waiver of rights and authorization of the contractor.

(d) *Petitions for waiver of foreign rights under § 1245.106.* A petition for waiver of foreign rights may accompany any part of a petition for waiver of domestic rights under either § 1245.104 or § 1245.105, or a petition for foreign

rights may be submitted independently of any request for domestic rights under § 1245.106(b). In addition to the information specified in paragraph (a) of this section, petition for waiver of foreign rights shall include, where feasible, a denomination of the foreign countries in which petitioner elects to secure or intends to file patent applications, and its plans and intentions to practice and/or license the invention in these countries.

(e) *Petitions for waiver under § 1245.103(c).* Contents of the petition shall normally be as prescribed by the other Government agency, and petitioner may use any forms provided by the agency.

#### § 1245.111 Submission of petitions.

(a) Petitions for advance waiver of domestic rights under § 1245.104 or advance waiver of foreign rights under § 1245.106 presented prior to contract execution must be submitted to the contracting officer. Any petitions submitted by organizations selected for negotiation of a contract will be processed and forwarded to the Board for consideration as specified in the NASA Procurement Regulations (41 CFR 18-9.109-6(e)). All other petitions shall be submitted directly to the NASA Inventions and Contributions Board, Mail Code NB, National Aeronautics and Space Administration, Washington, D.C. 20546.

(b) Any waiver petitions submitted under § 1245.103(c) should be forwarded to the appropriate NASA field installation patent counsel for transmittal to DOE for processing.

(c) Any request for waiver by a nonprofit organization or small business firm under § 1245.117(d) shall be submitted to the Chairperson, Inventions and Contributions Board.

#### § 1245.112 Notice of proposed Board action and reconsideration.

(a) *Notice.* Except as provided by § 1245.104(e) the Board will notify the petitioner, through the contracting officer for petitions for advance waiver prior to contract execution, and directly for all others:

(1) Whether it proposes to recommend to the Administrator that the petition be:

(i) Granted in the extent requested;

(ii) Granted in an extent different from that requested; or

(iii) Denied.

(2) Of the reasons for any recommended action adverse to or different from the waiver of rights requested by the petitioner.

(b) *Request for reconsideration and statements required.*

(1) If, under paragraph (a) of this section, the Board notifies the petitioner that the Board proposes to recommend action adverse to or different from the waiver requested, the petitioner may, within the period as the Board may set, but not less than 15 days from the notification, request reconsideration by the Board.

(2) If reconsideration has been requested within the prescribed time, the petitioner shall, within 30 days from the date of the request for reconsideration, or within any other time as the Board may set, file statement setting forth the points, authorities, arguments, and any additional material on which it relies.

(3) Upon filing of the reconsideration statement by the petitioner, the petition will be assigned for reconsideration by the Board upon the contents of the petition, the record, and the reconsideration statement submitted by the petitioner.

(4) The Board, after its reconsideration, will promptly notify the petitioner of its proposed recommendation to the Administrator. If the Board's proposed action is adverse to, or different from, the waiver requested, the petitioner may request an oral hearing within the time as the Board has set.

#### § 1245.113 Hearing procedure.

(a) If the petitioner requests an oral hearing within the time set, under § 1245.112(b)(4), the Board shall set the time and place for the hearing and shall notify the petitioner.

(b) Oral hearings held by the Board shall be open to the public and shall be held in accordance with the following procedures:

(1) Oral hearings shall be conducted in an informal manner, with the objective of providing the petitioner with a full opportunity to present facts and arguments in support of the petition. Evidence may be presented through means of witnesses, exhibits, and visual aids as are arranged for by the petitioner. Petitioner may be represented by any person including its attorney. While proceedings will be ex parte, members of the Board and its counsel may address questions to witnesses called by the petitioner, and the Board may, at its option, enlist the aid of technical advisors or expert witnesses. Any person present at the hearing may make a statement for the record.

(2) A transcript or equivalent record of the proceeding shall be arranged for by the Board. The petitioner shall submit for the record a copy of any



exhibit or visual aid utilized during the hearing.

**§ 1245.114 Findings and recommendations of the Board.**

(a) *Findings of the Board.* The Board shall consider the petition, the NASA contract, if relevant, the goals cited in § 1245.103(a), the effect of the waiver on the objectives of the related NASA programs, and any other available facts and information presented to the Board by an interested party. The Board shall then determine and make, if applicable, each of the specific findings of fact required by § 1245.104, § 1245.105, or § 1245.106 under which the petition was submitted. The Board shall document its findings.

(b) *Recommendation of the Board.* (1) Except as provided in § 1245.104(e), after making the findings of fact, the Board shall formulate its proposed recommendation to the Administrator as to the grant of waiver as requested, the grant of waiver upon terms other than as requested, or denial of waiver.

(2) If the Board proposes to recommend, initially or upon reconsideration or after oral hearing, that the petition be granted in the extent requested or, in other cases, where the petitioner does not request reconsideration or a hearing during the period set for the action, or informs the Board that the action will not be requested, or fails to file the required statements within the prescribed time, the Board shall transmit the petition, a summary record of hearing proceedings, if applicable, its findings of fact, and its recommendation to the Administrator.

**§ 1245.115 Action by the Administrator.**

(a) After receiving the transmittal from the Board, the Administrator shall determine, in accordance with § 1245.103, whether or not to grant any waiver of rights to the petitioner. A waiver under § 1245.104(b)(2) will be granted only when the Board so recommends.

(b) In the event of denial of the petition by the Administrator, a written notice of such denial will be promptly transmitted by the Board to the petitioner. The written notice will be accompanied with a statement of the grounds for denial.

(c) If the waiver is granted by the Administrator, the petitioner shall be sent an original and one copy of an instrument of waiver confirmatory of the conditions and reservations of the waiver grant for its execution. The petitioner shall return the executed copy to the Chairperson within 30 days from the grant of waiver. Failure to return the copy within the prescribed time may

result in revocation of the waiver of rights granted. Before the action is taken, notice shall be given to petitioner so that it may show cause before the Board why the waiver should not be revoked.

**§ 1245.116 Filing of patent applications and reimbursement of costs.**

(a) In order to protect the interests of the Government and the petitioner in inventions, a petitioner may file United States patent applications for such inventions prior to the Administrator's determination on a petition for waiver. If an application on an identified invention is filed during the pendency of the petition, or within 60 days prior to the receipt of a petition, NASA will reimburse the petitioner for any reasonable costs of the filing and patent prosecution that may have occurred. *Provided:*

(1) Similar patent filing and prosecution costs are not normally reimbursed to the petitioner as direct or indirect costs chargeable to Government contracts;

(2) The petition is ultimately denied with respect to domestic rights, or with respect to foreign and domestic rights, if both are requested; and

(3) Prior to reimbursement, petitioner assigns the application to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration.

**§ 1245.117 Publication and record of decisions.**

The findings of fact and recommendations made to the Administrator by the Board with respect to each petition for waiver shall be recorded by the Board and made available to the public. In addition, selected findings and recommendations of the Board shall be published annually.

**§ 1245.118 Transitional provisions.**

As to any invention made on or after July 1, 1981, in the performance of work under a contract (except for a contract for the operation of a Government-owned research or production facility), awarded prior to July 1, 1981, with a nonprofit organization or small business firm (as defined in 35 U.S.C. 201, 94 Stat. 3019 and NASA's implementing regulations, NASA PR 9.108), the Administrator may grant waiver of title without further consideration of the findings in § 1245.105 provided the contractor requests the waiver either at the time of reporting or within a reasonable period thereafter as the Board may set, as requested by the

contractor. Any waiver so granted will be subject to:

(a) The reservation of § 1245.107(a);  
(b) The march-in rights and provisions for preference for United States industry of 35 U.S.C. 203, 204, (94 Stat. 3022, 3023);

(c) The special provisions for nonprofit organizations of 35 U.S.C. 202(c)(7) (94 Stat. 3021); and

(d) The conditions for revocation and voidability of § 1245.109.

The foregoing reservations and conditions will be set forth in the Instrument of Waiver.

A. M. Lovelace,

*Acting Administrator.*

[FR Doc. 81-20974 Filed 7-16-81, 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Office of the Secretary**

**15 CFR Parts 7a, 7b, and 7c**

**Amendment to the National Voluntary Laboratory Accreditation Program Procedures**

**AGENCY:** Assistant Secretary of Commerce for Productivity, Technology and Innovation.

**ACTION:** Final rule.

**SUMMARY:** This document amends the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Parts 7a, 7b, and 7c) in two primary ways. First, it adds the current general and specific criteria for accrediting laboratories to the NVLAP procedures in the Code of Federal Regulations. Second, it eliminates separate Laboratory Accreditation Criteria Committees for each product area in favor of one Advisory Committee to advise DOC on program and policy issues. Workshops with public participation will be convened to provide technical assistance in each product area for which a laboratory accreditation program (LAP) is developed.

**EFFECTIVE DATE:** August 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. John W. Locke, NVLAP Coordinator, Office of Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-2054.

**SUPPLEMENTARY INFORMATION:**

**Background**

The NVLAP procedures were published in the Federal Register on February 25, 1976 (41 FR 8163-8166, 15



CFR Part 7, which has been redesignated 15 CFR Part 7a), pursuant to 15 U.S.C. 272, and Part VI of Reorganization Plan No. 3 of 1946. Optional procedures for use by other Federal agencies (15 CFR Part 7b) and for use by private sector organizations (15 CFR Part 7c) were published in the Federal Register on March 9, 1979 and April 25, 1979, respectively.

Three LAPs covering thermal insulation materials, freshly mixed field concrete, and carpet have been established and are fully operational. A single set of criteria for these LAPs was published in the Federal Register on January 23, 1980 (45 FR 5572-5600) and is the criteria being formally added to the NVLAP procedures.

NVLAP was developed to provide national recognition, upon request, to laboratories found competent to perform tests in product areas where such recognition is needed. DOC believes that the criteria used in conferring this national recognition should be as uniform as possible among the various product areas for which accreditation is granted. The use of uniform criteria will promote consistent assessment of applicant laboratories regardless of the product area. Similarly, laboratories seeking accreditation in more than one area will not be faced with different and possibly conflicting criteria. Uniform criteria should also serve to minimize accreditation costs to the laboratories and the likelihood of confusion in administering the program.

DOC realizes that changes in the uniform language of the criteria may be necessary in the future as the scope of NVLAP broadens to include other areas of testing, but believes these changes are likely to be few in number. For this reason, DOC believes that separate Criteria Committees for each new LAP are no longer needed.

To receive the benefit of the knowledge, experience, and expertise of individuals involved in accreditation or the operation of laboratories, this amendment calls for the establishment of a single National Laboratory Accreditation Advisory Committee (Advisory Committee). Its activities will include providing advice on: the accreditation process; amendments to the language of the uniform criteria; the changing needs of testing laboratories and industry; and all related aspects of testing laboratory accreditation on both the national and international levels.

In the past, an individual Criteria Committee for each LAP also served as a source of technical advice. In order to continue to receive this essential advice, DOC plans to hold open workshops for newly proposed LAPs.

#### Comments on the Proposed Amendment

The proposed amendment was published in the Federal Register on January 27, 1981 (46 FR 8910-8919) inviting comments by March 30, 1981. Written comments were received from 14 respondents. These comments are part of the public record which is available for inspection and copying in DOC's Central Reference and Records Inspection Facility (CRRIF) Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230. A summary and analysis report of the comments and the DOC response to these comments has been prepared and is also available for inspection and copying at DOC's CRRIF. The principle concerns raised by these comments and DOC's response are set forth below.

**Criteria.** Four respondents opposed the use of one set of criteria for accrediting all types of testing laboratories under NVLAP, and opposed the apparent abandonment of "specific criteria" for laboratories in different product areas. DOC believes that these concerns stem largely from semantic rather than substantive differences. When these respondents refer to "specific" or "individual" criteria for each test method or group of test methods, they appear to be referring to what DOC calls supplemental information. DOC will continue to develop and furnish to applicants for accreditation supplemental information describing detailed technical considerations for each test method that is within a LAP.

Three respondents offered suggestions for revising certain paragraphs of the criteria. This amendment does not alter the substantive language of those final criteria in any way; therefore, the criteria have not been changed. The Advisory Committee created by this amendment will be asked to review these suggestions and to recommend changes in the criteria, as appropriate.

One respondent recommended that a section be included that recognizes the availability of criteria documents of voluntary standards organizations, and also stated that such criteria shall be used unless the Secretary determines that they are unsatisfactory. When NVLAP was initiated, no single criteria document was suitable. If DOC were to use substantially different criteria for each LAP based on private sector criteria for individual products, the training of assessors and staff to implement the many different criteria would become more expensive and difficult. Moreover, a laboratory which was participating in more than one LAP

would have to be judged in different ways if different criteria were used. Such multiple interpretation of competence is not desirable.

**Composition of the Advisory Committee.** One respondent suggested that representation on the Advisory Committee should be as broad as possible. Another respondent indicated that membership on the Advisory Committee would be denied to representatives of academia and consultants. The exclusion of representatives of academia, private consultants, and consumers was inadvertent. Accordingly, § 7a.6(b) of the proposed amendment has been revised to include such representation.

**Other Issues.** One respondent suggested that the statement under § 7a.19(a)(2), "Accreditation for certain test methods may also require participation in proficiency testing programs \* \* \*", needs to be strengthened by requiring proficiency testing. DOC agrees that proficiency testing is an important tool for auditing a laboratory's performance, but for some test methods there are no useful or practical ways to conduct a proficiency testing program. The present wording maintains flexibility and is retained.

Two respondents expressed concern about the limiting effect of §§ 7a.8(c)(3), 7b.8(c)(3), and 7c.8(c)(3) regarding a laboratory's prerogative to advertise its accredited status. One respondent suggested adding the following note to these paragraphs:

**Note.**—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services.

In order to clarify the advertising limitations of these paragraphs, a note to this effect has been added.

One respondent asserted that the words "no action" in § 7a.19(d) (2) and (3) are too strong and that DOC should reserve the right to recommend that new standards or changes to existing standards be developed. These paragraphs do not prevent DOC from recommending to a particular standards writing body the development or modification of one or more of its standards. Therefore, no change is made.

One respondent suggested that §§ 7a.11(d), 7b.11(d), and 7c.11(d) should be amended by adding at the end of the second sentence the clause, "and one of its key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of



interest." DOC agrees, and the suggestion has been added in substance.

One respondent expressed concern about the adequacy of resources available to NBS to carry out its assigned mission of evaluating laboratories. DOC believes that the adoption of this amendment to the NVLAP procedures would not result in any significant additional responsibilities for NBS and may actually reduce overall program costs.

#### Amendment

This rulemaking amends the NVLAP procedures and the Code of Federal Regulations to include the uniform general and specific criteria that must be met by a testing laboratory in order to receive NVLAP accreditation. These criteria are essentially those published in the *Federal Register* on January 23, 1980 (45 FR 5572-5600) as the final criteria for accrediting laboratories that test thermal insulation materials, freshly mixed field concrete, and carpet, with minor editorial changes. Section 7a.19, *General and Specific Criteria for Accrediting Testing Laboratories*, is added to the Part 7a procedures to provide an overall description of the criteria along with requirements and limitations placed on DOC and testing laboratories relevant to the criteria. Sections 7a.20 through 7a.30 are added setting forth the actual general and specific criteria. Sections 7a.7, 7b.7, and 7c.7, *Development and Recommendation of Criteria for Accrediting Testing Laboratories*, are deleted.

Sections 7a.3, 7b.3, and 7c.3 are amended by revising the definitions for Advisory Committee, general criteria, and specific criteria.

Sections 7a.4(b)(5), 7b.4(b)(5), and 7c.4(b)(4) are revised to allow the party requesting a LAP to include in the request recommendations for amendments to the criteria. Sections 7a.4(h)(3), 7a.5(a), 7b.5, and 7c.5 are revised to allow DOC to take the appropriate action needed to make amendments to the criteria when deemed to be in the public interest. Sections 7a.4(h)(3)(i), 7b.5(a), and 7c.5(a) were further revised to require the Secretary to consult the Advisory Committee in addition to the requestor of any proposed amendments to the criteria. This was originally intended, but not specified, in the proposed amendment. Sections 7a.16, 7b.16, and 7c.16, *Amendment or Revision of Criteria*, are deleted.

Since publication of separate criteria for each individual LAP will no longer be required under this amendment, §§ 7a.8, 7b.8, and 7c.8, *Publication of Proposed Criteria*, are changed to

sections entitled, *Announcement of the Establishment of a LAP*. This revision requires that a notice of the establishment of a LAP be published in the *Federal Register* after notice of the final finding of need (under Part 7a procedures) or after notice of the request for a LAP (under Parts 7b or 7c procedures) has been published. This notice will include the list of available test methods for that LAP, application instructions for accreditation in specific test methods included in the LAP, and descriptions of the accreditation process and proficiency testing programs.

Sections 7a.10, 7b.10, and 7c.10, *Establishment of Fees and Charges*, are changed so that the notice announcing the fees will be published in the *Federal Register* in a separate notice at the time of the announcement of the establishment of a LAP.

Under § 7a.6, *Establishment and Functions of a National Laboratory Accreditation Advisory Committee*, the composition and functions of the new Advisory Committee are set forth.

Sections 7a.8(c)(3), 7b.8(c)(3), and 7c.8(c)(3) were amended by the addition of a note clarifying advertising limitations; and §§ 7a.11(d), 7b.11(d), and 7c.11(d) were amended to recognize the importance of minimizing conflicts of interest of evaluators and examiners.

Several other sections of the procedures are amended to reflect editorial revisions such as changing "Criteria Committee" to "Advisory Committee," deleting references to "establishment of criteria", changing the referenced paragraph numbers to the appropriate numbers under this amendment, and making other editorial changes in the present procedures such as mailing addresses.

*Part 7a Procedures.* Under this amendment, the major steps involved in establishing a laboratory accreditation program (LAP) under the Part 7a procedures are:

1. DOC receives a formal request to establish a LAP;
2. DOC contacts other parties which may have an interest in or be affected by the proposed LAP;
3. DOC decides on the priority of the request;
4. DOC publishes in the *Federal Register* for public comment a preliminary finding of need for the proposed LAP;
5. If there is substantial support for establishing the LAP, DOC publishes a final finding of need. If not, a withdrawal of the preliminary finding is published;
6. Workshops are arranged to receive expert advice needed to implement the LAP;

7. DOC publishes in the *Federal Register* a notice of the establishment of the LAP and invites interested laboratories to apply for accreditation.

*Part 7b and 7c Procedures.* Similarly, for the optional procedures for use by Federal agencies (15 CFR Part 7b) and the optional procedures for use by private sector organizations (15 CFR Part 7c), the major steps are:

1. A Federal agency (Part 7b) or qualified private sector organization (Part 7c) requests a LAP and cites the basis upon which it determined the need;
2. DOC contacts other parties which may have an interest in or be affected by the proposed LAP;
3. DOC decides on the priority of the request;
4. DOC publishes in the *Federal Register* the request for the LAP asking that any comments regarding the need for the LAP be directed to the requestor with a copy forwarded to DOC;
5. If after a 60 day period both DOC and the requestor agree to proceed, workshops may be arranged to acquire expert advice needed to implement the LAP; and
6. DOC publishes in the *Federal Register* a notice of the establishment of the LAP and invites interested laboratories to apply for accreditation.

#### Existing LAP's

The LAPs which were established before the issuance of these amended procedures shall be treated as if their establishment has already been formally announced under § 7a.8 or § 7b.8 of the amended procedures as applicable.

#### Classification

In accordance with Executive Order 12291, the Office of Productivity, Technology, and Innovation has determined that the amendment set forth below is not a major rule that would require a regulatory impact analysis.

#### Effect on Small Entities (Regulatory Flexibility Act)

The change made by this final rule—adding uniform criteria to the procedures—should be of some benefit to small laboratories by fostering consistent assessment and by minimizing accreditation costs. The change to substitute one overall Advisory Committee for separate LAP Criteria Committees will have little, if any, effect on small entities. None of the other changes will have any significant impact on small entities. Accordingly, in issuing the final rule, I also certify that it will not have a significant adverse



economic impact on a substantial number of small entities.

Dated: July 14, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

For the reasons set out in the preamble, Parts 7a, 7b, and 7c of Title 15 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Parts 7a, 7b, and 7c is amended to read as follows:

Authority: Sec. 2, 31 Stat. 1449, as amended (15 U.S.C. 272); Reorganization Plan No. 3 of 1948, Part VI.

#### PART 7a—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM: GENERAL

2. Section 7a.3 is amended by revising paragraphs (c), (f), and (g) to read as follows:

##### § 7a.3 Definitions.

(c) The term "Advisory Committee" means the National Laboratory Accreditation Advisory Committee appointed by the Secretary under § 7a.6.

(f) The term "general criteria" means those characteristics and qualifications generally expected of a laboratory which engages in the testing of products under consideration. See § 7a.19.

(g) The term "specific criteria" means those characteristics of a laboratory which pertain to its use of specific test methods in producing test data. See § 7a.19.

3. Section 7a.4 is amended by revising paragraphs (b)(3) and (b)(4)(ii), adding paragraph (b)(5), and revising paragraphs (f)(1), (h)(3), and (i)(3) to read as follows:

##### § 7a.4 Finding of need to accredit testing laboratories.

(b) \* \* \*

(3) Text of a test method, if not included in the applicable standard identified in paragraph (b)(2) of this section:

(4) \* \* \*

(ii) The number of users of testing laboratories that it is believed will desire services of testing laboratories accredited to serve the product identified in paragraph (b)(1) of this section; and

(5) When deemed necessary, recommendations for amendments to the general and specific criteria

referenced in § 7a.19 of these procedures.

(f) \* \* \*

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 5317, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection at that location.

(h) \* \* \*

(3) The identification of any amendment to the criteria in these procedures (see § 7a.5(a)), the adoption of which would benefit the public interest.

(i) If any amendments are so identified, the Secretary shall decide, after consultation with the requestor and the Advisory Committee, whether to propose the amendments to the criteria referenced in § 7a.19. If the decision is to propose one or more amendments, the Secretary shall decide upon the precise language, propose the amendment(s) by publication in the *Federal Register*, and make a final determination following the procedures of 5 U.S.C. 553, before the LAP is actually established.

(ii) In making these decisions the Secretary shall consider the following:

(A) The needs and scope of the program of the requestor;

(B) The needs and scope of the user population;

(C) Compatibility with the existing criteria referenced in § 7a.19; and

(D) The nature and content of other relevant public and private sector laboratory accreditation systems.

(iii) No amendment to the criteria referenced in § 7a.19 will be issued unless the Secretary determines that compliance with, and implementation of, the amendment is feasible, practical, and consistent with the public interest.

(i) \* \* \*

(3) The standards and test methods are such that the evaluation of a laboratory can be accomplished by using the accreditation criteria referenced in § 7a.19; and

4. Section 7a.5 is amended by revising paragraph (a) to read as follows:

##### § 7a.5 Statement of the basis for a preliminary finding of need.

(a) Whether an amendment to these procedures to modify the existing general or specific criteria referenced in § 7a.19, to establish additional general or specific criteria, or to establish other conditions for accrediting testing

laboratories would benefit the public interest;

5. Section 7a.6 is revised to read as follows:

##### § 7a.6 Establishment and functions of a National Laboratory Accreditation Advisory Committee.

(a) The Secretary shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) and appoint the Chairman and members thereto following the filing of a charter setting forth the purpose and nature of this Committee.

(b) The Advisory Committee will be composed of members who are qualified by their training and experience in the field of accreditation or the operations of testing laboratories. The composition of the Committee will be approximately as follows:

(1) One-third from Federal, State and local governments;

(2) One-third from testing laboratories (independent, corporate, and academic); and

(3) One-third from users of testing laboratories, academia, consultants, and consumers.

(c) The establishment and functioning of this Advisory Committee formed and utilized by the Secretary under these procedures shall be governed by the applicable provisions of the Federal Advisory Committee Act (Pub. L. 92-463, dated October 6, 1972). Persons selected to serve on this Advisory Committee may be paid travel expenses and per diem, provided authorized travel is involved.

(d) This Advisory Committee will function solely in an advisory capacity with functions to include the following:

(1) Assessing the future and continuing role of NVLAP and laboratory accreditation in terms of the changing requirements of industry and commerce;

(2) Informing NVLAP of the technical requirements of testing laboratories and industry;

(3) Advising on the necessity and implementation of proposed amendments to the general and specific criteria referenced in § 7a.19;

(4) Evaluating the interaction of other laboratory accreditation systems with NVLAP; and

(5) Reviewing and giving recommendations on the development of international accreditation activities and assessing the impact of such activities on NVLAP.

(e) The Advisory Committee shall meet periodically as called upon by



DOC or may be consulted through periodic mailings from DOC.

(f) DOC may supplement the Advisory Committee by holding informal public workshops for the specific product or LAP under consideration. All interested parties, as well as the Advisory Committee, will be invited to participate. Information sought will include:

- (1) Precision and accuracy expectations for test methods;
- (2) Proficiency testing approaches;
- (3) Materials and protocols for assessing a laboratory's performance; and
- (4) The generation of supplemental information to tailor the criteria to the test methods of the particular LAP.

**§ 7a.7 [Removed].**

6. Section 7a.7 is removed in its entirety.

7. Section 7a.8 is revised to read as follows:

**§ 7a.8 Announcement of the establishment of a LAP.**

(a) After publication of the final finding of need for a specific LAP under § 7a.4(g), a notice of any change in the status of the request or a notice announcing the formal establishment of the LAP will be published in the Federal Register.

(b) A notice announcing the formal establishment of the LAP will contain the following:

- (1) The list of test methods for which accreditation is available in the particular LAP;
- (2) Instruction for making application for accreditation by laboratories testing the product involved, including what information must be provided in the request for an application; and
- (3) A description of the accreditation process and the specific proficiency testing programs which may be required for particular test methods.

(c) This notice will also require that each testing laboratory that desires to be accredited in this program must agree to conditions that include but are not limited to the following:

- (1) Be examined and audited initially and on a continuing basis;
- (2) Pay accreditation fees and charges; and
- (3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein, or in any other way which might convey the concept of

product certification by the Department of Commerce.

**Note.**—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.

8. Section 7a.9 is revised to read as follows:

**§ 7a.9 Coordination with Federal agencies.**

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies that have an interest in any may be impacted by the LAPs carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials at policy making levels within those agencies. These coordination efforts will include opportunities for representatives designated by those agencies to serve on the Advisory Committee established by the Secretary under § 7a.6 and to participate in any public workshops held by DOC (described in § 7a.6(f)).

9. Section 7a.10 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 7a.10 Establishment of fees and charges.**

(a) The Secretary, using the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), or any similar financial arrangement for this program, shall establish fees and charges for examining, assessing, and accrediting testing laboratories. The fees and charges established by the Secretary, which may be revised when the Secretary deems it appropriate to do so, shall be in amounts calculated to enable the self-sufficiency of this program.

(b) When the Secretary publishes the notice announcing the formal establishment of a LAP referred to in § 7a.8, the Secretary shall simultaneously publish a separate notice in the Federal Register setting forth the schedule of fees that will be charged testing laboratories that request accreditation for a specific product area. The schedule of fees will go into effect thirty (30) days after the day it is published.

10. Section 7a.11 is amended by revising paragraphs (a), (c), and (d) to read as follows:

**§ 7a.11 Participation of testing laboratories.**

(a) Any testing laboratory desiring to be accredited in a LAP announced under § 7a.8 will notify DOC of its desire by

requesting an application pursuant to the provisions of the above-mentioned notice § 7a.8(b)(2)).

(c) In order to be accredited for one or more test methods under any LAP, an applicant must meet the general and specific criteria referenced in § 7a.19.

(d) Upon receipt by the National Bureau of Standards of a laboratory's written application for accreditation, including the fees and charges specified in paragraph (b) of this section, the National Bureau of Standards, on behalf of the Secretary, shall arrange by contract or shall itself conduct the examination of the laboratory in accordance with the requirements of the Secretary. In all cases when testing laboratories are examined, the National Bureau of Standards shall assure that the personnel used by the contractor or by itself possess the necessary professional and technical qualifications to assess the laboratory in the product area being evaluated. One of the key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest. If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report is prepared by a contractor, the National Bureau of Standards, before making payment to the contractor or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

11. Section 7a.12 is revised to read as follows:

**§ 7a.12 Reference to accredited status.**

Except as limited under § 7a.8(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical, and trade publications: "Accredited by the Department of Commerce, National Voluntary Laboratory Accreditation Program for [appropriate wording as authorized by the Secretary's notification under § 7a.11(e)]."

12. Section 7a.13 is amended by revising paragraph (d) to read as follows:

**§ 7a.13 Revocation or termination of accreditation of a testing laboratory.**

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated, or which has withdrawn



its application prior to being accredited, may reapply and be accredited if it meets the applicable general and specific criteria referenced in § 7a.19, and agrees also to meet the conditions set out under § 7a.8(c) and the provisions of § 7a.12.

13. Section 7a.14 is amended by revising paragraphs (c)(1) and (e) to read as follows:

**§ 7a.14 Cessation of accreditations.**

(c) \* \* \*

(1) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 5317, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection at that location.

(e) If the Secretary ceases to accredit testing laboratories that serve a specific product as provided for in this section, the Secretary shall withdraw the accreditations previously issued to all those testing laboratories serving that product. Any testing laboratory whose accreditation has been withdrawn by the Secretary under this paragraph may seek to be accredited to serve a different specific product for which there is a LAP under these procedures, and may be so accredited if it meets the general and specific criteria referenced in § 7a.19 and if it agrees to meet the conditions set out under § 7a.8(c) and the provisions of § 7a.12.

14. Section 7a.15 is amended by revising paragraph (a) to read as follows:

**§ 7a.15 Refund of fees and charges.**

(a) If a testing laboratory withdraws its application for accreditation after it has submitted the required examination fees and provides written notice to the Secretary of such withdrawal prior to the issuance of an accreditation or the denial thereof, the testing laboratory will be refunded such fees except for the application fee, if any, and for any other costs that have been incurred relative to its application.

**§ 7a.16 [Removed].**

15. Section 7a.16 is removed in its entirety.

16. Section 7a.17 is amended by revising paragraph (a) to read as follows:

**§ 7a.17 User information and reports.**

(a) For each established LAP, the Secretary will publish in a quarterly

report all actions regarding such matters as accreditations, revocations, the establishment of fees and charges, and any amendments or revisions to the general and specific criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

17. Part 7a is amended by adding § 7a.19 to read as follows:

**§ 7a.19 General and specific criteria for accrediting testing laboratories.**

(a)(1) Laboratories which request accreditation for one or more LAPs established under Parts 7a, 7b, or 7c will be accredited on the basis of their conformance to the general criteria set out in §§ 7a.20 through 7a.24 and the specific criteria set out in §§ 7a.26 through 7a.30.

(2) Accreditation for certain test methods may also require participation in proficiency testing programs described in the notice announcing the formal establishment of a LAP under § 7a.8(b)(3) (or under §§ 7b.8(b)(3) or 7c.8(b)(3) as applicable).

(b) In each of the sections identified in paragraph (a)(1) of this section as setting out criteria, the first paragraph (paragraph (a)) states the criterion itself. The remaining paragraphs of each of those sections set forth implementing requirements which laboratories must meet to ensure, or to enable assessment of, conformance with the criterion.

(c) Compliance with the general and specific criteria and other conditions established by the Secretary, and accreditation under these procedures, shall in no way relieve testing laboratories from the necessity of also observing and complying with any existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to the operation of such laboratories, including consumer protection and antitrust laws.

(d) In carrying out the activities authorized by this section—

(1) No action will be taken to develop further criteria that would prohibit the accreditation of a testing laboratory solely on the basis of that laboratory's association or nonassociation with manufacturing, distributing or vending organizations, or because the testing laboratory is a foreign firm;

(2) No action will be taken under this program to develop a product standard,

a test method standard, or a comparable administrative rule;

(3) No action will be taken under this program to modify a product standard, a test method standard, or a comparable administrative rule where such a standard or rule is in existence; and

(4) The Secretary, under this program, will not ask for or accept confidential business data, trade secrets, or other proprietary information.

(e) General criteria include information and characteristics that should be obtainable from or found in reputable testing laboratories. They include general information about a laboratory (e.g., name, address, ownership, management structure); professional and ethical business practices that must exist for accreditation (e.g., agreement to adopt certain policies); and the maintenance of a quality control manual (e.g., written procedures and information addressing the control of staff, physical plant, operational processes, testing control procedures, and quality assurance) for use by laboratory staff in the laboratory. For initial and continued accreditation, each applicant shall provide, in writing, information in response to the provisions of §§ 7a.20 through 7a.25.

(f) Specific criteria state requirements for accreditation which relate to individual test methods. The specific criteria are designed so that they may be applied to all test methods in any NVLAP activity without having to be changed each time a test method is added or revised. Because "universal" language is used, some portions of the specific criteria may not be applicable to all test methods. This is why the words, "as applicable," are used in several places in the specific criteria.

Supplemental information will be sent to each applicant laboratory showing how the specific criteria relate to each of the test methods for which accreditation is sought. This information identifies those sections of the specific criteria that are not applicable, indicates how those sections which are applicable are to be interpreted and implemented, and describes the conduct of an on-site examination and the subsequent assessment process. In essence, this information tailors the specific criteria to the particular characteristics of individual test methods. It will not extend the criteria into new areas and will be revised, as necessary, each time any test method is revised. The provisions of the specific criteria are contained in §§ 7a.26 through 7a.30.



18. Sections 7a.20 through 7a.30 are added to 15 CFR Part 7a to read as follows:

**§ 7a.20 General criterion: Organizational structure.**

(a) *Criterion G1.* The laboratory has a legally identifiable organizational structure that enables it to develop and maintain a testing capability to perform satisfactorily the functions for which accreditation is sought.

(b) *Organization description.* The laboratory shall submit a description of its organization including—

(1) The name and full address of the laboratory which is seeking accreditation;

(2) If the laboratory is part of a larger organization, the complete legal name and address of that larger organization;

(3) The ownership and management structure of the laboratory, including the names and positions of its principal officers and board of directors;

(4) An outline or organizational chart identifying all key management and supervisory positions in each relevant operating, support, and service unit in the laboratory's functional organization, and defining at least those reporting relationships that are relevant to this accreditation request;

(5) A position description, including the required qualifications, of the person who has technical responsibility for the laboratory in the testing area(s) for which accreditation is sought; and

(6) A general description of the laboratory, including its facilities and scope of operation.

(c) *Changes in organization.* The laboratory shall submit a statement of any fundamental changes related to the provisions of paragraph (b) of this section within 30 calendar days of such changes.

**§ 7a.21 [Reserved]**

**§ 7a.22 General criterion: Professional and ethical business practices.**

(a) *Criterion G2.* The laboratory is operated in accordance with generally accepted professional and ethical business practices.

(b) *Statement of ethical practices.* The laboratory shall agree in writing that as a minimum it will be its policy to—

(1) Perform the tests for which accreditation is sought in accordance with the designated test methods, and to report and explain deviations from those test methods in its test reports;

(2) Assure that reported values accurately reflect measured data;

(3) Limit test work to that for which competence and capacity are available;

(4) Treat test data, records, and reports as proprietary information;

(5) Repond to and attempt to resolve complaints contesting test results;

(6) Be capable of performing each test for which it is accredited according to the latest version of each test method within one year after its publication or within another time limit specified by the Department of Commerce (DOC);

(7) Maintain an independent decisional relationship between itself and its clients, affiliates, or other organizations, so that the laboratory's capacity to render test reports objectively and without bias is not adversely affected; and

(8) Return to DOC its certificate of accreditation for possible revision or other action should it become unable to conform to any of these general and specific criteria for accreditation.

(c) *Ascertainment of compliance.* Ordinarily, compliance with this criterion will be assessed when a complaint or other evidence, which is received by DOC, questions the accredited laboratory's compliance with this criterion.

**§ 7a.23 [Reserved]**

**§ 7a.24 General criterion: Quality control system.**

(a) *Criterion G3.* The laboratory maintains a quality control system to help assure the technical integrity of its work.

(b) *Documentation of quality control system.* The laboratory's quality control system must include a quality control manual or a laboratory operations control manual containing written procedures and information in response to the applicable requirements of the specific criteria. The procedures and information may be explicitly contained in the manual or may be referenced so that their location in the laboratory is clearly identified. The written procedures and information must be adequate to guide a testing technician (who is deemed qualified by the National Bureau of Standards (NBS) or by an NBS contractor) in conducting the tests in accordance with the test methods for which accreditation is sought.

(c) *Availability of quality control documentation.* The laboratory shall have a current copy of its quality control manual or laboratory operations control manual available in the laboratory for use by laboratory personnel, and shall make the manual available for DOC review and audit.

(d) *Definitions.* For NVLAP purposes the terms "quality control manual" and "laboratory operations control manual" are understood as follows:

(1) A quality control manual consists of general guidelines for the quality control of the laboratory's method of operation; specific information is provided for portions of individual test methods whenever specifics are needed to comply with the criteria or otherwise support the laboratory's operations; and

(2) A laboratory operations control manual consists of specific procedures and information for each test method responding to the applicable requirements of the specific criteria.

**§ 7a.25 [Reserved]**

**§ 7a.26 Specific criterion: Personnel requirements.**

(a) *Criterion S1.* The laboratory is staffed by personnel who are competent to perform the tests for which accreditation is sought.

(b) *Assurance of staff competence.* The laboratory shall assure the competency of its staff through the observation and/or examination of each relevant staff member in the performance of each test method or part thereof that each member is assigned to perform. Staff members who perform relatively simple tests at field locations with limited on-site supervision must annually pass an examination supplied by DOC. The observations at the laboratory must be conducted at intervals not exceeding one year by one or more individuals judged qualified by the person who has technical responsibility for the laboratory. In lieu of an annual observation or examination, current approval of staff members by DOC-recognized certification or licensing organizations in areas of competence encompassing these test methods is acceptable.

(c) *Description of training program.* The laboratory shall make available the description of its training program for assuring that new or untrained staff will be able to perform tests properly and uniformly to the requisite degree of precision and accuracy.

(d) *Personnel records.* The laboratory shall maintain in its personnel files—

(1) A record, including dates and results, of the observation or examination of performance for each test method or part thereof which each staff member is assigned to perform;

(2) Certification of competence, if any, from recognized outside agencies; and

(3) A listing of training courses completed.



§ 7a.27 [Reserved].

§ 7a.28 **Specific criterion: Facilities, equipment, and procedures.**

(a) *Criterion S2.* The laboratory's facilities, equipment, and procedures are appropriate for accreditation.

(b) *Description of equipment and facilities.* The laboratory shall maintain a list of its facilities and equipment required for each test method for which accreditation is sought, and, as applicable, a description of those facilities and equipment including—

(1) Sufficient identification of test instruments to allow correlation with calibration records;

(2) Schematics, drawings, diagrams or photographs of equipment and facilities for demonstrating conformance with the requirements of the test method; and

(3) A description of environmental or sample conditioning equipment and facilities showing how compliance with the requirements of the test method is measured and maintained.

(c) *Calibration, verification, and maintenance.* The laboratory shall provide evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each test method for which accreditation is sought, through the following:

(1) A description of the procedures used in calibrating, verifying, and maintaining the test equipment and facilities, including, as applicable—

(i) Calibration and verification equipment or services used;

(ii) Reference standards and materials used;

(iii) Measurement assurance, collaborative reference, or other programs in which the laboratory participates;

(iv) Routine maintenance; and

(2) Calibration and verification records including, as applicable—

(i) Equipment description or name;

(ii) Name of manufacturer;

(iii) Model, style, and serial number, or other identification;

(iv) Equipment variables subject to calibration and verification;

(v) Range of operation and range of calibration and verification;

(vi) Resolution of the instrument and allowable error tolerances on readings;

(vii) Calibration or verification schedule (intervals);

(viii) Date and result of last calibration or verification and date of the next calibration or verification;

(ix) Name of laboratory person or outside service providing the above calibration or verification; and

(x) Traceability to NBS or other authority as required.

(d) *Supplementary test method plan.* The laboratory shall maintain a test plan supplementing each test method for which accreditation is sought which includes, as applicable, instructions for—

(1) Equipment maintenance and verification checks;

(2) Specimen selection, handling, and disposal;

(3) Data collection, analysis and reporting;

(4) Quality control checks and audits; and

(5) Any subcontractors performing part of the test and a description of how the laboratory assures the required precision and accuracy.

*Note.*—The intent of this paragraph is to allow subcontractors to perform common repetitive tasks, such as making slides or taking pictures, which are required by certain test methods. However, only laboratories having the measuring equipment by which final test data are obtained can be accredited. If data obtained using one test method in this accreditation program are used as input data for a second test method, or if the test procedures for one test method affects the results obtained in a second test method, a laboratory seeking accreditation for the second method must also be accredited for the first method. An accredited laboratory may not present final test data to a client as data from an accredited laboratory unless the final test data actually were obtained from an accredited laboratory.

(e) *Evidence of conformance.* The laboratory shall maintain, as applicable, documented evidence that no degradation of performance results from the use of equipment, facilities, or procedures which are not in strict conformance with each test method for which accreditation is sought.

§ 7a.29 [Reserved].

§ 7a.30 **Specific criterion: Records of operations.**

(a) *Criterion S3.* The laboratory maintains records of its operations.

(b) *Test reports and related information.* The laboratory shall maintain records of those testing activities associated with each test method for which accreditation is sought, including the following:

(1) Test reports containing, as applicable—

(i) Name and address of the laboratory;

(ii) Pertinent dates and identifying numbers;

(iii) Name of client;

(iv) Description and identification of the specimen (including, as necessary, location of the batch, lot, or project of the sampled material from which the specimen was taken);

(v) An appropriate title;

(vi) Identification of the test method, procedure, or specification;

(vii) Known deviations, additions to, or exclusions from the test method;

(viii) Measurements, examinations, derived results, and identification of test anomalies;

(ix) If necessary, a statement as to whether or not the test results comply with the requirements of product or project specifications;

(x) Signature of person having technical responsibility for the test report; and

(xi) All items required by the test method;

(2) Data generated during testing if not included in the test report, such as raw data, calculations, tables, graphs, sketches, and photographs; and

(3) Specimen control forms which document the receipt, handling, storage, shipping, and testing of specimens or a written description of the procedures and separate records that are maintained to control these operations.

(c) *Example test report.* The laboratory shall make available to DOC, upon request, a typical completed test report with the name of the client and source of any product deleted.

(d) *Standards and similar documents.* The laboratory shall have copies of applicable standards and other documents referred to or used in performing each test method for which accreditation is sought.

(e) *Quality control records.* The laboratory shall maintain records of its quality control checks and audits for monitoring its test work including—

(1) Records of audit sampling of the test results; and

(2) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(f) *Complaints.* The laboratory shall maintain a file of written complaints and disposition thereof.

(g) *Retention of records.* The laboratory shall retain records required by these general and specific criteria for a minimum of three years or for any longer period of time specified by Federal, State, or local requirements or other contractual requirements.

**PART 7b—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM: FEDERAL GOVERNMENT**

19. Section 7b.3 is amended by revising paragraphs (c), (f), and (g) to read as follows:

§ 7b.3 **Definitions.**

(c) The term "Advisory Committee" means the National Laboratory



Accreditation Advisory Committee appointed by the Secretary under § 7a.6 of 15 CFR Part 7a.

(f) The term "general criteria" means those characteristics and qualifications generally expected of a laboratory which engages in the testing of products under consideration. See § 7a.19 of 15 CFR Part 7a.

(g) The term "specific criteria" means those characteristics of a laboratory which pertain to its use of specific test methods in producing test data. See § 7a.19 of 15 CFR Part 7a.

20. Section 7b.4 is amended by revising paragraphs (b)(5) and (e)(3) to read as follows:

**§ 7b.4 Request to establish a laboratory accreditation program (LAP).**

(b) \* \* \*

(5) When deemed necessary, recommendations for amendments to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a;

(e) \* \* \*

(3) The standards and test methods are such that the evaluation of a laboratory can be accomplished by using the accreditation criteria referenced in § 7a.19 of 15 CFR Part 7a; and

21. Section 7b.5 is revised to read as follows:

**§ 7b.5 Amendment of criteria used to accredit laboratories.**

(a) If one or more amendments are recommended under § 7b.4(b)(5), the Secretary shall decide, after consultation with the requesting Federal agency and the Advisory Committee, whether to propose any amendments to the criteria referenced in § 7a.19 of 15 CFR Part 7a. If the decision is to propose one or more amendments, the Secretary shall decide upon the precise language, propose the amendment(s) by publication in the *Federal Register*, and make a final determination following the procedures of 5 U.S.C. 553, before the LAP is actually established.

(b) In making these decisions the Secretary shall consider the following:

(1) The needs and scope of the program of the requesting Federal agency;

(2) The needs and scope of the user population;

(3) Compatibility with the existing criteria referenced in § 7a.19; and

(4) The nature and content of other relevant public and private sector laboratory accreditation systems.

(c) No amendment to the criteria referenced in § 7a.19 will be issued unless the Secretary has determined that compliance with and implementation of the amendment is feasible, practical, and consistent with the public interest.

22. Section 7b.6 is revised to read as follows:

**§ 7b.6 Establishment and functions of a National Laboratory Accreditation Advisory Committee.**

(a) The Secretary shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) under the provisions of § 7a.6 of 15 CFR Part 7a.

(b) This Advisory Committee will function solely in an advisory capacity pursuant to § 7a.6 (d) and (e).

**§ 7b.7 (Removed).**

23. Section 7b.7 is removed in its entirety.

24. Section 7b.8 is revised to read as follows:

**§ 7b.8 Announcement of the establishment of a LAP.**

(a) After publication of the request for a LAP for a specific product under § 7b.4(c), a notice of any change in the status of the request or a notice announcing the formal establishment of the LAP will be published in the *Federal Register*.

(b) A notice announcing the formal establishment of the LAP will contain the following:

(1) The list of test methods for which accreditation is available in the particular LAP;

(2) Instructions for making application for accreditation by laboratories testing the product involved, including what information must be provided in the request for an application; and

(3) A description of the accreditation process and the specific proficiency testing programs which may be required for the particular product area.

(c) This notice will also require that each testing laboratory that desires to participate in this program must agree to conditions that include but are not limited to the following:

(1) Be examined and audited initially and on a continuing basis;

(2) Pay accreditation fees and charges; and

(3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers and packaging or the contents therein, or in any other way

which might convey the concept of product certification by the Department of Commerce.

**Note.**—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.

25. Section 7b.9 is revised to read as follows:

**§ 7b.9 Coordination with Federal agencies.**

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies (other than the requesting agency) that have an interest in and may be impacted by the LAPs carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials within those agencies. The coordination efforts will include opportunities for representatives designated by those agencies to serve on the Advisory Committee established by the Secretary under § 7a.6 and to participate in any public workshops held by DOC (described in § 7a.6(f)).

26. Section 7b.10 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 7b.10 Establishment of fees and charges.**

(a) The Secretary, using the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), or any similar financial arrangement for this program, shall establish fees and charges for examining, assessing, and accrediting testing laboratories. The fees and charges established by the Secretary, which may be revised when the Secretary deems it appropriate to do so, shall be in amounts calculated to enable the self-sufficiency of this program.

(b) When the Secretary publishes the notice announcing the formal establishment of a LAP referred to in § 7b.8, the Secretary shall simultaneously publish a separate notice in the *Federal Register* setting forth the schedule of fees that will be charged testing laboratories that request accreditation for test methods in a specific LAP. The schedule of fees will go into effect thirty (30) days after the day it is published.

27. Section 7b.11 is amended by revising paragraphs (a), (c), and (d) to read as follows:



**§ 7b.11 Participation of testing laboratories.**

(a) Any testing laboratory desiring to be accredited in a LAP announced under § 7b.8 will notify DOC of its desire by requesting an application pursuant to the provisions of the above-mentioned notice (§ 7b.8(b)(2)).

(c) In order to be accredited for one or more test methods under any LAP, an applicant must meet the general and specific criteria referenced in § 7a.19.

(d) Upon receipt by the National Bureau of Standards of a laboratory's written application for accreditation and the fees and charges specified in paragraph (b) of this section, the National Bureau of Standards, on behalf of the Secretary, shall arrange by contract or shall itself conduct the examination of the laboratory in accordance with the requirements of the Secretary. In all cases when testing laboratories are examined, the National Bureau of Standards shall assure that the personnel used by the contractor or by itself possess the necessary professional and technical qualifications to assess the laboratory in the product area being evaluated. One of the key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest. If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report is prepared by a contractor, the National Bureau of Standards, before making payment to the contractor or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

28. Section 7b.12 is revised to read as follows:

**§ 7b.12 Reference to accredited status.**

Except as limited under § 7b.8(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical, and trade publications: "Accredited by the Department of Commerce, National Voluntary Laboratory Accreditation Program for [appropriate wording as authorized by the Secretary's notification under § 7b.11(e)]."

29. Section 7b.13 is amended by revising paragraph (d) to read as follows:

**§ 7b.13 Revocation or termination of accreditation of a testing laboratory.**

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated, or which has withdrawn its application prior to being accredited, may reapply and be accredited if it meets the applicable general and specific criteria referenced in § 7a.19, and agrees also to meet the conditions set out under § 7b.8(c) and the provisions of § 7b.12.

30. Section 7b.15 is amended by revising paragraph (a) to read as follows:

**§ 7b.15 Refund of fees and charges.**

(a) If a testing laboratory withdraws its application for accreditation after it has submitted the required examination fees and provides written notice to the Secretary of such withdrawal prior to the issuance of an accreditation or the denial thereof, the testing laboratory will be refunded such fees except for the application fee, if any, and for any other costs that have been incurred relative to its application.

**§ 7b.16 [Removed].**

31. Section 7b.16 is removed in its entirety.

32. Section 7b.17 is amended by revising paragraph (a) to read as follows:

**§ 7b.17 User information and reports.**

(a) For each established LAP, the Secretary will publish in a quarterly report all actions regarding such matters as accreditations, revocations, the establishment of fees and charges, and any amendments or revisions to the general and specific criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

33. Part 7b is amended by adding § 7b.19 to read as follows:

**§ 7b.19 General and specific criteria for accrediting testing laboratories.**

Laboratories which request accreditation for one or more LAPs established under this Part 7b will be accredited on the basis of their conformance to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a.

**PART 7c—NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM: PRIVATE SECTOR ORGANIZATIONS**

34. Section 7c.3 is amended by revising paragraphs (d), (g), and (h) to read as follows:

**§ 7c.3 Definitions.**

(d) The term "Advisory Committee" means the National Laboratory Accreditation Advisory Committee appointed by the Secretary under § 7a.6 of 15 CFR Part 7a.

(g) The term "general criteria" means those characteristics and qualifications generally expected of a laboratory which engages in the testing of products under consideration. See § 7a.19 of 15 CFR Part 7a.

(h) The term "specific criteria" means those characteristics of a laboratory which pertain to its use of specific test methods in producing test data. See § 7a.19 of 15 CFR Part 7a.

35. Section 7c.4 is amended by revising paragraphs (b)(4) and (f)(3) to read as follows:

**§ 7c.4 Request to establish a laboratory accreditation program (LAP).**

(b) \* \* \*

(4) When deemed necessary, recommendations for amendments to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a;

(f) \* \* \*

(3) The standards and test methods are such that the evaluation of a laboratory can be accomplished by using the accreditation criteria referenced in § 7a.19; and

36. Section 7c.5 is revised to read as follows:

**§ 7c.5 Amendment of criteria used to accredit laboratories.**

(a) If one or more amendments are recommended under § 7c.4(b)(4), the Secretary shall decide, after consultation with the requesting organization and the Advisory Committee, whether to propose any amendments to the criteria referenced in § 7a.19 of 15 CFR Part 7a. If the decision is to propose one or more amendments, the Secretary shall decide upon the precise language, propose the amendment(s) by publication in the Federal Register, and make a final determination following the procedures



of 5 U.S.C. 553, before the LAP is actually established.

(b) In making these decisions the Secretary shall consider the following—

(1) The needs and scope of the program of the requesting organization;

(2) The needs and scope of the user population;

(3) Compatibility with the existing criteria referenced in § 7a.19; and

(4) The nature and content of other relevant public and private sector laboratory accreditation systems.

(c) No amendment to the criteria referenced in § 7a.19 will be issued unless the Secretary has determined that compliance with and implementation of the amendment is feasible, practical, and consistent with the public interest.

37. Section 7c.6 is revised to read as follows:

**§ 7c.6 Establishment and functions of a National Laboratory Accreditation Advisory Committee.**

(a) The Secretary shall establish a National Laboratory Accreditation Advisory Committee (Advisory Committee) under the provisions of § 7a.6 of 15 CFR Part 7a.

(b) This Advisory Committee will function solely in an advisory capacity pursuant to § 7a.6 (d) and (e).

**§ 7c.7 [Removed].**

38. Section 7c.7 is removed in its entirety.

39. Section 7c.8 is revised to read as follows:

**§ 7c.8 Announcement of the establishment of a LAP.**

(a) After publication of the request for a LAP for a specific product under § 7c.4(c), a notice of any change in the status of the request or a notice announcing the formal establishment of the LAP will be published in the Federal Register.

(b) A notice announcing the formal establishment of the LAP will contain the following:

(1) The list of test methods for which accreditation is available in the particular LAP;

(2) Instructions for making application for accreditation by laboratories testing the product involved, including what information must be provided in the request for an application; and

(3) A description of the accreditation process and the specific proficiency testing programs which may be required for the particular product area.

(c) This notice will also require that each testing laboratory that desires to participate in this program must agree to

conditions that include but are not limited to the following:

(1) Be examined and audited initially and on a continuing basis;

(2) Pay accreditation fees and charges; and

(3) Avoid reference by itself and forbid others utilizing the services of an accredited testing laboratory from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers and packaging or the contents therein, or in any other way which might convey the concept of product certification by the Department of Commerce.

*Note.*—A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.

40. Section 7c.9 is revised to read as follows:

**§ 7c.9 Coordination with Federal agencies.**

As a means of assuring effective and meaningful cooperation, input, and participation by those Federal agencies that have an interest in and may be impacted by the LAPs carried out under these procedures, the Secretary shall undertake to communicate and consult with appropriate officials at policy making levels within those agencies. These coordination efforts will include opportunities for representatives designated by those agencies to serve on the Advisory Committee established by the Secretary under § 7a.6 and to participate in any public workshops held by DOC (described in § 7a.6(f)).

41. Section 7c.10 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 7c.10 Establishment of fees and charges.**

(a) The Secretary, using the Working Capital Fund of the National Bureau of Standards, as authorized by section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), or any similar financial arrangement for this program, shall establish fees and charges for examining, assessing, and accrediting testing laboratories. The fees and charges established by the Secretary, which may be revised when the Secretary deems it appropriate to do so, shall be in amounts calculated to enable the self-sufficiency of this program.

(b) When the Secretary publishes the notice announcing the formal establishment of a LAP referred to in § 7c.8, the Secretary shall simultaneously publish a separate notice in the Federal Register setting forth the

schedule of fees that will be charged testing laboratories that request accreditation for test methods in a specific LAP. The schedule of fees will go into effect thirty (30) days from the day it is published.

42. Section 7c.11 is amended by revising paragraphs (a), (c), and (d) to read as follows:

**§ 7c.11 Participation of testing laboratories.**

(a) Any testing laboratory desiring to be accredited in a LAP announced under § 7c.8 will notify DOC of its desire by requesting an application pursuant to the provisions of the above-mentioned notice (§ 7c.8(b)(2)).

(c) In order to be accredited for one or more test methods under any LAP, an applicant must meet the general and specific criteria referenced in § 7a.19.

(d) Upon receipt by the National Bureau of Standards of a laboratory's written application for accreditation and the fees and charges specified in paragraph (b) of this section, the National Bureau of Standards, on behalf of the Secretary, shall arrange by contract or shall itself conduct the examination of the laboratory in accordance with the requirements of the Secretary. In all cases where testing laboratories are examined, the National Bureau of Standards shall assure that the personnel used by the contractor or by itself possess the necessary professional and technical qualifications to assess the laboratory in the product area being evaluated. One of the key considerations in selecting evaluators and on-site examiners will be to minimize potential conflicts of interest. If the National Bureau of Standards conducts the examination, the resultant examination report will be forwarded to the Secretary. In cases where the examination report is prepared by a contractor, the National Bureau of Standards, before making payment to the contractor or forwarding the report to the Secretary, will review the report to assure that the contract terms have been fulfilled.

43. Section 7c.12 is revised to read as follows:

**§ 7c.12 Reference to accredited status.**

Except as limited under § 7c.8(c)(3), a testing laboratory accredited under this program may use the following statement on its letterheads and in professional, technical, and trade publications: "Accredited by the Department of Commerce, National



Voluntary Laboratory Accreditation Program for (appropriate wording as authorized by the Secretary's notification under § 7c.11(e))."

44. Section 7c.13 is amended by revising paragraph (d) to read as follows:

**§ 7c.13 Revocation or termination of accreditation of a testing laboratory.**

(d) A testing laboratory whose application has been rejected or whose accreditation has been denied, revoked or terminated, or which has withdrawn its application prior to being accredited, may reapply and be accredited if it meets the applicable general and specific criteria referenced in § 7a.19, and agrees also to meet the conditions set out under § 7c.8(c) and the provisions of § 7c.12.

45. Section 7c.14 is amended by revising paragraphs (a) and (e) to read as follows:

**§ 7c.14 Cessation of accreditations.**

(a) The Secretary may cease the accreditation of testing laboratories that serve a specific product upon finding that there is no longer a need to accredit such laboratories. An action to cease such accreditations shall start with the publication in the Federal Register of a preliminary finding that the LAP is no longer needed. Such notice shall set forth the Secretary's reasons for such preliminary finding and shall, as a minimum, address those relevant items listed in § 7c.4(b) which form the basis of need for establishing a LAP under provisions of Part 7c, as well as those items which formed the basis for the need as stated by the requesting private sector organization.

(e) If the Secretary ceases the accreditation of testing laboratories that serve a specific product as provided for in this section, the Secretary shall withdraw the accreditations previously issued to all those testing laboratories serving that product. Any testing laboratory whose accreditation has been withdrawn by the Secretary under this paragraph may seek to be accredited to serve a different specific product under these procedures, and may be so accredited if it meets the general and specific criteria referenced in § 7a.19 and if it agrees to meet the conditions set out under § 7c.8(c) and the provisions of § 7c.12.

**§ 7c.16 [Removed].**

46. Section 7c.16 is removed in its entirety.

47. Section 7c.17 is amended by revising paragraph (a) to read as follows:

**§ 7c.17 User information and reports.**

(a) For each established LAP, the Secretary will publish in a quarterly report all actions regarding such matters as accreditations, revocations, the establishment of fees and charges, and any amendments or revisions to the general and specific criteria. Such publications shall clearly state that testing laboratories accredited by the Secretary under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

48. Part 7c is amended by adding § 7c.19 to read as follows:

**§ 7c.19 General and specific criteria for accrediting testing laboratories.**

Laboratories which request accreditation for one or more LAPs established under this Part 7c will be accredited on the basis of their conformance to the general and specific criteria referenced in § 7a.19 of 15 CFR Part 7a.

[FR Doc. 81-21029 Filed 7-16-81; 8:45]  
BILLING CODE 2510-13-M

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Part 240**

[Release No. 34-17927; File No. S7-874]

**Net Capital Requirements for Brokers and Dealers**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its uniform net capital rule to conform Appendix B to the rule relating to commodity transactions, to certain recent amendments adopted by the Commodity Futures Trading Commission ("CFTC") to its net capital rule. The amendments will affect particularly those brokers and dealers who are also registered with the CFTC as futures commission merchants ("BD-FCMs"). These amendments relate to the treatment of undermargined accounts, debit/deficit accounts and collateral used to secure receivables.

**EFFECTIVE DATE:** August 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Steven L. Molinari, 272-2383.

**SUPPLEMENTARY INFORMATION:** The CFTC recently adopted amendments to its net capital rule regarding the treatment of undermargined accounts, debit/deficit accounts and collateral used to secure receivables.<sup>1</sup> The CFTC received a number of comments to the proposed amendments which are discussed in its adopting release.<sup>2</sup>

On February 20, 1981, the Commission proposed for public comment amendments to its uniform net capital rule regarding the treatment of undermargined accounts, debit/deficit accounts and collateral used to secure receivables.<sup>3</sup> These amendments mirror the amendments adopted by the CFTC and will affect Appendix B to the Commission's uniform net capital rule relating to commodity transactions. The Commission received no comments in response to the proposed amendments.

The amendments appear to the Commission to be reasonable modifications to the present uniform net capital rule to moderate imprudent extensions of credit by BD-FCMs in connection with transactions in commodities and commodity futures and have been adopted by the Commission.

**Undermargined Accounts**

The first amendment will shorten the period within which a BD-FCM may offset charges to net capital for undermargined customer commodity futures accounts with current calls for margin. At present, when such an account becomes undermargined, the BD-FCM must take a charge to net capital for the amount the account is undermargined only after four business days (assuming a margin call has been issued). The amendment will lower this period to three business days.<sup>4</sup>

<sup>1</sup>45 FR 79416 (December 1, 1980). In this release, the CFTC also adopted an amendment to its net capital rule which eliminates the "aggregate indebtedness" method of computing a firm's net capital. The Commission has solicited comment on the feasibility of eliminating this method in Securities Exchange Act Release No. 17208 (October 9, 1980) although no rule amendment was proposed at that time. These amendments will in no way affect the CFTC's elimination of the "aggregate indebtedness" concept from the CFTC's net capital rule.

<sup>2</sup>*Id.*  
<sup>3</sup>Securities Exchange Act Release No. 17564 (February 20, 1981) (46 FR 14749); 22 SEC Docket 161.

<sup>4</sup>Originally, the rule gave a five day period before a deduction was required. The rule provided that the period should be lowered in stages, first to four business days beginning in 1981, and to three business days beginning in 1983. The amendment accelerates the adoption of the three day standard by one and one-half years.



**Debit/Deficit Accounts**

The second amendment relates to unsecured commodity futures or option accounts consisting of a ledger balance and open trades, which, when combined, liquidate to a deficit, or which contain a debit ledger balance only. The present rule requires a charge to net capital, to be offset by margin calls outstanding one business day or less. The BD-FCM must collect the deficit or debit balance by the close of the second business day following the adverse market movement giving rise to the situation before the charge must be made. The amendment will accelerate the time period, requiring the charge to be taken as of the close of business the day following the day on which the market movement caused the debit/deficit account.

**Valuation of Collateral**

The third amendment to Appendix B relates to the value of collateral securing any loan, advance or other form of receivable arising out of commodity-related transactions. At present, collateral may be valued at 100% of its market value for purposes of determining whether the receivable is secured. The amendment will require the BD-FCM to consider the receivable secured only after making the percentage deductions ("haircuts") required if the collateral were owned by the BD-FCM. Under a related amendment, the value attributed to any non-cash item deposited with the BD-FCM to margin, guarantee or secure a commodity futures account, will be the lesser of (A) the value attributable to the asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of the asset reduced by the appropriate haircut.

**Statutory Basis and Competitive Considerations**

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly Section 15(c)(3), 15 U.S.C. 78o(c)(3), thereof, hereby amends paragraphs (a)(3)(ii), (a)(3)(xii), (a)(3)(xiii) and (a)(3)(xviii) of Rule 15c3-1b (17 CFR 240.15c3-1b) as set forth below.

It appears to the Commission that no burden will be imposed on competition by adoption of these amendments. If there is any burden on competition, it is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof to provide minimum safeguards with respect to the

financial responsibility of brokers and dealers.

**Text of Amendment**

Accordingly, 17 CFR Part 240 is amended as follows:

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

By revising paragraphs (a)(3)(ii), (a)(3)(xii), (a)(3)(xiii) and (a)(3)(xviii) of § 240.15c3-1b as follows:

**§ 240.15c3-1b Adjustments to net worth and aggregate indebtedness for certain commodities transactions (Appendix B to 17 CFR 240.15c3-1).**

(a) \* \* \*

(3) \* \* \*

(ii) Deduct any unsecured commodity futures or option account containing a ledger balance and open trades, the combination of which liquidates to a deficit or containing a debit ledger balance only: *Provided, however,* Deficits or debit ledger balances in unsecured customers', non-customers' and proprietary accounts, which are the subject of calls for margin or other required deposits need not be deducted until the close of business on the business day following the date on which such deficit or debit ledger balance originated;

(xii) Deduct for undermargined customer commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding three business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements on such accounts, then deduct the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding three days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided,* To the extent a deficit is deducted from net worth in accordance with paragraph (a)(3)(ii) of this Appendix B, such amount shall not also be deducted under this paragraph (a)(3)(xii). In the event that an owner of a customer account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for

purposes of this paragraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in paragraph (c)(2)(vi) or (c)(2)(vii) of § 240.15c3-1 this chapter;

(xiii) Deduct for undermargined non-customer and omnibus commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding two business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then deduct the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding two days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided,* To the extent a deficit is deducted from net worth in accordance with paragraph (a)(3)(ii) of this Appendix B such amount shall not also be deducted under this paragraph (a)(3)(xiii). In the event that an owner of a non-customer or omnibus account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this paragraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in paragraph (a)(3)(ix) of this Appendix B or, where appropriate, specified in paragraph (c)(2)(vi) or (c)(2)(vii) of § 240.15c3-1 of this chapter;

(xviii) A loan or advance or any other form of receivable shall not be considered "secured" for the purposes of paragraph (a)(3) of this Appendix B unless the following conditions exist:

(A) The receivable is secured by readily marketable collateral which is otherwise unencumbered and which can be readily converted into cash: *Provided, however,* That the receivable will be considered secured only to the extent of the market value of such collateral after application of the percentage deductions specified in



paragraph (a)(3)(ix) of this Appendix B; and

(B)(1) The readily marketable collateral is in the possession or control of the broker or dealer; or

(2) The broker or dealer has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the readily marketable collateral within the meaning of the laws of the State in which the readily marketable collateral is located.

#### Regulatory Flexibility Act Considerations

Pursuant to 5 U.S.C. 601 *et seq.*, notice was published on February 20, 1981, that the Chairman of the Commission had certified that the proposed amendments to Rule 15c3-1, if adopted, would not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. No comments were received concerning the certification.

Therefore, the Commission does not believe that the amendments adopted herein will have a significant impact on small, or any other, broker-dealers.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 9, 1981.

[FR Doc. 81-20675 Filed 7-15-81; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Part 177

[Docket No. 80F-0455]

#### Indirect Food Additives: Polymers; Textiles and Textile Fibers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 7-(2H-naphtho[1,2-d]triazol-2-yl)-3-phenylcoumarin as an optical brightener in polyethylene terephthalate fibers intended to contact dry food. This action is in response to a petition filed by Albany International Corp.

**DATES:** Effective July 17, 1981, objection by August 17, 1981.

**ADDRESS:** Written objections 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.

#### FOR FURTHER INFORMATION CONTACT:

Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the *Federal Register* of December 5, 1980 (45 FR 80593), FDA announced that a petition (FAP 1B3535) had been filed by Albany International Corp., P.O. Box 1062, Buffalo, NY 14240, proposing that the food additive regulations be amended to provide for the safe use of 7-(2H-naphtho[1,2-d]triazol-2-yl)-3-phenylcoumarin as an optical brightener in polyester fibers intended to contact dry food.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. 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, Food and Drug Administration, (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 177 is amended in § 177.2800(d)(5)(ii) by inserting alphabetically a new item in the list of substances, to read as follows:

#### § 177.2800 Textiles and textile fibers.

(d) \* \* \*

(5) \* \* \*

List of substances	Limitations
(ii) * * *	
7-(2H-naphtho[1,2-d]triazol-2-yl)-3-phenylcoumarin [CAS Reg. No. 3333-82-8] having a melting point of 250° to 251° C and a nitrogen content of 10.7 to 11.2 percent.	For use only as an optical brightener in polyethylene terephthalate fibers specified in paragraph (d)(5)(ii) of this section at a level not to exceed 0.035 percent by weight of the finished fibers.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 17, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 17, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20941 Filed 7-16-81; 8:45 am]

BILLING CODE 4110-03-M

#### 21 CFR Part 522

#### Implantation or Injectible Dosage Form New Animal Drugs Not Subject To Certification; Lincomycin Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co. providing for the safe and effective intramuscular use of a lower concentration lincomycin hydrochloride injection for the treatment of swine.

**EFFECTIVE DATE:** July 17, 1981.



**FOR FURTHER INFORMATION CONTACT:**

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

**SUPPLEMENTARY INFORMATION:** The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (34-025) providing for the safe and effective intramuscular use of a 25-milligram per milliliter (mg/mL) lincomycin hydrochloride injectable in addition to an existing approval for a 50 and 100 mg/mL injectable for the treatment of swine for arthritis and mycoplasma pneumonia. The supplemental NADA is approved and the regulations are amended to reflect the approval.

This action provides for use of an additional concentration of drug, a lower concentration, and does not affect the currently approved conditions of use of the drug as reflected in the regulations in 21 CFR 522.1260(e)(2). In accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplemental NADA does not require reevaluation of the safety and effectiveness data in the parent application.

A freedom of information summary, as defined in 21 CFR 514.11(e)(2), need not be filed prior to publication of this approval.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

**§ 522.1260 [Amended]**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 28052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.1260 *Lincomycin injection* is amended in paragraph (a) by removing the final period and adding the phrase "or that each immediate container may contain 100 milliliters of solution containing 25 milligrams of lincomycin

per milliliter."

Effective date: July 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 9, 1981.

Myron C. Rosenberg,

*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc. 81-20794 Filed 7-16-81; 8:45 am]

BILLING CODE 4110-03-M

**21 CFR Part 524****Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject To Certification; Selenium Disulfide Suspension**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Happy Jack, Inc., providing for use of a selenium disulfide suspension on dogs as a shampoo and agent for removing skin debris.

**EFFECTIVE DATE:** July 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

**SUPPLEMENTARY INFORMATION:** Happy Jack, Inc., P.O. Box 475, Snow Hill, NC 28580, filed an NADA (121-556) providing for use of a selenium disulfide suspension on dogs as a cleansing shampoo and as an agent for removing skin debris associated with dry eczema and nonspecific dermatoses.

This application concerns a product similar to one reviewed by the National Academy of Sciences/National Research Council (NAS/NRC), approval of which is reflected in the regulations in 21 CFR 524.2101. This application is approved on the basis of generic equivalence to the NAS/NRC reviewed product. It conforms to the NAS/NRC panel recommendations published in the *Federal Register* of September 5, 1970 (35 FR 14168). The Bureau of Veterinary Medicine has determined that bioequivalence data are not required for this product. The NADA is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this

application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 28052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.2101 by revising paragraph (b)(2) to read as follows:

**§ 524.2101 Selenium disulfide suspension.**

\* \* \* \* \*

(b) \* \* \*

(2) See Nos. 011536, 015563, 017135, and 023851 in § 510.600(c) of this chapter for use as in paragraph (c)(2)(ii) of this section.

\* \* \* \* \*

Effective date: July 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 7, 1981.

Terence Harvey,

*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc. 81-20636 Filed 7-16-81; 8:45 am]

BILLING CODE 4110-03-M

**21 CFR Part 558****New Animal Drugs for Use in Animal Feeds; Bacitracin Zinc; NAS/NRC Update**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) amends the regulation for bacitracin zinc to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as probably effective as a result of a National



Academy of Sciences/National Research Council (NAS/NRC). Drug Efficacy Study Group evaluation of the products, and subsequently moved into the effective category by the agency. In lieu of certain effectiveness data, approval may require submission of bioequivalence or similar data. A previous *Federal Register* publication has reflected that this product is in compliance with the conclusions of the review.

**EFFECTIVE DATE:** July 17, 1981.

**FOR FURTHER INFORMATION CONTACT:**

David P. Ducharme, Bureau of Veterinary Medicine (HFV-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2280.

**SUPPLEMENTARY INFORMATION:** The NAS/NRC reviews of these products were published in the *Federal Register* of July 17, 1970 (35 FR 11531) and August 5, 1970 (35 FR 12490). In these documents, the Academy classified these products as probably effective for faster gains and feed efficiency in poultry. The Academy further stated the claims for growth promotion or stimulation are disallowed. Claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions." FDA agreed with the Academy's findings, except the agency concluded that the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency." The agency further concluded that antibiotics that carry the claim for growth promotion and feed efficiency, and that were judged as probably effective for those claims by the Academy, can be moved into the effective category if the claim is rephrased to "For increased rate of weight gain and improved feed efficiency."

The Academy's announcements were issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act (the act).

The Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110, responded to the notice by submitting an NADA (98-452) providing information in accordance with the requirements of section 512 of the act (21 U.S.C. 360b) and the NAS/NRC notices.

The new animal drug application was approved by a regulation published in the *Federal Register* of April 5, 1976 (41 FR 14367). Subsequently, ownership of the subject NADA was transferred to A. L. Laboratories, Inc., 452 Hudson Terrace, Englewood Cliffs, NJ 07632, by a notice published in the *Federal Register* of April 5, 1977 (42 FR 18617). The regulations reflecting this approval established a new entry for the drug in 21 CFR 558.78. The new entry did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approval for identical products in poultry need not include certain types of efficacy data required for approval by § 514.111(a)(5)(i) (21 CFR 514.111(a)(5)(i)) of the new animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

**§ 558.78 [Amended]**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83).

§ 558.78 *Bacitracin zinc* is amended in the table in paragraph (e)(1) by adding the footnote reference "1" for items (i)2 and (ii)2 and by adding at the end of the section the footnote "1 These conditions are NAS/NRC reviewed and deemed affective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency or similar data and safety information."

*Effective date.* This regulation shall be effective July 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 7, 1981.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-20035 Filed 7-16-81; 9:45 am]

BILLING CODE 4110-03-M

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**25 CFR Part 259**

**Preference in Employment**

June 24, 1981.

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau is amending 25 CFR Part 259 by revising § 259.1(e) to continue the application of Indian preference to persons of the Osage Tribe of Oklahoma, who are at least one-quarter degree Indian ancestry, whose rolls were closed by an act of Congress. This is in the best interest of the individuals employed and those seeking employment, who are descendants of the Osage Tribe.

The amendment will extend the expired date of January 17, 1981, for three years to permit the tribe to organize and to establish current membership standards. The extended period of time is necessary so as not to deny persons who received reference based on the quarter-degree standard. The quarter-degree standard will remain applicable for three years or until the Tribe has formally organized and established membership standards, whichever comes first.

**EFFECTIVE DATE:** July 17, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Mrs. Irene Fischer, Division of Personnel Management, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20240, telephone number (202) 343-5547.

**SUPPLEMENTARY INFORMATION:** The authority to issue regulations is vested in the Secretary of the Interior and has been redelegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

On January 17, 1978 (43 FR 2393-4), the Bureau of Indian Affairs published a final rule to add a new Part 259, Preference in Employment, to Subchapter W, Miscellaneous Activities, of Chapter I, Title 25 of the Code of Federal Regulations. Subsection 259.1(e)



specifies the date of January 17, 1981, as the final date for making appointments of persons of one-quarter degree Indian ancestry. The time limit is hereby extended for three years from the date of publication in the *Federal Register*.

Osage Tribal persons, who are employed by the Bureau of Indian Affairs and who received preference in any previous appointment, will continue to be preference eligibles so long as they are continuously employed.

The Bureau of Indian Affairs is waiving, pursuant to 5 U.S.C. 553(b)(B), the proposed rulemaking requirements because of the minor effect of this document, except to extend the time limit to the persons of Osage Indian blood. Since this rulemaking document corrects previously published material, the 30 days deferred effective date is dispensed with under the provisions of 5 U.S.C. 553(d)(3). Accordingly, these regulations will become effective July 17, 1981.

The primary author of this document is Mercedes Lewis, Personnel Staffing Specialist, Division of Personnel Management, Bureau of Indian Affairs, telephone number 202, 343-9306.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14.

The Department of the Interior has determined that this document does not have a significant economic effect on a substantial number of small entities. This rule affects only persons of the Osage Tribe of Indians.

Section 259.1(e) of Subchapter W, Miscellaneous Activities of Chapter I, Title 25 of the Code of Federal Regulations, Part 259, Preference in Employment, is hereby revised to read as follows:

**§ 259.1 Definitions.**

(e) For three (3) years or until the Osage Tribe has formally organized, whichever comes first, effective July 17, 1981, a person of at least one-quarter degree Indian ancestry of the Osage Tribe of Indians, whose rolls were closed by an act of Congress.

**Roy H. Sampsel,**

*Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 81-20927 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-02-M

**ARCHITECTURAL AND  
TRANSPORTATION BARRIERS  
COMPLIANCE BOARD**

**36 CFR Part 1151**

**Federal Contracting Policies; General  
Statement**

**AGENCY:** Architectural and  
Transportation Barriers Compliance  
Board.

**ACTION:** Final rule (statement of policy).

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (ATBCB) amends its regulations to reflect adoption of a general policy statement relating to Federal contracting. The procurement process is a highly detailed one, requiring actions on a regular basis and a clear delineation of authorities to key officials. The amendment designates the officials responsible for procurement activity for purposes of the Federal Property and Administrative Services Act. The ATBCB will approve the objective of all contracts and approval of a special committee is necessary before a sole source procurement can be entered.

**EFFECTIVE DATE:** May 5, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laurinda Steele, Office of Policy, Planning and Budget Development, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Washington, D.C. 20201, (202) 245-1801 voice or TDD.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as ATBCB) established at its meeting on May 5, 1981, policies relating to procurement by Federal contracts and grants.

The Federal Property and Administrative Services Act, 40 U.S.C. 471 et seq., 41 U.S.C. 251-260, established contract policies applicable to Federal civilian agencies. The statute authorizes two methods of procurement, formal advertising and negotiation. Competition is to be strived for in both methods. The procurement process is a highly detailed one, requiring actions on a regular basis and a clear delineation of authorities to key officials.

The ATBCB has, due to its institutional structure location, as well as resource limitations, procurement administrative support service provided

by the agency's through which ATBCB funds are disbursed.

According to previous ATBCB practice, the Chairperson has served as the "head of the agency" and the Executive Director as the "head of the procuring activity" for procurement purposes. This policy statement continues those practices. The ATBCB approves the objectives of contracts.

The ATBCB is most concerned with sole source procurements. The ATBCB strongly supports competition in the procurement process. Accordingly, the ATBCB is adopting a policy that sole source procurement shall be processed only after approval to do so has been given by a majority vote of the members of the Budget and Planning Committee and the Chairperson. Among the members, the Budget and Planning Committee has lead responsibility for financial issues.

Since these are general statements of policy of the ATBCB, the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. 5 U.S.C. 553.

Part 1151 is amended by adding § 1151.4 as follows:

**§ 1151.4 Federal procurement policies.**

(a) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars the Chairperson shall act as the "Head of the Agency" or "Agency Head" for administrative determinations.

(b) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars, the Executive Director is delegated authority to act as "Head of the Procuring Activity" and to designate appropriate subordinate officials. The Executive Director may enter all contracts on behalf of the Board or may delegate that responsibility.

(c) The ATBCB will approve the specific objective of all procurements in excess of \$10,000 before they are awarded and reserves the right, as warranted, to impose limitations applicable to particular procurements.

(d) The ATBCB will enter into a sole source procurement only after approval to do so has been given by a majority vote of the members of the Budget and Planning Committee and the Chairperson.



(e) Paragraphs (c) and (d) of this section do not apply to basic Administrative procurements, such as purchase/rental of equipment, printing, stenographic services, etc., regardless of amount of said procurement.

[29 U.S.C. 792; Pub. L. 93-112 as amended by Pub. L. 95-602]

Mason H. Rose,

Chairperson.

July 6, 1981.

[FR Doc. 81-20981 Filed 7-16-81; 8:45 am]

BILLING CODE 4000-07-M

## VETERANS ADMINISTRATION

### 38 CFR Ch. I

#### Continuance in Effect of All Current Regulations and Other Formal Issues and Confirmation of Issues Promulgated by or Pursuant to the Authority of Previous Administrator Max Cleland and Acting Administrators Rufus H. Wilson and Donald L. Custis, M.D., To Become Effective After Termination of Their Appointments

**AGENCY:** Veterans Administration.

**ACTION:** Continuance in effect of all current regulations.

**SUMMARY:** All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of previous Administrator Max Cleland and Acting Administrators Rufus H. Wilson and Donald L. Custis, M.D., to become effective on a date subsequent to the termination of their appointments are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked.

**DATE:** This issue is effective July 15, 1981.

**FOR FURTHER INFORMATION CONTACT:** Nancy McCoy (202) 389-3770.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-21173 Filed 7-16-81; 11:28 am]

BILLING CODE 8320-01-M

## POSTAL SERVICE

### 39 CFR Part 111

#### Postage Due Mail Addressed to U.S. Government Agencies

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule deletes the exception from postage due regulations which has required postage due mail to federal government agencies to be delivered and the postage due to be added to the agency's official mail bill. This change will apply to such mail the same rules that apply to other postage due mail: (1) postage must be fully prepaid on all mail at the time of mailing; (2) mail deposited without prepayment of sufficient postage will be delivered to the addressee subject to payment of the deficient amount at the time of delivery, or if refused, will be returned to the sender or otherwise disposed of; and (3) mail deposited without any postage affixed will be returned to the sender without any attempt to deliver.

**EFFECTIVE DATE:** October 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Thomas, (202) 245-4512.

**SUPPLEMENTARY INFORMATION:** On May 15, 1981, the Postal Service published for comment in the *Federal Register* proposed changes in section 146.4 of the Domestic Mail Manual as described above (46 FR 26792-26793). Written views were received from three commenters, of which two were federal agencies and one was a non-government mailer.

As a general matter, the Postal Service believes that mail for government agencies should be treated like other mail, absent compelling reasons for different treatment. The postage to be paid is the same, and the interest of efficient administration is generally served by uniform rules.

One of the federal agency comments stated that all part-paid mail addressed to an agency should be returned to the sender with no effort made by the Postal Service to deliver it to the addressee. The other agency comment agreed, except for part-paid official metered mail which it said may contain critical or time-sensitive information or material. This mail, the comment said, should be delivered, but the agency should not have to pay the postage at the time of delivery. It recommended that the Government Revenue Automated Accounting System (GRAAS) for official metered mail be used to keep track of amounts owed on part-paid official metered mail and that

quarterly bills could be sent to agencies that owe money to the Service. GRAAS, which is a system for reporting the amount of postage set in a meter licensed for use by a Government agency, does not cover all agencies and does not lend itself to the collection of postage due, which is generally detected only at the office of delivery. Since the daily amounts of postage due for part-paid mail are likely to be small, the cost of additional paperwork necessary to incorporate these amounts into GRAAS might well exceed the amounts owed.

For small volumes of mail, we assume that most agencies would be able to make postage due payments from agency imprest funds. One of the comments said that few government addressees have any kind of imprest cash fund. We have difficulty accepting that an agency could not arrange for sufficient funds to be available if receipt of postage due mail is considered important. Imprest funds are customarily used by agencies to reduce excess paperwork by eliminating purchase orders and related documents, individual certified vouchers, and payment by Treasury check for small amounts, such as amounts for local travel expenses and for travel advances. Most, if not all, agencies incur some travel expenses on occasion and have need for cash funds to pay these and other such small expenses. Moreover, if making cash payments for part-paid mail were a substantial problem for federal agencies, we would have expected an outcry from more than one out of the more than two hundred agencies authorized in 137.231 of the Domestic Mail Manual to use Federal Government mail. For an agency which anticipates large volumes of part-paid mail, the option is available under 146.34 of the Domestic Mail Manual to make postage due payments by advance deposits at the post office.

We are reluctant to depart from the general rule on part-paid mail so that it would be returned to sender with no attempt at delivery on the basis of the recommendation of one agency comment with partial support from one other agency. The standard postage-due regulation would permit these and any other agencies of like mind to refuse all part-paid mail. The standard rule provides each addressee the option to refuse the mail or choose to pay the deficient postage and have it delivered. We think that agencies should be given that choice.

One of the federal commenters said that an exception should be made for part-paid mail addressed to military service members and their families



overseas, because most of this mail is delivered by Unit Mail Clerks who do not have financial accounts for collecting and accounting for postage due. While this suggestion may have some merit, and we will look into the matter separately, it is outside the scope of this rulemaking, which deals only with unpaid and part-paid mail addressed to Federal agencies.

The non-government commenter agreed that the special provisions on postage due mail for government agencies should be deleted. He suggested, however, that the provisions of section 146.41 dealing with the handling of mail for which the stamp has fallen off after cancellation should be clarified. The commenter posed the case of a two-ounce sealed letter marked First Class, which should bear 35 cents postage, but which arrives at a delivery office showing signs that one stamp has fallen off. The commenter was not satisfied that the language of the regulation would assure that the canceled stamp and the missing stamp would be assumed to equal 35 cents and the mail treated as fully prepaid. In order to avoid confusion on this matter, we are amending the final rule to spell out unambiguously our intention that, where the cancellation marks on a piece of mail indicate that a stamp or stamps were affixed but have fallen off, the piece will be handled, in the absence of contrary evidence, as if the correct postage for the class and weight of the piece had been applied.

Upon consideration of all the comments, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

#### Part 146—Prepayment and Postage Due

Revise 146.4 to read as follows:

##### 146.4 When Not Collected

41 Stamps Lost Off Mail. When it is apparent from the impression of a cancellation that a postage stamp or stamps have been wholly or partially lost, the piece will be handled, in the absence of contrary evidence, as if correct postage had been paid for the class and weight of the piece.

42 Registered Mail. Registered mail, except that endorsed to show that it was registered in transit, will be delivered without collection of postage due. Postage due will be collected on matter registered at other than the mailing office.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers

automatically. Notice of these changes will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,  
Associate General Counsel, Office of General  
Law and Administration.

[FR Doc. 81-20966 Filed 7-16-81; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-4-FRL-1870-8]

#### South Carolina: Air Quality Surveillance Plan

AGENCY: Environmental Protection  
Agency.

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency today approves the air quality surveillance plan revision submitted by South Carolina on March 10, 1980. The revision updates South Carolina's State Implementation Plan (SIP) to meet EPA requirements set forth in 40 CFR Part 58 (44 FR 27558, May 10, 1979).

The revision includes a commitment to update their monitoring network and utilize all required quality assurance methods to ensure data accuracy. The revision also includes provisions for emergency episode monitoring. Since the revision meets all EPA requirements, EPA is approving it. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**DATE:** This action is effective on August 17, 1981.

**ADDRESSES:** Written comments should be addressed to Wally Warren of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the material submitted by South Carolina may be examined during business hours at the following locations:

Public Information Reference Unit,  
Library System Branch,  
Environmental Protection Agency, 401  
M Street, S.W., Washington, D.C.  
20460

Library, Office of the Federal Register,  
1100 L Street, N.W., Washington, D.C.  
20005

Air Programs Branch, Environmental  
Protection Agency, Region IV, 345  
Courtland Street, N.E., Atlanta,  
Georgia 30365

South Carolina Department of Health  
and Environmental Control, Bureau of

Air Quality Control, 2600 Bull Street,  
Columbia, South Carolina 29201

#### FOR FURTHER INFORMATION CONTACT:

Denise W. Pack, Environmental  
Protection Agency, Region IV, at the  
above address, 404/881-3286 or FTS  
257-3286.

**SUPPLEMENTARY INFORMATION:** On May 10, 1979 (44 FR 27558) EPA promulgated ambient air quality monitoring and data reporting regulations. These regulations satisfy the requirements of Section 110(a)(2)(c) of the Clean Air Act by requiring ambient air quality monitoring and data reporting for purposes of State Implementation Plans (SIP). At the same time, EPA published guidance to the States regarding the information which must be adopted and submitted to EPA as a SIP revision. Such revisions are to provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and local air monitoring stations (SLAMS) to measure ambient concentrations of those pollutants for which standards have been established in 40 CFR Part 50.

The State of South Carolina responded by submitting to EPA on March 10, 1980 a plan for air quality surveillance. Their plan provides for the establishment of a SLAMS network, proper siting of monitors, and quality assurance of the data collected. The network will be reviewed annually for needed modifications. The SLAMS network descriptions will be available for public inspection and will contain information such as location, operation schedule, and sampling and analysis method.

#### Action

EPA is today approving the air quality surveillance plan submitted by South Carolina. This is being done without prior proposal because the changes are considered to be noncontroversial and of limited impact. The public should note that this approval action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities.



This action only approves State actions. It imposes no new 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 merely ratifies State actions and imposes no new burden on sources.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions 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 today. Under 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.

Incorporation by reference of the State Implementation Plan of the State of South Carolina was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: July 12, 1981.

Anne M. Gorsuch,  
Administrator.

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

#### Subpart PP—South Carolina

Section 52.2120 is amended by adding paragraph (c)(15) as follows:

##### § 52.2120 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(15) Air quality surveillance plan revision to satisfy the requirements of 40 CFR Part 58, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.

[FR Doc. 81-20988 Filed 7-10-81; 6:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 86

[EN-FRL 1859-1]

#### Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

#### ACTION: Final rule.

**SUMMARY:** This regulation establishes CO emission standards for several 1982 model year light-duty vehicles belonging to engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). This action has the effect of allowing the manufacturers in question to produce the vehicles receiving waivers under the higher CO emission standard of 7.0 grams per vehicle mile (g/mi). The manufacturers of the engine families for which I have denied waivers must still produce their vehicles under the statutory CO standard of 3.4 g/mi.

**EFFECTIVE DATE:** July 12, 1981.

**ADDRESS:** Information relevant to this rule, including the document embodying my decision on the waiver applications in question, is contained in Public Docket EN-81-6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of the decision document may also be obtained by contacting the Manufacturers Operations Division at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

**SUPPLEMENTARY INFORMATION:** Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the "statutory standard" for CO, of 3.4 g/mi.

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles for which I have granted waivers. General Motors Corporation (GM), Jaguar/Rover/Triumph, Inc. (Jaguar), a

subsidiary of BL Cars Limited, Ford Motor Company (Ford), Lotus Cars, Ltd. (Lotus) and Nissan Motor Co., Ltd. (Nissan) each submitted applications for certain light-duty vehicle models for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by waiver applications, and my decision to grant or deny the waiver applications appear in a decision available in the Public Docket and Manufacturers Operations Division as stated above. In that decision, I have granted waivers covering the following vehicle models (considered as engine families for purposes of that decision) for the model year in question:

Manufacturer	Engine family	Model year
Ford Motor Company	2.3 Liter (L)	1982
	3.3L	1982
	4.2/5.0L	1982
	5.8L	1982
General Motors Corporation	1.8L	1982
	2.5L/throttle body fuel injected (TBFi)	
	3.8L/turbocharged (TC)	1982
	4.1L/fuel injected (FI)	1982
BL Cars Limited	5.0/5.7L/FI	1982
	4.2L/FI	1982
Lotus Cars, Ltd	2.0L	1982
	2.2L	1982
	2.2L/TC	1982
	4.0L	1982

For reasons discussed in the decision on the applications received, I have determined that the public interest benefits from granting these waiver requests from manufacturers with substantial economic problems outweigh the potential environmental benefits from denying these waivers. Information submitted in support of these waiver requests established that it is essential to provide these manufacturers with sufficient production flexibility to improve the competitiveness of these models under current market conditions by waiving the 3.4 g/mi statutory CO standard. A waiver could provide the manufacturers with the flexibility to improve fuel economy or driveability, or decrease costs without increasing the risk of noncompliance with EPA's emission requirements.

In addition, I have denied the waiver requests for the engine families listed below because the manufacturer failed to establish that they were incapable of meeting the statutory standard, even considering cost, driveability and fuel economy.



Manufacturer	Engine family	Model year
Nissan Motor Company, Ltd.	90 CID (Cubic Inch Displacement)	1982
	120 CID	1982

I have concluded that information submitted in support of these requests failed to establish that effective emission control technology will be unavailable to enable these engine families and configurations to meet the 3.4 g/mi statutory CO emission standard. The engine families are produced by a manufacturer not experiencing financial difficulties, and thus not able to establish that the flexibility provided by granting its requested waivers is essential to its ability to successfully market engine families, which available data show are capable of meeting the statutory CO emission standard, even considering cost, driveability and fuel economy.

Once I have decided to grant the waiver applications for the engine families listed above, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. The Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking would be impracticable and unnecessary.

I find that good cause exists to make this rule effective immediately since it would avoid the possibility of forcing the affected manufacturers to delay introducing their 1982 model year vehicles into commerce because they must wait to receive certificates of conformity for these models until this rule becomes effective.

**Note.**—Because the decision accompanying this rulemaking is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

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

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

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

Nissan indicated that granting its request could result in cost savings of only about \$30 per affected vehicle sold in the 1982 model year. Because these engine families represent only a small portion of the 1982 model year fleet, denying these requests will not have an annual effect of \$100 million on the economy or cause a major increase in costs. For those engine families granted waivers, Ford, Jaguar, and GM indicated cost savings to the consumer or manufacturer could potentially result. Because these waiver grants, along with those for Lotus, reduce costs for the manufacturers affected, they will not have an adverse effect on the economy.

Since this action has the effect of reducing the regulatory burden on domestic manufacturers, it is unlikely to have an adverse effect on employment, investment, or productivity. Finally, two of these applicants, GM and Ford, are predominantly United States-based enterprises; therefore, this action should not adversely affect the ability of these manufacturers to compete with predominantly foreign-based enterprises. In addition, Jaguar and Lotus are very low-volume manufacturers, and granting their waiver requests will have an insignificant effect on domestic manufacturers.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The CO emission standards established by this notice directly affect only five large manufacturers and thus do not affect a substantial number of small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a).

Dated: July 12, 1981.

Anne M. Gorsuch,  
Administrator.

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

**§ 86.082-8 Emissions standards for 1982 light-duty vehicles.**

(a)(1) \* \* \*

(i) \* \* \*

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide

emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family	Model year
American Motors Corporation	151 CID	1982
	258 CID	1982
BL Cars, Ltd.	215 CID	1982
	326 CID	1982
Chrysler Corporation	4.2 liter/fuel injected	1982
	1.6 liter	1982
	1.7 liter	1982
	2.2 liter	1982
	2.6 liter	1982
	3.7 liter	1982
Excalibur Motors, Ltd.	5.2 liter/2-V	1982
	5.2 liter/4-V	1982
	305 CID	1982
	1.6 liter	1982
	2.3 liter/turbocharged	1982
	2.3 liter	1982
Ford Motor Company	3.3 liter	1982
	3.8 liter/V-6	1982
	4.2/5.0 liter	1982
	5.8 liter	1982
	1.6 liter	1982
	1.8/2.0 liter	1982
General Motors Corporation	1.8 liter/fuel injected	1982
	2.5 liter/throttle body fuel injected	1982
	2.8 liter/173 CID-2V	1982
	3.0/3.8 liter/231 CID-2V	1982
	3.8 liter/turbocharged	1982
	4.1 liter/fuel injected	1982
Lotus Cars, Ltd.	5.0/5.7 liter fuel injected	1982
	2.0 liter	1982
	2.2 liter	1982
	2.2 liter/turbocharged	1982
	4.0 liter	1982
	1.6 liter	1982
Subaru of America, Inc.	1.8 liter	1982
	88.6 CID	1982
Toyota Motor Company, Ltd.		
Volkswagen of America	1.7 liter/feedback carburetor	1982

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a))

[FR Doc. 81-20997 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-33-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 45 CFR Parts 71, 1392, and 1396

#### Day Care Regulations; Postponement of Effective Date

**AGENCY:** Office of the Secretary, HHS.  
**ACTION:** Final rule.

**SUMMARY:** The Department of Health and Human Services amends its regulations to postpone the effective date of its child day care regulations until January 2, 1982, and is requiring that applicable State and local standards be met for Federal funding of child day care services provided from July 1, 1981 until January 2, 1982.

**EFFECTIVE DATE:** July 1, 1981.



**FOR FURTHER INFORMATION CONTACT:** Allen N. Smith, Acting Director, Day Care Division, Administration for Children, Youth and Families, Room 5754 of the Donohoe Building, 400 6th Street, S.W., Washington, D.C. 20201, (202) 755-8774.

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 19, 1980, the Department published final regulations setting forth conditions that child day care services provided to children outside their own homes must meet in order to qualify for HHS funds. (45 FR 17870; Corrected 45 FR 46808 (July 11, 1980) and 45 FR 54765 (August 18, 1980).) These regulations were principally based on Section 2002(a)(9) of the Social Security Act which authorizes the Secretary to establish requirements for child day care services.

These regulations replaced the modified version of 1968 Federal Interagency Day Care Requirements (FIDCR) which formerly applied to most HHS-funded day care. Most of the provisions of the new regulations were to become effective October 1, 1980 with the remaining provisions to become effective on April 1, 1981. (45 CFR 71.66.) However, Congress postponed implementation of the regulations. The October 1, 1980 joint resolution, providing continuing appropriations for the first 10 weeks of FY 1981, included a provision (Section 124 of Pub. L. 96-369) prohibiting the Department from using funds under the continuing appropriation to:

Implemen[t] requirements imposed by section 2002 (a)(9) of the Social Security Act or by any regulations promulgated by the Department to carry out this section, to the extent that such requirements would not otherwise be applicable under State or local law.

Before the expiration of the continuing resolution, Congress took additional steps to delay the imposition of the new Federal day care requirements. Section 1001 of the Omnibus Reconciliation Act of 1980, enacted on December 5, 1980 (Pub. L. 96-499), added a new subparagraph (D) to Section 2002(a)(9) of the Social Security Act, providing that:

The requirements imposed by this paragraph [section 2002(a)(9)] or by any regulations promulgated by the Department of Health and Human Services to carry out this paragraph shall be inapplicable to child day care services provided after June 30, 1980 and prior to July 1, 1981 which meet applicable standards of State and local law.

As of July 1, 1981 the provisions of Section 2002(a)(9) again apply. Absent any further action by the Congress or

the Secretary, the Department's March 1980 day care regulations would become effective on July 1, 1981.

**Summary of NPRM**

On June 3, 1981, the Department published a Notice of Proposed Rulemaking (46 FR 29732). We proposed to postpone the effective date of the Department's child day care regulations until January 2, 1982 and to require that applicable State and local standards be met for Federal funding of child day care services provided from July 1, 1981 until January 2, 1982.

We proposed to take this action in light of the Administration's recently proposed "block grant" legislation; to avoid imposing potentially costly implementation burdens on the States pending possible enactment of the legislation; and to allow further review of the regulations by the Department. A postponement of the effective date of the day care regulations would also give the Department and the Congress sufficient time to review the results of each State's assessment of current practices in child day care programs funded under title XX. (Under Section 1001(c) of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499), the Department is required to assist each State in conducting a systematic assessment of current practices in day care programs funded under title XX of the Social Security Act and to provide a summary report of the results of such assessments to the Congress.)

**Response to the NPRM**

The Department received 8 letters in response to the NPRM. Five letters (one from a national organization representing for-profit child day care providers, one from a State department of social services, and three from local provider agencies and organizations) supported the proposal. These commentors were primarily concerned with the potential cost burdens of implementing the March 1980 HHS day care regulations. Three letters (one county day care council and two representing the views of 9 national child welfare and advocacy organizations) objected to the proposal. These commentors took the position that Federal regulations are needed to assure minimal levels of health, safety and quality for children in federally funded day care programs. They strongly endorsed immediate implementation of the March 1980 regulations.

We agree that there are potential cost burdens in implementing the March 1980 day care regulations. We also believe that standards for child day care services are needed. We have proposed

a postponement of the Department's March 1980 day care regulations in order to give the Department and Congress time to further evaluate the standards actually being met by the States. We anticipate that the State assessment will provide helpful information in this regard.

**Provisions of the Final Rule**

For the reasons discussed above, the Department is:

- (1) Postponing the effective date of the HHS March 1980 Day Care Regulations until January 2, 1982;
- (2) Requiring that, as a condition of Federal funding during the period July 1, 1981 until January 2, 1982, day care services provided to children outside their own homes must meet applicable local and State standards; and
- (3) Revising the regulations to incorporate the provisions of Pub. L. 96-499 for the period July 1, 1980 through June 30, 1981.

We have revised several sections in Title 45 of the Code of Federal Regulations to carry out this rule.

45 CFR 71.66(a) is revised to specify the new effective date of January 2, 1982. This section also postpones until July 1, 1982 the training requirements in § 71.12 and § 71.32 and the requirement in § 71.36 and § 71.40 that day care homes inform parents about and refer them to health and social services. This additional 6-month period was permitted in Part 71 to allow States some additional time to implement these specific new requirements. We are continuing that policy in these revisions.

45 CFR 71.66(b) is revised to specify that States must make a showing satisfactory to the Secretary by January 2, 1982 if they wish to request an extension of the effective date of the group composition requirements. We recognize that this date of January 2, 1982 may cause problems for some States. Therefore, we are preparing and will issue, if needed, a simplified certification that States may use to request an extension for a limited period after January 2, 1982. This limited extension would permit States to prepare a full factual showing if a longer extension is necessary.

With respect to the title IV-A social service program and the title IV-B child welfare services program we are revising § 1392.10, Training and § 1392.18, Child care services.

In 45 CFR 1392.10 we are revising the effective dates in paragraphs (a)(3) and (b)(2). This will require that States establish and implement a training plan for child day care givers that meets the requirements of 45 CFR Part 71 by July 1, 1982. Again, the 6-month delay parallels the current regulations and is identical



to the change we have made in 45 CFR Part 71.

In § 1392.18, we have specified the new effective date in a new paragraph § 1392.18(c)(iii) and incorporated the provisions of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) i.e., that effective July 1, 1980, FFP is available for the costs of out-of-home child day care services if the services meet applicable State and local standards. Pub. L. 96-499 uses the phrase "applicable standards of State and local law". In these regulations we have used the term "applicable State and local standards". We believe this term is consistent with the intent of the statutory language and is consistent with our usage in previous regulations and policy issuances.

We are making two changes in the regulations for the title XX program that parallel the above changes. Regarding child day care standards, 45 CFR 1396.42(e) is revised to incorporate the new effective date and to incorporate the provisions of Pub. L. 96-499.

Section 1396.86 regarding training is revised to incorporate the July 1, 1982 date by which the State must establish and implement a training plan for child day care givers.

#### Waiver of Delayed Effective Date

The Department finds that there is good cause for not providing the customary 30-day delayed effective date for this rule in order to insure continuation of the State and local standards now in effect and avoid the disruption that would be caused by requiring States to implement new rules, particularly in light of proposed "block grant" legislation.

#### Regulatory Flexibility Act

The Secretary certifies that this rule will not have a significant impact on a substantial number of small entities. Day care centers and homes have been meeting State and local standards as a condition for receipt of Federal financial participation since June 30, 1980. This rule will continue these standards in effect until January 2, 1982.

#### Executive Order 12291

Since this rule will continue the State and local standards already in effect, it is considered a non-major regulation under Executive Order 12291, and a regulatory impact analysis is not required.

(Sec. 2002(a)(9)(B) of the Social Security Act; 42 U.S.C. 1397a(a)(9)(B))

Dated: July 2, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: July 7, 1981.

Richard S. Schweiker,  
Secretary.

#### PART 71—HHS DAY CARE REQUIREMENTS

The Department of Health and Human Services revises the following sections of Title 45 of the Code of Federal Regulations as follows:

1. Section 71.66 (a), (b), and (b)(1) are revised to read as follows:

##### § 71.66 Effective date.

These regulations are effective on January 2, 1982 except that—

(a) The training requirements in § 71.12 and § 71.32 and the requirements in § 71.36 and § 71.40 that day care homes inform parents about and refer them to health and social services, will become effective on July 1, 1982; and

(b) For any State, the January 2, 1982 effective date of the group composition requirements at § 71.24 and § 71.44 may be extended for not more than two years upon a showing satisfactory to the Secretary that substantial numbers of HHS funded children are receiving care in centers that meet group composition requirements less stringent than the requirements in § 71.24 and § 71.44 and that additional time is needed to meet those requirements within the State. The showing must—

(1) Be made to the Secretary by the State agency by January 2, 1982; and

#### PART 1392—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

2. In § 1392.10, paragraphs (a)(3) and (b)(2) are revised to read as follows:

##### § 1392.10 Training.

(a) \* \* \*

(3) Notwithstanding 45 CFR 235.62, 235.63 and 235.64, effective July 1, 1982, establish and implement a training plan for child day caregivers that meets the requirements of 45 CFR Part 71.

(b) \* \* \*

(2) The state agency shall, effective July 1, 1982, establish and implement a training plan for child day caregivers that meets the requirements of 45 CFR Part 71.

3. In § 1392.18, paragraph (c)(2)(ii) is revised and renumbered paragraph (c)(2)(iii), and a new paragraph (c)(2)(ii) is added to read as follows:

##### § 1392.18 Child care services.

\* \* \*

(c) \* \* \*

(2) \* \* \*

(ii) Effective July 1, 1980, FFP is available for the costs of out-of-home child day care services if the services meet applicable State and local standards.

(iii) Effective January 2, 1982, FFP is available for the costs of out-of-home child day care services only if the services meet the requirement prescribed in 45 CFR Part 71.

\* \* \*

#### PART 1396—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

4. In § 1396.42, paragraph (e) is revised to read as follows:

##### § 1396.42 Child care standards.

\* \* \*

(e) Notwithstanding the provisions of paragraphs (a)(2)(ii), (b), (c), and (d) of this section—

(1) Effective July 1, 1980, FFP is available in the costs of out of home child day care services provided under a services plan if the services meet applicable State and local standards.

(2) Effective January 2, 1982, FFP is available in the costs of out of home child day care services provided under a services plan only if the services meet the requirements prescribed in 45 CFR Part 71.

5. Section 1396.86 is revised to read as follows:

##### § 1396.86 Training of title XX child day caregivers.

Notwithstanding § 1396.81, effective July 1, 1982, the State agency shall establish and implement a training plan for child day caregivers that meets the requirements of 45 CFR Part 71.

[FR Doc. 81-21054 Filed 7-16-81; 8:45 am].

BILLING CODE 4110-92-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 652

##### Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule.



**SUMMARY:** The surf clam/ocean quahog fishery regulations are amended by emergency action taken under the authority of the Magnuson Act. This action, while in effect, constitutes an amendment to the fishery management plan for surf clams and ocean quahogs. The amendment imposes a 5½ inch size limit for surf clams harvested in the mid-Atlantic surf clam management area. The size limit will help to protect the resource from short-term overexploitation, and optimize the yield-per-recruit and total productivity of the resource.

**EFFECTIVE DATE:** July 26, 1981 through August 28, 1981, for 45 days duration, unless terminated earlier.

**FOR FURTHER INFORMATION CONTACT:**

Allen E. Peterson, Jr., Regional Director, Northeast Region, or Frank Grice, Chief, Management Division, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617-281-3600.

**SUPPLEMENTARY INFORMATION:** Section 305(e)(2) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) permits the Secretary of Commerce (Secretary) upon finding that an emergency exists involving any fishery resource, to promulgate emergency regulations to amend any regulations which implement an existing fishery management plan. Such regulations remain in force and effect for up to 45 days and, while effective, constitute an amendment to the plan. They may be repromulgated for an additional 45-day period if necessary.

The Assistant Administrator for Fisheries, NOAA, acting on behalf of the Secretary, has determined that an emergency exists with respect to the surf clam fishery. In response to this determination, NOAA issues an emergency rule which imposes a minimum size limit of 5½ inches on surf clams and, while in effect, amends the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP).

The surf clam resource is beginning to show strong signs of recovery from previously low populations to levels which can support increased harvest allocations. Resource recovery is first manifested by the appearance of dense concentrations of small clams. However, small clams produce less yield-per-bushel than large clams and are limited in the type of food product that can be made from their meats.

Landings of small surf clams began in late 1980 as the industry identified areas containing small clams, and the harvest has increased as more operators find they must harvest small clams or fail in

competition with those who are taking small clams. Small clams are generally more densely distributed, so the rate of harvest has increased markedly. Recognizing the potential problems associated with the increasing rate of harvest, processors have become concerned that the fishery may be closed for a lengthy period to keep the harvest within preestablished quota limits, and so have increased current rates of processing still higher to build their product reserves. Under the present situation, a resource emergency exists because so many clams are being taken at suboptimal size that the overall surf clam spawning potential may be reduced and thus hamper the rebuilding of the surf clam resource as intended in the FMP.

Surf clams less than 5½ inches have a lower yield and value than those of 5½ inches or greater length. A regulation prohibiting the harvest of small surf clams will require all clam fishermen to fish in a way which will optimize the use of the resource. The industry has indicated that this is the type of situation where regulation is crucial to help it achieve what is clearly in its collective interest.

The size limit, which has been requested by industry, is identical to the proposed size limit included in Amendment No. 3 to the FMP, as prepared by the Mid-Atlantic Fishery Management Council (Council). That amendment has been adopted by the Council and has been submitted for approval by the Secretary.

However, the Secretary will not be able to act on the Council's amendment quickly enough to address the immediate situation, and so these emergency regulations have been developed at the request of industry and the Council.

Fishing for surf clams requires exploratory fishing. When a surf clam bed has been located, it is difficult to ensure that the vessel will not stray or overshoot the area containing clams of preferred size, and possibly take quantities of small clams. Discarding such clams would be wasteful and inefficient. Therefore, the regulation provides for an initial tolerance to avoid waste and inefficiencies. Ten percent of all cages, or at least one cage, on board the vessel or in the operator's possession can be reserved by an operator from inspection by the enforcement officer. Vessel operators can thus segregate in the reserved cages small clams taken by accident or while exploring for beds. Such clams will not count against the operator.

In the course of fishing, a proportion of the harvest of clams runs smaller than

the size being sought. Extensive sorting to eliminate any clams smaller than the size limit would be difficult, expensive, and inefficient. Therefore, a second tolerance for small clams is allowed from those cages which have not been reserved from inspection. It is not unreasonable to expect operators to keep their small clam harvest at a level less than 10 percent of their general harvest. Based on the assumption that a bushel of clams at the minimum size contains 75 clams, and that a cage contains 32 bushels, the second tolerance allows as many as 10 percent, or 240, of the clams in any cage to be less than 5½ inches. Thus, if an enforcement officer is able to count more than 240 clams smaller than 5½ inches from any of the cages not reserved by the operator, he may charge a violation under the regulation. Enforcement of this regulation will be primarily at the time of landing, or within processing or handling facilities.

While in effect, this amendment to the regulations effectively amends Section XIII-3 of the FMP.

**Classification**

The Acting Administrator, NOAA, has determined that this action is not a major rule under E.O. 12291 and does not require a regulatory impact analysis. The Federal paperwork burden, as defined by 44 U.S.C. 3501 *et seq.*, is not increased for any level of business. The Regulatory Flexibility Act is not applicable because the emergency rule has not been published as a notice of proposed rulemaking.

Dated: July 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

**PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES**

For the reasons set out in the preamble, 50 CFR Part 652 is amended as follows:

1. The authority citation for Part 652 reads as follows:

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

2. In § 652.7, a new paragraph (j) is added to read as follows:

**§ 652.7 Prohibitions.**

(j) No person shall possess onboard any vessel or shall land any surf clams in violation of the size limit provision contained at section 652.25.

3. A new § 652.25 is added to Part 652 to read as follows:



**§ 652.25 Mid-Atlantic area surf clam size limit.**

(a) A minimum size limit for surf clams of 5½ inches in length is imposed on the Mid-Atlantic Area fishery with the following exceptions:

(1) Ten percent of all cages, to the nearest whole cage on board the vessel (or at least one cage), can be withheld by the operator from inspection by an enforcement officer; and

(2) As many as ten percent of, or 240, clams in each inspected cage may be less than 5½ inches.

(b) Length is measured at the longest dimension of the surf clam.

[FR Doc. 81-21031 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-22-M



## Proposed Rules

Federal Register

Vol. 46, No. 137

Friday, July 17, 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.

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### 7 CFR Ch. IX

#### Study of Marketing Orders for Fruits, Vegetables and Specialty Crops

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Request for data and other information on marketing orders for fruits, vegetables and specialty crops.

**SUMMARY:** Members of the public are invited to submit data and other information to the Department about the Federal Marketing Order programs for fruits, vegetables, and specialty crops. The information will be used as part of the Department's review of these programs being conducted at the request of the Presidential Task Force on Regulatory Relief.

**DATE:** Comments should be submitted by August 1, 1981.

**ADDRESS:** Send comments to Dr. Richard Heifner, U.S. Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue, SW., South Building, Room 3063, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Dr. Richard Heifner at the address above (202/447-4016).

**SUPPLEMENTARY INFORMATION:** Under the authority of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the Secretary of Agriculture has established 47 fruit, vegetable, and specialty crop marketing orders. A marketing order is a legal instrument which is binding upon handlers of the commodity concerned within the specified production area covered by the order. These orders usually authorize regulation of the volume or quality of agricultural commodities marketed. Other activities under these orders include the standardization of containers or pack, and the funding of research and market development projects. The 47 marketing

orders regulate the marketing of 33 commodities produced in 37 States.

Marketing order regulations affect the marketing of commodities by imposing one or a combination of the following controls: (a) grade and size limitations; or (b) rate-of-flow limitations; or (c) quantity limitations. Grade and size limitations establish minimum requirements for the quality of the commodity sent to market. Rate-of-flow marketing orders specify the flow of produce to market, evening out the amount marketed from week-to-week. Quantity controls limit the amount of produce sent to market, and divert excess supply to other uses.

USDA is in the process of conducting a thorough review of fruit, vegetable and specialty crop marketing order regulations, at the request of the Presidential Task Force on Regulatory Relief. The review will focus on the economic efficiency of such marketing orders. Specifically, a study team will assemble and review available knowledge regarding the merits and shortcomings of marketing orders, taking into account current economic conditions and philosophy. The team will identify legislative and administrative options available and assess these various options. The first phase of the study entails reviewing the origins and history of marketing orders and the economic arguments for and against such orders. As part of this part of the project, the study team will review completed and ongoing studies. Later, in its consideration of the options for the future, the study team plans to assess the impacts of the alternatives.

The study will be conducted by Richard Heifner, staff economist with USDA's Agricultural Marketing Service in Washington, D.C., who serves as chairman; Walter Armbruster, Associate Managing Director, Farm Foundation, Oak Brook, Ill.; Edward Jesse, an agricultural economist with USDA's Economics and Statistics Service, University of Wisconsin, Madison; Glenn Nelson, Professor of Agricultural and Applied Economics, University of Minnesota, St. Paul; and Carl Shafer, Professor of Agricultural Economics, Texas A&M University, College Station.

Seven advisors will aid the team in its study. Advisors of the study team include: Charles Brader, Director of the Fruit and Vegetable Division of USDA's Agricultural Marketing Service in

Washington, D.C.; Olan Forker, Chairman of the Department of Agricultural Economics, Cornell University, Ithaca, N.Y.; Marshall Godwin and Allen Paul, economists with USDA's Economics and Statistics Service in Washington, D.C.; Ted Moriak, an economist with USDA's Office of Budget, Planning and Analysis in Washington, D.C.; Donald Ricks, Professor of Agricultural Economics, Michigan State University, East Lansing; and Tim Wallace, Extension Economist on Policy and Research, University of California, Berkeley.

In order to make its project most effective, the team wishes to ensure that all relevant information is considered. Therefore, it seeks statistical data, reports, studies, economic analyses, and other similar information for its review and for its use in evaluating marketing orders and the probable effects of following the different options.

Studies, economic analyses, statistical data and reports regarding the effects of marketing order on production, costs of marketing, farm prices and income levels and income stability, product quality, wholesale and retail prices, consumer product knowledge, the range of product choice and numbers of growers and handlers in the industry are particularly requested. In addition, studies and analyses assessing alternatives to marketing orders are especially sought.

Documents exceeding ten pages in length should be accompanied by a summary.

Dated: July 13, 1981.

Mildred Thymian,  
Administrator.

[FR Doc. 81-20951 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 989

#### Raisins Produced From Grapes Grown in California; Proposed Increase in Payment Rates for Services With Respect to Reserve Tonnage Raisins

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes to increase the rates of payment to raisin handlers for receiving, storing, fumigating, and handling reserve



tonnage raisins during and beyond the crop year of acquisition, and to persons furnishing boxes and bins containing reserve tonnage raisins held beyond the crop year of acquisition. The proposal is based upon a recommendation of the Raisin Administrative Committee, which works with the Department in administering the marketing agreement and order program for California raisins.

**DATE:** Comments must be received by July 31, 1981.

**ADDRESS:** Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5897.

**SUPPLEMENTARY INFORMATION:** This proposal has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a non-major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 19 handlers.

J. S. Miller, has determined that a comment period of less than 60 days is warranted so the Committee can begin paying raisin handlers and other persons soon for those services at the increased rates.

Information collection (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 OMB clearance has been obtained.

To initiate the proposed rate increases, it is necessary to amend § 989.401(a)(1), (b), and (c) of Subpart—Schedule of Payments (7 CFR 989.401; 45 FR 11461). This action would be taken under § 989.66(f) of the marketing agreement and Order No. 989 (7 CFR 989), both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This proposed action would increase handler payment rates for: (1) Receiving, storing, fumigating, and handling reserve

tonnage raisins during the crop year of acquisition from \$29 to \$32.50 per ton; and (2) holding reserve tonnage raisins beyond the crop year of acquisition from \$1.45 to \$1.62 per ton for each month of the three-month period ending November 30, and from 75 cents to 84 cents per ton each month of the next nine months.

The proposal also would increase the box rental rates that the Committee pays to persons who furnish storage containers in which reserve tonnage raisins are held beyond the crop year of acquisition. The increased rates are as follows: (1) For boxes with a capacity of less than 1,000 pounds the rate is increased from one and two-thirds cents per day, not to exceed a total payment of 50 cents per box per year, to two and one-half cents per day, not to exceed a total payment of 75 cents per box per year. (2) For bins with a capacity of 1,000 pounds or more the rate is increased from thirteen and one-third cents per day per bin, not to exceed a total of \$4 per bin per year, to twenty cents per day per bin, not to exceed a total of \$6 per bin per year.

Funds to pay these costs are deducted from proceeds from the sale of reserve tonnage raisins held by handlers for the account of the Committee. Net proceeds from such sales are remitted to equity holders in the reserve pool.

The proposal to revise § 989.401(a)(1), (b), and (c) of Subpart—Schedule of Payments (7 CFR 989.401; 45 FR 11461) is as follows:

#### Subpart—Schedule of Payments

##### § 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition—(1) Receiving, storing, fumigating, and handling.* Each handler shall, beginning June 11, 1981, of the 1980-81 crop year, be compensated at the rate of \$32.50 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentage, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August

15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of \$1.62 per ton per month, or any part thereof, for each month of the three-month period ending November 30, and 84 cents per ton per month, or any part thereof, for each month of the next nine months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

(c) *Payment of rental on boxes and bins containing raisins held beyond the crop year of acquisition.* Payment of rental on boxes and bins containing reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler, producer, dehydrator, and other person who furnishes boxes or bins in which such raisins are held for the account of the Committee on August 15 and the following September 1 shall be compensated for the use of such boxes and bins. The rate of compensation shall be: For boxes, two and one-half cents per day, not to exceed a total payment of 75 cents per box per year, per average net weight of raisins in a sweatbox, with equivalent rates for raisins in boxes other than sweatboxes; and for bins, twenty cents per day per bin, not to exceed a total of \$6 per bin per year. For purposes of this paragraph, "box" means any container with a capacity of less than 1,000 pounds and "bin" means any container with a capacity of 1,000 pounds or more. The average weight of raisins in each type of box shall be the industry average as computed by the Committee for the box in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the boxes on the succeeding September 1.

Dated: July 14, 1981.

D. S. Kuryloski,  
Deputy Director, Fruit and Vegetable  
Division.

[FR Doc. 81-21006 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 1030

##### Milk in the Chicago Regional Marketing Area; Proposed Temporary Revision of Shipping Percentages

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed temporary revision of rule.

**SUMMARY:** This notice invites written comments on a proposal that the supply plant shipping requirements under the



Chicago Regional Federal milk order be decreased temporarily for the months of September, October and November 1981. This action was requested by cooperative associations representing a majority of producers supplying the market to prevent uneconomic shipments of milk from the production area to distributing plants.

**DATE:** Comments are due on or before July 31, 1981.

**ADDRESS:** Comments (two copies) should be filed with the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

**SUPPLEMENTARY INFORMATION:** This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the potential need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for September 1981 would be modified. The initial request for the action was received on June 28, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the months of September, October and November 1981.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 not later than July 31, 1981. Please submit two copies of the document filed. The period for filing views is being somewhat limited to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during September. Further, the proposed change provides some reduction of pooling standards and will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submission made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are the supply plant shipping percentages set forth in § 1030.7(b) that are applicable during the months of September, October and November. It has been requested that they be changed temporarily for 1981 as follows:

Month	Percentage		
	Present	Request	Point change
September	30	29	-10
October	35	25	-10
November	35	25	-10

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by up to 10 percentage points during the months of September through March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely to qualify a supply plant for pooling under the order.

The cooperative associations requesting the temporary revision indicate that their producer receipts during the fall period are expected to be approximately 10 percent over last year. They contend that with an increased supply of milk in the market and without a corresponding increase in demand, there will be a reduced need for supply plant milk at distributing plants for Class I use. Thus, the cooperatives ask that the shipping requirements be reduced 10 percentage points for the months of September, October and November 1981.

Because of the increased supplies, it may be appropriate to reduce the pool supply plant shipping percentages for

these months. The proposed reduction in shipping percentages could prevent uneconomic movements of milk merely for purposes of pool plant qualification. Also, the reduction could assure that producers who have been regularly associated with the fluid market can continue to share in the pool proceeds of the market.

Signed at Washington, D.C., on: July 13, 1981.

H. L. Forest,  
Director, Dairy Division.

[FR Doc. 81-20969 Filed 7-16-81; 8:45 am]  
BILLING CODE 3410-02-M

## FEDERAL HOME LOAN BANK BOARD

### 12 CFR Part 524

[No. 81-389]

#### Payment of Interest on Member Deposits

July 9, 1981.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Home Loan Bank Board is proposing an amendment to the Regulations for the Federal Home Loan Bank System to allow the payment of interest on demand deposits held by the Federal Home Loan Banks. The regulatory change has been requested by the banks in order to enhance their ability to serve the thrift industry. Payment of interest will allow member institutions to make their funds more productive.

**DATE:** Comments must be received by August 17, 1981.

**ADDRESS:** Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

**FOR FURTHER INFORMATION CONTACT:** James C. Stewart, Office of General Counsel ((202) 377-6457), at the above address.

**SUPPLEMENTARY INFORMATION:** The Federal Home Loan Bank Board proposes to amend its Regulations for the Federal Home Loan Bank System to allow the payment of interest on demand deposits held at the Federal Home Loan Banks. Under current regulations, the Banks may accept demand deposits but are not authorized to pay interest on these accounts. 12 CFR 524.4(a).

The regulatory change has been requested by the Banks in order to enhance their ability to serve the thrift



industry. Demand deposit accounts traditionally have been offered to member institutions to facilitate the payment of advances and the processing of negotiable instruments. Demand deposit programs will take on added importance as the Federal Home Loan Banks implement their authority to process and settle negotiable instruments. The ability to pay interest on these accounts will contribute to the acceptability of these new programs. Payment of interest will also allow member institutions to make their funds more productive.

The prohibition against the payment of interest on demand deposits is not dictated by statute. The Federal Home Loan Bank Act generally authorizes the Board to determine the conditions on which the Federal Home Loan Banks may accept deposits. 12 U.S.C.A. 1431(e)(1) (West Supp. 1981). The restriction imposed by § 524.4(a) is similar to limitations on commercial banks.

See Federal Reserve Act § 19, 12 U.S.C.A. § 371a (West Supp. 1981). Even this prohibition, however, has been severely eroded with the recent authorization of automatic transfer systems and NOW accounts. See Consumer Checking Equity Act, title III, Pub. L. No. 96-221, 94 Stat. 145 (1980). Removal of the existing regulatory prohibition will better enable the Federal Home Loan Banks to carry out their statutory responsibilities and enhance their viability as depositories for thrift institutions.

#### Regulatory Flexibility

The proposed amendment will impose no new regulatory burden on the general public and will not result in any increase in paperwork. The proposed rule will not have a disproportionate effect on small institutions. The objectives and legal basis of the amendment are discussed elsewhere in the preamble. The amendment does not overlap, duplicate, or conflict with any existing Federal rule.

Because there is a present need to consider implementation of the changes proposed and because the proposed amendment would reduce a regulatory burden, the Board has determined to limit the comment period to 30 days.

Accordingly, the Board proposes to amend Part 524, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

#### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

#### PART 524—OPERATIONS OF THE BANKS

1. Revise § 524.4 to read as follows:

#### § 524.4 Deposits from members.

Banks may accept demand and time deposits from members, reserving the right to require notice of intention to withdraw any part of time deposits. Rates of interest paid on all deposits shall be set by the Banks' board of directors (or, between regular meetings thereof, by a committee of directors selected by the board) or by the Bank President, if so authorized by the board. Unless otherwise specified by the board, a Bank President may delegate to any officer or employee of the Bank any authority he possesses under this section.

(Section 17 of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943-48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-21035 Filed 7-16-81; 9:45 am]

BILLING CODE 5720-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[A-5-FRL-1886-3]

#### Approval and Promulgation of Implementation Plans; Ohio

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Extension of public comment period.

**SUMMARY:** On May 4, 1981, the U.S. Environmental Protection Agency proposed to disapprove the State of Ohio's Sulfur Dioxide (SO<sub>2</sub>) State Implementation Plan (SIP) for Lucas County (46 FR 24966). On June 5, 1981 (46 FR 30116) EPA extended the public comment period to July 20, 1981. In response to the Ohio Environmental Protection Agency's request the public comment period is again being extended an additional 45 days to September 3, 1981.

**DATE:** Comments must be received on or before (Thursday) September 3, 1981. If possible, please send an original and four copies.

**ADDRESS:** Comments should be submitted to: Gary Gulezian, Chief, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Debra Marcantonio at (312) 886-6088.

Dated: July 9, 1981.

Valdas V. Adamkus,  
Acting Regional Administrator.

[FR Doc. 81-20965 Filed 7-16-81; 9:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 65

[EN-5-FRL-1884-4]

#### State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Proposed Delayed Compliance Order for the Andersons, Toledo, Ohio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to issue an order under Section 113(d)(1), (4) of the Clean Air Act, 42 U.S.C. 7401 *et seq.* (the Act), requiring The Andersons to bring its grain ship loadout spouts at Toledo, Ohio into compliance with Regulations AP-3-07, AP-3-08, and AP-3-12, parts of the federally approved Ohio Implementation Plan. The date for final compliance established by the order is April 15, 1982. If the order is issued by EPA, it would insulate the source from further federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms. The purpose of this notice is to invite the public to comment and to offer an opportunity to request a public hearing on the proposed order.

**DATE:** Written comments and requests for a public hearing must be received on or before August 17, 1981.

All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the date, time, and place of the hearing has been given in this publication.

**ADDRESSES:** A copy of the order may be received upon request. Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.



**FOR FURTHER INFORMATION CONTACT:** Pamela Rekar, Air Enforcement Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 886-6829.

**SUPPLEMENTARY INFORMATION:** The Andersons operate a grain terminal elevator at Toledo, Ohio. The proposed order addresses emissions for the seven (7) ship loadout spouts at this facility, which are subject to Ohio SIP Rules AP-3-07, AP-3-08, and AP-3-12 as approved by EPA on April 15, 1974. 39 FR 13542, 40 CFR 52.1873. The regulations govern the emissions of particulate matter and are parts of the federally approved State Implementation Plan. The order requires final compliance with the regulations by April 15, 1982, and the source has consented to its terms. The source has agreed to meet the order's increments during the period of this informal rulemaking and the source has satisfied particular increments contained in the order.

The proposed order satisfies the applicable requirements of Section 113(d) of the Act. If the order is issued, the source's compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Pursuant to the provisions of Order 12291, 46 FR 13193 (Feb. 19, 1981), I have determined that this action is not a proposed "rule," as defined by Order 12291, because it is not of general applicability nor does it have future effects. Furthermore, even if it were a rule it is not a "major rule," defined as Order 12291, because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. Final action on the order

will be published in the Federal Register. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, Part 65, to include a Federal delayed compliance order issued under Section 113(d)(1), (4) to The Andersons.

Dated: June 18, 1981.

Valdas V. Adamkus,  
Acting Regional Administrator, Region V.

[FR Doc. 81-20979 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-38-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

(BC Docket No. 81-436; RM-3772)

### FM Broadcast Station in Natchitoches, Louisiana; Proposed Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule making.

**SUMMARY:** This action proposes to assign Channel 240A to Natchitoches, Louisiana, as its second FM Channel assignment, in response to a petition from Ben Barron. The proposal could provide Natchitoches with a third commercial service.

**DATES:** Comments must be filed on or before September 8, 1981, and reply comments must be filed on or before September 28, 1981.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Broadcast Bureau (202) 632-7792.

#### SUPPLEMENTARY INFORMATION:

Adopted: July 6, 1981.

Released: July 9, 1981.

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations, (Natchitoches, Louisiana), BC Docket No. 81-436, RM-3772.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making<sup>1</sup> filed by Ben Barron ("petitioner") which seeks the assignment of FM Channel 272A to Natchitoches, Louisiana, as a second FM assignment to the Community. Supporting comments were filed by the petitioner who stated an intent to apply for the channel, if assigned.

2. Natchitoches (population 15,974), the seat of Natchitoches County

(population 35,219)<sup>2</sup> is located 352 kilometers (220 miles) northwest of New Orleans, Louisiana. Present aural service includes full-time AM Station KNOC, FM Station KDBH (Channel 294A), and noncommercial FM Station KNWD (Channel 219).

3. Petitioner asserts that Natchitoches is a growing community with numerous civic, governmental, educational, charitable and business groups. The petitioner further states that demographic documents show a need for an additional broadcast facility.

4. In a recent ruling, Channel 272A was assigned as a substitute channel to Boyce, Louisiana (BC Docket No. 81-100, RM-3763). However, we have determined that another channel (Channel 240A) is available for assignment to Natchitoches, thus we have substituted Channel 240A for consideration herein.

5. A site restriction of 12 kilometers (7.5 miles) north of the city is necessary. Petitioner has indicated that it would apply for the channel with the site restriction indicated. Petitioner should demonstrate that a city grade signal can be provided over the entire community from the restricted site.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the following community:

City	Channel No.	
	Present	Proposed
Natchitoches, Louisiana	249A	249A, 240A

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

**Note.**—A showing of continued interest is required before a channel will be assigned.

8. Interested parties may file comments on or before September 8, 1981, and reply comments on or before September 28, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings.

<sup>1</sup> Public Notice of the petition was given on November 3, 1980. Report 1254.

<sup>2</sup> Population data are taken from the 1970 U.S. Census.



such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504, and 73.606(b) of the Commission's Rules*, 46 FR 1154E, published February 9, 1981.

(Secs. 4, 303, 48 Stat., as amended, 1066 108;2; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments (See § 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-20958 Filed 7-16-81; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Proposed Revision of Special Rule for the African Elephant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The Service proposes to revise the special rule for the African elephant (*Loxodonta africana*) by requiring that raw ivory imported into the United States be marked, and by eliminating the current prohibitions against certain domestic activities. The proposal, by focusing the Service's efforts on control of the international aspects of the ivory trade, would better serve the conservation of the African elephant. The proposal will also bring the United States regulations into line with the international system agreed to by the Parties to CITES.

**DATES:** Comment from the public must be received by August 20, 1981, to be assured consideration.

**ADDRESSES:** Submit written comments to Director (WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials received

in response to this proposal will be available for public inspection during normal working hours at the Federal Wildlife Permit Office, Room 621, 1000 N. Glebe Road, Arlington, Virginia.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235-1937.

#### SUPPLEMENTARY INFORMATION:

##### Background

The African elephant is listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 13, 1973, TIAS 8249, hereinafter referred to as CITES or the Convention. The effective date of the listing was February 4, 1977. A CITES permit or certificate issued by the country of export or re-export is necessary in order to export, re-export or import, the African elephant (including its parts and derivatives).

On May 12, 1978, the Service determined the African elephant to be a Threatened species under the Endangered Species Act of 1973, (16 U.S.C. 1531 *et seq.*) hereinafter referred to as the Act, and promulgated a special rule, still in effect, which makes it illegal for any person to take, import or export, ship in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any African elephant or to possess illegally taken elephant items except as provided by the special rule (43 FR 20504). Under the special rule, a special purpose permit may be issued to authorize any of the activities otherwise prohibited. Such permits generally apply to items already in the United States. The prohibition against importation does not apply to items originating in and exported or re-exported from a country that is a CITES Party under Article IV of CITES. Re-exportation may be from a country that is not a CITES Party only where such items enter the non-Party country while in transit to the United States and remain in customs control and in an unaltered condition.

While not currently reflected in Service regulations, section 9(c)(2) of the Act provides an exemption for any importation of fish or wildlife which is not listed as endangered but which is listed in Appendix II to CITES, if such importation is traded in accordance with CITES, meets certain licensing, reporting, and designated port requirements where applicable, and is not made in the course of a commercial



activity. Therefore, this proposal would not apply to importations of African elephant parts or products which satisfy the above provisions.

Since the adoption of the special rule, the Service has experienced difficulty in properly implementing its requirements, in particular, assuring that a shipment of ivory which had originated in a CITES Party country had not entered a non-Party country, and if it had, remained in Customs control while in transit. In addition, questions have been raised about the effectiveness in terms of conserving African elephant populations, of spending scarce manpower and dollar resources on controls aimed at the interstate sale of worked ivory. At the same time, bills have been introduced in Congress to ban all elephant and elephant product imports, or to require the Service to make findings on the conservation programs of African countries or the control programs of re-exporting countries before allowing any importations.

The Parties to CITES have discussed the problems of trade in elephant ivory at a meeting of the Technical Expert Committee of CITES in January of 1980. Recommendations from this group were taken up by the Third Conference of the Parties to CITES in New Delhi, India, in March of 1981. The Parties issued a resolution dealing with elephant ivory trade in which certain restrictions additional to those imposed by CITES itself were recommended to the Parties. The text of that resolution is shown below:

**Convention on International Trade in Endangered Species of Wild Fauna and Flora**

*Third Meeting of the Conference of the Parties, New Delhi (India), 25 February to 8 March 1981*

Draft Resolution of the Conference of the Parties<sup>1</sup>

**Trade In African Elephant Ivory**

Considering that the status of the African elephant (*Loxodonta africana*) and the volume of international trade in its ivory justified the inclusion of this species in Appendix II of the Convention at the first meeting of the Conference of the Parties (Berne, 1976):

Conscious of the fact that, due to the increasing monetary value of ivory, illegal trade activities have reached a significant level, that ivory is frequently traded with inadequate documentation, and that States which are not Party to the Convention play a special role in this trade:

Recalling Resolution Conf. 2.6, adopted by the Conference of the Parties at its second meeting (San Jose, 1979), which recommends

the use of the options provided by Article XIV of the Convention to apply stricter domestic measures and direct contacts between Management Authorities when it is suspected that an Appendix II species is traded in a manner detrimental to the survival of the species or in contravention of the laws of any country involved in the transaction;

Noting the positive results experienced by a number of Parties having applied stricter domestic measures for ivory trade, in accordance with the provisions of Article XIV;

*The Conference of the Parties To the Convention Recommends:*

(a) That any imports, exports or re-exports of African elephant ivory by a Party be authorized only if the Party is satisfied that the ivory was legally acquired in the country of origin;

(b) That the term "raw ivory" include all whole African elephant tusks, polished or unpolished and in any form whatsoever, and all African elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for "worked ivory."

The term "worked ivory" shall cover all items made of ivory for jewelry, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

(c) That permits or certificates for raw ivory be accepted only if they mention the actual country or origin;

(d) That relevant information be exchanged among Parties, and between Parties and the Secretariat, and if there is any doubt concerning the validity of an ivory export permit or re-export certificate, a copy of the document be submitted to the Management Authority concerned for clarification;

(e) That each tusk or piece of raw ivory be marked by means of punch-dies using the following formula: Country of origin ISO code of two letters, serial number for the year in question/the last two digits of the year and the weight in kilograms (e.g., KE 127/8114).

This number to be placed at the "lip mark," in the case of whole tusks, and indicated with a flash of colour;

(f) That Parties do not accept raw ivory which is not clearly marked;

(g) That Parties make every effort to encourage wider participation in the Convention by States trading in ivory, which are not yet Party to Convention;

(h) That where possible Parties adopt domestic measures whereby importers, exporters or re-exporters of raw ivory would be subject to a license to conduct such trade, unless such trade is only conducted by the Party itself.

The Service feels that any action it takes to regulate trade in the African elephant should conform to the action by the CITES Parties, because regulation of trade requires international cooperation, and CITES is the only existing mechanism that provides it.

In addition, the Service's experience with the restrictions on interstate commerce in the rules published in May of 1978 has indicated that the restriction is burdensome, ineffective, and unnecessary. The Service is convinced that the maximum effectiveness for control of ivory trade can be obtained by putting its enforcement effort into restrictions dealing with imports.

A study commissioned by the Service, and the discussions by the CITES Parties, which includes a number of ivory exporting nations, indicate that the primary problem with the trade in elephant ivory and its effect on wild elephants is the poaching and smuggling of ivory in its raw form. The Parties decided that the best way to control this problem was to put additional restrictions, particularly marking requirements, on the trade in raw elephant ivory. As long as the country which imports ivory for the purpose of carving is abiding by these controls, wild elephant populations should benefit from restrictions that limit the trade to a controlled legal marketing. Restrictions on ivory which has been carved or worked have proven to be highly impractical and difficult to enforce effectively, especially marking or tracing the origin of individual items of worked ivory.

The first recommendation of the Parties in relation to the elephant ivory trade was that Parties authorize imports, exports or re-exports only if they are satisfied that the ivory was legally acquired in the country of origin. For raw ivory, this would be accomplished by adhering to the recommendations that permits or certificates accompanying such ivory mention the actual country of origin and that each tusk or piece of raw ivory be marked in accordance with the procedure set forth in the recommendation. In addition, it was recommended that the Parties license traders of raw ivory. The recommendation that importing countries be satisfied as to the legality of acquisition in the country of origin was left general. Given the difficulties of tracing the origin of individual items of worked ivory, the Service believes that the best method for meeting this recommendation is to accept imports only from CITES Parties. Pursuant to CITES and to the recommendation on ivory trade, it incumbent on each Party to assure that appropriate documentation is available with each shipment which it accepts to show that the ivory was legally acquired in the country of origin. The Conference of the Parties also issued recommendations dealing with documentation acceptable

<sup>1</sup> Revised by a drafting group of the Technical Expert Committee, on the basis of Doc. 3.10 page 32 (TEC/4) and Com. 3.13.



from non-Party countries, which follows the pattern established by this country, and sets stricter standards for such non-Party documentation. Under the provisions of CITES, an exporting Party may only issue its export permit after being satisfied that the ivory was legally acquired in its country. If that ivory is shipped to a second Party country and then re-exported to the United States, the re-export certificate from the second country certifies to us that the import was in accordance with the requirements of CITES. This means that the import would have been under documents from, in this case, a Party nation which had already certified as to the legal acquisition of the ivory. On the assumption that CITES Parties will live up to their obligations under the Treaty, the U.S. can accept these shipments. Although another CITES Party could accept shipments of raw or worked ivory from non-Party countries, and require that equivalent documentation be issued from these countries, the U.S. will urge other CITES Parties to accept shipments only from CITES Parties. This would restrict world trade in ivory to those countries that have legally obligated themselves to follow the provisions of CITES.

Data from the U.S. Annual Report for CITES for 1979 indicate that the United States received approximately six tons of raw ivory, including trophy shipments, during that year. The latest figures on the world trade in raw ivory indicate that this amount is less than one percent of such trade. The U.S. also received approximately 3,000,000 items of elephant products of various types, mostly worked ivory in 1979. Since there was no requirement in the past to record such shipments by weight, there is no way to tell how many tusks this amount of trade represented. Recommendations have been made by the Third Conference of the CITES Parties to change the reporting of such trade in order to show the weight, in the case of ivory. Estimates of the U.S. trade in the study commissioned by the Service indicate that the U.S. accounts for less than five percent of the total trade in ivory in the world.

The existing regulations require that trade be through a chain of CITES nations and that interstate commerce in elephant products be done only pursuant to a permit.

#### Description of the Proposed Rule

The proposed rule will completely replace the existing special rule on African elephants. Certain requirements of the existing rules will be dropped. These include the requirement for permits for interstate commerce in

African elephants and their products, and the requirement that imports have not passed through any non-CITES country.

Live elephants may be imported from any country, provided that they have CITES documentation, or equivalent documentation from a non-CITES country, as required in 50 CFR Part 23 (rules implementing CITES).

Imports of raw ivory, as defined in the proposal, will be accepted only if they originated in a CITES Party and are being imported from a CITES Party. In addition, the documentation accompanying the shipment must clearly show the country of origin, and the ivory must be marked as specified in the proposal. The Service is aware that there may be imports of unmarked raw ivory from existing stores or even from CITES Parties which have not yet implemented the marking system recommended by the Parties. Therefore, for a period of one year, the Service will allow such shipments provided the legality of the export from the CITES country of origin can be shown, and the ivory is marked prior to final entry for consumption or re-export.

Imports of worked ivory, as defined in the proposal, and all other elephant products, such as hair and skin, will be accepted only from CITES Parties, with appropriate CITES documentation.

Persons who are in the business of importing or exporting raw ivory must also be licensed by the Service. The licensing required by 50 CFR Part 14 will suffice for those purposes, and anyone having such a license will not have to obtain an extra license. Information presently available to the Service indicates that there will be few, if any, persons in this category. The Service requests specific information on this point. Depending on information received, the Service will consider requiring such persons to also obtain licenses.

Exports of live elephants or elephant products, including ivory, will not be covered by this proposal. They require CITES re-export certificates, under 50 CFR Part 23.

It has been determined that this proposal is not a major rule under Executive Order 12291, and does not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act, and does not require an environmental impact statement under the National Environmental Policy Act.

Accordingly, it is proposed to remove 50 CFR 17.40(e) in its entirety, and substitute the following:

#### § 17.40 Special rules—mammals.

(e) African elephant (*Loxodonta africana*). (1) Except as provided in paragraphs (e)(2), (e)(3), and (e)(4) of this section, it is unlawful to import any part or product of an African elephant.

(2) *Raw Ivory*. The prohibition against import referred to in paragraph (e)(1) of this section shall not apply to raw ivory which (i) has originated in the wild in a country that is a Party to the Convention which has not taken a reservation as to raw ivory; and (ii) is being imported under appropriate documentation, as required by 50 CFR Part 23, from a country that is a Party to the Convention which has not taken a reservation as to raw ivory and clearly shows the country of origin in the wild of the raw ivory; and (iii) is legibly marked by means of punch-dies using the following formula: country of origin represented by two letters as designated by the two-letter code established by the International Organization for Standardization, followed by the registration number assigned to the raw ivory by the country of origin, the last two digits of the year of registration and the weight of the raw ivory in kilograms and, in the case of whole tusks, such mark is placed on the lip mark area and indicated by a flash of color which serves as a background for such mark; except that for a period of one year from the effective date of this rule, this paragraph (e)(2)(iii) shall not apply to raw ivory which is imported without such marking, provided that the Service ascertains that the ivory was legally exported from the country in which the raw ivory originated in the wild and that such country is a Party to the Convention, and that the importer marks the ivory as directed by the Service, prior to final entry.

(3) *Parts or Products of African Elephant Other Than Raw Ivory*. The prohibition referred to in paragraph (e)(1) of this section shall not apply to any parts or products of African elephants, except raw ivory, which are being imported from a country that is a Party to the Convention which has not taken a reservation as to such parts or products, under appropriate documentation as required by 50 CFR Part 23.

(4) *Definitions*. For purposes of this section "Convention" shall mean the Convention of International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

"Lip Mark Area" shall mean that area of a whole African elephant tusk where the tusk emerges from the elephant's skull and which is usually denoted by a prominent ring of staining on the tusk in its natural state.



"Raw Ivory" shall mean any whole African elephant tusk polished or unpolished in any from whatsoever, and all pieces thereof except for worked ivory.

"Worked Ivory" shall mean any item made from raw ivory for jewelry, adornment, art, utility, or musical instruments (including whole tusks where the whole surface has been carved), provided such item is clearly recognizable as such and is in a form requiring no further carving, crafting or manufacture to effect its purpose.

Dated: June 8, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-20960 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-55-M



## Notices

Federal Register

Vol. 46, No. 137

Friday, July 17, 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

#### Economic Research Service

##### Discontinuance of Weekly Retail Prices and Farm to Retail Price Spreads for Beef and Pork

Notice is hereby given that the Economic Research Service plans to discontinue publication of weekly retail prices and weekly farm to retail price spreads for beef and pork effective September 1, 1981. Publication of farm to retail price spreads for beef and pork will continue on a monthly basis, however, as a normal part of market basket statistics on farm to retail price spreads. This cost-reduction measure is designed to save almost \$100,000 annually.

Members of the public wishing to comment may submit their views in writing to the Director, National Economics Division, Economic Research Service, Room 246, GHI Building, USDA, Washington, D.C. 20250. The comment period will close August 14, 1981.

Done at Washington, D.C. this 14th day of July, 1981.

**Kenneth R. Farrell,**  
*Acting Administrator.*

[FR Doc. 81-21030 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-18-M

#### Forrest Service

##### Tower Mountain Study Huron-Manistee National Forests Wexford County, Michigan; Environmental Impact Statement; Cancellation Notice

A draft environmental impact statement for the Tower Mountain Study was distributed to the public and filed with the Environmental Protection Agency on January 14, 1981.

The environmental impact statement process is being terminated because

public response and analysis of the demand for ski area development indicate that there is no urgent need for an immediate change in the present management of the area.

The work done by Barton-Aschman Associates, Inc., determined that terrain and other environmental factors make alpine skiing on Tower Mountain feasible. However, it also showed current demand does not justify allocation of Tower Mountain to ski area development prior to completion of the Forest Land and Resource Management Plan in 1983.

The findings of Barton-Aschman Associates, Inc., will be incorporated into the Land and Resource Management Plan for the Huron-Manistee National Forests which will consider the issues and concerns involved in the allocation of the 880 acre Tower Mountain area. The plan will be developed according to the Secretary's regulations pursuant to the National Forest Management Act of 1976 (36 CFR Part 219). It will be completed in January

1983, in accordance with the Notice of Intent published in *Federal Register* Vol. 44, No. 239, p. 71441, December 11, 1979.

Pending completion of the Land and Resource Management Plan for the Huron-Manistee National Forests, the Forest Supervisor will continue existing management of the 880 acre study area. The area will be available for public use providing damage does not occur. Off-road vehicle use will continue to be allowed under the existing Forest ORV policy. All existing systems roads will be open for normal vehicle travel. Traditional dispersed recreational use such as hiking, hunting, mushroom gathering, primitive camping, and winter sports will continue to be allowed. Major timber activities will continue to be deferred pending allocation of the area in the Forest Land and Resource Management Plan.

July 8, 1981.

**James L. Hagemeyer,**  
*Acting Director, Planning, Programming, and Budgeting.*

[FR Doc. 81-20833 Filed 7-16-81; 8:45 am]

BILLING CODE 3410-11-M

### CIVIL AERONAUTICS BOARD

#### 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 10, 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
July 10, 1981	39799	Arrow Airways, Inc., P.O. Box 52-2230, General Airport Facility, Miami, Florida 33152. Application of Arrow Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authorization to provide scheduled air transportation of persons, property and mail. Between the coterminal points Miami, Florida; New York, New York and San Juan, Puerto Rico; and The coterminal points within the countries of Argentina (Buenos Aires); Brazil (Rio de Janeiro and Sao Paulo); Colombia (Barranquilla, Bogota and Cali); and the Dominican Republic (Santo Domingo). Conforming Applications, motions to modify scope, and Answers may be filed by August 7, 1981.

**Phyllis T. Kaylor,**  
*Secretary.*

[FR Doc. 81-21006 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M



[Order 81-7-61; Docket 37554]

#### Establishment of the Standard foreign Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of July, 1981.

The International Air Transportation Competition Act (IATCA), Pub L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base<sup>1</sup> periodically by percentage changes in actual operating cost per available seat mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and subsequent Order 81-5-45 established the currently effective two-month SFFL applicable through July 31, 1981.

In establishing the SFFL for the two-month period commencing August 1, 1981 we have projected nonfuel costs based on the year ended March 31, 1981, and have adjusted fuel prices to reflect the experienced monthly rate of fuel cost escalation.

Our calculations measure inflation from October 1, 1979, to September 1, 1981, the midpoint of the August-September projection period, for the three ratemaking entities: Atlantic, Latin America, and Pacific. The four-month average of February-May fuel cost increases produces the following rate of escalation: .81 cents per gallon in the Atlantic; 2.49 cents per gallon in Latin America; and 1.09 cents per gallon in the Pacific. However, in order to give greater emphasis to May's prices, we have based our current fuel projection on the mean of the four month average and the May increase in each entity. Weekly fuel prices reported to us indicate that fuel prices have leveled off, and that an adjustment to our usual methodology is required to achieve realistic results. The resulting projections are fuel prices of 118.57 cents in the Atlantic, 117.15 cents in Latin America, and 122.76 cents in the Pacific at September 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 40.51 percent in the Atlantic, 40.63 percent in Latin America, and 27.21 percent in the Pacific, over the October 1, 1979 level (see Appendix A.). This results in

increases over the last two-month SFFL of 5.28 percent, 3.04 percent, and 2.70 percent, respectively.

We calculated both a two-month and a four-month SFFL effective June 1, 1981 in Order 81-5-45. The four-month period continues through September 30, 1981, and carriers whose filings utilized the higher four-month figures may not rely upon the increases permitted by this Order. The next four-month SFFL along with the usual two-month projection, will be effective October 1, 1981.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective August 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.4051
Latin America	1.4063
Pacific	1.2721

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the Federal Register.

By the Civil Aeronautics Board,

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20909 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-63; Docket 38808]

#### Application of Empire Airlines, Inc; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-7-63).

**SUMMARY:** The Board is proposing to award unrestricted air route authority at Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Dayton, Ohio, Detroit, Mich., Indianapolis, Ind., and Pittsburgh, Pa.; to Empire Airlines, under show-cause procedures.

The complete text of this order is available as noted below.

**DATES:** All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 31, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

<sup>2</sup>All Members Concurred.

**ADDRESSES:** Objections to the issuance of a final order should be filed in Docket 38808. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Empire Airlines; the mayor of and airport manager of each city referred to in the objection; and the state aeronautical commission of the state in which such city is situated.

**FOR FURTHER INFORMATION CONTACT:** Arthur B. Wells, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5352.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 81-7-63 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-7-63 to that address.

By the Bureau of Domestic Aviation: July 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21001 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-67]

#### Fitness Determination of Executive Helicopters, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-67, Order to Show Cause.

**SUMMARY:** The Board is proposing to find that Executive Helicopters, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATE:** 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 30, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESS:** 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 81-7-67.

<sup>1</sup>As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.



**FOR FURTHER INFORMATION CONTACT:**

Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5074.

**SUPPLEMENTARY INFORMATION:**

The complete text of Order 81-7-67 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 81-7-67 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 14, 1981.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-21002 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33362, 38977, 38976]

**Former Large Irregular Air Service Investigation; Applications of Overseas National Airways, Inc.; Reassignment of Proceeding**

This proceeding, insofar as it involves the applications of Overseas National Airways, Inc., Dockets 38976 and 38977 has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., July 10, 1981.

Joseph J. Saunders,  
Chief Administrative Law Judge.

[FR Doc. 81-21004 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39634]

**U.S.-London Case (1982); Hearing**

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on September 22, 1981, at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., July 10, 1981.

Elias C. Rodriguez,  
Administrative Law Judge.

[FR Doc. 81-21003 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[81-7-64]

**Air Florida; Order To Show Cause**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order To Show Cause (81-7-64).

**SUMMARY:** The Board is proposing to award air route authority at Grand Rapids, Michigan to Air Florida under expedited show-cause procedures.

The complete text of this order is available as noted below.

**DATES:** Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions of the above order shall file, by July 31, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

**ADDRESSES:** Objections to the issuance of a final order should be filed in Docket 39075. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Air Florida; the Mayor and Airport Manager of Grand Rapids, Michigan, and the Michigan Aeronautics Commission, Department of Transportation.

**FOR FURTHER INFORMATION CONTACT:** Carolyn S. Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5459.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 81-7-64 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-7-64 to that address.

By the Bureau of Domestic Aviation: July 14, 1981.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-21009 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39705]

**Westair Jet Fitness Investigation; Hearing**

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 23, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 9, 1981.

William A. Pope II,  
Administrative Law Judge.

[FR Doc. 81-21005 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

**Nondiscrimination on the Basis of Handicap; Notice to All Recipients of Federal Financial Assistance From the Board**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice to all recipients of Federal financial assistance from the Board.

**SUMMARY:** The CAB issues a notice concerning the handicapped. The notice is required by the United States District Court of the Central District of California.

**DATES:**

Adopted: July 13, 1981.

Effective: July 19, 1981.

**FOR FURTHER INFORMATION CONTACT:**

About this notice—David Schaffer, Office of the General Counsel, Rules & Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442; about a specific instance of discrimination—Consumer Assistance Division, Bureau of Compliance and Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-6047.

**SUPPLEMENTARY INFORMATION:** In the case of *Paralyzed Veterans of America, et. al. Plaintiffs, v. William French Smith, et. al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the Civil Aeronautics Board to notify all recipients of federal financial assistance from the Board that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), even though the Board has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

"No otherwise qualified handicapped individual in the United States \* \* \* shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Effective June 3, 1977, the Department of Health, Education and Welfare issued



final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the Board may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-21088 Filed 7-16-81; 8:45 am]

BILLING CODE 6320-01-M

## COMMISSION ON CIVIL RIGHTS

### Colorado Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Colorado Advisory Committee to the Commission will convene at 2:30 p.m., on August 13, 1981 and will end at 2:30 p.m., on August 15, 1981, at Colorado State University, Fort Collins, Colorado 80522. The purpose of this meeting is to attend and record information from the police-community relations conference in connection with Colorado SAC project 916.23.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Minoru Yasui, 1150 South Williams, Denver, Colorado 80210, (303) 722-9455 or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202, (303) 327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 10, 1981.

John I. Binkley,

Advisory Committee, Management Officer.

[FR Doc. 81-21105 Filed 7-16-81; 8:45 am]

BILLING CODE 6335-01-M

### Maine Advisory Committee; Amendment of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Maine Advisory Committee of the Commission originally scheduled for July 23, 1981, at Augusta, Maine, (FR Doc. 81-19576 on page 34612) has been cancelled.

Dated at Washington, D.C., July 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-20076 Filed 7-16-81; 8:45 am]

BILLING CODE 6335-01-M

### Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 3:00 p.m., on August 17, 1981, at the Civic Arena, 100 North 4th Street, Meeting Room D, St. Joseph, Missouri 64501. The purpose of this meeting is to conduct program planning for FY 1982 and the regional SAC conference.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Joanne Collins, 4030 Bellefontaine, Kansas City, Missouri 64130, (816) 861-6604, or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 758-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 10, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21104 Filed 7-16-81; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Exemption of Foreign Air Carriers From Customs Duties and Taxes; Request for Finding of Reciprocity (Saudi Arabia)

Notice is hereby given that the Department of Commerce is undertaking to determine pursuant to sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317 (1976)), and section 4221 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4221 (1976)), whether the Government of Saudi Arabia allows customs and tax exemptions to aircraft of U.S. registry in connection with international commercial operations substantially reciprocal to those exemptions granted to aircraft of foreign registry under the aforementioned statutes. The basis of this undertaking is a request on behalf of Saudi Arabian Airlines for a finding of such reciprocity.

The aforementioned statutes provide exemptions from payment of import duties and certain internal revenue taxes on the import or purchase of supplies in the United States for aircraft of foreign registry, in connection with their international commercial operations. "Supplies" as used in this context includes a wide range of articles used by aircraft in international operations, including fuel and lubricants, spare parts, consumable supplies, and ground handling and support equipment. These exemptions apply upon a finding by the Secretary of Commerce, or his designee, and notification of such finding to the Department of Treasury, that the country in question allows, or will allow, "substantially reciprocal privileges" to aircraft of U.S. registry with respect to imports or purchases of such supplies in that country.

Interested parties are invited to submit their views and comments in writing concerning this matter to Joseph F. Dennin, Deputy Assistant Secretary for Finance, Investment and Services, Room 4312, U.S. Department of Commerce, Washington, D.C. 20230. All submissions should be made in five copies and should be received no later than thirty (30) days from the date of this notice.

Copies of all written comments received will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, in the Freedom of Information Records Inspection Facility, International Trade Administration, Room 3102, Department of Commerce, Washington, D.C.

It is suggested that those desiring additional information contact Jay Dowling, Industry Programs Division, Office of International Services, Room 2204, Washington, D.C. 20230, or call (202) 377-5086.

Raymond J. Waldmann,

Assistant Secretary for International  
Economic Policy.

[FR Doc. 81-20077 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-25-M

#### Canned Tomatoes and Canned Tomato Concentrates From Italy; Final Results of Administrative Review and Revocation of Countervailing Duty Order

**AGENCY:** International Trade  
Administration, Commerce.

**ACTION:** Notice of Final Results of  
Administrative Review and Revocation  
of Countervailing Duty Order.



**SUMMARY:** On April 21, 1981, the Department of Commerce published in the *Federal Register* a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to canned tomatoes and canned tomato concentrates from Italy. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. The Department received no comments. Therefore, the Department is revoking this order on the grounds that the subsidy practices cited in the final determination have been terminated. The merchandise remains covered by the order on tomato products from the European Communities.

**EFFECTIVE DATE:** July 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Black or Josephine A. Russo, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-1168).

**SUPPLEMENTARY INFORMATION:**

**Procedural Background**

A notice of "Final Countervailing Duty Determination," T.D. 68-112, was published in the *Federal Register* of April 19, 1968 (33 FR 6011) imposing countervailing duties on canned tomatoes and canned tomato concentrates from Italy. On August 22, 1979 a notice of "Final Countervailing Duty Determination" was published in the *Federal Register* (44 FR 49248) regarding exports of tomato products from the European Communities ("the EC"). On April 21, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order on canned tomatoes and canned tomato concentrates from Italy (46 FR 22775).

**Scope of the Review**

Imports covered by this review are canned tomatoes and canned tomato concentrates, currently classifiable under item numbers 141.65 and 141.66 of the Tariff Schedules of the United States (TSUS).

The preliminary results of the review stated that the imported merchandise no longer benefited from subsidies from the Government of Italy and that entries of this merchandise were covered by a subsequent countervailing duty order on tomato products from the EC. The International Trade Commission found no injury by reason of the EC subsidies and we revoked the order on tomato

products from the EC on October 20, 1980. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

**Final Results of the Review**

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of Italy. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department hereby revokes the countervailing duty order concerning canned tomatoes and canned tomato concentrates from Italy (T.D. 68-112) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 21, 1981. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to August 22, 1979, the effective date of the order on tomato products from the EC. Since any entries of Italian canned tomatoes and canned tomato concentrates only received subsidies under the programs of the EC since that date, entries made on or after August 22, 1979, through December 31, 1979, will be liquidated in accordance with the EC order. The revocation on tomato products from the EC required liquidation of all entries made on or after January 1, 1980 without regard to countervailing duties. Consequently, the Department will instruct Customs officers to proceed with liquidation of all such entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 without regard to countervailing duties.

We are discontinuing the practice of updating the table in Annex III to Part 355 of the Commerce Regulations. Instead, interested parties may contact the Director of the Office of Compliance, International Trade Administration, for copies of the updated list of countervailing duty orders.

This revocation, administrative review, and notice are in accordance with sections 751 (a)(1), and (c) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Gary N. Horlick,

*Deputy Assistant Secretary for Import Administration.*

July 14, 1981.

[FR Doc. 81-21027 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-25-M

**Refrigerators, Freezers, Other Refrigerating Equipment and Parts From Italy; Final Results of Administrative Review of Countervailing Duty Order**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of administrative Review of Countervailing Duty Order.

**SUMMARY:** On April 27, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on refrigerators, freezers, other refrigerating equipment and parts from Italy. The review covered the period January 1, 1980 through December 31, 1980.

Interested parties were given an opportunity to submit written or oral comments. We received no comments. Therefore, we have determined the net amount of the subsidy to be the full value of the rebates for these products under Italian Law 639.

**EFFECTIVE DATE:** July 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

**SUPPLEMENTARY INFORMATION:**

**Procedural Background**

On March 28, 1973, a final countervailing duty determination on refrigerators, freezers, other refrigerating equipment and parts from Italy, T.D. 73-85, was published in the *Federal Register* (38 FR 8057).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date.

On April 27, 1981, the Department published in the *Federal Register* a notice of "Preliminary Results of administrative Review of Countervailing Duty Order" on refrigerators, freezers, other refrigerating equipment and parts from Italy (46 FR 23512). The Department has now completed its administrative review of that countervailing duty order.



### Scope of the Review

Imports covered by this review are refrigerators, freezers, other refrigerating equipment and parts imported directly or indirectly from Italy (see Appendix A). These imports are currently classifiable under item numbers 661.35 and 661.37 of the Tariff Schedules of the United States.

The review covered the period January 1, 1980 through December 31, 1980, and was limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the final determination.

### Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. The stated purpose of Italian Law 639 is to rebate customs duties and certain indirect taxes on the export of products containing iron and steel. No evidence was presented in this case to demonstrate the requisite linkage between the incidence of customs duties and certain indirect taxes on various inputs of this merchandise and the amount of the rebates.

Therefore, we determine that the rates of net subsidy conferred upon producers exporting to the United States for the period January 1, 1980 through December 31, 1980, are those listed in Appendix A.

The U.S. Customs Service shall assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980.

The provisions of T.D. 73-85 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Custom Service shall assess countervailing duties in the amount set forth in T.D. 73-85 on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980.

In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of refrigerators, freezers, other refrigerating equipment and parts entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31,

1980. Liquidation shall continue to be suspended on entries made on or after April 3, 1980, until the Department is notified of a determination by the ITC.

Further, as required by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties at the rates listed in Appendix A on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of May, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,  
Deputy Assistant Secretary for Import Administration.  
July 14, 1981.

### Appendix A

Complete refrigerators (cabinets, chests, and refrigerated counters, refrigerated display cases, water coolers and the like)—45 lire/kg

Insulated cold cabinets (unequipped), isothermal cabinets, ice-cream storage cabinets, and the like—20 lire/kg

Refrigerating apparatus and components thereof, fixed on a common baseplate, including freezers and parts—45 lire/kg

[FR Doc. 81-21028 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-25-M

### National Oceanic and Atmospheric Administration

#### Gulf of Mexico Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA

**SUMMARY:** Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will meet to review status reports on the development of fishery management plans; consider foreign fishing applications, if any, and conduct other fishery management business.

**DATES:** The public meetings will convene on Wednesday, August 5, 1981, at approximately 10:30 a.m., and adjourn at approximately 5 p.m.; reconvene on Thursday, August 6, 1981, at approximately 8:30 a.m., and adjourn at approximately noon.

**ADDRESS:** The public meetings will take place at the Innisbrook Resort, Harstan I and II Rooms, Tarpon Springs, Florida.

**FOR FURTHER INFORMATION CONTACT:** Gulf of Mexico Fishery Management Council, Lincoln Center—Suite 881; 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: July 14, 1981.

Robert K. Crowell,  
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-21031 Filed 7-16-81; 8:45 am]

BILLING CODE 3510-22-M

### Office of the Secretary

#### Non-Discrimination on the Basis of the Handicapped in Programs or Activities Receiving Federal Assistance

The Department of Commerce (DOC) gives notice that, until such time as it has adopted and published its own specific implementing regulations, it will operate in accordance with the regulations developed by the Department of Health, Education, and Welfare, the agency responsible for promulgating general regulations to implement the provisions of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

#### NOTICE TO ALL RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF COMMERCE

In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, et al., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the Department of Commerce to notify all recipients of federal financial assistance from the Department of Commerce that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the Department of Commerce has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States \* \* \* shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.



Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the Department of Commerce may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Malcolm Boldridge,  
Secretary of Commerce.

[FR Doc. 81-21180 Filed 7-16-81; 10-48 am]

BILLING CODE 3510-BP-M

### COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

#### Procurement List 1981; Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to Procurement List.

**SUMMARY:** This action adds to Procurement List 1981 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** July 17, 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:** On February 13, 1981 and April 3, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 12225 and 46 FR 20258) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1981:

#### Class 7210

Cover, Bed

68" x 96" Size 1

7210-00-NIB-0013	White
7210-00-NIB-0010	Dark Cardinal
7210-00-NIB-0002	Pimento
7210-00-NIB-0003	Spanish Yellow
7210-00-NIB-0004	Gold Brown
7210-00-NIB-0005	Emerald
7210-00-NIB-0006	Indian Orange
7210-00-NIB-0007	Mosstone

7210-00-NIB-0008	Burnt Orange
7210-00-NIB-0009	Bluebird

76" x 105" Size 2

7210-00-NIB-0014	White
7210-00-NIB-0015	Dark Cardinal
7210-00-NIB-0016	Pimento
7210-00-NIB-0017	Spanish Yellow
7210-00-NIB-0018	Gold Brown
7210-00-NIB-0019	Emerald
7210-00-NIB-0020	Indian Orange
7210-00-NIB-0021	Mosstone
7210-00-NIB-0022	Burnt Orange
7210-00-NIB-0023	Bluebird

60" x 90" Size 3

7210-00-NIB-0024	White
7210-00-NIB-0025	Dark Cardinal
7210-00-NIB-0026	Pimento
7210-00-NIB-0027	Spanish Yellow
7210-00-NIB-0028	Gold Brown
7210-00-NIB-0029	Emerald
7210-00-NIB-0030	Indian Orange
7210-00-NIB-0031	Mosstone
7210-00-NIB-0032	Burnt Orange
7210-00-NIB-0033	Bluebird

#### SIC 7349

Janitorial Service (including Grounds Maintenance)  
Federal Building and Courthouse, 1340 West 6th Street  
Food & Drug Administration Building, 1521-33 West Pico Boulevard  
Los Angeles, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81-20973 Filed 7-16-81; 8:45 am]

BILLING CODE 6820-33-M

### 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 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** August 19, 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 commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

#### Class 3990

Pallet, Material Handling; 3990-00-222-1051

#### SIC 9199

Administrative Services

(Includes mail room operations, mail distribution operations, and related recording, reporting, training, and advisory services)

Environmental Protection Agency at the following locations:

Waterside Mall Complex, Washington, D.C.

Marfair Building, Washington, D.C.

Crystal Mall Complex, Arlington, Virginia  
Beltsville Research Laboratory, Beltsville, Maryland

9100 Brookville Road, Silver Spring, Maryland

6110 Executive Boulevard, Rockville, Maryland

C. W. Fletcher,

Executive Director.

[FR Doc. 81-20972 Filed 7-16-81; 8:45 am]

BILLING CODE 6820-33-M

### Procurement List 1981; Proposed Deletions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Deletions from Procurement List.

**SUMMARY:** The Committee has received a proposal to delete from Procurement List 1981 a service provided by workshops for the blind or other severely handicapped.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** August 19, 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.

It is proposed to delete the following service from Procurement List 1981, November 12, 1980 (45 FR 74836):

#### SIC 7641

Furniture Rehabilitation, Monterey, California, plus 10-mile radius, including



Fort Ord, San Francisco, California, and the counties of Alameda, Contra Costa, San Mateo, and Santa Clara

C. W. Fletcher,

*Executive Director.*

[FR Doc. 81-20971 Filed 7-16-81; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 10-18 August 1981

Place: Naval Postgraduate School, Monterey, California

Time: 0800-1700 hours, 10-18 August 1981 (Closed)

Proposed Agenda: The ASB 1981 Summer Study participants will hold classified discussions of briefings they have received and will develop their report on "Equipping the Army in 1990-2000." Specifically, the study addresses these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C<sup>3</sup> contribute most to efficient, integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Roger W. Mickelson,

*Colonel, GS, Executive Director.*

[FR Doc. 81-20963 Filed 7-16-81; 8:45 am]

BILLING CODE 3710-08-M

### Department of the Navy

#### Decision to Construct a New Naval Regional Medical Center at San Diego, California

##### Decision

The Navy will construct a replacement for the existing San Diego Regional Medical Center (NRMC) at a site to the North and East of existing NRMC structures in Balboa Park, described in the Navy's supplemental EIS as the Balboa Park West site.

##### Description of Activity

A Final Supplemental Environmental Impact Statement (FSEIS) has been completed in compliance with the National Environmental Policy Act (NEPA) for the proposed construction of a new NRMC in the San Diego, California area.

The need for a new NRMC in San Diego became apparent as a result of a 1972 Master Plan which indicated significant problem areas with the existing facility. Among these were:

- earthquake hazard due to failure to meet current seismic codes
- failure to meet fire protection and other life safety codes
- current NRMC is functionally obsolete
- inadequate site use and circulation patterns
- building structure and safety defects unacceptable to hospital accreditation agencies.

After several years of study and several reports, in July 1978 a Draft Environmental Impact Statement (DEIS) was prepared for construction of a new NRMC facility at a site adjacent to the existing NRMC in Balboa Park, referred to as the Florida Canyon site. A public hearing was held in March 1979 and a Final Environmental Impact Statement (FEIS) was filed with EPA in October 1979 and circulated to the public.

The Military Construction Authorization Act of 1980 (P.L. 96-125) gave the Secretary of the Navy authority to acquire by condemnation or otherwise, all right, title, and interest of the City of San Diego to the Florida Canyon property needed for the location of the new NRMC.

The Secretary's decision to construct the NRMC at the Florida Canyon site appeared in the December 14, 1979 *Federal Register*. In January 1980 a court hearing was held and the court recognized the Navy's title and granted limited possession of the 36 acres required in Florida Canyon.

In the Spring of 1980, as a result of continuing geotechnical exploration, an earthquake fault was discovered at the Florida Canyon site. This fault was in a

North-South direction and directly influenced the planning of the proposed NRMC at the Florida Canyon site.

In accordance with Section 205 P.L. 96-4181, the Navy prepared a report which was submitted to Congress by the Secretary of the Navy on 5 December 1980. As required, this report compared the Helix Heights site, a previously considered alternative, to the Florida Canyon site. Secretary Hidalgo concluded that Florida Canyon was still the Navy's preferred alternative and indicated the reasoning for that choice.

To remedy the problems at the existing NRMC facility, as previously discussed, a new complex consisting of a 560 bed acute care hospital, a 200 bed light care facility, and out-patient clinics all including normal administrative and support services is required. The complex will also include certain military base and hospital support facilities, i.e., unaccompanied personnel quarters, recreation facilities, parking, and Naval School of Health Sciences. It is important to note that most of these facilities are not normally associated with a civilian hospital.

As a result of extensive investigation of the fault in Florida Canyon, the Navy has redesigned the principal facilities and determined that they will be placed on the west-upper-portion of the Florida Canyon Property. The facilities will be separate, relatively uncomplicated, low-rise buildings similar to the original plans for the Florida Canyon site. The buildings will range from three to five stories in height and will be constructed, for the most part, below Park Boulevard, which, with extensive landscaping, substantially reduce the visibility of the buildings from the public view on Park Boulevard.

A Supplemental Environmental Impact Statement was prepared and filed with the Environmental Protection Agency, (DSEIS March 27, 1981 and FSEIS June 5, 1981).

##### Alternatives Considered

The Navy has carefully reviewed numerous potential alternatives. Not only were 20 potential sites reviewed, but the analysis considered 12 objectives and several crucial criteria which played a part in determining the final preferred alternative and site location.

As required, the Navy considered the no action alternative, along with the potential of postponing action. Due to the immediate need to correct critical problems at the NRMC it was determined that prompt action to build the hospital was necessary.



After careful analysis it was concluded that the alternative of the Navy and CHAMPUS combining to provide the necessary care is most economic and beneficial to secure the full range of health care benefits.

A crucial question was whether or not the Navy medical facilities should be a single or a split operation. The Navy's analysis shows that the split operation costs more and is less efficient than the single site operation. It was estimated, for example, that a split site operation would result in a loss of about 60,000 person-hours of training time each year. It was determined that a single site for the NRMC was most advantageous to the Navy. The Florida Canyon site permits single site operation, even if a national emergency should require expansion of the facility. The limited area of the Helix Heights site would not do this and any expansion would have to be located elsewhere.

The Navy has considered several potential alternative sites over the past eight years and considered numerous factors and criteria. The supplemental EIS reviewed 20 site alternatives addressing four major criteria: (1) accessibility of the site to the beneficiary population, (2) physical limitations in terms of buildable acreage, (3) cost of property acquisition, and (4) potential delay in land assembly.

Reasonable design alternatives were discussed in great detail and three alternative sites seriously considered: Helix Heights, Balboa Park East and Balboa Park West. The Balboa Park East and West sites would both utilize portions of the previously considered Florida Canyon site. These three alternatives, their environmental consequences and the issues they raise are thoroughly discussed in chapters 3 and 4 of the supplemental EIS.

#### Environmental Impacts and Mitigative Measures

The environmental impacts of locating the hospital at the Balboa Park West site and the mitigative measures related thereto are set forth extensively in the supplemental EIS. All practicable means to minimize environmental harm have been adopted.

#### Basis for Decision

The FSEIS discusses the environmental impacts of construction of the NRMC at the Helix Heights, Balboa Park East and Balboa Park West site in detail.

Balboa Park East is clearly the least desirable site from an environmental point of view considering the loss of 27

acres of near-natural vegetation and habitat, the loss of the streambed in Florida Canyon and the influence of the geological fault.

The Helix Heights alternative will create a 75 percent increase in traffic on Market Street. There will be loss of 56 acres of open space, a 5 acre park, 14 acres of semi-natural vegetation, a 3 acre community garden and 7 acres of private land. Much of the site is privately owned and it is estimated it would take over 18 months to assemble the land needed. Also a new design would be necessary, adding to the delay and cost. A two year delay would add over 20% to the total cost by inflation alone.

An additional factor favoring the selection of Balboa Park West over Helix Heights is the current availability of access roads which the FSEIS indicates are not now available at Helix Heights and which would require significant expenditures of money beyond the cost of the hospital facility itself. It is estimated that use of the Helix Heights site would require major highway changes estimated to cost \$30 million.

The Balboa Park West alternative involves a potential 9 percent increase in traffic on Park Boulevard. There is also a similar loss of 14 acres of semi-natural vegetation.

The Balboa Park West site and Helix Heights were considered to be environmentally preferable to the Balboa Park East site. The Navy has balanced its national defense mission, as well as economic and technical considerations in determining that the Balboa Park West site is the overall superior location for construction of the replacement NRMC.

There can be no question that there is a need for a new NRMC in San Diego. Its location has been studied and considered by the Navy and U.S. General Accounting Office for several years in numerous reports.

The most recent GAO report dated April 23, 1981 reviews the Helix Heights and Florida Canyon sites and concludes:

"We believe that the Navy's December 5, 1980 decision to locate its medical center in Florida Canyon is still appropriate."

The GAO report in part bases its conclusion on the "potential flexibility associated with peacetime uses of Building 26." The Navy is studying the potential uses of Building 26 beyond the obvious need to retain it for contingency purposes. The advantages associated with a single site operation and the

ability to fully utilize Building 26 with its mothballed current surgical and medical capacity available in time of national emergency are major factors contributing to the selection of the Balboa Park West site.

As the FSEIS indicates, the expansion potential at the Balboa Park site is considerably more flexible than at the Helix Heights site. If in times of national emergency or significant local disaster additional space was necessary, as occurred in WW II, Balboa Park could be temporarily utilized by the Navy to provide medical service on a significantly expanded scale.

Recognizing that the land at Balboa Park is now fully available to the Navy as a result of previous condemnation proceedings, one must recognize and consider that had that not been the case, the fact that the land at Helix Heights is currently in multiple ownership would require far greater time to resolve than the single ownership of the land in Balboa Park. Thus, the fact that the land is currently available to the Navy in Balboa Park and would be several months away from resolution at Helix Heights is a factor which weighs in favor of the Balboa Park West site.

Not the least of the factors which must be weighed as part of this decision is the opinion of the potential users of the proposed facility. Approximately 25% of the population of the San Diego area are eligible to use the NRMC. The vast majority of the comments received by potential users favored the Balboa Park site. This was due to central location, a park setting which was considered conducive to recovery and a multitude of personal preferences. These comments must be given equal consideration with those who oppose the Balboa Park site for their personal reasons.

After a thorough review of the complete Supplemental EIS, the public comments, the April 1981 GAO report and numerous previous studies, it is determined that the NRMC should be constructed at the Balboa Park West site.

#### Conclusions

The public controversy surrounding this decision has been fully considered along with the contents of the FSEIS and its related documents. In view of possible mitigation of potential impacts it is determined that the advantages of construction of the NRMC at the Balboa



Park West site outweigh the disadvantages and that the immediate construction of the NRMC at the Balboa Park West site is in the best interest of the Navy.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-21187 Filed 7-16-81; 10:46 am]

BILLING CODE 3610-71-M

## Office of the Secretary

### Notice to all Recipients of Federal Financial Assistance

AGENCY: Defense.

ACTION: Notice.

**SUMMARY:** In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the Department of Defense to notify all recipients of Federal financial assistance from the Department of Defense that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the Department of Defense has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive Federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States \* \* \* shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of Federal financial assistance from that agency (45 CFR Part 85). Recipients of Federal financial assistance from the Department of Defense may look to the HEW regulations for guidance as to their obligation under Section 504 of the Rehabilitation Act.

**ADDRESS:** Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), The Pentagon, Room 3E318, Washington, D.C. 20301.

### FOR FURTHER INFORMATION CONTACT:

Mr. Jerald Anderson, Deputy Director for Compliance, 202-697-4854.

M. S. Healy,

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

July 13, 1981.

[FR Doc. 81-20777 Filed 7-16-81; 8:45 am]

BILLING CODE 3610-70-M

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education

#### National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant

AGENCY: Department of Education.

ACTION: Notice of approved need analysis systems.

**SUMMARY:** The Secretary of Education announces the list of approved need analysis systems that institutions of higher education must use in making awards to students during the award year 1981-82 under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

**FOR FURTHER INFORMATION CONTACT:** John A. McGonigal, Campus Based Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, D.C. 20202, Telephone (202) 245-9720.

### SUPPLEMENTARY INFORMATION:

#### General

Section 674.13 of the National Direct Student Loan Program Regulations (34 CFR 674.13), § 675.13 of the College Work-Study Program Regulations (34 CFR 675.13), and § 676.13 of the Supplemental Educational Opportunity Grant Program Regulations (34 CFR 676.13) approve the use of certain need analysis systems and methods of determining expected family contributions for dependent and independent students. They also set forth procedures for an annual review and approval by the Secretary of other need analysis systems for both dependent and independent students for use in those programs. In order to be approved for dependent student calculations, a system must generate expected parental contributions (within \$50 of the benchmark figures published by the Secretary for those cases) for at least 75 percent of the sample cases. The benchmark figures for the 1981-82 award year were published in the

Federal Register of December 23, 1980, (45 FR 84768). For independent students, a system that was not specifically included in the regulations must produce expected family contributions which include all financial resources available to the applicants and which increase incrementally as the family's financial strength increases. The approved methods and systems are as follows:

1. The Income Tax System (dependent students only);
2. The method of calculating student eligibility indices used in the Pell Grant Program (34 CFR 690);
3. The method which produces the expected family contribution on the Student Eligibility Report;
4. The system of need analysis published by the American College Testing Program;
5. The system of need analysis published by College Scholarship Service;
6. The system of need analysis published by Financial Analysis Service;
7. The system of need analysis published by Functional Solutions Incorporated;
8. The system of need analysis published by G. E. White Associates;
9. The system of need analysis published by Graduate and Professional School Financial Aid Service;
10. The system of need analysis published by the Illinois State Scholarship Commission;
11. The system of need analysis published by Information & Communications, Incorporated—SAFE System;
12. The system of need analysis published by the Pennsylvania Higher Education Assistance Agency;
13. The system of need analysis published by Systems Research Incorporated—Student Aid Management (SAM) system;
14. The system of need analysis published by Victor Business Products.

(20 U.S.C. 1087dd, 42 U.S.C. 2753, and 20 U.S.C.1070b-1)

(Catalog of Federal Domestic Assistance No. 84.007, Supplemental Educational Opportunity Grant Program; 84.033, College Work-Study Program; and 84.038, National Direct Student Loan Program)

Dated: July 10, 1981.

T. H. Bell,

U.S. Secretary of Education.

[FR Doc. 81-20962 Filed 7-16-81; 8:45 am]

BILLING CODE 4000-01-M



**DEPARTMENT OF ENERGY**

**Economic Regulatory Administration**

**Long Island Lighting Co.**

[ERA Docket No. 81-CERT-010]

**Certification of Eligible Use of Natural Gas To Displace Fuel Oil**

On June 12, 1981, Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of up to 11,000,000 dekatherms (approximately 11,000,000 Mcf) of natural gas. This gas is estimated to displace the use of approximately 1,350,000 barrels of residual fuel oil (1.5 percent sulfur) and 90,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Electric Plant in Island Park, New York, and 360,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant in Glenwood Landing, New York, between the effective date and December 31, 1981. The eligible seller of the natural gas is Equitable Gas Company and the natural gas will be transported by Texas Eastern Transmission Corporation. Notice of that application was published in the *Federal Register* (46 FR 33360, June 29, 1981), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed LILCO's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the use of Natural Gas to Displace fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that LILCO's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 13, 1981.

**F. Scott Bush,**  
*Acting Director, Office of Program Operations, Economic Regulatory Administration.*

[FR Doc. 81-21024 Filed 7-16-81; 8:45 am]

**BILLING CODE 6450-01-M**

[ERA Docket No. 81-CERT-015]

**Public Service Electric & Gas Co.; Application for Certification of the use of Natural Gas To Displace Fuel Oil**

Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, filed an application on June 30, 1981, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at eight of its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests certification is approximately seven billion cubic feet. This volume is estimated to displace the use of approximately 1,057,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 28,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (bcf)	Estimated oil displacement (000 bbl)	
		0.3 percent sulfur No. 6 oil	0.2 percent sulfur No. 2 oil or 0.1 percent sulfur kerosene
1. Bergen Generating Station, Ridgefield, N.J.	3.0	472	
2. Essex Generating Station, Newark, N.J.	0.1		14
3. Hudson Generating Station, Jersey City, N.J.	2.7	417	

Location	Estimated volume (bcf)	Estimated oil displacement (000 bbl)	
		0.3 percent sulfur No. 6 oil	0.2 percent sulfur No. 2 oil or 0.1 percent sulfur kerosene
4. Kearney Generating Station, Kearney, N.J.			
5. Linden Generating Station, Linden, N.J.			
6. Sewaren Generating Station, Sewaren, N.J.	1.1	168	
7. Edison Generating Station, Edison, N.J.	0.1		14
8. Mercer Generating Station, Trenton, N.J.			
<b>Totals</b>	<b>7.0</b>	<b>1057</b>	<b>28</b>

The eligible seller is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219. The gas will be transported by the Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001.

Public Service has in effect certifications by the ERA which authorizes purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount (bcf per year)	Remarks (effective)
80-CERT-026	1	Sept. 17, 1980.
80-CERT-044	2	Jan. 19, 1981.
81-CERT-006	2	Apr. 3, 1981.
81-CERT-008	7.3	June 24, 1981.
81-CERT-009	10.7	June 24, 1981.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Lynne H. Church, on or before July 27, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's



interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on July 13, 1981.

F. Scott Bush,

*Acting Director, Office of Program Operations, Economic Regulatory Administration.*

[FR Doc. 81-21025 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

### Mapco, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Mapco, Inc. of Tulsa, Oklahoma. This Proposed Remedial Order charges Mapco with pricing violations in the amount of \$340,367.04 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period January 1, 1974 through June 30, 1978 in the State of Oklahoma.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before August 3, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 1st day of July, 1981.

Wayne I. Tucker,

*Southwest District Manager, Economic Regulatory Administration.*

[FR Doc. 81-20906 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Project No. 4591-000]

#### City of Las Cruces, New Mexico; Application for Preliminary Permit

July 14, 1981.

Take notice that the City of Las Cruces, New Mexico (Applicant) filed

on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4591 known as the Caballo Dam Project located on the Rio Grande in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph Camunes, Mayor; City of Las Cruces; Post Office Drawer CLC; Las Cruces, New Mexico 88004.

**Project Description**—The proposed project would utilize the existing Bureau of Reclamation's Caballo Dam and Reservoir and would consist of: (1) a 12-foot diameter steel tunnel liner in the existing outlet works; (2) a bifurcation and gate control house; (3) an 11.5-foot diameter penstock, 50 feet long; (4) a powerhouse containing new generators with a rated capacity of 5,596 kW; (5) a tailrace; (6) a switchyard; (7) two miles of transmission line; and (8) appurtenant works. The Applicant estimates that the average annual energy output would be 18,400,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be \$80,000.

**Competing Applications**—This application was filed as a competing application to Project No. 3663 filed on December 12, 1980, by the Sequoia Energy Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the

requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4591. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 81-20910 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4818-000]

#### City of Santa Rosa, California; Application for Preliminary Permit

July 13, 1981.

Take notice that the City of Santa Rosa (Applicant) filed on June 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4818 known as the Deer Creek Hydroelectric Project located on Deer Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Broydon J. Riha, City Engineer/Public Works Director, P.O. Box 1678, Santa Rosa, California 95402.

**Project Description**—The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 13,000-foot long conduit; (3) a 1,000-foot long penstock;



(4) a powerhouse containing a single generating unit with a rated capacity of 2,500 kW; and (5) a 12.5-kV, 10-mile long transmission line connecting the project to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the annual energy output to be 15.7 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental report, obtaining agreements with the Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$60,000.

**Competing Applications**—This application was filed as a competing application to North Valley Land Corporation's Project No. 4637 filed on May 8, 1981, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §4.33(c).

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 12, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-20911 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4592-000]

**El Paso Electric Co.; Application for Preliminary Permit**

July 14, 1981.

Take notice that the El Paso Electric Company (Applicant) filed on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4592 known as the Caballo Dam Project located on the Rio Grande in Sierra County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald G. Isbell; Vice-President; El Paso Electric Company; Post Office Box 982; El Paso, Texas 79960.

**Project Description**—The proposed project would utilize the existing Bureau of Reclamation's Caballo Dam and Reservoir and would consist of: (1) a 12-foot diameter steel tunnel liner in the existing outlet works; (2) a bifurcation and gate control house; (3) an 11.5-foot diameter penstock, 50 feet long; (4) a powerhouse containing new generators with a rated capacity of 5,596 kW; (5) a tailrace; (6) a switchyard; (7) two miles of transmission line; and (7) appurtenant works. The Applicant estimates that the average annual energy output would be 18,400,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential.

Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be \$60,000.

**Competing Applications**—This application was filed as a competing application to Project No. 3663 filed on December 12, 1980, by the Sequoia Energy Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4592. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each



representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20912 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4287-000]

**Georgetown Divide Public Utility District; Application for Preliminary Permit**

July 14, 1981.

Take notice that Georgetown Divide Public Utility District (Applicant) filed on March 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4287 known as the Lower South Fork American River Project located on the South Fork American River in El Dorado County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles F. Gierau, General Manager, Georgetown Divide Public Utility District, P.O. Box 338, Georgetown, California 95634.

**Project Description**—The proposed project would consist of one of three alternatives as follows:

**Alternative 1:** (a) Coloma Reservoir with a storage capacity of 13,000 acre-feet formed by a 162-foot high dam on the South Fork American River; (b) a 6,570-kW capacity powerhouse at the dam discharging into the river; (c) a 24,000-foot long tunnel from the left bank of Coloma Reservoir to (d) Indian Creek Reservoir with a storage capacity of 6,600 acre-feet formed by a 125-foot high dam on Weber Creek; (e) a 21,300-foot long pipeline and tunnel from Indian Creek Reservoir to; (f) Kanaka Valley Forebay with a storage capacity of 2,600 acre-feet formed by a 110-foot high dam; (g) a 5,750-foot long tunnel, pipeline and penstock from the forebay to; (h) the 55,800-kW capacity Salmon Falls Power Plant discharging into the South Fork American River.

**Alternative 2:** (a) Coloma Dam, Reservoir and Powerhouse would be similar to Alternative 1; (b) a 40,000-foot long pipeline from the right bank of Coloma Reservoir to; (c) Black Rock Reservoir with a storage capacity of 6,000 acre-feet formed by a 145-foot high dam; (d) a 19,800-foot long tunnel from Black Rock Reservoir to; (e) a 250 acre-foot storage capacity forebay on Pilot Creek; (f) a 3,750-foot long pipeline and penstock from the forebay to; (g) the 55,800-kW capacity Pilot Hill Power Plant discharging into Folsom Reservoir.

**Alternative 3:** (a) Coloma Dam and Reservoir would be similar to Alternative 1; (b) a 24,500-kW capacity powerhouse at the dam discharging into the river; (c) Salmon Falls Reservoir with a storage capacity of 70,000 acre-feet formed by a 240-foot high dam on the South Fork American River; (d) a 41,600-kW capacity powerhouse 200 feet downstream from the dam discharging into the river.

Alternatives 1 and 2 would have an annual average output of 265,000 MWh and Alternative 3 would have an average annual output of 280,000 MWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant would conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the project. Applicant's Project Study Plan states that subsurface investigations have already been conducted at the Coloma and Salmon Falls dam sites and that these results will be used wherever possible. Exploratory drilling will not be conducted at the sites of Alternatives 1 and 2 unless the preliminary feasibility study verifies Alternative 1 or 2 more feasible than Alternative 3. No new road construction would be required to conduct the proposed studies. Applicant estimates that the studies and preparation of a license application would cost \$825,000.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 27, 1981.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20913 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4659-000]

**Independence County, Arkansas; Application for Preliminary Permit**

July 13, 1981.

Take notice that Independence County, Arkansas (Applicant) filed on May 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4659 known as the White River Lock and Dam No. 3 Project located on the White River in Independence County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Pearson, Independence County Judge; County Courthouse; Batesville, Arkansas 72501.

**Project Description**—The proposed project would consist of: (1) the existing Lock and Dam No. 3 (the dam is 31 feet high with a crest length of 757 feet, the lock is 147 feet long and 36 feet wide); (2) a reservoir of negligible storage capacity; (3) a new powerhouse, adjacent to Lock No. 3, containing new generators with a rated capacity of 10,000 kW; (4) new switchyard equipment; (5) a new transmission line; and (6) appurtenant facilities. The owner



of Lock and Dam No. 3 is the Arkansas College. The Applicant estimates that the average annual energy output would be 37,668,000 kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be \$45,000.

**Competing Applications**—This application was filed as a competing application to that of Arkansas Power and Light Company's Project No. 4016 filed on January 11, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 11, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4659. Any comments, protests, or petitions to intervene must be filed by providing the original and

those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-20914 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

**[Project No. 4727-000]**

**Lawrence A. Gamble; Application for Preliminary Permit**

July 13, 1981.

Take notice that Lawrence A. Gamble (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4727 known as the Crist Mill Project located on Souadabsacook River in the town of Hampden, Penobscot County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Marguerite L. Gamble, 20 Western Avenue, Hampden, Maine 04444.

**Project Description**—The project would consist of: (1) an existing 12-foot high, 60-foot long stone and split granite dam; (2) a reservoir with negligible storage capacity; (3) a water passage consisting of a siphon or an 8-foot diameter, 25-foot long penstock; (4) a powerhouse containing either a single 250 or two 100-kw turbine-generator units; (5) a transmission line; and (6) appurtenant facilities. The project would be operated run-of-the-river and would generate up to 1,000,000 kWh annually.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be \$1,350.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before September 17, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 16, 1981.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comment, Protest, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 81-20915 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M



[Project No. 2998-001]

**Massachusetts Bay Power Co.;  
Application for Exemption From  
Licensing of a Small Hydroelectric  
Project of 5 Megawatts or Less**

July 14, 1981.

Take notice that the Massachusetts Bay Power Company filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its Centennial Island Project No. 2998-001 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980. The proposed project would be located on the Concord River in the City of Lowell, Middlesex County, Massachusetts. Correspondence with the Applicant should be directed to: Mr. Robert Yelton, Massachusetts Bay Power Co., 184 High Street, Boston, Massachusetts 02110.

**Project Description**—The proposed run-of-the-river project would consist of existing project works including: (1) a 15-foot high, 320-foot long, masonry and concrete dam with 8-inch high flashboards; (2) a reservoir with negligible storage capacity and a surface area of 20 acres at elevation 99.5 feet m.s.l.; (3) a 2,300-foot long, 36-foot wide, 8-foot deep canal with masonry side walls; (4) a new 80-foot long, 20-foot wide tailrace canal; (5) a 12-kV transmission line; and (6) appurtenant facilities. The project would generate up to 3,500,000 kWh annually.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

<sup>1</sup> Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 406 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2706).

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 29, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before August 31, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 2998. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-20916 Filed 7-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-450-000, ER81-461-000]

**Missouri Edison Co.; Order Accepting  
for Filing and Suspending Revised  
Rates, Requiring Refiling, Waiving  
Notice, Consolidating Proceedings,  
and Establishing Procedures**

Issued July 10, 1981.

On May 12, 1981, Missouri Edison Company (Missouri) filed increased rates for firm power service to the City of Clarksville, Missouri (Clarksville), its only wholesale customer.<sup>1</sup> The proposed rates would result in increased revenues of approximately \$24,200 (18.34%) for the twelve-month test period ending December 31, 1980. The primary purpose of the instant submittal is to pass through to Clarksville Missouri's allocable portion of increased rates to Missouri filed by Union Electric Company (Union) in Docket No. ER81-450-000.<sup>2</sup> Missouri has requested an effective date to coincide with its increased purchased power costs from Union.<sup>3</sup>

Notice of Missouri's filing was issued on May 21, 1981, with responses due on or before June 8, 1981. On May 18, 1981, Clarksville filed a protest claiming that a 19% increase in rates would be a burden to Clarksville's citizens, but raising no substantive issues with respect to Missouri's cost of service. Clarksville has not requested intervenor status in these proceedings.

**Discussion**

In *Union Electric Company*, Docket No. ER81-450-000, order issued July 2, 1981, the Commission ordered summary disposition with respect to several cost of service issues.<sup>4</sup> These determinations will reduce the purchased power costs from Union which Missouri seeks to pass through to Clarksville. As a result,

<sup>1</sup> Designated as: Missouri Edison Company, Supplement No. 4 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 3).

<sup>2</sup> Missouri is a wholly-owned distribution subsidiary of Union and receives 100% of its requirements from Union.

<sup>3</sup> Missouri requests a July 7, 1981 effective date, the same date originally requested by Union. However, Union's submittal was suspended for one day from 60 days after filing to become effective on July 9, 1981, subject to refund.

<sup>4</sup> Summary disposition was granted with respect to the inclusion of deferred income taxes in rate base, a post-test year adjustment to reflect wage increases, and interest synchronization.



the summary dispositions should be reflected in the currently proposed rates. Moreover, the revenue impact of these adjustments to Missouri's rates is significant in relation to the requested increase. Thus, Missouri will be required to file revised rates, within 30 days of the Commission's acceptance of Union's compliance days of the Commission's acceptance of Union's compliance rates, to reflect reduced purchased power costs resulting from the summary dispositions ordered in Docket No. ER81-450-000.

Our analysis of the instant submittal indicates that Missouri's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the increased rates for filing, as modified by this order, and we shall suspend them as directed below.

In a number of suspension orders,<sup>5</sup> we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. We note that approximately 68% of the proposed increase represents the pass-through of increased purchased power costs attributable to Union's rates, and that Union's rates have been suspended for one day and set for hearing. Under these circumstances, we believe it appropriate to suspend Missouri's rates so that the effective date will coincide with that applicable to Union's rates. Such a suspension and the imposition of a refund obligation should adequately protect any affected ratepayers pending the outcome of a hearing. We further find that good cause exists to waive the notice requirements in order to accomplish this objective. Accordingly, we shall suspend Missouri's rates to become effective on July 9, 1981, subject to refund.

Because common questions of law and fact are presented in this docket

and in Docket No. ER81-450-000, we shall consolidate these proceedings for purposes of hearing and decision.<sup>6</sup>

The Commission also notes that Missouri's proposed rates are based upon a 12-CP demand allocation, but include an 80% minimum billing demand ratchet. Missouri's use of this demand ratchet should be addressed as an issue in these proceedings.<sup>7</sup>

The Commission orders:

(A) Waiver of the notice requirements is hereby granted.

(B) Missouri's revised rates are hereby accepted for filing, as modified by paragraph (C) below, and are suspended to become effective on July 9, 1981, subject to refund pending hearing and decision.

(C) Within thirty (30) days of the Commission's acceptance for filing of Union's summary disposition compliance rates in Docket No. ER81-450-000, Missouri shall file revised rates to reflect reduced purchased power costs resulting from the summary dispositions ordered in Docket No. ER81-450-000.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of Missouri's rates for service to Clarksville.

(E) Docket Nos. ER81-450-000 and ER81-461-000 are hereby consolidated for purposes of hearing and decision.

(F) The administrative law judge previously designated to preside in Docket No. ER81-450-000 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-461-000 with the existing proceeding. Such procedures shall include the submission of testimony and exhibits by Missouri to support its filing in Docket No. ER81-461-000.

(G) The Secretary shall promptly publish this order in the *Federal Register*.

<sup>6</sup>By order dated August 1, 1980, Missouri was permitted to intervene in Docket No. ER81-450-000 by the presiding administrative law judge.

<sup>7</sup>Union's rates for service to Missouri do not include such a ratchet. See Opinion No. 94, Docket No. ER77-614, issued September 2, 1980, in which the Commission affirmed an initial decision requiring Union to eliminate the demand ratchet from its rates.

By the Commission.  
Kenneth F. Plumb,  
Secretary.  
[FR Doc. 81-20917 Filed 7-16-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-377-000]

**Northern Natural Gas Co., Division of InterNorth, Inc.; Application**

July 14, 1981.

Take notice that on June 15, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-377-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on a limited-term and best-efforts basis to Texas Eastern Transmission Corporation (Texas Eastern) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Texas Eastern on a best-efforts basis up to 50,000 Mcf of natural gas per day pursuant to a gas sales agreement dated June 1, 1981, for a term ending October 31, 1983.

It is stated that Applicant would deliver or cause to be delivered natural gas to Texas Eastern at any one or any combination of the following delivery points: (1) the existing points of interconnection between Texas Eastern's and Columbia Gas Transmission Corporation's (Columbia) pipelines in St. Landry Parish, Louisiana; (2) the existing points of interconnection between Texas Eastern's and Applicant's pipelines at Stark's, Calcasieu Parish, Louisiana; and (3) any other points mutually agreeable to the parties hereto. It is stated that deliveries by Columbia at St. Landry Parish, Louisiana, would consist of volumes in excess of that required to complete the exchange authorized by the Commission in its order issued November 9, 1979, in Docket No. CP79-145.

Applicant indicates that it is currently negotiating with Trunkline Gas Company (Trunkline) to provide for an additional delivery point at the existing point of interconnection between Texas Eastern's and Trunkline's pipelines at Ragley, Allen Parish, Louisiana.

Applicant states that Texas Eastern would pay Applicant for gas delivered at a price which would be the higher of the then currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's then effective Zone 1 commodity rate under its Rate Schedule

<sup>5</sup>E.g., *Boston Edison Co.*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-483 (August 22, 1980) (one day suspension).



CD-1. Applicant states that the proposed sale would be contingent upon Applicant's ability to meet its existing general system volume requirements. In instances when Applicant cannot provide total requested deliveries to its off-system customers due to the volume demand of its general system requirements then Applicant would apply any excess volumes in a *pro rata* manner subject to pipeline operational considerations to those off-system customers, it is stated.

Applicant states that its customers would receive direct benefits from refunds attributable to off-system sales revenues accomplished by the revenue treatment proposed herein.

Applicant asserts that its currently effective rates are the result of a settlement agreement in Docket No. RP80-88 which provides for the Sales Refund Obligation (SRO) in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is submitted that Section III of the Stipulation and Agreement in Docket No. RP80-88 requires that Applicant refund to its customers the fixed cost component of its commodity rate for any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is further asserted that under the proposed revenue treatment, Applicant would refund by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate.

Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in Docket No. RP80-88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from those sales. Applicant requests specific authorization be granted for its proposed treatment of revenues.

Applicant explains that it is experiencing a surplus resulting from active acquisition efforts, reduced market requirements and high deliverability requirements of new gas purchase contracts. The proposed sale

would, it is stated, enable Applicant to better manage its overall gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-30840 Filed 7-16-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4644-000]

**Stephens & Thompson Paper Co.;  
Application for Exemption From  
Licensing of a Small Hydroelectric  
Project of 5 Megawatts or Less**

July 13, 1981.

Take notice that the Stephens and Thompson Paper Company filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its Stephens and Thompson Project No. 4644 from all or part of Part I of the Federal Power Act pursuant to 18 CFR

Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.<sup>1</sup> The proposed project would be located on the Battenkill River in Washington County, New York. Correspondence with the Applicant should be directed to: Mr. Lawrence Myers, President; Stephens and Thompson Paper Company; Greenwich, New York 12834.

*Project Description*—The proposed project would consist of: (1) a reinforced concrete dam, varying in height from 5 feet to 12 feet with a crest length of 212 feet; a 56-foot section of the dam contains (2) a gatehouse structure with three vertical slide gates; (3) a power canal 1,754 feet long with a 360-foot section bordered by concrete wingwalls, a 475-foot section lined with rock, and a 919-foot earth lined section; (4) a reinforced concrete diversion dam at the end of the power canal, 21 feet high and 85 feet long, containing (5) one vertical slide waste gate, and (6) an intake structure consisting of a trash rack with six vertical slide gates; leading to (7) a 200-foot long penstock which tapers to a 9-foot diameter; (8) a powerhouse 142 feet by 85 feet containing two Francis turbines with the smaller turbine driving a 1,000 kW generator, the larger turbine/wood grinding unit has been retired from service; and (9) appurtenant works.

Applicant proposes to: (1) rebuild the larger turbine/wood grinding unit by installing 2 new higher capacity runners giving the turbine a 3,000 HP rating; (2) install a new 2,250 kW generator; (3) install 70 feet of 34.5 kV transmission line; and (4) build a new substation containing one 500 kVA transformer. The total generating capacity of the proposed project would be 3,250 kW. Applicant estimates the average annual energy output of the proposed project would be 19,422,381 kWh.

*Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should

<sup>1</sup>Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).



be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 26, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 24, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 26, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4644. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-20918 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4597-000, 4629-000]

**Weber-Box Elder Conservation District and Utah Municipal Power Agency; Application for Preliminary Permit**

July 13, 1981.

Take notice that Weber-Box Elder Conservation District (WB) and Utah Municipal Power Agency (UM) (Applicants) filed on April 28, 1981 and May 8, 1981, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project Nos. 4597 (WB) and 4629 (UM) known as the Pineview Hydro Project located on the Ogden River in Weber County, Utah. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Edward H. Southwick, General Manager, Weber-Box Elder Conservation District, 1483 Wall Avenue, Ogden, Utah 84404 (WB), and Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, P.O. Box 418, Payson, Utah 84651 (UM).

**Project Description**—The proposed project would utilize the Bureau of Reclamation's Pineview Dam and Reservoir, operated and maintained by the Ogden River Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 980 kW (WB), or 4,500 kW (UM); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be between 4,700,000 kWh and 6,200,000 kWh (WB) or 9,000,000 kWh (UM).

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of two years (WB) or three years (UM), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants

would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be \$50,000 (WB) or \$40,000 (UM).

**Competing Applications**—These applications were filed as competing applications to Utah Hydro Corporation's application for Project No. 3543 filed on October 8, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 11, 1981.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-20919 Filed 7-16-81; 8:45 am]

BILLING CODE 6450-85-M



**Office of Assistant Secretary for  
International Affairs**

**International Atomic Energy  
Agreements; Civil Uses; Proposed  
Subsequent Arrangement Between the  
United States of America and the  
European Atomic Energy Community**

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 50 nanocuries of plutonium-238 to be used to investigate plutonium behavior in acid soils in Scotland.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S-EU-691 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: July 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-21023 Filed 7-16-81; 9:45 am]

BILLING CODE 6450-01-M

**Western Area Power Administration**

**Proposed General Consolidated Power  
Marketing Criteria for Boulder City  
Area Projects and Regulations for the  
Boulder Canyon Project Renewal**

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Publication of the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal.

**SUMMARY:** The Western Area Power Administration's (Western) Boulder City Area Office (BCAO) announced in an April 9, 1981, letter to all contractors and interested parties that the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal (Proposed Criteria) were tentatively scheduled for

publication in the Federal Register on June 29, 1981, and that a public comment forum at which to gather formal comments concerning the Criteria was tentatively scheduled for September 11, 1981. As a result of requests by the States of Arizona and Nevada to delay publication in the Federal Register to permit the continuation of discussions concerning the Proposed Criteria, Western believes it is in the interest of all parties to set September 11, 1981, as the date for publication of the Proposed Criteria in the Federal Register. A formal comment forum will be announced at the time the Proposed Criteria are published.

**ADDRESS:** Any comments and questions concerning this notice should be submitted to: Mr. R. A. Olson, Area Manager, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293-8115.

**SUPPLEMENTARY INFORMATION:**

Western's BCAO has engaged in an informal public involvement process since September 1978 to develop a marketing plan for the power resources in the Boulder City Area. The Federal projects involved are the Boulder Canyon Project, Parker-Davis Project, and the Central Arizona Project (Navajo Generating Station).

Since the initial informal public information forums (Forum) in September 1978, the BCAO held Forums in November 1979, February 1980, and May 1980 to explain the characteristics of the resources, power marketing alternatives, and to discuss issues raised as a result of previous Forums. The BCAO then mailed a preliminary draft of the Criteria in July 1980 to all contractors and interested parties and held a Forum to discuss the preliminary draft Criteria in August 1980. As a result of the numerous comments received, the BCAO mailed a second draft Criteria in December 1980 to all contractors and interested parties.

Comments received concerning the second draft Criteria were reviewed; and by letter dated April 9, 1981, to all contractors and interested parties, a tentative date for publication of the Proposed Criteria in the Federal Register was announced.

Letters received from the Arizona Power Authority dated June 18, 1981, and from the Division of Colorado River Resources, State of Nevada, dated June 30, 1981, have requested additional time for further discussions to resolve differences concerning the Proposed Criteria. Western believes that the publication of the Proposed Criteria on September 11, 1981, is reasonable and

that the additional time requested will be useful to all parties.

Issued in Golden, Colorado, July 9, 1981.

Robert L. McPhail,  
Administrator.

[FR Doc. 81-21026 Filed 7-16-81; 9:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[AHS-FRL-1884-5]

**Announcement of Fuel Economy  
Retrofit Device Evaluation for "V-70  
Vapor Injector"**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Fuel Economy Retrofit Device Evaluation.

**SUMMARY:** This document announces the conclusions of the EPA evaluation of the "V-70 Vapor Injector" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

**BACKGROUND INFORMATION:** Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

**Origin of Request for Evaluation**

On September 20, 1980, the EPA received a request from Mr. Richard



Pluch for evaluation of a fuel-saving device termed "V-70 Vapor Injector." This device is claimed to "give a minimum of 10% savings in gasoline." The device consists of an aerator which supplies a vaporized liquid fuel additive to the carburetor PCV inlet line.

#### Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the V-70 Vapor Injector Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-12 consisting of 85 pages including all attachments.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650

#### Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in the application. The evaluation of the "V-70 Vapor Injector" was based on that information. The Applicant was sent two letters requested additional information and test data. EPA did not receive a response to either letter from the Applicant. The EPA is still required to complete the evaluation based on the available information and publish the result of this evaluation.

The Applicant submitted insufficient test data to demonstrate that the "V-70 Vapor Injector" would improve fuel economy. EPA testing of similar devices failed to show a fuel economy benefit. The explanations in the application of how the device improves fuel economy were incomplete. Additional information concerning the device and the "V-70 Vapor Fuel Additive" were repeatedly requested but to no avail. Without this information, no conclusions as to the safety of the device or its effect on unregulated emissions, could be made. Based on the information provided by the Applicant, there was no technical basis to support any claims for a fuel economy improvement or emissions reduction with the "V-70 Vapor Injector."

**FOR FURTHER INFORMATION CONTACT:** Merrill W. Korth, Emission Control Technology Division, Office of Mobil Source Air Pollution Control, Environmental Protection Agency, 2565

Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-20078 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-26-M

[ER-FRL-1687-3]

#### Availability of Environmental Impact Statements

**AGENCY:** Office of Federal Activities (A-104), U.S. 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 July 6, 1981 to July 10, 1981.

**REVIEW PERIODS:** The 45-day review period for draft EIS's listed in this notice is calculated from July 17, 1981 and will end on August 31, 1981. The 30-day review period for final EIS's as calculated from July 17, 1981 will end on August 17, 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 14, 1981.

William N. Hedeman, Jr.,  
Director, Office of Federal Activities (A-104).

#### Department of Agriculture

**CORRECTION:** SCS: Revised Draft—Wheeling Creek Watershed Project, Greene and Washington Counties, Pennsylvania and Ohio and Marshall Counties, West Virginia—published in the July 10, 1981 *Federal Register*—published with erroneous status of final, should be revised draft—comment period will terminate on August 24, 1981 (EIS Order #810521)

#### Army Corps of Engineers

- Draft—North Bay Aqueduct Construction, Permit, Solano County, California (EIS Order #810531)
- Draft—Bodega Bay Navigational Improvement, Sonoma County, California (EIS Order #810534)
- Draft—Gowanus Creek Channel Navigation Improvement, Kings County, New York (EIS Order #810552)
- Draft—Texas City Channel Modification, Galveston County, Texas; the review period for this EIS has been extended until September 4, 1981 (EIS Order #810545)
- Final—Carolina Beach Erosion Control/Wave Protection, New Hanover County, North Carolina (EIS Order #810540)
- Final—Cabin Creek Demonstration Reclamation Project, Kanawha County, West Virginia (EIS Order #810454)
- Final—Grand Haven Harbor Modification, Ottawa County, Michigan (EIS Order #810445)
- Draft Supplement—Mankato-N. Mankato-Le Hillier, TH-60 Bridge, Blue Earth and Nicollet Counties (EIS Order #810544)

#### Department of Commerce

EDA: Draft—International Trade Center Complex, Harlem, New York; the review for this EIS has been extended until September 2, 1981 (EIS Order #810548)

#### Department of Energy

Final—Solvent Refined Coal-I, Demonstration Project, Daviess County, Kentucky (EIS Order #810550)

#### Department of Housing and Urban Development

- Draft—Indian Creek Development, Mortgage Insurance, Dougherty County, Georgia (EIS Order #810536)
- Draft—Westlake Housing Development, Mortgage Insurance, Salt Lake County, Utah (EIS Order #810535)

#### Department of the Interior

- BLM: Draft—Westside Salem Timber Management Plan, Oregon; the review period for this EIS has been extended until September 9, 1981 (EIS Order #810546)
- BLM: Final—Coal Slurry Pipeline Transportation Project, Wyoming, South Dakota, Colorado, Nebraska, Kansas, Oklahoma, Arkansas and Louisiana (EIS Order #810539)
- BLM: Final Supplement—Colstrip Project Transmission Line Right-of-Way, Deer Lodge, Jefferson, Powell



and Silver Bow Counties, Montana (EIS Order #810543)

**EXTENSION:** BLM: Draft—Norton Sound OCS Oil and Gas Lease Sale #57, Alaska—published Federal Register June 26, 1981—the review period has been extended until October 16, 1981 (EIS Order #810487)

#### Department of Transportation

FAA: Draft Supplement—Metropolitan Washington Airport Policy, Arlington, Fairfax and Loudon Counties, Virginia (EIS Order #810547)

FHWA: Draft—North Thomasville Bypass Construction, Thomas County, Georgia; the review period for the above EIS has been extended until September 2, 1981 (EIS Order #810549)

FHWA: Draft—US 52/I-77 Connector, Surry County, North Carolina (EIS Order #810537)

FHWA: Draft—North-South Coors Boulevard and Coors Road Connection, Bernalillo County, New Mexico (EIS Order #810532)

FHWA: Final—Palo Verde Corridor Improvements, Pima County, Arizona (EIS Order #810533)

FHWA: Final—GA-55/US 82 Improvement, Richland to Dawson, Stewart, Webster, Terrell, Sumter, Lee and Dougherty Counties, Georgia (EIS Order #810542)

#### Civil Aeronautics Board

Final—John Wayne Airport Permissive Authorization, Orange County, California (EIS Order #810541)

#### Environmental Protection Agency

EPA4: Draft—Big Bend Unit 4, NPDES Permit, Hillsborough County, Florida; the review period for this EIS has been extended until September 2, 1981 (EIS Order #810538)

**CORRECTION:** EPA8: Final—Durango Area Wastewater Management Plan, La Plata County, Colorado—should have appeared in Notice of Availability published in the July 10, 1981 Federal Register—the review period will terminate on August 10, 1981 (EIS Order #810553)

#### General Services Administration

Final—Queens Federal Building, Consolidation, New York (EIS Order #810551)

[FR Doc. 81-21009 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-37-M

#### EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

**AGENCY:** Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

**PURPOSE:** Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

**SUMMARY OF NOTICE:** A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during May 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

**CONTENTS OF REPORT:** The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing the document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: July 14, 1981.  
William N. Hedeman, Jr.,  
Director, Office of Federal Activities.

[FR Doc. 81-21010 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-37-M

#### [TSH-FRL 1884-1; OPTS-51276]

#### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28564) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces

receipt of two PMN's and provides a summary of each.

**DATE:** Written comments by August 16, 1981.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51276]" and the specific PMN number, should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

#### FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-300	Carrie Berlin	202-426-8818	E-221
81-301	George Bagley	202-426-2601	E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The following are summaries of information provided by the manufacturer on PMN's received by EPA:

#### PMN 81-300

*Close of Review Period.* September 15, 1981.

*Manufacturer's Identity.* Claimed confidential business information. Organizational information provided: Manufacturing site—Mid-Atlantic region, U.S.

Standard Industrial Classification Code—2869.

*Specific Chemical Identity.* Claimed confidential business information. Generic name provided: alkylated cyclohexane.

*Use.* Claimed confidential business information. Generic use provided: dispersive use that will release less than 50 kg to the environment per year with potential exposure to chemical industry employees and to consumers as part of a formulated product.

*Production Estimates.* Claimed confidential business information:

#### Physical/Chemical Properties

Density (liquid)—0.9-1.1 gm/cc.  
Solubility at 25°C, 95% ethanol—> 10 gm/l.

Boiling point—50-100°C (20 mm Hg).  
Refractive index at 20°C—1.4000-1.5000.

Flash point—100-200°F (TCC).

#### Toxicity Data

LD<sub>50</sub> (rat)—2.0 ml/kg.



Skin sensitization (guinea pig)—  
Nonsensitizer.

Skin irritation—Slight.

Ames *Salmonella*/Microsome test—  
No mutagenic activity.

**Exposure.** No data were submitted. The submitter states that the new chemical will be manufactured in a closed reactor. Worker exposure is not anticipated.

**Environmental Release/Disposal.** No data were submitted. The manufacturer claims that release of materials is anticipated to be minimal if at all; that if disposal is required, it will be by incineration.

#### PMN 81-301

**Close of Period.** September 15, 1981.

**Manufacturer's Identity.** Claimed confidential business information.

**Specific Chemical Identity.** Claimed confidential business information. Generic name provided: substituted benzene sulfide sulfonic acid.

**Use.** Brightener for copper plating.

**Production Estimates.** Claimed confidential business information.

**Physical/Chemical Properties.** No data were submitted.

**Toxicity Data.** No data were submitted.

**Exposure.** No data were submitted.

**Environmental Release/Disposal.** No data were submitted.

Dated: July 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-20952 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-31-M

#### [PH-FRL-1884-2; PP OG2343/T315]

#### Ethephon; Extension of Temporary Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** A temporary tolerance has been extended for residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity cottonseed at 0.5 part per million (ppm).

**DATE:** This temporary tolerance expires July 22, 1982.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Taylor, Project Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the

Federal Register of October 15, 1980 (45 FR 68462) that GAF Corp., 140 West 51st St., New York, NY 10002, had requested establishment of a temporary tolerance for residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on cottonseed at 0.5 ppm.

GAF Corp. has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (1529-EUP-3) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. GAF Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires July 22, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of

Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: July 2, 1981.

Douglas D. Camp,   
Director, Registration Division, Office   
Pesticide Programs.

[FR Doc. 81-20952 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-32-M

#### [A-2-FRL-1884-3]

#### Prevention of Significant Deterioration of Air Quality (PSD); Determinations of PSD Non-applicability

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final actions.

**SUMMARY:** The purpose of this notice is to announce that between January 8, 1981, and April 3, 1981, the U.S. Environmental Protection Agency, Region II issued determinations of non-applicability relative to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676) for thirteen sources. These determinations of PSD Non-applicability are final actions under the Clean Air Act.

**DATE:** These determinations are effective on July 17, 1981. (See supplemental information).

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264-4711.

**SUPPLEMENTARY INFORMATION:** Pursuant to the PSD regulations, the EPA has made non-applicability determinations for the following sources:

Name of applicant	Type of source	Approximate location*	Date of final action
Towne of Smithville	New housing-unit development	Atlantic County, N.J.	Jan. 8, 1981
Loctite Puerto Rico, Inc.	New boiler and monomer adhesive manufacturing process.	Sabana Grande, P.R.	Do.



Name of applicant	Type of source	Approximate location	Date of final action
Millipore Corp.	Expansion of filter media manufacturing plant.	Cidra, P.R.	Do.
Arenas Proccisada, Inc.	New sand processing plant.	Vega Alta, P.R.	Jan. 29, 1981.
Columbian Chemical Co.	New Selas furnace.	Monmouth Junction, P.R.	Feb. 4, 1981.
Phillips Petroleum Co.	New sulfur recovery unit.	Guayama, P.R.	Do.
Sun Oil Company of Yabucoa	New crude oil tank and naphtha storage tank.	Yabucoa, P.R.	Feb. 12, 1981.
Virgin Islands Department of Public Works.	Three new modular incinerators.	St. Croix, V.I.	Mar. 30, 1981.
Roche Products, Inc.	Three new modular incinerators.	St. Thomas, V.I.	Do.
	New valium manufacturing facilities.	Manati, P.R.	Mar. 11, 1981.
Arawak Paving Co.	New asphalt concrete plant.	Hamilton Township, N.J.	Mar. 18, 1981.
Virgin Islands National Park	Three new modular incinerators.	St. John, V.I.	Mar. 30, 1981.
A.E. Stone, Inc.	New drum-mix asphalt plant.	Pleasantville, N.J.	Apr. 3, 1981.
Puerto Rico Asphalt Co.	New drum-mix asphalt plant.	Aguadilla, P.R.	Do.

This notice contains only a list of the sources which have received PSD non-applicability determinations. Copies of these determinations and related materials are available for public inspection at: Environmental Protection Agency, Region II Office, Permits Administration Branch, 26 Federal Plaza, Room 432, New York, New York 10278; 212-264-4711.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by September 15, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: July 1, 1981.

Richard T. Dewling, Ph.D.,  
Acting Regional Administrator.

[FR Doc. 81-20955 Filed 7-16-81; 8:45 am]

BILLING CODE 6550-38-M

[TSH-FRL-1883-1; OPTS-59053A]

### Silicone Polyol; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** On May 29, 1981, EPA received an application for an exemption from the requirements of section 5(a) of the Toxic Substances Control Act (TSCA) to permit the manufacture of a chemical substance for test marketing purposes. The submitter claimed its identity, chemical identity, use, and process information confidential. The Test Marketing Exemption (TME) number assigned to the substance is TM-81-15. The substance is generically identified as silicone polyol. The notice of receipt of the exemption application was published in the Notice section of the Federal Register of June 25, 1981.

EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted the submitter an exemption from the TSCA premanufacture reporting requirements for the test marketing of the substance in the manner described in the application but subject to the restrictions specified in this notice.

**EFFECTIVE DATE:** This exemption is effective on July 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Jones, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-2801).

**SUPPLEMENTARY INFORMATION:** Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or

the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 29, 1981 EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. The submitter claimed its identity, chemical identity, use and process information as confidential and therefore the substance for which the exemption application was submitted is generically identified as silicone polyol. The notice of receipt of the exemption application and the request for comment on the appropriateness of granting the exemption was published in the Notice section of the Federal Register of June 25, 1981. The Agency received no comment concerning the application.

In the application, the submitter states he will produce 2,900 kg of the substance and will test market the substance for a period not to exceed one year. Manufacturing and processing will take place over a 3-day period, 4-6 hours a day, and will potentially expose no more than 33 people to skin or eye contact with the substance. The use (claimed confidential) of the substance will take place over a 45-day period, 12 hours a day, and will potentially expose no more than 10 people. Workers use protective clothing to minimize contact with the PMN substance. The submitter states there will be no consumer exposure to the substance and that there will be no more than 500 kg released to the environment.

Agency reviewers raised little or no concern for health or environmental effects that may be caused by the manufacture or use of the substance as described in the test marketing exemption application.

Because of the low level of concern regarding the toxicity of the substance and low human exposure and environmental release during the test marketing, EPA has determined that the substance will not present an unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the submitter. Accordingly, EPA grants the submitter an exemption from the premanufacture reporting requirements for purposes of test marketing the silicone polyol in the manner described in the exemption application.

This test marketing exemption is granted based on the facts and



information obtained and reviewed, but is subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of production and the quantities produced in each batch and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 2,900 kg described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a one-year period commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical substance should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: July 9, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-20964 Filed 7-16-81; 8:45 am]

BILLING CODE 6560-31-M

## FEDERAL RESERVE SYSTEM

### Broad National Bancorporation; Formation of Bank Holding Co.

Broad National Bank, Newark, New Jersey, 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 Broad National Bank, Newark, New Jersey. 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 New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 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 13, 1981.

D. Michael Manies,  
Assistant Secretary of the Board.

[FR Doc. 81-20942 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

### Citicorp; Proposed Retention of Citicorp Banking Corporation

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Banking Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Citicorp Banking Corporation, Wilmington, Delaware.

Applicant states that the subsidiary would establish branches in Nassau, Bahamas, and Luxembourg to engage in the following activities: accepting funds in dollars or foreign currency in wholesale money markets, i.e., in amounts over \$100,000; making commercial loans in amounts over \$100,000; placing funds with and making loans and advances to subsidiary and affiliated organizations; foreign exchange transactions; and other activities constituting commercial banking outside the United States.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 2, 1981.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,  
Assistant Secretary of the Board.

[FR Doc. 81-20943 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

### First State Financial Corp.; Formation of Bank Holding Company

First State Financial Corporation, Larned, Kansas, 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 80 percent or more of the voting shares of First State Bank & Trust Company, Larned, Kansas. 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 12, 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 13, 1981.

D. Michael Manies,  
Assistant Secretary of the Board.

[FR Doc. 81-20944 Filed 7-17-81; 8:45 am]

BILLING CODE 6210-01-M

### Lake Area Bancshares, Inc.; Formation of Bank Holding Company

Lake Area Bancshares, Inc., Hawthorne, Florida, 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 80 percent or more of the voting shares of Lake Area State Bank, Hawthorne, Florida. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 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 13, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-20945 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

#### Rupp Bancshares, Inc.; Formation of Bank Holding Company

Rupp Bancshares, Inc., Hayes, Kansas, 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 87.5 percent or more of the voting shares of Farmers National Bank, Victoria, Kansas. 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 12, 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 13, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-20946 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

#### SC Bancorp; Formation of Bank Holding Company

SC Bancorp, Downey, California, 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 The Bank of Downey, Downey, California. 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 San

Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 12, 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 13, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-20947 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

#### United Bank Corporation of New York; Acquisition of Bank

United Bank Corporation of New York, Albany, New York, 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 The Rondout National Bank, Kingston, New York. 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 New York. 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 12, 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 13, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-20948 Filed 7-16-81; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### Consumer Participation; Open Meeting

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Matthew H. Lewis, District Director, Newark District Office, East Orange, NJ.

**DATE:** The meeting will be held from 1 p.m. to 3 p.m., Wednesday, August 12, 1981.

**ADDRESS:** The meeting will be held at the Glassboro State College, Student Center, Rm. 203, Glassboro, NJ 08028.

**FOR FURTHER INFORMATION CONTACT:** Joan A. Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Newark District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 10, 1981.

William F. Randolph,

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 81-20920 Filed 7-16-81; 8:45 am]

BILLING CODE 4110-03-M

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of the Secretary

[Docket No. N-81-1080]

##### Handicapped; Notice to all Recipients of Federal Financial Assistance From Department of Housing and Urban Development (HUD) Regarding Compliance with Section 504, Rehabilitation Act of 1973

**AGENCY:** Department of Housing and Urban Development, Office of the Secretary.

**ACTION:** Notice.

**SUMMARY:** HUD is giving notice to all recipients of Federal financial assistance under HUD programs that they are required to comply with Section 504 of the Rehabilitation Act of 1973 even though HUD has not yet issued final regulations implementing Section 504.

**FOR FURTHER INFORMATION CONTACT:** The HUD Field Office in your jurisdiction.

**SUPPLEMENTARY INFORMATION:** This Notice is given pursuant to an order entered by the United States District Court, Central District of California in



*Paralyzed Veterans of America, et al. Plaintiffs v. William French Smith, et al.*, United States District Court, Central District of California, No. CV-79-1979 WPG directing HUD to publish in the Federal Register a notice addressed to all recipients of Federal financial assistance from HUD. The purpose of the Notice is to advise such recipients of Federal financial assistance from HUD that they are required to comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), even though HUD has not yet issued final regulations implementing Section 504, and that they may look to the HEW regulation (45 CFR Part 84) for guidance. The text of the Notice as set forth below was prescribed by the Court's Order.

**Notice to all recipients of Federal Financial Assistance From Department of Housing and Urban Development**

In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, et al.*, United States District Court, Central District of California, No. CV-79-1979 WPG, the Honorable William P. Gray ordered the Department of Housing and Urban Development to notify all recipients of federal financial assistance from the Department of housing and urban Development that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), even though the Department of Housing and Urban Development has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

"No otherwise qualified handicapped individual in the United States \* \* \* shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 C.F.R. Part 84). Recipients of federal financial assistance from the Department of Housing and Urban Development may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Issued at Washington, D.C., on July 15, 1981.

Samuel R. Pierce, Jr.,  
Secretary of Housing and Urban  
Development.

[FR Doc. 81-21062 Filed 7-16-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-81-1080]

**Privacy Act of 1974; New System of Records**

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Notification of system of records.

**SUMMARY:** The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

**EFFECTIVE DATE:** This notice shall become effective August 16, 1981, unless comments are received on or before that date which would result in a contrary determination.

**ADDRESS:** Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:** Robert English, Departmental Privacy Act Officer, Telephone 202-755-5333. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The system is Government Property on Personal Charge Files. It will contain information about HUD employees who have government-owned property charged to them. The system is used to formally document the temporary issuance of government-owned property on personal charge to HUD employees. The records establish the basis for accountability of government property during temporary issuances. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 45 FR 67608 (October 10, 1980). Appendix A, which lists the addresses of HUD's Offices, was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Director of the Office of Management and Budget on June 5, 1981.

**HUD/DEPT-73**

**SYSTEM NAME:**

Government Property on Personal Charge Files.

**SYSTEM LOCATION:**

Headquarters and field offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former HUD employees to whom HUD has issued government property on personal charge.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records are comprised of a copy of each receipt for government property

on a charge, and a property receipt control register. The following date will be included in the records: Name of employee, office telephone number, room number and location, organization symbol, custody receipt and property pass number, description of property, certificate of receipt and responsibility, dates of issuance, return due, follow-up, extension, and return and signature of chargeable employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Property and Administrative Services Act of 1949, 40 U.S.C. Sec. 483.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

See Routine Uses paragraphs in prefatory statement. Other routine uses: None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records will be stored in card files and file folders.

**RETRIEVABILITY:**

Individual name.

**SAFEGUARDS:**

Files are kept in a secured cabinet, with access limited to authorized personnel.

**RETENTION OF DISPOSAL:**

These records are disposed of in accordance with the Mandatory General Records Schedules contained in HUD Handbook 2228.2, General Records Schedules.

**SYSTEM MANAGER AND ADDRESS:**

Chief, Property and Supply Branch, Facilities Operations Division, Office of Administrative Services, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

**NOTIFICATION PROCEDURES:**

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

**RECORD ACCESS PROCEDURES:**

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.



**CONTESTING RECORD PROCEDURES:**

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

**RECORD SOURCE CATEGORIES:**

Individuals to whom property is charged.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., July 13, 1981.

Albert J. Kliman,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 81-30932 Filed 7-16-81; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF THE INTERIOR****Privacy Act of 1974; Revision and Update of System of Records Notice**

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise an existing system of records. The records system being revised is titled "Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3" and was previously published in the *Federal Register* on June 7, 1978 (43 FR 24748). The records system is being updated to reflect the current organizational assignment of the ethics counselor function, and to add five new routine uses which are compatible with the purposes for which the system is maintained. The revised system notice is published in its entirety below.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments of these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. If no comments are received, the system will be implemented without further notice in the *Federal Register*. Comments

receive on or before August 17, 1981 will be considered.

Dated: July 8, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior

**INTERIOR/OS-3****SYSTEM NAME:**

Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3

**SYSTEM LOCATION:**

(1) Office of the Assistant Secretary—Policy, Budget and Administration, Interior, 18th and C Streets, N.W., Washington, D.C. 20240; (2) Bureau and Office of Ethics Counselors, Deputy Ethics Counselors, and Assistant Ethics Counselors. (A list may be obtained from the Deputy Agency Ethics Official, Office of the Assistant Secretary—Policy, Budget and Administration.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present or past Department employees required to file financial interests or disclosure statements as required by in 5 CFR Part 734, 43 CFR Part 20, or 30 CFR Part 706; and, present or past Department employees subjected to remedial or disciplinary action for conflicts of interest or other ethics violations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains confidential statements of employment and financial interests (forms DI-212, DI-212A, DI-213, or DI-278) for present or past Interior Department employees required to file such statements. Contains Public Disclosure Statements of Known Financial Interest (forms DI-211 and DI-211B) for present or past incumbents in positions required to file such statements. Contains Public Financial Disclosure Reports required by the Ethics in Government Act of 1978 (form SF-278) for present or past incumbents in positions required to file such statements. Also contains records of conflict of interest decisions and appeals, analysis of financial holdings, employee statements, bureau or office comments, and supervisor comments on present or past employees, as requested by the bureau or office counselors or as needed by the Designated Agency Ethics Official.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) 5 U.S.C. 7301; (2) 16 U.S.C. 1912; (3) 30 U.S.C. 1211; (4) 42 U.S.C. 6392; (5) 43 U.S.C. 1743; (6) 43 U.S.C. 1864; (7) Executive Order No. 11222, 18 U.S.C. 201

note; (8) 5 CFR Parts 734 and 738; and (9) 43 CFR Part 20.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are: (a) to review employee financial interests and determine employee compliance or non-compliance with applicable conflict of interest statutes and regulations, and to effect remedial and disciplinary action where non-compliance is ascertained; (b) to record the fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and that he or she is in compliance with such specific legislation or regulations; (c) to provide the public with access to, and to adequately control access to, financial disclosure reports which must by statute be made available to the public; and (d) to provide an adequate system of records for Departmental auditors performing compliance audits within the Department.

Disclosures outside of the Department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (3) to federal, state, tribal, territorial or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (4) to a federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (5) to the Office of Personnel Management to perform oversight reviews; (6) to the public for only those records covered by specific statutes requiring their public disclosure; (7) to appropriate federal, state, tribal, territorial, local or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing, implementing, or administering a statute, rule, regulation, program, facility, order, lease, license, contract, grant, or other agreement; (8) to a federal, state, tribal, territorial, local or foreign agency, or an organization, or an individual when reasonably necessary to obtain information or assistance relating to an audit, investigation, trial, hearing, preparation for trial or hearing, or any other authorized activity or the Department; (9) to an appropriate federal, state,



tribal, territorial, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (10) to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; and (11) to a foreign government pursuant to an international treaty, convention, or executive agreement entered into by the United States.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

For confidential statements of employment and financial interests, DI-212, DI-212A, and DI-213, and for public disclosure statements, DI-211 and DI-211B:

**STORAGE:**

Maintained in file folders and word processing equipment storage media.

**RETRIEVABILITY:**

For each bureau and office, information is filed alphabetically by position or employee name.

**SAFEGUARDS:**

Maintained in locked file cabinets in locked rooms; manual files, standard passworded files on word processor, and software are accessible to authorized persons only.

**RETENTION AND DISPOSAL:**

Disposal will be made two years after an employee leaves a position requiring the filing of the statement.

For Public Disclosure Statements of Known Financial Interest, SF-278; and Confidential Supplement Form DI-278:

**STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

Filed by bureau, alphabetically by employee name in the Office of the Assistant Secretary—Policy, Budget and Administration.

**SAFEGUARDS:**

Maintained in locked file cabinets or in locked rooms; manual files, standard passworded files and software are accessible to authorized persons only.

**RETENTION AND DISPOSAL:**

Disposal will be made six years after the year of receipt unless needed in an ongoing investigation.

**SYSTEM MANAGER AND ADDRESS:**

Designated Agency Ethics Official, Office of the Assistant Secretary—

Policy, Budget and Administration, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**NOTIFICATION PROCEDURES:**

Inquiries may be addressed to the System Manager identified above, or to the appropriate Bureau or Office Ethics Counselor. (A list of Ethics Counselors can be obtained from the System Manager.) (See 43 CFR 2.60 for procedures on making inquiries.)

**RECORD ACCESS PROCEDURES:**

A request for access may be addressed to the System Manager, identified above, or to the appropriate Bureau or Office Ethics Counselor. (A list of Ethics Counselors can be obtained from the System Manager.) The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor (A list may be obtained from the System Manager) and must meet the requirements of 43 CFR 2.71.

**RECORD SOURCE CATEGORIES:**

Present Department employees who are, or past Department employees who were, required to file financial interest statements, and Department bureaus and offices.

[FR Doc. 81-20772 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-10-M

**Bureau of Land Management**

(FES 81-26)

**Energy Transportation Systems, Inc. (ETSI), Proposed Coal Slurry Pipeline From Wyoming to Louisiana; Availability of Final Environmental Impact Statement**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Publication of the Final Environmental Impact Statement (EIS) on the Energy Transportation Systems Incorporated coal slurry pipeline proposal; Establishment of a 30-day public comment period.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on ETSI's proposed coal slurry pipeline. The proposed pipeline would originate in the Eastern Powder River region of

Wyoming and cross Nebraska and Kansas to delivery points in Oklahoma, Arkansas, and Louisiana.

The proposed action would involve construction and operation of a 1828-mile coal slurry transportation project. The project would comprise three coal slurry preparation plants, a water supply system (Niobrara County, Wyoming, well field) a 1664-mile main slurry pipeline and slurry pump stations, nine dewatering plants; and ancillary facilities such as transmission lines microwave towers. The EIS also assesses the following alternatives: two pipeline routes (a route serving an alternative set of markets and a Colorado route bypassing Nebraska), three transportation modes (pipeline plus barge, all railroad, and railroad plus barge), four water sources (a well field in Crook County, a combined well field involving well fields in Niobrara and Crook Counties; treated wastewater from South Dakota, and the Oahe Reservoir in South Dakota), and two processing alternatives (coal cleaning and water discharge).

**DATES:** Written comments should be forwarded no later than August 17, 1981, to ETSI EIS Project Leader, Bureau of Land Management, Office of Special Projects, 555 Zang Street, 3rd Floor East, Denver, Colorado 80228.

Limited copies of the EIS may be obtained from the above address.

Copies of the EIS are available for public review at various libraries along the proposed project route and at the following BLM locations:

—Office of Information

—Office of Special Projects

Bureau of Land Management, Interior Building, 18th & C Streets NW., Washington, D.C. 20240

Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-20904 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-84-M

**Fish and Wildlife Service**

**Endangered Species Permit; Receipt of Application**

Applicant: F. M. Driscoll, Lexington Pheasantry, Kelso, WA 98626.

The applicant requests a permit to import one pair of captive-bred brown-eared pheasants (*Crossoptilon mantchuricum*) and one pair of captive-bred white-eared pheasants (*C. crossoptilon*) from Mr. Jack Schuitman,



London, Ontario, Canada, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8179. Interested persons may comment on this application on or before August 17, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 14, 1981.

Steve Funderburk,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-20949 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-55-M

#### Endangered Species Permit; Receipt of Application

Applicant: Jean H. Pfaff, Sea Islands Veterinary Hospital, Charleston, SC.

The applicant requests a permit to receive and possess endangered and threatened birds brought to the Sea Islands Veterinary Hospital for rehabilitation and enhancement of survival purposes. Rehabilitated birds will be released to the wild.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8145. Interested persons may comment on this application on or before August 17, 1981 publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: July 10, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-20960 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-55-M

#### Geological Survey

##### General Mining Order, Withdrawal of Proposal to Develop an Order for Environmental Protection and Reclamation Standards for Uranium Exploration and Mining on Federal and Indian Permits, Leases, and Contracts

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice to withdraw proposal for general mining order for uranium exploration and mining—environmental and reclamation procedures.

**SUMMARY:** The November 26, 1980, notice in the Federal Register concerning this Order solicited suggestions by interested parties regarding uniform environmental and reclamation requirements for uranium exploration and mining on Federal and Indian lands.

In view of the comments received, site-specific procedures on a case-by-case basis will provide better environmental and reclamation procedures than an order of national scope. Consequently, we have decided not to proceed with the Order.

**ADDRESS:** Any comments or inquiries should be addressed to: Charles L. Sours, Chief, Branch of Rules and Procedures, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Cracknell, (703) 860-7506, (FTS) 928-7506.

Dated: July 9, 1981.

John J. Dragonetti,

Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81-20904 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-31-M

#### Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. ES-15444]

##### Availability for Public Review of a Mining and Reclamation Plan Proposed by the Greenwood Land and Mining Co. for Underground Mining of Federal Coal on the Daniel Boone National Forest, Kentucky

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

**ACTION:** Availability for public review of a proposed underground mining and reclamation plan.

**SUMMARY:** Pursuant to paragraph 211.5 of Title 30 and paragraph 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an

application from the Greenwood Land and Mining Co. to mine coal from Federal lease No. ES-15444. A brief description of the location of the lease area follows:

State: Kentucky  
County: McCreary

Legal: Forest Service Tract #54 (409.25 acres) Located about 2 miles east of Parkers Lake, Kentucky, at approximate latitude 36°51'30" and longitude 84°25' (Wiborg 7½ minute quadrangle).

The proposed mining operation would extend an existing underground mine now operating on land adjacent to the Federal lease area. Construction on the existing underground mine commenced in late spring of 1975. In accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the operator resubmitted his request for authorization to mine to the State of Kentucky in November of 1978. Kentucky permit No. 274-5004 was issued to Greenwood Land and Mining Co. for the operation, effective January 5, 1979.

The proposed extension of the existing mining operation involves the removal of approximately 256,000 tons of Federally-owned coal acquired under Federal coal lease ES-15444. Mining of the Federal coal would occur over a 12-month period.

The mining and reclamation plan submitted by Greenwood for the Federal coal lease has been determined to be sufficiently complete to permit the responsible Federal agencies to conduct a detailed technical analysis. This notice of apparent completeness is issued to inform the public of the availability of the mine plan for review and comment.

Simultaneous with the public review period, the Office of Surface Mining (OSM) will prepare a Technical Analysis (TA) to determine if the proposed plan satisfies applicable requirements of SMCRA. The TA will include an environmental assessment (EA). During the TA/EA process, it is possible that OSM may request additional information from the applicant. Any supplementary information obtained would also be available for public inspection.

Pursuant to 30 CFR 211.5(b), no action with respect to approval of the plan will be taken by the Regional Director for a period of 30 days after publication of this notice. Also, prior to issuing a final decision on the proposed plan, the Office of Surface Mining will issue a Notice of Pending Decision in accordance with 30 CFR 211.5(c)(2).

The proposed mine plan submitted by Greenwood Land and Mining Co. is



available for public review at the Office of Surface Mining, Region II, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee, 37902, and at the Forest Supervisor's Office, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky, 40391. All comments must be addressed to the Regional Director, Office of Surface Mining, Region II, at the above Knoxville address.

**FOR FURTHER INFORMATION CONTACT:** Joe Maddox or Willis Gainer, Office of Surface Mining, 530 Gay Street, SW, Suite 500, Knoxville, Tennessee, 37902 (Phone: (615) 971-5100).

Dated: July 14, 1981.

Andrew V. Bailey,  
Acting Director.

[FR Doc. 81-21011 Filed 7-16-81; 8:45 am]

BILLING CODE 4310-05-M

## INTERSTATE COMMERCE COMMISSION

### 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: Continental Emsco Company, P.O. Box 359, Dallas, Texas 75221.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

(i) Fibercast Company, a Delaware Corporation.

1. Parent corporation and address of principal office: Cotter & Company, 2740 Clybourn Ave., Chicago, IL 60614.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(i) General Power & Equipment Co.

(b) Lawn Chief Manufacturing.

(c) Wheeler Manufacturing, 203

Jandice, Cary, IL 60013.

(ii) General Paint Co., 201 Jandice, Cary, IL 60013.

1. Parent corporation and address of principal office: Harris Steel Group Inc., 1 First Canadian Place, P.O. Box 163, Suite 6455, Toronto, Ontario M5X 1C7.

2. Wholly-owned subsidiaries which will participate in operations and States (or Provinces) of incorporation:

(i) J. Harris Transportation Services Limited—incorporated in the Province of Ontario.

(ii) VSL Canada Ltd.—incorporated under the Laws of Canada.

(iii) Epoxycote Rebar Inc.—incorporated in the Province of Ontario.

(iv) Laurel Steel Products Limited—incorporated in the Province of Ontario.

(v) Fisher & Ludlow Limited—incorporated in the Province of Ontario.

(vi) Frankel Steel Limited—incorporated under the Laws of Canada.

(vii) Quecor Steel Ltd.—incorporated under the Laws of Canada.

(viii) Second Manufacturing Limited—incorporated in the Province of Ontario.

1. Parent corporation and address of principal office: Jewel Companies, Inc., Diversified Retailers, O'Hare Plaza, 5725 East River Rd., Chicago, IL 60631.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

(a) Sav-On-Drugs, Inc., 1500 Anaheim Blvd., Anaheim, CA 92805.

(b) Jewel Far East, Ltd., 26 Wellington Street, 2nd Floor, Central Hong Kong.

(c) Mass Feeding Corporation, First Federal Office Plaza, 1699 East Woodfield Road, Schaumburg, IL 60193.

(d) Osco Drug, Inc., 1818 Swift Drive, Oak Brook, IL 60521.

(e) Osco Drug Northwest, Inc., 601 Sixth Street, S.W., Great Falls, MT 59404.

(f) Osco-Drug of Michigan, Inc., c/o The Corporation Company, 615 Griswold Street, Detroit, MI 48226.

(g) The Park Corporation, Jewel Park, Barrington, IL 60010.

(h) Specialties, Inc., 121 Industrial Drive, Beaver Dam, WI 53916.

(i) White Hen Egg Farms, Inc., O'Hare Plaza, 5725 N. East River Road, Chicago, IL 60631.

3. Divisions:

(a) Brigham's 30 Mill Street, Arlington, MA 02174.

(b) Buttrey Food Stores, 601 Sixth Street, S.W., Box 5008, Great Falls, MT 59403.

(c) Direct Marketing Division, Jewel Park, Barrington, IL 60010.

(d) Eisner Food & Agency Stores, 301 E. Wilbur Heights Road, Champaign, IL 61820.

(e) Jewel Food Stores, 1955 West North Avenue, Melrose Park, IL 60160.

(f) Jewel T. Discount Grocery, Jewel Park, Barrington, IL 60010.

(g) Star Market Company, 625 Mt. Auburn Street, Cambridge, MA 02138.

(h) White Hen Pantry, 666 Industrial Drive, Elmhurst, IL 60126.

1. Parent corporation and address of principal office: Mobil Corporation, 150E. 42nd Street, New York, New York 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

Container Corporation of America—Delaware

Montgomery Ward & Co., Inc.—Illinois  
American Delivery Service Company—Delaware

Jefferson Stores, Inc.—Delaware

Jefferson Ward Stores, Inc.—Delaware

Standard T Chemical Company, Inc.—Delaware

Mobil Oil Corporation—New York

Arnold Oil Corporation—Delaware

Danna Oil Corporation—Delaware

Easternoil Corporation—Delaware

Goodling, Inc.—Delaware

James K. Horne, Inc.—Delaware

Langie Fuel Service, Inc.—New York

Marico, Inc.—Delaware

Pasadena Chemical Corporation—Delaware

E. Robison, Inc.—New York

The Home Oil Company—Connecticut

The Valley Coal Company—Delaware

W. F. Hall Printing Company—Delaware

Chicago Rotoprint Company—Illinois

Hall of Mississippi, Inc.—Delaware

Hall of Tennessee, Inc.—Delaware

W. F. Hall Printing Company of Georgia, Inc.—Delaware

1. Monogram Industries, Inc., 1299 Ocean Avenue, Suite 900, Santa Monica, California 90401.

2. Wholly-owned subsidiaries which will participate in the operations, and their States of Incorporation:

American Pneumatic Tool Co.

(California)

Cornell Manufacturing Company (New York)

Argo Metals Corp. (New York)

Spaulding Fibre Company, Inc. (New Hampshire)

Spaulding Fibre of Canada, Ltd.

(Canada)

Glasic Corporation of Canada, Ltd.

(Canada)

Ring Brothers Corporation (California)

Ring Brothers Management Corporation (California)

Monosolar, Inc. (California)

1. Parent corporation and address of principal office: Noranda Aluminum, Inc., Suite 325, 23200 Chagrin Boulevard, Cleveland, OH 44122.

2. Wholly-owned subsidiaries which will participate in the operations, and States of Incorporation:

(i) Norandex, Inc. (a Delaware corporation)

(ii) Norandal USA, Inc. (a Delaware corporation)

1. Parent corporation and address of principal office: Pantry Pride Supermarkets, 6500 North Andrews Ave., Fort Lauderdale, FL 33309.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of Incorporation:

(i) Footwear Services, Inc.—Pennsylvania.



- (ii) Rozenco Coffee—Pennsylvania.
- (iii) Waverly Tea—Pennsylvania.
- (iv) Boulevard Beverage—

Pennsylvania.

1. Parent corporation and address of principal office: Prime Tanning Co., Inc., Berwick, Maine 03901.

2. Wholly-owned subsidiary which will participate in the operations, and State(s) of Incorporation: The Blueside Companies, Inc.—Missouri.

1. Parent corporation and address of principal office: Victaulic Company of America, 3100 Hamilton Blvd., South Plainfield, NJ 07080.

2. Wholly-owned subsidiary, which will participate in the operations, and State of Incorporation: Victaulic Company of Canada Ltd. (Canada), 65 Worcester Road, Rexdale, Ontario, Canada M9W 5N7.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-20906 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 10, 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 a public need for the proposed operations and that it 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. This

presumption shall not be deemed to exist where the application is opposed. 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. 3, Members Krock, Joyce, and Dowell, Member Dowell 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".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

#### Volume No. OPY-5-102

MC 8989 (Sub-225), filed June 1, 1981. Published initially in the **Federal Register** on June 18, 1981. Applicant: HOWARD SOBER, INC., 5810 Moeller Rd., P.O. Box 216, Fort Wayne, IN 46808. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601, (312) 332-5016. Transporting *transportation equipment* between points in the U.S. This application is republished to show the correct territory requested.

MC 19868 (Sub-4), filed June 26, 1981. Applicant: GALLAGHER TRUCKING CO., P.O. Box 134, Blue Bell, PA 19422. Representative: John A. Gallagher (same address as applicant), 215-389-6112. Transporting *general commodities*

(except classes A and B explosives), between Philadelphia, PA on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, VA, and DC.

MC 107328 (Sub-4), filed June 22, 1981. Applicant: MEADOWS VAN & STORAGE, INC., 320 Montevue Lane, P.O. Box 1023, Frederick, Md 21701. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave. P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *household goods* between points in Berkeley, Morgan, Monroe, and Jefferson Counties, WV, Loudon County, VA, Montgomery, Howard, Frederick, Carroll, Garrett, Allegany, and Washington Counties, MD, and Franklin, York, and Adams Counties, PA, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN, and AL.

MC 113459 (Sub-146), filed June 29, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: J. Michael Alexander, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, 214-339-4108. Transporting (1) *commodities which because of their size or weight require the use of special handling or equipment*; (2) *mercator commodities*; (3) *machinery*; (4) *metal products*, and (5) *transportation equipment*, between points in AK, AR, AZ, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, MT, ND, NE, NM, NV, OH, OK, PA, SD, TN, TX, UT, WI, WV, and WY on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, ID, ME, MD, MA, NM, NJ, NY, NC, OR, RI, SC, VA, and WA.

MC 117399 (Sub-8), filed June 26, 1981. Applicant: LEE E. CHAMP, INC., 809 West 10th St., Junction City, KS 66441. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *food and related products*, between points in Johnson County, KS, on the one hand, and, on the other, Denver, CO.

MC 118138 (Sub-8), filed June 26, 1981. Applicant: BENEFIELD BROTHERS, INC., P.O. Box 2087, Terre Haute, IN 47802. Representative: Garry M. Blaker (same address as applicant), 812-232-3572. Transporting *baking powder*, between points in Vigo County, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KS, KY, LA, MI, MS, MO, NE, OH, OK, TN, and TX.

MC 129908 (Sub-80), filed June 25, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S. W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, 405-



787-6660. Transporting (1) *rubber and plastic products*, and (2) *machinery*, between points in Johnson and Douglas Counties, KS and Washoe County, NV, on the one hand, and, on the other, points in AL, CA, DE, FL, GA, IL, IN, KS, KY, MO, MI, MS, NC, NJ, NV, NY, OH, PA, SC, TN, VA, WI, and WV.

MC 135989 (Sub-31), filed June 19, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320-6100. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pool products and supplies, between points in the U.S., under continuing contract(s) with Preferred Pool Products, of Upland, CA.

MC 138019 (Sub-2), filed June 22, 1981. Applicant: ARTUS TRUCKING CO., INC., Tomkins Tidewater Terminal, Building 20, Jacobus Avenue and Lincoln Hwy., Kearny, NJ 07032. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Blvd., Rego Park, NY 11374, (212) 275-1000. Transporting *pulp, paper and related products and printed matter*, between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, VA, and DC.

MC 138658 (Sub-7), filed June 19, 1981. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, KS 67552. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *Mercer commodities and iron and steel articles*, between points in the U.S., under continuing contract(s) with James H. Cross, d.b.a. Valley Research and Development Co., of LaJunta, CO.

MC 140869 (Sub-18), filed June 26, 1981. Applicant: KERRI TRUCKING, INC., 240 S. River St., Hackensack, NJ 07601. Representative: David L. Olsen, 19 Sturr Drive, Florida, NY 10921, (914) 651-7449. Transporting *such commodities* as are dealt in by grocery and food business houses, hardware stores, and discount houses, between points in the U.S., under continuing contract(s) with the Clorox Corporation, of Oakland, CA.

MC 143559 (Sub-2), filed June 19, 1981. Applicant: MODERN TRANSPORTATION SERVICES, INC., 8192 Newington Rd., Newington, VA 22122. Representative: Joan Pascavage (same address as applicant), (703) 550-7344. Transporting *household goods* between points in AL, CT, DE, FL, GA, KY, MD, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 143898 (Sub-2), filed June 22, 1981. Applicant: DONALD BUEHRING, 6860 Clairville Rd., Oshkosh, WI 54901. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703, (606) 256-0606. Transporting *minerals, chemicals, fertilizer, and animal feed*, between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corp., of Mundelein, IL.

MC 144848 (Sub-5), filed June 23, 1981. Applicant: I & L TRUCKING, INC., Star Route, Utica, OH 43080. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting (1) *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, glassware, and packaging products, between the facilities of Owens-Illinois, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

#### Volume No. OPY-5-103

MC 146329 (Sub-11), filed May 27, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *storage tanks, silos, and bins*, between points in Marathon County, WI, Hardin County, IA, Van Wert County, OH, Marion County, FL, and Northumberland County, PA, on the one hand, and, on the other, points in the U.S.

MC 149378 (Sub-4), filed May 1, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837, (201) 494-8765. Transporting (1) *such commodities* as are dealt in by grocery, hardware and drug business houses, (2) *cleaning and building maintenance supplies*, (3) *swimming pool, spa, and hot tub products*, and (4) *chemicals*, between points in the U.S., under continuing contract(s) with the Purex Corp., of Toledo, OH.

MC 151979, filed June 19, 1981. Applicant: RONALD V. BOLLINGER, d.b.a. BOLLINGER TRUCKING, P.O. Box 238, Route 1, Eleva, WI 54738. Representative: Lyle J. Black, 310 Water St., Eau Claire, WI 54701, (715) 835-6196. Transporting (1) *lumber and wood products*, (2) *building products* (except those in (1)), and (3) *carpeting*, between points in the U.S., under continuing contract(s) with Weatherly Enterprises,

doing business as Plywood Minnesota, of Eau Claire, WI.

MC 152238 (Sub-14), filed June 25, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING CO., INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436-2266. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Soule's Steel Co., Mill Division, of Carson, CA.

MC 152288 (Sub-2), filed June 25, 1981. Applicant: NEAL TRANSPORT, INC., 4481 Pineview Dr., P.O. Box 21, Powder Springs, GA 30073. Representative: Philip L. Martin, 2220 Parklake Dr., NE., Suite 115, Atlanta, GA 30345, (404) 939-9494. Transporting *such commodities* as are dealt in or used by producers of bakery products, between points in the U.S., under continuing contract(s) with Country Home Bakery, Inc., of Atlanta, GA.

MC 152649 (Sub-5), filed June 25, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Ave., P.O. Drawer BC, Reserve, LA 70064. Representative: Harry M. England (same address as applicant), (504) 536-1191. Transporting *such commodities* as are dealt in or used by manufacturers of containers, glassware, and packaging products, between points in the U.S., under continuing contract(s) with Owens-Illinois, Inc., of Toledo, OH.

MC 153399, filed June 22, 1981. Applicant: GREEN RIVER LINES, INC., R.R. 1, Walnut, IL 61376. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 737-1030. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Bureau, LaSalle, and Lee Counties, IL, and extending to points in the U.S. (including AK, but excluding HI).

MC 154478, filed June 26, 1981. Applicant: MARION F. WULF, d.b.a. THE CIRCUIT RIDE, Rural Rt. 1, Box 57, Eagle, NE 68347. Representative: Michael R. Johnson, 711 Stuart Bldg., Lincoln, NE 68508, 402-474-0711. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Lancaster County, NE, and extending to points in the U.S.

MC 156029, filed May 18, 1981. Applicant: TRANSPORT ENTERPRISES, INC., 400 Broadway, Freehold, NJ 07728. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575-7700. Transporting *such commodities* as are dealt in or used by



manufacturers of drugs and toilet preparations, between points in the U.S., under continuing contract(s) with E. R. Squibb & Sons, Inc., of New Brunswick, NJ.

MC 156068 (Sub-1), filed June 22, 1981. Applicant: A. VIENS TRANSPORT LIMITED, 338 14th Ave., Richelieu, Province of Quebec, Canada J3L 3V2. Representative: Adrien R. Paquette, 200 St. James St., Suite 900, Montreal, Province of Quebec, Canada H2Y 1M1, (514) 842-1864. Transporting *lumber*, in foreign commerce only, between the ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, MA, MD, NC, MI, ME, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, and WV.

MC 156679, filed June 22, 1981. Applicant: LEXCO, INC., 111 Poyott Rd., Lake in the Hills, IL 60102. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-8525. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jensen-Souders Associates, Inc., of Itasca, IL, and CHX Tire and Auto Supply, Inc., of Addison, IL.

MC 156758, filed June 19, 1981. Applicant: C. D. COTNER TRUCKING CO., 5701 Wormack St., Pine Bluff, AR 71602. Representative: C. D. Cotner (same address as applicant), (501) 247-1721. Transporting *rubber tires*, between Oklahoma City, OK, on the one hand, and, on the other, points in Jefferson and Pulaski Counties, AR.

MC 156759, filed June 19, 1981. Applicant: WILLIE Z. JACKSON, d.b.a. JACKSON TRUCKING CO., 211 Milwaukee Place, Danville, CA 94526. Representative: Willie Z. Jackson (same address as applicant), (415) 838-9059. Transporting (1) *metal products*, (2) *chemicals and related products*, and (3) *refractories*, between facilities used by Kaiser Aluminum & Chemical Corporation, at those points in the U.S. in and west of CO, LA, MT, OK, TX (except AL and HI), and WY, on the one hand, and, on the other, those points in the U.S. in and west of CO, LA, MT, OK, TX, and WY (except AL and HI).

MC 156779, filed June 18, 1981. Applicant: PRAIRIE JAYS CHARTER BUS, INC., 606 Belmont, Champaign, IL 61820. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217-753-3925. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations between points in Ford, Vermilion, Edgar, Douglas, Piatt,

McLean, Champaign, Macon and Coles Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 156788, filed June 25, 1981. Applicant: J-S CARRIERS, INC., 188 Lafayette St., Chicopee, MA 01020. Representative: James Stanek (same address as applicant), 413-536-7866. Transporting *plastics*, between points in Providence County, RI, on the one hand, and, on the other, St. Louis, MO.

MC 156809, filed June 26, 1981. Applicant: DOUGLAS IRVING WELU, d.b.a. WELU'S TRUCKING, P.O. Box 8, Milroy, MN 56263. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *potash* in foreign commerce only, between points in IA, MN, ND, SD, and WI, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in MT, ND, and MN.

MC 156818, filed June 29, 1981. Applicant: CURRY ICE & COAL, INC., R.R. #2, Box 229A, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting (1) *coal*, between points in Macoupin, Jefferson and Sangamon Counties, IL, on the one hand, and, on the other, points in IN, MO, and KY, and (2) *clay, concrete, or stone products*, between points in Macoupin, Montgomery, Sangamon, Logan, Mason, Menard, and McLean Counties, IL, on the one hand, and, on the other, points in MO and IN.

#### Volume No. OPY-5-104

MC 118838 (Sub-86), filed June 26, 1981. Applicant: GABOR TRUCKING, INC., R.R. #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St. Minneapolis, MN 55402, 612-333-1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Processed Minerals, Inc., of Hutchinson, KS.

MC 129908 (Sub-81), filed June 25, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147, 405-787-6660. Transporting (1) *metal products* and (2) *machinery*, between the facilities used by The Essex Group, Inc., at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 139018 (Sub-3), filed June 18, 1981. Applicant: GUNTER BROTHERS, INC., 19060 Frager Rd., Kent, WA 98031. Representative: James T. Johnson, 1610

IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting *food and related products* between points in CA, WA, ID, and OR, on the one hand, and, on the other, points in CA, WA, and OR.

MC 140889 (Sub-20), filed June 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44096. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781-1600. Transporting *metal products* between points in the U.S., under continuing contract(s) with Electroline Manufacturing Co., and Electroline Corporation, both of Cleveland, OH.

MC 142059 (Sub-174), filed June 16, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant), (815) 729-3808. Transporting *general commodities* (except classes A and B explosives), between the facilities of Scott Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143518 (Sub-1), filed June 26, 1981. Applicant: GREAT AMERICAN TRANSPORTATION, INC., 215 Crawford St., Fitchburg, MA 01420. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, 703-442-8330. Transporting (1) *textile mill products*, (2) *pulp, paper and related products*, and (3) *rubber and plastic products*, between points in MA on the one hand, and, on the other, points in and east of WI, IL, KY, TN, MS, LA and TX.

MC 144449 (Sub-7), filed June 22, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 536-1923. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Style-Rite Manufacturing Company, of Cleburne, TX.

MC 146689 (Sub-14), filed June 25, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Drive, Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Trenton International Warehouse, of Trenton, NJ.

MC 147969 (Sub-8), filed June 29, 1981. Applicant: JOE S. BOWEN, INC., Highway 264, P.O. Box 262, Springdale,



AR 72764. Representative: John C. Everett, 140 East Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846-2185. Transporting *meat and meat by-products*, (1) between points in TX on the one hand, and on the other, points in MT, UT, MO, NE, MD, CO, PA, MS, and LA, (2) between points in CO, on the one hand, and, on the other, points in MS and TX, and (3) between points in Louisa and Black Hawk Counties, IA, and Marion County, IN, on the one hand, and, on the other, points in OK and TX.

MC 148018 (Sub-6), filed June 25, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, OH 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with D & B Supply, Inc., of Caldwell, ID, and Wilbur Ellis Company, Inc., of Portland, OR.

MC 148209, filed June 25, 1981. Applicant: MARRIOTT-RIDDLE, INC., P.O. Box 409, Green Forest, AR 72638. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, 501-521-8121. Transporting *new furniture*, between points in Boone and Washington County, AR, on the one hand, and, on the other, points in the U.S.

MC 150339 (Sub-35), filed June 26 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant) (301) 673-7151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. Bell & Company, Inc., of Elkridge, MD.

MC 150939 (Sub-20), filed June 25, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412-471-1800. Transporting *closures, glassware, packaging products, container components, and scrap materials*, between points in the U.S. under contract(s) with Owens-Illinois, Inc. of Toledo, OH.

MC 151859, filed June 26, 1981. Applicant: P.B.M. COACHES, INC., 1010 6th Ave., South, Lake Worth, FL 33460. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Broward, Palm Beach, Martin, St. Lucie,

and Indian River Counties, FL, and extending to points in the U.S.

MC 156539, filed June 25, 1981. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. 30 West, Fort Wayne, IN 46808. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, 210-423-3595. Transporting *iron and steel articles*, between points in the U.S. under continuing contract(s) with Joslyn Stainless Steel of Ft. Wayne, IN, and Vulcraft, Division of Nucor, of St. Joe, IN.

[FR Doc. 81-20940 Filed 7-16-81; 8:45 am]  
BILLING CODE 7035-01-M

[Docket No. AB-37 (Sub-No. 11F)]

**Oregon-Washington Railroad & Navigation Co.—Abandonment— and Discontinuance of Service, by Union Pacific Railroad Co. in Columbia and Garfield Counties, WA; Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 13, 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 permits the abandonment by the Oregon-Washington Railroad & Navigation Company (OWR&N) and discontinuance of service by the Union Pacific Railroad Company (UP) on a line of railroad known as the Pomeroy Branch, extending from railroad milepost 0.00 near Starbuck to the end of the line at railroad milepost 30.18 near Pomeroy, a distance of 30.18 miles in Columbia and Garfield Counties, WA. A certificate of public convenience and necessity permitting abandonment was issued to the Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company. Since no investigation was instituted, the requirement of Section 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 applicants, 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 Section 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. 81-20909 Filed 7-16-81; 8:45 am]  
BILLING CODE 7035-01-M

[I.C.C. Order No. P-33]

**Passenger Train Operation**

To: Chicago and North Western Transportation Company

*It appearing*, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Inc. A portion of the BN tracks between Chicago and Council Bluffs, Iowa, are temporarily out of service because of a washout. An alternate route is available via Chicago and North Western Transportation Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,*

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 USC § 562(c)), Chicago and North Western Transportation Company (CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Chicago, Illinois, and a connection with Burlington Northern Inc. (BN), at Council Bluffs, Iowa.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no



agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:00 noon, July 4, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 8, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Robert S. Turkington,

Agent.

[FR Doc. 81-20935 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

#### [AB 39 (SDM)]

##### St. Louis Southwestern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the St. Louis Southwestern Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 39 SDM. The Commission on June 30, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined

at the office of the Commission, Section of Dockets, by requesting docket No. AB 39 SDM.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-20937 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

#### [AB 12 SDM]

##### Southern Pacific Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Pacific Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 SDM. The Commission on July 1, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 12 SDM.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-20938 Filed 7-16-81; 8:45 am]

BILLING CODE 7035-01-M

##### Motor Carrier Temporary Authority Application

###### Correction

In FR Doc 81-18351, appearing at page 32340, in the issue of Monday, June 22, 1981 make the following correction:

On page 32342, column 2, paragraph MC 149114 (Sub-1-4TA), filed for National Transportation Service Co., line 13, add "NY" between "N" and "FL".

BILLING CODE 1505-01-M

#### DEPARTMENT OF JUSTICE

##### Drug Enforcement Administration

##### Dow Chemical Co.; Action on Application

Dow Chemical (DOW) has applied to the Drug Enforcement Administration (DEA) for registration as an importer of bulk dextropropoxyphene, a narcotic substance listed in Schedule II of the

Controlled Substances Act. Notice of Dow's application was published in the Federal Register, Volume 46, page 8799 on January 27, 1981. Pursuant to the provisions of 21 CFR 1311.42, other applicants for similar registration and current manufacturers of bulk dextropropoxyphene were given until February 27, 1981, to file comments, objections and requests for a hearing with respect to Dow's application. One set of objections was received in response to the notice of application. This was filed on behalf of Ganes Chemicals, Inc.

Dextropropoxyphene, the substance for which Dow has sought registration to import was classified as a Schedule IV narcotic drug on June 17, 1980; see 45 FR 42264 (June 24, 1980). Subsequently, as a result of action taken by the United Nations Commission on Narcotic Drugs which placed dextropropoxyphene in Schedule II of the Single Convention on Narcotic Drugs, 1961, bulk dextropropoxyphene was placed in Schedule II of the Controlled Substances Act; see 45 FR 48881 (July 22, 1980).

Prior to the above listed scheduling actions, dextropropoxyphene had been classified as a Schedule IV non-narcotic drug. As a Schedule IV non-narcotic substance, Dow had imported bulk dextropropoxyphene and distributed it for over five (5) years in the United States.

Several other United States firms had manufactured bulk dextropropoxyphene as a Schedule IV non-narcotic. In addition to Dow's application as an importer, two other firms applied for registration as a manufacturer of bulk dextropropoxyphene when it was reclassified as a Schedule II narcotic. These firms were Eli Lilly and Company and Ganes Chemical Company; see Federal Register, Volume 46, page 8799 (January 27, 1981).

The classification of bulk dextropropoxyphene (non-dosage forms) as a Schedule II narcotic and all dosage forms of dextropropoxyphene as a Schedule IV narcotic was a unique scheduling action by DEA. It created numerous problems of a complex nature. One of these problems concerned the registration as Schedule II manufacturers and importers of the firms who were previously registered only as Schedule IV manufacturers and importers of bulk dextropropoxyphene. Registration as a Schedule II manufacturer or importer of bulk dextropropoxyphene was required by September 22, 1980; see 45 FR 48881 (July 22, 1980).

The publication in the Federal Register of these firms' application,



submission by the firms of information in support of their applications, installation by the firm of additional security required for a Schedule II substance and completion of the required DEA investigation to determine the firm's adequacy for registration under Section 303 of the Controlled Substances Act could not be accomplished by the September 22, 1980, deadline for registration. Rather than require the firms to cease all operations regarding the manufacture and importation of bulk dextropropoxyphene until they were properly registered, and thus create vast shortages of the supply of dextropropoxyphene for medical uses, DEA informally agreed to allow each of the applicants to operate as usual until action was taken on their applications.

Formal notification of this agreement was sent by a letter from DEA, dated December 31, 1980, to each of the applicants (Eli Lilly, Ganes & Dow). These agreements were considered by DEA to be the fairest and most equitable way to treat each applicant during the proceedings concerning their applications.

DEA has considered Dow's application and the objection filed by Ganes, it has determined that Dow has failed to make a substantive showing to support its registration as an importer of bulk dextropropoxyphene pursuant to the provisions of Section 1002(a) of the Controlled Substances Import and Export Act, Title 21, United States Code, Section 952(a). DEA has notified Dow of this determination and given them the opportunity to either withdraw their application or to submit additional information in support of it. In either case, Dow's authority to import dextropropoxyphene has been terminated.

Title 21, Code of Federal Regulations, 1301.71(c) provides, in pertinent part, that when physical security controls become inadequate as a result of a controlled substance being transferred to another schedule, such security must be upgraded accordingly. Dow Chemical Company's existing Schedule II security controls became inadequate when dextropropoxyphene, in bulk quantities, became a Schedule II narcotic substance. Ordinarily, Dow would be required to upgrade its security controls in order to properly safeguard bulk quantities of dextropropoxyphene. However, in view of the facts and circumstances mentioned above, it appears unlikely that Dow will be handling large quantities of dextropropoxyphene in the future.

Accordingly, Dow will be authorized to store its current inventory of

dextropropoxyphene under its existing Schedule II security and will be further permitted to distribute such inventory under its current DEA registrations. This authorization will expire on December 31, 1981. After that date, no further distribution of dextropropoxyphene will be permitted and no bulk quantities of this substance should be stored at Dow's facility.

Dated: July 10, 1981.

Peter B. Bensinger,  
Administrator, Drug Enforcement  
Administration.

[FR Doc. 81-20833 Filed 7-16-81; 8:45 am]  
BILLING CODE 4410-09-M

#### Washington Wholesale Drug Exchange, Inc.; Denial of Applications

On May 21, 1980, the Administrator of the Drug Enforcement Administration [DEA] issued an Order to Show Cause proposing to deny the pending applications of Washington Wholesale Drug Exchange, Inc. [Respondent], for renewal of its DEA Certificate of Registration, PW0169905, as a distributor of controlled substances in Schedules II through V, and for a new registration as an exporter of controlled substances in Schedules III through V. The Respondent filed a response to the Order to Show Cause in which response the Respondent provided a statement of facts it believed justified its retention of its registration. The Respondent did not request a hearing in this matter and the Administrator has concluded that the Respondent has waived its opportunity for such a hearing. The Respondent's statement has been considered as part of the record of this proceeding.

After reviewing this record, the Administrator finds that on April 3, 1973, Albert Pearlman, a principal stockholder and chairman of the board of the Respondent corporation, was convicted of violating Title 21, United States Code, Section 841(a)(1), a felony offense relating to controlled substances. The record also shows that in applications filed or executed on March 22, 1978, November 9, 1978, and April 10, 1979, the Respondent falsely denied that any officer or stockholder had been convicted of a felony offense relating to controlled substances. In one instance, the application dated November 9, 1978, an examination of the application shows that the Respondent had originally entered an affirmative response to the question concerning convictions but had subsequently scratched that response out and had substituted a negative response. The conviction of an official of a corporate registrant provides the basis for the

denial or revocation of a DEA registration under 21 U.S.C. 823 and 824. The material falsification of an application for such registration is a separate basis for revocation of a DEA registration.

The Administrator further finds that the Respondent failed to maintain effective controls against the diversion of controlled substances and that as a result of such failure suffered significant losses of Schedule II narcotic and non-narcotic controlled substances. The record also shows that the Respondent failed to report excessively large and suspicious orders of controlled substances to the DEA and that it failed to maintain complete and accurate records relating to the controlled substances it distributed. Accountability audits conducted by DEA personnel in 1978 and 1979 revealed significant shortages and overages, with one shortage as high as 34.5 percent. The maintenance of complete and accurate records by registrants is essential if the integrity of the closed system of distribution mandated by the Controlled Substances Act is to remain viable.

The past history of the Respondent firm is such that it leads to a conclusion that future compliance with the law and the regulations cannot be reasonably anticipated. Over the past several years, the Respondent has been the subject of an informal administrative hearing, it has received numerous verbal admonishments concerning the security and recordkeeping violations discussed above, and it has been the subject of a civil proceeding in which it paid a monetary penalty under 21 U.S.C. 842.

In consideration of all of the foregoing facts and circumstances, the Administrator has concluded that the Respondent's registration to handle controlled substances is not consistent with the public interest and that its applications should be denied.

Accordingly, pursuant to the authority vested in the Attorney General under Sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, as redelegated to the Administrator of the Drug Enforcement Administration, it is the Administrator's decision that Washington Wholesale Drug Exchange, Inc.'s applications for registration as a distributor of controlled substances, and its application for registration as an exporter under 21 U.S.C. 958, must be, and they hereby are, denied. The Respondent shall be given thirty days from the date it receives this Order to dispose of its inventory of controlled substances in a lawful and regular manner.



Dated: July 10, 1981.

Peter B. Bensinger,  
Administrator, Drug Enforcement  
Administration.

[FR Doc. 81-20934 Filed 7-16-81; 8:45 am]  
BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Comprehensive Employment and Training Act; Migrant and Seasonal Farmworker Program; Submission of Preapplications for Federal Assistance for Fiscal Year 1982

AGENCY: Employment and Training  
Administration, Labor.

ACTION: Notice.

**SUMMARY:** This notice lists organizations that have submitted Preapplications for Federal Assistance for Fiscal Year (FY) 1982 funds under the Migrant and Other Seasonally Employed Farmworkers Program authorized by Section 303 of the Comprehensive Employment and Training Act (CETA).

**FOR FURTHER INFORMATION CONTACT:** Lindsay L. Campbell, Director, Office of Farmworker and Rural Employment Programs, Room 6308, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-6128.

**SUPPLEMENTARY INFORMATION:** On May 5, 1981, a notice was published in the *Federal Register*, pursuant to 20 CFR 689.202, announcing State Planning Estimates of funds expected to be available for Migrant and Seasonal Farmworker programs under Section 303 of CETA for FY 1982 (46 FR 25161). Eligible applicants were invited to submit Preapplications for Federal Assistance by June 15, 1981 and Funding Requests by July 15, 1981.

The organizations listed below submitted Preapplications to the Department within the June 15, 1981 postmark deadline. No determination has been made as to the legal eligibility of the applicants listed. Determinations of eligibility will be made when the Funding Requests (proposals) are received.

Applicants which have submitted Preapplications and are not listed below should contact the Office of Farmworker and Rural Employment Programs at the address provided above.

#### Region I

##### Connecticut

New England Farmworker's Council, 6  
Frost Street, Springfield,  
Massachusetts 01103

##### Maine

Penobscot Consortium Prime Sponsor,  
P.O. Box 1136, Bangor, Maine 04401  
Tribal Governor's, Inc., 93 Main Street,  
Orono, Maine 04473

##### Massachusetts

New England Farmworker's Council, 6  
Frost Street, Springfield,  
Massachusetts 01103

##### New Hampshire

New England Farmworker's Council, 6  
Frost Street, Springfield,  
Massachusetts 01103  
Southwestern Community Services, Inc.,  
40 Mechanic Street, Keene, New  
Hampshire 03431

##### Rhode Island

New England Farmworker's Council, 6  
Frost Street, Springfield,  
Massachusetts 01103

##### Vermont

Central Vermont Community Action  
Council, Inc., 15 Ayers Street, Barre,  
Vermont 05641  
New England Farmworker's Council, 6  
Frost Street, Springfield,  
Massachusetts 01103

#### Region II

##### New Jersey

Farmworkers Corporation, Inc., 36 W.  
Landis Avenue, Vineland, New Jersey  
08360

##### New York

Rural New York Farmworker  
Opportunities, Inc., 339 E. Avenue,  
Suite 305, Rochester, New York 14604  
County of Suffolk Consortium, Veterans,  
Memorial Highway, Hauppauge, New  
York 11788

##### Puerto Rico

Commonwealth of Puerto Rico, 505  
Munoz Rivera Avenue, Hato Rey,  
Puerto Rico 00918

#### Region III

##### Delaware

Migrant and Seasonal Farmworkers  
Association, Inc., P.O. Box 33315,  
Raleigh, North Carolina 27606  
Delmarva Rural Ministry, 2nd Floor,  
Blue Hen Mall, Dover, Delaware 19901

##### Maryland

Migrant and Seasonal Farmworkers  
Association, Inc., P.O. Box 33315,  
Raleigh, North Carolina 27606  
Delmarva Rural Ministry, 2nd Floor,  
Blue Hen Mall, Dover, Delaware 19901

##### Pennsylvania

Rural New York Farmworker  
Opportunities, Inc., 339 East Avenue,  
Suite 305, Rochester, New York 14604

##### Virginia

Migrant and Seasonal Farmworkers  
Association, Inc., P.O. Box 33315,  
Raleigh, North Carolina 27606  
Migrant and Seasonal Farmworkers  
Commission, c/o Christopher Newport  
College, 50 Shoe Lane, Newport News,  
Virginia 23606  
Delmarva Rural Ministry, 2nd Floor,  
Blue Hen Mall, Dover, Delaware 19901

##### West Virginia

Migrant and Seasonal Farmworkers  
Association, Inc., P.O. Box 33315,  
Raleigh, North Carolina 27606  
Intercounty Health, Inc., 126 East Martin  
Street, Martinsburg, West Virginia  
25401

#### Region IV

##### Alabama

Alabama Migrant and Seasonal  
Farmworkers Council, Inc., 335 Dexter  
Avenue, Montgomery, Alabama 36104  
Alabama Council of Farmworkers and  
Human Resources Development, 214  
N. Main Street, Tuskegee, Alabama  
36803  
Consortium for the Development of the  
Rural Southeast, Inc., 40 Marietta  
Street, N.W., Suite 1300, Atlanta,  
Georgia 30303

##### Florida

Florida Department of Education, Knott  
Building, Tallahassee, Florida 32304  
National Council of LaRaza, 1725 I  
Street, N.W., Suite 200, Washington,  
D.C. 20006  
Consortium for the Development of the  
Rural Southeast, Inc., 40 Marietta  
Street, N.W., Suite 1300, Atlanta,  
Georgia 30303

##### Georgia

Migrant and Seasonal Farmworkers  
Association, Inc., P.O. Box 33315,  
Raleigh, North Carolina 27606  
Consortium for the Development of the  
Rural Southeast, Inc., 40 Marietta  
Street, N.W., Suite 1300, Atlanta,  
Georgia 30303

##### Kentucky

Tennessee Opportunity Programs for  
Seasonal Farmworkers, Inc., 2803  
Foster Avenue, Nashville, Tennessee  
37210

##### Mississippi

Mississippi Delta Council for  
Farmworkers Opportunities, Inc., 1005



State Street, Clarksdale, Mississippi 38614  
 Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

#### North Carolina

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 3315, Raleigh, North Carolina 27606

#### South Carolina

Office of The Governor, 1800 Julian Place, Columbia, South Carolina 29204

#### Tennessee

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210

Upper Cumberland Human Resources Agency, P.O. Box 2669, Cookeville, Tennessee 38501

#### Region V

##### Illinois

Illinois Migrant Council, 202 South State Street, Chicago, Illinois 60604

##### Indiana

PDP, Inc., 2511 E. 46th Street, Suite T-4, Indianapolis, Indiana 46205

Indiana Office of Occupational Development, 150 W. Market Street, 7th Floor, Indianapolis, Indiana 46204

##### Michigan

Michigan Economics for Human Development, 908 W. Jefferson Street, Grand Ledge, Michigan 48837

##### Minnesota

Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56302

##### Ohio

LaRaza Unida de Ohio, P.O. Box 1048, Bowling Green, Ohio 43402

##### Wisconsin

United Migrant Opportunity Services, Inc., 809 W. Greenfield Avenue, Milwaukee, Wisconsin 53204

#### Region VI

##### Arkansas

Arkansas Council of Farmworkers, Inc., P.O. Box 4241, Asher Station, Little Rock, Arkansas 72214

##### Louisiana

Evangeline Community Action, Inc., 403 W. Magnolia, Ville Platte, Louisiana 70586

Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

Motivation Education and Training of Louisiana, P.O. Box 781, Jennings, Louisiana 70545  
 Southern Mutual Help Association, Inc., P.O. Box 850, Jeanerette, Louisiana 70544

#### New Mexico

Home Education Livelihood Programs, 3423 Central, N.E., Albuquerque, New Mexico 87106

#### Oklahoma

ORO Development Corporation, 1104 Classen Drive, Oklahoma City, Oklahoma 73103

SER/Jobs for Progress, Inc., 709 E. 21st Street, Wichita, Kansas 67214

#### Texas

SER-Jobs for Progress, Inc., 8585 N. Stemmons Freeway, Suite 401, Dallas, Texas 75247

Colonias Del Valle, Inc., P.O. Box 907, San Juan, Texas 78589

Motivation Education and Training, Inc., P.O. Box 1749, Cleveland, Texas 77327

#### Region VII

##### Iowa

Proteus Adult Training, Inc., P.O. Box 727, Visalia, California 93279

##### Kansas

ORO Development Corporation, 1104 Classen Drive, Oklahoma City, Oklahoma 73103

Harvest America Corporation, 2 Gateway Center, Suite 215, Kansas City, Kansas 66101

SER/Jobs for Progress, Inc., 709 E. 21st Street, Wichita, Kansas 67214

##### Missouri

Rural Missouri, Inc., 1108 Missouri Boulevard, Jefferson City, Missouri 65101

Consortium for the Development of the Rural Southeast, Inc., 40 Marietta Street, N.W., Suite 1300, Atlanta, Georgia 30303

##### Nebraska

Nebraska Association of Farmworkers, P.O. Box 1459, North Platte, Nebraska 69101

#### Region VIII

##### Colorado

Colorado Council on Migrant and Seasonal Agricultural Workers and Their Families, Inc., 7905 W. 44 Avenue, Wheatridge, Colorado 80033

##### Montana

Montana Farmworker Council, Inc., c/1 DCA/CSD, Capitol Station, Helena, Montana 59620

Employment and Training Division, Capitol Station, Helena, Montana 59601

California Human Development Corporation, P.O. Box 10, Windsor, California 95492

#### North Dakota

North Dakota Rural Development Corporation, P.O. Box 1930, Grand Forks, North Dakota 58201

#### South Dakota

Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56302

South Dakota—Balance of State, South Dakota Department of Labor, Pierre, South Dakota 57501.

#### Utah

Utah Migrant Council, 12E. Center Street, Midvale, Utah 84047

#### Wyoming

Northwestern Community Action Program of Wyoming, Inc., P.O. Box 431, Worland, Wyoming 82401

Wyoming Farmworker Council, Inc., P.O. Box 935, Worland, Wyoming 82401

#### Region IX

##### Arizona

Portable Practical Education Prep., Inc., 806 E. 46th Street, Tucson, Arizona 85713

Mopportunities, Inc., 302 S. 23rd Avenue, Phoenix, Arizona 85009

Center for Employment Training, 425 S. Market Street, San Jose, California 95113

##### California

Center for Employment Training, 425 S. Market Street, San Jose, California 95113

Central Valley Opportunity Center, Inc., P.O. Box 2307, Merced, California 95344

California Human Development Corporation, P.O. Box 10, Windsor, California 95492

Proteus Adult Training, Inc., P.O. Box 727, Visalia, California 93279

Pilipino Bayanihan Agricultural Education Project, Inc., 7 S. California Street, Stockton, California 95202

County of Kern, 1415 Truxtun Avenue, Bakersfield, California 93301

Council for the Spanish Speaking, 142 S. Aurora Street, Stockton, California 95202

Campeños Unidos, Inc., P.O. Box 203, Brawley, California 92227

##### Hawaii

State of Hawaii, 825 Mililani Street, Honolulu, Hawaii 96813



*Nevada*

Center for Employment Training, 807  
North Main Street, Las Vegas, Nevada  
89101

**Region X***Idaho*

Idaho Migrant Council, Inc., 715 South  
Capitol Blvd., Suite 405, Boise, Idaho  
83702

*Oregon*

California Human Development  
Corporation, P.O. Box 10, Windsor,  
California 95492

*Washington*

Northwest Rural Opportunities, 804  
Decatur Avenue, Sunnyside,  
Washington 98944

Signed in Washington, D.C. this 9th day of  
July 1981.

William J. Kacvinsky,

*Acting Administrator, Office of National  
Programs.*

[FR Doc. 81-21013 Filed 7-16-81; 8:45 am]

**BILLING CODE 4510-30-M**

**Federal-State Unemployment  
Compensation Program; Extended  
Benefits; Ending of Extended Benefit  
Period in the State of Idaho**

This notice announces the ending of  
the Extended Benefit Period in the State  
of Idaho, effective on July 18, 1981.

**Background**

The Federal-State Extended  
Unemployment Compensation Act of  
1970 (26 U.S.C. 3304 note) established  
the Extended Benefit Program as a part  
of the Federal-State Unemployment  
Compensation Program. The Extended  
Benefit Program takes effect during  
periods of high unemployment in a  
State, or in the nation as a whole, to  
furnish up to 13 weeks of extended  
unemployment benefits to eligible  
individuals who have exhausted their  
rights to regular unemployment benefits  
under permanent State and Federal  
unemployment compensation laws. The  
Act is implemented by State  
unemployment compensation laws and  
by Part 615 of Title 20 of the Code of  
Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a  
State during an Extended Benefit Period,  
which is triggered "on" when the rate of  
insured unemployment in the State or in  
all States collectively reaches the State  
or National trigger rates set in the Act  
and the State law. 20 CFR 615.12. During  
an Extended Benefit Period individuals

are eligible for a maximum of up to 13  
weeks of benefits, but the total of  
Extended Benefits and regular benefits  
together may not exceed 39 weeks.

The Act and the State unemployment  
compensation laws also provide that an  
Extended Benefit Period in a State will  
trigger "off" when the rate of insured  
unemployment in the State is no longer  
at the trigger rates set in the law. A  
benefit period actually terminates at the  
end of the third week after the week for  
which there is an off indicator, but not  
less than 13 weeks after the benefit  
period began.

An Extended Benefit Period  
commenced in the State of Idaho on  
February 17, 1980, and has now triggered  
off.

**Determination of "off" Indicator**

The head of the employment security  
agency of the State of Idaho has  
determined, in accordance with the  
State law and 20 CFR 615.12(e), that the  
rate of insured unemployment in the  
State for the period consisting of the  
week ending on June 27, 1981, and the  
immediately preceding twelve weeks,  
fell below the State trigger rate, so that  
for that week there was an "off"  
indicator in that State.

Therefore, the Extended Benefit  
Period in that State terminated with the  
week ending on July 18, 1981.

**Information for Claimants**

The State employment security  
agency will furnish a written notice to  
each individual who is filing claims for  
Extended Benefits of the end of the  
Extended Benefit Period and its effect  
on the individual's right to Extended  
Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about  
their rights to Extended Benefits in the  
State of Idaho should contact the  
nearest State Employment Office of the  
Idaho Department of Employment in  
their locality.

Signed at Washington, D.C., on July 13,  
1981.

Albert Angrisani,

*Assistant Secretary of Labor.*

[FR Doc. 81-21012 Filed 7-16-81; 8:45 am]

**BILLING CODE 4510-30-M**

**Occupational Safety and Health  
Administration**

**Federal Advisory Council on  
Occupational Safety and Health;  
Meeting**

Notice is hereby given that the  
Federal Advisory Council on

Occupational Safety and Health,  
established under Section 1-5 of  
Executive Order 12196 of February 26,  
1980, published in the *Federal Register*  
February 27, 1980 (45 FR 12769), will  
meet on August 4, 1981 starting at 10:00  
am in rooms N5437 A, B, C, D, of the  
Frances Perkins Department of Labor  
Building, 200 Constitution Avenue, N.W.,  
Washington, D.C. The meeting will be  
open to the public.

The agenda provides for:

- I. Call to Order
- II. Approval of Minutes of May 18, 1981
- III. New Evaluation Program for Federal  
Agencies
- IV. Revised Articles of Organization
- V. Special Emphasis on Safety and Health  
Programs for Federal Employees
- VI. Committee Reports
  - A. Standing Committee on Federal Safety  
and Health Conferences
    1. Plans for the 36th Annual Federal Safety  
and Health Conference
    - B. Standing Committee on Field Councils
      1. Field Federal Safety and Health Council  
Achievement Awards for 1980
  - VII. New Business
  - VIII. Adjournment.

The Council welcomes written data,  
views or comments concerning safety  
and health programs for Federal  
employees, including comments on the  
agenda items. All such submissions  
received by close of business July 30,  
1981, will be provided to the members of  
the Council and included in the record  
of the meeting.

The Council will consider oral  
presentations relating to agenda items.  
Persons wishing to orally address the  
Council at the meeting should submit a  
written request to be heard by close of  
business July 30, 1981. The request must  
include the name and address of the  
person wishing to appear, the capacity  
in which appearance will be made, a  
short summary of the intended  
presentation and an estimate of the  
amount of time needed.

All communications regarding this  
Advisory Council should be addressed  
to Richard P. Wilson, Acting Director,  
Office of Federal Agency Programs,  
Department of Labor, OSHA,  
Bicentennial Building, 600 E Street,  
N.W., Suite 500, Washington, D.C. 20210,  
telephone (202) 376-3005.

Signed at Washington, D.C., this 13th day  
of July, 1981.

Thorne G. Aucther,

*Assistant Secretary of Labor.*

[FR Doc. 81-21014 Filed 7-16-81; 8:45 am]

**BILLING CODE 4510-26-M**



**Office of the Secretary**

[TA-W-11,175]

**King-Seeley Thermos Co.; Fabricators Division, Utica, Mich. Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 6, 1980 in response to a worker petition received on September 29, 1980 which was filed by the United Papermakers Union on behalf of the workers at the Fabricators Division of King-Seeley Thermos Company, Utica, Michigan.

A negative determination applicable to the petitioning group of workers was issued on March 24, 1981 (TA-W-8737). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of July 1981.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-21022 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-10,475]

**Midway Spring & Wire Co., Mt. Clemens, Mich.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a worker petition received on August 19, 1980 which was filed by the United Automobile, Aerospace, and Agricultural Implement Workers of America on behalf of the workers at Midway Spring and Wire Company, Mt. Clemens, Michigan.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of July 1981.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-21016 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-9,621]

**Revere Copper Products, Inc., Rome Division, Rome, N.Y.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 28, 1980 in response to a worker petition received on July 17, 1980 which was filed by Mechanics Educational Society of America on behalf of the workers at Revere Copper Products, Inc., Rome Division, Rome, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 9th day of July 1981.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-21015 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-10,722]

**P.R. Parts & Systems, Inc.; Trenton, Mich.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1980 in response to a worker petition received on July 16, 1980 which was filed on behalf of the workers at P.R. Parts and Systems, Inc., Trenton, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of July 1981.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-21017 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-11,917]

**Bethlehem Steel Corp., Johnstown, Pa., Conemaugh & Backlick Railroad, Johnstown, Pa.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 15, 1980 in response to a worker petition received on December 5, 1980 which was filed by the United Steelworkers of America on behalf of the workers of the Bethlehem Steel Corporation, Johnstown, Pennsylvania and Conemaugh and

Backlick Railroad, Johnstown, Pennsylvania.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,911). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of July 1981.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-21019 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-11,880]

**Falcon Coat & Suit Co., Inc., Richmond Hill, N.Y.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1980 in response to a worker petition received on December 5, 1980 which was filed on behalf of the workers of Falcon Coat and Suit Co., Inc., Richmond Hill, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,024). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 9th day of July 1981.

Marvin M. Fooks,

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-21018 Filed 7-16-81; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-12,492]

**Saywood Sportswear, New York, N.Y.; Termination of Investigation**

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 16, 1981 in response to a worker petition received on March 5, 1981 which was filed by the International Ladies' Garment Workers' Union on behalf of the workers of Saywood Sportswear, Inc., New York, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not been issued (TA-W-11,847). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.



Signed in Washington, D.C., this 9th day of July 1981.

**Marvin M. Fooks,**  
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21021 Filed 7-16-81; 8:45 am]  
BILLING CODE 4510-28-M

[TA-W-11,989]

#### Van Heusen Co., Aquadilla, Puerto Rico; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 31, 1980 in response to a worker petition received on December 23, 1980 which was filed on behalf of the workers at the Aquadilla, Puerto Rico plant of the Van Heusen Company.

An active certification covering the petitioning group of workers was in effect at the time the Aquadilla plant closed on April 30, 1981 (TA-W-5075). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 8th day of July 1981.

**Marvin M. Fooks,**  
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21020 Filed 7-16-81; 8:45 am]  
BILLING CODE 4510-28-M

#### NATIONAL SCIENCE FOUNDATION

##### Permit Applications Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.  
**ACTION:** Notice of permit applications received under Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATE:** Interested parties are invited to submit written data, comments, or views with respect to these permit applications by August 10, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

**ADDRESS:** Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Myers at the above address or (202) 357-7934.

**SUPPLEMENTAL INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the June 7, 1979 Federal Register. Additional information was published in the July 31, 1980 Federal Register, page 51004.

The following is an amendment to the application described in the Federal Register July 31, 1980, page 51006 and approved December 9, 1980.

The application received is:

1. *Applicant.* Gerald L. Kooyman, Scripps Institution of Oceanography, Physiological Research Laboratory, University of California-San Diego, La Jolla, California 92093.

2. *Activity for Which Permit Requested.* Take (capture, release, and recapture) up to 20 adult Weddell seals; take blood, organ and skeletal samples from up to 10 seals. Import blood, organ and skeletal samples into the U.S.A.

3. *Location.* McMurdo Sound, Antarctica.

4. *Dates.* September 1, 1981 to February 28, 1982.

Authority to take this action has been delegated by the Director, NSF to the Director, Division of Polar Programs.

**Edward P. Todd,**  
Division Director, Division of Polar Programs.

[FR Doc. 81-20967 Filed 7-16-81; 8:45 am]  
BILLING CODE 7555-01-M

#### NUCLEAR REGULATORY COMMISSION

##### Advisory Committee on Reactor Safeguards, Subcommittee on Comanche Peak Steam Electric Station Units 1 and 2; Meeting Postponement

The ACRS Subcommittee on Comanche Peak Steam Electric Station Units 1 and 2 scheduled for July 22, 1981 has been postponed indefinitely. Notice

of this meeting was published July 6 (46 FR 34876).

Dated: July 14, 1981.

**John C. Hoyle,**  
Advisory Committee Management Officer.

[FR Doc. 81-20981 Filed 7-16-81; 8:45 am]  
BILLING CODE 7550-01-M

##### Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal System; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on August 4, 1981 in Room 1048, 1717 H Street, N.W., Washington, DC to review Task A-45, "Shutdown Decay Heat Removal Requirements."

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Tuesday, August 4, 1981, 1:00 p.m. until the conclusion of business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.



Dated: July 14, 1981.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 81-30982 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

**Advisory Committee on Reactor Safeguards, Subcommittee on Program Management and Plan; Meeting**

The ACRS Subcommittee on Program Management and Plan will hold a meeting on August 5, 1981, Room 1167, 1717 H Street, NW, Washington, DC. The purpose of the meeting is to discuss draft copy of the Department of Energy (DOE) document dealing with "Program Management Plan for the Conduct of Research, Development and Demonstration Activities" that was prepared by DOE in response to Pub. L. 96-567, "Nuclear Safety Research, Development, and Demonstration Act of 1980". Notice of this meeting was published June 17.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Wednesday, August 5, 1981, 8:30 a.m. until the conclusion of business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the DOE Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal

Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 14, 1981.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 81-30983 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

**Advisory Committee on Reactor Safeguards, Subcommittee on Susquehanna Steam Electric Station, units 1 and 2; Addition**

The ACRS Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2 will hold a meeting on July 23, 1981, Room 1046, 1717 H Street, NW, Washington, D.C. to discuss the Pennsylvania Power and Light Company's request for an Operating License. Notice of this meeting was published July 7 (46 FR 35231).

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. However, portions of this meeting may be closed to the public to prevent disclosure of safeguards information which is specifically exempted from disclosure by Section 147 of the Atomic Energy Act, 42 U.S.C. 2167 (Sunshine Act Exemption (3)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

*Thursday, July 23, 1981, 8:30 a.m. until the conclusion of business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Pennsylvania Power and Light Company, NRC Staff, their consultants,

and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Garry Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 3 to the Sunshine Act, 5 U.S.C. 552b(c)(3).

Dated: July 13, 1981.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 81-30984 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-348]

**Alabama Power Co. (Joseph M. Farley Nuclear Plant, Unit No. 1); Order for Confirming Licensee Commitments on Post-TMI Related Issues**

I

Alabama Power Company (the licensee) is the holder of Facility Operating License No. NPF-2, which authorizes the operation of the Farley Nuclear Plant, Unit No. 1 (the facility) at steady-state power levels not in excess of 2652 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site near the city of Dothan, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among



these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

### III

The licensee's submittals dated January 14, February 5, February 9, February 13, February 23, and February 23, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later

than 30 days after the effective date of the Order.

### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**

*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 81-20885 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

### **Carolina Power and Light Co., (H. B. Robinson Steam Electric Plant, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues**

#### I

Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR-23, which authorizes the operation of the H. B. Robinson Steam Electric Plant, Unit No.

2, (the facility) at steady-state power levels not in excess of 2300 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Darlington County, South Carolina.

#### II

Following the accident at Three Mile Island Unit No. 2 (TMI 2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

#### III

The licensee's submittals dated December 15, 1980, as supplemented December 31, 1980, February 17, February references February 26, March 2, and March 3, 1981, and the stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

<sup>1</sup> Attachment: NUREG-0737, Available in NRC Public Document Room.

<sup>1</sup> Attachment: NUREG-0737, Available in NRC Public Document Room.



The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

#### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

#### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the

Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission,

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20986 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

### Commonwealth Edison Co., (Zion Station, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

#### I

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48, which authorize the operation of the Zion Station, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 3250 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in near Zion, Illinois.

#### II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October

<sup>1</sup> Attachment: NUREG-0737 Available in NRC Public Document Room.

31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

#### III

The licensee's submittals dated July 25, 1980, December 15, 1980, December 31, 1980, January 23, 1981, January 30, 1981, February 24, 1981, February 27, 1981, March 17, 1981, April 1, 1981, April 10, 1981, April 13, 1981, and July 2, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

#### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 60 days after the effective date of the Order.

#### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear



Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission,

**Robert A. Purple,**

*Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 81-20987 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237, 50-249, 50-254, 50-265]

#### **Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; Issuance of Amendments to Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Provisional Operating License No. DPR-19 and Amendment No. 54 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the licenses for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, respectively, located in Grundy County, Illinois. The Commission has also issued Amendment No. 73 to Facility Operating License No. DPR-29 and Amendment No. 66 to Facility Operating License No. DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas

and Electric Company, which revised the licenses for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois.

The amendments authorize operation of Dresden Units No. 2 and 3 and Quad Cities 1 and 2 with one recirculation loop out of service. The amendments add 8 license conditions to each license requiring a power level of safety for operation with one recirculation loop out of service.

The application for amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 30, 1981, (2) Amendment No. 63 to Provisional Operating License No. DPR-19, Amendment No. 54 to Facility Operating License No. DPR-25, Amendment No. 73 to Facility Operating License No. DPR-29 and Amendment No. 66 to Facility Operating License No. DPR-30, 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, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois for Dresden 2 and 3, and at the Moline Public Library, 504-17th Street, Moline, Illinois for Quad Cities 1 and 2. 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 9th day of July, 1981

For the Nuclear Regulatory Commission,

**Dennis M. Crutchfield,**

*Chief, Operating Reactors Branch No. 5, Division of Licensing.*

[FR Doc. 81-20986 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

#### **Consolidated Edison Co. of New York (Indian Point Station, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related issues**

I

The Consolidated Edison Company of New York (the licensee) is the holder of Facility Operating License No. DPR-26, which authorizes the operation of Indian Point Unit No. 2 (the facility) at steady-state power levels not in excess of 2758 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737, was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed

<sup>1</sup> Attachment: NUREG-0737 Available in NRC Public Document Room.



requirements and their associated implementation dates.

### III

The licensee's submittals dated February 26, May 12, and July 1, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

1. The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. The licensee has agreed to the requirements of Item 1.A.1.1, "Shift Technical Advisor." As stated in the clarification of this item, the shift technical advisor (STA) is to be "available for duty on each operating shift when a plant is being operated in Modes 1-4 for a PWR." This clarifies the requirement in the February 11, 1980 Confirmatory Order that the STA be "on shift."

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20989 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

### Duquesne Light Co., et al. (Beaver Valley Power Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

#### I

Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company, (the licensees) are the holders of Facility Operating License No. DPR-66, which authorizes the operation of the Beaver Valley Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 2652 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Beaver County, Pennsylvania.

#### II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

#### III

The licensee's submittals dated December 17, 1980, December 31, 1980, April 1, 1981, and July 1, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant

<sup>1</sup> Attachment: NUREG-0737. Available in NRC Public Document Room.



modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

#### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

#### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

**Robert A. Purple,**

*Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 81-20990 Filed 7-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

### Florida Power and Light Co. (Turkey Point Plant, Unit Nos. 3 and 4); Order Confirming Licensee Commitments on Post-TMI Related Issues

#### I

Florida Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-31 and DPR-41 which authorize the operation of the Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) at steady-state power levels not in excess of 2200 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Dade County, Florida.

#### II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed

requirements and their associated implementation dates.

#### III

The licensee's submittals dated December 26, 1980, March 2, May 1, and June 25, 1981, the references stated therein, which are incorporated herein by reference committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

#### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 30 days after the effective date of the Order.

#### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

<sup>1</sup> Attachment: NUREG-0737, Available in NRC Public Document Room.



If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**  
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20991 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

**Indiana and Michigan Electric Co. (Donald C. Cook Nuclear Plant, Units No. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues**

**I**

Indiana and Michigan Electric Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-58 and DPR-74, which authorize the operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 (the facilities) at steady-state power levels not in excess of 3350 and 3391 megawatts thermal respectively, for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Barrien County, Michigan.

**II**

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are

intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

**III**

The licensee's submittals dated January 8, February 9 and March 6, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

**IV**

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the

<sup>1</sup> Attachment: NUREG-0737, Available in NRC Public Document Room.

Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

**V**

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**  
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20992 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M



[Docket No. 50-286]

**Power Authority of the State of New York (Indian Point Station, Unit No. 3); Order Confirming Licensee Commitments on Post-TMI Related Issues**

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes the operation of Indian Point Unit No. 3 (the facility) at steady-state power levels not in excess of 3025 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 30, 1980 and February 27, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the

<sup>1</sup> Attachment: NUREG-0737, Available in NRC Public Document Room.

actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

1. The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. The licensee has agreed to the requirements of Item 1.A.1.1., "Shift Technical Advisor." As stated in the clarification of this item, the shift technical advisor (STA) is to be "available for duty on each operating shift when a plant is being operated in Modes 1-4 for a PWR." This clarifies the requirement in the February 11, 1980 Confirmatory Order that the STA be "on shift."

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY THAT the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the ORDER.

V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in

which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20993 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

**Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues**

I

Public Service Electric and Gas Company (the licensee) is the holder of Facility Operating License No. DPR-70, which authorizes the operation of Salem Nuclear Generating Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 3338 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Salem County, New Jersey.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and



Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

### III

The licensee's submittal dated December 15, 1980, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

### IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy

Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission,  
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20094 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-10-M

[Docket Nos. 50-280 and 50-281]

### Virginia Electric and Power Co. (Surry Power Station, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

#### I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-32 and DPR-37, which authorize the operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 2441 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Surry County, Virginia.

#### II

Following the accident at Three Mile Island, Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).<sup>1</sup> NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

#### III

The licensee's submittals dated December 15, 1980, December 30, 1980,

<sup>1</sup> Attachment NUREG-0737 Requirements, Available in NRC Public Document Room.

<sup>1</sup> Attachment NUREG-0737, Available in NRC Public Document Room.



January 19, February 27, May 29, and July 6, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

#### IV

Accordingly, pursuant to Sections 103, 1611, 1610, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facilities) as early as practicable but no later than 60 days after the effective date of the Order.

#### V

Any person who has an interest affected by this Order may request a hearing on or before August 6, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission,

**Robert A. Purple,**

*Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 81-20995 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

#### **Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses**

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-24, and Amendment No. 57 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments update reactor coolant system temperature and pressure operating curves for Unit 2 and revise reactor vessel materials surveillance capsule removal schedules for both units.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 31, 1981, (2) Amendment Nos. 51 and 57 to License Nos. DPR-24 and DPR-27, 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, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. 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 10th day of July, 1981.

For the Nuclear Regulatory Commission,

**Robert A. Clark,**

*Chief, Operating Reactors Branch No. 3,  
Division of Licensing.*

[FR Doc. 81-20996 Filed 7-16-81; 8:45 am]

BILLING CODE 7590-01-M

#### **OFFICE OF PERSONNEL MANAGEMENT**

#### **Privacy Act of 1974; Adoption of an Amendment to an Existing Routine Use**

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice; adoption of an amendment to a routine use for an existing system of records.

**SUMMARY:** The purpose of this document is to announce adoption of an amendment to existing routine use "m" for the Office's General Personnel Records System (OPM/GOVT-1). This routine use will permit a governmental component access to information when it is needed in the pursuit of such governmental entity's lawful, statutory, administrative, or investigative purpose of such an agency.

**EFFECTIVE DATE:** July 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** John Sanet, Work Force Records Management Branch (202) 254-9790.

**SUPPLEMENTARY INFORMATION:** The Office proposed an amendment to an existing routine use for its General Personnel Records system on May 15, 1981 (46 FR 28980). During the comment period, two members of the public raised concerns about the District of



Columbia Government being "routinely provided information on Federal employees without their consent" as that occurrence would not be consistent with the intent of the Privacy Act of 1974. While the Office recognized a valid concern about records of Federal employees as expressed in these two letters, the purpose of the proposed amendment did not alter the District of Columbia Government's status as a potential routine user. As stated in the existing routine use "m" published at 45 FR 78417, the District of Columbia Government was already listed as a potential routine user.

The District of Columbia Government's relationship with the Federal Government over the years has been one of close cooperation, with the employees of the District of Columbia under the personnel authorities of the Federal Government for several purposes such as retirement, service computation, and leave accrual. As with all Privacy Act routine uses, disclosure of information is not mandatory, but is permissive depending on the recordkeeper's determination that the disclosure is compatible with the purposes for which it is collected. The Office assures that the District of Columbia Government, along with the other possible routine users, will face close scrutiny before any information is disclosed pursuant to the routine use.

One comment submitted by the Department of Health and Human Services suggested that the language of the proposed amendment be slightly revised to reflect that an agency itself might initiate a transfer of information to the receiving agency. The Office has determined that the revision would be appropriate.

Accordingly, the routine use is adopted as it appears below.

#### OPM/GOVT-1

System name:  
General Personnel Records

Routine use of records maintained in the system including categories of users and the purposes of such users:

m. To disclose to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant, or other benefit by the

requesting agency; or the lawful statutory, administrative or investigative purpose of the agency to the extent that the information is relevant and necessary to the receiving agency's action on the matter.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-20930 Filed 7-16-81; 9:45 am]

BILLING CODE 5325-01-M

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**Trade Policy Staff Committee (TPSC), Generalized System of Preferences (GSP) Subcommittee; Acceptance for Review of Petitions to Modify the List of Articles Receiving Duty-Free Treatment; Public Hearings—Timetable; Articles Being Considered for Designation as Eligible Articles for Purposes of the GSP**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is (1) to announce the acceptance for review of petitions to modify the list of articles eligible to receive duty-free treatment under the Generalized System of Preferences (GSP) (accepted petitions are described in Annex I to this notice); (2) to announce the timetable in effect for public hearings to consider all petitions accepted for review and to announce deadlines for receipt of briefs and statements filed by interested parties in connection with those public hearings; and (3) to announce the list of articles to be sent by the United States Trade Representative to the United States International Trade Commission for probable economic effect advice with respect to designating articles as eligible for GSP. That list is contained in Annex II to this notice.

#### I. Deadline for Receipt of Requests to Participate in the Public Hearings

The GSP Subcommittee of the TPSC invites submissions to be made in support of or in opposition to any petition contained in Annex I of this notice. However, all such submissions should conform to 15 CFR 2007, particularly Parts 2007.0, 2007.1(1), 2007.1(2), and 2007.1(3).

Requests to present oral testimony in connection with public hearings announced in 46 FR 22841 (April 21, 1981), accompanied by twenty copies in English of all written briefs or statements, should be received by the Chairman of the GSP Subcommittee of

the Trade Policy Staff Committee (TPSC), Office of the United States Trade Representative, 600 Seventeenth Street, N.W., Room 516, Washington, D.C. 20506, not later than the close of business Thursday, September 3, 1981. Oral testimony before the GSP Subcommittee will be limited to 5-minute presentations and should summarize or supplement information contained in longer briefs or statements submitted for the record. Rebuttal briefs or statements will be accepted if submitted in twenty copies in English within one week after the close of the hearings (but in no case later than close of business Friday, September 25, 1981).

Parties not wishing to appear at the hearings also may submit written briefs or statements in twenty copies in English in connection with articles under consideration in the public hearings, provided that such submissions are filed by September 25 and conform with the regulations cited above.

Hearings will begin at 10:00 a.m. on Monday, September 14, in Room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Street, N.W.), Washington, D.C., and will continue on that and subsequent days until all witnesses have been heard.

#### II. Acceptance of Petitions for Review

Notice is hereby given of acceptance for review of petitions requesting modification of the list of articles eligible to receive duty-free treatment under the GSP, as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066-2071, 19 U.S.C. 2461-2465). These petitions were submitted, and will be reviewed, pursuant to regulations codified at 15 CFR, Part 2007 (42 FR 45532, September 9, 1977).

#### 1. Requests for "Graduation" of Countries

As part of this and future product reviews, a special effort will be made to include on the GSP list products of special export interest to low income beneficiary countries, including certain agricultural and handicraft articles. In addition all requests to add or remove products to or from the list of articles eligible for GSP duty-free treatment will be evaluated in accordance with the recently implemented "graduation" policy. In considering GSP eligibility for products, limitations on GSP benefits will be considered for the more economically advanced beneficiary developing countries in specific products where it is determined that they have demonstrated international



competitiveness. This approach will help to ensure that a greater share of GSP benefits is reserved for less competitive beneficiaries. Three criteria will be taken into account when any such "graduation" action is considered: the development level of individual beneficiary countries, their competitive position in the product concerned and the overall economic interests of the United States. The GSP Subcommittee will review information for the relevant United States industry as enumerated in 15 CFR 2007.1(5) when considering the removal of any beneficiary developing country from GSP eligibility with respect to a specific product already designated or from proposed GSP eligibility with respect to a petition requesting the designation of an item.

Product designations announced at the conclusion of the review process, therefore, may be made on a differentiated basis. This means that certain beneficiary developing countries may not be designated for GSP benefits on certain products even though those countries are not excluded statutorily under the competitive need provisions set forth in section 504(c)(1) of the Trade Act of 1974 as amended. Similarly, with respect to product removals, it is possible to withdraw GSP treatment from only certain beneficiary developing countries rather than to remove the product entirely from GSP coverage. The competitive need limitations of the program will continue to apply to countries remaining eligible for GSP treatment with respect to particular products.

The implementation of this policy is designed to provide increased opportunities for less developed, less competitive beneficiary developing countries to benefit from GSP duty-free treatment. In accordance with overall U.S. trade policy toward developing countries, this action is designed also to promote continued graduation of more advanced developing countries from GSP benefits in products where it is determined that they have demonstrated competitiveness. Over time, such action should provide a more balanced distribution of GSP benefits among developing countries by helping to shift more of the program's benefits to the less competitive developing countries.

For additional information on this policy, reference should be made to the Report to the Congress on the First Five Years' Operation of the U.S. Generalized System of Preferences (GSP), transmitted by the President of the United States on April 17, 1980. A copy

is available for inspection at the GSP Information Center, Office of the United States Trade Representative, 600 Seventeenth Street, NW., Room 516, Washington, D.C. 20506, or further information may be obtained by calling the GSP Information Center at (202) 395-6971.

### 2. Information Subject to Public Inspection

Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10. It is requested that parties submitting briefs or statements containing confidential information clearly indicate on the cover page of each of the twenty copies submitted and on each page within the document, where appropriate, that such confidential material is included. Non-confidential summaries of all confidential material must be submitted in twenty copies in English at the same time that confidential submissions are filed.

The hearings will be open to the public, and transcripts of the hearings will be made available for public inspection or purchase from the reporting company.

### 3. Communications

All communications with regard to these hearings should be addressed to: Secretary, GSP Subcommittee, Office of the United States Trade Representative, 600 Seventeenth Street, NW., Room 516, Washington, D.C. 20506. The telephone number of the Secretary of the GSP Subcommittee is (202) 395-6971. Questions may also be directed to any member of the staff of the GSP Information Center.

Acceptance for review of the petitions listed in Annex I does not indicate any opinion with respect to a disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for reviews by the GSP Subcommittee and the TPSC, and that such reviews will take place.

### III. List of Articles Which May Be Considered for Designation as Eligible Articles for Purposes of the GSP and On Which the United States International Trade Commission Will Be Asked to Provide Advice

1. In conformity with sections 502(a) and 131(a) of the Trade Act of 1974 as

amended (19 U.S.C. 2463(a) and 2151(a)), notice is hereby given that the articles listed in Annex II of this notice may be considered for designation as eligible articles for purposes of the GSP. The articles are identified by reference to five-digit numbers of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) and consist of all articles in such listed item numbers except as limited by the addition of two-digit statistical suffixes of the Tariff Schedules of the United States Annotated (1981) and by footnote descriptions. The Tariff Schedules of the United States Annotated (1981) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20404 and also is available for inspection at any field office of the U.S. Customs Service or the Department of Commerce. A list giving informal abbreviated descriptions of the articles contained in the TSUS items identified in this notice is available upon written request from the Secretary, GSP Subcommittee, at the address previously noted.

An article which is determined to be import sensitive in the context of the GSP cannot be designated as an eligible article. Recommendations with respect to the eligibility of any listed article will be made after public hearings have been held and advice has been received from the U.S. International Trade Commission on the probable effects of GSP designation on industries producing like or directly competitive articles and on consumers.

### 2. Advice of the United States International Trade Commission

On behalf of the President and in accordance with sections 503(a) and 131(a) of the Trade Act of 1974 as amended, the U.S. International Trade Commission is being furnished with a list of the articles published in Annex II for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles, and on consumers, of the designation of such articles as eligible articles for purposes of the GSP.  
Frederick L. Montgomery,

*Chairman, Trade Policy Staff Committee.*

BILLING CODE 3190-01-M



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]

A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.

		Shellfish, fresh, chilled, frozen, prepared or preserved (including pastes and sauces):	
		[Clams]	
		Crabs:	
		Crabmeat:	
		Prepared or preserved (including pastes and sauces):	
81-1	114.20	In airtight containers	Andean Group 2/
		Leather, in the rough, partly finished, or finished:	
		[Chamois; patent; upholstery leather]	
		Other:	
		Calf and kip:	
		[Upper; lining]	
81-2	121.40	Other:	do.
		Not fancy	
		[Pig and hog]	
		Other:	
		Not fancy:	
		[Vegetable-tanned goat and sheep, in the rough; buffalo; reptilian]	
81-3	121.61	Other:	Government of Brazil
		Bovine	
81-4	121.63	[Goat and kid]	do.
		Other	
		Vegetables, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared or preserved):	
		Beans:	
		Lima beans:	
		[If entered during the period from June 1 to October 31, inclusive, in any year]	
81-5	135.12	If entered during November in any year	Government of Jamaica

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

2/ Petitions submitted on behalf of five member countries--Bolivia, Colombia, Ecuador, Peru, and Venezuela.



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA <sup>1/</sup> item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
Vegetables, fresh, chilled, or frozen, etc. (con.):			
Beans (con.):			
Lima beans (con.):			
81-6	135.14	If entered during the period from December 1 in any year to the following May 31, inclusive	Government of Jamaica
81-7	135.16	Other than lima beans	do.
Cucumbers:			
81-8	135.92pt.	If entered during the period from March 1 to April 30, inclusive, in any year	Government of Honduras
Eggplant:			
81-9	136.20	If entered during the period from April 1 to November 30, inclusive, in any year	Government of Jamaica
81-10	136.22	Other	do.
Lettuce:			
81-11	136.60	If entered during the period from June 1 to October 31, inclusive, in any year	do.
81-12	136.61	Other	do.
81-13	137.10	Peppers	do.
81-14	137.50	Squash	do.
Tomatoes:			
81-15	137.63	If entered during the period from November 15, in any year, to the last day of the following February, inclusive	do., Egyptian Export Promotion Center, Egypt
Yams, and sweet potatoes:			
[Yams, fresh or chilled]			
81-16	137.89	Other	Government of Jamaica
Vegetables, fresh, chilled, or frozen, and cut, sliced, or otherwise reduced in size (but not otherwise prepared or preserved):			
[Broccoli, cauliflower, and okra; kidney beans, frozen; rutabagas; yucca]			
Other:			
[Bamboo shoots or water chestnuts, frozen]			
Other:			
Frozen:			
[Asparagus]			
81-17	138.4250pt.	Mixtures of pea pods and sliced water chestnuts	D.B. Berelson & Co., San Francisco, CA

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA <sup>1/</sup> item No.	Article	Petitioner
<u>A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
81-18	140.40	Vegetables, dried, desiccated, or dehydrated, whether or not reduced in size or reduced to flour (but not otherwise prepared or preserved): Dried, desiccated, or dehydrated: Onions	Government of Chile, Egyptian Export Promotion Center, Egypt
81-19	140.65	Reduced to flour: [Garlic] Onions	Government of Chile
81-20	140.75pt.	[Potatoes] Other, except tomato flour	Andean Group
81-21	141.82	Vegetables (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (except vegetables in subpart B of part 8 of Schedule 1 of the Tariff Schedules of the United States): [Beans; cabbage; chickpeas or garbanzos; black-eye cowpeas; onions; peas; pimientos; tomatoes; water chestnuts] Other: [Packed in salt, in brine, or pickled] Other: Carrots in airtight containers	Government of Jamaica
81-22	141.87	Sweet ginger	do.
81-23	144.12	Mushrooms, fresh, or dried, or otherwise prepared or preserved: Dried	Government of Korea
81-24	146.76	Berries, fresh, or prepared or preserved: Frozen: Strawberries	Government of Chile
81-25	148.00	Mangoes, fresh, or prepared or preserved: Fresh: [If entered during the period from November 1 in any year, to the following April 30, inclusive] If entered at any other time	Government of Jamaica, Lincoln Diversified Systems, Inc., Fort Lauderdale, FL

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA <sup>1/</sup> item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
Melons, fresh, or prepared or preserved:			
Fresh:			
Cantaloupes:			
[If entered during the period from August 1 to September 15, inclusive, in any year]			
[If entered during the period from December 1, in any year, to the following March 31, inclusive]			
81-26	148.17	If entered at any other time	Andean Group, Government of Jamaica
Papayas, fresh, or prepared or preserved:			
81-27	148.60	Fresh	do.
Pineapples, fresh, or prepared or preserved:			
Fresh:			
81-28	148.93	In crates	do.
81-29	148.98	Prepared or preserved	Andean Group, Government of Thailand
	or 148.9820	or In airtight containers	Government of Mexico
Mixtures of two or more fruits, prepared or preserved:			
81-30	150.02	In airtight containers and not containing apricots, citrus fruits, peaches or pears	Government of Jamaica, Government of the Philippines
Fruit peel, crude, dried, or otherwise prepared or preserved:			
[Crude, dried, or in brine]			
Otherwise prepared or preserved:			
81-31	152.30	Orange	Government of Jamaica

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
		Fruit pastes and fruit pulps: [Apricot; cashew apple, mamey colorado, sapodilla, soursop and sweetsop; fig, guava, mango, tamarind, orange, papaya, banana and plantain] Other: -[Strawberry]	
81-32	152.7640	Other	Andean Group
		All jellies, jams, marmalades, and fruit butters: Currant and other berry: Strawberry	
81-33	153.0420		do.
81-34	154.90	Mixtures of two or more kinds of candied, crystallized, or glace nuts, fruit, or vegetable substances	Government of Jamaica
		Mint leaves: [Crude or not manufactured] Other	
81-35	161.57		do.
		Pepper: Capsicum or cayenne or red: Ground	
81-36	161.84		do.
		Pimento (allspice): Ground	
81-37	161.88		do.
		Brandy: [Pisco and singani; slivovitz] Other: In containers each holding not over 1 gallon: Valued over \$13 per gallon	
81-38	168.78		Egyptian Vineyards Company, Egypt
81-39	169.04	Ethyl alcohol for beverage purposes	Andean Group, Government of Jamaica

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
		Edible preparations not specially provided for (including prepared meals individually packaged): [Of gelatin] Other: [Containing over 5.5 percent by weight of butterfat and not packaged for retail sale] Other: [Wheat gluten] Other:	
81-40	183.01	Pancake flour and other flour mixes; refrigerated (including frozen) doughs	Andean Group
81-41	190.85	Sponges, marine: Grass, velvet, or yellow	Egyptian Export Promotion Center, Egypt
81-42	222.50	Blinds, shutters, curtains, screens and shades, all the foregoing, of unspun fibrous vegetable materials, with or without their hardware	Government of Jamaica
81-43	355.65 or 355.6510	Woven or knit fabrics (except pile or tufted fabrics), of textile materials, coated or filled with rubber or plastics material, or laminated with sheet rubber or plastics: Of vegetable fibers or Of cotton	Government of Brazil  do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
Floor coverings of pile or tufted construction, of textile materials:			
In which the pile was inserted or knotted during weaving or knitting:			
With pile not hand-inserted and not hand-knotted:			
[Of cotton; of coir; of jute]			
Other:			
[Chenille]			
Wilton (including brussels) and velvet (including tapestry) floor coverings, and floor coverings of like character or description:			
[Of wool, of man-made fibers]			
Other:			
81-44	360.4640	Imitation oriental	Caesarea-Clenoit Industries, Ltd., Israel
81-45	360.4645	Other	do.
[Lace or net bedding, whether or not ornamented, and other bedding, ornamented]			
Other bedding, not ornamented:			
[Of vegetable fibers; of wool, of silk, of man-made fibers]			
81-46	363.90	Other	Andean Group
Tapestries, including hand-worked petit-point and other needle-point tapestries, all the foregoing of textile materials:			
[Gobelin and other hand-woven tapestries fit only for use as wall hangings, and valued over \$20 per square foot]			
Other:			
Of vegetable fibers:			
Jacquard-figured:			
Not pile construction:			
Of cotton:			
81-47	364.07pt.	Certified and hand-loomed folklore products	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

Articles not specially provided for, of textile materials:

[Lace or net articles, whether or not ornamented, and other articles ornamented]

Other articles, not ornamented:

Of vegetable fibers, except cotton:

[Knit; pile or tufted construction]

Other:

[Of coir; of jute]

Other:

81-48 387.35pt.

Baskets, of sisal

Government of Kenya

Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of Schedule 4 of the Tariff Schedules of the United States:

[Anthracene having a purity of 30% or more by weight]

[Carbazole having a purity of 65% or more by weight]

[Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above]

[Phthalic anhydride]

[Styrene]

[All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate]

Other:

Halogenated hydrocarbons:

Benzyl chloride ( $\alpha$ , $\alpha$ -Chlorotoluene)

Aromaticos Petroquimicos,  
S. de R.L., Mexico

81-49 402.56

[Benzotrichloride ( $\alpha$ , $\alpha$ , $\alpha$ -Tri-chlorotoluene); chlorobenzenes, mono-, di-, and tri-; chlorinated biphenyl]

81-50 402.80

Other:

Products provided for in the Chemical Appendix to the Tariff Schedules

do.

or  
402.80pt.

or  
Benzyl dichloride ( $\alpha$ , $\alpha$ -dichlorotoluene)

do.



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

Cyclic organic chemical products, etc. (con.):

Other (con.):

Alcohols, phenols, ethers (including epoxides and acetals), aldehydes, ketones, alcohol peroxides, ether peroxides, ketone peroxides, and their derivatives:

[Alkyl cresols; alkyl phenols; 6-Chloro-m-cresol (OH=1); naphthols; 2-naphthol-3, 6-disulfonic acid and its salts; nitrophenols; resorcinol]

Other:

81-51 403.45  
or  
403.45pt.Alcohols  
or  
Benzyl alcoholAromat 110, Petrosquibol,  
S. de R.L., Mexico,  
etc.Halogenated, sulfonated, nit-  
rated, or nitrosated deriv-  
atives of phenols or phenol-  
alcohols:[Products provided for in  
item number 403.52]

81-52 403.56pt.

Other:  
Tetrabromobisphenol A

Ameribrom Inc., Israel

[Amines and their derivatives]

Amines having one or more oxygen  
functions, and their derivatives:[Products provided for in  
item numbers 404.92 through  
405.03]

81-53 405.08pt.

Other:  
D(-)-para-hydroxy-  
phenylglycineKaneka America  
Corporation,  
New York, NY

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ Item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

Cyclic organic chemical products, etc. (con.):

Other (con.):

Other nitrogen-function compounds (except those in which the only nitrogen function is a nitro (-NO<sub>2</sub>) or a nitroso (-NO) group, or an ammonium salt of an organic acid) and their derivatives:

[Benzonitrile; diazoaminobenzene (1,3-Diphenyl-triazene); toluene-diisocyanates (unmixed)]

Other:

Nitrile function compounds:  
[Products provided for in item number 405.56]

Other:

81-54 405.60pt.

Benzene acetonitrile

Aromaticos Petroquimicos, S. de R.L., Mexico

Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):

81-55 406.28

2-Mercaptobenzothiazole, sodium salt (2-Benzothiazolethiol, sodium salt)

Government of Mexico

[2-Pyridinecarboxaldehyde; and vinylcarbazole, mono]

81-56 406.36

Other:

4-Aminoantipyrine;  
2-Amino-6-methoxybenzothiazole;  
2-Amino-6-methylbenzothiazole;  
Aminomethylphenylpyrazole (Phenylmethylaminopyrazole);  
3-(5-Amino-3-methyl-1-H-pyrazol-1-yl)benzenesulfonic acid;  
5-Amino-3-phenyl-1,2,4-thiadiazole (3-phenyl-5-amino-1,2,4-thiadiazole);  
Amino-J-pyrazolone;  
3-Amino-1-(2,4,6-trichlorophenyl)-5-pyrazolone;  
4-[[4,6-Bis(octylthio)-1,3,5-triazine-2-yl]amino]-2,6-di-tert-butyl-phenol;  
Benzointetrahydropyranyl ether;  
2-sec-Butyl-4-tert-butyl-6-(benzotriazol-2-yl)phenol;

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

Cyclic organic chemical products, etc. (con.):

Other (con.):

Heterocyclic compounds and their derivatives, etc. (con.):

Other (con.):

406.36

(con.)

2-tert-Butyl-4-methyl-6-(5-chlorobenzotriazol-2-yl)-phenol;  
 p-Chloro-2-benzylpyridine;  
 4-Chloro-3-(3-methyl-5-oxo-2-pyrazolin-1-yl)benzenesulfonic acid;  
 1-(m-Chlorophenyl)-3-methyl-2-pyrazolin-5-one;  
 p-Chloropyrazolone;  
 2,4-Di-tert-butyl-6-(benzotriazol-2-yl)phenol;  
 2,4-Di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol;  
 1-(2',5'-Dichlorophenyl)-3-methyl-2-pyrazolin-5-one;  
 2,3-Dichloro-6-quinoxaline-carbonyl chloride;  
 1,4-Dimethyl-6-hydroxy-3-cyanpyridone-2;  
 6-Ethoxy-2-benzothiazolethiol;  
 1-(o-Ethylphenyl)-3-methyl-2-pyrazolin-5-one;  
 2-Hydroxybenzoxazole (Benzoxazolone);  
 2-Hydroxy-3-carbazolecarboxylic acid;  
 2-Hydroxy-3-carbazolecarboxylic acid, sodium salt;  
 Iminodibenzyl(10,11-dihydro-5H-dibenz[b,f]azepine);  
 5-Imino-3-methyl-1-(m-sulfophenyl)pyrazole;  
 5-Imino-3-methyl-1-phenylpyrazole;  
 Indoline;  
 Isoquinoline;  
 3-Methylbenzo[f]quinoline;  
 3-Methylbenzothiazole-2-hydrazone;  
 2,4-Methylcarboxypyrazolic acid;  
 2-Methyl-5-ethylpyridine;

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

Cyclic organic chemical products, etc. (con.):

Other (con.):

Heterocyclic compounds and their derivatives, etc. (con.):

Other (con.):

406.36  
(con.)

2-Methylindoline;  
2-Methylmercaptobenzimidazole;  
1-Methyl-2-phenylindole;  
Methyl phenylpyrazolone;  
Methylpyrazine;  
2,4-Methylpyrazolic acid;  
8-Methylquinoline;  
3-Methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-Tolyl methyl pyrazolone);  
2-Phenylbenzimidazole;  
p-Phenylimidazole;  
2-Phenylimidazole;  
2-Phenylindole;  
4-Phenylmorpholine;  
4-Phenylpropylpyridine;  
p-Phenylpyridylacetic acid, methyl ester;  
Picolinic acid;  
Primuline base;  
Pyrazole (3-carboxy-1-4-sulphophenylpyrazol-5-one);  
2,5-Pyridinedicarboxylic acid;  
Tetramethylpyrazine;  
1,9-Thianthrenedicarboxylic acid;  
Thioxanthen-9-one (Thioxanthone);  
1-(2,4,6-Trichlorophenyl)-3-aminopyrazolone;  
2-(Trifluoromethyl)phenothiazine;  
2,3,5-Triphenyltetrazolium chloride;  
dl-Tryptophan; and  
Xanthen-9-one

Government of Mexico

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

All other products, by whatever name known, not provided for in subpart A or C of part 1, schedule 4 of the Tariff Schedules of the United States, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of this subpart or in subpart A of part 1 of schedule 4 of the Tariff Schedules of the United States:

81-57	406.64	Acetone	Government of Mexico
81-58	406.84	Fumaric acid	"GADOT" Aromatics Development (GADIV) Ltd., Israel

Products suitable for medicinal use, and drugs:  
Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States:

## Drugs:

[Products provided for in item numbers 410.68 through 411.28]

## Other:

Anti-infective agents:

Antibiotics:

81-59	411.64	Penicillin G salts	Andean Group
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Drugs primarily affecting the central nervous system, except alkaloids and their derivatives:

Antidepressants, tranquilizers, and other psychotherapeutic agents:

[Products provided for in item number 412.30]

## Other:

81-60	412.34	Products provided for in the Chemical Appendix to the Tariff Schedules or Amitriptyline-hydrochloride	Plantex, Ltd., New York, NY do.
	or 412.34pt.		

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

Mixtures not specially provided for:

[Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas]

Other:

[Pesticides]

81-61	432.25	Other	Andean Group
81-62	436.00	Any of the products provided for in subpart A of part 3 of schedule 4 of the Tariff Schedules of the United States, when imported in ampoules, capsules, jubes, lozenges, pills, tablets, troches, or similar forms, including powders put in medicinal doses	do.
81-63	437.47	Enzymes and ferments: Yeast (except dried brewers' yeast)	Government of Mexico, Government of Panama
81-64	452.28	Oils, distilled or essential, including terpeneless oils: Grapefruit	Government of Jamaica
81-65	452.34	Lemon	Andean Group
81-66	452.44	Orange	Government of Jamaica
81-67	455.04	Pectin	Government of Mexico
81-68	522.61	Magnesite: Crude	Government of Turkey
81-69	606.22	Ferralloys: Ferrochromium: Not containing over 3 percent by weight of carbon	do., Government of Zimbabwe
81-70	606.42	Ferrosilicon chromium	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
		Strands, ropes, cables, and cordage, all the foregoing, of wire, whether or not cut to length, and whether or not fitted with hooks, swivels, clamps, clips, thimbles, sockets, or other fittings or made up into slings, cargo nets, or similar articles: Not fitted with fittings and not made up into articles: Not covered with textile or other nonmetallic material: Wire strand: (Of nickel; of stainless steel; of copper) Other: Of iron or steel (except stainless): Of brass plated wire	Republic of Korea, TrefilARBED, Inc., New York, NY
81-71	642.1110		
		Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal: Of iron or steel: Columns, pillars, posts, beams, girders, and similar structural units: Not in part of alloy iron or steel: (Cast-iron (except malleable cast-iron) articles, rough or advanced)	
81-72	652.94	Other	Government of Brazil
81-73	652.95	In part of alloy iron or steel:	do.
81-74	652.96	In part of stainless steel Other	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	: TSUS or : TSUSA 1/ : item No. :	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
		<p>Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio broadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:</p> <p>Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof:</p> <p>[Television apparatus and parts thereof]</p> <p>Other:</p> <p>[Solid-state (tubeless) radio receivers]</p> <p>[Low-power radiotelephonic transceivers operating on frequencies from 49.82 to 49.90 megahertz]</p> <p>Other:</p>	
81-75	685.27	Citizens Band (CB) radio transceivers (except hand-held)	General Electric Company, Syracuse, NY, Radio Shack and A & A International, Inc., Fort Worth, TX
		<p>Record players, phonographs, record changers, turntables, and tone arms, and parts of the foregoing:</p> <p>[Tone arms and parts thereof]</p> <p>Other</p>	
81-76	685.36	Other	Government of Korea
		<p>Luggage and handbags, whether or not fitted with bottle, dining, drinking, manicure, sewing, traveling, or similar sets; and flat goods:</p> <p>Of leather:</p> <p>Luggage and handbags: [Of reptile leather]</p> <p>Other:</p> <p>[Handbags]</p> <p>Other</p>	
81-77	706.13	Other	Government of Argentina, Government of Brazil, Government of Romania

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
A. <u>Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)</u>			
Luggage and handbags, etc. (con.):			
81-78	706.17pt.	Of unspun fibrous vegetable materials: Flat goods, of rattan or of palm leaf	Andean Group, Government of Jamaica, Government of the Philippines
Of textile materials (except yarns, of paper), whether or not ornamented:			
Wholly or in part of braid:			
81-79	706.2045	[Of cotton] Of other textile materials	Government of the Philippines
[Of reinforced or laminated plastics] Of other materials:			
[Handbags; flat goods, of metal]			
Other:			
81-80	706.6235 2/	[Flat goods] Other: Luggage	Cyprus Embassy-Trade Centre, New York, NY
Dolls, and parts of dolls including doll clothing: [Doll clothing imported separately]			
Other:			
81-81	737.2205	Dolls (with or without clothing): Stuffed	Ad Hoc Group of Domestic Producers and Importers of stuffed dolls and stuffed doll parts, New York, NY Guatemala Export Promotion Center, Government of the Philippines
81-82	737.2240	Parts of dolls	Ad Hoc Group of Domestic Producers and Importers of stuffed dolls and stuffed doll parts, New York, NY Guatemala Export Promotion Center, Government of the Philippines

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

2/ This item is being considered for addition to the U.S. Generalized System of Preferences for all beneficiary developing countries except for the Republic of Korea, Taiwan, Hong Kong, and Mexico.



## Annex I

## Petitions Accepted for Review

Case No.	: TSUS or : : TSUSA 1/ : : item No. :	Article	Petitioner
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A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)

		Fountain pens, including stylographic pens and ball-point pens and ball-point pencils, and combination pens and pencils:	
81-83	760.0520	Ball-point pens and ball-point pencils	Drafton Ltd., Israel
		Tires, and tubes for tires, of rubber or plastics:	
		Pneumatic tires:	
81-84	772.48	Bicycle	Government of India
		Tubes:	
81-85	772.57	Bicycle	do.

B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences

		Headwear, of vegetable fibers, of unspun fibrous vegetable materials, of real horsehair, of paper yarn, or of any combination thereof: [Of cotton, flax, or both]	
		Other:	
		Headwear other than caps:	
		Sewed, whether or not blocked or trimmed:	
		Of straw:	
81-86	702.25	Not blocked and not trimmed	The United Hatters, Cap and Millinery Workers International Union, AFL-CIO; The U.S. Hat and Cap Industry Trust Fund
		Blocked or trimmed:	
81-87	702.28	Valued not over \$15 per dozen	do.
81-88	702.30	Valued over \$15 per dozen	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No./ Country	Article	Petitioner
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C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.<sup>2/</sup>

Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of Schedule 4 of the Tariff Schedules of the United States:

[Anthracene having a purity of 30% or more by weight]

[Carbazole having a purity of 65% or more by weight]

[Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above]

[Phthalic anhydride]

[Styrene]

[All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate]

## Other:

Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):

81-89            406.20  
(Israel)

Ethoxyquin (1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline)

Monsanto Company,  
Washington, D.C.

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

<sup>2/</sup> The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.



## Annex I

## Petitions Accepted for Review

Case No.	: TSUS or : TSUSA 1/ : item No./ : Country :	Article	: : : :	Petitioner
C. <u>Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.</u> <sup>2/</sup>				
		Aromatic or odoriferous compounds including flavors, not marketable as cosmetics, perfumery, or toilet preparations, and not mixed, and not containing alcohol:		
		Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of Schedule 4 of the Tariff Schedules of the United States:		
81-90	413.24 (Republic of Korea)	Saccharin		The Sherwin-Williams Company, Cleveland, OH
		Synthetic plastics materials:		
		Vinyl resins:		
		Polyvinyl acetate and vinyl resins containing by weight 50 percent or more of derivatives of vinyl acetate:		
81-91	445.42 (Taiwan)	Polyvinyl alcohol resins		Air Products and Chemicals Inc., Allentown, PA

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

<sup>2/</sup> The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.



## Annex I

## Petitions Accepted for Review

Case No.	: TSUS or : TSUSA 1/ : item NO./ : Country	: : : :	Article	: : : :	Petitioner
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C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.<sup>2/</sup>

Hand tools (including table, kitchen, and household implements of the character of hand tools) not specially provided for, and metal parts, thereof:

[Hammers and sledges, with or without their handles; crowbars, track tools, and wedges, all the foregoing of iron or steel; drilling, threading, and tapping tools, and parts thereof; chisels, gimlets, gouges, planes, and other cutting tools, and parts thereof; pencil sharpeners and lead and crayon pointers, and parts thereof; screwdrivers]

Other hand tools and parts thereof:

[Agricultural or horticultural tools and parts thereof]

Other:

Of iron or steel:

[Cast-iron hatters' irons, and tailors' irons]

Other:

[Table, kitchen, and household implements; other edged hand tools]

81-92	651.4760pt. (Republic of Korea, Taiwan)		Caulking guns		Collier Industries, Inc., Colliers, WV
			Articles of iron or steel, not coated or plated with precious metal: [Cast-iron articles, not alloyed] Other articles: [Of tin plate] Other: [Paper clips]		
81-93	657.25pt. (Singapore)		Ring binder elements		United States Ring Binder, Inc., New Bedford, MA

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

<sup>2/</sup> The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA <sup>1/</sup> item No. / Country	Article	Petitioner
C. <u>Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.):<sup>2/</sup></u>			
81-94	661.1205 (Singapore)	Air pumps, vacuum pumps and air or gas compressors (including free-piston compressors for gas turbines); fans and blowers; all the foregoing, whether operated by hand or by any kind of power unit, and parts thereof: Compressors, and parts thereof: Refrigeration and air conditioning: 1/4 HP and under	Tecumseh Products Company Tecumseh, MI
81-95	683.10pt. (Taiwan)	Storage batteries and parts thereof: Lead acid type storage batteries rated from 2 to 28 ampere hours	Yuasa-General Battery Corporation, Reading, PA, Exide Corporation, Philadelphia, PA
81-96	683.70 (Taiwan)	Portable electric lamps with self-contained electrical source, and parts thereof: Flashlights and parts thereof	Union Carbide Corporation, New York, NY
81-97	684.5050pt. (Taiwan)	Electric instantaneous or storage water heaters and immersion heaters; electric soil heating apparatus, and electric space heating apparatus; electric hair dryers, hair curlers, and other electric hair dressing appliances; electric flatirons; electro-thermic kitchen and household appliances; electric heating resistors other than those of carbon; all the foregoing and parts thereof: [Flatirons; toasters, waffle irons, skillets, ovens, stoves, coffee makers and other portable electro-thermic kitchen and household appliances] Other: [Cooking stoves and ranges, and parts thereof; furnaces, heaters, and ovens, and parts thereof] Other: [Hair dressing appliances; electro-thermic kitchen and household appliances (nonportable)] Other: Tubular electrical heating elements	Precision Tubular Heater, Corp. Franklin, TN

<sup>1/</sup> Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

<sup>2/</sup> The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No. / Country	Article	Petitioner
C. <u>Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.):2/</u>			
		Furniture, and parts thereof, not specially provided for:	
		Of wood:	
		[Bent-wood furniture, and parts thereof]	
		Other:	
		Chairs:	
		[Folding]	
		Other:	
		[Of teak]	
		Other	
81-98	727.29 (Taiwan, Yugoslavia)		Keller Manufacturing Company, Inc., Corydon, IN
81-99	727.40 (Taiwan, Yugoslavia)	Parts of furniture	do.
		Bagatelle, billiard, and pool equipment (except tables), and parts thereof:	
		Balls	
81-100	734.05 (Taiwan)		Orange Products, Chatham, NJ
81-101	755.30 (Malta)	Alcohol, gas, kerosene, or other mantles, treated with metallic oxides or other chemicals	The Coleman Company, Wichita, KA
		Expanded, foamed, or sponge rubber or plastics, and articles not specially provided for wholly or almost wholly of such rubber or plastics:	
		Not flexible:	
		Fish floats, of polyvinyl chloride	
81-102	770.30pt. (Republic of Korea)		The Housatonic Ever- Float Company, Inc. Shelton, CT
		Flexible:	
		[Of polyurethane; of cellulose; of natural rubber]	
		Other:	
		Fish floats, of polyvinyl chloride	
81-103	770.80pt. (Republic of Korea)		do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

2/ The country or countries named below are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner.



## Annex I

## Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
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- D. Petition to determine an eligible article as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.

Leather cut or wholly or partly manufactured into forms or shapes suitable for conversion into footwear:

[Patent leather]

Other:

[Uppers]

Other

81-104

791.28

Florsheim Shoe Company,  
Chicago, IL

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).



## ANNEX II

TSUS or TSUSA Item	TSUS or TSUSA Item	TSUS or TSUSA Item	TSUS or TSUSA Item
114.20	141.87	355.65	452.28
121.40	144.12	360.4640	452.34
121.61	146.76	360.4645	452.44
121.63	148.00	363.90	455.04
135.12	148.17	364.07 pt. 4/	522.61
135.14	148.60	387.35 pt. 5/	606.22
135.16	148.93	402.56	606.42
135.92 pt. 1/	148.98	402.80	642.1110
136.20	150.02	403.45	652.94
136.22	152.30	403.56 pt. 6/	652.95
136.60	152.7640	405.08 pt. 7/	652.96
136.61	153.0420	405.60 pt. 8/	685.27
137.10	154.90	406.28	685.36
137.50	161.57	406.36	706.13
137.63	161.84	406.64	706.17 pt. 9/
137.89	161.88	406.84	706.2045
138.4250 pt. 2/	168.78	411.64	706.6235
140.40	169.04	412.34	737.2205
140.65	183.01	432.25	737.2240
140.75 pt. 3/	190.85	436.00	760.0520
141.82	222.50	437.47	772.48
			772.57

- 1/ Only fresh cucumbers entered during the period from March 1 to April 30, inclusive, in any year.
- 2/ Only mixtures of pea pods and sliced water chestnuts.
- 3/ Only other vegetables, reduced to flour, except tomato flour.
- 4/ Only certified and hand-loomed jacquard-figured cotton tapestries.
- 5/ Only sisal baskets.
- 6/ Only tetrabromobisphenol A.
- 7/ Only D(-)-para-hydroxyphenylglycine.
- 8/ Only benzene acetonitrile.
- 9/ Only flat goods of rattan or of palm leaf.



**SECURITIES AND EXCHANGE  
COMMISSION**

(Release No. 11854; 812-4890)

**Alex. Brown Cash Reserve Fund, Inc.;  
Filing of Application**

July 9, 1981.

In the matter of Alex. Brown Cash Reserve Fund, Inc., 11 Greenway Plaza, Suite 1919, Houston, Texas 77046 (812-4890).

Notice is hereby given that Alex. Brown Cash Reserve Fund, Inc. ("Applicant"), an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on June 5, 1981, requesting an order of the Commission, pursuant to Section 8(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that a registration statement on Form N-1 registering shares of its common stock under the Securities Act of 1933 has been filed with the Commission but has not yet become effective. Applicant further states that it is a "money market" fund, designed as an investment vehicle for institutions that wish to invest short-term cash reserves. Applicant further states that, in accordance with the prospectus contained in the aforementioned registration statement, Applicant's investment objective is to provide investors with preservation of capital, liquidity and, consistent with such objectives, the highest possible level of current income by investing in high quality money market instruments.

Applicant represents that it will invest exclusively in the following types of money market instruments: (i) securities issued or guaranteed as to principal and interest by the United States Government or by its agencies or instrumentalities; (ii) certificates of deposit, time or savings deposits, and bankers' acceptances of domestic commercial banks and savings banks which, as of their latest published reports, have total assets in excess of \$1.5 billion; (iii) certificates of deposit and time or savings deposits which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; (iv) commercial paper,

including variable amount master notes, rated at the time of purchase A-1 by Standard and Poor's Corporation ("S&P") or Prime-1 by Moody's Investors Service, Inc. ("Moody's"), or if not rated are of comparable quality to rated instruments of the foregoing quality as determined by Applicant's board of directors; and (v) repurchase, reverse repurchase, and delayed delivery agreements pertaining to the above securities, subject to certain restrictions as set forth in Applicant's prospectus.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to

permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant states that experience indicates that two qualities are helpful in attracting investors to a fund such as Applicant: (1) stability of principal and (2) a steady flow of investment income. Applicant asserts that by maintaining a portfolio of high quality money market instruments, it can offer these characteristics to investors. Applicant further represents that, according to its investment adviser, AIM Advisors, Inc., experience in the management of other investment companies has demonstrated that there will normally be a negligible discrepancy between prices determined under the amortized cost method and those determined through a market valuation method. Applicant represents that its board of directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant, and will reflect the fair value of such securities.

Applicant expressly consents to issuance of the requested order on the basis of the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by Applicant's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, if Applicant's \$1.00 amortized cost price per share from the net asset value per share as determined by using available market quotations, and the maintenance or records of such review.<sup>1</sup>

<sup>1</sup> Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its

Continued



(b) In the event such deviation from the \$1.00 amortized cost price per share exceeds ½ of 1 percent, Applicant's board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where Applicant's board of directors believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.\*

4. Applicant will record, maintain, and preserve permanently in any easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to

discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments published by reputable sources.

\* In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which Applicant's directors determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20929 Filed 7-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11855; 812-4881]

**Intercapital Income Securities Inc., et al.; Filing of Application**

July 9, 1981.

Notice is hereby given that InterCapital Liquid Asset Fund Inc., InterCapital High Yield Securities Inc., InterCapital Tax-Exempt Securities Inc., InterCapital Industry-Valued Securities Inc., InterCapital Tax-Free Daily Income Fund Inc., InterCapital Dividend Growth Securities Inc., InterCapital Natural Resource Development Securities Inc., Active Assets Money Trust, Active Assets Tax-Free Trust, and Active Assets Government Securities Trust, (Five World Trade Center, New York, New York 10048 (812-4881)) all open-end, diversified management investment companies, and InterCapital Income Securities Inc., a closed-end, diversified management investment company ("Funds"), all of which are registered under the Investment Company Act of 1940 ("Act"); and John R. Haire (collectively "Applicants"), filed an application on June 1, 1981, requesting an order of the Commission pursuant to Section 6(c) of the Act declaring that Mr. Haire, a director or trustee of each of the Funds, shall not be deemed to be an interested person of the Funds, as defined in Section 2(a)(19) of the Act, solely by reason of his position as a director of Washington National Corporation ("WNC"), which has three wholly-owned subsidiaries registered as broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Mr. Haire is a director of WNC, a publicly-held life insurance complex, and two of its wholly-owned life insurance subsidiaries, Anchor National Life Insurance Company ("Anchor National") and Washington National Life Insurance Company of New York ("Washington National"). According to the application, WNC has two other wholly-owned subsidiaries, Washington National Equity Company ("Washington Equity") and Anchor National Financial Services Inc. ("Anchor Financial"), each of which is registered as a broker-dealer under the Exchange Act. Applicants further state that Anchor Financial has a wholly-owned subsidiary, ANFS, Inc. ("ANFS") which is registered as a broker-dealer under the Exchange Act. According to the application, ANFS operates solely in New York.



Applicants represent that the three broker-dealer subsidiaries of WNC function primarily as adjuncts to the insurance operations of the WNC complex, marketing mutual funds and variable annuities. Applicants state that Anchor Financial and ANFS conduct a general securities business on a fully disclosed basis through a non-affiliated broker-dealer but that such securities business is limited to accommodating the clients of the dually-licensed insurance agents or registered representatives thereof for occasional securities transactions and that such securities business is not solicited. Applicants further represent that the Funds have never transacted any business with Washington Equity, Anchor Financial, or ANFS and that these broker-dealers do not act as market makers in any securities nor as underwriters. The Funds undertake that they will not transact any business with Washington Equity, Anchor Financial or ANFS so long as Mr. Haire remains a director or trustee of the Funds.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. The term "affiliated person" of another person is defined by Section 2(a)(3) to include any person directly or indirectly controlling, controlled by, or under common control with, such other person or any director of such other person. Section 2(a)(9) of the Act defines "control" to mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.

Applicants state that because Mr. Haire is a director of WNC, he might be deemed to control Washington Equity, Anchor Financial and ANFS, the broker-dealer subsidiaries of WNC and, thus, be considered an interested person of the Funds. Applicants further state that Mr. Haire might be deemed to be controlled by WNC and, thus, be considered to be an affiliated person of Washington Equity, Anchor Financial and ANFS by reason of his being under the common control of WNC. According to the application, this would also cause Mr. Haire to be considered an interested person of the Funds.

Section 6(c) of the Act provides in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate

in the public interest and consistent with the protection of investors.

Applicants contend that Mr. Haire does not exercise a controlling influence over Washington Equity, Anchor Financial or ANFS by reason of his being a director of WNC. Applicants state that Mr. Haire does not in any way participate in the day-to-day operations of WNC or its broker-dealer subsidiaries. According to the application, Mr. Haire is not an officer of WNC nor of any of its operating subsidiaries. Applicants state he is, however, chairman of the board of directors of a non-operating subsidiary, Anchor Corporation, formerly an investment adviser.<sup>1</sup> Applicants further state that Anchor Corporation remains in existence solely for purposes of performing certain administrative contractual obligations and conducting certain litigation.

Applicants also contend that Mr. Haire is not controlled by WNC. Applicants state that Mr. Haire receives no compensation for serving as a member of the boards of WNC, Anchor National and Washington National. Applicants further state that Mr. Haire receives an annual salary from Anchor Corporation which will continue until August 31, 1983, pursuant to a service contract but that this salary is in no way dependent on his remaining a director of WNC. According to the application, Mr. Haire's present full time occupation is serving as president and chief executive officer of the Council for Financial Aid to Education, a not-for-profit corporation promoting financial aid to education. Applicants further state that Mr. Haire also serves as a member of the board of Bowne Company.

Applicants submit that it would be misleading to shareholders and unfair to Mr. Haire to identify him as an interested director or trustee of the Funds since such a designation, they contend, implies the existence of an actual or potential conflict of interest which, Applicants claim, does not in fact exist. Applicants assert that because of Mr. Haire's personal stature and the removal of any possibility that the Funds will do business with any of the broker-dealer subsidiaries of WNC, Mr. Haire will be in a position to act independently on behalf of the Funds and their respective shareholders without any possible impairment arising out of his affiliation with WNC.

Accordingly, Applicants believe it would be in the Funds' and their shareholders' best interests to have Mr.

<sup>1</sup> Anchor Corporation was, until August 10, 1979, a registered investment adviser under the Investment Advisers Act of 1940.

Haire's status as a disinterested director or trustee clearly acknowledged and that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley F. Hollis,  
Assistant Secretary.

[FR Doc. 81-20628 Filed 7-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11856; 812-4823]

### Mathers and Co., Inc. and Mathers Fund, Inc.; Filing of Application

July 9, 1981.

In the matter of Mathers and Company, Inc. and Mathers Fund, Inc., 125 S. Wacker Drive, Suite 2410, Chicago, Illinois 60608 (812-4823).

Notice is hereby given that Mathers and Company, Inc. ("Adviser"), an investment adviser registered under the Investment Advisers Act of 1940, and Mathers Fund, Inc. ("Fund"), an open-end, diversified management investment



company registered under the Investment Company Act of 1940 ("Act") (collectively, the "Applicants"), filed an application on February 13, 1981, and an amendment thereto on July 2, 1981, pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 15(f)(1)(A) of the Act in connection with a proposed transfer of control of the Adviser. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Adviser was organized as a corporation under the laws of Illinois in 1968, the successor to a business founded by Thomas N. Mathers in 1961. The application states that the Adviser renders investment advisory services on a discretionary and non-discretionary basis to some 43 clients, primarily of an institutional nature, including the Fund. Applicants state that as of December 31, 1980, the aggregate market value of assets under management by the Adviser exceeded \$933 million, of which \$212 million, or 21%, consisted of net assets of the Fund. The application indicates that 12,700 shares of the Adviser's common stock are issued and outstanding presently. Applicants state that Mr. Mathers owns 93% of such common stock and the remaining 7% is owned by four individuals who act as officers and directors of the Adviser. According to the application, all but one of the Adviser's officers, directors and shareholders have been employed by and actively involved in the Adviser's operations for more than ten years.

The application states that the Fund has six directors, three of whom are "interested persons" of the Adviser as defined in Section 2(a)(19) of the Act. Applicants represent that the current investment advisory agreement between the Fund and the Adviser was approved by the Fund's shareholders in 1977, and annually thereafter by the Fund's directors in accordance with the provisions of the Act. Under the agreement, the Adviser provides continuous investment advisory services and management to the Fund as well as office space, equipment, personnel (except non-affiliated directors) and clerical and bookkeeping services for managing the Fund's assets.

According to the application, all of the 11,813 shares of the Adviser's common stock Mr. Mathers owns is subject to a stock redemption and repurchase agreement ("Agreement") which obligates the Adviser to repurchase them at a fixed price of \$64.55 per share

upon his death. Applicants represent that to fund any such repurchase, the Adviser maintains a life insurance policy on Mr. Mathers' life which has a face value of \$800,000 and would provide approximately \$763,000 aggregate insurance benefits were Mr. Mathers to die currently. The application states that the Agreement also provides continuing options exercisable during the ten year period following Mr. Mathers' retirement or other termination of employment (i) to the Adviser to purchase from Mr. Mathers and (ii) to Mr. Mathers to sell to the Adviser, as many of such shares as either desires. Applicants state that payment for the shares purchased pursuant to the exercise of either option may be made, at the Adviser's sole discretion, in annual installments over a period of up to six years without interest, provided that the minimum amount of any annual installment will be \$150,000 and that all unpaid installments will become payable within thirty days after the Adviser receives the insurance proceeds from the insurance policy it maintains on Mr. Mathers' life. The Adviser states that it believes that payment to Mr. Mathers of the above minimum annual installment will have no material adverse effects on its operation or cash flow, because Mr. Mathers will not then be receiving the substantial compensation he receives currently.

The application states that Mr. Mathers is 66 years old and has taken several steps to provide for an orderly transition of the Adviser's management and control following his retirement or death. According to the application, Mr. Mathers and the Adviser desire to continue implementation of this transitional process at this time by reducing Mr. Mathers' voting interest in the Adviser from 93% to 10%, primarily to avoid potential disruption which could result from an untimely assignment and termination under the Act of the Fund's advisory agreement upon either Mr. Mathers' death or his retirement coupled with exercise of the options pursuant to the Agreement. To this end, the Adviser proposes that it will amend its articles of incorporation to (i) increase its authorized common shares from 20,000 to 125,000, and (ii) reduce the par value of the common stock from \$3.50 to \$0.01 per share. Subsequently, the Adviser proposes to issue a total of 105,430 additional common shares pro rata to its current common shareholders other than Mr. Mathers at a price equal to their par value (i.e., \$1,054.30).

Applicants represent that the proposed transaction will not result in any significant changes in the operation of the Adviser. The application states that Mr. Mathers will continue as chairman, a director and an employee of the Adviser and as chairman and director of the Fund. Because consummation of the proposed transaction will result in an assignment of the advisory agreement between the Adviser and the Fund, Applicants state that a new identical investment advisory agreement to become effective upon termination of the existing advisory agreement was submitted to and approved by the Fund's directors in February 1981, and by its shareholders in April 1981.

Section 15(f)(1) of the Act provides, in relevant part, that:

[A]n investment adviser . . . of a registered investment company . . . may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in such investment adviser . . . which results in an assignment of an investment advisory contract with such company . . . if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company . . . (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company . . . or (ii) interested persons of the predecessor investment adviser . . . and (B) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

Applicants desire to obtain the benefit afforded by Section 15(f)(1) of the Act in order to ensure that the Fund, its shareholders and the Adviser are insulated from liability in connection with the proposed transfer of control in the Adviser. The Applicants, however, will not fulfill the first condition of Section 15(f)(1)(A) because, after the proposed transaction, only 50% of the Fund's directors will not be interested persons of the Adviser. Applicants state that compliance with the 75% non-interested director requirement of Section 15(f)(1)(A) would necessitate either adding six new non-interested directors to the Fund's current board of six, or reducing the number of interested directors from the current level of three to one, or some combination of these two options. Applicants submit that restructuring the Fund's board in such a manner would impose an undue burden on the Fund and would not accomplish a useful purpose. The application states that the Fund currently has three directors, constituting 50% of its board, who are not interested persons of the



Adviser, although the Fund meets the requirements of Section 10(d) of the Act which permits it to have only one non-interested director of the Adviser on its board.

In further support of the application, Applicants note that Section 15(f)(4) of the Act provides a specific exemption from the 75% non-interested director requirement of Section 15(f)(1)(A) of the Act. This exemption pertains to transactions in which control of an investment adviser is transferred to one or more affiliated persons of the adviser, provided that the transferees are natural persons and owned in the aggregate more than 25% of the adviser's voting securities for at least six months prior to the transfer. The application states that although the proposed transaction will be effected through the issuance of new shares rather than the transfer of previously outstanding shares and the persons to whom the shares will be issued currently own less than 25% of the Adviser's voting securities, considerable continuity of management and operational control will exist following the transaction because three of the four persons acquiring control have managed and been employed by the Adviser for more than ten years.

Applicants further submit that with respect to Section 15(f)(1)(B), although they are not requesting a Commission determination with respect to this provision, the proposed transaction will not impose an unfair burden on the Fund because after the transaction the Adviser will provide the same advisory services using the same techniques and personnel as before the transaction. In addition, Applicants represent that the terms of the advisory contract and the Adviser's compensation will remain the same.

Applicants undertake that they will each use their best efforts to ensure that (i) during the period until Mr. Mathers retires or terminates his employment with the Adviser, at least three directors (50%) of the Fund will be persons who are not "interested persons" of the Adviser, and (ii) promptly following Mr. Mathers' retirement or termination of employment, he will be replaced as a director of the Fund by an individual who is not an "interested person" of the Adviser, and the Fund will maintain this ratio of non-interested directors for a three year period, subject to vacancies created by death, resignation and the like, which vacancies Applicants undertake to use their best efforts to fill promptly and in any event within 120 days of the creation thereof with other qualified individuals. Applicants further undertake that until the expiration of the

three year period following Mr. Mathers' retirement or termination of employment, they will use their best efforts to cause the successor to the position on the Fund's board of directors currently held by Mr. Mathers, and the successors to any position on the Fund's board currently held by persons who are not "interested persons" of the Adviser, in each case to be selected, proposed for election and elected in the manner provided for in Section 16(b) of the Act.

The Adviser undertakes that for two years following the proposed transaction, the Fund's investment advisory fee will not be increased by the Adviser. The Adviser also undertakes that it will maintain the existing or a comparable life insurance policy on Mr. Mathers' life, providing aggregate life insurance benefits equal to the lesser of the approximately \$763,000 aggregate life insurance benefits currently payable, or the maximum amount then potentially payable to Mr. Mathers upon exercise of his outstanding options under the Agreement plus any unpaid installments from prior exercises of such options.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the

application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-20811 Filed 7-16-81; 8:45 am]  
BILLING CODE 8010-01-M

[File No. 500-1]

### Chipola Oil Corp.; Order of Suspension of Trading

July 13, 1981.

It appearing to the Securities and Exchange Commission that as a result of an Order by a United States District Court and the unavailability of the securities of Chipola Oil Corporation ("Chipola") to complete and settle transactions, 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 Chipola.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 1:00 p.m. on July 13, 1981, and terminate at midnight on July 22, 1981.

By the Commission.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-21097 Filed 7-16-81; 8:45 am]  
BILLING CODE 8010-01-M

### TENNESSEE VALLEY AUTHORITY

#### Development and Use of Mallard-Fox Creek Area in North Alabama; Record of Decision

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice is hereby given in accordance with the National Environmental Policy Act (NEPA) and Section 5.4.8 of TVA's implementing procedures, 45 Fed. Reg. 54511-15 (1980), that TVA has decided to adopt the preferred alternative identified in TVA's final environmental impact statement (EIS), "Proposed Development and Use of Mallard-Fox Creek Area in North Alabama," made available to the public on May 23, 1980. TVA has decided to: (1)



execute a memorandum of agreement with the State of Alabama to make available approximately 1,500 acres for long-term wildlife management and recreation uses, and (2) designate the remaining 450 acres for future industrial development.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Mohamed T. El-Ashry, Assistant Manager of Natural Resources (Environment), 215 Natural Resources Building, Norris, Tennessee 37828, or call TVA's Citizen Action Office toll free: 1-800-362-9250 (in Tennessee) or 1-800-251-9242 (in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Virginia, Missouri, and Arkansas).

**SUPPLEMENTARY INFORMATION:** In 1978 TVA received requests from two industries to make available for industrial development portions of the Mallard-Fox Creek area. Subsequently, both of the industries have withdrawn their requests. Mallard-Fox Creek is an approximately 1,950-acre area on Wheeler Reservoir near Decatur, Alabama, which has been in TVA's custody in whole or in part since 1933. Although TVA's land use forecasts have projected that this land would eventually be used for industrial development, the entire area has been used on an interim basis by the State of Alabama as a wildlife management area under a 60-day revocable land use permit from TVA since 1959.

After release of a revised draft EIS for public review and comment on November 26, 1979, TVA made available to the public a final EIS, "Proposed Development and Use of Mallard-Fox Creek Area in North Alabama," on May 23, 1980. This EIS identified the preferred alternative as designating approximately 1,500 acres of the area for long-term wildlife management and recreation uses and approximately 450 acres for industrial development.

The EIS evaluated the potential impacts associated with industrial development on approximately 450 of the 1,950 total acres available and specifically the impacts associated with conveyance of approximately 44 acres to the Amoco Chemicals Corporation for a terminal barge facility and railroad spur. After release of the final EIS Amoco withdrew its proposal. Prior to the release of any portion of the 450-acre area, TVA will conduct an environmental review of the proposed use in accordance with NEPA and TVA's implementing procedures.

**Alternatives Considered**

The following alternatives were considered by TVA in reaching its decision: (1) no action, (2) committing all

1,950 acres to long-term wildlife management and recreation uses, (3) committing all 1,950 acres to industrial development, and (4) committing part of the 1,950 acres to long-term wildlife management and recreation uses and part to industrial development.

The environmentally preferable alternative has been identified as number 2—committing all 1,950 acres to long-term wildlife management and recreation uses.

**Basis for Decision**

As a corporate agency of the United States, TVA's statutory responsibilities include the generation of electrical power, flood control, navigation improvement, and agricultural and industrial development in the seven State Tennessee Valley region. As a regional resource agency, TVA is committed to development of the resources of the Tennessee Valley region in a manner that will create economic opportunities and at the same time protect and enhance the environment. This requires consideration of the benefits to be derived from economic development and preservation and improvement of the region's physical resources.

The central issue identified in TVA's final EIS and confronting TVA is a conflict between important land uses—industrial development and preservation of wildlife areas. The preferred alternative represents a reasonable balance of both uses and TVA has decided to implement that alternative.

Population growth in north Alabama has intensified the need for both industrial development and preservation of wildlife/open-space areas. The commitment of approximately 450 acres will partially meet the need for waterfront industrial property. Commitment of the remaining 1,500 acres for long-term wildlife management and recreation uses will preserve and facilitate the State's ability to improve an important wildlife/open-space area in north Alabama.

The 450-acre area designated for industrial development is especially suitable for that use. This area is in the eastern portion of Mallard-Fox Creek and is adjacent to existing industrial uses. The principal labor force, rail access, and primary highways in the region also lie to the east. The bulk of the 450 acres (383 acres) was acquired for and is owned by TVA's power program. Accordingly, TVA is committed to its bondholders and ratepayers to dispose of any power property not needed for power purposes for fair market value. In contrast, TVA reservoir properties (all of the nonpower

property in the Mallard-Fox Creek area) are acquired with appropriated funds and under certain circumstances may be made available for public use at no charge. Finally, most of the wetlands in the area are outside the 450 acres designated for industrial development.

Commitment of 1,500 acres to long-term wildlife management and recreational uses will provide a stable land base which is necessary for proper resource management and enhancement of public-use opportunities. Under the existing 60-day land use permit from TVA, the State's ability to improve the area has been restricted. State policy prohibits expenditure of State funds for capital improvements on lands over which the State has less than 30 years tenure. TVA contemplates the State's continuation of the current level of management for 10 years and the State's completion and implementation of a plan, to be reviewed and approved by TVA, for enhanced management of the area thereafter. If the State fails to implement a satisfactory management plan, control of the land will revert to TVA at the end of the 10-year period. The decision to allow the current level of management to continue for 10 years is in response to comments submitted by the State that it presently lacks the resources to intensify management.

In addition to the preferred alternative being a reasonable compromise between conflicting land uses, this alternative also more closely reflects the proposed designation of the area that resulted from a coordinated planning effort among TVA, the Alabama Department of Conservation and Natural Resources, industrial development groups, and three substate regional planning agencies. This effort, which was begun in 1970, designated all of the area east of Fox Creek for industrial development.

**Environmental Consequences**

The environmental consequences associated with the preferred alternative and the other alternatives are discussed in detail in TVA's final EIS. Essentially, any of the industrial development alternatives would result in the withdrawal of land from an area presently managed for wildlife and recreation uses and committing it to industrial development. This would have an adverse effect on the wildlife and associated public uses presently occurring on the industrial area as specific industries move onto the site. While some of the wildlife species inhabiting the industrial area would be able to continue to do so in reduced numbers, most mobile organisms would vacate the area as it is developed.



Because of carrying capacity and territoriality of species, many of these organisms would be lost. Counterbalancing this impact is the improvement which will result in the region's economic base as new industries move into the area designated for development. This will create new jobs, raise personal income in the area, and increase spending in the region. Designating the entire area for long-term wildlife management and recreational uses would significantly decrease these socioeconomic benefits.

W. F. Willis,

*General Manager.*

[FR Doc. 81-20909 Filed 7-16-81; 8:45 am]

BILLING CODE 8120-01-M

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## WATER RESOURCES COUNCIL

### Synthetic Fuels Development for Upper Colorado Region Water Assessment; Correction

**AGENCY:** Water Resources Council.

**ACTION:** Notice of correction.

**SUMMARY:** This notice corrects the 13a assessment of water for synfuels development in the Upper Colorado Region, published in the Vol. 46, No. 128 **Federal Register** on July 6, 1981, page 35054. Under Section II. E, "Economic and Social Effects," page 35055, the first paragraph should read: "A synthetic fuels production of nearly 3 million barrels per day would reduce hydroelectric power revenues by \$13 million annually."

Dated: July 13, 1981.

Gerald D. Seinwill,

*Acting Director.*

[FR Doc. 81-20975 Filed 7-16-81; 8:45 am]

BILLING CODE 8410-01-M



# Sunshine Act Meetings

Federal Register

Vol. 46, No. 137

Friday, July 17, 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).

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### 1

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

**DATE AND TIME:** 9:30 am (eastern time), Tuesday, July 21, 1981.

**PLACE:** Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

**STATUS:** Part will be open to the public and part will be closed to the public.

#### MATTERS TO BE CONSIDERED: *Open*—

1. Freedom of Information Act Appeal No. 81-6-FOIA-26-ME, concerning a request for Management Review Group instructions, case memorandum, and charge files analysis.
2. Freedom of Information Act Appeal No. 81-4-FOIA-10-NO, concerning a request for documents from an ADEA Case file.
3. Freedom of Information Act Appeal No. 81-5-FOIA-15-DE, concerning the investigator's narrative report in the requestor's closed age discrimination charge file No. 081-80-8296.
4. Recommended FY 1981 contracts for age discrimination charge processing.
5. Justification for proposed requirements for computer services for modification of EEOC's Commission Accounting System.
6. Final Interpretations of Age Discrimination in Employment Act (Part 1625)
7. Proposed modification to a contract for expert witness services needed in connection with a court case.
8. Report on Commission Operations by the Executive Director.

#### *Closed to the public*—

Litigation Authorization; General Counsel Recommendations.

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Treva L. McCall,

Executive Officer, Executive Secretariat, at (202) 634-6458.

This Notice Issued July 14, 1981.

[S-1007-81 Filed 7-15-81; 10:15 am]

BILLING CODE 6670-06-M

### 2

#### FEDERAL HOME LOAN BANK BOARD.

**TIME AND DATE:** 10 a.m., Thursday, July 23, 1981.

**PLACE:** 1700 G Street, NW., board room, sixth floor, Washington, D.C.

**STATUS:** Open meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Marshall (202-377-6679).

#### MATTERS TO BE CONSIDERED:

Proposed Move of the FHLBank of Little Rock to the Dallas SMSA

Change of Corporate Title—First Federal Savings & Loan Association of Charlotte County, Punta Gorda, Florida  
Waiver of Restriction—Thomas Sung, et al., New York, New York

Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—First Federal Savings & Loan Association of San Diego, San Diego, California (Mutual) into Coast Federal Savings & Loan Association, Los Angeles, California (Mutual)

Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Security Savings & Loan Association (Mutual), Florence, South Carolina into Security Federal Savings & Loan Association (Mutual), Columbia, South Carolina

Increase in Accounts of an Insurable Type (Merger)—Cherokee Savings & Loan Association, Murphy, North Carolina (non-FSLIC insured, nonmember) into Haywood Savings & Loan Association, Waynesboro, North Carolina

No. 516, July 15, 1981.

[S-1006-81 Filed 7-15-81; 10:05 am]

BILLING CODE 6720-01-40

### 3

#### NATIONAL CREDIT UNION ADMINISTRATION.

**TIME AND DATE:** 9:30 a.m., Wednesday, July 22, 1981.

**PLACE:** Seventh floor board room, 1776 G Street N.W., Washington, D.C.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.

2. Final Regulation establishing Section 701.21-6B of the NCUA Rules and Regulations; adjustable rate mortgage loans.  
3. Final Regulation amending Section 701.21-6 of the NCUA Rules and Regulations; real estate lending including use of due on sale clause.

4. Final Regulation deregulating Sections 701.21-1, 21-2, 21-3 of the NCUA Rules and Regulations; lending policies, amortization including variable rate consumer loans, and lines of credit.

5. Final Regulation deregulating Section 701.21-7 of the NCUA Rules and Regulations; loan participations.

6. Proposed Regulation—Part 748 of the NCUA Rules and Regulations regarding minimum security devices and procedures.

7. Final Regulation revising Part 721 of the NCUA Rules and Regulations; insurance and group purchasing activities.

8. Delegation of authority concerning special assistance under Section 208 of the Federal Credit Union Act.

9. Reports of action taken under delegations of authority.

10. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

**RECESS:** 10:30 a.m.

**TIME AND DATE:** 11:00 a.m., Wednesday, July 22, 1981.

**PLACE:** Seventh floor board room, 1776 G Street N.W., Washington, D.C.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Charter application. Closed pursuant to exemptions (8) and (9)(A)(ii).

2. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

**FOR MORE INFORMATION CONTACT:** Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1100-81 Filed 7-15-81; 4:32 pm]

BILLING CODE 7535-01-M

### 4

[NM-81-26]

#### NATIONAL TRANSPORTATION SAFETY BOARD.

**TIME AND DATE:** 10 a.m., Friday, July 24, 1981.

**PLACE:** NTSB Board Room, National Transportation Safety Board, 800



Independence Avenue, S.W.,  
Washington, D.C. 20594.

**STATUS:** Open.

**MATTER TO BE CONSIDERED:** *Program Review: Improvements to Accident Data System and OMB Field Study.*

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming 202-382-6525.

July 15, 1981.

[S-1099-81 Filed 7-15-81; 3:14 pm]

**BILLING CODE 4910-58-M**

5

[NM-81-27]

**NATIONAL TRANSPORTATION SAFETY BOARD.**

**TIME AND DATE:** 1:30 p.m., Friday, July 24, 1981.

**PLACE:** NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**STATUS:** Closed under Exemption 2 of the Government in the Sunshine Act.

**MATTER TO BE CONSIDERED:** FY 1982 and 1983 Program and Personnel Review.

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming 202-382-6525.

July 15, 1981.

[S-1099-81 Filed 7-15-81; 3:14 pm]

**BILLING CODE 4910-58-M**

6

**NUCLEAR REGULATORY COMMISSION.**

**DATE:** Week of July 20.

**PLACE:** Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

**STATUS:** Open/closed.

**MATTERS TO BE CONSIDERED:**

*Monday, July 20*

2 p.m. 1. Budget Session (open/closed status to be determined)

*Tuesday, July 21*

2 p.m. 1. Budget Session (open/closed status to be determined)

*Wednesday, July 22*

2 p.m. 1. Budget Session (open/closed status to be determined)

*Thursday, July 23*

10 a.m. 1. Budget Session (open/closed status to be determined)

3:30 p.m. 1. Affirmation/Discussion Session (public meeting)

Affirmation and/or Discussion and Vote:

a. Revisions to Honicker Petition Response

b. Disposition of Petition of the Shoreham Opponents Coalition (SOC) to Institute Proceedings on Whether Good Cause Exists to Extend the Completion Date of Shoreham Nuclear Power Station, Unit 1  
c. Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM (delayed from July 17, 1981)

**ADDITIONAL INFORMATION:** Affirmation of PRM to Reduce or Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance has been rescheduled for July 16, 1981, at 3:15 p.m.

**AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE:** (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Walter Magee (202) 634-1410.

Walter Magee,  
*Office of the Secretary.*

July 10, 1981.

[S-1095-81 Filed 7-14-81; 4:23 pm]

**BILLING CODE 7590-01-M**



# **federal register**

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Friday  
July 17, 1981

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**Part II**

## **Department of Labor**

**Employment Standards Administration  
Wage and Hour Division**

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**Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions**



## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum 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.

Alaska: AK81-5110	Apr. 10, 1981.
District of Columbia: DC81-3040	June 5, 1981.
Florida:	
FL81-1185	Feb. 13, 1981.
FL81-1260	July 6, 1981.
FL81-1240	June 5, 1981.
FL81-1190	Mar. 6, 1981.
FL80-1083	Nov. 21, 1980.
FL80-1088	Aug. 1, 1980.
Georgia: GA81-1211	Apr. 24, 1980.
Kentucky:	
KY80-1089	Aug. 15, 1980.
KY80-1094	Aug. 22, 1980.
KY80-1093	Aug. 22, 1980.
KY80-1101	Aug. 29, 1980.
KY80-1090	Aug. 22, 1980.
KY80-1096	Aug. 22, 1980.
KY80-1097	Aug. 22, 1980.
KY80-1095	Aug. 22, 1980.
Maryland: DC81-3040	June 5, 1981.
Louisiana: LA81-4046	July 6, 1981.
Montana:	
MT81-5114	May 8, 1981.
MT81-5115	May 8, 1981.
MT81-5116	May 8, 1981.
New York:	
NY81-3018	Mar. 27, 1981.
NY81-3022	Apr. 3, 1981.
NY81-3023	Apr. 3, 1981.
NY81-3024	Apr. 3, 1981.
Virginia: DC81-3040	June 5, 1981.
Washington: WA81-5125	July 6, 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.

Florida:	
FL79-1087 (FL81-1269)	May 25, 1979.
FL80-1064 (FL81-1270)	Apr. 25, 1980.
Illinois: IL79-2038 (IL81-2043)	May 11, 1979.
Minnesota:	
MN80-2031 (MN81-2045)	May 23, 1980.
MN80-2032 (MN81-2048)	May 23, 1980.



MN80-2033 (MN81-2044)	May 30, 1980
MN80-2034 (MN81-2047)	June 6, 1980
MN80-2035 (MN81-2046)	June 13, 1980
New York:	
NY80-3041 (NY81-3048)	July 7, 1980
NY80-3045 (NY81-3046)	July 25, 1980
NY80-3048 (NY81-3045)	July 25, 1980
North Carolina: NC80-1033 (NC81-1268)	Jan. 18, 1980
Oklahoma: OK80-4062 (OK81-4056)	July 18, 1980
Pennsylvania:	
PA79-3006 (PA81-3027)	Mar. 30, 1979
PA80-3012 (PA81-3043)	Feb. 15, 1980
PA80-3033 (PA81-3049)	Oct. 3, 1980
PA80-3058 (PA81-3049)	Oct. 3, 1980
PA80-3058 (PA81-3047)	Oct. 3, 1980

#### Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

CT81-3014—Hartford County, Connecticut, dated February 27, 1981 in 46 FR 14632—Residential Construction

Signed at Washington, D.C., this 10th day of July 1981.

**Dorothy P. Come,**

*Assistant Administrator, Wage and Hour Division.*

BILLING CODE 4510-27-M



DECISION NO. DC81-3040 -  
MOD. #2

DISTRICT OF COLUMBIA;  
MARYLAND-MONTGOMERY AND  
PRINCE GEORGES, AND D.C.  
TRAINING SCHOOL; VIRGINIA-  
INDEPENDENT CITY OF  
ALEXANDRIA, ARLINGTON AND  
FAIRFAX COUNTIES  
(46 FR 30290 dtd 6/5/81)

CHANGE:

ASBESTOS WORKERS  
GLAZIERS  
LATHERS  
PAINTERS (EXCLUDING FAIRFAX  
CO.)  
Brush, spray, paper-  
bangers, tapers  
Steel, sandblasting,  
swing stage, power  
brushing  
ROOFERS:  
Composition  
Slate, tile mopsen, water-  
proof, sprayers,  
sprandrel and ironite  
Material handlers (only  
to supply materials and  
to prepare decks for  
new roofs or repairs)  
TERRAZZO AND MOSAIC  
WORKERS  
TILE SETTERS  
TRUCK DRIVERS:  
Boom trucks  
Small dump, water sprink-  
ler, grease and oil  
Flat, pick-up hauling  
materials, small Euclids,  
dump over 8 wheels  
Trailers, low boys,  
tractor pulls  
Helpers  
Corryalls, large Euclids,  
Euclid water sprinkler,  
tunnel work under ground  
Mechanics

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
\$19.92	1.10	1.25		.25	
22.00	1.30	2.00		.25	
22.40	1.30	2.00		.25	
22.60	1.30	2.00		.25	
23.00	1.30	2.00		.25	
23.80	1.30	2.00		.25	
13.20	1.30	2.00		.25	

STATENWIDE, ALASKA

CHANGE:

Glaziers  
Painters  
Areas 2 and 3  
Brush; Boller; Sign  
Paper and Vinyl; Swing  
Stage; Taper/Drywall;  
Structural Steel  
Spray; Sandblast; Pot  
Tender  
Epoxy and Tar Applicator  
Steeplejack and Tower  
Residential painter

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
14.38	.86	1.57		.03	
12.73	.71	.80		.05	
13.56	.80	.50		.03	
13.52	.96	1.10		.08	
14.02	.96	1.10		.08	
13.42	.74	.65		.10	
14.08	.74	.65		.10	
9.06	.74	.65		.10	
13.93	.80	1.57		.04	
13.93	.80	1.57		.04	
10.26	.74	.425	e+f		
9.99	.74	.425	e+f		
10.10	.74	.425	e+f		
10.32	.74	.425	e+f		
9.83	.74	.425	e+f		
10.43	.74	.425	e+f		
10.16	.74	.425	e+f		

DECISION NUMBER AK81-5110 Mod. #7  
(46 FR 21926 - April 10, 1981)



HEAVY CONSTRUCTION  
EXCLUDING WATER AND SEWER  
LINES:  
BUILDING CONSTRUCTION:  
POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	14.70	.80	.70		.12
GROUP II	14.39	.80	.70		.12
GROUP III	13.88	.80	.70		.12
GROUP IV	12.78	.80	.70		.12
GROUP V	9.69	.80	.70		.12
GROUP VI	15.68	.80	.70		.12

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

- GROUP I - 35 ton cranes & above, tower & climbing cranes, derricks, concrete boom pump, drill rigs (equivalent to L & Double L), mole
- GROUP II - Backhoes, cableways, cranes, cherry pickers, elevating graders, hoists, paving mixers, power shovels, tunnel shovels, batch plants, shields, tunnel mining machines, gradalls, front end loaders, 3 1/2 cu. yds. and above, power driven wheel scoops and scrapers (50 cu. yd. struck capacity or above), rail tamper, draglines, boomcat, mucking machines, graders in tunnels, pile driving engines
- GROUP III - Front end loaders below 3 1/2 cu. yds., boom trucks, hydraulic backhoes & yd. capacity or below rubber or track mounted, tug boats, power driven wheel scoops and scrapers, blade graders, motor graders, bulldozers, trenching machines, concrete mixer, speed swing Pettibone, ballast regulator, concrete pump, mechanic, welder, mechanic welder, shotcrete machine, Hoe-ram, locomotive (standard, narrow gauge), tuggers
- GROUP IV - High lifts above 10 feet, boilers (skeleton), asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders, air compressors, welding machines, pumps, generators, well points, deep wells, hydraulic pumps, elevators, freeze units, tunnel motorman or dinky operator, roller, conveyors, well drilling machines, grout pump, fireman
- GROUP V - Fork lifts, ditch witch, bobcat 1/3 cu. yd. and below, space heaters, mechanic helpers, sweepers, assistant engineers, rollers
- GROUP VI - Master machanic

DECISION NUMBER FL81-1185 - MOD. #1 (46 FR 12406-12407 - February 13, 1981) Dade County, Florida	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: Ironworkers Plumbers & Pipefitters Roofers	12.80 14.06	1.13 1.02	1.10 1.30		.15 .15
Composition Kettleman Sprinkler Fitters	12.88 9.68 13.90	.83 .83 .85	.35 .35 1.20		.02 .02 .13
DECISION NUMBER FL81-1260 - MOD. #1 (46 FR 34968-34969 - July 6, 1981) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties Florida					
Change: Sprinkler Fitters	13.90	.85	1.20		.13
Add: Ironworkers	11.88	.80	.90		.05



DECISION NO. FL80-1088 - MOD. #4 (45 FR 51400 - August 1, 1980) Orange County, Florida	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Boilermakers Bricklayers, Stonemasons, Marble Masons, Plasterers, Tile & Terrazzo Workers, & Cement Masons Electricians Ironworkers Millwrights Painters Brush Spray, Paperhangers, & Sandblasters Plumbers	12.90	1.375	1.20		.04
	10.95	.50	.40		.10
	12.76	.55	3% + .61		1%
	11.88	.80	.90	.65	.05
	12.67	.70	.70		.10
	9.65	.50	.50		.06
	10.15	.50	.50		.06
	12.23	.75	.62	.50	.12

DECISION #8051-1211 - Mod. #1  
(45 FR 23381 - April 24, 1981)  
Bazrow, Clinck, Elbert, Greene,  
East, Jackson, Madison, Morgan,  
Newton, Oconee, Oglethorpe, &  
Walker Counties, Georgia

CHANGE:  
Walker County to Walton  
County, Georgia.

DECISION NUMBER FLS1-1240 - MOD. #1 (46 FR 30248-30249 - June 5, 1981) Duval County, Florida	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Painters Sprinkler Fitters	11.05 13.90	.70 .85	.60 1.20		.13

  

DECISION NUMBER FL81-1190 - MOD. #2 (46 FR 15643-15644 - March 6 1981) Palm Beach & Martin Counties Florida	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Roofers Roofers Pot Fireman/wlker Sheet Metal Workers Sprinkler Fitters	12.90 9.03 12.55 13.90	.40 .40 .70 .85	.50 .50 .72 1.20		.015 .015 .04 .13

  

DECISION NUMBER FL80-1083 - MOD. #2 (45 FR 77275 - November 21, 1980) Leon County, Florida	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Change: Sprinkler Fitters	13.90	.85	1.20		.13



Modification Page 8

DECISION NO., KY80-1093 - MOD. #5 (45 FR 56287-56290, August 22, 1980) Boone, Campbell, Kenton & Pendleton Counties, Ky.  Change: Lathers	Fringe Benefits Payments				Education and/or App. Tr.
	Basic Hourly Rates	H & W	Retirees	Vacation	
	15.42		1.10		.075
DECISION NO., KY80-1101 - MOD. #6 (45 FR 57919-57921 - August 29, 1980) McCracken County, Ky.  Change: Ironworkers	13.35	.65	1.05		.05
DECISION NO., KY80-1099 - MOD. #6 (45 FR 56280-56283 - August 22, 1980) Hardin, Jefferson & Meade Counties, Ky.  Change: Electricians Elevator Constructors Mechanics Helpers Marble, Tile & Terrazzo Finishers	16.14 14.61 10.23 10.75	1.00 1.345 1.345	DK +1.61 .95 .95	a + b a + b	5% .035 .035

Modification Page 7

DECISION NO., KY80-1099 - MOD. #5 (45 FR 54613 - August 15, 1980) Warren County, Kentucky  Change: Bricklayers, Stonemasons, Marble Masons, Tile Setters & Terrazzo Workers Cement Masons & Plasterers Painters Brush & Roller Spray & Drywall Finishing Structural Steel, Swing Stage Chair & Motor Stage Paperhangers Sandblasting	Fringe Benefits Payments				Education and/or App. Tr.
	Basic Hourly Rates	H & W	Retirees	Vacation	
	11.05 12.50	.60	.40		
	11.10 11.35	.60 .60	.60 .60		.10 .10
	11.45 11.60 11.85	.60 .60 .60	.60 .60 .60		.10 .10 .10
DECISION NO., KY80-1094 - MOD. #5 (45 FR 46278-46280 - August 22, 1980) Henderson County, Kentucky  Change: Bricklayers, Stonemasons, Marble Masons, Plasterers, Tile Setters & Terrazzo Workers	11.59	.60	.40		



DECISION NO., MOD. #1 MOD. #5 (45 FR 56276-56278 - August 22, 1980) Boyd County, Kentucky	Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Retirees	Vacation	
Change: Bricklayers & Stonemasons Carpenters Marble, Tile & Terrazzo Workers Millwrights & Piledrivers	13.30 13.40 12.15 13.90	.60 .80 .60 .80	.50 1.00 .50 1.00	.05 .05	
DECISION NO. KY80-1097 - MOD. #6 (45 FR 56274-56275 - August 22, 1980) Fayette County, Kentucky					
Change: Bricklayers & Stonemasons Carpenters Marble, Tile & Terrazzo Workers Millwrights & Piledrivers	13.30 13.40 12.15 13.90	.60 .80 .60 .80	.50 1.00 .50 1.00	.05 .05	
DECISION NO. KY80-1095 - MOD. #5 (45 FR 56276-56278 - August 22, 1980) Boyd County, Kentucky					
Change: Bricklayers & Stonemasons Sheet Metal Workers	14.67 15.27	.60 1.535	1.00 1.08	.02 .12	

DECISION NO. LA81-4046 - MOD. #1  
(46 FR 34974 - July 6, 1981)  
Allen, Beauregard, Bossier,  
Caddo, Calcasieu, Cameron,  
Jefferson, Jefferson Davis,  
Orleans, Plaquemines, St.  
Bernard & St. Charles Parishes,  
Louisiana

CHANGE DESCRIPTION OF WORK TO READ:  
Highway Projects (does not include building structures in rest area projects & airports in Bossier, Caddo, Calcasieu, Jefferson & Orleans Parishes)

DECISION NO. MT81-5114 Mod. #5  
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA

CHANGE:

Carpenters  
Area 1  
Carpenters  
Millwrights  
Piledrivers  
Plumbers  
Area 2

Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Retirees	Vacation	
\$11.43	.90	1.25	.50	.06
12.43	.90	1.25	.50	.06
11.68	.90	1.25	.50	.06
16.20	.90	1.10		.17



Modification Page 12

DECISION NO. MT81-5115 Mod. #5 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Carpenters Area 9	\$12.98	.90	1.25		.04
Carpenters	13.48	.90	1.25		.04
Millwrights	13.48	.90	1.25		.04
Piledrivermen					
Carpenters Area 10	11.43	.90	1.25	.50	.06
Carpenters	12.43	.90	1.25	.50	.06
Millwrights	11.68	.90	1.25	.50	.06
Piledrivermen					
Plumbers	16.20	.90	1.10		.17
Truck Drivers*					
Dump Trucks: 7 yds. or less	10.43	1.23	.61		
Over 7 yds. to and inc. 10 yds.	10.69	1.23	.61		
Over 10 yds. to and inc. 15 yds.	10.84	1.23	.61		
Over 15 yds. to and inc. 20 yds.	10.98	1.23	.61		
Pickup driver hauling materials	10.43	1.23	.61		
Flat Trucks: Less than 2 ton factory rating	10.43	1.23	.61		
2-5 tons	10.58	1.23	.61		
5-8 tons	10.68	1.23	.61		
Semi & 4-Wheel Trailers	10.68	1.23	.61		
Service Trucks & A-Frame Trailers	10.43	1.23	.61		
House Movers	10.52	1.23	.61		
Roofers; Waterproofers					
Area 3	12.25	.75	.60		
Area 1	12.94		.25		

\*See Jurisdictional Area on following Page

Modification Page 11

DECISION NO. MT81-5115 Mod. #5  
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Bricklayers; Marble Masons Area 7	\$13.60	.90	.75		
Carpenters					
Area 1	11.55	.90	1.25	.50	.06
Carpenters	12.55	.90	1.25	.50	.06
Millwrights	11.80	.90	1.25	.50	.06
Piledrivermen					
Carpenters					
Area 2	11.43	.90	1.25	.50	.06
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	11.68	.90	1.25	.50	.06
Piledrivermen					
Carpenters					
Area 3	11.43	.90	1.25	.50	.06
Carpenters	12.43	.90	1.25	.50	.06
Millwrights	11.68	.90	1.25	.50	.06
Piledrivermen					
Carpenters					
Area 4	11.77	.90	1.25	.75	.06
Carpenters	12.02	.90	1.25	.75	.06
Millwrights	12.02	.90	1.25	.75	.06
Piledrivermen					
Carpenters					
Area 5	11.43	.90	1.25	.50	.06
Carpenters	12.62	.90	1.25	.50	.06
Millwrights	11.73	.90	1.25	.50	.06
Piledrivermen					
Carpenters					
Area 6	11.43	.90	1.25	.50	.06
Carpenters	12.43	.90	1.25	.50	.06
Millwrights	11.68	.90	1.25	.50	.06
Piledrivermen					
Carpenters					
Area 7	11.43	.90	1.25	.50	.06
Carpenters	12.43	.90	1.25	.50	.06
Millwrights	11.68	.90	1.25	.50	.06
Piledrivermen					
Carpenters					
Area 8	12.08	.90	1.25	.50	.06
Carpenters	13.08	.90	1.25	.50	.06
Millwrights	12.23	.90	1.25	.50	.06
Piledrivermen					



DECISION NO. MT81-5116 Mod. #4  
(46 FR 25953 - May 8, 1981)

Cascade, Deer Lodge,  
Gallatin, Glacier, Hill,  
Missoula, Silver Bow,  
and Valley Counties.

CHANGE:

Bricklayers; Marble Masons

Area 5

Carpenters

Area 1

Carpenters

Millwrights

Piledrivermen

Carpenters

Area 2

Carpenters

Millwrights

Piledrivermen

Carpenters

Area 4

Carpenters

Millwrights

Piledrivermen

Carpenters

Area 5

Carpenters

Millwrights

Piledrivermen

Carpenters

Area 6

Carpenters

Millwrights

Piledrivermen

Carpenters

Area 7

Carpenters

Millwrights

Piledrivermen

Carpenters

Area 8

Carpenters

Millwrights

Piledrivermen

Plumbers

Area 1

All of Gallatin, Park, and Sweet Grass Counties; that por-  
tion of Madison County east of Montana Highway #287; that  
portion of Broadwater County south of U. S. Highway #12;  
in full detail starting with Montana #287 at the Idaho  
Line, then north following highway to where it meets U.S.  
Highway #10; then north to connect with the Broadwater  
County Line and continues until it meets a straight line  
drawn between Boulder, Montana and Townsend, Montana.  
Follow this line to Townsend and then follow U. S. High-  
way #12 east until you meet the Wheatland County Line,  
follow the Wheatland County Line and then follow this  
County Line south to the State Line, follow the State  
Line west to where it meets Montana Highway #287.

TRUCK DRIVERS  
JURISDICTIONAL AREA

	Basic Hourly Rates	fringe Benefits, Payments			Education and/or App. Tr.
		M & W	Pensions	Vacation	
	\$13.60	.90	.75		
	11.55	.90	1.25	.50	.06
	12.55	.90	1.25	.50	.06
	11.80	.90	1.25	.50	.06
	11.77	.90	1.25	.75	.06
	12.02	.90	1.25	.75	.06
	12.02	.90	1.25	.75	.06
	11.43	.90	1.25	.50	.06
	12.62	.90	1.25	.50	.06
	11.73	.90	1.25	.50	.06
	11.43	.90	1.25	.50	.06
	12.43	.90	1.25	.50	.06
	11.68	.90	1.25	.50	.06
	11.43	.90	1.25	.50	.06
	11.43	.90	1.25	.50	.06
	11.68	.90	1.25	.50	.06
	12.98	.90	1.25		.04
	13.48	.90	1.25		.04
	13.48	.90	1.25		.04
	11.43	.90	1.25	.50	.06
	12.43	.90	1.25	.50	.06
	11.68	.90	1.25	.50	.06
	16.20	.90	1.10		.17

DECISION NO. MT81-5115 - Mod. #5 (Cont'd)



Modification Page 15

DECISION NO. NY81-5116 Mod. #4 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Truck Drivers: Gallatin County					
Dump Trucks: 7 yds. or less	\$10.43	1.23	.61		
Over 7 yds. to and inc. 10 yds.	10.68	1.23	.61		
Over 10 yds. to and inc. 15 yds.	10.84	1.23	.61		
Over 15 yds. to and inc. 20 yds.	10.98	1.23	.61		
Pickup driver hauling materials	10.43	1.23	.61		
Flat Trucks: Less than 2 ton factory rating	10.43	1.23	.61		
2-5 tons	10.58	1.23	.61		
5-8 tons	10.68	1.23	.61		
Semi & 4-Wheel Trailers	10.58	1.23	.61		
Service Trucks & A-Frame Trailers	10.43	1.23	.61		
House Movers	10.52	1.23	.61		
Roofers Area 3	12.25	.75	.60		

Modification Page 16

DECISION NO. NY81-3018 - Mod. #2

(46 FR 19174 - March 27, 1981)  
Albany, Rensselaer, Saratoga & Schenectady Counties, New York

Change:

Description of Work does not include Water Well Drilling

DECISION NO. NY81-3022 - Mod. #1

(46 FR 20437-April 3, 1981)  
Onondaga County, New York

Change:

CARPENTERS, Heavy & Highway  
CEMENT MASONS, Building

ELECTRICIANS

Elbridge & Skaneateles

Remainder of County

Electricians

Cable Splicers

PAINTERS

Boatwain Chair

Bridge

Swing

Brush & Roller, Wallcover-

ing

Structural Steel

Sandblasting

Spray, Epoxy Application

Taping

ROOFERS

SPRINKLER FITTERS

LABORERS, Heavy & Highway

CLASS A

CLASS B

CLASS C

CLASS D

POWER EQUIPMENT OPERATORS

Heavy & Highway

GROUP I

GROUP II

GROUP III

GROUP IV

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
	11.52	.85	1.20		.025
	12.45	.80	1.60		
	15.65	1.20	34+ .75		.17
	14.70	.97	34+1.70		.08
	15.80	.97	34+1.70		.08
	12.52	.80	1.28		.05
	12.57	.80	1.28		.05
	12.42	.80	1.28		.05
	11.77	.80	1.28		.05
	12.37	.80	1.28		.05
	12.62	.80	1.28		.05
	12.27	.80	1.28		.05
	12.02	.80	1.28		.05
	14.40	1.00	2.00		.08
	15.55	.95	1.40		
	9.69	.75	1.60	a	.15
	9.89	.75	1.60	a	.15
	10.09	.75	1.60	a	.15
	10.29	.75	1.60	a	.15
	12.99	1.35	1.45	a	.15
	12.55	1.35	1.45	a	.15
	11.31	1.35	1.45	a	.15
	10.21	1.35	1.45	a	.15



DECISION NO. NY81-3022 - Mod. #1 (CONT'D)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit) Driver Mechanic, Groundman-Experienced	12.36	1.40	38+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects	10.91	1.40	38+1.00	a	
Journeyman Lineman	14.55	1.40	38+1.00	a	
Certified Lineman Welder	15.27	1.40	38+1.00	a	
Cable Splicer	16.005	1.40	38+1.00	a	
Groundman Equipment Operator	14.55	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	38+1.00	a	
Groundman Truck Drivers	11.64	1.40	38+1.00	a	
Groundman	10.91	1.40	38+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

DECISION NO. NY81-3022 - Mod. #1 (CONT'D)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Electrical Overhead & Underground Distribution Work	12.00	1.40	38+1.00	a	
Journeyman Lineman & Cable Splicer	16.00	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	38+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer) Driver Mechanic, Groundman - Experienced	10.20	1.40	38+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields	9.00	1.40	38+1.00	a	
Journeyman Lineman & Technician	13.80	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	38+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit) Driver Mechanic, Groundman-Experienced	11.73	1.40	38+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems	10.35	1.40	38+1.00	a	
Journeyman Lineman & Technicians	14.55	1.40	38+1.00	a	
Cable Splicer	16.005	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	38+1.00	a	



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 DECISION NO. NY81-3023 - Mod. #1 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, MASONS, TILE & TERRAZZO WORKERS	13.20	.70	.70		.02
CARPENTERS Carpenters & Soft Floor	12.72	.60	1.15	a	.005
Layers	12.97	.60	1.15	a	.005
Millwrights	12.87	.60	1.15	a	.005
Filedrivermen	11.82	.60	1.15		.025
Heavy & Highway	11.95	.70	.70		
CEMENT MASONS	13.92	.92	.50		.05
Heavy & Highway	14.40	1.00	2.00		
PLUMBERS & STEAMFITTERS	15.55	.95	1.40		.08
ROOFERS	9.79	.60	1.30	f	
SPRINKLER FITTERS	9.99	.60	1.30	f	
LABORERS	10.19	.60	1.30	f	
Heavy & Highway	10.39	.60	1.30	f	
CLASS A	12.99	1.35	1.45	a	.15
CLASS B	12.55	1.35	1.45	a	.15
CLASS C	11.31	1.35	1.45	a	.15
CLASS D	10.21	1.35	1.45	a	.15
POWER EQUIPMENT OPERATORS					
Heavy & Highway					
GROUP 1					
GROUP 2					
GROUP 3					
GROUP 4					

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DECISION NO. NY81-3023 - Mod. #1 (CONT'D)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Electrical Overhead & Under-ground Distribution Work	12.00	1.40	38+1.00	a	
Journeyman Lineman & Technician	16.00	1.40	38+1.00	a	
Cable Splicer	10.80	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	9.60	1.40	38+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.20	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.00	1.40	38+1.00	a	
Driver Mechanic, Groundman - Experienced	13.80	1.40	38+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields	12.42	1.40	38+1.00	a	
Journeyman Lineman & Technician	11.04	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.73	1.40	38+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.35	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	14.55	1.40	38+1.00	a	
Driver Mechanic, Groundman - Experienced	16.005	1.40	38+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or C&W Commercial Work, Street Lighting & Signal Systems	13.095	1.40	38+1.00	a	
Journeyman Lineman & Technicians					
Cable Splicer					
Groundman Digging Machine Operator, Groundman Dynamite Man					



DECISION NO. NY81-3024 - Mod. #1  
 146 FR 20442 - April 3, 1981  
 Bronx, Kings, Queens, New York,  
 & Richmond Counties, New York

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
15.75	1 1/2 a	7 1/2 b	8 1/2 c	1 1/2	.035
13.21	1.195	.82 d	e f		.035
9.91	1.195	.82 d	e f		.035
6.605					
11.23	1.195	.82 d	e f		.035
8.42	1.195	.82 d	e f		.035
5.615					
12.40	1.30	1.55	h		
12.75	1.30	1.55	h		
12.42	1.30	1.55	h		
13.65	1.30	1.55	h		
14.88	1.30	1.55	h		
14.21	1.30	1.55	h		
12.16	1.30	1.55	h		
13.35	1.21	1.71	j		
13.50	1.21	1.71	j		
13.03	1.21	1.71	j		
11.35	1.21	1.71	j		
12.00	1.14	6 1/2	3 1/2		
14.57	1.14	6 1/2	3 1/2		
13.71	1.14	6 1/2	3 1/2		
14.06	3.19	2.65	1.05		.20
13.70	2.60	2.11	1.05		.35
12.675	1.15	1.10			
11.21	1.005	.77			

Change:  
 ELECTRICIANS  
 ELEVATOR CONSTRUCTOR  
 ELEVATOR CONSTRUCTOR  
 HELPER  
 HELPER  
 ELEVATOR CONSTRUCTOR  
 HELPER (PROBATIONARY)  
 MODERNIZATION & REPAIR  
 ELEVATOR CONSTRUCTOR  
 HELPER  
 HELPER (PROBATIONARY)  
 LABORERS  
 Asphalt Laborers  
 Asphalt Pavers  
 Asphalt Tamperers  
 LABORERS (Highway)  
 Form Setters  
 Pavers & Cub Setters  
 Rammermen  
 Puddlers, Concrete Bakers  
 MARBLE SETTERS  
 Cutters & Setters  
 Carvers  
 Polishers  
 Crane Operator  
 PAINTERS  
 Brush & Roller  
 Spray & Scaffold  
 Fire Escapes  
 PLUMBERS  
 NY, Bronx  
 Richmond  
 TILE SETTERS  
 TILE SETTERS HELPERS

DECISION NO. NY81-3023 - Mod. #1 (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
11.64	1.40	3 1/2	a		
12.36	1.40	3 1/2	a		
10.91	1.40	3 1/2	a		
14.55	1.40	3 1/2	a		
15.27	1.40	3 1/2	a		
16.005	1.40	3 1/2	a		
14.55	1.40	3 1/2	a		
12.36	1.40	3 1/2	a		
11.64	1.40	3 1/2	a		
10.91	1.40	3 1/2	a		

LINE CONSTRUCTION (CONT'D)

Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver  
 Groundman Truck Driver (Tractor Trailer Unit)  
 Driver Mechanic, Groundman-Experienced  
 All Pipe type Cable Installations, Maintenance Jobs or Projects  
 Journeyman Lineman  
 Certified Lineman Welder  
 Cable Splicer  
 Groundman Equipment Operator  
 Groundman Truck Driver (Tractor Trailer Unit)  
 Groundman Truck Drivers  
 Groundman

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday



SUPERSEDES DECISION

STATE: Florida  
 COUNTY: See below  
 DECISION NUMBER: FL81-1269  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO: FL79-1087 dated May 25, 1979 in 44 FR 30569  
 DESCRIPTION OF WORK: Residential Construction Projects includes single family homes and apartments up to and including four stories

CHANGE: NO. WAS1-5126 - Mod #1  
 (46 FR 35029 - July 6, 1981)  
 Statewide Washington

AREA 1:  
 CARPENTERS:  
 Carpenters  
 Piledrivers; Saw Fillet;  
 Stationary Power Wood-  
 Working Tool Operator  
 Boom Men; Carpenters  
 Working on Burned, Charred,  
 Creosoted, or Similarly  
 Treated Material  
 Piledriver (Creosoted  
 Material)  
 Millwrights and Machine  
 Erectors

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$15.66	.96	1.20		.10
15.81	.96	1.20		.10
15.91	.96	1.20		.10
16.06	.96	1.20		.10
16.16	.96	1.20		.10

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$6.82				
7.00				
6.63				
6.31				
8.00				
10.00				
8.24				
6.63				
5.79				
9.00				
4.08				
5.00				
5.41				
4.75				
8.50				
5.60				
8.00				
7.95				
6.86				
7.68				
6.44				
8.97				
4.24				
6.05				
5.28				
8.88				
6.00				
5.00				
5.63				
4.90				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))



SUPERSEDES DECISION

STATE: Florida  
 COUNTY: Broward  
 DECISION NUMBER: FL81-1270  
 DATE: Date of Publication  
 Supersedes Decision Number: FL80-1064 dated April 25, 1980 in 45 FR 28060.  
 DESCRIPTION OF WORK: Building Construction (does not include single family homes or apartments of four stories or less) Projects

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos Workers	\$13.79	.70	1.19		.06
Boilermakers	13.90	1.375	1.20		.04
Bricklayers, Cement Masons, Marble Setters, Stonemasons	11.55	.73	.65		.03
Tile & Terrazzo workers	11.35	.90	.55		.08
Carpenters & Soft Floor Layers					
Electricians					
Zone I - (East of a line running north & south from point where the east edge of Conservation Area 2 meets State Highway #84					
Electricians	13.66	.65	3% + .50		1%
Cable Splicers	14.68	.65	3% + .50		1%
Zone II - (Rest of County)					
Electricians	14.36	.65	3% + .50		1%
Cable Splicers	15.18	.65	3% + .50		1%
Elevator Constructors	12.84	1.195	.95	a + b	.035
Mechanics	8.99	1.195	.95	a + b	.035
Helpers	10.24	.55	.40		
Glaziers	12.80	1.13	1.10		.15
Ironworkers					
Laborers (Permit Value \$500,000 & over)					
Air Tool Operators, Mason Tenders, Mortar Mixers.	8.50	1.12	.50		
Pipelayers	8.68	1.12	.50		
Plasterers' Tenders	8.40	1.12	.50		
Unskilled Laborers					
Laborers (Permit Value up to \$500,000)					
Air Tool Operators, Mason Tenders, Mortar Mixers.	6.80	1.07	.50		
Pipelayers	6.98	1.07	.50		
Plasterers' Tenders	6.70	1.07	.50		
Unskilled Laborers					

FL81-1270 cont.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Leathers	11.10	.90	.55		.06
Millwrights	12.67	.70	.70		.10
Painters					
Brush	10.15	.55	.60		.07
Drywall Tapers, Paperhanger	10.35	.55	.60		.07
Spray, Sandblaster	10.65	.55	.60		.07
Piledrivers	11.75	.70	.70		.10
Plasterers	11.55	.73	.65		.03
Plumbers & Pipefitters					
Commercial	13.40	.85	.95		.15
Industrial	14.40	.85	.95		.15
Refrigeration & A/C Mechanic					
Units of over 10 tons	13.69	1.23	1.15		.15
Units under 10 tons	10.21	1.23	1.15		.15
Roofers					
Roofers	10.18	.50	.20	.90	
Kettlemen	9.30	.50	.20	.90	
Sheet Metal Workers	12.41	.75	.74		.11
Sprinkler Fitters	13.90	.85	1.20		.13
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Group I	12.39	.64	.80		.17
Group II	12.24	.64	.80		.17
Group III	11.74	.64	.80		.17
Group IV	11.29	.64	.80		.17
Group V	11.14	.64	.80		.17
Group VI	10.79	.64	.80		.17
Group VII	10.54	.64	.80		.17
Group VIII	10.44	.64	.80		.17
Group IX	10.04	.64	.80		.17



PL81-1270 cont.

POWER EQUIPMENT CLASSIFICATION DEFINITIONS

GROUP I - All Tower Cranes (must have 2 operators; mobile, rail, climbers, static mount), cranes with boom length 250 ft. & over (with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader

GROUP II - All cranes with boom length 150 ft. & over (with or without jib; friction, hydro, electric or otherwise), cranes 150 tons & over with boom length less than 250 ft., gantry & overhead cranes

GROUP III - Cranes with boom length less than 150 ft. (with or without jib), single station hydro cranes 18 tons & under, single station hydro cranes over 50 tons, dual station hydro cranes, clam shell, shovel, backhoe, gradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway

GROUP IV - Boring & drilling machine, concrete pumping machine (all types) batching plant (on job sites), inside elevator, forklift (with vertical lift of over 20')

GROUP V - Locomotive operator, motor mixing pump (all types), winch truck, A-frame truck, grease truck operator, front end loader, bulldozer, pan, motor grader, forklift

GROUP VI - Trenching & ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor

GROUP VII - Utility operator (any combination of equipment up to & including four pieces of equipment listed in group VIII), welding machines (3-4)

GROUP VIII - Pump(s) or any combination over 2 1/2", compressors or any combination over 125 CFM, generator(s) or any combination over 5 KW

GROUP IX - Oiler, fuel truck driver, mechanic helper, boom hauling truck driver

FOOTNOTES:

a. Six paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

b. 8% of basic hourly rate for employee who has worked in business more than five years; 6% for employees who have worked in business less than five years

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))

SUPERSEIZES DECISION

STATE: ILLINOIS COUNTY: SANGANON  
 DECISION NUMBER: IL81-2043 DATE: Date of Publication  
 Superseizes Decision No. IL79-2038, dated May 11, 1979 in 44 FR 17871  
 DESCRIPTION OF WORKS: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$15.49	1.00	1.26		.03
BOILERMAKERS	15.20	1.275	1.50		.02
BRICKLAYERS; Carriers; Cleaners; Painters; & Stonemasons	13.85	.95	1.15		
CAPESTERS:					
Commercial Building					
Carpenters; Lathers; & Soft	14.62	.75	.55		.08
Floor Layers	15.11	.75	.55		.08
Milwrights; & Piledriverman					
Residential:					
Housing - 1 & 2 Family					
Dwellings (except buildings					
(High Rise) or steel					
concrete construction)	10.23	.75	.55		.08
CEMENT MASONS	14.58		1.20		.05
ELECTRICIANS:					
Commercial Building:					
Electricians & Cable Splicers	15.92	.55	34+.70		.12
Residential not to exceed 3					
Floors	9.75	.55	34+.40		.5%
ELEVATOR CONSTRUCTORS:					
Mechanics	15.42	1.345	.95	add	.035
Painters	70LJR	1.345	.95	add	.035
Blazers (Prob.)	50LJR				
GLAZIERS	13.49	.45	.50		.02
IRONWORKERS	15.10	.55	1.05		.08
MARBLE SETTERS; Terrazzo Workers;					
& Tile Setters	13.85	.95	1.15		.02
MARBLE SETTERS' FINISHERS;					
Terrazzo Workers' Finishers; &					
Tile Setters' Finishers;	14.50				
Marble & Tile Finishers;					
Terrazzo Finishers; & Terrazzo					
Floor Machine Ops.	14.65				
Terrazzo Base Machine Ops.	15.05				
PAINTERS:					
Brush	17.45	.60	.50		25.00p/yr
Sandblasting	12.95	.60	.50		25.00p/yr
Spray	13.20	.60	.50		25.00p/yr
Rollers; Taping	13.45	.60	.50		25.00p/yr



DECISION NO. IL81-2043

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.30	.65		.90	.05
13.50	.65		.90	.05
13.65	.65		.90	.05

LABORERS:

UNSKILLED  
SEMI-SKILLED  
SKILLED

LABORERS:

**UNSKILLED** All Sewer Workers plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenter; Tenders; Cleaning Lumber; Cofferdam workers plus depth pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Drilling of Stakes; Stringlines for all machinery; Fencing Laborers; Fireman or Salamander Tenders; Fireproofing Fire Shop Laborers; Flagman; Form Erectors; Gravel Truck Men, Dumpmen & Spotters; Janitors; Laborers w/da-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip-Rap Men; Rod & Chalmers; Scaffold Workers; Tool Cribmen; Track laborers; Unloading Explosives; Unloading & Carrying Lath; Unloading & Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers

**SEMI-SKILLED** Asphalt Workers with Machines; Asphalt Baker & Layers; Cement Handlers; Cement Silica; Fly Ash; Lime & Plasters, Smelters (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of materials treated with oil, concrete, asphalt and/or any foreign material harmful to skin or clothing; Kettle Bar Men; on Concrete Paving, Placing, Cutting & Tying of Reinforcing; Signal Man on Crane; Tank Cleaners; Tunnel Tenders in Free Air

**SKILLED** Air Tamping Hammerman; Caisson Workers plus depth pay; Concrete Pumping Machine Operator; Concrete Saw Operator; Coring Machine Operator; Curb Asphalt Machine Operator; Gunite Movable Men; Jackhammer & Drill Operators; Laborers handling Masterplate or similar materials; Laborers tending Masons with hot material or where foreign materials are used for wet concrete or handling of Building Materials; Multiple Concrete Pump - Leadman; Plasterer Tenders; Ready Mix Scallopman, Portable or Temporary Plant; Screeman on Asphalt Pavers; Steel Form Setters (Street & Highway); Vibrator Operators; Cutters, Burners & Torchmen.

DECISION NO. IL81-2041

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$15.25	1.00	1.00		.01
16.13	.60	1.43		.07
14.93	1.00			
15.84	.75+c	1.28		.04
10.30	.75	1.28		.04
15.31	.95	1.40		.08

PLASTERERS  
PLUMBERS; Pipefitters; & Steamfitters  
ROOFERS  
SHEET METAL WORKERS:  
Commercial Building  
Residential  
SPRINKLER FITTERS

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE)  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Day after Thanksgiving; & G-Christmas Day

FOOTNOTES:

- Employer contributes 5% of regular rate to vacation pay credit for employee who has worked in business more than 5 years and 6% of regular hourly rate for employee who has worked in business less than 5 years
- 7 Paid Holidays: A through G
- 3% of gross earnings to SASMI



DECISION NO. IL81-2043

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$ 13.30				
GROUP II	13.70	1.00	\$46,000		
GROUP III	13.90	1.00	46,000		
GROUP IV	14.15	1.00	46,000		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; 5 Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydraulifts or similar equipment when used for transportation purposes; 6 Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; 4 Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Looseboys when moving equipment

FOOTNOTE:

a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. IL81-2044

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$14.75	.85	.85		.05
CLASS II	13.10	.85	.85		.05
CLASS III	11.50	.85	.85		.05

CLASS I: Asphalt Plant Engineer; Asphalt Spread Man; Aspac Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athly Loaders; Sockfillers; Crane Type Bar-Boes; Cableways; Cherry Pickers; Clean Shell; C.M.I. & Similar Type Autograde Furnace Paver, Autograde Pacer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pump; Cranes; Derrick; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Crawel Processing Machines; Road Equipment Gridders; High Lift or Fork Lifts; Hoist w/Two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peel; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Kragging & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sidbooms; Trenching Machines; Ditching Machine; Tunnel Loggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Turnapull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Crawel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machine

CLASS III: Air Compressor; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors; Concrete Mixers (except plant, paver, tower); Fireman; Generators; Graders; Light Planters; Mechanical Heaters; Oilers; Power Form Rollers; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments; Regardless of size or type; Truck Crane Oiler & Driver 1 (man); Vibratory Hammer; Water Pump; Welding Machines (one 300 amp. or over); Welding Machines

\*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.



DECISION NO. M881-2045

SUPERSEDES DECISION

STATE: Minnesota  
 COUNTIES: Blue Earth, Fairbault, Freeborn & Mower  
 DESCRIPTION NUMBER: M881-2045  
 DATE: Date of Publication  
 Supersedes Decision No. F M880-2011 dated May 23, 1980 in 45 FR 15139  
 DESCRIPTION OF WORK: Building Construction (Including Residential), Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$14.68	.60	1.00		.15	
BOILERMAKERS	13.87	1.375	1.10		.05	
BRICKLAYERS: Blue Earth County Bricklayers, Stonemasons & Blocklayers Mower County & that part of Freeborn Co., East of a line running North & South from Geneva to Gordon & the City of Blooming Prairie; Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Caulkers & Cleaners Fairbault & Remainder of Freeborn County Bricklayers, Stonemasons, Tuck-Pointers & Blocklayers	11.505	.74	.76	.61		
CARPENTERS: Building: Blue Earth County N.W. Portion of Co. Remainder of County Freeborn & Fairbault Cos. Carpenters, Millwrights & Piledrivermen Mower County Site Preparation, Excavating & Incidental Paving: Carpenters & Piledrivermen Blue Earth County Fairbault, Freeborn & Mower Cos.	12.525 11.95 11.50 12.32 11.02 12.22 7.32 8.48	.70 .70 .50 .60 .30	.25 .50 .60			

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CEMENT MASONS & PLASTERERS: Building: Blue Earth County Cement Masons and Plasterers Mower Co. & that part of Freeborn Co., East of a line running North & South from Geneva to Gordon; Cement Masons and Plasterers Fairbault Co., & Remainder of Freeborn Co.; Cement Masons & Plasterers Site Preparation, Excavation & Incidental Paving: Blue Earth County Fairbault Co.; Freeborn Co.; (West of a line running North & South from Geneva to Gordonville; Mower Co. & Remainder of Freeborn County ELECTRICIANS: Blue Earth & Fairbault Counties Jobs outside the Mankato City Area less than \$75,000 Jobs within a 5 mile radius of Mankato \$75,000 & over Freeborn & Mower Cos. \$75,000 or more \$75,000 or less & Residential	12.05 11.25 11.00 10.10 9.43 9.50 14.53 12.29 14.23 11.36	.70 .70 .70 .42 .35	.25 .50 .25 .25	10% 10% 9% 9%	.07 .07 .07 .07	



DECISION NO. MN81-2045

MINN-12-LAB

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>ELEVATOR CONSTRUCTORS:</b>					
Blue Earth County	\$13.16	1.195	.82	a	.035
<b>GLAZIERS:</b>					
Blue Earth County	10.00				
Remainder of Counties	11.85	.95	.90		.04
<b>IRONWORKERS</b>	14.80				
<b>LABORERS:</b>					
General Laborers & Carp.	9.85	.50	.15		
Tender	9.95	.50	.15		
Mason Tenders & Vibrator Oprs.	10.00	.50	.15		
Mortar Mixers					
<b>MARBLE-TILE-TERRAZZO WORKERS:</b>					
Marble Setters	12.355	.655	.53		
Terrazzo Workers	12.82	.64	.25		
Tile Setters	12.30	.62	.50		
Marble Setters' Finishers	11.40	.62	.50		
Tile Setters' Finishers	11.45	.62	.50		
<b>PAINTERS:</b>					
Mower County	11.45	.37	.45		.08
Brush & Roller	11.95	.37	.45		.08
Spray					
Remainder of Counties	12.27	.75	.35		.09
Brush & Roller	12.47	.75	.35		.09
Taper	13.02	.75	.35		.09
Structural Steel & Spray					
<b>PLUMBERS &amp; STEAMFITTERS:</b>					
Blue Earth County	13.27	.53	.60		.05
Remainder of Counties	14.81	.50	.20		.05
<b>ROOFERS:</b>					
Mower County	12.30	.65	.77		.07
Remainder of Counties	13.32	.60	1.40		.08
<b>SHEET METAL WORKERS</b>	12.69				
<b>SPRINKLER FITTERS</b>	15.10				
<b>TRUCK DRIVERS</b>	9.85				

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

**FOOTNOTES:**  
 a. Employer contributes 8% BER for over 5 years service & 6% BER for under 5 years service as vacation pay. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day & Day after Thanksgiving

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>LABORERS:</b>					
<b>SITE PREPARATION, EXCAVATION &amp; INCIDENTAL PAVING</b>					
CLASS 1	9.90	.50	.15		
CLASS 2	10.00	.50	.15		
CLASS 3	10.05	.50	.15		
CLASS 4	10.15	.50	.15		
CLASS 5	10.30	.50	.15		
CLASS 6	10.35	.50	.15		
CLASS 7	10.40	.50	.15		

**CLASS 1 - Unskilled Laborers; Bricklayers & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender;**  
**CLASS 2 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch trucks); Cement Handler (Bulk or Bag) Chain Saw Shoveler; Taper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumpster (Wagon, Truck Jackhammer); Joint Sawyer, Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy Tunnel Laborer (Atmospheric Pressure)**  
**CLASS 3 - Bituminous Taper**  
**CLASS 4 - Bituminous Raker; Floater & Utility Man; Caisson work; Cofferdam**  
**CLASS 5 - Nozzleman (Gumite)**  
**CLASS 6 - Pipelayer (Sewer, Water & Gas) Laser Beam**  
**CLASS 7 - Powderman - Tunnel Miner**

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>LABORERS:</b>					
<b>LANDSCAPE &amp; SODLAYER</b>	\$ 6.35	.50	.15		



DECISION NO. MN81-2045

MINN-1-PEO-1

DECISION NO. MN81-2045

**POWER EQUIPMENT OPERATORS:  
SITE PREPARATION, EXCAVA-  
TION & INCIDENTAL PAVING**

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
CLASS 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05

GROUP 1 - Helicopter Pilot  
 GROUP 2 - Crane with over 135' Boom, excluding Jib, Dragline and/or other similar Equipment w/Shovel Type Controls 3 cu. yds. & over Mfg. rated capacity  
 GROUP 3 - Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick Dragline and/or similar Equipment with Shovel Type Control up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Oper. (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing Earthwork & Bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole, Op., incl. Power Supply, Mucking Mach., incl. Mucking Operations Conveyor or similar type, Refrigeration Plant Engineer, Tandem, Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op., 100 HP & over  
 GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-propelled Traveling Soil Stabilizer  
 GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launchman, Locomotive, all types, Mechanic or Welders, Multiple machines, such as Air Compressor, Welding Machines, Generators, Pumps or Crane Crane Oilers, Paving Breaker or Tamping Machine Op., (power-driven-sight) might or similar type, Pick-up Sweeper, Bending Actuated Horizontal Boring Mach., over 6" Op., Pegmill Op., Roller 8 Tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tire Taper & Hallast Mach. Op., Tractor Op., over D2, TDS or similar HP with power take-off, Tractor Op., over 50HP without Power Take-off, Trenching Machine Op., (sewer, water, gas) Turnpull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

**POWER EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION**

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

CLASS 1 - Helicopter Operator: Truck & Crawler Cranes with 300' of Boom and over, including jib.  
 CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.  
 CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.  
 CLASS 4 - Traveling Tower Crane; Master Mechanic: Pile Driving Operator.  
 CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (7 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Booms; All Terrain Vehicle Cranes; Fireman, Chief License.  
 CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Compa-co-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; power plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.  
 CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Guniting Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.  
 CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 15 on Air Comp., Pumps, Conveyors, Welding Machine.)  
 CLASS 9 - Mechanical Space Heater (temporary Heat); Oiler or Greaser; Elevator Operator



DECISION NO. MW81-2045

TRUCK DRIVERS:  
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

Pairbaault County

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	N & W	Pensions	Vacation	
\$9.72	.65			
9.27	.65			
9.17	.65			
8.97	.65			

Blue Earth County

GROUP 1	10.32	.65		
GROUP 2	9.87	.65		
GROUP 3	9.77	.65		
GROUP 4	9.57	.65		

Freeborn & Mower Counties

GROUP 1	10.85	.65		
GROUP 2	10.40	.65		
GROUP 3	10.30	.65		
GROUP 4	10.10	.65		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck Train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operator); Tandem Axle

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpcan; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman, Tractor Operator (Wheel type used for any purpose) Pilot Car Driver, Self-Propelled Packer; Slurry Operator; Single Axle Trucks

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. MW81-2045

POWER EQUIPMENT OPERATOR: (CONT'D)

GROUP 6 - Air Compressor Op. 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Op.; Concrete Dist. & Spreader Oper.; Finishing Machine Longitudinal Float Op.; Joint Mach. Op.; Spray, Concrete Mixer Op. 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (motor Patrol), Gunite Op. Gunall, Lead Greaser on Truck or Rack, Loader Op., Power Actuated Augers and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-Propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD 6 or similar HP with power take-off)

GROUP 7 - Brakesman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leversman, Mech. Helper, Mech. Space Heater, Oiler, Self Prop. Vib. Packer Op., Sheep Foot Roller, Tractor Op. 50 HP or less w/o Power Take-Off, Truck Crane Oiler



DECISION NO. MN81-2048

SUPSEDESAS DECISION

STATE: Minnesota COUNTY: Olmsted  
 DECISION NUMBER: MN81-2048 DATE: Date of Publication  
 Supersedes Decision NO. MN80-2032 dated May 23, 1980 in 45 FR 35145  
 DESCRIPTION OF WORK: Building (including Residential) Construction Projects

PLASTERERS  
 PLUMBERS & STEAMFITTERS  
 ROOFERS  
 SHEET METAL WORKERS  
 SPRINKLER FITTERS  
 TILE SETTERS  
 TRUCK DRIVERS  
 Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$2.55	.50	.60		.05
14.81		.20		
12.30	.60	.77		.07
12.69	.95	1.40		.08
15.10				
13.50				
9.85				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$14.68	.60	1.00		.15
13.87	1.375	1.10		.05
12.525	.70	.25		
11.40	.60	.60		
7.88	.50	.20		
11.25	.70	.25		
10.35				
14.27	.70	38+.43	9%	.07
11.36	.70	38+.43	9%	.07
12.25	.95	.90	.30	.04
14.80				
9.85	.50	.15		
9.95	.50	.15		
10.00	.50	.15		
10.10	.50	.15		
10.25	.50	.15		
10.50				
12.355	.655	.53		
11.45	.37	.45		.08
11.95	.37	.45		.08
11.70	.37	.45		.08

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS:  
 Bricklayers; Stonemasons;  
 Cement Blocklayers;  
 Pointers; Caulkers &  
 Cleaners  
 CARPENTERS:  
 Building  
 Site Preparation, Excava-  
 tion & Incidental Paving  
 Carpenters & Piledrivers  
 CEMENT MASONS:  
 Building  
 Site Preparation, Excava-  
 tion & Incidental Paving  
 ELECTRICIANS:  
 \$75,000 or more  
 Under \$75,000 & Residen-  
 tial  
 GLAZIERS  
 IRONWORKERS  
 LABORERS: BUILDING  
 CONSTRUCTION  
 General Laborer; Carpenter  
 Tender; Flagman; Power  
 Buggy Operator  
 Mason Tender; Drill  
 Runner; Vibrator Operator  
 Rebar Laborer  
 Mortar Mixer; Air Actua-  
 ted Tool  
 Plesterer Tender  
 Nozzleman  
 LATHERS  
 MARBLE SETTERS  
 PAINTERS:  
 Brush & Roller  
 Spray  
 Structural Steel



DECISION NO. M881-2048

MINN-12-LAB

DECISION NO. M881-2048

LABORERS:  
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- CLASS 5
- CLASS 6
- CLASS 7

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 9.90	.50	.15		
10.00	.50	.15		
10.05	.50	.15		
10.15	.50	.15		
10.30	.50	.15		
10.35	.50	.15		
10.40	.50	.15		

CLASS 1 - Unskilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Stonemason Tender.

CLASS 2 - Bituminous Shovelers; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or bag); Chain Saw Shovelers; Tamping & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumper (Wagon, Truck Jackhammer); Joint Sawyer, Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric Pressure).

CLASS 3 - Bituminous Tamper  
CLASS 4 - Bituminous Raker; Floater & Utility Man; Caisson Work; Cofferdam  
CLASS 5 - Nozzlemans (Gunite)  
CLASS 6 - Pipelayer (Sewer, Water & Gas) Laser Beam  
CLASS 7 - Powderman - Tunnel Miner

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 6.35	.50	.15		

LABORERS:  
LANDSCAPE & SODLAYER

MINN-1-PEO-1

POWER, EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$15.78	.95	.60		.05
15.50	.95	.60		.05
14.83	.95	.60		.05
14.32	.95	.60		.05
14.04	.95	.60		.05
13.90	.95	.60		.05
13.04	.95	.60		.05
12.08	.95	.60		.05
11.59	.95	.60		.05

CLASS 1 - Helicopter Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.

CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.

CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.

CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.

CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.

CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Compaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.

CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.

CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oilier; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Molding Machine.)

CLASS 9 - Mechanical Space Heater (temporary heat); Oilier or Grasser; Elevator Operator



DECISION NO. M81-2048

POWER EQUIPMENT OPERATORS: (CONT'D)

Tractor Op., over D2, TD6 or similar HP with Power take-Off, Tractor Op., over 50 HP without power take-off, trenching Machine Op., (sewer, water, gas) Tournapull Opr., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

GROUP 6 - Air Compressor Op. 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. & Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray., Concrete Mixer Op. 14S and under, Concrete Op., (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op., (up to & inc. 1 cu. yd.), Grader Op. (motor patrol), Gunite Op. Guniting, Lead Greaser on Truck or Sack, Loader Op., Power Actuated Augers and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-Propelled Chip Spreader, Shovelading Mach Op., Stump Chipper Op., Tractor Op., (D2, TD6 or similar HP with power take - off).

GROUP 7 - Stakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser/Leveman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep Foot Roller, Tractor, Op., 50 HP or less w/o power take-off, Truck Crane Oiler.

DECISION No. M81-2048

POWER EQUIPMENT OPERATORS:  
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$13.88	.95	.60	.05	.05
GROUP 2	13.88	.95	.60	.05	.05
GROUP 3	13.42	.95	.60	.05	.05
GROUP 4	13.28	.95	.60	.05	.05
GROUP 5	13.17	.95	.60	.05	.05
GROUP 6	11.64	.95	.60	.05	.05
GROUP 7	10.99	.95	.60	.05	.05

GROUP 1 - Helicopter Pilot  
 GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over mfg. rates capacity  
 GROUP 3 - Cableway Op., Concrete Mixer, Stationary Plant over 345, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. mfg. rates capacity, Dredge Operator or Engineer, Dredge Op., (Power), FE Loader 5 CY & over, Grader or Motor Patrol Finishing Earth & Bituminous, Locomotive Crane Op., Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conveyor or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op., (Boom type) Truck Crane Op., Tugboat Op., 100 HP & over  
 GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yds. & over, Self-Propelled Traveling Soil Stabilizer  
 GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yd., Hoist Engineer, Hydraulic Tree Plant-Launcher, Locomotive all type, Mechanic or Welder, Multiple machines, such as Air Compressors, Welding Machines, Generators, Pump or Crane Oilers, Paving Breaker or Tamping Machines Op., (Power-Driven - Mighty Might or similar type), Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Machine, Over 6" Op., Pugmill Op., Roller, 8 tons & over, Rubber Tired Farm Tractor, Backhoe, Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op.,



DECISION NO. MH81-2048

TRUCK DRIVERS:  
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

GROUP	Basic Hourly Rates	M & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	\$10.85	.65	.65		
GROUP 2	10.40	.65	.65		
GROUP 3	10.30	.65	.65		
GROUP 4	10.10	.65	.65		

GROUP 1 - Driver (hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Pumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas Oil, Road Oil & Water) Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDES DECISION

STATE: Minnesota  
DECISION NUMBER: MH81-2044  
Supersedes Decision No. MH80-2033 dated May 30, 1980 in 45 FR 36759  
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

\*COUNTIES: Anoka, Carver, Hennepin, Scott, Dakota, Ramsey, & Washington

COUNTIES: See Below\*

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		M & W	Pensions	Vacation		
ASBESTOS WORKERS	\$14.68	.60	1.00			.15
BOILERMAKERS	13.87	1.375	1.10			.05
BRICKLAYERS & STONEWORKERS	11.66	.655	.93	.80		
CARPENTERS: Building	12.32	.50				
S. W. portion of Scott Co. Remainder of Cos. & Scott Co.						
Millwrights	11.91	.80	.60	.60		.02
Carpenters & Pildrivermen	11.66	.80	.60	.60		.02
Soft Floor Layers	11.33	.81	.74	.65		.02
Site Preparation, Excavation & Incidental Paving	10.13	.60	.60			
CEMENT WORKERS: Building	12.43	.60	.60			
Site Preparation, Excavation & Incidental Paving	10.13	.60	.60			
ELECTRICIANS: Building	13.75	.58	8%	11%		.75
Hennepin & Scott Cos. & Depts. of Anoka & Fridley in Anoka County						
Remainder of Anoka County & Remaining Counties Residential	13.30	.65	38+.40	7.5%		.05
Carver, Hennepin & Scott Cos; Depts. of Anoka, Fridley, Crow & Ramsey in Anoka County: Construction of all new family dwellings up to & including 4-stories; and to all residential remodeling, rewiring & repairing in apartment buildings up to & including a 400 square service. This is limited to 3 floor occupied as living quarters floors, & non-elevator apartment buildings.	10.31	.48	3%	7%		3/4 of 1%



**ELECTRICIANS (CONT'D)**

Dakota, Ramsey, Washington Cos. & Remainder of Anoka Co., Construction of all new family dwellings up to & including 4-plexes, townhouses of 4 or less contiguous units; and to all residential remodeling, rewiring & repairing except that any single apartment project including a change of main service entrance shall not exceed 8 living units or 400 amps.

**ELEVATORS CONSTRUCTORS:**

Constructors  
GLAZIERS  
IRONWORKERS  
LAPERS:  
Anoka, Curver & Hamplin Cos.  
Washington; Dakota & Ramsey Cos.

MARBLE SETTERS  
MARBLE FINISHERS  
TERRAZZO WORKERS  
TERRAZZO FINISHERS  
TILE SETTERS  
TILE FINISHERS  
PAINTERS:

Dakota, Ramsey & Washington Cos.;  
Brush & Drywall Finisher  
Structural Steel & Spray  
Remainder Counties:  
Brush & Roller  
Structural Steel & Spray  
PLASTERERS:  
Dakota, Ramsey Washington Cos.  
Remainder Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.88	.60	.38	.78	3/4 of 1%
13.16	1.195	.82	a	.035
11.48	.40	.30		
14.80	.95	.90		.04
12.45	.50	1.00		.01
12.49	.50	.50	.70	.01
12.355	.655	.53		
11.40	.62	.50		
12.82	.64	.25		
12.10				
12.30	.62	.50		
11.45	.62	.50		
10.84	.55	.25		.12
11.44	.55	.25		.12
12.01	.65	.50		.13
12.61	.65	.50		.13
11.10	.70	.50	.65	.01
11.55	.50	.45		.02

**PLUMBERS:**

Dakota, Ramsey & Washington Cos.:

Plumbers  
Pipefitters & Steamfitters  
Plumbers & Steamfitters & P/P  
Remainder Counties:

Plumbers  
Steamfitter & Pipefitters  
ROOFERS

**SHEET METAL WORKERS:**

Dakota, Ramsey & Washington Cos.

Remainder Counties  
SPRINKLER FITTERS

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.32	.71	.63	1.52	.09
13.45	.58	.63	1.52	.09
12.84	.70	.63	2.00	.05
14.54	.71	1.13	1.50	.07
14.15	.98	.50		.05
14.31	.79	1.12		.08
14.48	.52	1.22		.08
15.93	.95	1.40		.02

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day; G-Day After Thanksgiving

**FOOTNOTE:**

a. Employer contributes 8% Basic Hourly Rate for over 5 years service, 6% Basic Hourly Rate for under 5 years as Vacation Pay; 7 Paid Holidays A through G



DECISION NO. MM81-2044

MINN-27-LAB-1

LABORERS:  
BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.90	.60	.60	.40	
9.95	.60	.60	.40	
10.00	.60	.60	.40	
10.05	.60	.60	.40	
10.15	.60	.60	.40	
10.20	.60	.60	.40	
10.25	.60	.60	.40	
10.30	.60	.60	.40	
10.40	.60	.60	.40	

CLASS 1 - Common Laborer, Steel hoist handler (erection); Power Buggy Opr., Carpenter Tender, Earth Dumper, Flagman  
 CLASS 2 - Reinforced Steel Handler  
 CLASS 3 - Men handling cement 2 hours per day (Bulk or Sack, excluding Mortar Mixer; Mason Tender; Concrete Joint Saw Opr., Demolition & Wrecking Laborer  
 CLASS 4 - Hot tar caulker & corker; Laborers on swing stage line scaffold (excl. patent scaffolding); Automatic Tamper Opr., Chipping Hammer Setter & Driver on Heavy Building, Excavation, Jackhammer Men  
 CLASS 5 - Underground work  
 CLASS 6 - Pipelayer  
 CLASS 7 - Caisson work, Underpinning  
 CLASS 8 - Muzzlemen  
 CLASS 9 - Dynamite Men, Power for Blasting purposes

LABORERS:  
LANDSCAPE & SOILLAYERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 6.35	.50	.15		

MINN-9-LAB

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

LABORERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.85	.60	.60	.40	
9.95	.60	.60	.40	
10.00	.60	.60	.40	
10.10	.60	.60	.40	
10.15	.60	.60	.40	
10.20	.60	.60	.40	
10.25	.60	.60	.40	
10.28	.60	.60	.40	
10.30	.60	.60	.40	
10.48	.60	.60	.40	
10.48	.60	.60	.40	

CLASS 1 Unskilled Laborer, Drill Runner Helper, Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler  
 CLASS 2 Laborer, wrecking & Demolition; Bit, Batchermen (Stationary Plant); Bricklayer Tender; Cement Handler; Cement Coverman (Batch trucks); Compaction Equip. Shovelers, Batchermen Comp., Conc. Vibrator Tender & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit layer (w.o. wiring); Chipping Hammer, Curb Setter (Stone or Precast Conc.) Kettleman (RTT. or lead); Service connection maker; Power Buggy; Joint Saver; Squeeze man (Bit, Brick or block); Stabilizing Batchermen (Stationary Plant); Stonemasons Tender; Drill Runner (Heavy, incl. Churn Drill)  
 CLASS 3 Chainsaw Man, Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer; Pipe Handler; Pipe Derrickman (Triped, manual)  
 CLASS 4 Bottom Man (Sewer, Water or Gas Trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric Pressure) Underpinning work, Caisson work, other work more than 8' below level of manual work Open ditch work



LABORERS: (CONT'D)

- CLASS 5 - Bituminous Tapper; Pipelayers; Sand Cushion & Bedmaker
- CLASS 6 - Cement Gun (1 1/2 & over); Leadman
- CLASS 7 - Nozzlemen (Gunite)
- CLASS 8 - Brick or Block Paving Setter
- CLASS 9 - Bituminous Raker, Floater & Utility Man
- CLASS 10 - Tunnel Man (Air pressure); Tunnel Miner
- CLASS 11 - Powderman

MINN-62-TD

TRUCK DRIVERS: BUILDING, SITE PREPARATION EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$10.90	.65	.65		
GROUP 2	10.45	.65	.65		
GROUP 3	10.35	.65	.65		
GROUP 4	10.15	.65	.65		

GROUP 1 - Driver (Hauling machinery for employer's own use, including opr., of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Opr.), Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman, Tractor Opr., (Wheel Type used for any purpose) Pilot car driver, self-propelled Packer; Slurry Opr., Single Axle Trucks.



DECISION NO. MN81-2044

MINN-1-PEO-1

**POWER EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION**

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$15.78	.95	.60		.05
CLASS 2	15.50	.95	.60		.05
CLASS 3	14.83	.95	.60		.05
CLASS 4	14.32	.95	.60		.05
CLASS 5	14.04	.95	.60		.05
CLASS 6	13.90	.95	.60		.05
CLASS 7	13.04	.95	.60		.05
CLASS 8	12.08	.95	.60		.05
CLASS 9	11.59	.95	.60		.05

- CLASS 1 - Helicopter Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.
- CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.
- CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.
- CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.
- CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.
- CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Comploco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.
- CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.
- CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)
- CLASS 9 - Mechanical Space Heater (temporary heat); Oiler or Greaser; Elevator Operator

DECISION NO. MN81-2044

MINN-TH-PEO-2-3

**SITE PREPARATION, EXCAVATION &  
INCIDENTAL PAVING**

**POWER EQUIPMENT OPERATORS:**

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$14.22	.95	.60		.05
GROUP 2	14.22	.95	.60		.05
GROUP 3	13.76	.95	.60		.05
GROUP 4	13.61	.95	.60		.05
GROUP 5	13.51	.95	.60		.05
GROUP 6	11.97	.95	.60		.05
GROUP 7	11.32	.95	.60		.05

- GROUP 1 - Helicopter Pilot
- GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu.yds. & over Mfg. rates capacity
- GROUP 3 - Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equip. with shovel type control up to 3 Cys mfg. rates capacity, Dredge Opr. or Engineer, Dredge Opr. (Power), FE Loader 5 CY & Over, Grader or Motor Patrol Finishing Earth & Bituminous, Locomotive Crane Opr., Master Mechanic, Mixer (paving) Concrete Paving Opr., Road Mole Opr., Incl. power supply, Mucking Machine., Incl. Mucking Operations Conveyor or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Opr., (Boom Type), Truck Crane Opr., Tugboat Opr., 100 HP & over
- GROUP 4 - Dual Tractor Opr., Elevating Grader Opr., Pumpcrete Opr., Scraper Opr., Struck Capacity 32 cu. yds. & over, Self-Propelled Traveling Soil Stabilizer
- GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Opr., Crushing Plant Opr., or Gravel Washing, Crushing and Screening Plant Opr., Dope Machine Opr., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Opr., Loader Opr., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Locomotive, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Opr., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or Bending Machine Opr., Power Plant Engineer., Power Actuated Horizontal Boring Machine, over 6" Opr., Pugmill Opr., Roller, 8 tons or over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Opr., Tie Tamper & Hallast Machine Opr., Tractor Opr., over D2, TD6 or similar HP with power take-off, Tractor Opr., over 50 HP without power take-off, Trenching Machine Opr., (sewer, water, gas) Turnapull Opr., (or similar type) well point installation, dismantling or repair mechanic



SUPERSEDES DECISION

STATE: Minnesota  
 DECISION NUMBER: MN81-2047  
 SUPERSEDES DECISION NO. MN80-2034 dated June 6, 1980 in 45 FR 38241  
 DESCRIPTION OF WORK: Building (Including Residential), Construction Projects  
 \*Benton, Sherburne & Stearns

COUNTIES: \*See Below  
 DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	14.68	.60	1.00		.15	
BOILERMAKERS	13.87	1.375	1.10	1.00	.05	
BRICKLAYERS & STONEMASONS	11.80		.25			
CARPENTERS: Building Construction Southern tip of Sherburne Millwrights Carpenters and Piledrivermen	11.91	.80	.60	.60	.02	
Soft Floor Layers	11.66		.60	.60	.02	
Cities of Little Rock & Skaja in Benton County	11.33	.81	.74	.65	.04	
Carpenters Stearns Co., Remainder of Benton & Sherburne Counties	11.45					
Carpenters & Piledrivermen	11.58	.60		.75		
Soft Floor Layers	7.50			a		
Site Preparation, Excavation & Incidental Paving: Benton & Stearns Counties Sherburne County (Portion that lies west of Hwy. #169 Remainder of Sherburne County	10.17	.50		.75		
CEMENT MASONS: Building Construction Benton & Stearns Counties Cement masons & Plasterers Sherburne County Cement Masons Plasterers	9.97		.25		.02	
Site Preparation, Excavation & Incidental Paving Benton & Stearns Counties	11.95	.60	.60	.60		
Plasterers	12.43	.50	.45			
Site Preparation, Excavation & Incidental Paving Benton & Stearns Counties	11.55	.60	.60	.25		
9.90	10.13	.60				

GROUP 6 - Air Compressor Opr., 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Opr., Concrete Dist. & Spreader Opr., Finishing Machine Longitudinal Opr., Joint Mach. Opr., Spray Concrete Mixer Opr., 14S and under, Concrete Opr., (Malt. Blade), Curb Machine Opr., Pine Grade Opr., Form Trench Digger, Front End Loader Opr., (up to & incl. 1 cu. yd), Grader Opr., (Motor Patrol), Gunnite Opr., Gunall, Lead Greaser, on truck on rack, Loader Opr., Power Actuated Augers and Boring Machine Opr., Power Actuated Jacks Opr., Pump Opr., Roller Opr., Self-propelled Chip Spreader, Shouldering Machine Opr., Stump Chipper Opr., Tractor Opr., (D2, TD6 or similar HP with power take-off)  
 GROUP 7 - Brakeman, Switchman, Conveyor Opr. Deckhand, Fireman, Tank Car Heater Opr., Gravel Screening Plant Opr., Greaser Leverman, Mechanic Helper, Mechanic Space Heater, Oiler, Self-Propeller Vibrator Packer Opr., Sheep Foot Roller, Tractor Opr., 50 HP or less w/o Power take-off, Truck Crane 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)).

a - One week paid vacation



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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>ELECTRICIANS:</b>					
Benton & Stearns Cos.:					
Twp. of Haven, Palmer, Santiago, Becker & Clear Lake in Sherburne County: Jobs under \$75,000	14.53	.70	38+.44	10%	.07
Jobs over \$75,000	12.29	.70	38+.44	10%	.07
Remainder of Sherburne County:	13.30	.65	38+.40	7.5%	.05
GLAZIERS	11.47	.40			
IRONWORKERS	14.80	.95	.90		.04
<b>LABORERS:</b>					
Building Construction					
Stearns & Benton Counties:					
General Laborers, Demolition & Wrecking; Concrete Joint Saw Op.; Signal Men	9.65	.50	.15		
Power Buggy Operators	9.70	.50	.15		
Mortar Mixers; Plasterer	9.75	.50	.15		
Tenders	9.80	.50	.15		
Jackhammer Men					
Underground; Calisson; Cofferdam & Tunnel work	9.90	.50	.15		
Dynamite Men & Pipelayers	9.95	.50	.15		
Sherburne County:					
Common, Carpenter Tender	9.90	.60	.60	.40	
Wrecking & demolition	10.00	.60	.60	.40	
Vibrator Op.; Jackhammermen;	10.05	.60	.60	.40	
Mortar Mixers	10.15	.60	.60	.40	
Underground Work	10.20	.60	.60	.40	
Pipelayers	10.25	.60	.60	.40	
Calisson Work - Underpinning					
<b>LADERS:</b>					
Benton & Stearns Counties	12.45	.50	1.00	.01	
MARBLE SETTERS	12.355	.655	.53		

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Page 3

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>PAINTERS:</b>					
Eastern 2/3 of Sherburne County:					
Brush, Roller & Paper-hangers	\$12.01	.65	.50		.13
Spray, Structural Steel & Sandblasting	12.61	.65	.50		.13
Benton, & Stearns Counties & the Remainder of Sherburne County:					
Brush	9.08	.50	.40		.11
Structural Steel	10.08	.50	.40		.11
Spray	10.08	.50	.40		.11
<b>PLUMBERS &amp; STEAMFITTERS:</b>					
Sherburne County:					
Plumbers Eastern 1/4 of County	12.84	.70	.63	2.00	.05
Steamfitters Eastern 1/4 of County & Stearns Cos. & the Western 1/4 of Sherburne County	14.54	.71	1.13	1.50	.07
Plumbers & Steamfitters	11.17	.70	.63		.06
<b>ROOFERS:</b>					
Benton & Stearns Counties	11.87	.95	.30		.05
<b>SHEET METAL WORKERS</b>					
SPRINKLER FITTERS	11.66	.52	.72		.08
TRUCK DRIVERS - Building	15.10	.95	1.40		.08
<b>WELDERS -</b> receive rate prescribed for craft performing operation to which welding is incidental	9.80				



CLASS 5 - Bituminous Taper; Pipelayers; Sand Cushion & Bedmaker  
 CLASS 6 - Cement Gun (ly & over); Leadman  
 CLASS 7 - Nozzleman (Gunite)  
 CLASS 8 - Brick or Block Paving Setter  
 CLASS 9 - Bituminous Raker, Floater & Utility Man  
 CLASS 10 - Tunnel Man (Air pressure); Tunnel Miner  
 CLASS 11 - Powderman

SITE PREPARATION, EXCAVATION  
 & INCIDENTAL PAVING

LABORERS

Sherburne County

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$ 9.85	.60	.60	.40	
CLASS 2	9.95	.60	.60	.40	
CLASS 3	10.00	.60	.60	.40	
CLASS 4	10.10	.60	.60	.40	
CLASS 5	10.15	.60	.60	.40	
CLASS 6	10.20	.60	.60	.40	
CLASS 7	10.25	.60	.60	.40	
CLASS 8	10.28	.60	.60	.40	
CLASS 9	10.30	.60	.60	.40	
CLASS 10	10.48	.60	.60	.40	
CLASS 11	10.48	.60	.60	.40	

CLASS 1 Unskilled Laborer, Drill Runner Helper, Powder Monkey, Rein. Steel Lab., Rein. Winch Handler  
 CLASS 2 Laborer, wrecking & Demolition; Bit. Batchermen (Stationary Plant); Bricklayer Tender; Cement Handler; Cement Coverman (Batch trucks); Compaction Equip. Shoveler, batchermen Conc., Conc. Vibrator Taper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer, Curb Setter (Stone or Precast Conc.) Kettleman (Bit. or lead); Service connection maker; Power Buggy; Joint Sawyer; Squeeze man (Bit. Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemasons tender; Drill Runner (Heavy, including Churn Drill)  
 CLASS 3 Chainsaw Man, Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer; Pipe Handler; Pipe Derrickman (Triped, Manual)  
 CLASS 4 Bottom Man (Sewer, Water or Gas trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric pressure) Underpinning Work, Caisson Work, Other work more than 8' below level of manual work Open ditch Work



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**LABORERS:**  
**SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING**

**Benton & Stearns Counties**

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Retirees	Vacation	
CLASS 1	\$9.35	.55	.50	.40	
CLASS 2	9.40	.55	.50	.40	
CLASS 3	9.45	.55	.50	.40	
CLASS 4	9.50	.55	.50	.40	
CLASS 5	9.65	.55	.50	.40	
CLASS 6	9.75	.55	.50	.40	
CLASS 7	9.80	.55	.50	.40	
CLASS 8	9.85	.55	.50	.40	

CLASS 1 - Bricklayer Tender, Carpenter, Drill Runner Helper, Laborers Wrecking & Demolition, Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender, Stone mason Tenders; Unskilled Laborers

CLASS 2 - Form Setter (Municipal Type Curb & Sidewalk, Form Setter (Pavement))

CLASS 3 - Coverman (Batch Trucks); Cement Handler (Bulk or Bag); Chain Saw Man; Compaction Equipment (Hand Operated); Concrete Mixer (1 Bag); Concrete Shovel/Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (wagon, truck, etc.); Jackhammer, Joint Sawyer, Kettelman (Bit-umbone or Lead); Mortar Mixers; Paving Buster, Power Buggy, Tunnel Laborer (Atmospheric Pressure)

CLASS 4 - Bituminous Baker, Floater & Utility Man; Caisson work, Cofferdam

CLASS 5 - Leadman

CLASS 6 - Gunite

CLASS 7 - Pipelayer (Sewer, Water & Gas)

CLASS 8 - Powderman, Tunnel Miner

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Retirees	Vacation	
CLASS 8	\$6.35	.50	.15		

**LABORERS:**  
**LANDSCAPE & SOGLAYERS**

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MINN-1-PEO-1

**POWER EQUIPMENT OPERATORS:**  
**BUILDING CONSTRUCTION**

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Retirees	Vacation	
CLASS 1	\$15.78	.95	.60	.05	.05
CLASS 2	15.50	.95	.60	.05	.05
CLASS 3	14.83	.95	.60	.05	.05
CLASS 4	14.32	.95	.60	.05	.05
CLASS 5	14.04	.95	.60	.05	.05
CLASS 6	13.90	.95	.60	.05	.05
CLASS 7	13.04	.95	.60	.05	.05
CLASS 8	12.08	.95	.60	.05	.05
CLASS 9	11.59	.95	.60	.05	.05

CLASS 1 - Helicopter Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.

CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.

CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.

CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.

CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief Licensee.

CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic of Welder; Pumpcrete or to replace-type Machine Operator; Forklift; Boom Truck Operator; Drill Sigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder on Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator.

CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.

CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine).

CLASS 9 - Mechanical Space Heater (temporary heat); Oiler or Greaser; Elevator Operator



POWER EQUIPMENT OPERATORS:  
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

CLASSIFICATIONS:

GROUP 1 - Helicopter Pilot  
 GROUP 2 - Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rates capacity  
 GROUP 3 - Cabiway Op., concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, dredge opt. (Power), FE Loader 5 CY & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mole, Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over  
 GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op. Struck Capacity 32 cu. yds. & over, Self-Propelled. Traveling Soil Stabilizer  
 GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcher, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven-Mighty might or similar type.) Pick-up sweeper. 1 cu. yd. & over Hopper capacity Pipeline wrapping, cleaning or bending machine Op., Power Plant Engineer, Power actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & Ballast mach. op., Tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op., (or similar type) well point installation, dismantling or repair mechanic  
 GROUP 6 - Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., Concrete dist. & Spreader op., finishing machine longitudinal float op., joint mach. op. spray, concrete mixer op. 145 and under, concrete op. (Mult. Blade), curb mach. op., Fine grade op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motor patrol), gunite op. gunall, lead grader on truck or rack, loader op., power actuated Augers and boring mach. op. power actuated jacks op., pump op., roller op., self-propelled chip Spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off)  
 GROUP 7 - Brakeman, switchman, conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. Helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

POWER EQUIPMENT OPERATORS:  
SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

Sherburne Co. (South of the Northern Boundary of T-33-R & East of the Western Boundary of R-27-W

GROUP	Basic Hourly Rates	H & W	Passions	Vegetation	Education and/or Appr. Tr.
GROUP 1	\$14.22	.95	.60		.05
GROUP 2	14.22	.95	.60		.05
GROUP 3	13.76	.95	.60		.05
GROUP 4	13.61	.95	.60		.05
GROUP 5	13.51	.95	.60		.05
GROUP 6	11.97	.95	.60		.05
GROUP 7	11.32	.95	.60		.05

Stearns Co. (East of the Western Right-of-Way of Minn. Hwy. #15); Benton Co. (East of the Western Right-of-Way of Hwy. #10) & Remainder of Sherburne Co.

GROUP 1	13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
GROUP 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05

Remainder of Benton & Stearns Cos.

GROUP 1	12.37	.95	.60		.05
GROUP 2	12.37	.95	.60		.05
GROUP 3	11.59	.95	.60		.05
GROUP 4	11.43	.95	.60		.05
GROUP 5	11.34	.95	.60		.05
GROUP 6	10.36	.95	.60		.05
GROUP 7	9.92	.95	.60		.05



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**TRUCK DRIVERS:**

**SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING**

**Sherburne County**

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4

**Benton & Stearns Counties**

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, welder; Tractor-trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Hauler (Gas, Oil, Road Oil & Water); Teamster and Stableman. Tractor Operator (Wheel Type used for any purpose); Pilot car driver, self-propelled packer; Slurry Operator; Single Axle Trucks.

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)(iii)).

STATE: Minnesota  
 DECISION NUMBER: MW81-2046  
 Supersedeas Decision No.: MW80-2035 dated June 13, 1980 in 45 FR 40456  
 COUNTY: \*See Below  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Building Construction (Including Residential) Construction Projects  
 \*Counties: Carlton, Cook, Itasca, Koochiching, Lake, and St. Louis

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$15.50	.70	.75		.01
BOILERMAKERS	13.87	1.375	1.10		
BRICKLAYERS:					
Bricklayers & Stonemasons:	12.55	.60	.50		
Cook, Lake & Carlton Counties & all that part of St. Louis County South of line between township 54 & 55 to 2 miles north of Cotton	13.16	.50	.30		
Itasca County & the northern half of St. Louis County	13.075	.40	.30		
CARPENTERS:					
Building Construction:					
Koochiching County & Cities of Asha Lake, Crane Lake, Kebetogans & Kimsout in St. Louis County	11.44	.50			
Cook County: Cities of Alborn, Arnold, Barlett, Birch, Brockston, Canyon, Clinton, Culver, Duluth, Floodwood, Cowan, Island, Keisey, Lakewood, Meadowlands, Manger, Palmers, Payne, Praist, ShawTaff in St. Louis County & Southern portion of Lake County					
Carpenters, Piledri verned & Soft Floor Layers	11.35	.50	.50	.75	
Millwrights	11.57	.50	.50	.75	
Carlton County:					
Carpenters & Piledrivermen	11.50	.50	.40	.50	
Millwrights	11.64	.50	.40	.50	
Cities of Ball Club, Bass Lake, Big Fork, Blackberry, Bovey, Bowstring, Calumet, Cobasset, Colerain, Deer River, Dora, Lake, Dunbar, Effie, Grand Rapids, Inger Marble, Marcell, Max, Poadry, Spring Lake, Square Lake, Suomi, Tainoon, Warba & Wirt in Itasca County	11.44	.40	.50	.30	



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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & F	Pensions	Vacation	
12.20	.60	.50		
12.25 12.95	.40 .40			
12.645 12.50	.40 .40		.45	
13.32	.50	1.00	1.10	.50
13.12	.50	60+1.00	1.10	1.50

**CEMENT MASONS & PLASTERERS**  
 Building Construction:  
 Koochiching County:  
 Cement Masons & Plasterers  
 Itasca Co. and the Northern portion of St. Louis County,  
 North of White Face River  
 Cement Masons Plasterers  
 Cook, Lake, Carlton Counties & the City of Duluth in St. Louis County:  
 Cement Masons Plasterers  
**ELECTRICIANS:**  
 Cook, Lake, Carlton Counties the southerly 12 townships of Itasca County including Harris, Feely, Blackberry, Spang, Goodland, Sago & Nawina & all of the southerly part of County bounded on the north by the lines of Kelsey Township extended east & west in St. Louis Koochiching County, Itasca County, (except that section south of a line extending east and west of the south line of Grand Rapids & Trout Lake Township), Northern part of St. Louis County bounded by the South Line of Ellsburg Township extended east and west.

DECISION NO. MM81-2046

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & F	Pensions	Vacation	
11.64	.50	.50	.30	
11.84	.50		.30	
8.28 7.32	.30 .30		.30	

**CARPENTERS: (Cont'd)**  
 Cities of Allen, Aurora, Sabbit, Britt, Sivabik, Bayek, Casco, Central, Lakes, Cook, Cusson, Ely, Embarrass, Eveloth, Florenton, Forbes, Gilbert Hoyt Lakes, Indington, Iron Junction, Makinen, Mountain McComber, Masaba, Mountain Iron, Ridge, Sax, Sherman Corners, Sherwood, Skibo, Soudon, Tower, Virginia, Wahlgren Winton & 2 1/2 in St. Louis & Northern portion of Lake County  
 Carpenters, Soft Floor Layers, and Tile Setters  
 Cities of Goodland, Keewatin, Nashwaak, Pengillu, Sawan River, Togo & Mawina in Itasca County & Cities of Bengal, Beer Lake Euhl Christholm, Gheen, Greaney, Hibbing, Kelly, Lake, Nett Lake, Orr Riley, Side Lake, Silica & Tovola in St. Louis County:  
 Carpenters & Soft Floor Layers  
 Site Preparation, Excavation & Incidental Paving:  
 Lake, Cook, Carlton, Itasca & St. Louis Counties  
 Koochiching County



DECISION NO. MN81-2046

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>ELEVATOR CONSTRUCTORS:</b> St. Louis & Lake Counties Constructors	\$10.31	.75	.35	8 1/2 a	.02
<b>GLAZIERS:</b> Cook, Lake, St. Louis, Carlton, Koochiching Counties	9.60 12.30	.40 .50	.40 .90	b 1.00	.02
<b>IRONWORKERS:</b> <b>LABORERS: BUILDING</b> CONSTRUCTION Carlton, Cook, Lake, St. Louis Co. South of T-55-N, includ- ing the City of Duluth: Common Laborers Mortar Mixers, Carpen- ters & Mason Tender, Jackhammer & Vibrator Operator	9.85 9.95	.50 .50	.45 .45	.50 .50	
Itasca & Koochiching Counties and north of T-55-N, including Cities of Hibbing, Chisole, & Buhl in St. Louis County Common Laborer Carpenters & Mason Tender, Mortar Mixer, Bricklayer Tender and Jackhammer	10.40 10.50 10.75	.50 .50 .50	.15 .15 .15		
<b>LATHERS:</b> St. Louis & Lake Counties <b>WORKERS:</b> MARBLE, TILE & TERAZZO St. Louis Co. (City of Duluth) Marble & Tile Setter	12.85 12.33	.40 .40		.30	
Remainder of Counties & County Marble Setters Tile Setters Marble Finishers Tile Finishers	12.355 12.30 11.40 11.45	.655 .62 .62 .62	.53 .50 .50 .50		

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>PAINTERS:</b> Brush, Tapers & Rollers Spray, Structural Steel, Tapers & Paperhangers <b>PLUMBERS &amp; STEWPIITERS:</b> Koochiching County Cook & Carlton Counties & Southern half of St. Louis & Lake Counties Itasca County & Northern portions of St. Louis & Lake Counties	\$10.81 11.41 13.325 12.46	.40 .40 1.25 .40	.40 .40 1.00 .75		.11 .11 .05
<b>ROOFERS:</b> Cook, Lake, Carlton Coun- ties & Southern half of St. Louis County Roofers 2nd Roofers Kettlemen Itasca & Koochiching Coun- ties, the Northern half of St. Louis County 1st Roofer 2nd Roofer	14.30 13.63 13.38 13.18 11.42 11.09	.76 .40 .40 .40 .52 .52	1.02 .35 .35 .35 .96 .96	1.25	.05
<b>SHEET METAL WORKERS:</b> Cook, Lake, Carlton Counties & Southern half of St. Louis County Itasca and Koochiching Counties, the Northern half of St. Louis County	13.99 12.59	.50 .52	.66 .96		.04 .06
<b>TRUCK DRIVERS:</b> Building Construction: Koochiching County Itasca County	10.40 10.40				

**FOOTNOTES:**

a. Employer contributes 4% Basic Hourly Rate for over 5 years service, 2% of Basic Hourly Rate for 6 months to 5 years service as vacation pay credit. Six (6) Paid Holidays, New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

b. 2 weeks vacation



**LABORERS: Counties of Itaska and St. Louis Counties**  
North of T-55

Site Preparation, Excavation & Incidental Paving:

CLASS	Basic Hourly Rates	FRINGE BENEFIT PAYMENTS			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$10.23	.50	.15	.25	
CLASS II	10.33	.50	.15	.25	
CLASS III	10.48	.50	.15	.25	
CLASS IV	10.53	.50	.15	.25	
CLASS V	10.58	.50	.15	.25	
CLASS VI	10.63	.50	.15	.25	
CLASS VII	10.73	.50	.15	.25	
CLASS VIII	10.83	.50	.15	.25	

**CLASS I -** Unskilled-Laborer, Laborers, Wrecking & Demolition; Bricklayer Tender, Drill Runner Helper, Pipehandler (water, gas cast iron); Salamander Heater & Blower Tender; Carpenter Tender; Stonemasons' Tender

**CLASS II -** Bituminous Shoveler, Bottom Man (sewer, water or gas trench), Cement Handler (bulk or bag); Chain Saw Man, Compaction Equipment (hand Oper.); Concrete Mixer Opr. (1 bag), Concrete Shoveler, Tamper & puddler (paving) Concrete Vibrator, Conduit Layers (w/o wiring); Dumper (wagon, truck etc.), Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer Man & Paving Substers, Kettlemen (Bituminous or lead), Mortar Mixer, Power Buggy, Joint Drawer, Tunnel Laborer (atmospheric pressure)

**CLASS III -** Bituminous Tamper, Cofferdam Work, Caisson Work

**CLASS IV -** Drill Runner (Heavy, including churn drill)

**CLASS V -** Bituminous Baker, Floater, Utility Men, Pipelayers (sewer water, gas); Leadman (Gunnite)

**CLASS VI -** Nozzlemann (Gunitite)

**CLASS VII -** Powderman

**CLASS VIII -** Tunnel Miner

**LABORERS**

Site Preparation, Excavation & Incidental Paving

Koochiching County

CLASS	Basic Hourly Rates	FRINGE BENEFIT PAYMENTS			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	8.70	.50	.15		
CLASS 2	8.80	.50	.15		
CLASS 3	8.85	.50	.15		
CLASS 4	8.95	.50	.15		
CLASS 5	9.05	.50	.15		
CLASS 6	9.10	.50	.15		
CLASS 7	9.15	.50	.15		
CLASS 8	9.20	.50	.15		

**CLASS 1 -** Skilled Laborers, Bricklayers & Carpenters Tenders; Drill Runner Helper; Laborers Wrecking & Demolition, Pipe Handler (Water, Gas, Cast Iron), Salamander Heater, & Blower Tender, Stonemasons Tender

**CLASS 2 -** Bituminous Shoveler, Bottom Man, (Sewer, Water or Gas Trench); Cement Coveman (Batch Trucks); Cement Handler (Bulk or Bag), Chain Saw Man, Compaction Equipment (Hand Operated), Concrete Mixer (1 bag); Concrete Shoveler, Tamper & Puddler (paving), Concrete Vibrator, Conduit Layers (w/o wiring), Drill Runner (heavy, Incl. Churn Driver Dumper) (wagon truck, etc.); Jackhammerman, Joint Sawyer, Kettlemen (Bituminous or Lead), Mortar Mixer; Paving Buster; Power Buggy; Tunnel Laborer (atmospheric pressure)

**CLASS 3 -** Form Setters (Municipal type curb & Sidewalk) Form Setter (pavement)

**CLASS 4 -** Bituminous Tamper, Caisson Work & Cofferdam

**CLASS 5 -** Bituminous Baker, Floater, & Utility Man; Leadman

**CLASS 6 -** Nozzlemann (Gunitite)

**CLASS 7 -** Pipelayer, (Sewer, Water & Gas)

**CLASS 8 -** Powderman, Tunnel Miner



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MINN-14-LAB

LABORERS - SITE PREPARATION  
EXCAVATION & INCIDENTAL  
PAVING

Cook, Lake, Carlton &  
St. Louis Counties South  
of 3-55

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$ 9.68	.50	.45	.50	
CLASS II	9.78	.50	.45	.50	
CLASS III	9.93	.50	.45	.50	
CLASS IV	9.98	.50	.45	.50	
CLASS V	10.03	.50	.45	.50	
CLASS VI	10.08	.50	.45	.50	
CLASS VII	10.18	.50	.45	.50	
CLASS VIII	10.28	.50	.45	.50	

CLASS I - Unskilled Laborers, Laborers, Wrecking & Demolition; Bricklayer Tender, Drill Runner Helper, Gas, Cast Iron); Salarmander Heater & Blower Tender; Carpenter Tender, Stonemasons Tender

CLASS II - Bituminous Shovelers, Bottom Man, (Sewer Water or Gas Trench), Cement Handler (bulk or bag); Chain Saw Man, Compaction Equipment (Hand Operated); Concrete Mixer Operator (1 bag), Concrete Shovelers, Tamper & Puddler (paving) Concrete Vibrator, Conduit Layers (w/o wiring); Dumpster (wagon, truck, etc.), Form-setter (municipal type curb & side walk) formsetter (pavement); Jackhammer Man & Paving Busters, Fetterman (Bituminous or Lead), Mortar Mixer; Power Buggy, Joint Drawer, Tunnel Laborer (atmospheric pressure)

CLASS III - Bituminous Tamper, Cofferdam Work, Caisson Work

CLASS IV - Drill Runner (heavy, including Churn Drill)

CLASS V - Bituminous Baker, Floater & Utility Man, Pipelayers (sewer, water, gas), Leadman (Gumite)

CLASS VI - Nozzleman (Gumite)

CLASS VII - Powderman

CLASS VIII - Tunnel Miner

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 6.35	.50	.15		

LABORERS:  
LANDSCAPE & SODLAYERS

DECISION NO. MN81-2046

MINN-1-FEO-1

POWER EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$15.78	.95	.60	.05	.05
CLASS 2	15.50	.95	.60	.05	.05
CLASS 3	14.83	.95	.60	.05	.05
CLASS 4	14.32	.95	.60	.05	.05
CLASS 5	14.04	.95	.60	.05	.05
CLASS 6	13.90	.95	.60	.05	.05
CLASS 7	13.04	.95	.60	.05	.05
CLASS 8	12.08	.95	.60	.05	.05
CLASS 9	11.59	.95	.60	.05	.05

CLASS 1 - Helicopter Operator; Truck & Crawler Cranes with 300' of Boom and over, including jib.

CLASS 2 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib.

CLASS 3 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib.

CLASS 4 - Traveling Tower Crane; Master Mechanic; Pile Driving Operator.

CLASS 5 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief License.

CLASS 6 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Operator (2 or more machines); Hoist Engineer (2 drum); Mechanic or Welder; Pumpcrete or Complaco-type Machine Operator; Forklift; Boom Truck Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; power plant Engineer (100 kW and over on multiples equal to 100 kW and over); Tractor Operator over D2; Well Point Pump Operator.

CLASS 7 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.

CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump and/or Conveyor Operator; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Operator (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Machine.)

CLASS 9 - Mechanical Space Heater (temporary heat); Oiler or Greaser; Elevator Operator



DECISION NO. MN81-2046

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
<b>POWER EQUIPMENT OPERATORS:</b>					
<b>Cook, Lake &amp; St. Louis Cos</b>					
GROUP 1	\$14.22	.95	.60		.05
GROUP 2	14.22	.95	.60		.05
GROUP 3	13.76	.95	.60		.05
GROUP 4	13.61	.95	.60		.05
GROUP 5	13.51	.95	.60		.05
GROUP 6	11.97	.95	.60		.05
GROUP 7	11.32	.95	.60		.05
<b>Koochiching Co. (East of a north-south line from the Canadian border to Pelland to Big Fall &amp; MINN HWY #6)</b>					
Itasca Co. (East of the western right of way of MINN HWY #6.)					
GROUP 1	13.88	.95	.60		.05
GROUP 2	13.88	.95	.60		.05
GROUP 3	13.42	.95	.60		.05
GROUP 4	13.28	.95	.60		.05
GROUP 5	13.17	.95	.60		.05
GROUP 6	11.64	.95	.60		.05
GROUP 7	10.99	.95	.60		.05
<b>Remainder of Koochiching &amp; Itasca Cos.</b>					
GROUP 1	12.37	.95	.60		.05
GROUP 2	12.37	.95	.60		.05
GROUP 3	11.59	.95	.60		.05
GROUP 4	11.43	.95	.60		.05
GROUP 5	11.34	.95	.60		.05
GROUP 6	10.36	.95	.60		.05
GROUP 7	9.92	.95	.60		.05

DECISION NO. MN81-2046

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

CLASSIFICATIONS:

GROUP 1 - Helicopter Pilot  
 GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/showel type controls 3 cu. yds. & over Mfg. rates capacity  
 GROUP 3 - Cableway Opr., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds. Mfg. rates capacity, Dredge Opr., or Engineer, Dredge Opr. (Power), FE Loader 5 CY & Over, Grader or Motor Patrol Finishing Earth & Bituminous, Locomotive Crane Opr., Master Mechanic, Mixer (paving) Concrete Paving Opr., Road Mole Opr., incl. power supply, Mucking Machine, incl. Mucking Operations Conveyor or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Opr., (Boom Type), Truck Crane Opr., Tugboat Opr., 100 HP & over  
 GROUP 4 - Dual Tractor Opr., Elevating Grader Opr., Pumcrete Opr., Scraper Opr., Struck Capacity 32 cu. yds. & over, Self-Propelled, Traveling Soil Stabilizer  
 GROUP 5 - Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Opr., Crushing Plant Opr., or Gravel Washing, Crushing and Screening Plant Opr., Dope Machine Opr., Drill Rig, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Opr., Loader Opr., over 1 cu. yds. Hoist Engineer, Hydraulic Tree Planter, Launchman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Opr., (power-driven - Mighty Might or similar type), Pick-Up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Opr., Power Plant Engineer, Power Actuated Horizontal Boring Machine, over 6" Opr., Pugmill Opr., Roller, 8 Tons & Over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Opr., Tie Taper & Ballast Machine Opr., Tractor Opr., Over D2, TD6 or similar HP with Power Take-Off, Trenching Machine Opr., (sewer, water, gas) Turnapull Opr., (or similar type) Well Point Installation, Dismantling or Repair, Mechanic  
 GROUP 6 - Air Compressor Opr., 375 CFM or over, Bituminous Sprayer and Bituminous Finishing Machine Opr., Concrete Dist. & Spreader Opr., Finishing Machine Longitudinal Float Opr., Joint Machine Opr., Spray Concrete Mixer Opr., 14S and under, Concrete Opr., (Mult. Blade), Curb Machine Opr., Fine Grade Opr., Form Trench Digger, Front End Loader Opr., (up to & incl. 1 cu. yd.), Grader Opr., (Motor Patrol), Gunite Opr., Gullall, Lead Greaser on Truck or Back, Loader Opr., Power Actuated Adgars and Boring Machine Opr., Power Actuated Jacks Opr., Pump Opr., Roller Opr., Self-Propelled Chip Spreader, Shouldering Machine Opr., Stump Chipper Opr., Tractor Opr., (D2, TD6 or similar HP with power take-off)  
 GROUP 7 - Brakeman, Switchman, Conveyor Opr., Deckhand, Fireman, Tank Car Heater Opr., Gravel Screening Plant Opr., Greaser Leverman, Mechanic Helper, Mechanic Space Heater, Oiler, Self-Prop. Vibrator Packer Opr., Sheep Foot Roller, Tractor Opr., 50 HP or less w/o power take-off, Truck Crane Oiler



DECISION NO. MN81-2046

**TRUCK DRIVERS:**

**BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING**

Cook, Lake, Carlton & St. Louis Cos.

GROUP 1	\$10.90	.65	.65		
GROUP 2	10.45	.65	.65		
GROUP 3	10.35	.65	.65		
GROUP 4	10.15	.65	.65		

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

Itasca & Koochiching Cos.

GROUP 1	9.72	.65	.65		
GROUP 2	9.27	.65	.65		
GROUP 3	9.17	.65	.65		
GROUP 4	8.97	.65	.65		

Group 1 - Driver (hauling machinery for employer's own use, including operation of hand & power operated winches); Truck Train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas Oil Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributors; Bituminous Distributor (1-Wan Operation); Tandem Axle

GROUP 4 - Bituminous Distributors Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman, Tractor Operator (Wheel Type used for any purpose) Pilot Car Driver, Self-Propelled Packer; Slurry Operator; Single Axle Trucks

**SUPERSEDES DECISION**

STATE: NEW YORK

DECISION NO. NY81-3048

Supersedes Decision No. NY80-3041 dated July 7, 1980 in 45 FR 45801

DESCRIPTION OF WORK: Building, Residential (includes single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

COUNTRIES: MASSAU & SUFFOLK  
DATE: DATE OF PUBLICATION

Supersedes Decision No. NY80-3041 dated July 7, 1980 in 45 FR 45801  
DESCRIPTION OF WORK: Building, Residential (includes single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	14.70	1.21	2.31		.02
BOILERMAKERS	16.34	5%	15%	7%	.03
BRICKLAYERS	12.67	1.33	3.98		
CARPENTERS					
Massau County (except that part South of the Southern State Parkway West of Sea-ford Creek, also Smithtown Islip line on the East, Long Island Sound on the North and Middle Island RR track on the South Carpenters, Millwrights, Piledrivers, Soft Floor Layers, Acoustical, Drywall Residential (under two stories)	11.50	1.50	.65	.15	.05
Building	13.40	1.50	1.49	.95	.06
Heavy & Highway	13.45	1.50	1.49	.95	.06
Remainder of Massau County Building, Residential, Heavy & Highway	13.35	1.85	1.78	.95	.05
Suffolk County Residential (2 stories & under)	11.50	1.11	.71	.05	.06
Building	13.40	1.33	1.71	.90	.06
Heavy & Highway	13.45	1.33	1.71	.90	.06
CEMENT MASONS	12.10	2.04	1.67		.09
DIVERS	15.69	1.875	1.78	1.03	.05
ELECTRICIANS					
Building	15.80	7%+.25	18%	8%	
Wiring of single or multiple family dwellings & apartments up to and including 2 stories					
Installation of television receivers, radio receivers, record players, and associated apparatus and antenna and home appliances and closed circuit tv and multiple outlet distribution systems, sound and	10.30	10%	16%	7%	7/10%



Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation	Health	
12.00	9%	68+1.20	3%		.05
14.57	9%	68+1.20	3%		.05
13.71	9%	68+1.20	3%		.05
10.82	1.59	1.90	.70		.05
12.37	1.59	1.90	.70		.05
13.92	1.59	1.90	.70		.05
12.18	10%	8%	15%		.25
13.77	1.10	1.54	1.13		.25
10.53	1.00	1.40	1.00		.25
9.00	.81	1.01	.75		.15
14.15	1.57	2.30	1.30		.37
11.07	.55	1.40	2.00		.01
11.23	1.52	2.74	2.00		.01

PAINTERS (CONT'D)  
 Nassau County (Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream)  
 Painters  
 Spray & Scaffold  
 Fire escapes  
 Nassau County (Remainder of County)  
 Painters  
 Spray, Open Steel, Swing-  
 ing Scaffold, Rolling  
 Scaffold 18' or over  
 Sandblasting  
 PAPEERHANGERS  
 PLUMBERS  
 Nassau County  
 Building, Heavy & Highway  
 Residential  
 Jobbing (repair to present plumbing systems that does not change the existing roughing or any minor alterations job where the change to the existing roughing does not have a labor cost in excess of \$1,500,000)  
 SUFFOLK COUNTY  
 ROOFERS  
 Slate & Tile  
 Waterproof

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation	Health	
9.57			a		.035
13.21	1.195	.82+b	c		.035
9.91	1.195	.82+b	c		.035
6.605					.035
11.23	1.195	.82+b	c		.035
8.42	1.195	.82+b	c		.035
5.615					.01
13.75	.66	1.91	.67		.11
12.95	1.86	4.45	1.85		.14
12.62	1.21	3.55	1.00		.14
10.34	1.29	1.43	1.00		.14
13.35	1.21	1.71	d		.21
13.50	1.21	1.71	d		.21
13.03	1.21	1.71	d		.21
11.35	1.21	1.71	d		.21
11.95	3.22	1.00			.21
13.40	3.22	1.00			.21
14.86	3.22	1.00			.21

ELECTRICIANS (CONT'D)  
 intercommunication systems and commercial electro-mechanical devices and appliances where such work is not part of an electrical contract  
 ELEVATOR CONSTRUCTORS  
 ELEVATOR CONSTRUCTORS'  
 HELPERS  
 ELEVATOR CONSTRUCTORS'  
 ELEVATOR CONSTRUCTORS'  
 HELPER (PROBATIONARY)  
 MODERNIZATION & REPAIR  
 ELEVATOR CONSTRUCTORS  
 MODERNIZATION & REPAIR  
 ELEVATOR CONSTRUCTORS'  
 HELPERS  
 MODERNIZATION & REPAIR  
 ELEVATOR CONSTRUCTORS'  
 HELPERS (PROBATIONARY)  
 GLAZIERS  
 IRONWORKERS  
 Structural  
 Ornamental Finisher  
 LABORERS, Building  
 Marble Setters  
 Cutters & Setters  
 Carvers  
 Polishers  
 Crane Op. Derricks, & Marble Finishers  
 PAINTERS  
 Suffolk County  
 Basic  
 Scaffold work and Rolling  
 Scaffold 18' and over,  
 Spraying  
 Structural Steel & Sand-  
 blasting



Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	M & W	Pensions	Vacation		
12.135	34+.90	44+1.20	34+.75	14+.03	
14.43	2.75	1.12	1.00	.07	
14.62	2.23	1.51	1.50	.01	
14.00	.75	1.00			
13.38	1.32	1.50			
12.07	1.21	1.50			
12.675	1.15	1.10			
11.21	1.055	.77			
9.37	1.212	1.852	e		
9.225	1.212	1.852	e		
9.325	1.212	1.852	e		
9.94	1.212	1.852	e		

SHEET METAL WORKERS  
 SPRINKLER FITTERS & STEAM FITTERS  
 STONE DERRICKMEN & RIGGERS  
 STONEMASONS  
 TERRAZZO WORKERS  
 TERRAZZO FINISHERS  
 TILE SETTERS  
 TILE SETTERS FINISHERS  
 TRUCK DRIVERS  
 Building  
 Ready-mix concrete, sand, gravel, asphalt, & bulk cement  
 Euclids & Turnspalls  
 Heavy  
 Euclids & Turnspalls  
 High rise  
 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))

FOOTNOTES:

- a. Paid Holidays: New Year's Day, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas, the anniversary of the employee's date of employment, and the employee's birthday  
 All employees whose continuous service credit began prior to April 1 of the current year shall be entitled to a vacation of one (1) week, and the employee whose continuous service credit started prior to October 1 of the preceding year shall be entitled to a vacation of two (2) weeks. Employees who on March 31 of the current year have continuous service credit of six (6) years or more with the Company shall be entitled to a vacation in accordance with the following schedule:  
 6 years but less than 7 years      2 weeks and 1 day  
 7 years but less than 8 years      2 weeks and 2 days  
 8 years but less than 9 years      2 weeks and 3 days  
 9 years but less than 10 years      2 weeks and 4 days  
 10 years but less than 15 years      3 weeks  
 15 years but less than 25 years      4 weeks  
 25 years and over                      5 weeks
- b. An employee shall be paid for absence due to personal illness, personal injury, or death in the immediate family at his basic rate for a period of five (5) days in any calendar year.
- c. Employer contributes \$8/day  
 Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Armistice Day, Thanksgiving Day, Friday after Thanksgiving & Christmas Day
- d. Paid Holiday: One half day's pay for Labor Day  
 Employer contributes \$4.00 per day to a Security Fund.
- e. For each 15 days worked with the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year



**LABORERS  
HEAVY AND HIGHWAY CONSTRUCTION**

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete & curb form setters, asphalt makers	9.50	10%	13%	.75-a	
Asphalt workers & roller boys, asphalt top shovellers & smoothers, asphalt tapers	9.30	10%	13%	.75-a	
Jackhammers, & drill men, hoppersmen, carpenters' tenders, pipe joiners & setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, asphalt plant (batcher & hopper men), all other unskilled laborers	8.90	10%	13%	.75-a	

**FOOTNOTES:**

New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day, and Election Day, provided the employee worked or shows up for work on the scheduled day before and the scheduled day after the holiday.

**POWER EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION**

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt spreader	14.18	8%+.25	2.00	a	.15
Backhoe, dragline, gradall, pilledriver, shovel	14.455	8%+.25	2.00	a	.15
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	14.355	8%+.25	2.00	a	.15
Bending machine, generator (small), vibrator (1 to 5) dinky locomotive	13.005	8%+.25	2.00	a	.15
Boiler, ballhooper, compressor (on crane), compressor (pile work), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drive), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than steel), pump (double action discharge), pump (groom), pump (hydraulic), pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	14.05	8%+.25	2.00	a	.15
Boom truck, crane (crawler or truck), conveyor-multi plant engineer, stone spreader (self-propelled)	14.205	8%+.25	2.00	a	.15
Compressor, compressor (2 or more in battery), generator, maul machine, pin roller, portable heaters, ramp (4 inch or over), tree tamper, welding machine	13.755	8%+.25	2.00	a	.15
Crane and boom truck (setting structural or stone)	14.58	8%+.25	2.00	a	.15

Asphalt spreader  
Backhoe, dragline, gradall, pilledriver, shovel  
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)  
Bending machine, generator (small), vibrator (1 to 5) dinky locomotive  
Boiler, ballhooper, compressor (on crane), compressor (pile work), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drive), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than steel), pump (double action discharge), pump (groom), pump (hydraulic), pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)  
Boom truck, crane (crawler or truck), conveyor-multi plant engineer, stone spreader (self-propelled)  
Compressor, compressor (2 or more in battery), generator, maul machine, pin roller, portable heaters, ramp (4 inch or over), tree tamper, welding machine  
Crane and boom truck (setting structural or stone)



**POWER EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION (CONT)**

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pennsans	Vacation		
Bulldozer (use for excavation), fireman, loading machine, powerboom, scoop (carry-all scraper) vac-all spreader, derrick, sideboom tractor (structural steel) Concrete saw or cutter, mixer (with skip), mixer (2 small, with or without skip), pump (up to 3 inches), tractor caterpillar or wheel Crane with clam shell bucket Crane, crawler or truck: Boom lengths of 100' (including 41b) but less than 150' Boom lengths of 150' (including 41b) but less than 250' Boom lengths of 250' (including 41b) but less than 350' Boom lengths of 350' Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man Dredge Elevator, forklift, hoist (1 drum) Forklift (walk-behind, power operated) Grader Hoist (2 and drum) Hoist (multiple platform) Mechanical compactors (hand operated), trench machine (hand) Hoist tandem platform Hydra-hammer, ridge cutter Lead engineer Loading machine (with capacity of 10 yds. or over) Oiler, stump chipper Power buzzes	13.63	8% .25	2.00	a	a	.15
	14.555	8% .25	2.00	a	a	.15
	14.155	8% .25	2.00	a	a	.15
	13.255	8% .25	2.00	a	a	.15
	14.455	8% .25	2.00	a	a	.15
	14.705	8% .25	2.00	a	a	.15
	14.955	8% .25	2.00	a	a	.15
	15.205	8% .25	2.00	a	a	.15
	15.705	8% .25	2.00	a	a	.15
	13.950	8% .25	2.00	a	a	.15
	14.33	8% .25	2.00	a	a	.15
	14.38	8% .25	2.00	a	a	.15
	14.17	8% .25	2.00	a	a	.15
	13.78	8% .25	2.00	a	a	.15
	14.43	8% .25	2.00	a	a	.15
	17.05	8% .25	2.00	a	a	.15
	12.63	8% .25	2.00	a	a	.15
	15.43	8% .25	2.00	a	a	.15
	13.17	8% .25	2.00	a	a	.15
	15.655	8% .25	2.00	a	a	.15
	13.63	8% .25	2.00	a	a	.15
	12.655	8% .25	2.00	a	a	.15
	12.88	8% .25	2.00	a	a	.15

**POWER EQUIPMENT OPERATORS:  
BUILDING CONSTRUCTION (CONT)**

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pennsans	Vacation		
Roller, trench machine Scoop, carry-all, scraper in tandem Sideboom tractor (used in tank work) Stripping machine Tank work Tower cranes (engineer) Tower crane (oiler) Welding machine, structural steel	14.255	8% .25	2.00	a	a	.15
	13.63	8% .25	2.00	a	a	.15
	14.715	8% .25	2.00	a	a	.15
	13.68	8% .25	2.00	a	a	.15
	14.48	8% .25	2.00	a	a	.15
	15.01	8% .25	2.00	a	a	.15
	12.505	8% .25	2.00	a	a	.15
	13.755	8% .25	2.00	a	a	.15

**Field Holidays:**

- A-New Year's Day; B-Nonarrial Day; C-Independence Day; D-Labor Day;
- E-Thanking Day; F-Christmas Day

**Footnote:**

- a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Veterans' Day



POWER EQUIPMENT OPERATORS:  
HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
14.18	88+25	2.00	a	.15
14.550	88+25	2.00	a	.15
14.405	88+25	2.00	a	.15
11.93	88+25	2.00	a	.15
13.68	88+25	2.00	a	.15
14.12	88+25	2.00	a	.15
13.37	88+25	2.00	a	.15

Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxin spreader, crane (crawler or truck), conveyor (multi), plant engine, concrete spreader, slideboom tractor, stone spreader, (self-propelled), cherry picker  
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, pilledriver, road paver, shovel  
Batching plant (on site of job), crane (on barge), derrick, slideboom tractor (used in tank work), tank work  
Bending machines, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)  
Boiler  
Boring machine (post holes)  
Bulldozer, concrete finishing machine, conveyor, curb machine, (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulverizer, pump (4 in. or over), pump (hydraulic), pump (jet), pump (submersible), pump (well point), roller (5 tons and over), scoop (carry-all, scraper), maintenance man (tower crane), welder, welding & burning  
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for

POWER EQUIPMENT OPERATORS:  
HEAVY & HIGHWAY CONSTRUCTION  
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.905	88+25	2.00	a	.15
13.60	88+25	2.00	a	.15
14.065	88+25	2.00	a	.15
12.995	88+25	2.00	a	.15
14.155	88+25	2.00	a	.15
12.28	88+25	2.00	a	.15
14.015	88+25	2.00	a	.15
13.855	88+25	2.00	a	.15
13.585	88+25	2.00	a	.15
14.325	88+25	2.00	a	.15
11.985	88+25	2.00	a	.15
13.72	88+25	2.00	a	.15
11.97	88+25	2.00	a	.15
13.545	88+25	2.00	a	.15
12.425	88+25	2.00	a	.15
13.64	88+25	2.00	a	.15
14.805	88+25	2.00	a	.15
11.755	88+25	2.00	a	.15

other than stone or steel), hoist (2 drum)  
Compressor (2 or more in battery)  
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)  
Compressor, muck machine, pin puller, pump (double action diaphragm), pump (cycsum), pump (single action 1 to 3'), striping machine, welding machine  
Loading machine, with bucket capacity of 10 yds. or over  
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydrant-bumper, mixer (with skip), mixer (2 small with or without skip), mixer (2 bag or over with or without skip), power boggies, power grinders, ridge cutter  
Drudge  
Generator (small)  
Grader  
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting & structural steel), trench machine  
Mechanic  
Mechanical compactors (machine dress), roller (over 5 tons)  
Oiler, root cutter, stump chipper, tower crane (other), track tamper (2 engineers, each)  
Portable beaters  
Power boom  
Pump (concrete)  
Scoop (carry-all, scraper in tandem), tower crane (engineer)  
Tractor (caterpillar or wheel)

PRONOTE: a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day provided employee works the day after the holiday.



DECISION NO. NY81-3046

SUPERSEDES DECISION

Page 2

STATE: NEW YORK  
 COUNTY: ESSEX  
 DATE: DATE OF PUBLICATION  
 DECISION NO. NY81-3046  
 Supersedes Decision no. NY80-3045 dated July 25, 1980 in 45 FR 49817  
 DESCRIPTION OF WORK: Building (excluding single family homes and  
 apartments up to and including 4 stories), Heavy & Highway Construction  
 Projects

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	14.50	1.07	.66		.02	
BOILERMAKERS	14.63	1.275	10%		.03	
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PALSTERSERS, STONE MASONS, TILE & TERRAZZO WORKERS	13.12	.70	.70	a	.02	
CARPENTERS	12.72	.60	1.15	b	.005	
Layers	12.97	.60	1.15	b	.005	
Millwrights	12.87	.60	1.15	b	.005	
Pilddrivers	11.82	.60	1.15		.075	
Carpenters & Piledrivers, Heavy & Highway	11.95	.70	.70			
CEMENT MASONS, Heavy & Highway						
ELECTRICIANS	14.80	.80	38+.80	c	.05	
Portion East of State Highway 28N and South of a line following the Tahawua-Schroon River Road (County Highway 73) from State Highway 73, East on 73 to State Highway 22 near Ticonderoga, North on 22 to and including Crown Point	13.20	.70	38+1.45		.03	
Newcomb and Minerva Twp. South and West of State Highway 28N, not including Tahawus						
Remainder of County: Zone 1 - 20 mile radius from Plattsburg and Saranac Lake	13.20	.80	38+ .65	d	18	
Electricians	13.50	.80	38+ .65	d	18	
Cable Splicers						
Zone 2 - beyond a 20 mile radius from Plattsburg and Saranac Lake	13.40	.80	38+ .65	d	18	
Electricians	13.70	.80	38+ .65	d	18	
Cable Splicers						

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
GLAZIERS	9.55	.50	.40			
Twp. of Ticonderoga, Crown Point, North Hudson, Schroon, Minerva, Newcomb, Tahawus, and the town of Fort Henry	10.13		.20	e	.01	
Remainder of County						
IRONWORKERS	13.40	.75	1.60		.04	
Structural, Ornamental, Reinforcing, Machinery	13.65	.75	1.60		.04	
Mover, Rodman, Rigger, Fence Erector, and Stone Derrickman	13.525	.75	1.60		.04	
Sheeter						
Sheeter, Buckler-up	9.20	.70	.80	f		
LABORERS, Building						
Common Laborers and self propelled equipment op. Concrete or plaster pump operator, all men working on building demolition and wrecking	9.35	.70	.80	f		
Sandblasters on construction clean-up, Drillers, Wagon Jack of wagon Drill operator, Metal form and curb setter, asphalt raker, tail or screw man on paving machine						
Acetylene torch operator on demolition work and cutting of pipes, blasters	9.50	.70	.80	f		
PAINERS	9.65	.70	.80	f		
Twp. of Ticonderoga, Crown Point North Hudson, Schroon, Minerva, Newcomb, Tahawus, and the town of Fort Henry						
Brush	9.55	.50	.40			
Bridges, Structural Steel and Iron, Swing Scaffold, Bosun Chair, Water Towers, tanks, Flagpoles, Window Jacks	9.95	.50	.40			



	Fringe Benefits Payments				
	Basic Hourly Rates	M & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D) Sandblasting and Water-blasting, Spray Roller (Handle extension over 6')	10.10	.50	.40		
Remainder of County	9.80	.50	.40		
Brush Spray Cup, Paperhanging, Taping, Structural Steel, Swing Scaffold Boatwain Chair, Ramping Scaffold, and Sandblasting	10.13		.20	.6	.01
Seamless Floor Material	10.68		.20	.6	.01
PLUMBERS & STEAMFITTERS	10.38		.20	.6	.01
ROOFERS	13.00	.90	1.20		.10
Roofers	12.00	1.37	.40		.04
Pitch	12.50	1.37	.40		.04
SHEET METAL WORKERS	12.57	1.00	1.34	.9	.07
SPRINKLER FITTERS	15.55	.95	1.40		.08
WELDERS receive rate prescribed for craft performing operation to which welding is incidental					

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Paid Holidays: B, C, and D, provided the employee has been on the payroll 5 days prior to the holiday and he reports to work the day following the holiday.
- b. Paid Holidays: B, D, and E, provided the employee is on the payroll the week before the holiday and works the day following the holiday.
- c. Paid Holidays: E
- d. Paid Holidays: B, C, D, E, and F
- e. Paid Holidays: An employee shall have 2 consecutive hours off in which to vote on Election Day, B, C, d, and F
- f. Paid Holidays: B and D, provided the employee has been employed on any day of the week before the holiday.
- g. The last 2 hours off with pay on the 1st Tuesday after the 1st Monday in November provided they are working on a job beyond 50 miles from the shop.

	Fringe Benefits Payments				
	Basic Hourly Rates	M & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS A	9.99	.70	1.00	1	1
CLASS B	10.19	.70	1.00	1	1
CLASS C	10.39	.70	1.00	1	1
CLASS D	10.59	.70	1.00	1	1

FOOTNOTE:

1. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, provided the employee has worked the day before and after the holiday.

CLASSIFICATION DEFINITIONS

CLASS A

Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B

Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, tchhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel wash, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill factor, tail or screw op. on asphalt paver, water pump op. Laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C

All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D

Blasters, form setter, stone or granite curb setters.



LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Electrical Overhead & Underground Distribution Work	12.00	1.40	38+1.00	a	
Journeyman Lineman & Technician	16.00	1.40	38+1.00	a	
Cable Splicer	10.80	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	9.60	1.40	38+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.20	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.00	1.40	38+1.00	a	
Driver Mechanic, Groundman - Experienced	13.80	1.40	38+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields	12.42	1.40	38+1.00	a	
Journeyman Lineman & Technician	11.04	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.73	1.40	38+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.35	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	14.55	1.40	38+1.00	a	
Driver Mechanic, Groundman - Experienced	12.36	1.40	38+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CAV Commercial Work, Street Lighting & Signal Systems	11.64	1.40	38+1.00	a	
Journeyman Lineman & Technicians	10.91	1.40	38+1.00	a	
Cable Splicer	14.55	1.40	38+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	15.27	1.40	38+1.00	a	
	16.005	1.40	38+1.00	a	
	14.55	1.40	38+1.00	a	

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	38+1.00	a	
Driver Mechanic, Groundman - Experienced	10.91	1.40	38+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects	14.55	1.40	38+1.00	a	
Journeyman Lineman	15.27	1.40	38+1.00	a	
Certified Lineman Welder	16.005	1.40	38+1.00	a	
Cable Splicer	14.55	1.40	38+1.00	a	
Groundman Equipment Operator	12.36	1.40	38+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.64	1.40	38+1.00	a	
Groundman Truck Drivers	10.91	1.40	38+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday.



POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	11.93	1.15	1.25	a	.15
GROUP 2	12.01	1.15	1.25	a	.15
GROUP 3	12.16	1.15	1.25	a	.15
GROUP 4	12.41	1.15	1.25	a	.15
GROUP 5	12.82	1.15	1.25	a	.15
GROUP 6	13.02	1.15	1.25	a	.15
GROUP 7	13.28	1.15	1.25	a	.15

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION CLASSIFICATIONS

- GROUP 1: Oilers
- GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators
- GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like beaters, batch and plant operators, seeding and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pack(beltcrete system), electric submersible pump 4" and over
- GROUP 4: Dinky locomotives, Barber Greene loaders, conveyors, tractors, scoops, moblles, bulldozers, road rollers, form fine graders, power brooms and sweepers
- GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trackcaters, core and well drillers (one drum), econobile and similar type machines, elevators, A-I frame winches, power hoisting (single drum)
- GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart
- GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, bysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocranes, model CMR Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlics, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

POWER EQUIPMENT OPERATORS:  
HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	13.09	1.25	1.45	m	.15
GROUP II	12.65	1.25	1.45	m	.15
GROUP III	11.41	1.25	1.45	m	.15
GROUP IV	10.31	1.25	1.45	m	.15

PAID HOLIDAYS:

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thankingsgiving Day; F-Christmas Day.

FOOTNOTES:

- m. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CM), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CM type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, gradall or similar) fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over) head tower (saureman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an offer), tractor drawn b-at type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), Mltinuous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-boist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressor (4 or less) exceeding 3000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kohsan plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an offer), locomotive maintenance/engineer/grease/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pumpcrete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-boist, winch, winch cat.



POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), guniting machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collector, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, roller parapet- (concrete or pavement grinder), power broom (towed), power hoisterman, rewinus widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS:  
BUILDING, HEAVY & HIGHWAY  
CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits, Payments		
		H & W	Pensions	Vacation Education and/or Appo. Tr.
CLASS 1	9.39	.65	.85	a
CLASS 2	9.44	.65	.85	a
CLASS 3	9.49	.65	.85	a
CLASS 4	9.64	.65	.85	a
CLASS 5	9.79	.65	.85	a

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, provided the employee has worked the working day before and after the holiday.

CLASS 1

Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, grassets, truck tiremen, mechanic helpers and parts chaser.

CLASS 2

Tandems, batch trucks, mechanics and dispatcher.

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4

Specialized earth moving equipment - excid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5

Off-Highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).



DECISION NO. NY81-3045

SUPERSEDES DECISION

STATE: NEW YORK COUNTY: NIAGARA  
 DECISION NO. NY81-3045 DATE: DATE OF PUBLICATION  
 Supersedes Decision no. NY80-3048 dated July 25, 1981 in 45 FR 49827  
 DESCRIPTION OF WORK: Building (excluding single family homes and apart-  
 ments up to and including 4 stories), Heavy & Highway Construction  
 Projects.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	12.85	1.32	1.40			
BOILERMAKERS	14.80	1.275	1.975		.07	.03
BRICKLAYERS						
North Tonawanda	14.93	1.00	2.25			
Bricklayers & Stone Masons						
Terrazzo Workers & Tile Setters	14.55	1.00	2.25			
Marble Setters	14.645	1.00	2.25			
Remainder of County	14.15	1.50	1.02			
Bricklayers & Stone Masons						
Marble Masons, Terrazzo Workers & Tile Setters	13.90	1.50	1.02			
CARPENTERS						
North Tonawanda						
Carpenters, Millwrights Piledrivermen & Soft Floor Layers	14.03	1.95	2.05			
Remainder of County						
Carpenters & Soft Floor Layers	10.80	1.69	1.65			.025
Millwrights	10.90	1.69	1.65			.025
Carpenters & Piledrivermen						
Heavy & Highway	10.23	1.69	1.65	a		.025
CEMENT MASONS	15.26	1.00				
On Swinging Scaffold or Exterior Scaffold over 42' High	15.51	1.00				
ELECTRICIANS						
Electricians	15.43	1.60	38+1.00			.04
Cable Splicers	16.97	1.60	38+1.00			.04
ELEVATOR CONSTRUCTORS	14.12	1.195	.82	b+c		.03
ELEVATOR CONSTRUCTORS' HELPERS	9.88	1.195	.82	b+c		.03
ELEVATOR CONSTRUCTORS' HELPERS PROBATIONARY	7.06					
GLAZIERS	12.89	.80	1.65			.30
IRONWORKERS						
Structural, Ornamental & Reinforcing	12.96	1.07	1.62			
Sheeter	14.27	1.07	1.62			

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS						
Twns. of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson	12.205	1.375	.40			.11
Brush						
Cranes, Steel, Tanks, Towers, Stacks, Bridges, Flag Poles, Radio & TV Towers	12.705	1.375	.40			.11
Sandblasting, Swing Stages, Scaffold, Epoxy, Spray, Bosun Chair	12.455	1.275	.40			.11
Bridges 35' high or in depth of 35' from road level	13.87	1.375	.40			.11
Remainder of County	11.91	1.80	1.90			.01
Brush						
Spray, Steel, Steeple Jack, Swing Scaffold, Sandblasting	12.91	1.80	1.90			.01
Bridge-crossing the Niagara River	13.905	1.80	1.90			.01
PLUMBERS & STEAMFITTERS	14.08	1.005	1.44			.25
ROOFERS						
Composition, Damp Water-proofers, Sprayers, Asphalt Mastic, Wood Block Floor Workers, Steep Roofers & Siders						
Slate, Tile Asbestos & Pre-cast Tile	13.06	1.09	1.50			.02
SHEET METAL WORKERS	13.21	1.09	1.50			.02
SPRINKLER FITTERS	13.25	1.33	1.16			.10
	13.39	.85	1.75			.06
MELDEES - receive rate prescribed for craft performing operation to which welding is incidental						



FOOTNOTES:

- a. Paid Holidays: Memorial Day and Labor Day
- b. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- c. Employer contributes 8% of the basic hourly rate for 5 years or more of service and 5% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
9.91	2.35	1.55		
10.41	2.35	1.55		
10.11	2.35	1.55		
10.91	2.35	1.55		

LABORERS: HEAVY, HIGHWAY, BUILDING CONSTRUCTION  
 NIAGARA COUNTY: EXCEPT THE CITY OF NORTH TOWNANDA

LABORERS: HEAVY, HIGHWAY, BUILDING CONSTRUCTION

GROUP I  
 Laborers

GROUP II  
 Form setter, wagon drill op., road finishers, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III  
 Foreman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalars, drill tenders, mortar mixers, men working from swinging scaffold bosom chair, suspended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power

GROUP IV  
 Blasters

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
9.61	1.75	1.30		
9.51	1.75	1.30		
10.46	1.75	1.30		
9.76	1.75	1.30		
9.86	1.75	1.30		
10.26	1.75	1.30		
9.76	1.75	1.30		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION  
 NIAGARA COUNTY: EXCEPT MORRIS TOWNANDA

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI
- GROUP VII

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I  
 Driller, shaft driller

GROUP II  
 Checker, mucking machine tender, shaft wackers

GROUP III  
 Ripper, car pusher (tramer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV  
 Blasters

GROUP V  
 Sooman

GROUP VI  
 Laborer & top man

GROUP VII  
 Burning torch on demolition work



Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Passions	Vacation		
12.00	1.40	38+1.00	a		
15.00	1.40	38+1.00	a		
10.80	1.40	38+1.00	a		
9.60	1.40	38+1.00	a		
10.20	1.40	38+1.00	a		
9.00	1.40	38+1.00	a		
13.80	1.40	38+1.00	a		
12.42	1.40	38+1.00	a		
11.04	1.40	38+1.00	a		
11.73	1.40	38+1.00	a		
10.35	1.40	38+1.00	a		
14.55	1.40	38+1.00	a		
16.005	1.40	38+1.00	a		
13.095	1.40	38+1.00	a		

**LINE CONSTRUCTION**

Electrical Overhead & Underground Distribution Work  
 Journeyman Lineman & Technician  
 Cable Splicer  
 Groundman Digging Machine Operator, Groundman Dynamic Man  
 Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver  
 Groundman Truck Driver (Tractor Trailer)  
 Driver Mechanic, Groundman - Experienced  
 All Overhead Transmission Line Work and Lighting for Athletic Fields  
 Journeyman Lineman & Technician  
 Groundman Digging Machine Operator, Groundman Dynamic Man  
 Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver  
 Groundman Truck Driver (Tractor Trailer Unit)  
 Driver Mechanic, Groundman - Experienced  
 Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems  
 Journeyman Lineman & Technicians  
 Cable Splicer  
 Groundman Digging Machine Operator, Groundman Dynamic Man

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Passions	Vacation		
11.64	1.40	38+1.00	a		
12.36	1.40	38+1.00	a		
10.91	1.40	38+1.00	a		
14.55	1.40	38+1.00	a		
15.27	1.40	38+1.00	a		
16.005	1.40	38+1.00	a		
14.55	1.40	38+1.00	a		
12.36	1.40	38+1.00	a		
11.64	1.40	38+1.00	a		
10.91	1.40	38+1.00	a		

**LINE CONSTRUCTION (CONT'D)**

Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver  
 Groundman Truck Driver (Tractor Trailer Unit)  
 Driver Mechanic, Groundman - Experienced  
 All Pipe type Cable Installations, Maintenance Jobs or Projects  
 Journeyman Lineman  
 Certified Lineman Welder  
 Cable Splicer  
 Groundman Equipment Operator  
 Groundman Truck Driver (Tractor Trailer Unit)  
 Groundman Truck Drivers  
 Groundman

**FOOTNOTE:**

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday



**POWER EQUIPMENT OPERATORS:**

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
GROUP I	11.16	1.10	1.35	a	.15
GROUP II	10.36	1.10	1.35	a	.15
GROUP III	7.94	1.10	1.35	a	.15
GROUP IV	8.95	1.10	1.35	a	.15
GROUP V	8.59	1.10	1.35	a	.15
GROUP VI	11.895	1.10	1.35	a	.15
GROUP VII	11.66	1.10	1.35	a	.15

**BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:**

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, pile-driving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, all repair work or maintenance work under the supervision of a master mechanic, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with ball-doser blades, multiple drum hoist with air compressor when used simultaneously for concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, scraper (either double or single bowl), CMU grading machine, truck mounted concrete pumps, self-propelled riding vibrators, kolman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoops, scoommobiles, forklifts and hoist which lift higher than 25 feet, trenchers when excavation over 6 feet in depth, post drivers (except truck mounted, postdrivers), concrete mixers 1 yard and over, concrete planers.

**BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):**

GROUP III: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement bumpers, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, granite machines, locomotives, scoop-mobils (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau trailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, boom-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed 4 yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP IIII: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTES:**

a. Holidays: A through F; providing employee works the day before and the day after the holiday.



**POWER EQUIPMENT OPERATORS:**

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.75	1.25	1.55	a	.15
11.83	1.25	1.55	a	.15
9.31	1.25	1.55	a	.15
10.45	1.25	1.55	a	.15
8.94	1.25	1.55	a	.15
13.57	1.25	1.55	a	.15

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI

**HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:**

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanic, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with gaging breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, track mounted concrete pump, self-propelled riding vibrators, solman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoomobiles, fork-lifts and hoist which lift higher than 25 feet.

**HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):**

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement beaters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, guinle machines, locomotives, scoop-mobils (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and which hoist mounted on trucks, all earth drills, la tournear turntralliers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven weldlog machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed 3/4 yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader of forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 153 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (of its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**FOOTNOTE:**

a. Holidays: A through F; providing employee works the day before and the day after the holiday.

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)(iii))



SUPERSEDES DECISION

STATE: North Carolina  
 COUNTY: See Below  
 DECISION NUMBER: WCS1-1268  
 DATE: Date of Publication  
 Supersedes Decision No. NC80-1033 dated January 18, 1980 in 45 FR 3867  
 DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

\*Avery, Buncosbe, Haywood, Henderson, Jackson, McDowell, Madison, Mitchell, Transylvania, and Yancey Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AIR CONDITIONING MECHANIC	\$5.27				
BRICKLAYER	7.25				
CARPENTER	6.14				
CARPET LAYER	5.39				
CEMENT MASON	5.42				
DRYWALL FINISHER	7.06				
DRYWALL HANGER	6.00				
ELECTRICIAN	8.25				
GLAZIER	5.00				
INSULATION INSTALLER	7.00				
LABORERS:					
UNSKILLED	3.50				
ASPHALT MAKER	4.50				
LUTENAN	4.75				
MORTAR MIXER	3.75				
PAINTER	5.84				
PLUMBER & PIPEFITTER	6.50				
ROOFER	5.09				
SHEET METAL WORKER	5.88				
SOFT FLOOR LAYER	5.39				
TRUCK DRIVER	3.94				
WELDER - RATE FOR CRAFT					
POWER EQUIPMENT OPERATORS:					
BACKHOE	5.30				
BULLDOZER	5.00				
CRANE	6.00				
LOADER	4.75				
PAN	3.89				
PAVER	4.50				
ROLLER	4.00				
SCRAPER	3.89				
SCREED	4.50				
TRACTOR	5.25				
GRADER	5.15				

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 clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDES DECISION

STATE: OKLAHOMA

COUNTIES: Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers

DECISION NO. OK81-4056  
 SUPERSEDES DECISION NO. OK80-4062 dated July 18, 1980 in 45 FR 48446  
 DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$15.19	.75	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-STONEMASONS: Tulsa, Delaware, Ottawa, Craig, Mayes and Rogers Counties	12.49	.70	.40	.33	.06
CARPENTERS: Area I	11.58	.55	.75		.07
Area II	9.62	.50	.40		
MILLWRIGHTS-PILEDRIVERMEN: Area I	11.88	.55	.75		.07
Area II	9.87	.50	.40		
CARPENTERS-MILLWRIGHTS-PILEDRIVERMEN AREA DEFINITIONS Area I - Tulsa, Creek, Craig, Rogers and Mayes Counties Area II - Delaware and Ottawa Counties					
CEMENT MASONS: Cement Masons	12.29		.40		.16
Power tool operator	12.54		.40		.16
ELECTRICIANS: Electricians	14.35	.63	38+.61		.10
Cable splicers	14.60	.63	38+.61		.10
ELEVATOR CONSTRUCTORS	1.195		.82	atb	.035
ELEVATOR CONSTRUCTORS: HELPER	704JR	1.195	.82	atb	.035
GLAZIERS: Area I	12.62	.70	.30		.01
Area II	11.84				
GLAZIERS AREA DEFINITIONS Area I - Tulsa, Creek, Mayes, and Rogers Counties Area II - Craig, Delaware, and Ottawa Counties					
IRONWORKERS	13.35	.80	1.15		.12
LABORERS: 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 CLASSIFICATION DEFINITIONS

GROUP I

All digging and dirt work, firing of salamanders and sandage 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 machines 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-concrete machines, and guniting 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 sand, 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

Powdermen or blaster

Lathers

LINE CONSTRUCTION:

Linemen  
Cable splicers  
Hole digger operator  
Heavy equipment operator  
(pole or cat equivalent)  
Jackhammerman  
Line truck (winch operator)  
Powderman  
Groundsman  
Truck driver (flat bed ton and half and under)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	\$10.10				.01
	12.50		38		1/8
	13.25		38		1/8
	11.33		38		1/8
	11.33		38		1/8
	9.35		38		1/8
	10.27		38		1/8
	11.33		38		1/8
	8.34		38		1/8
	8.91		38		1/8

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>PAINTERS (Craig, Ottawa and Delaware Counties).</u> Brush, roller, tapers and paperhangers	\$10.82		.50		
Spray, steamclean, sand-blast & pot tenders	11.32		.50		
<u>PAINTERS (Tulsa, Creek, Rogers &amp; Mares Counties):</u> Brush	12.85		.60		.10
Highwork & stage	13.25		.60		.10
Spray and sandblasting	13.85		.60		.10
Sot or bituminous	14.15		.60		.10
Sheetrock handtools	12.85		.60		.10
Sheetrock power tools	13.85		.60		.10
PIPEFITTERS	13.77	.65	.75		.08
PLASTERERS	10.10		.01		.08
PLUMBERS	13.77	.65	.75		.08
<u>POWER EQUIPMENT OPERATORS:</u> 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  
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); graball; hydro crane; cherry picker; hoists while operation 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)



POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

**GROUP VI**  
Fork lift (35' & over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment 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-whan 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; pulvinizer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screened op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large wharves 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); graser; 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;

**ROOFERS**  
SHEET METAL WORKERS  
SOFT FLOOR LAYERS  
\*plus 6 paid holidays - New Years Day; Memorial Day; July 4th; Labor Day; Thanksgiving and Christmas Day

**SPRINKLER FITTERS**  
TERRAZO WORKERS  
TERRAZO WORKERS AND TILE LAYER FINISHERS  
TERRAZO WORKERS' FLOOR MACHINE OPERATOR  
TERRAZO WORKERS' BASE MACHINE OPERATOR  
TILE LAYERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
	\$11.40	.60	.50		.04
	13.50	.50	.72		.10
	11.46	.70	.70		.03
	13.71	.85	1.20		.08
	14.02	.90	.60		
	11.63	.90			
	11.80	.90			
	12.10	.90			
	14.02	.90	.60		

**TRUCK DRIVERS (DELAWARE CO.)**  
Group I  
Group II  
Group III  
Group IV  
Group V

**TRUCK DRIVERS (TULSA, CREEK, CRAIG, MAYES AND ROGERS COUNTIES)**  
Group I  
Group II  
Group III  
Group IV  
Group V

**TRUCK DRIVERS CLASSIFICATION DEFINITION (DELAWARE COUNTY)**

**GROUP I** - Pick-up, 1 1/2 tons or 2 1/2 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, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, 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 yds.  
**GROUP V** - Ready-mix concrete trucks 3 yards and over

**TRUCK DRIVERS CLASSIFICATION DEFINITIONS (TULSA, CREEK, CRAIG, MAYES AND ROGERS COUNTIES)**

**GROUP I** - Truck drivers, including pick-up, 1 1/2 tons or 2 1/2 yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.  
**GROUP II** - 3 tons or 4 yards up to but not including 4 tons or 6 yards  
**GROUP IV** - Ready mix concrete truck  
**GROUP V** - Tractor-trailer and similar equipment

**FOOTNOTES:**

- a - 1st 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate.
  - b - Paid Holidays - A through F
- PAID HOLIDAYS:**  
A-New Years Day; B-Memorial Day; C-Independence 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 (s) (ii)).



SUPPERSEDES DECISION

STATE: Pennsylvania COUNTY: Franklin  
 DECISION NO.: PA81-3027 DATE: Date of Publication  
 Supersedeas Decision No.: PA79-3006 dated March 30, 1979, in 44 FR 19099.  
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (Does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos Workers	\$12.26	1.12	.90		.01	
Bricklayers	11.52	.95	.72		.02	
Carpenters	12.25	6%	8%	10%		
Cement Masons	11.33	.80	.80		4%	
Electricians	13.26	.65	3%+.67		.045	
Ironworkers	14.265	1.49	1.46			
Laborer	10.06	10%	9%			
Line Construction:						
Linsmen	14.23	.60	3%		3/8%	
Winch truck operator	9.96	.60	3%		3/8%	
Groundmen	8.54	.60	3%		3/8%	
Painter	9.60	.45	.15			
Plumbers	13.80	1.02	1.00		.11	
Roofers	9.00	.60	.45			
Sheet metal workers	11.66	1.44	1.18		.14	
POWER EQUIPMENT OPERATORS:						
Bulldozers	14.475	1.05	1.15		.09	
Backhoe	14.625	1.05	1.15		.09	
Cranes	14.625	1.05	1.15		.09	
Loaders	14.475	1.05	1.15		.09	
Fork Lift	14.475	1.05	1.15		.09	
Welders - Rate of 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))."

SUPPERSEDES DECISION

STATE: Pennsylvania COUNTY: \*See Below  
 DECISION NO.: PA81-3043 DATE: Date of Publication  
 Supersedeas Decision No.: PA80-3012, February 15, 1980, in 45 FR 10595  
 DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (Does not include single family homes or apartments up to and including 4 stories)

\*Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	14.12	.95	1.85		.02	
BOILERMAKERS	14.93	5%	7+1.12			
BRICKLAYERS						
ZONE 1	14.11	1.00	2.11		.01	
ZONE 2	14.85	1.00	2.30			
ZONE 3	14.21	.95	1.10	2.00		
ZONE 4	13.82	1.00	1.49		.02	
ZONE 5	14.965	1.18	1.50		.04	

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Armstrong, Indiana, Remainder of Fayette and Westmoreland Counties.

ZONE 2 - Allegheny County; Washington County Twp: Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham, Peters, Robinson, Smith & Union.

ZONE 3 - Beaver County.

ZONE 4 - Butler County.

ZONE 5 - Twp: in Fayette of Jefferson & Washington; Westmoreland County, Twp of Rostraver; Remainder of Washington County.

CARPENTERS

ZONE 1	13.75	6%	8%	10%
ZONE 2	12.25	6%	8%	10%

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland Counties

ZONE 2 - Indiana County



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CEMENT MASONS

ZONE 1  
ZONE 2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
14.37	1.01	2.30		
17.33				

AREA COVERED BY CEMENT MASON ZONES

ZONE 1 - Allegheny, Armstrong, Butler, Fayette, Indiana, Washington, Westmoreland Counties.

ZONE 2 - Beaver County

ELECTRICIANS

ZONE 1  
ZONE 2  
ZONE 3

14.95	1.55	38+.50		.10
15.07	68	68	1.00	1.48
15.60	38	38+1.30		1.48

AREA COVERED BY ELECTRICIAN ZONES

ZONE 1 - Allegheny, Armstrong, Fayette, Indiana, Washington, Westmoreland

ZONE 2 - Beaver County

ZONE 3 - Butler County

ELEVATOR CONSTRUCTORS  
ELEVATOR CONSTRUCTORS'  
HELPERS  
ELEVATOR CONSTRUCTORS'  
HELPERS (PROB.)  
GLAIERS  
IRONWORKERS, STRUCTURAL,  
ORNAMENTAL & REINFORCING

11.635	.745	.56	a+b	.025
8.14	.745	.56	a+b	.025
5.82				
12.44	1.02	1.35	1.23	.02
14.24	1.20	2.61		.07

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LABORERS

ZONE 1  
CLASS 1  
CLASS 2  
CLASS 3  
CLASS 4  
CLASS 5  
ZONE 2  
CLASS 1  
CLASS 2  
CLASS 3  
CLASS 4  
CLASS 5  
ZONE 3  
CLASS 1  
CLASS 2  
CLASS 3  
CLASS 4  
CLASS 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
12.04	98	98		
12.17	98	98		
12.30	98	98		
12.57	98	98		
12.79	98	98		
12.00	98	98		
12.13	98	98		
12.27	98	98		
12.53	98	98		
12.73	98	98		
11.91	98	98		
12.05	98	98		
12.18	98	98		
12.45	98	98		
12.63	98	98		

CLASSIFICATION DEFINITIONS  
LABORERS ZONES

CLASS 1 - Laborer, Carryable pumps, west brick buggy or similar non-self-propelled vibrator operators walk behind forklift or similar, stripper and mover of forms, cement finishers, footers, window cleaner, all material conveyor (regardless of power used including starting and stopping)

CLASS 2 - West brick buggy or similar (self-propelled), power wheelbarrows buggies, walk behind forklift or similar, (self-propelled) wagon drill tender, drill runner, drill runners' tender (including drill mounted on truck, track or similar), blaster's tender, all operators of compacting equipment, pipe layers, burner, jackhammer man-concrete buster

CLASS 3 - Hod carrier, scaffold builder, bell and bottom man or furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used), concrete saw operator, wagon drill operator



DECISION NO. PA81-3043

CLASSIFICATION DEFINITIONS  
LABORERS ZONES CONT'D

CLASS 4 - Gunnite Nozzleman  
CLASS 5 - Blaster

AREA COVERED BY LABORERS ZONES  
ZONE 1 - Allegheny County  
ZONE 2 - Beaver, Butler, Washington, Westmoreland  
ZONE 3 - Armstrong, Fayette & Indiana

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
<b>LANDSCAPING:</b> Landscape laborer to include general landscaping work and driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work	7.79	12%	10%		
<b>LEADBURNERS</b>	8.21 10.75	12% .40	10% .25	C	.01

DECISION NO. PA81-3043

LINE CONSTRUCTION

ZONE 1  
Lineman  
Winch Truck Operator  
Groundman  
ZONE 2  
Lineman, Dynamite man, heavy equipment operator  
Winch Truck Operator  
Groundman

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ZONE 1 Lineman Winch Truck Operator Groundman	15.65 10.91 9.33	.60 .60 .60	3% 3% 3%		3/8% 3/8% 3/8%
ZONE 2 Lineman, Dynamite man, heavy equipment operator Winch Truck Operator Groundman	13.37 9.36 8.97	.55 .55 .55	3% 3% 3%		3/8% 3/8% 3/8%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Fayette, Indiana, Washington and Westmoreland  
ZONE 2 - Butler County

MARBLE SETTERS

ZONE 1  
ZONE 2  
ZONE 3  
ZONE 4  
ZONE 5

ZONE 1	13.42	1.00	2.00		
ZONE 2	14.21	.95	1.10	2.00	.01
ZONE 3	12.97	.90	2.00		.01
ZONE 4	12.05	.75	1.00		.01
ZONE 5	14.965	1.18	1.50		.04

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Allegheny, Butler, Westmoreland, Charleoi Twp. in Washington County  
ZONE 2 - Beaver County  
ZONE 3 - Fayette County, Jefferson and Washington Twp.  
ZONE 4 - Eastern part of Indiana County  
ZONE 5 - Remainder of Washington & Fayette Counties



DECISION NO. PAB1-3042

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
13.16	6%	6%	25%		1/8
MILLWRIGHTS PAINTERS: ZONE 1 COMMERCIAL - shall include schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings Brush 14.58 Paperhangers 14.58 SPRAY 15.08					
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, furnaces, machinery corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, officers & hospital, both interior and exterior Brush 15.23 SPRAY 15.73					
9.95	1.10	.60	1.50		
10.47	1.10	.60	1.50		
PAINTERS: ZONE 2 COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings Brush 9.95 SPRAY 10.47					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
11.85	1.10	.60	1.50		
12.38	1.10	.60	1.50		
INDUSTRIAL - shall include sewage treatment plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnaces, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, officers & hospital, both interior and exterior Brush 11.85 Roller 12.38					
PAINTERS: ZONE 3 COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings Brush & Roller 14.25 SPRAY 15.25					
14.75	.75	1.50			
15.75	.75	1.50			
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnaces, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior Brush & Roller 14.75 SPRAY 15.75					



DECISION NO. PA81-3043

PAINTERS:

ZONE 6  
 COMMERCIAL - shall include stores, warehouses not in plant, showrooms, churches, apartment buildings, commercial garage, office buildings  
 Brush  
 Spray  
 INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnaces, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, office & hospital, both interior and exterior  
 Brush  
 Spray

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.85 10.975	.65 .65	.40 .40		.05 .05
11.50	.95	1.10	1.00	.24
13.15	.95	1.10	1.25	.24

PAINTERS:

ZONE 4  
 COMMERCIAL - shall include stores, schools, warehouses not in plant, showrooms, churches, apartment buildings, commercial garage, office buildings  
 Brush & Roller  
 Spray  
 ZONE 5  
 COMMERCIAL - shall include stores, schools, warehouses not in plant, showrooms, churches, apartment buildings, commercial garage, office buildings, Brush  
 INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnaces, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, office & hospital, both interior and exterior  
 Brush

ARE COVERED BY PAINTERS ZONES

- ZONE 1 - Allegheny County
- ZONE 2 - Beaver County
- ZONE 3 - Butler County
- ZONE 4 - Fayette County, Remainder of Washington County
- ZONE 5 - Twp. and Borough of Jefferson, Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union Nottingham, Carrol, Fallowfield, Somerset, North Bethlehem, Centerville Brough & California in Washington County
- ZONE 6 - Armstrong, Indiana, Westmoreland Counties



DECISION NO. PA81-3043

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS I-A - Austin-Western or similar type under 25 ton with jib; Austin-Western or similar type 25 ton or over with jib; cranes (boom or mast 100 ft. or over to & including 150 ft. (truck or crawler type); cranes - mobile (any type 15 ton or over placed on any bldg. structure; hoist-bod (2 cages over 10 floors)

CLASS-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. truck or crawler type)

CLASS I-C - Cranes (boom or mast over 200 ft.)

CLASS II - Asphalt plant operator; atthey loader; auger - truck tractor mounted; back filling machine; boat - material or personnel carrying (powered); boat - job work (inboard or outboard); ball-dozer; cable layer; compactor with blade; compressor (1) and air tugger (1) (combination); compressor (1) and guite machine (1) (combination); concrete belt placer; crane - overhead; crushing & screening plants; drill - Davey or similar type; drill - core (truck or skid mounted); drill - well & core (truck mounted); elevator (new buildings); euclid loader; excavating equipment (all other); forklift-lull or similar; grader; grader-elevating; greaser-equipment (head); hi-lift - less than 4 yds; hoist - one drum (4 floors or over); hoist - bod (buildings 4 floors or more); hoist - (2 drums or more in one unit); jumbo operator; locomotive; lift slab machine (hydraulic); mixer - paving; macking machine; pipe cleaning machine; refrigeration plant (used for constr. jobs i.e., cooling, concrete & holding banks); ross carrier (or similar type); scoop (single bowl) (self-powered & tractor draw); spreader - concrete, asphalt and stone; tower mobile (hoisting or lower material); trencher; well point systems; compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW); pumps (1 1/2" discharge or less) (4 to 5 within reasonable distance); pumps (3) (over 1 1/2" discharge) (within reasonable distance); welding machines (4 to 6 within reasonable distance) (other than electrically driven); elevator (when used for alterations & remodeling all bldgs); groot pump (10 H.P. or over); paver operator - asphalt (spreader); pumpcrete or similar type (not self-propelled); pumpcrete machine operator (stationary); tire repairman (when assigned to job); welder (repairman)

DECISION NO. PA81-3043

POWER EQUIPMENT OPERATORS:

	Fringe Benefits Payments				Education and/or App. Tr.
	Basic Hourly Rates	H & W	Premiums	Vocations	
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	13.67	1.05	1.15		.09
CLASS V-C	13.42	1.05	1.15		.09

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Austin-Western or similar type under 25 Ton, Austin-Western or similar type 25 ton or over; auto grader (CMI or similar); backhoe; batch plant - when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge; cableway; caisson drill, central mix plant; cranes (excluding overhead) (truck or crawler type); cranes - tower (mobile); cranes - tower (stationary) (climbing type); cranes - tower (climbing type); cranes - hydraulic self-contained wagon crane - over 18 ton; derrick-traveler (self-propelled); derrick (all types); derrick boats; dragline; dredge; engine-maintenance; franki or similar type pile driver; graball (remote control or otherwise); helicopter (when used for erection purposes); helicopter hoist operators (when used for erection purposes); hi-lift 4 yds. or over; hoist-bod (2 cages up to 10 floors; hoist-single cage with Chicago boom attached; hoist (50 ft. or over) (stacks, stoves or furnaces); hoist (slipform jobs; hop-to or similar type with 180 swing; hop-to or similar type with 360 swing; kocal; koehring scooper; metro chip harvester or similar type; mix mobile or similar type (with self-loading attachment); mix mobile or similar type; mucking machine (tunnel); multiple bow machines; pile driver (sonic or similar type); post driver - guard rail (truck mounted); post driver - guard rail (skid type); pumpcrete - mobile or similar type; quad nine; showels (all types); slip form paver (CMI or similar); tractors - boom mounted (all types); tractors (all types with hydraulic back-bow attached); tug boat and whirley



DECISION NO. FAS1-3043

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

CLASS III - Ballast regulator; boiler; boring machine; broom, power (except push type); compressor - single (over 65 CFM; compressor (over 125 CFM and air pump); compressor (1) and sand blasting machine (1) (combination); conveyor over 1 and up to 3 units (regardless of power used); crane (carry); curb builder (self propelled); drills - well and horizontal truck mounted; forklifts (ridden or self-propelled); form line machine; generator (over 5 KW); hoists (monorail) (regardless of power used); hoist one drum (regardless of power used); hoist roof (regardless of power used); huck machine or similar type; mixer concrete (regardless of power used); mixer mortar - over 10 cu. ft. (regardless of power used); pavement breaker (self-propelled or ridden); pipe drem; plant, private or industrial air or steam valve; pump (over 1/4" discharge regardless of power used); roller; saw (concrete); soil stabilizer (pump type); spray cure machine (power driven); steam jenny (or similar type); stone crusher; stone spreader self-propelled; syphon (steam or air); tractors (when used for snaking and hauling); truck, (winch) truck or hydraulic boom (when hoisting & placing); tube finisher (CMI or similar type); tuggler; welding machine single (300 amp or over) (other than electrically driven); compressors (2); generators (2); mortar machine over 10 cu. ft. and single unit conveyor; pumps (1 1/4" discharge or less) (2 to 3); pumps (over 1 1/4" discharge (2) in bank) (within reasonable distance); welding machines (2 to 3) (other than electrically driven)

CLASS III-A - Conveyors 4 units or more

CLASS IV - Compressor - 65 cubic ft. or under (regardless of power used); conveyors one (1) unit (regardless of power used); heaters - up to and including 6; jack motor hydraulic (single type) power driven; ladavator; mixer mortar (10 cubic ft. or under); mulching machine; pin puller (powered); pulverizer; pump - 1 1/4" discharge or less; seeding machine; spreader side delivery shoulder (attachment); tie tamper (multiple heads); tractor farm (when used for landscaping); water blaster

CLASS V - Brakeman; deckhand; helicopter oiler; mechanic

CLASS V-A - Truck crane; oiler & fireman

CLASS V-B - Oiler on truck crane 50-ton up to but not incl. 100-ton

CLASS V-C - Oiler truck crane 100 ton and over

PILEDRIVERS  
PLASTERERS  
ZONE 1  
ZONE 2  
ZONE 3

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Allegheny, Armstrong, Fayette, Butler, Westmoreland and Washington County  
ZONE 2 - Beaver County  
ZONE 3 - Indiana County

PLUMBERS:

ZONE 1  
ZONE 2  
ZONE 3  
ZONE 4

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Beaver County  
ZONE 2 - Butler County  
ZONE 3 - Allegheny, Armstrong, Counties; Twp. of Charleoi in Washington County  
ZONE 4 - Fayette, Indiana, Westmoreland and remainder of Washington County

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	15.18	5.5%	10%		%
	13.04	.85	1.55		
	12.40				.01
	13.10				.01

	15.00	1.28	2.05		.05
	15.33	.80	1.70		.08
	15.05	1.05	1.80		.07
	13.36	1.07	1.22	.75	.27

	15.96	.77	1.50		.16
	13.75	1.12	1.66		.23



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SOFT FLOOR LAYERS

ZONE 1 ZONE 2	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.94	.81	1.08	1.08	.06
12.25	6%	8%	10%	

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland

ZONE 2 - Indiana County

SPRINKLER FITTERS

15.70	.95	1.40		.04
15.56	.95	1.40		

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Armstrong, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland

STEAMFITTERS

15.20	1.35	1.44		.27
13.36	1.07	1.22	.75	
15.00	1.28	2.05		
15.07	.80	1.30		

AREA COVERED BY STEAMFITTERS ZONES

ZONE 1 - Allegheny, Armstrong, remainder of Washington County, Fayette, Indiana, Westmoreland Counties

ZONE 2 - Twp. of Charleroi in Washington County

ZONE 3 - Beaver County

ZONE 4 - Butler County

DECISION NO. PA81-3043

STONEMASONS

ZONE 1 ZONE 2 ZONE 3 ZONE 4 ZONE 5 ZONE 6	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.23	1.00	3.60		.01
12.97	.90	2.00		
13.85	.90	2.00		.01
14.31	.95	1.10	2.00	
13.82	1.00	1.49		.02
14.965	1.18	1.50		

AREA COVERED BY STONEMASONS ZONES

ZONE 1 - Allegheny County

ZONE 2 - Armstrong, Indiana, Remainder of Fayette and Westmoreland Counties

ZONE 3 - Twp., in Washington County, Cross Creek, Hanover, Jefferson Mt. Pleasant, Nottingham, Peters, Robinson, Smith and Union

ZONE 4 - Beaver County

ZONE 5 - Butler County

ZONE 6 - Twp.; in Fayette of Jefferson & Washington, Westmoreland County, Twp

TERRAZZO WORKERS

13.80	1.00	2.25		.01
14.21	.95	1.10		
12.05	.75	1.00		
12.97	.90	2.00		



DECISION NO. PAB1-3043

TRUCK DRIVERS

- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- CLASS 5
- CLASS 6
- CLASS 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.86	9.78	7.18	a	
11.91	9.78	7.18	a	
11.93	9.78	7.18	a	
12.01	9.78	7.18	a	
12.20	9.78	7.18	a	
12.03	9.78	7.18	a	
12.18	9.78	7.18	a	

CLASSIFICATIONS DEFINITIONS

- CLASS 1 - Service truck (pickup, jeep, buses, station wagon, panel truck, escort vehicle, including fuel and water trucks)
- CLASS 2 - Dump and flat top (including fuel and water trucks, fork lift in warehouse or job site storage area and single axle trucks with power tailgate); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products two man operation, bottomen)
- CLASS 3 - Transit mix, single axle
- CLASS 4 - Transit mix, tandem
- CLASS 5 - Heavy duty tractor and trailer with low bed, 6 to 16 wheels and pole trailer and wide load
- CLASS 6 - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including fuel and water, tandem axle truck with mixer, driver towing equipment
- CLASS 7 - Winch truck and form truck

DECISION NO. PAB1-3043

AREA COVERED BY TERSAZZO WORKERS ZONES

- ZONE 1 - Allegheny, Butler, Washington, Westmoreland
- ZONE 2 - Beaver County
- ZONE 3 - Indiana County
- ZONE 4 - Fayette County

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.25	1.00	2.65		.01
14.21	.95	1.10	2.00	.01
12.05	.75	1.00		.01
12.97	.90	2.00		.01

TILE SETTERS

- ZONE 1
- ZONE 2
- ZONE 3
- ZONE 4

AREA COVERED BY TILE SETTERS ZONES

- ZONE 1 - Allegheny, Butler, Washington, Westmoreland
- ZONE 2 - Beaver County
- ZONE 3 - Indiana County
- ZONE 4 - Fayette County



DECISION NO. PA81-3043

WELDERS - Rate of craft

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Employer contributes 8% basic hourly rate for 5 years or more of service or 8% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.
- c. Paid Holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.
- d. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

\*Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).\*

SUPERSEDES DECISION

STATE: Pennsylvania

COUNTIES: Elk, Forest, McKean, and Warren

DECISION NUMBER: PA81-3049

DATE: Date of Publication

Supersedes Decision No. PA80-3033 dated October 3, 1980, in 45 FR 65891. DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
ASBESTOS WORKERS:					
Elk County	\$14.12	.95	1.85		.02
Forest County	14.69	.55	1.50		.07
McKean & Warren Counties	12.85	1.32	1.40		.02
BRICKLAYERS	14.93	58	78+1.12		
BRICKLAYERS, CEMENT MASONS & STONEMASONS:					
Elk, McKean and Warren Cos.	13.15	.80	1.10		.05
Forest County	14.30	1.00	1.15		
CARPENTERS & SOFT FLOOR LAYERS:					
Elk, Forest, all of McKean County except Kane and Bradford	12.25	64	84	104	
McKean County; Townships of Kane & Bradford; Warren County in its entirety	12.35	54	84	104	1/24
ELECTRICIANS:					
Elk, Forest and Warren Counties	14.55	1.20	38+1.75	1.00	.06
McKean County	11.25	.60	38+40		14
GLAZIERS:					
Forest & Warren Cos.	12.34	.50	.80		.01
Elk County	12.44	1.02	1.35	1.23	.02
IRONWORKERS:					
Forest & Warren Cos.	14.50	1.85	1.51		.15
Elk and McKean Cos.	13.59	1.22	1.67		.04







DECISION NO. PAB1-3049

CLASSIFICATION DEFINITIONS  
POWER EQUIPMENT OPERATORS CONT'D

CLASS 1 CONT'D - control or otherwise), helicopter (when used for erection purposes), hi-lift 4 7/8 or over, hoist-boom (2 cages up to 10 floors), Chicago boom attached hoist (50 ft. or over) struts, stoves or furnaces) hoist (slipform jobs hop to or similar type with 100 swing up to or similar type with 350 swing local hoist-rig scooper, metro chio arcwelder or similar type, air applicator, similar type, with self-feeding attachment, air mooring or lifting type, sucking machine (tunnel), multiple oval bearings, P.O. driver (hoist or similar type) (when assistance required it will be in hoist or apparatus), post cover-guards rail (truck mount-er), post cover-guard rail (self type), compressor - mobile or similar type, south mine, bevels (all types), slip form tower (all or similar), tractors - boom mounted (all types), tractors fall types with hydraulic backhoe attached), tug boat, whittaw.

CLASS 1-B - Austin-Western or similar type under 25 ton with jib, Austin-Western or similar type 25 ton or over, 161 3/5, cranes (boom or mast 100 ft. or over up to including 150 ft. +5.43) (truck or crawler type), cranes mobile (all types) 15 ton or over (Class 1-C), struts + S.70, shot-bolt (2 cages over 10 floors) Class 1 rate \$5.15, hoist - mobile type with

CLASS 1-C - Cranes (boom or mast over 150 ft. up to & including 200 ft. +5.40) (truck or crawler type), engine type.

CLASS 1-D - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Any/all plant operator, Athaw loader, loader - truck or loader, loader, back filling machine, coat (refill or overhaul) carrying (to drum) coat - job (refill or overhaul), built - down, cable layer, compressor (all types), compressor (1) and air loader (1) (compression), compressor (1) and white machine (1) (compression), concrete tilt placer, crane - tracked, climbing & screening plant, or 11 - tower or tower type (self - core (truck or self mounted), drill - well & core (truck mounted), elevator (for buildings), well - tower, excavator (equivalent (all other), hi-lift-hull or similar, S.70, 31 - air-lifting, greater-equipment (deck), hi-lift - form (all types), hoist - boom (2 floors or over), hoist - boom (including 3 floors or over).

DECISION NO. PAB1-3049

CLASSIFICATION DEFINITIONS  
POWER EQUIPMENT OPERATORS

FILEDRIVER/EN PLASTERERS: ELY, McKeen and Warren Cos. PLUMBERS & STEAMFITTERS Elk County Forest County: Contracts under \$10,000 Contracts over \$10,000 McKeen & Warren Counties POWER EQUIPMENT OPERATORS	Fringe Benefits Payments			Education and/or App. Tr.	
	Basic Hourly Rates	H & W	Pensions		Vacation
CLASS 1	15.18	5.5%	1.03		.5%
CLASS 1-A	12.10	.70	.60		
CLASS 1-B	13.36	1.07	1.22	.75	.27
CLASS 1-C	8.93	.95	1.30		.15
CLASS 2	13.75	.95	1.30		.15
CLASS 3	16.52	.98	.25		.04
CLASS 3-A	14.625	1.05	1.15		.09
CLASS 4	14.875	1.05	1.15		.09
CLASS 5	15.125	1.05	1.15		.09
CLASS 6	15.375	1.05	1.15		.09
CLASS 6-A	14.475	1.05	1.15		.09
CLASS 6-B	12.60	1.05	1.15		.09
CLASS 6-C	13.10	1.05	1.15		.09
CLASS 6-D	11.95	1.05	1.15		.09
CLASS 6-E	10.90	1.05	1.15		.09
CLASS 6-F	11.20	1.05	1.15		.09
CLASS 6-G	11.30	1.05	1.15		.09
CLASS 6-H	11.45	1.05	1.15		.09
CLASS 6-I	12.20	1.05	1.15		.09

CLASSIFICATION DEFINITIONS  
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type under 25 ton, Austin-Western similar type 25 ton or over, auto grader (CHI or similar, backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), Cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type), cranes tower, (mobile) cranes tower (stationary) (climbing type) use of oil to be discussed at per job) cranes tower (climbing type) cranes hydraulic self contained) over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types) when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer main-tenance, franki or similar type pile driver, graball (remote







SUPERSEDES DECISION

DATE: Pennsylvania  
 DECISION NO.: PA81-3047  
 SUPERSEDES DECISION NO. PA80-3058 dated October 3, 1980, in 45 FR 65898.  
 DESCRIPTION OF WORKS: Building Erection and Foundation Excavation Projects  
 (Does not include single family homes or apartments up to and including  
 & stories.)

COUNTIES: Lawrence & Mercer

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ROOFERS: Elk and Forest Cos. McKean and Warren Cos. SHEET METAL WORKERS SPRINKLER FITTERS TILE SETTERS AND TERRAZZO WORKERS: Elk, McKean and Warren Cos. Forest County	15.96 10.95 12.60 15.56  12.10 14.30	.77 .65 1.02 .95  .70 1.00	1.50 .45 1.56 1.40  .50 1.15	.15       	.15       	.05

Rate's - rate of craft

FOOTNOTE:

3. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

\*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 standard's contract clauses (29 CFR, 5.5 (b)(1)(ii)).\*

	Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
			Pensions	Vacation		
ASBESTOS WORKERS BOILERMAKERS BRICKLAYERS & STONEMASONS: Mercer County Lawrence County CARPENTERS: Lawrence County Mercer County CEMENT MASONS: Lawrence County Mercer County; townships of Greene, Sugar Grove, Salem, Sandy Creek, Deer Creek, French Creek, Mill Creek, New Vernon, Perry, Fairview, Lake, Sandy Lake, North Jackson, Wolf Creek, Pine, Liberty and Pindley. Also included are portions of the following townships determined by a line running in a north-western direction from the center of the southern corner of Springfield Township north by a line running east to north west from Southern border of Otter Creek Township to approximately the center of the western boundary of West Salem Township, Springfield, Coaling, Otter Creek, Hopfield and West Salem. Remainder of Mercer County	\$14.69 14.93 12.83 13.82 13.75 13.87 15.64	.55 .58 .85 1.00 6% 1.34	1.50 78+ 1.12 1.38 1.49 8% 1.50	108		.02 .02 .02 .02   .07
ILLUMINATOR SUBSTANTIATIONS ILLUMINATOR SUBSTANTIATIONS ILLUMINATOR SUBSTANTIATIONS	13.82 14.37 15.07 13.70	1.00 1.01 6% 1.195	1.49 2.30 6% .32	1.00 b+c b+c		.02 .15 .035 .035



DISCRIPTION NO. FA81-3047	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS: (CONT'D) Granite mazzleman Blaster LANDSCAPING: Landscape laborer to include general landscaping work and driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job Landscape tractor operator to operate small industrial loader tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work	\$12.56 12.73  7.79	73 94  128	34 94  104		
LEAD BURNERS LIME CONSTRUCTION: Lime, dynamite man, heavy equipment operator chain track operator Steelman DANGER SETTERS: Lawrence County Mercer County ALUMINUMS: Lawrence County Mercer County PAINTERS: Commercial - shall include stores, schools, warehouse not in plant showrooms, churches, apartment buildings, commercial garage, office buildings: Bell & Hollie Joray	8.21 10.75  13.37 9.38 8.97  13.82 13.56  13.16 15.255	128 .40  .55 .34 .55  1.00  64	104 .25  34 34 34  1.49  64	8	.01   3/88 3/88 3/88  .02   44
	14.25 15.25	.75 .75	1.50 1.50		

DISCRIPTION NO. FA81-3047	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELEVATOR CONSTRUCTOR'S HELPERS (PROB.) GLAZIERS IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING LABORERS: Laborers, carryable pumps, west brick buggy or similar, vibrator operators walk behind fork lift or similar (non self-propelled) stripper & mover or forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power use, including start-up & stopping) West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill inner's helper, including drill man on truck, track or similar, blaster's helper, all operators of compacting equipment, pipe layer, burner, Jackhammer man concrete best Hoist carrier, scaffold builder bell and bottom man on furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder and pump operators and concrete saw operators, wagon drill operators	504JR 13.75 14.25  12.00   12.13	.85 .75  94   94	1.00 1.30  94		.09
	12.27	94	94		



DECISION NO. PA81-3047

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLASTERERS: CONT'D boundary of West Salem township, Springfield, Coolspring, Otter Creek, Hemphill and West Salem Remainder of Mercer County	13.81 13.26	1.00 .93	1.49 2.13		.02
PAINTERS & STEAMFITTERS: Lawrence Mercer County	15.00 15.00	1.28 .70	2.05 1.30		.03 .05
ROOFERS Lawrence	13.70	.85	.90		.02
SHEET METAL WORKERS: Lawrence	12.50	1.02	1.55		.21
Mercer County	14.14	.75	.83		.06
SOFT FLOOR LAYERS: Lawrence County	12.30	.80	.98		.05
Mercer County	12.28	1.29	1.35	.58	.05
SPRINKLER FITTERS SPRINKLER WORKERS & TILE SERVICES: Lawrence County	15.56	.95	1.40		.08
Mercer County	13.81	1.00	1.49		.02
Welders - Receive rate for craft	15.255				

DECISION NO. PA81-3047

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS: CONT'D Industrial - shall include sewage treatment plants, water works or authorities, and power plants, all skelton steel, railroad and highway bridges, towers, tanks, storage tanks, furnaces, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices and hospital, both interior and exterior: Brush & Roller Spray	14.75 15.75	.75 .75	1.50 1.50		
PILEDRIIVER:SW: Lawrence	15.18	5.51	1.08		.42
PLASTERERS: Lawrence County	14.66	1.31	1.50		.07
Mercer County	15.99				.01

PAID HOLIDAYS (Where Applicable):  
 A-Thanksgiving Day; B-Independence Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:  
 a. 3 paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.  
 b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.  
 c. Paid Holiday: A through F, plus the Friday after Thanksgiving 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 clause: (2) CFR, 5.5 (a)(1)(ii).



DECISION NO. PASI-3047

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS CONT'D

- CLASS I-A - Austin-Western or similar type under 25 ton (14 ft jib); Austin-Western or similar type 25 ton or over with jib; cranes (boom or mast 100 ft. or over to & including 130 ft. (truck or crawler type); cranes - mobile (any type 15 ton or over placed on any bldg. structure; hoist-hoist (2 cages over 10 floors)
- CLASS I-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. truck or crawler type)
- CLASS I-C - Cranes (boom of mast over 200 ft.)

CLASS II - Asphalt plant operators; atchey loaders; auger - truck tractor loaders; back filling machines; boat - motor; or Personnel carrying (po-ere); boat - job work (inboard or outboard); bulldozers; cable layers; compactors with blade; compressor (1) and air tugs; (2) (non-inflator); compactor (1) and gunite machine (1) (combination); concrete belt placer; crane - overhead; crushing & screening plants; fill - fill or similar type; fill - core (truck or self mounted); drill - well & core (truck mounted); elevator (new buildings); excels loader; excavating equipment (all other); forklift-truck or similar grader; excavating equipment (all other); hoist-hoist (any type); hoist-hoist (less than 4' of hoist - one drum (1 floor or over); hoist - hoist (including 4 floors or more); hoist - (2 drums or more in one unit); jack operation; locomotive; 1 ft. - 1 1/2 inch (hydraulic); mixer - pay out; truck tractor; pipe cleaning machine; self-cleaning plant (used for const. job); i.e., covering, concrete & bedding plants; rows carrier (or similar type); crawler (single wheel) (self-cleaning) & tractor (1, 2); spreader - concrete, asphalt, saw stop; towed trailer (existing or lowering material); ti-ometer; well point system; compressor (1 within 3 reasonable distance); generator electric (3) (over 5 kw up to 20 kw); pump (1) (discharge or less) (4 to 5 within reasonable distance); pump (3) (over 14 discharges) (within reasonable distance); welling machines (4 to 5 within reasonable distance) (other than electrically driven); elevator (when used for alterations & remodeling all floor); great pump (10 H.P. or over); power operator - asphalt (spread); pumps or similar type (not self-propelled); pumpcrete machine operator (stationary); tire repairs (when assigned to job); welder (repairman)

DECISION NO. PASI-3047

POWER EQUIPMENT OPERATORS

	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Monthly Rates	M & W	Pensions	
CLASS I	\$15,575	1.05	1.15	.03
CLASS I-A	15,825	1.05	1.15	.03
CLASS I-B	16,075	1.05	1.15	.03
CLASS I-C	16,325	1.05	1.15	.03
CLASS II	15,375	1.05	1.15	.03
CLASS III	13,69	1.05	1.15	.03
CLASS III-A	14,19	1.05	1.15	.03
CLASS IV	12,73	1.05	1.15	.03
CLASS V	12,42	1.05	1.15	.03
CLASS V-A	12,52	1.05	1.15	.03
CLASS V-B	12,67	1.05	1.15	.03
CLASS V-C	13,42	1.05	1.15	.03

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

CLASS I - Austin-Western or similar type under 25 ton, Austin-Western or similar type 25 ton or over; auto grader (1) or similar; backhoe; batch plant - when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge; clamshell; clamshell; clamshell; clamshell; clamshell (excluding overboard) (truck or crawler type); cranes - tower (mobile); cranes - tower (stationary) (climbing type); cranes - tower (climbing type); cranes - hydraulic self-contained wagon crane - over 13 ton; cranes - hydraulic self-contained wagon crane - 18 ton or less; crawler-traveler (self-propelled); crawler (all types); truck; oats; dredger; dredge; engineer-maintenance; front or similar type pile driver; grab all (excavator); control or other (self-propelled) (when used for erection purposes); helicopter - suit operators (when used for erection purposes); hoist - lift 4 yds. or over; hoist-hoist (2 cages up to 10 floors; hoist - single cage with Chicago boom attached; hoist (50 ft. or over) (stacks, slotts or funerals); hoist (all forms jobs; hop-to-elevator similar type with 180 swing; hop-to or similar type with 360 swing; kocal; kochring scooper; motor chip harvester or similar type; mix mobile or similar type (with self-loading attachment); mix mobile or similar type; mucking machine (tunnel); multiple bowl machines; pile driver (sonic or similar type); post driver - guard rail (truck mounted); post driver - guard rail (ski type); pumpcrete - mobile or similar type; guard mine; shovels (all types); tractors (all types with hydraulic backhoe attached); tug boat and whalley



CLASSIFICATION NO. PASI-3047

CLASSIFICATION NO. PASI-3047

POWER EQUIP MENT OPERATIONS CLASSIFICATION DEFINITIONS CONT'D

CLASS III - Ballast regulator; boiler; boring machine; broom; power (except push type); compressor - single (over 55 CFM; compressor (over 125 CFM and air pump); compressor, (1) and sand blasting machine (1) (combination); conveyor over 1 and up to 3 units (regardless of power used); crane (carry); curb boiler (self propelled); drills - well and horizontal; truck mounted; forklifts (trailer or self-propelled); form line machine; generator (over 5 KW); hoists (monorail) (regardless of power used); hoist one from truck (regardless of power used); hoist roof (regardless of power used); hook machine or similar type; mixer concrete (regardless of power used); mixer mortar - over 10 cu. ft. (regardless of power used); pavement breaker (self-propelled or ribbon); pipe cream; plant, privy or industrial air or steam valve; pump (over 1/2 discharge regardless of power used); roller; saw (concrete); soil stabilize (pump type); spray cure machine (power driven); steam jenny (or similar type); stone crusher; stone spreader; self-propelled; syphon (steam or air); tractors (who use for snaking and leveling); truck or hydraulic boom (when hoisting and placing); tube finisher (CUI or similar type); tugger; welding machine single (300 amp or over) (other than electrically driven); compressors (2); generators (2); mortar machine over 10 cu. ft. and single unit conveyor; pumps (1) (discharge or less) (2 to 3); pumps (over 1/2 discharge (2) in bank) (within reassemble distance); welding machines (2 to 3) (other than electrically driven)

CLASS III-A - Conveyors 4 units or more

CLASS IV - Compressor - 55 cubic ft. or under (regardless of power used); conveyors one (1) unit (regardless of power used); hoists - up to and including 5; jack motor hydraulic (single type) power driven; ladewater; mixer mortar (10 cubic ft. or under); mauling machine; pin puller (power); pulverized; pump - 1/2 discharge or less; reeling machine; sprayer size (bellevue shoulder attachment); tie tamper (multiple heads); tractor farm (when used for landscaping); water - master

CLASS V - Brakeman; deckhand; helicopter oiler; mechanic

CLASS V-A - Truck crane; oiler & fireman

CLASS V-E - Oiler on truck crane 50-ton up to but not incl. 100-ton

CLASS V-2 - Oiler truck crane 100 ton and over

[FR Dec. 81-20728 Filed 7-16-81; 8:45 am]  
BILLING CODE 4510-27-C

TRUCK DRIVERS

CLASS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacations	
CLASS 1	\$11.86	9.7%	7.1%	3	
CLASS 2	11.91	9.7%	7.1%	3	
CLASS 3	11.93	9.7%	7.1%	3	
CLASS 4	12.01	9.7%	7.1%	3	
CLASS 5	12.20	9.7%	7.1%	3	
CLASS 6	12.03	9.7%	7.1%	3	
CLASS 7	12.18	9.7%	7.1%	3	

CLASSIFICATION DEFINITIONS

CLASS 1 - Warehouseman, chauffeur & ambulance drive, service truck (pickup, jeep, buses, station wagon, panel truck, escort vehicle, including fuel and water trucks)

CLASS 2 - Dump and flat top (including fuel and water trucks, fork lift in warehouse or job site storage area and single axle trucks with power taillight); distributor truck over 33,000 lbs. gross weight (oil, tar asphalt products two man operation, hot men)

CLASS 3 - Transit mix, single axle

CLASS 4 - Transit mix, tandem

CLASS 5 - heavy duty tractor and trailer with low bed, 5 to 15 wheels and pole trailer and wide load

CLASS 6 - distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with Holly and scissor truck; truck with dump trailer or tandem, including mixer, drivers towing equipment

CLASS 7 - Winch truck and form truck

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.







# **federal register**

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Friday  
July 17, 1981

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**Part III**

**Department of the  
Interior**

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**Office of Surface Mining Reclamation and  
Enforcement**

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**Surface Mining; Disposal of Excess Spoil**



## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Parts 715, 816 and 817

## Surface Mining; Disposal of Excess Spoil

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

**ACTION:** Final rules.

**SUMMARY:** OSM is amending 30 CFR 715.15 (interim program), 816.71 and 817.71 (permanent program) to allow controlled gravity transport of excess spoil from an actively mined upper bench to an existing lower bench where the lower highwall meets the upper bench with no intervening natural slope, provided that spoil is not placed on the downslope of the lower bench.

**EFFECTIVE DATE:** August 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Raymond E. Aufmuth, Physical Scientist, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240 (202-343-4022).

**SUPPLEMENTAL INFORMATION:** In response to questions raised by the Virginia Surface Mining Reclamation Association, OSM on August 11, 1980, at 45 FR 53183, proposed to revise 30 CFR 715.15, 816.71 and 817.71 to allow controlled gravity transport of excess spoil from actively mined upper benches to pre-existing lower benches whose highwalls meet the upper benches with no intervening natural slope. Specific requirements were proposed to ensure, among other things, that no spoil would be placed on the downslopes of the lower benches. The rationale for proposing these rules and for the specific proposed requirements is expressed in the preamble to the proposed rules, at 45 FR 53185.

A comment period of 30 days was provided, which closed on September 10, 1980. A public hearing on the proposed rules was held on August 29, 1980, at the Main Interior Building, 18th & C Streets, N.W., Washington, D.C. No comments were presented at this public hearing.

These rules revise the interim and permanent performance standards. The permanent program performance standards, including these revisions, are being reviewed with regard to Secretary Watt's goals of eliminating excessive, burdensome or counterproductive regulations and of more effectively and efficiently implementing the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Further revisions in the

permanent program performance standards may occur.

Differences between the final and proposed rules are discussed below in the responses to written and oral comments that were received.

1. One commenter asserted that "any procedure such as the one proposed which allows for the disposal of excess spoil must deal with the basic problem of determining how much spoil is excess." The commenter proposed that the operator be required to include in the permit application computations of how much spoil is necessary to return to approximate original contour (AOC) and how much spoil is excess. The intent of the proposed rules was to require the operator to demonstrate, prior to regulatory authority approval of use of gravity transport method, that sufficient spoil will remain on the upper bench for the purposes of eliminating the highwall and return to AOC. See proposed 30 CFR 715.15(a)(15)(B)(ii), 816.71(o)(2)(B) and 817.71(o)(2)(B). To make this obligation clearer, however, the final rules require that regulatory authority approval of use of the gravity transport method may not be given unless the operator demonstrates that only spoil unnecessary for elimination of the highwall and return of the upper bench to AOC will be moved by gravity transport. See final 30 CFR 715.15(a)(15)(A), 816.71(o)(1), and 817.71(o)(1). OSM expects that operator compliance with this provision will entail computation by the operator of the amount of spoil necessary for return to AOC.

The commenter also suggested that the operator include in the permit application a schedule of dumping the excess spoil in order to facilitate the role of the regulatory authority and its inspectors in ensuring that only spoil in excess of that necessary for return to AOC is disposed of on the lower bench. OSM rejects this suggestion. The Secretary does not believe that imposition of this requirement is justified by the marginal increase in ease of enforcement the requirement could attain.

2. One commenter urged OSM to require the operator to specify in the permit application specific gravity transport points and require the regulatory authority to approve these points as a permit condition. The proposed regulations required regulatory authority determination of where these points should be. OSM has accepted the comment to the extent of requiring operator determination of where the points will be and regulatory authority approval of the points selection.

3. Another commenter pointed out that the proposed regulations did not require the operator to handle the spoil in a timely manner when it was dumped onto the lower bench. The Secretary believes that the general spoil handling requirements (30 CFR 816.100/817.100 contemporaneous reclamation), reinforced by the concurrent compaction requirement of final 30 CFR 715(a)(15)(B), 816.71(o)(2)(D) and 817.71(o)(2)(D), address this issue. Therefore, the suggestion has been rejected.

4. Several commenters indicated that the proposed regulations did not consider specific mining operations such as augering and second-cut mining on previously mined areas. The proposed regulations, though, address the disposal of excess spoil regardless of the type of mining operation from which that excess spoil is generated. If an augering operation or a second-cut operation on a previously mined area were to generate spoil in excess of that necessary to eliminate the highwall and return the area to AOC, then that excess spoil may well be considered for disposal by gravity transport.

5. Several commenters questioned the reference in the preamble of the proposed rules to an experimental practice allowing the use of spoil "lanes" or "chutes" for gravity transport of excess spoil where a natural slope intervenes between the two involved benches. These commenters feel that the utility of this practice has already been demonstrated and is not appropriately the subject of further experimental practice. These comments have been rejected because SMCRA prohibits gravity transport of spoil over the natural slope between benches. See comment response 10.

6. Several commenters suggested that the gravity transport method should be allowed with respect to benches created after August 3, 1977, the date of enactment of SMCRA. They argued that many benches created after that date are legal and in accord with applicable surface mining regulations. OSM acknowledges that benches have been created and legally abandoned after enactment of SMCRA. The final regulations allow use of the gravity transport method with respect to these benches if all other conditions are met.

7. One commenter suggested that the safety berm be constructed only on the "solid portion" of the lower bench because placing additional material on the "fill" portion of existing benches may contribute to instability. The commenter also stated that dumping of material onto the lower bench prior to



construction of the berm may be necessary to enable construction of the safety berm where insufficient material exists on the lower bench. The final rule requires that the safety berm be constructed on the solid portion of the lower bench. See 30 CFR 715.15(a)(15)(B)(v), 816.71(o)(2)(E) and 817.71(o)(2)(E).

The intent of these rules is that the safety berm on the lower bench will usually be constructed prior to gravity transport of materials to this bench. In the event insufficient material is available to construct the berm, however, sufficient spoil may be gravity transported to the lower bench to construct the berm. The Secretary accepts this recommendation and the regulation has been amended to reflect this. See final 30 CFR 715.15(a)(15)(B)(v), 816.71(o)(2)(E) and 817.71(o)(2)(E).

8. One commenter questioned whether OSM should limit the source of the spoil that is transported to the lower bench. This commenter suggested that the source of the materials for reclamation of various benches in a multiple seam mining operation should be up to the discretion of the operator, so long as the requirements of the regulations are met. OSM does not believe that these or any of the other regulations governing the disposal of excess spoil require an operator to use specific materials on specific fill sites.

If, as in the example presented by this commenter, multiple seams are being mined, the spoil from the first (upper) seam may be transported to the second (middle) bench and down to the next bench (lowest) and so on, provided that all the requirements of these regulations are met, including, specifically, the requirement of 30 CFR 715.15(a)(15)(B)(i), 816.71(o)(2)(A) and 817.71(o)(2)(A) and the requirement that the lower benches onto which spoil is placed by gravity transport have been legally abandoned. See comment response 6.

9. Several commenters stated that the proposed regulations unnecessarily require safety berms on the lower bench in all instances. These commenters reason that, since the operator is responsible, in any event, for spoil placed on the downslope, the operator necessarily will take precautions to prevent this. One commenter asserted that safety berms are not the only means of preventing material from moving downslope off the lower bench and that the regulatory authority should be given the discretion to approve alternate means. This commenter did not, however, provide any examples of effective alternate means. The Secretary has not accepted these comments as the

proposed rules indicate such berms are necessary to protect public safety. However, the specific type or method of construction of the safety berm is left to the operator, thereby allowing flexibility in meeting these requirements.

10. One commenter felt that the proposed regulations unreasonably restrict use of the gravity transport method to upper benches that meet lower benches with no intervening natural slopes. The commenter reasoned that, in most cases, more environmental damage would be caused by constructing the roads, berms, etc., needed to haul material to a lower bench by vehicle than would be caused by controlled gravity transport. SMCRA, however, prohibits the placing of spoil on the downslope, and OSM interprets this as preventing gravity transport of spoil where the natural slope intervenes between the upper and lower bench. See preamble to the proposed gravity transport regulations at 45 FR 53184, col. 1 (Aug. 11, 1980).

11. Several commenters objected to the requirement in the proposed regulations that "all excess spoil on the lower solid bench" must be rehandled. These commenters requested that this statement be clarified to insure that the operator is not required to rehandle existing spoil on the lower benches. OSM agrees that existing spoil that has been placed legally on the lower bench does not have to be rehandled in all instances. Such spoil must, however, be rehandled if necessary to insure the stability of the fill. See final 30 CFR 715.15(a)(15)(B)(iv), 816.71(o)(2)(D) and 817.71(o)(2)(D).

12. OSM made two other changes in the wording of the proposed rules based on the general comments and its review of the proposed rules.

a. The phrase " \* \* \* and, as such, is subject to all requirements of the regulations, including but not limited to, topsoil handling, hydrologic, revegetation and coal processing wastes requirements" was deleted from 30 CFR 715.15(a)(15)(B)(vi), 816.71(o)(2)(F) and 817.71(o)(2)(G). This phrase is unnecessary because it duplicates the existing mandate of the interim and permanent regulations that disturbed and affected areas are subject to these requirements. "Disturbed area" was substituted for "affected area" in 30 CFR 715.15(a)(15)(B)(vi) because the former but not the latter phrase is defined in the interim regulations.

b. The requirement of removing the safety berm was clarified. The proposed rules indicated that the berm must be removed "during final grading operations." This was not meant to require removal as the last step in

grading. The rules were revised by replacing the word "during" with "by" in 30 CFR 715.15(a)(15)(B)(v), 816.71(o)(2)(E) and 817.71(o)(2)(F) to indicate that the berm could be removed during the period of grading as soon as safe handling methods would allow its removal.

13. One commenter recommended that the regulations be promulgated as proposed. OSM accepts this comment except for the revisions referred to in the previous responses to comments.

#### Determinations Under Executive Order 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

OSM has examined these final rules according to the criteria of Executive Order 12291 (February 17, 1981) and determined that they do not constitute major rules. The economic impact of the rules is expected to be small, though beneficial to coal operators and consumers, because of the limited applicability of the rules.

The rules have also been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and OSM has determined that the final rules will not have a significant impact on a substantial number of small entities. The final rules are expected to reduce the regulatory burden on small coal operators by allowing a previously prohibited means of spoil disposal when it is more economical.

OSM has determined that adoption of the final rules does not constitute a major federal action that would significantly affect the quality of the human environment. The rules are, therefore, exempt from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

#### PART 715—GENERAL PERFORMANCE STANDARDS

30 CFR 715.15(a) is amended by adding a new subparagraph (15) as follows:

##### § 715.15 Disposal of excess spoil.

- (a) General requirements. \* \* \*
- (15) Disposal of excess spoil from an upper actively mined bench to a lower pre-existing bench by means of gravity transport is permitted provided that:
- (i) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the spoil to be disposed of by gravity transport is not necessary for elimination of the highwall and return of the upper bench to approximate original contour;



(ii) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(A) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(B) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should spoil accidentally move down-slope of the lower bench;

(C) The excess spoil is placed only on solid portions of the lower pre-existing bench;

(D) All excess spoil on the lower solid bench, including that spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench shall consist of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a long term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except to ensure stability of the fill.

(E) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The safety berm must be removed by the operator by final grading operations;

(F) The area of the lower bench used to facilitate the disposal of excess spoil is considered a disturbed area.

#### **PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS: SURFACE MINING ACTIVITIES**

30 CFR 816.71 is amended by adding paragraph (o) as follows:

##### **§ 816.71 Disposal of excess spoil: General requirements.**

(o) Disposal of excess spoil from an

upper actively mined bench to a lower pre-existing bench by means of gravity transport is permitted provided that:

(1) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the spoil to be disposed of by gravity transport is not necessary for elimination of the highwall and return of the upper bench to approximate original contour;

(2) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(i) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(ii) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should spoil accidentally move downslope of the lower bench;

(iii) The excess spoil is placed only on solid portions of the lower pre-existing bench;

(iv) All excess spoil on the lower solid bench, including that spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench shall consist of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a long-term static safety factor of 1.3. Spoil on the bench prior to the current mining operation need not be rehandled except to ensure stability of the fill;

(v) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The safety berm must be removed by the operator during final grading operations;

(vi) The area of the lower bench used to facilitate the disposal of excess spoil is considered an affected area.

#### **PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS: SURFACE MINING ACTIVITIES**

30 CFR 817.71 is amended by adding paragraph (o) as follows:

##### **§ 817.71 Disposal of underground development waste and excess spoil: General requirements.**

(o) Disposal of excess spoil from an upper actively mined bench to a lower pre-existing bench by means of gravity transport is permitted provided that:

(1) The operator receives the prior written approval of the regulatory authority upon demonstration by the operator that the spoil to be disposed of by gravity transport is not necessary for elimination of the highwall and return of the upper bench to approximate original contour;

(2) The following conditions and performance standards in addition to the environmental performance standards of this part are met:

(i) The highwall of the lower bench intersects (meets) the upper actively mined bench with no natural slope between them;

(ii) Only underground development waste and spoil in excess of that necessary to eliminate the highwall and return the upper bench to the approximate original contour may be placed on the lower solid bench;

(iii) The gravity transport points are determined on a site specific basis by the operator and approved by the regulatory authority to minimize hazards to health and safety and to ensure that damage will be minimized should spoil accidentally move down slope of the lower bench;

(iv) The excess spoil is placed only on solid portions of the lower pre-existing bench;

(v) All excess spoil on the lower solid bench, including that spoil immediately below the gravity transport points, is rehandled and placed in a controlled manner to eliminate as much of the lower highwall as practicable. Rehandling and placing the excess spoil on the lower solid bench shall consist of placing the excess spoil in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings to ensure a long term static safety factor of 1.3. Spoil on the bench prior to the current mining operation



need not be rehandled except to ensure stability of the fill.

(vi) A safety berm is constructed on the solid portion of the lower bench prior to gravity transport of the excess spoil. Where there is insufficient material on the lower bench to construct a safety berm, only that amount of spoil necessary for the construction of the berm may be gravity transported to the lower bench prior to construction of the berm. The safety berm must be removed by the operator by final grading operations;

(vii) The area of the lower bench used to facilitate the disposal of excess spoil is considered an affected area.

Dated: June 15, 1981.

Approved:

**William P. Pendley,**

*Deputy Assistant Secretary, Energy and Minerals.*

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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