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Highlights

40498 **Mobile and Manufactured Homes** HUD proposes to amend construction and safety standards, procedural and enforcement regulations, and consumer manual requirements. (Part V of this issue)

40496 HUD proposes to allow manufactured housing builders to use alternative construction methods and technology (Part V of this issue)

40193 **Food Stamps** USDA/FNS establishes procedures for conducting demonstration project to determine participating households' continuing eligibility and benefit levels.

40208 **Meat and Poultry Inspection** USDA/FSIS proposes to permit certain use of potassium salt phosphates and sodium hydroxide in meat food products.

40203 **Mediterranean Fruit Fly** USDA/APHIS amends quarantine rules.

40490 **Occupational Safety and Health—Employee Exposure and Medical Records** Labor/OSHA extends partial administrative stay of certain employee access rules and interprets records access standards. (Part IV of this issue)

40492 Labor/OSHA proposes to modify trade secret provisions of employee access rules on disclosure of toxic substances information. (Part IV of this issue)

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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

40221 **Government Procurement** OMB/FPPO announces availability of draft regulation segment on contract delivery or performance, cost principles, and contractor liability for loss or damage to government property.

40221 **Motor Carriers and Freight Forwarders** ICC proposes to modify its fuel surcharge program.

40212 **Biological Products** HHS/FDA proposes to amend labeling requirements.

40382 **Explosives** Treasury/ATF clarifies and liberalizes explosives materials regulations and reduces regulatory requirements on the explosives industry. (Part II of this issue)

40191 **Federal Facilities—Parking** GSA amends parking regulations and suspends rules on collection of employees fees.

40228 **Fishing** Commerce/NOAA proposes to amend Fishing Vessel and Gear Damage Compensation Fund rules.

40414 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and Federally assisted construction. (Part III of this issue)

40364 **Sunshine Act Meetings**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 81F-0010]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Methyl Acrylate-Divinylbenzene-Diethylene Glycol Divinyl Ether Terpolymer Aminolyzed With Dimethylaminopropylamine and Quaternized With Methyl Chloride

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the use of methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride as an ion-exchange resin for the treatment of sugar solutions. Rohm and Haas Co. petitioned for the amendment.

DATES: Effective August 7, 1981; objections by September 8, 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: Julia L. Ho, 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 February 13, 1981 (46 FR 12332), FDA announced that a petition (FAP 1A3540) had been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the food additive regulations be amended to provide for the use of methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride as an ion-exchange resin for the treatment of sugar solutions.

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 previously considered potential environmental effects of this rule as announced in the Notice of Filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

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 173 is amended in § 173.25 by adding paragraphs (a)(18) and (b)(4), to read as follows:

§ 173.25 Ion-exchange resins.

* * * * *

(a) * * *

(18) Methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer containing not less than 7 percent by weight of divinylbenzene and not more than 2.3 percent by weight of diethylene glycol divinyl ether, aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride.

(b) * * *

(4) The ion-exchange resin identified in paragraph (a)(18) of this section is used to treat aqueous sugar solutions subject to the condition that the temperature of the sugar solution passing through the resin bed is maintained at 70°C or less and the flow rate of the sugar solution passing through the bed is not less than 46.8 liters per cubic meter (0.35 gallon per cubic foot) of resin bed volume per minute.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 8, 1981 submit to the Dockets Management Branch, (address above), 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. Three 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 August 7, 1981.

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

Dated: July 31, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-23007 Filed 8-6-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 524

Ophthalmic and Topical Dosage Form; New Animal Drugs Not Subject to Certification; Nitrofurazone Solution

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) providing for over-the-counter (OTC) marketing of a 0.2 percent nitrofurazone solution when its use is limited to treatment of topical bacterial infections in canine, feline, and equine species. The supplement was filed by Veterinary Laboratories, Inc.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Veterinary Laboratories, Inc., 12340 Santa Fe Dr., Lenexa, KS 66215, holds approval under NADA 121–559 for use of a 0.2-percent nitrofurazone solution for treating topical bacterial infections in the canine, feline, and equine, and for use in equine genital tract infections and for impaired fertility due to strains of Salmonella, Staphylococcus, Streptococcus, Pseudomonas, *Escherichia coli,* and *Vibrio fetus* sensitive to nitrofurazone. Label presence of the equine genital tract and impaired fertility claims restrict the product to use by or on the order of a veterinarian. The firm filed a supplement to the NADA which provides labeling for OTC marketing of the product by deleting the genital tract and impaired fertility claims and adding certain caution statements required for OTC topical antiseptics. The genital tract and impaired fertility claims remain approved, but will be the subject of a different labeled product restricted to use by or on the order of a veterinarian. The supplement is approved and the regulations are amended to reflect the approval.

Under the Bureau of Veterinary Medicine's proposed supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II approval. Approval of this supplemental application has no adverse effect on the safety or effectiveness of this new animal drug because it provides for an OTC product by deleting claims for genital tract infections in the equine. Accordingly, this approval did not require a reevaluation of the safety and effectiveness data in the parent application.

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 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.1580d by revising paragraph (c) (2) and (3) to read as follows:

§ 524.1580d Nitrofurazone solution.

* * * * *

(c) * * *

(2) *Indications for use.* For treatment of topical bacterial infections in the canine, feline, and equine, and if labeled for use by or on the order of a licensed veterinarian, for use in equine genital tract infections and for impaired fertility due to strains of Salmonella, Staphylococcus, Streptococcus, Pseudomonas, *Escherichia coli,* and *Vibrio fetus* sensitive to nitrofurazone.[1]

(3) *Limitations.* (i) For treatment of genital tract infections, repeat treatment until 48 hours after remission of clinical symptoms or bacterial cultures show recovery. Do not use in horses intended for food.[1]

(ii) If the product is marketed over-the-counter its label shall bear the statements: Caution: For deep wounds or body cavities, use only as directed by a veterinarian. If redness, irritation or swelling persist, discontinue use and consult veterinarian.

Effective date. This amendment is effective August 7, 1981.

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

Dated: July 29, 1981.

Myron C. Rosenberg,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–22754 Filed 8–6–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Nitrofurazone Ointment

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 Anthony Products Co., providing for the use of nitrofurazone ointment as a topical antibacterial on dogs, cats, and horses. The application provides labeling that reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) review of such products.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006, is sponsor of an NADA (122–447) providing for use of an ointment containing 0.2 percent nitrofurazone as a topical antibacterial on dogs, cats, and horses. This product is generically equivalent to one codified for animal use in 21 CFR 524.1580b. The section provides that since the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. The product is an ointment; therefore, the requirement for bioequivalency data is waived under 21 CFR 320.22(b)(2).

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 (formerly the Hearing Clerk's office) (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 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by revising § 524.1580(b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsor.* For use in dogs, cats, and horses see Nos. 000149 and 000864 in § 510.600(c) of this chapter. For use in dogs and horses see No. 017135 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective August 7, 1981.

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

Dated: July 30, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-22907 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Lavergne Supplement Co., providing for safe and effective use of a premix containing 5 grams per pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Lavergne Supplement Co., 1038 Space Park South, Nashville, TN 37211, is the sponsor of NADA 127-824 submitted on its behalf by Elanco Products Co. The NADA provides for use of a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds used to maintain weight gains and feed efficiency in the presence of atrophic rhinitis, lower the incidence and severity of *Bordetella bronchiseptica* rhinitis, prevent swine dysentery (vibrionic), and control swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of the application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 12-491 and 41-275. Use of the data in NADA's 12-491 and 41-275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA's 12-491 or 41-275.

The agency 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.

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.

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 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by adding new paragraph (b)(9) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(9) To 022422: 5 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. This regulation is effective August 7, 1981.

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

Dated: July 30, 1981.

Terence Harvey,

Deputy Director, Bureau of Veterinary Medicine.

[FR Doc. 81-22906 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Electrical Standards; Correction

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final standard; corrections.

SUMMARY: This notice contains minor corrections to the final General Industry Electrical Safety Standards, published on January 16, 1981 (46 FR 4034). Additionally, the telephone number of the OSHA Office of Publications is corrected.

DATE: These corrections are effective October 6, 1981. The standard became effective on April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Leonard or Mr. David Wallis, Office of Electrical and Electronic Engineering Safety Standards, OSHA, Room N3457, 200 Constitution Avenue, N.W., Washington, D.C. 20210. (202-523-8161)

For additional copies of the regulation contact: OSHA Office of Publications, U.S. Department of Labor, Room S1212, Washington, D.C. 20210. (202-523-7119).

SUPPLEMENTARY INFORMATION: On January 16, 1981, the Occupational Safety and Health Administration (OSHA) published the revision to 29 CFR Part 1910, Subpart S, as a final standard (46 FR 4034). Subpart S contains OSHA's electrical safety standards. This notice corrects the standards as they appeared in the **Federal Register**. Most of the corrections involve minor typographical errors. However, the correction which deals with § 1910.308(e), relating to communication systems, is worthy of some discussion.

In the proposal, OSHA neglected to include a statement indicating which parts of Subpart S were applicable to communication systems. As several commenters noted, this omission would have made all such systems subject to all of the provisions of Subpart S. Such coverage of communication systems was not contained in the existing OSHA electrical standards (1971 NEC), nor was

it intended by OSHA to be imposed by the revision of those standards. Therefore, in the final standards § 1910.308(e), which deals specifically with communication systems, was amended by the addition of the following statements:

> These installations need not comply with the provisions of §§ 1910.303 through 1910.308(d).

However, the exemption provided by this added language is broader than was intended by OSHA. It inadvertently exempts communication systems from two provisions, § 1910.304(c)(1) and § 1910.307(b), which specifically refer to these systems. The requirements contained in these paragraphs have been applied to communication systems under OSHA ever since Subpart S was originally promulgated under section 6(a) of the Occupational Safety and Health Act. These provisions have also been applicable to communication systems in all revisions of the NEC since 1971. It was not OSHA's intention in the final standard to exempt communication systems from the provisions of revised Subpart S which specifically refer to such systems.

The background of §§ 1910.304(c)(1) and 1910.307(b) demonstrates that these provisions and their counterparts in the NEC have always been applicable to communication systems. The 1971 National Electrical Code (NEC) was incorporated by reference as the Occupational Safety and Health Administration's (OSHA) previous General Industry Electrical Safety Standard. The NEC consisted of nine chapters. Chapter 8 addressed communication systems. In the introduction to the NEC, Chapter 8 was made independent of the other chapters by using the following statement in Section 90–3:

> Chapter 8 covers communications systems and is independent of the other chapters except where they are specifically referenced therein.

This same statement has been retained in all subsequent revisions of the NEC. In several places in the NEC, outside Chapter 8, the Code makes reference to communication systems. For example, 1978 NEC Section 501–14 (which is in Chapter 5) requires all apparatus and equipment of communication systems installed in Class I, Division 1 locations to be "approved for the location." This requirement therefore applies in addition to the provisions of Chapter 8 of the 1978 NEC. Another example can be found in 1978 NEC Section 225–14 (in Chapter 2), which prescribes climbing space clearances for conductors on poles. These same provisions were also in the 1971 NEC and were thus included in OSHA's previous electrical standards.

As previously noted, communication systems are specifically referenced in § 1910.304(c)(1) and § 1910.307(b) of the revised standards. Therefore, in addition to the requirements of § 1910.308(e), these two paragraphs are intended to apply to communication systems.

Paragraph (c)(1) of § 1910.304 addresses climbing space clearances for power and communication conductors mounted on poles. This requirement was derived from 1978 NEC Section 225–14(d) (1971 NEC Section 730–14(e)). Communication conductors were included in this paragraph to keep all climbing space requirements in one place, instead of having one in § 1910.304 and one in § 1910.308(e). Additionally, this requirement is more logically located in § 1910.304(c), because the required clearances are dependent on the presence and orientation of both the power lines and the communication lines. (It should be noted that there is no clearance requirement for communication conductors mounted alone.) Paragraph (c)(1) of § 1910.304 specifically refers to communication conductors, and the correction being made clarifies that it applies to communication systems in addition to the requirements of § 1910.308(e).

Paragraph (b) of § 1910.307 contains general provisions for hazardous (classified) locations, requiring equipment installed in these locations to be: (1) intrinsically safe, (2) approved for the purpose, or (3) safe for the hazardous (classified) location. The third option (§ 1910.307(b)(3)) can be met by meeting the requirements of the National Electrical Code. As mentioned in the Note to paragraph (b)(3), Chapter 5 of the NEC addresses communication systems for installation in hazardous (classified) locations.

Under the previous OSHA electrical standards, Sections 501–14, 502–14, and 503–12 of the 1971 NEC provided specifications for the installation of communication systems in hazardous (classified) locations. Those provisions applied to these systems in addition to the special provisions for such systems contained in NEC Chapter 8. This framework has been carried forward in subsequent editions of the NEC.

OSHA's revision of the hazardous (classified) locations sections of Subpart S (§ 1910.307) was intended to provide greater flexibility for compliance without reducing employee safety, through the use of performance-oriented language where possible. Although this resulted in the deletion of the previous standards' specifications for installation of communication systems, OSHA did not intend thereby to remove these systems completely from coverage of the hazardous locations provisions. To do so would be inconsistent both with the purposes behind the revisions and with the coverage contained in the NEC.

The Note to § 1910.307(b)(3), as published in the final standards, specifically references communication systems as one area covered by the guidelines for compliance with the hazardous location requirements. Although this reference is not found in the body of § 1910.307 itself, it is included in the note in order to highlight areas of concern to the employer in meeting the broad performance language of that section. This reference to communication systems indicates that such systems are intended to be covered by § 1910.307(b). This continues the coverage which applied under the previous OSHA standard and is consistent with the applicability of these provisions under the NEC. It is, therefore, necessary to correct § 1910.308(e) to indicate that communications systems installed in hazardous locations are still subject to the hazardous (classified) locations requirements of the OSHA electrical standards.

For the reasons previously noted, OSHA is correcting § 1910.308(e) to indicate that communication systems covered by that paragraph are also subject to the provisions of § 1910.304(c)(1) and § 1910.307(b). This correction imposes no additional burden on employers whose installations have been in compliance with the previous OSHA standards or with the NEC. They carry forward the coverage of communication systems that has continually been followed in the recent editions of the NEC.

Therefore, OSHA is correcting the last sentence of § 1910.308(e)(1) to read:

> These installations need not comply with the provisions of §§ 1910.303 through 1910.308(e), except § 1910.304(c)(1) and § 1910.307(b).

These corrections are effective October 6, 1981.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Authority: This document is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), 5 U.S.C. 553, and 29 CFR Part 1911.

Signed at Washington, D.C., this 24th day of July 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

The following corrections are made to 29 CFR 1910, Subpart S, appearing in the **Federal Register** on January 16, 1981 (46 FR 4034–4076):

Section	FR Page	Column and line	Correction
None	4034	1st, last	The phone number "(202–523–8677)" should be "(202–523–7119)".
1910.301(e)	4056	2nd, 23rd from top	After the word "*Definitions*" add period and "Definitions".
1910.302(a)(2)(iii)	4056	2nd, 7th from bottom	Change "communcation" to "communication".
1910.302(a)(2)(iv)	4056	2nd, 5th from bottom	Change "communcation" to "communication".
1910.302(b)(1)	4056	3rd, 33rd from top	Remove the colon and insert a period.
1910.302(b)(1)	4056	3rd, 49th from top	Change section number "1910.305(g)(i)(ii)" to "1910.305(g)(1)(ii)."
1910.302(b)(1)	4056	3rd, 56th from top	Change "location" to "locations".
1910.303(e)	4057	2nd, 16th from top	Change "and" to "or".
1910.303(f)	4057	2nd, 33rd from top	Remove the word "involvement".
1910.303(Table S–1)	4057	3rd, 3rd line in Note 2	Change "othe" to "other".
1910.303(Table S–2)	4058	2nd, Title of Table S–2	Change the title "Minimum Depth of Clear working Space in Front of Electric Equipment" to "Minimum Depth of Clear Working Space in Front of Electric Equipment".
1910.304(c)(4)	4059	3rd, 29th from top	After the word "that" add a colon.
1910.304(f)(1)(ii)(*b*)	4060	2nd, 20th from top	Change the numbers "(f)(1)(iii), (f)(1)(v)" to "(f)(1)(ii), (f)(1)(iv)".
1910.304(f)(5)(v)(*a*)	4061	1st, 20th from bottom	Change the number "1910.306" to "1910.307".
1910.304(f)(5)(v)(*c*)(*3*)	4061	1st, 5th from bottom	Add hyphen between "motor" and "operated".
1910.304(f)(5)(v)(*c*)(*4*)	4061	1st, 4th from bottom	Add hyphen between "motor" and "operated".
1910.304(f)(6)(ii)	4061	2nd, 20th from bottom	Remove the words "shall be" and insert "is".
1910.304(f)(6)(iii)	4061	2nd, 10th from bottom	Remove the words "shall be" and insert "is".
1910.305(a)(1)(i)	4062	1st, 4th from top	Change "othe" to "other".
1910.305(a)(2)(iii)(*a*)	4062	1st, 22nd from bottom	Change "approval" to "approved".
1910.305(a)(2)(iii)(*f*)	4062	2nd, 14th from top	Change "accidential" to "accidental".
1910.305(a)(2)(iii)(*f*)	4062	2nd, 18th from top	Change "of" to "or".
1910.305(a)(3)(i)(*a*)(*6*)	4062	2nd, 31st from bottom	Change "Nonmetallic-sheathed" to "nonmetallic-sheathed".
1910.305(a)(3)(i)(*b*)(*7*)	4062	2nd, 6th from bottom	After the word "and" add "other".
1910. 305(b)(1)	4062	3rd, 8th from bottom	After the word "shall" add "also".
1910.305(b)(1)	4062	3rd, 7th from bottom	Remove the word "also".
1910.305(g)(1)(iv)	4063	2nd, 6th from bottom	Change "to" to "in".
1910.305(j)(4)(ii)(*A*)(*1*)	4064	2nd, 32nd from bottom	Change "such as metal and" to "such as a metal or".
1910.305(j)(4)(ii)(*A*)(*1*)	4064	2nd, 31st from bottom	Change "machines, cranes, and" to "machine, crane, or".
1910.305(j)(4)(ii)(*A*)(*1*)	4064	2nd, 30th from bottom	Change "hoists" to "hoist".
1910.305(j)(7)	4065	1st, 33rd from top	Change "battiers" to "batteries".
1910.306(a)(1)	4065	1st, 12th from bottom	Change "underground" to "ungrounded".
1910.306(a)(2)	4065	1st, 2nd from bottom	Change "oridinary" to "ordinary".
1910.306(b)(1)	4065	2nd, 6th from top	After the word "*means*" add "(i)".
1910.306(c)(1)	4065	2nd, 18th from bottom	Change "underground" to "ungrounded".
1910.306(g)(2)(i)	4066	1st, 11th from top	Change "or" to "of".
1910.306(h)(1)	4066	1st, 3rd from bottom	Change "or" to "of".
1910.306(h)(3)(ii)	4066	2nd, 17th from bottom	After the word "working" add "zone or".
1910.306(h)(7)(ii)	4066	3rd, 25th from bottom	Change "housing" to "housings".
1910.306(j)(2)(ii)(*a*)	4067	2nd, 23rd from top	After the date "1981" add a comma.
1910.307(b)	4067	3rd, 24th from bottom	After the word "in" add "hazardous" and add parentheses around "classified".
1910.307(b)	4067	3rd, 23rd from bottom	After the comma (after the word "safe") add "or".
1910.307(b)(2)(ii)	4068	1st, 4th from top	Change "shall" to "may".
1910.307(b)(2)(ii)(*a*)	4068	1st, 13th from top	Change "heat producting" to "heat-producing".
1910.307(b)(2)(ii)(*a*)	4068	1st, 15th from top	After "F)" delete the comma.
1910.308(a)(2)(i)	4068	2nd, 29th from bottom	Change "circuit breakers located" to "circuit breaker installations located".
1910.308(a)(2)(i)	4068	2nd, 28th from bottom	Add "units" after "metal-enclosed".
1910.308(a)(2)(i)	4068	2nd, 27th from bottom	Remove comma after "resistant".
1910.308(b)(2)	4069	1st, 19th from top	Change "with" to "as".
1910.308(e)(1)	4069	3rd, 24th from top	Add ", except § 1910.304(c)(1) and § 1910.307(b)" between "1910.308(d)" and before the period.
1910.399(a)(24)(i)Note	4071	2nd, 28th from bottom	After the word "factors" change "to" to "that".
1910.399(a)(24)(i)Note	4071	2nd, 27th from bottom	Remove the word "be" and change "considered" to "consideration".
1910.399(a)(25)(ii)	4071	3rd, 30th from bottom	After the word "which" change the comma to a colon.
1910.399(a)(25)(ii)	4071	3rd, 27th from bottom	After the word "mixtures" change the semicolon to a comma.
1910.399(a)(25)(ii)	4071	3rd, 23rd from bottom	Change "Dust" to "dust".
1910.399(a)(25)(ii)Note	4071	3rd, 9th from bottom	Change "operation" to "operating".
1910.399(a)(70)	4073	1st, 12th from bottom	Remove the word "under".
1910.399(a)(112)(i)	4074	3rd, 17th from top	Change "flame-retardent" to "flame-retardant".
1910.399(a)(124)(i)	4075	1st, 32nd from top	Change "Switch" to "switch".
Appendix A	4075	3rd, 20th from top	Change "Rotocraft" to "Rotorcraft".
Appendix A	4075	3rd, 26th from top	Change "C2–77" to "C2–81".

[FR Doc. 81–22486 Filed 8–6–81; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4 FRL 1870-1]

Approval and Promulgation of Implementation Plans; Kentucky: Approval of 1979 Carbon Monoxide Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of the State Implementation Plan (SIP) revisions which the Kentucky Department for Natural Resources and Environmental Protection (DNREP) submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended in 1977, for the Jefferson County's ozone nonattainment area. This action by EPA lifts the restrictions imposed by Section 110(a)(2)(I) of the Clean Air Act on the permitting of new stationary sources of carbon monoxide in Jefferson County.

EPA approves the SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County.

DATE: These actions are effective August 7, 1981.

ADDRESSES: Copies of the materials submitted by Kentucky and the comments received in response to the proposal notice of November 15, 1979 (44 FR 65781), and EPA's response to the comments may be examined during normal business hours at the following locations:

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365.

A copy of the Kentucky submittals may also be examined at the following location: Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Tom Little, EPA Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365, 404/881-2864 or FTS 257-2864.

SUPPLEMENTAL INFORMATION:

Background

In the November 15, 1979, **Federal Register** (44 FR 65781) EPA proposed conditional approval of the Kentucky SIP revisions for Jefferson County which is designated nonattainment (primary and secondary standards are the same) for carbon monoxide.

The Kentucky revisions have been reviewed by EPA in light of the Clean Air Act (CAA), EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, 1979 (44 FR 20372), and need not be repeated in detail here. Supplements to the April 4 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53716), and November 23, 1979 (44 FR 67182). The proposal of November 15, 1979, gave detailed justification for EPA's finding that the revisions, aside from the deficiencies described, satisfy the requirements of Section 172(b) of the Clean Air Act. This detail is not repeated here.

EPA is approving the revisions because the deficiencies noted in the proposal have been corrected. The discussion below deals with these and the corrective submittals made by Kentucky in response to the proposed conditional approval.

Inspection/Maintenance (I/M)

The Commonwealth has requested an extension to the end of 1987 for meeting the ozone and carbon monoxide standards in Louisville (Jefferson Co.). Therefore, a mandatory inspection and maintenance (I/M) program for motor vehicles, other transportation control measures, and a new source review program consistent with Section 172(b)(11) must be implemented. These requirements were described in detail in the notice conditionally approving the 1979 ozone revisions (45 FR 6092, January 25, 1980). This notice described the State's efforts to assure adequate legal authority for I/M, and granted an extension for certification of adequate legal authority to June 30, 1980. EPA had proposed on November 15, 1979, to approve the I/M portion of the SIP on condition that the State make certification of adequate legal authority by June 30, 1980.

The 1980 General Assembly considered but did not pass a bill establishing an I/M program. In response, local officials again attempted to avoid the imposition of the economic limitations required by the Clear Air Act by adopting an ordinance. On June 24, 1980, the Jefferson County Fiscal Court adopted an ordinance allowing for the implementation and enforcement of an I/M program. This program is to be a contractor-operated centralized annual inspection utilizing a "sticker and fine" system for enforcement.

The Jefferson County Air Pollution Control Board will administer the program. The vehicles to be tested include all vehicles registered in Jefferson County as well as any car registered in any other Kentucky County or Indiana County where the owner of said car works in Jefferson County and uses that car to commute to work. The ordinance includes a $100.00 waiver fee for emission related repair. The ordinance provides that the emission standards in the Jefferson County I/M program will be compatible with Federal requirements. EPA interprets this to mean that the county's I/M program will satisfy the requirement for minimum program effectiveness as specified in EPA's I/M Policy memorandum from David G. Hawkins to the Regional Administrators dated July 17, 1978. It is expected that the presently proposed regulations which demonstrate that the Jefferson County I/M program will achieve a 25 percent reduction in vehicular emissions will be adopted. The submission of these regulations, after formal adoption, is required for the 1982 SIP revision. As required by the SIP policy published January 22, 1981 (46 FR 7182), the state must demonstrate in its 1982 SIP revision that the Jefferson County I/M program will produce a 25 percent reduction in mobile source emissions by December 31, 1987 according to Mobile 1 or a 35 percent reduction using Mobile 2. However, the county has failed to meet a number of the milestone dates which were contained in the I/M implementation schedule which was submitted as a SIP revision on January 8, 1981. EPA has requested the county to adopt a new schedule which establishes new dates for the milestones which the county has not met.

Transportation Control Plan

EPA reviewed the Transportation Control Plan (TCP) according to the requirements listed in the CAA and found that the submittal adequately addressed all of those issues except for the deficiencies described in the November 15, 1979, proposed conditional approval notice. The submittal of November 19, 1980, included corrections to these deficiencies as described below:

1. Deficiency

In Appendix F (Kentuckiana Regional Planning and Development Agency

(KIPDA), P. 74–78) certain transportation control measures (TCM's) are identified as "adopted but not yet implemented". Each of these TCM projects must include commitments from the appropriate agencies for implementation and enforcement. Schedules for initiation and completion or implementation of the measures must be contained in the SIP.

2. Deficiency

The appropriate agency(s) must examine the air quality benefits from all projects in the long-term as well as short-term to ensure that a project will continue to have air quality benefits throughout its lifetime. EPA will accept for inclusion in the SIP only those measures meeting this criterion. EPA also requires that the projected emission reductions must be verified through the annual reporting requirements related to the Reasonable Further Progress Curve.

3. Deficiency

Section 108(f) requires EPA to publish and make available information documents on transportation control measures that are reasonably available for implementation in order to reduce emissions from transportation sources. EPA considers all Section 108(f) measures to be reasonably available. The Commonwealth submission lacks a commitment to justify a decision not to implement any measures found reasonably available but difficult to implement. The submittal does not contain the schedule for analysis of packages of *all* the Section 108(f) measures with a commitment to implement expeditiously the measures that are found feasible for implementation.

The November 19, 1980, submittal by the Commonwealth included letters of commitments from all appropriate agencies to correct each of the above deficiencies. Specifically, the submittal included letters of commitment from all appropriate agencies to implement and enforce TCMs, examine long-term air quality impacts and implement all 108(f) measures, or justify a decision not to implement any 108(f) measure which is found difficult to implement.

Comments and Responses

One commenter submitted extensive comments which it requested be considered part of the record for each State plan. Each of the points raised by the commenter was responded to as part of the conditional approval of the Kentucky ozone SIP on January 25, 1980 (45 FR 6092). Those responses need not be repeated here. In addition, a number of comments were directed specifically to the proposed approval of Kentucky's 1979 CO revisions. These were carefully considered and found not to be of such a nature as to alter the Agency's proposed action. A summary of these comments has been prepared in a technical support document which also presents the Agency's responses. This document may be consulted at the locations noted above under "Addresses."

Actions

The Administrator approves Kentucky's 1979 revisions for the Jefferson County CO nonattainment area. This action is effective immediately. EPA finds good cause to make this approval immediately effective, because the Clean Air Act restricts new construction after June 30, 1979, where plans are not approved. Making the approval immediately effective lifts this restriction as soon as possible and imposes no requirement that is not already in effect at the State level. EPA approves the SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County and which revises dates for milestones which the county has not met. Also, since all the requirements have been satisfied for an attainment date extension, the Administrator extends to December 31, 1987, the date by which the national standards for carbon monoxide are to be met in Jefferson County.

In conditionally approving Kentucky's Part D revisions for TSP nonattainment areas on December 24, 1980 (45 FR 84999), an 18-month extention of the deadline for submitting a plan to attain the secondary standard in Boyd, Daviess, Henderson, and Jefferson Counties was not given through an oversight. This action was proposed in the notice of November 15, 1979 (44 FR 65781), and is made final today. Also, in the rulemaking notice of October 31, 1980 (45 FR 72153), conditionally approving the Part D revisions for SO_2, a new § 52.936, Rules and Regulations, was added through an oversight, even though there was an existing section (52.932) devoted to this topic. The material of § 52.936 is here moved into § 52.932.

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 Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state and local actions, and applies to only one county.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA, Region IV, 345 Courtland Street, Atlanta, Georgia.

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

(Sections 110, 172, and 301(a) of the Clean Air Act (42 U.S.C. 7410, 7502, and 7601(a)))

Dated: July 29, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart S—Kentucky

1. Section 52.920 is amended by adding a subparagraph (17) to paragraph (c) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(17) 1979 Revisions for Part D requirements for the Jefferson County carbon monoxide nonattainment area, submitted on June 29, 1979, by the Kentucky Department for Natural Resources and Environmental Protection. Additional materials to correct the deficiencies noted in the November 15, 1979 proposed conditional approval were submitted as SIP revisions on September 22, 1980, November 19, 1980, and January 8, 1981, as noted in the preceding subparagraph.

2. Section 52.922 is amended by adding paragraphs (d) and (e) as follows:

§ 52.922 Extensions.

* * * * *

(d) The Administrator hereby extends until December 31, 1987, the attainment date for the national standards for carbon monoxide in Jefferson County.

(e) The Administrator hereby extends for 18 months (until July 1, 1980), the statutory timetable for submittal of plans to attain the secondary standard for particulate matter in Boyd, Daviess, Henderson, and Jefferson Counties.

§§ 52.932 and 52.936 [Amended]

3. Paragraphs (a) and (b) of § 52.936 are transferred to § 52.932 of this Subpart and redesignated paragraphs (b) and (c) respectively.

[FR Doc. 81-23108 Filed 8-6-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-H FRL 1870-3]

Approval and Promulgation of Implementation Plans; Kentucky: Approval of 1979 Ozone Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of the State Implementation Plan (SIP) revisions which the Kentucky Department for Natural Resources and Environmental Protection submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended in 1977, for the Jefferson County ozone nonattainment area. EPA also announces approval of the SIP for the Boyd County ozone nonattainment area. The Commonwealth of Kentucky has submitted additional material to correct the deficiencies cited for Jefferson and Boyd Counties in EPA's January 25, 1980 conditional approval of the ozone Part D SIP. EPA approves the Jefferson County SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County.

DATE: These actions are effective September 8, 1981.

ADDRESSES: Copies of the materials submitted by Kentucky to satisfy the conditional approval may be examined during normal business hours at:

Library, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.

Kentucky Division of Air Pollution Control, West Frankfort Office Complex, 1050 U.S. 127 Bypass South, Frankfort, Kentucky 40601.

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Tom Little, EPA Region IV, Air Programs Branch at the above address and telehone number 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On January 25, 1980 (45 FR 6093), EPA conditionally approved the Jefferson and Boyd County portions of the Kentucky ozone SIP. Certain deficiencies were noted in the SIP. For Jefferson County these were the lack of an auto emission inspection and maintenance (I/M) plan, and the lack of commitments from appropriate agencies to implement various transportation control measures (TCMs) contained in the SIP and to implement all Section 108(f) measures, or to justify a decision not to implement any particular measures. In addition, the appropriate agencies had to commit themselves to study the long term as well as short term air quality benefits of transportation projects included in the SIP. Finally, the Commonwealth's regulations for volatile organic compounds (VOC) included an exemption for certain oil-effluent separators. That exemption had to be either removed or justified. This last deficiency was noted for both Boyd and Jefferson Counties. These conditions were discussed in more detail in the January 25, 1980 conditional approval. Submittals to satisfy those conditions were due June 30, 1980 for the I/M measures and June 1, 1980 for the remaining commitments.

The Commonwealth was given until June 30, 1980, to submit I/M legal authority because the Kentucky General Assembly meets only every other year and did not have adequate information for the 1978 session to consider I/M. However, although an I/M bill passed the Senate, the 1980 session failed to enact any I/M legislation. EPA, the Commonwealth and local governments investigated other options including the operation of the program by the local governments. The Jefferson County Fiscal Court enacted a county-wide I/M ordinance on June 24, 1980. Several minor amendments, including some made at EPA's request, were adopted on July 8. The ordinance satisfies the requirement for legal authority to enact I/M in the county. The ordinance contains a requirement that the I/M standards be compatible with the federal requirements; On July 16, 1980, the Jefferson County Air Pollution Control Board adopted an I/M implementation schedule which gives implementation dates for all significant milestones in implementing the program. These items were submitted as part of the Kentucky SIP on September 22, 1980. Because public hearings on the I/M regulations raised several questions which will require longer than expected to resolve, the Air Pollution Control Board decided to revise the I/M schedule. A new schedule, which postpones some of the interim dates by about three months but does not affect the startup date, was adopted on December 17, 1980. However, the County has failed to meet a number of milestone dates which were contained in the I/M implementation schedule which was submitted as a SIP revision on January 8, 1981. EPA has requested the county to adopt a new schedule which establishes new dates for the milestones which the county has not met.

The ordinance provides that the emission standards in the Jefferson County I/M program will be compatible with Federal requirements. EPA interprets this to mean that the county's I/M program will satisfy the requirement for minimum program effectiveness as specified in EPA's I/M Policy memorandum from David G. Hawkins to the Regional Administrators dated July 17, 1978. It is expected that the presently proposed regulations which demonstrate that the Jefferson County I/M program will achieve a 25 percent reduction in vehicular emissions will be adopted. The submission of these regulations, after formal adoption, is required for the 1982 SIP revision. As required by the SIP policy published January 22, 1981 (46 FR 7182), the state must demonstrate in its 1982 SIP revision that the Jefferson County I/M program will produce a 25 percent reduction in mobile source emissions by December 31, 1987 according to Mobile 1 or a 35 percent reduction using Mobile 2.

Commitments for the various transportation control measures have been submitted by Kentucky. This included letters of commitment from all the agencies responsible for TCMs in Jefferson County. Some of the commitment letters were delayed because of uncertainty as to the form of commitments that were required, but all necessary commitments were finally submitted on November 19, 1980. EPA feels these commitment letters meet all the remaining requirements for approval of the TCM portion of the SIP.

The exemption for oil-effluent separators exempted separators handling products with a Reid Vapor Pressure under 0.5 PSIA. On May 18, 1980, the Secretary of the Kentucky Department for Natural Resources and Environmental Protection wrote EPA to justify the exemption. She certified that this exemption would affect only one facility in the State and that, in any case, the control required at this facility would assure 96% of the emission reduction estimated using the

reasonably available control technology as defined in EPA's control techniques guidelines. Because the level of control is within 5% of that achieveable using RACT, EPA approves this exemption.

Action

The Administrator approves the Kentucky ozone SIP for the Boyd and Jefferson Counties nonattainment areas. This approval becomes effective on September 8, 1981. EPA approves the Jefferson County SIP with the understanding that the Kentucky Department for Natural Resources and Environmental Protection will submit a new I/M implementation schedule which has been formally adopted by Jefferson County and which revises dates for milestones which the county has not met.

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 Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state and local actions and affects only two counties.

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

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

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410, 7502))

Dated: July 29, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart S—Kentucky

1. Section 52.920 is amended by adding a subparagraph (16) to paragraph (c) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(16) Corrections in 1979 ozone revisions required by conditional approval of January 25, 1980, submitted on May 18, 1980 (letter on oil-water effluent separators), September 22, 1980 (Jefferson County I/M ordinance and schedule), November 19, 1980 (Jefferson County transportation related commitments), and on January 8, 1981 (changes in Jefferson County I/M schedule), by the Kentucky Department for Natural Resources and Environmental Protection.

§ 52.930 [Amended]

2. In § 52.930, paragraph (a) dealing with the conditional approval of the ozone control strategy for Jefferson and Boyd Counties is removed.

[FR Doc. 81-23110 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1873-6]

Approval and Promulgation of Implementation Plans; South Carolina: Public Notification and Awareness

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Section 127 of the Clean Air Act, as amended in 1977 requires that States submit a plan which will notify the public on a regular basis when air quality violations occur, enhance public awareness of air pollution preventive measures and encourage or provide for the public to participate in regulatory and other efforts to improve air quality (40 CFR 51.285). The State of South Carolina has responded by preparing a revision to the implementation plan and has formally submitted the revision to EPA. EPA is approving this revision. 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 October 6, 1981.

ADDRESSES: The South Carolina submittal may be examined during normal business hours at the following locations:

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

Library, Environmental Protection Agency, Region IV

Office of the Federal Register, 1110 L Street NW., Washington, D.C. 20005

South Carolina Department of Health and Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

Comments should be addressed to EPA Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Denise Pack, Air Programs Branch, EPA Region IV at the above address, 404/881-3286 (257-3286).

SUPPLEMENTARY INFORMATION: South Carolina has included in the plan several provisions relative to public notification and measures to enhance public awareness of methods which can be taken to prevent NAAQS exceedances. Such provisions include workshops, exhibits, pamphlets, and news releases. The plan also provides for measures regarding regulatory efforts. This has been proposed to be accomplished through workshops, conferences, public hearings and responding to public inquiries and public information programs.

ACTION: EPA is today approving this revision in the South Carolina plan. This is being done without prior proposal because the changes are noncontroversial and of limited impact, and no comments are anticipated. The public should be advised that this revision 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 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.

(Sections 110 and 127(a) of the Clean Air Act 942 U.S.C. 7410 and 7427(a))

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

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

Subpart PP—South Carolina

In § 52.2120, paragraph (c) is amended by adding subparagraph (16) as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(16) Provision for public participation to satisfy section 127(a) of the Clean Air Act, submitted on March 10, 1980 by the South Carolina Department of Health and Environmental Control.

[FR Doc. 81-23155 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-1-FRL 1871-7]

Designations of Areas for Air Quality Planning Purposes; Massachusetts Redesignation of Attainment Area Boundaries; Primary and Secondary Sulfur Dioxide Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 12, 1981 (46 FR 26355) EPA published a Notice of Proposed Rulemaking (NPR) approving a request from the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) to designate each of the 351 cities and towns in Massachusetts as separate Section 107 attainment areas with respect to primary and secondary sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). The entire State was originally designated as one attainment area on March 3, 1978 (43 FR 9037). This redesignation of attainment area boundaries will minimize the analysis of changes in ambient air levels of SO_2 resulting from construction of new sources or from relaxations of sulfur in fuel limits required by the August 7, 1980 Prevention of Significant Deterioration (PSD) regulations (45 FR 52676). One comment supporting this proposed action was received. EPA is today issuing its final approval of this redesignation of attainment area boundaries.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460; and Department of Environmental Quality Engineering, One Winter Street, Boston, Massachusetts 02110.

SUPPLEMENTARY INFORMATION: The purpose and effects of this redesignation were fully explained in EPA's Notice of Proposed Rulemaking (NPR) published on May 12, 1981 (46 FR 26355) and will not be repeated here. This redesignation will not change the attainment *status* of any portion of the state with respect to primary and secondary SO_2 NAAQS; it will simply change the geographic boundaries of the state's attainment areas.

§ 81.332 Massachusetts.

EPA finds good cause for making this rulemaking effective immediately for the following reasons:

1. The implementation plan is already in effect under State law and EPA approval imposes no additional regulatory burden.

2. This rulemaking will facilitate State Implementation Plan revisions allowing the burning of less expensive higher sulfur fuel.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I have certified that attainment area redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes an attainment area redesignation under Section 107 (d) of the Clean Air Act. This action imposes no regulatory requirement but only redesignates attainment area boundary lines.

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 this action imposes no regulatory requirement but only redesignates attainment area boundary lines.

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

(Sec. 107 (d)(5) of the Clean Air Act, as amended (42 U.S.C. 7407(d)))

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81322, the table entitled "Massachusetts—SO_2" is revised to read as follows:

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standard
Massachusetts—SO_2				
Boston and Milton				X.
Belchertown, Granby, Ludlow, Palmer, South Hadley and Wilbraham.				X.
Remaining individual cities and towns [1]				X.

[1] Each city and town, with the exception of Boston and Milton and Belchertown, Granby, Ludlow, Palmer, South Hadley and Wilbraham as indicated above, is a separate Section 107 designated attainment area.

[FR Doc 81-22992 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[FPMR Temp. Reg. D-65, Supp. 3]

41 CFR Ch. 101

Federal Vehicle Parking Facilities

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement suspends those portions of paragraphs 6, 7, 11, 13, and 14 of Federal Property Management Regulations (FPMR) Temporary Regulation D-65, relating to employee parking fees. It further restates and clarifies those paragraphs relating to definitions of handicapped employees, vanpools, the number of spaces available for executive personnel and/or persons who are assigned unusual hours and extends the expiration date of the temporary regulation.

DATES: Effective date: This regulation is effective March 13, 1981.

Expiration date: This regulation expires June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Paul H. Herndon III, Director, Space Management Division, Office of Space Management (202-566-1875).

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

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter D to read as follows:

July 27, 1981.

Federal Property Management Regulations; Temporary Regulation D-65; Supplement 3

To: Heads of Federal agencies
Subject: Federal Employee Parking

1. *Purpose.* This supplement suspends those portions of paragraphs 6, 7, 11, 13, and 14 of Federal Property Management Regulations (FPMR) Temporary Regulation D-65, relating to employee parking fees. It further restates and clarifies those paragraphs relating to definitions of handicapped personnel and/or persons who are assigned unusual hours and extends the expiration date of the temporary regulation.

2. *Effective date.* This regulation is effective March 13, 1981.

3. *Expiration date.* This regulation expires June 1, 1982, unless superseded or canceled.

4. *Background.*

a. On April 6, 1979, the Office of Management and Budget (OMB) issued a draft circular which required, among other things, that Federal employees be charged for parking at all Federal facilities where the value of the spaces exceeded $10 per month. Agency comments were received and the final circular was signed on August 13, 1979, and formally issued on August 15, 1979. FPMR Temporary Regulation D-65 was issued on September 6, 1979, with an expiration date of August 15, 1980. Supplements 1 and 2 extended the expiration date to November 1, 1980, and December 31, 1981, respectively.

b. On March 13, 1981, the U.S. Court of Appeals for the District of Columbia refused to stay a decision and order of the District Court enjoining the Government from the assessment of charges against Federal employees for the use of Government-controlled parking spaces. On March 20, 1981, the Commissioner, PBS, advised the National Headquarters of all Federal agencies that until further notice the agencies subject to the regulation should immediately suspend fee collections. The priority of assignment of parking spaces contained in paragraph 7 and 8 of the temporary regulation will remain in effect.

5. *Explanation of changes.*

a. Paragraph 3 is revised to reflect new expiration date.

b. Paragraph 5e is revised to reflect Office of Management and Budget's definition of handicapped employees.

c. Paragraph 5i is revised to further define "vanpool" and "van."

d. Subparagraph 8a(2) is revised to reflect a goal of not more than 10 percent of the total spaces available for employee parking on an agencywide basis for executive personnel and/or employees assigned unusual hours.

e. Paragraph 11 is revised to suspend the collection of parking fees pending a decision on the appeal of the U.S. District Court of the District of Columbia order of March 13, 1981, enjoining collection.

Gerald P. Carmen,

Administrator of General Services.

July 27, 1981.

Changes to Federal Property Management Regulations, Temporary Regulation D-65

1. Paragraph 3 is revised to read as follows:

3. *Expiration date:* This regulation expires June 1, 1982, unless superseded or canceled.

2. Paragraphs 5e and 5i are revised to read as follows:

e. "Handicapped employee" means a Government employee who has a severe, permanent physical or mental impairment which for all practical purposes precludes the use of public transportation or an employee unable to operate a car as a result of a permanent impairment (e.g., the blind) and who is driven to the place of employment by someone else. Priority may require certification by an agency medical unit, including the Veterans Administration, or the Public Health Service.

i. "Vanpool" means a group of at least 8 persons using a passenger van or a commuter bus designed to carry 10 or more passengers. Such a vehicle must be used for transportation to and from work in a single daily round trip.

3. Paragraph 8a(2) is revised to read as follows:

(2) A goal of not more than 10 percent of the total spaces available on an agencywide basis (excluding the spaces assigned to severely handicapped employees) to executive personnel and/or persons who are assigned unusual hours. Executive personnel should make every effort to carpool.

4. Paragraph 11e is added to read as follows:

e. Collection of parking fees has been enjoined by order of the U.S. District Court for the District of Columbia dated March 13, 1981. The court's ruling is under appeal.

[FR Doc. 81-23197 Filed 8-6-81; 8:45 am]

BILLING CODE 6820-23-M

41 CFR Part 101-4

[FPMR Temp. Reg. A-20]

Licensing of Federally Owned Inventions; Temporary Regulation

Correction

In FR Doc. 81-22594 appearing on page 39593 in the issue of Tuesday, August 4, 1981, third column, paragraph numbered 6, Fifth line, "September 4, 1981." should read "September 3, 1981.".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

Editorial Amendment Regarding the Connection of Telephone Terminal Equipment to Certain Classes of Private Line Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is amending Part 68 of its rules regarding the connection of telephone terminal equipment to certain classes of private line services. This action is necessary to delete unneeded equipment categories.

DATES: Effective August 7, 1981.

FOR FURTHER INFORMATION CONTACT: William H. von Alven, Common Carrier Bureau, (202) 632-6440.

Order

Adopted: July 20, 1981.

Released: July 24, 1981.

SUPPLEMENTARY INFORMATION:

In the matter of Editorial amendment of Sections 68.3(f), 68.308(b)(7)(ii)(c) and 68.312(h) of the Commission's rules.

1. The *First Report and Order* in CC Docket No. 79-143, 76 FCC 2d 246 (1980), 45 FR 20830, March 21, 1980, added certain private line services to the purview of the Commission's telephone terminal equipment registration program (Part 68 of the Commission's rules.) It was noted at paragraph 35 of the Order that General Telephone and Electronics (GTE) was proposing two additional OPS (off-premises station) interfaces, Classes D and E, to sections 68.3(f), 68.308(b)(7)(ii)(c) and 68.312(h) of the rules. In order to resolve a problem that might affect general applicability of these new OPS classes, the Commission asked GTE to initiate a rulemaking proceeding within 12 months of the release of this Order. We left the Classes D and E OPS references in the rules on an interim basis.

2. On March 10, 1981, GTE filed a letter with the Commission declining to pursue the matter further and requesting the Commission to delete Classes D and E from the rules. As GTE was the only sponsor of Classes D and E and no Part 68 applicant has sought registration of these classes or OPS circuits, we will delete all references to Classes D and E OPS categories, as follows:

(a) In the table associated with Figure 68.3(f), remove the headings and entries related to Classes D and E.

(b) In the table associated with § 68.308(b)(7)(ii)(C), remove the headings and entries associated with Classes D and E.

(c) In the table associated with § 68.312(h), remove Classes D and E from the heading.

3. Authority for this action is contained in Section 4(i) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature, the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

4. Contact William H. von Alven, telephone (202) 632-6440, regarding the matter covered in this document.

5. In view of the above, it is ordered, that the rule amendments set forth herein be adopted effective August 7, 1981.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Alan R. McKie,

Deputy Executive Director.

[FR Doc. 81-23154 Filed 8-6-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 36

Alaska National Wildlife Refuges; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction

SUMMARY: The interim management Regulations for the Alaska National Wildlife Refuges published in the **Federal Register** on June 17, 1981, 46 FR 31818, contained an error in that a typewritten page was omitted in the package that was submitted to the Office of the **Federal Register.** This document corrects that error.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: William C. Reffalt, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Phone 202-343-4791.

SUPPLEMENTARY INFORMATION: A single typewritten page was omitted from the Alaska National Wildlife Refuge regulations published in the **Federal Register** at 46 FR 31818 et seq. (FR Doc 81-17968). The omission affected the text of sections 50 CFR 36.36 and 36.41 on page 31833. This correction republishes those two sections in their entirety.

PART 36—ALASKA NATIONAL WILDLIFE REFUGES

Accordingly 50 CFR §§ 36.36 and 36.41 are revised to read as follows:

§ 36.36 Sled dogs and household pets.

The general trespass provisions of 50 CFR 26.21 shall not apply to household pets and sled, work, or pack dogs under the direct control of their owners or handlers, but such activities may be prohibited or otherwise restricted pursuant to the provisions of § 36.42

Subpart E—Permits and Public Participation

§ 36.41 Permits.

(a) *Application.* (1) Regulations generally applicable to the National Wildlife Refuge System and these regulations provide in several sections that permits may be obtained from the Refuge Manager. For activities on the Arctic and Yukon Flats Refuges, such permits are to be obtained from the Refuge Manager in Fairbanks, Alaska. For activities on the Becharof, Kodiak, Kenai, Izembek, and Yukon Delta Refuges and for the Aleutian Islands Unit of the Alaska Maritime Refuge, such permits are to be obtained from the Refuge Manager, headquartered, respectively, in King Salmon, Kodiak, Soldotna, Cold Bay, Bethel, and Adak, Alaska. For activities on all other Alaska Refuges, permits are to be obtained from the designated Refuge Manager in Anchorage, Alaska.

(2) If the applicant is unable or does not wish to submit the application in written form, the Refuge Manager shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application.

(3) The Refuge Manager shall grant or deny the application in writing within 45 days of its receipt, except for good cause. In the event the Refuge Manager cannot act upon the application within 45 days of its receipt, he shall so notify the applicant in writing.

(4) The Refuge Manager shall set forth in writing the basis for the decision. If the application is denied, the Refuge Manager shall notify the applicant in writing of the reasons for the denial.

(b) *Denial and appeal procedures.* A person whose application for a permit, required pursuant to this part, has been denied by the Refuge Manager has the right to have the application reconsidered by the Regional Director by contacting him within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in the section under which the permit application is made;

(2) The basis for the permit applicant's disagreement with the prior findings and conclusions; and

(3) Whether or not the permit applicant requests an informal hearing before the Regional Director.

The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Refuge Manager and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Dated: July 22, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-23055 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Change in Catch Rate

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of change in catch rate.

SUMMARY: The catch rate for giant Atlantic bluefin tuna in the General Category, Northern Area, is changed from one to three fish per pay per vessel. Since the catch rate for giant Atlantic bluefin tuna as of August 7, 1981, is below 17 percent of the allowable take, the regulations governing this fishery prescribe this change. The increase in the catch rate will provide handgear fishermen a better opportunity to harvest the quota.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Jerome, Jr., National Marine Fisheries Service, Northeast Region, State Fish Pier, Gloucester, MA 01930, Tel: 617-281-3600, ext. 325.

SUPPLEMENTARY INFORMATION: Final regulations governing the Atlantic bluefin tuna fishery were published on June 13, 1980 (45 FR 40118). The regulations require the Assistant Administrator for Fisheries, NOAA, to reassess the daily catch rate for giant Atlantic bluefin tuna based on specified criteria. Section 285.32(b)(1) provides:

> On or about August 7, the Assistant Administrator shall review dealer and buy-boat reports to determine the total catch of giant bluefin tuna. If the Assistant Administrator determines that 30 percent or more of the quota of giant bluefin tuna is caught, the allowable catch shall be continued at one giant bluefin tuna per day per vessel; if the Assistant Administrator determines that 17 or more percent and less than 30 percent of the quota has been caught, the allowable catch shall be increased to two giant bluefin tuna per day per vessel; if less than 17 percent has been caught the allowable catch shall be increased to three giant tuna per day per vessel.

The Assistant Administrator has determined that the catch of giant Atlantic bluefin tuna in the General Category, Northern Area, is approximately 291 fish. Since this number is less than 17 percent of the total quota, the daily catch rate of giant Atlantic bluefin tuna shall be increased from one to three fish per day per vessel on August 10, 1981. This catch rate will remain in effect at least until September 7, 1981, when the Assistant Administrator shall reevaluate the catch rate, as prescribed by Section 285.32(b)(1). The change in the daily catch for giant Atlantic bluefin tuna does not apply to those vessels registered in the Charter or Harpoon Boat Categories in the Northern Area, or those vessels permitted to take giant Atlantic bluefin tuna in the Southern Area with gear other than purse seines.

Notice of the change has been provided to all dealers and vessel operators permitted by NOAA to operate in the Atlantic bluefin tuna fishery.

This notice implements a provision required by §285.32(b)(1) of the final regulations. The effects of this in-season adjustment of the daily catch rate on the participants in the fishery were considered in the design of the final regulations. Therefore, the Administrator has determined the action: (1) is not a major rule under Executive Order 12291; (2) is not expected to have a "significant economic impact" under the Regulatory Flexibility Act, and (3) is consistent with the Paperwork Reduction Act.

(Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971h)

Dated: July 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-22854 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 282

[Amdt. No. 200]

Monthly Reporting/Retrospective Accounting Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule sets forth procedures for conducting a demonstration project using monthly reporting and retrospective accounting in determining participating households' continuing eligibility and benefit levels. Section 17(b)(1) of the Food Stamp Act of 1977, as amended, authorizes the Secretary to undertake demonstration projects to improve program administration and benefit delivery. The optional use of a monthly reporting and retrospective accounting system by State agencies is specifically authorized in Section 5(f) of the Act. The demonstration project will test the impact of monthly reporting and retrospective accounting on administrative procedures, benefit levels, error rates and client services. Project operations are scheduled to commence on or about August 1, 1981, and will last for approximately eighteen months. The project will be conducted in two sites: Peoria County and the Southeast Local Office of Cook County, Illinois. The Department of Agriculture (USDA) published proposed regulations on this project in the **Federal Register** on December 5, 1980 (45 FR 80804).

EFFECTIVE DATE: August, 1981.

FOR FURTHER INFORMATION CONTACT: Marilyn Carpenter, Chief, Program Research and Analysis Branch, Program Development Division, Family Nutrition

Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; telephone: 202–447–8332. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed in relation to the requirements of Executive Order 12291, and it has been determined that the rule is not a major rule as defined by that order. The Department has determined that this rule will have an effect on the economy of less than $100 million and will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. While the net effect on costs will not be known until the project is evaluated, the project's small geographic scope will limit the fiscal impact to far less than $100 million. The Department has further determined that the rule will not have an adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets. The experimental changes in assistance program reporting and accounting procedures have no foreseeable effects on private enterprises here or abroad. Therefore, the rule is classified as not major.

This rule has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Public Law 96–354, 94 Stat. 1164, September 9, 1980). The Administrator, Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small business entities. The experimental modifications established by this rule will affect only the Illinois State agency, and applicants and participants of the AFDC and Food Stamp Programs in two sites in Illinois; they have no foreseeable impact on small businesses.

Introduction

Section 17(b)(1) of the Food Stamp Act of 1977 (Pub. L. 95–113, 91 Stat. 958, September 29, 1977) authorizes the Secretary of Agriculture to undertake demonstration projects for the purposes of improving program administration and benefit delivery. Under this authority, the Department of Agriculture, in conjunction with the Department of Health and Human Services (HHS), is conducting a Monthly Reporting/Retrospective Accounting (MR/RA) Demonstration Project to determine the effects of such a system on client eligibility, benefit levels, and program administration. Under this system, a household would mail in reports of its prior monthly income, deductions, and other household circumstances. The State agency would use these retrospective figures, rather than prospective estimates of income and expenses, to compute the household's eligibility and coupon allotment each month.

On December 5, 1980, the Department published in the **Federal Register** a proposed rule on this subject, inviting comments from the public (45 FR 80804). The proposed rule implemented, for the purposes of the demonstration project, the proposed rules established for the optional MR/RA system at § 273.21, which were published on that same date (45 FR 80790). The Department received two comment letters regarding the proposed demonstration project regulations within the comment period. One was from a public interest group in the State of Illinois, where the demonstration project will be conducted, and one was from an FNS Regional Office.

The public interest group supported the Department's efforts to reduce errors and increase accuracy. The primary suggestion contained in the letter was that the project's evaluation be designed to determine not only the administrative effects of the project but also the effects on the client population. Their specific suggestion for this effort was the use of a questionnaire which would examine whether participants included in a MR/RA system were in any worse position than excluded participants. The Department is pleased to respond positively to this comment. The evaluation design, from its inception, has included a participant survey, which will be administered to participants in both the experimental and control groups. The findings of this participant survey will be used by the Department in judging the overall impact of the MR/RA system. (Another comment letter, received after the closing date, stressed the need for thorough participant education in system operation. The Department will monitor the Illinois Department of Public Aid actions in this regard.)

The FNS Regional Office which responded to the publication had no problems with its contents.

Since there were no significant comments on the proposed regulations, this preamble will briefly review both the background and the operational features of the project. This information was previously presented in the December 5, 1980 proposed rulemaking (45 FR 80804).

Background

The concept of monthly reporting and retrospective accounting has long been of interest to those concerned with the administration of both the Food Stamp Program and the Aid to Families with Dependent Children (AFDC) Program. Initial findings coming from an experimental project conducted in Colorado by the United States Department of Health and Human Services (HHS) indicated that such a system led to some reduction in costs and could produce a higher degree of acuracy in determining household assistance needs than was afforded through prospective accounting techniques. Based on these findings, HHS decided to undertake a series of demonstration projects to learn more about the effects that a monthly reporting/retrospective accounting (MR/RA) system has on program costs, administration, error rates, and client needs. While USDA was also interested in testing the effects of such a system on Food Stamp Program operations, there was no specific authority to conduct demonstration projects until regulations implementing Section 17(b) of the 1977 Food Stamp Act (Pub. L. 95–113) were published in September 1978.

After these regulations were issued, the Department began a series of conversations with both HHS and those State agencies which were project operators for the HHS MR/RA Demonstration Project. As a result of these conversations and the Department's continuing interest in MR/RA system operations, a decision was made to undertake a demonstration project which would determine the effect that a MR/RA system had on Food Stamp Program administration and operations. While it was acknowledged that the HHS demonstration projects in this area would provide us with some information, it was also recognized that fundamental program differences would obscure our ability to relate such information directly to the Food Stamp Program.

The decision to undertake such a demonstration project was accompanied by the decision to use as a project grantee one of those States chosen by HHS to participate in their demonstration project. The decision was made with the knowledge that in most instances a MR/RA system must be

supported by a sophisticated computer system. Since we believed that there was not sufficient time to acquire such computer equipment and design and prepare such a system for operations, our choices were narrowed to those States which had already accomplished much of the preliminary system design work. Michigan, Massachusetts, Illinois and Vermont all submitted unsolicited proposals which would have included the food stamp component in an upcoming AFDC MR/RA system. Although each State's proposal added to our knowledge about MR/RA, it was determined that the Illinois' proposal best suited the operational and evaluation goals of the Department. Hence, in September 1979, the Department and HHS entered into a joint grant agreement with the Illinois Department of Public Aid.

Since that time, interest in and support of the concept of MR/RA has increased throughout the Federal government. The Administration's 1981 legislative proposals for both the Food Stamp Program and the AFDC Program contain a mandatory requirement to use a MR/RA system to determine benefit levels. With this movement toward a nationwide requirement for MR/RA systems, operation of the Illinois demonstration project will provide information both on one optional procedure for its implementation and on the interrelationship between a food stamp and AFDC system.

Operational Procedures

The demonstration project will implement the proposed rules of s273.21 which were published in the **Federal Register** on December 5, 1980 (45 FR 80790). Those rules are presented in their entirety at s282.17 of this rulemaking. While they speak in terms of participation by several State agencies, for the purposes of this regulation, they are effective only with regard to the State of Illinois. The demonstration project is scheduled to begin on or about August 1981, when the first monthly reports are scheduled to be mailed to participating households in Peoria County. While at the time of the proposed rulemaking project operations were to commence on January 1, 1981, administrative problems have arisen which required postponement of implementation to this later date.

For the purposes of the demonstration project, only one change has been made from the proposed rulemaking implementing the optional MR/RA system requirements. Fifty percent of the households selected to participate in the MR/RA system in the Southeast Local Office of Cook County, Illinois will be assigned an open-ended certification period. While the State agency will contact such households on a continuing basis when the need arises, no standard certification period will be set. This variant in the experimental design is intended to provide data on the need for regularly scheduled recertification interviews. The theory to be tested in this "sub-experiment" is that monthly reporting with ongoing caseworker contacts eliminates the need for specific certification periods. The hypothesis will then be that in a MR/RA system there is no significant difference in the error rates of cases which have scheduled recertification dates and cases which do not have scheduled recertification dates and that any difference in error rates that does occur is due only to chance.

Participants in the demonstration project will be limited to food stamp households headed by an AFDC caretaker relative. In Peoria County, which will serve as the basic administrative test site for the project, all such households will be converted to the MR/RA system. In the Southeast Local Office of Cook County, which will serve as the control/experimental site, such households will be randomly divided into participating/nonparticipating MR/RA households. In both sites, households selected to participate in the demonstration project will be informed both orally and in writing of the project's operations and their roles, rights and responsibilities.

For purposes of monitoring and evaluation, the State agency has agreed to maintain those records and reports required by the Department and the contractor which will be used for project evalaution. Such records and reports will be maintained by the State Agency for three years from the date of submission of the final project expenditure report. Since the MR/RA project involves significantly different treatment of elements of elgibility, FNS has determined that error rates attributable to the project will not be included in the State's overall error rate. To accomplish this, the State will select the quality control sample using normal procedures and review MR/RA cases using procedures designed for a MR/RA system. The results of such reviews, however, will be reported to FNS separately and FNS will not include them in determining the State's cumulative allotment error rate.

For evaluation purposes, however, the State agency will be expected to draw a separate quality control sample from MR/RA cases. Errors discovered through this separate review will require corrective action similar to ongoing case reviews.

For the reasons set out in the preamble, Part 282 of Chapter II of Title 7 of the *Code of Federal Regulations* is amended as follows:

PART 282—DEMONSTRATION, RESEARCH AND EVALUATION PROJECTS

1. In Part 282, §§ 282.16 and 282.17 are added to read as follows:

§ 282.16 Monthly reporting/retrospective accounting demonstration project.

(a) *Purpose.* These regulations establish procedures under which a demonstration project, hereafter referred to as the Monthly Reporting/Retrospective Accounting (MR/RA) Project, will operate. Under this project, participating households will be required to submit a monthly report as a condition of continuing eligibility. Benefit levels will be computed using the prior month's information.

(b) While subsections 5(f) and 6(c) of the Food Stamp Act provide States with the option of using an MR/RA system to determine household eligibility and benefit levels, the Department is undertaking the MR/RA project to determine the effects that the system will have on staff utilization, participation rates, quality control error rates, and client services. These effects will be determined through a systematic evaluation of project administration and results as determined by an independent contractor.

(c) *Related statutory provisions.* Subsection 5(f) of the Food Stamp Act authorizes the Secretary to develop retrospective accounting standards and regulations, while subsection 6(c) of the Act authorizes him to set standards for periodic reporting. Subsection 17(b)(1) of the Act authorizes the Secretary to waive any requirement of the Act necessary to conduct a demonstration project that might increase the efficiency of the program, as long as the project does not lower or further restrict the income or resource standards or benefit levels of project participants. For the purposes of the MR/RA project, certain requirements of the Act are hereby waived. Section 3(c) of the Act is partially waived in that the certification period will be continuous, rather than for a maximum of twelve months, for fifty percent of the households selected to participate in the MR/RA project in the Southeast Local Office of Cook County, Illinois. Other requirements shall be waived as the Secretary deems necessary, consistent with the limiations on waiver authority provided in section

17(b)(1). Such waivers, if necessary, shall be published in the Federal Register.

(d) *Regulatory requirements.*

(1) All current Food Stamp Program regulations (7 CFR Parts 270 through 282) and procedures and requirements contained in s282.17, except as noted below, shall be in effect for the purpose of this project.

(i) s282.17(a)(1)–(3) (inclusive) *Administration.* The administrative requirements contained in the above subparagraphs are deleted for purposes of this demonstration project. FNS has approved the State agency's systems and procedures for implementing this project. Furthermore, project operations have been publicized and discussed with local recipient groups.

(ii) s282.17(b)(3) *Certification Period.* The certification period for 50 percent of the households in the Southeast Local Office of Cook County, Illinois which are selected to participate in the MR/RA project shall be continuous until such time as the household voluntarily withdraws, or the household is terminated from the program for failing to meet financial or non-financial eligibility requirements or to comply with the reporting requirements of s282.17, whichever occurs earlier.

(iii) s282.17(m) *Recertification.* For those 50 percent of participating households subject to continuous certification periods, the regulation found at s282.17(m) shall be waived in its entirety. Such households shall continue to be subject to interim household reviews as case conditions warrant, i.e., edit problems, recalculation of average income for households with special income circumstances, or fulfillment of the work registration requirement.

(e) *Areas of Operation.* The MR/RA project will be conducted in Peoria and Cook Counties, Illinois. In Peoria, all food stamp households headed by an AFDC caretaker relative will be included in the experiment. This universe will provide the necessary basis for testing the administrative feasibility of the system. In the Southeast Local Office of Cook County, food stamp households headed by an AFDC caretaker relative will be randomly divided into an experimental group and a control group. Such caseload division will facilitate a comparative analysis of cases within the project site. In neither office will AFDC foster care cases be included. It is anticipated that the project will be initiated in Peoria with the mailing of monthly reports on or about the first of August 1981. The Cook County system will be initiated approximately three months later than the Peoria schedule.

(f) *Records and Reports.* The State agency shall maintain all records related to project operations for a period of three years from the date of submission of the final project expenditure report, or longer if required in writing by FNS. Such records shall be available to FNS or its designee upon request.

(g) *Monitoring and Evaluation.* FNS will establish procedures for monitoring State agency compliance with the requirements of s282.16 and s282.17. The evaluation of the project will be conducted by an independent contractor. The State agency shall, upon reasonable notification, provide the evaluation contractor with access to all information pertaining to project operations.

(h) *Quality Control.* The State agency shall review MR/RA cases selected for the quality control sample in accordance with review procedures developed for a MR/RA system. The results of such reviews will be reported separately to FNS and will not be included in the State's cumulative allotment error rate.

For the purpose of project evaluation, FNS will require the State agency to draw a separate quality control sample for households assigned to the MR/RA project. The State agency shall be required to initiate corrective action to eliminate errors from those cases participating in the MR/RA project.

§ 282.17 Monthly reporting/retrospective accounting: operational procedures.

(a) *Administration.* (1) The operation of a monthly reporting/retrospective accounting (MR/RA) system shall be at the option of each State agency. However, prior to the implementation of such a system, each State agency must receive FNS approval. Such approval shall be contingent upon the following conditions being met:

(i) The State demonstrates the ability to manage a MR/RA system effectively;

(ii) The State's proposed system meets the requirements of these regulations;

(iii) A pretest, as described in paragraph (a)(3) of this section is satisfactorily conducted;

(iv) The State agency has added provisions to its operating guidelines describing operational responsibilities and has received FNS approval of the changes; and

(v) The State agency has received FNS approval of all required forms.

(2) Each State agency wishing to operate a MR/RA system shall solicit public input and comment on its proposal to operate a MR/RA system, emphasizing those areas in which the State has some discretion.

(i) Prior to the beginning of the comment period, the State agency shall publicize in the media that its proposal to operate a MR/RA system, the proposed method of operation, and the requirements of the proposed system are open to public comment. State press releases and other methods of publicity shall contain addresses for obtaining further information and shall specify the method used for soliciting public comment. The State shall use one or more of the following methods:

(A) State Administrative Procedures Act (APA) if the Act includes procedures for obtaining public comment on food stamp matters and provides at least 30 days for comment;

(B) Publication (in addition to the notice of the available components) of a summary of MR/RA operational procedures. Also, instructions on how to obtain more information shall be included. This publication shall be in sufficient media sources to ensure general coverage in all affected project areas. In addition, all outreach contacts in the State's current plan shall be notified separately. Public comment shall be solicited for a minimum of 30 days.

(C) State-wide public hearing(s) at locations that are accessible to a significant number of interested persons.

(ii) State agencies shall review, analyze and consider all comments and prepare a summary of the major comments. The summary shall briefly outline the sources and content of the major comments and explain what was decided upon. Copies of the comments (either letters or transcripts of oral comments) and a comment summary shall be available for public inspection at the State office during its regular business hours. Copies of comment summary shall be made available free of charge upon written request. The comment letters or transcripts and the summary shall be retained for at least one year for both public and FNS review.

(iii) When soliciting comments, special emphasis shall be placed on the State options selected in the MR/RA system.

(iv) State agencies are encouraged to maintain any currently used methods and may also use other methods for obtaining public comment, in addition to the minimum requirements specified above; for example, States with APA's may also hold public hearings, or welfare or food stamp advisor councils may review the material.

(3) After a system has been designed, each State agency shall conduct a pretest of its proposed MR/RA system.

The results of the pretest shall be used by the State agency in modifying the system as appropriate and shall be provided to FNS for review and determination of whether the State has met the conditions in paragraphs (a)(1)(i) and (ii) of this section. The pretest shall be designed to measure:

(i) Participating households' ability to understand and complete the monthly reporting form;

(ii) Participating households' ability to understand the conditions for qualifying for supplemental assistance and the methods for requesting such assistance; and

(iii) The State agency's ability to process the information contained in the monthly report and issue benefits based on such information.

(4) Unless otherwise specified in this section, all food stamp regulations shall apply to State agencies operating MR/RA systems and households participating in MR/RA.

(b) *Definitions.* (1) "*Adequate Notice*" means a written notice that includes a statement of the action the agency has taken or intends to take; the reasons for the intended action; the household's right to appeal the agency's action or to request a fair hearing; the telephone number and, if possible, the name of the person to contact for additional information; the availability of continued benefits; and the liability of the household for any overissuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household. Depending on the timing of a State's system and the timeliness of report submission by participating households, such notice may be received prior to agency action, at the time reduced benefits are received, or, if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, however, participants will be allowed ten days from the mailing date of the notice to contest the agency action and have benefits restored to their previous level. If the 10-day Period ends on a weekend or a holiday and a request is received the day after the weekend or holiday, the State agency shall consider the request to be timely.

(2) "*Budget Month*" means the fiscal or calendar month used in computing a household's level of benefits.

(3) "*Certification Period*" means the period of time during which a household may receive program benefits. The certification period shall be continuous for all households for a minimum of six months to a maximum of twelve months or until the household voluntarily withdraws, or the household is terminated from the program for failing to meet financial or nonfinancial eligibility requirements or to comply with the reporting requirements of this section, whichever occurs earlier.

(4) "*Issuance Month*" means the fiscal or calendar month during which a State agency issues benefits. In prospective accounting, the budget month and the issuance month are the same. In retrospective accounting, the issuance month follows the budget month and shall begin no later than one month after the end of the budget month.

(5) "*Prospective Accounting*" means that benefits are computed using the best estimate of income and circumstances which will occur in a current or future month.

(6) "*Retrospective Accounting*" means that benefits are computed using actual income and circumstances which existed in a previous month, the "budget month".

(7) "*Supplemental Benefits*" means benefits issued by the State agency in a MR/RA system to maintain the household during the time it takes for the level of benefits to reflect a change in household circumstances or income.

(c) *Included households.* (1) Subject to the restrictions contained in paragraphs (c) (2) and (3) of this section, the State agency may require any household to have its allotment determined restrospectively and to report its circumstances monthly.

(2)(i) The provisions of this section may be implemented State-wide or in particular project areas within a State.

(ii) In those areas where the State agency choses to implement a MR/RA system, all households of the same type shall either be included or excluded from it. For example, the State agency may choose to implement the system for only AFDC households, for only non-assistance households, or for all households not included in the categories set forth in paragraph (c)(3) of this section.

(3) The following households shall not be covered by MR/RA:

(i) Migrant farmworker households, while they are in the migrant stream;

(ii) Households with a member on strike, which were not certified before the date on which the strike began;

(iii) Households in which all members are either elderly or disabled and none of whom have any nonexcludable earned income;

(iv) Households which the State agency is reasonably certain will be eligible to receive benefits for three months or less; and

(v) Households which require special assistance in order to apply for food stamps if that special assistance will not be available for completing the monthly reports. Special assistance shall include authorized representatives to complete monthly reports, home visits or telephone reporting in lieu of the report form. Such households may be comprised of blind, mentally or physically disabled persons, persons whose reading and writing skills are so limited that they cannot complete monthly reports on their own, or non-English speaking persons residing in project areas where the bilingual requirement of § 272.4(c) do not apply.

(A) The State agency shall screen all applicants subject to MR/RA to identify households that require special assistance.

(B) The State agency shall not be required to provide any assistance beyond that required elsewhere by the regulations.

(C) The State agency shall not require a household to obtain its own special assistance for completing monthly report forms as a condition of eligibility.

(d) *Information on system operation.* The State agency shall provide households that will be included in MR/RA the following information at the time of the certification interview:

(1) An oral explanation of the purpose of MR/RA and prospective and retrospective determination of income;

(2) A copy of the monthly report and an explanation of how to complete it and file it;

(3) An explanation of the documentation the household will need to submit to verify all earned income, actual utility or medical expenses if they would result in a deduction; and any other information requiring documentation in accordance with the requirements of § 273.2(f)(9)(ii);

(4) An explanation of the household's entitlement to supplemental benefits, the information that is needed before the State agency can issue supplemental benefits, and the method and timing for issuing supplemental benefits;

(5) A toll free telephone number which the household may call to ask questions or obtain help in completing the monthly report;

(6) Written explanations of the above information.

(e) *Determining eligibility and benefit levels during the initial months.* (1) The State agency shall determine initial household eligibility and benefit levels in accordance with the prospective accounting procedures established in Part 273.

(2) The period of prospective eligibility shall be determined by the State agency based on the requirements for transition to MR/RA established in

paragraph (f) of this section. Sufficient information shall be gathered to allow the extension of prospective accounting if necessitated by a delay in application processing.

(3) The State agency shall not issue retroactive benefits for the initial months based on a monthly report which shows a household's earlier anticipation of circumstances to have been inaccurate. The State agency shall neither reduce nor claim benefits for the initial months based on a monthly report unless the State agency erred in computing a household's eligibility or benefit level, or the household failed to provide correct and complete information which was available to it at the time the State agency requested the information.

(f) *Transition to the MR/RA system.* The State agency shall convert participating households to the MR/RA system as soon as the following conditions are met:

(1) The initial budget month is not earlier than the first full month subsequent to the date of application;

(2) The household has received its notice of eligibility;

(3) The State agency has mailed monthly report forms in sufficient time to provide households with a minimum of five days from receiving the forms to the filing due date; and

(4) Submission and processing of the report will not result in a delay in the next regularly scheduled issuance.

(g) *Monthly reporting.* The State agency shall require each household in the MR/RA system to report on household circumstances on a monthly basis as a condition of continuing eligibility. The State agency shall not impose any additional change reporting requirements beyond the monthly report. However, in those instances where a supplemental issuance is to be computed, the household will be required to provide the information necessary to compute the supplement.

(1) *Report distribution and submission.* (i) The State agency shall ensure that each household participating in the MR/RA system receives a monthly report form at about the same date each month.

(ii) The monthly report form shall be mailed to the head of the household in sufficient time to allow the household head at least five days from the date the household receives the form until the filing due date.

(iii) The State agency shall provide a postage paid, return envelope for the monthly report.

(iv) The filing due date for the monthly report shall be no earlier than five days after the end of the budget month.

(2) *Monthly report form.* The State agency shall either use the FNS-designed monthly reporting form or design and obtain FNS approval of its own monthly reporting form. The report form shall meet the following requirements:

(i) Be written in clear, simple language;

(ii) Meet the bilingual requirements described in § 272.4(c). With FNS approval, the State agency may establish a method to include non-English-speaking households in areas not subject to the bilingual requirements in the MR/RA system. For example, the form may provide the name and telephone number of a bilingual worker to contact for assistance in form completion;

(iii) Specify the date by which the agency must receive the form and the consequences of a late or incomplete form, including whether the State agency shall delay payment if the form is not received by the specified date;

(iv) Specify the verification which must be submitted with the form. Such verification will include, at a minimum, documentation of earned income, and actual utility and medical expenses to the extent that they would result in a deduction. Other items requiring verification may be requested by the State agency in accordance with the conditions established in § 273.2(f)(9)(ii);

(v) Identify the individual or agency unit that the household can contact to receive prompt answers related to questions on form completion. A telephone number, toll-free for households beyond the local calling area, shall also be included;

(vi) Include a statement, to be signed by the head of the household, indicating his or her understanding that the information provided may result in changes in the level of benefits, including reduction and termination;

(vii) Advise the household of the availability of supplemental benefits and the procedures for obtaining them;

(viii) Advise the household of its right to appeal an agency action, to request a fair hearing based on any decrease or termination of benefits or denial of supplemental benefits, or to file a complete, signed monthly report for reinstatement;

(ix) Include, in prominent and boldface lettering, an understandable description of the Act's civil and criminal penalties for fraud;

(x) Request the following information:

(A) Household name and address;

(B) Household composition as of the last day of the budget month;

(C) Nonexcludable unearned and earned income information, including income from self-employment that is not averaged, and infrequent or irregular income. Averaged income shall not be reported;

(D) Shelter costs. However, if a State agency's computer system is able to retain and use fixed shelter costs in its monthly computations the State agency may not require such costs to be reported monthly;

(E) Medical costs over $35 a month for elderly or disabled household members;

(F) Dependent care costs;

(G) Liquid resources exceeding $1500; and

(H) Acquisition of an automobile, including its make and year.

(xi) Request no other information, except that, if the form is a joint AFDC/FS monthly report form, other information necessary to determine AFDC eligibility may also be included if it is clearly indicated that non-AFDC food stamp households need not provide such information.

(h) *State agency action on reports.* (1) *Processing.* Following the due date for receipt of the monthly report, the State agency shall be responsible for taking the following actions:

(i) Reviewing the report to ensure there receipt, accuracy and completeness. The State agency shall consider a monthly report incomplete for food stamp purposes only if it is unsigned by the household head, is not accompanied by verification of reported earned income, or omits information necessary to either determine the household's food stamp eligibility or to compute the household's level of food stamp benefits.

(ii) Determining those items on the report which will require additional verification or information from the household.

(A) Items requiring additional verification shall include undocumented earned income, or utility or medical expenses which, if verified, would result in a deduction. The household shall also be required to submit documentation to support changes of more than $25 in unearned income if such documentation is not available to the State agency. The household shall also be required to submit other documentation if required by the State agency in accordance with § 273.2(f)(9)(ii), except for medical expenses.

(B) The State agency shall require verification of the household's medical expenses either monthly or only when the total medical expenses change by more than $25 from the previous month.

(C) Items requiring personal contact with the household might include such things as applicability of the work registration requirement or the addition of a new household member.

(iii) Contacting the household directly, as needed, to obtain further information on specific items.

(iv) Notifying the household, in accordance with paragraph (h)(2)(iii) of this section of the need to submit the report, correct an incomplete or inaccurate report, or submit the necessary verification within the extension period.

(A) In the event that the household has not supplied verification of its earned income or submitted its monthly report by the end of the extension period, the State agency shall take action to terminate the household in accordance with paragraph (h)(2)(v) and (vi) of this section.

(B) If the household has failed to provide verification of utility expenses by the end of the extension period, the State agency shall allow the utility standard if the household is entitled to the standard.

(C) If the household has failed to supply verification of medical expenses by the end of the extension period, no deduction shall be allowed.

(D) If the household has failed to provide documentation of other items required to be verified in accordance with § 273.2(f)(9)(ii) the State agency shall take one of the following actions. If this change would result in a decrease in benefits, the State agency shall act on the change in determining the household's eligibility and benefit level. If the change would result in an increase in household benefits, the State agency shall take no action on the change until verification is received.

(v) Determining household eligibility by considering all factors, including income, retrospectively, i.e., from the corresponding budget month:

(vi) Determining the household's level of benefits. Benefit levels shall be calculated in accordance with the procedures set forth in § 273.10(e) but shall be based on:

(A) Earned and unearned income received or that has been averaged for the corresponding budget month. The State agency has the option of converting to a regular monthly amount the income of households that earn income weekly or biweekly;

(B) Deductions as billed or averaged from the corresponding budget month, including those shelter costs billed less often than monthly which the household has chosen to average; and

(C) Household composition as of the last day of the budget month.

(vii) Issuing benefits in accordance with Part 274 on the time schedule set forth in paragraph (h)(3) of this section. Specific information on how benefit levels were calculated shall be provided with the issuance or in a separate notification.

(2) *Notices.* (i) All notices regarding changes in household's benefits shall meet the definition of adequate notice as defined in paragraph (b)(1) of this section.

(ii) When the State agency receives a complete and signed monthly report by the date specified, the agency shall determine the household's eligibility and benefit level. The State agency shall also provide the household with adequate notice of any changes from the prior benefit level and the basis for its determination. If the benefits are being reduced or terminated, the notice must be received by the household no later than either the date the resulting benefits are to be received or in lieu of the benefits.

(iii) If a complete and signed report is not received by the specified filing date, the State agency shall send an adequate notice to the head of the household within five days of the filing due date. The notice shall inform the household head that the monthly report is either overdue or incomplete, what action is needed to complete the form, and that he or she has 10 additional days to file a complete and signed report prior to the initiation of termination action. The State agency has the option of giving households more than 10 additional days for filing complete reports provided that the due date allows the State agency sufficient time to process the report and issue benefits before the 45th day following the end of the budget month. The notice shall also offer the State agency's assistance in completing an incomplete report.

(iv) If a complete and signed monthly status report is received within the extension period, benefits need not be issued by the normal payment date. Such benefits shall be issued, however, no later than the dates specified in paragraph (h)(3) of this section.

(v) The State agency may terminate the household's benefits if it has not received a complete and signed report by the end of the extension period.

(vi) If the State agency's policy is to terminate a household's benefits if a complete and signed report is not received at the end of the extension period, the State shall send a notice of termination to the household. The notice of termination shall meet the definition of adequate notice as defined in paragraph (b)(1) of this section and inform the household of its possible reinstatement if the report is completed or filed.

(vii) The termination notice should reach the household at least 10 days before the expected issuance of benefits. However, if due to the issuance schedule or the filing date of the report this is not possible, the termination notice must reach the household on or before the extended payment date.

(3) *Benefit Issuance.* (i) The State agency shall, within 30 days of the end of the budget month, provide all eligible households who file signed and complete monthly reports by the scheduled filing date with an opportunity to participate, unless FNS determines that a longer issuance period is necessary. FNS may approve a longer issuance schedule for reasons such as coordination with an AFDC system or the staggered issuance of ATPs for security reasons. In no instance, however, shall the State agency extend the issuance period beyond 45 days following the end of the budget month.

(ii) For eligible households which file a signed and complete monthly report during the extension period, benefits shall be issued no later than 10 days after the normal issuance date, but in no event later than the 45th day following the end of the budget month.

(iii) Eligible households filing a complete and signed report subsequent to the extension period but prior to the end of the issuance month shall be provided an opportunity to participate no later than the extended issuance date or 10 days following receipt of the signed, complete report, whichever is later.

(iv) In no event shall a State agency reduce, terminate or suspend a household's benefits on the basis of a monthly report earlier than the appropriate issuance month.

(4) *Suspensions.* Each State agency operating a MR/RA system shall develop a procedure which will ensure that households losing their eligibility due to a temporary increase in net income are quickly brought back into the system. If, for example, a household experiences a $100 increase in income in January, making it ineligible for March benefits, the system must be able to respond to a request for a supplemental issuance in March due to a return to the normal income level.

(i) When households lose eligibility due to an increase in net income which is subject to further change, the State agency shall continue to supply such households with monthly reports for a minimum of one additional month. Households that are eligible based on

the subsequent month's circumstances shall be issued benefits on their normal issuance cycle.

(ii) The State agency's system shall be structured to provide timely supplemental benefits to those households that became eligible and file a request for supplemental benefits during the initial month of ineligibility.

(5) *Conversion.* In those States where FS/AFDC households are subject to MR/RA, but some other categories of households are not subject to MR/RA, the State agency shall establish procedures to ensure the smooth transition of households from one system to the other.

(i) If the household's AFDC eligibility is terminated due to a change in a factor which affects only AFDC eligibility, the State agency shall continue to issue food stamp benefits, if the household is otherwise eligible, on a retrospective basis for one additional month. At the time the termination notice related to the AFDC payment is issued, the State agency shall also issue a notice of expiration regarding food stamp benefits. Such notice shall be issued in time to ensure that the household will have a sufficient time to timely apply for recertification.

(ii) The State agency have the option of continuing to issue food stamp benefits, if the household is otherwise eligible, on a retrospective basis for a second additional month in those cases where AFDC eligibility is likely to be reinstated, such as where earned income or household composition is likely to change again.

(6) *Termination.* The State agency shall take action to terminate those households who fail to file a monthly report, fail to file a complete report, or fail to comply with a non-financial eligibility requirement, such as registering for employment. As discussed in paragraph (g)(2)(vi) of this section, the monthly report shall inform households of their potential termination for failure to file a complete, signed report. The initial notice of failure to file a complete, signed report shall continue a similar message. The notice issued after the extension period shall state the reason for the termination, explain what the household needs to do to be reinstated, and advise the household of its right to a fair hearing and its right to receive continued benefits if it requests a fair hearing within ten days.

(i) *Supplemental Benefits.* The State agency shall be responsible for providing supplemental benefits to those households which experience a significant change in household circumstances.

(1) Once the State agency has begun issuing benefits to a household based on retrospective information, the household is eligible to receive supplemental benefits if:

(i) The household's gross income during the issuance month is $50 lower than the gross income received in the corresponding budget month;

(ii) The household's net income during the issuance month is $50 lower than the net income in the corresponding budget month; or

(iii) The household size in the issuance month is larger than the household's size in the corresponding budget month due to the addition of one or more household members who are not members of another certified household.

(2) A household reapplying in its initial month of ineligibility shall be entitled to supplemental benefits if it is determined to be eligible and meets the conditions of paragraph (i)(1) (i), (ii), (iii), or (iv) of this section.

(3) In determining a household's entitlement to supplemental benefits and in calculating the amount of supplemental benefits, the State agency shall apply the same definitions of income, deductible expenses, and household size as would be used in calculating prospective eligibility or benefit levels. The State agency shall base the household's income and deductions on circumstances in existence at the time the State agency becomes aware of the change and on a reasonable anticipation of the household's circumstances for the remainder of the issuance month. For example, if a household has requested both AFDC and food stamp supplemental benefits and the AFDC supplement can be reasonably expected to be received during the issuance month, it would be included in income calculations.

(4) The amount of supplemental benefits shall be determined by calculating the household's entitlement for the issuance month using prospective accounting procedures, and subtracting from this amount the benefits received or scheduled to be received during the issuance month. Any food stamp claims or retroactive benefits received shall be disregarded in such calculation.

(5) Households should request supplemental benefits in writing using the FNS-designed form or a form designed by the State agency and approved by FNS. However, if the State agency becomes aware from a source outside the MR/RA system of a change in household circumstances which would result in a supplemental issuance, the State agency shall be responsible for informing the household of its potential eligibility to receive supplemental benefits and of the information the household must provide in order that the amount of supplemental benefits can be computed.

(6) The supplemental benefit request form shall be a simple, easily understood form which will allow the household to describe its reason for requesting supplemental benefits and its current month's circumstances. The State agency shall have the option of designing a form requesting prospective data for two months for those instances when the circumstances necessitating supplemental benefits are expected to extend beyond the month in which the change is reported. In all circumstances in which the State agency does not exercise this option, a separate supplemental benefit request shall be made for each month that supplemental benefits are desire.

(7) The State agency shall provide each participating household with at least two supplemental benefit request forms at the time of certification, and shall:

(i) Send the household a blank form each time supplemental benefits are provided or denied; or

(ii) Provide the household with a supplemental benefit request form as an enclosure to the monthly report form; or

(iii) Provide the household with a supplemental benefit request form no later than the date the monthly allotment and benefit explanation sheet are provided.

(8) A household shall be permitted to file a supplemental benefit request form with the State agency on the same day that it expresses interest in requesting supplemental benefits.

(9) The State agency shall have five working days from receipt of the supplemental benefit request form to issue eligible households either an ATP or coupon allotment.

(10) The State agency shall make every effort to ensure that the household submits the verification required in accordance with s273.2(f)(9)(ii) within the five working-day issuance standard. However, benefits for the first supplemental issuance month shall not be delayed beyond the five-day issuance standard due to the lace of verification. No other increased benefits (supplemental or regular allotment) based on the same change in circumstances will be provided until the required verification is submitted.

(11) The State agency shall not issue supplemental benefits based on a one-time change unless the change is reported in the month in which it occurs.

For example, if a household experiences a $55 decrease in gross income in January but returns to its previous income level in February, the household would not be issued supplemental benefits if the decrease in January income was not reported until February.

(12) The supplemental benefit or denial thereof shall be accompanied by a benefit explanation sheet. The benefit explanation sheet shall inform the household of:

(i) The disposition of its request for supplemental benefits;

(ii) How the supplemental benefit was calculated; and

(iii) The household's right to a fair hearing if it disagrees with the disposition of the request or the amount of the supplemental benefit.

(j) *Action on information from sources other than the reporting system.* (1) Upon receipt of any information affecting eligibility or benefits, the State agency shall determine whether a household is entitled to supplemental benefits and issue them in accordance with paragraph (i) of this section.

(2) In the event a household reports information which alters a monthly report, the State agency shall adjust the allotment for the appropriate issuance month, if possible, or prepare a claim, if appropriate.

(3) If the State agency receives information from someone other than a household member which would result in decreased benefits, the State agency shall take no action until the appropriate monthly report, covering the period of the alleged change, is received. If the reported information does not appear on the monthly report, the State agency may consider the monthly report questionable and obtain verification from the household.

(i) If the household confirms the change, the State agency shall either prepare a claim, if benefits have already been issued for the appropriate budget month, or adjust the benefit level for the appropriate future issuance month.

(ii) If the household does not confirm the change yet the State agency believes the change has occurred, the State agency shall issue a notice of adverse action in accordance with § 273.13. No further action shall be taken on the change until the 10 day notice period has expired.

(k) *Subsequent participation.* (1) Households reapplying in the month following the last month of certification, or terminated households reapplying during the issuance month following the last month in which they received benefits, shall have their eligibility and benefit level determined in accordance with the procedures established by the State agency in accordance with paragraph (h)(1) (iv) and (v) of this section.

(2) The determination of eligibility and benefit level shall be based on information in a monthly report that the household shall complete for the budget month which corresponds to the appropriate issuance month.

(3) If the household is ineligible based on the information contained in the monthly report, the State agency shall determine if the household is eligible to receive supplemental benefits based on circumstances in the issuance month.

(4) If the household is determined to be eligible to receive benefits under the conditions established in either paragraph (k) (2) or (3) of this section, the State agency shall provide such households with an opportunity to participate no later than 5 working days from the date the complete, signed monthly report or the request for supplemental benefits is filed. Eligibility for subsequent month's allotments shall be contingent upon the filing of complete, signed reports for the corresponding budget months.

(l) *Fair hearings.* (1) Households participating in a MR/RA system shall be entitled to fair hearings in accordance § 273.15.

(2) Any household which requests a fair hearing and does not waive continuation of benefits shall have its benefits continued until the end of the certification period or the resolution of the fair hearing, whichever is first.

(3) During the fair hearing period the State agency shall adjust regular and supplemental issuances to take into account reported changes, except for the factor(s) on which the fair hearing is based.

(m) *Recertification.* (1) State agencies shall recertify an eligible household which timely reapplies and provide it with an opportunity to participate by the household's normal issuance cycle.

(2) The State agency shall recertify the household retrospectively, using the corresponding budget month for the first month of the new certification period in determining household eligibility and benefit level. However, where necessary because States issue benefits quickly and FNS approval has been obtained, information from the recertification interview may be reflected in the eligibility and benefits of the eligibility and benefits of the second month of the new certification period.

(3) The State agency shall recertify households according to one of the following options:

(i) *Recertification form.* The State agency shall provide each household with a recertification form to obtain all necessary information about the household's circumstances for the budget month.

(A) The State agency shall mail the form to the household along with a notice of the expiration, in place of the monthly report form.

(B) The household shall submit the form to the State agency in accordance with paragraph (g)(1)(iv) of this section.

(ii) *Monthly report and addendum.* The State agency shall provide each household with a monthly report form and an addendum to obtain all additional information necessary for recertification.

(A) The State agency shall mail the monthly report form to the household along with the notice of expiration in accordance with paragraph (g)(1)(iii) of this section.

(B) The household shall submit the monthly report to the State agency in accordance with paragraph (g)(1)(iv) of this section.

(C) The State agency shall deliver the recertification addendum to the household along with the monthly report form or obtain the necessary information from the household at the interview.

(D) The household shall submit the addendum to the State agency no later than the time of the interview.

(4) Households which submit a recertification form on a monthly report and addendum by the normal filing due date shall be considered to have timely reapplied and shall not have any interruption in benefits. Other State action on timely reapplication, proper handling in the event the State agency fails to act on a timely reapplication or the household fails to submit a timely reapplication, and the definition of good cause for failure to timely reapply shall be in accordance with § 273.12(c), (d), (e), and (f) of these regulations.

(5)(i) The State agency shall conduct a complete interview with a household member or an authorized representative.

(ii) The State agency may schedule the interview at anytime during the month after the end of the last budget month of the old certification period. However, if the interview is scheduled for a date on or before the normal filing due date of the monthly report, the State agency shall permit the household member and authorized representative to bring the recertification form or monthly report addendum to the interview.

(n) *Households with special circumstances.* (1) Households receiving self-employment income on other than a monthly basis, such as farmers, shall

have such income averaged in accordance with § 273.11(a).

(i) In the initial month(s), household eligiblity and benefits levels shall be determined in accordance with prospective procedures as discussed in paragraph (e) of this section.

(ii) After the initial month(s), household eligibility and benefit levels shall be determined by normal retrospective budgeting methods with the exception that the averaged income amount shall be used in lieu of actual income received from the self-employment enterprise.

(iii) Households requesting supplemental benefits based on a change in household size or a change in deductible expenses or a change in income, other than self-employment income which has had no substantial decrease in income, shall have the amount of supplemental benefits calculated using the averaged income amount assigned to the issuance month, in addition to all other factors. If, however, the self-employment enterprise has experienced a substantial decrease in income, the average shall be recalculated based on anticipated earnings. The old income average shall be compared to the new averaged in determining if a supplemental issuance is appropriate. In addition, the new income average shall be used in determining the household's benefit level for subsequent months.

(2) Households which receive income by contract in a period of less than a year shall have such income averaged in accordance with the procedures discussed in § 273.10(c)(3)(ii).

(i) In the initial month(s) household eligibility and benefit level shall be determined in accordance with prospective procedures as discussed in paragraph (e) of this section.

(ii) After the initial month(s), household eligibility and benefit levels shall be determined by normal retrospective budgeting methods with the exception that the averaged contract income amount shall be used in lieu of actual contract payments.

(iii) Households requesting a supplemental issuance shall have their eligibility for supplemental benefits calculated using the averaged contract income amount assigned to the issuance month.

(3) Households receiving scholarships, deferred educational loans, or other educational grants shall have such income, after exclusions, averaged over the period for which it was provided.

(i) In the initial month(s), household eligibility shall be determined in accordance with prospective procedures discussed in paragraph (e) of this section.

(ii) After the initial month(s), household eligibility and benefit levels shall be determined by normal retrospective budgeting methods with the exception that the averaged educational payment, once received, shall be included as unearned income during the months it is intended to cover.

(iii) Households requesting supplemental benefits shall have their request evaluated based on the averaged income assigned to the issuance month in addition to all other factors.

(4) Drug addict/alcoholic treatment centers shall be responsible for completing and filing monthly reports for residents who are subject to MR/RA.

Note.—The reporting and recordkeeping requirements contained in this rule have been submitted for approval to the Office of Management and Budget (OMB) in accordance with the Federal Reports Act of 1942 and are not enforceable until that approval is received.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalogue of Federal Domestic Programs No. 10.551, Food Stamps)

Dated: July 30, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-22730 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 317]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period August 9–15, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: August 9, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is 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 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on August 4, 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 week. The committee reports the demand for lemons is easier.

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 is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

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.

Section 910.617 is added as follows:

§ 910.617 Lemon regulation 317.

The quantity of lemons grown in California and Arizona which may be handled during the period August 9,

1981, through August 15, 1981, is established at 235,000 cartons.

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

Dated: August 6, 1981.

Frank M. Grasberger,

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

[FR Doc. 81-22861 Filed 8-6-81; 12:32 p.m.]

BILLING CODE 3410-02-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: This document amends the Mediterranean fruit fly quarantine and regulations on an emergency basis by adding Japanese plum, kiwi, mango, papaya, pomegranate, and walnut with husk to the list of regulated articles; by deleting almond without husk and Eureka, Lisbon, and Villa Franca cultivars of lemon from the list of regulated articles; and by providing treatments for almond with husk, grape, kiwi, opuntia cactus, and walnut with husk. These actions are necessary as emergency measures for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States, and for the purpose of lessening or deleting unnecessary restrictions. The effect of this document is to impose restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States) from regulated areas in California of articles added to the list of regulated articles, to delete restrictions on such movements of articles deleted from the list of regulated articles, and to lessen restrictions on such movements of articles for which treatments are added.

DATES: Effective date of amendment August 7, 1981. Written comments concerning this interim rule must be received on or before October 6, 1981. A public hearing concerning these emergency amendments will be held on August 13, 1981.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning these emergency amendments will be held at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, CA 95030.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule would have an annual effect on the economy of approximately $3500; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause 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.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that the Mediterranean fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, due to the finding that unnecessary restrictions are imposed concerning the regulation of articles, a situation exists requiring immediate action to lessen or delete such unnecessary restrictions.

Further, 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 interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. H. 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 affects the interstate movement of regulated articles from Alameda, San Mateo, and Santa Clara Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information submitted by the California Department of Food and Agriculture, it has been determined that fewer than 45 small entities move such articles interstate from Alameda, San Mateo, and Santa Clara Counties. Further, the overall economic impact from this action is estimated to be approximately $3,500.

Public Hearing

The public hearing to consider this interim rule will be on August 13, 1981, at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, CA 95030. The public hearing also concerns the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County in California (see 46 FR 37706–37713).

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Also, at the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of these actions. Any interested person may appear and be heard in person, by attorney, or by other representative. Also, any interested person, his attorney, or other representative will be afforded an

opportunity to ask relevant questions.

The hearing will commence at 10 a.m. and end at 5 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 8:45 a.m. to 9:45 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedeman, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in Alameda, San Mateo, and Santa Clara Counties in California, Mediterranean fruit fly quarantine and regulations were made effective on July 20, 1981 (46 FR 37706–37713), and are set forth in 7 CFR 301.78 through 301.78–10. For the reasons explained below, it is necessary to amend the quarantine and regulations on an emergency basis.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States, the quarantine and regulations restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) from Alameda, San Mateo, and Santa Clara Counties in California of articles designated as regulated articles. Regulated articles are listed in § 301.78–2 of the quarantine and regulations (7 CFR 301.78–2).

Regulated articles

It is necessary as an emergency measure to amend § 301.78–2 to add certain articles to the list of regulated articles and to delete certain articles from the list of regulated articles.

Based on research and scientific literature [1] it has been determined that the following articles, which were not previously listed as regulated articles, present a significant risk of artificially spreading the Mediterranean fruit fly: Japanese plum (*Prunus salicina*), kiwi (*Actinidia chinesis*), mango (*Mangifera indica*), papaya (*Carica papaya*), pomegranate (*Punica granatum*), and walnut with husk (*Juglans spp.*).

Therefore, in order to prevent the spread of the Mediterranean fruit fly, it is necessary as an emergency measure to add them to the list of regulated articles. However, these articles that are added to the list of regulated articles are not included as regulated articles if canned, or frozen below −17.8° C (0° F) since the Mediterranean fruit fly could not survive under such conditions.

Prior to the effective date of this document, almond (*Prunus duleis (P. amygdalus)*), and lemon (*Citrus limon*) were included in the list of regulated articles. However, based on research and a further review of scientific literature [1] regarding the articles listed as regulated articles, it has been determined that certain of these articles, i.e., almond without husk (*Prunus duleis (P. amygdalus)*) and Eureka, Lisbon, and Villa Franca cultivars of lemon (*Citrus limon*) (smooth-skinned sour lemon), do not present a significant risk of artificially spreading the Mediterranean fruit fly. Therefore, in order to relieve unnecessary restrictions on the interstate movement of almond without husk and Eureka, Lisbon, and Villa Franca cultivars of lemon from regulated areas, it is necessary as an emergency measure to delete them from the list of regulated articles.

Prior to the effective date of this document "Pomiform guajava (*Psidium guajava pomiferum*)" and "Pyriferm guajava (*Psidium guajava pyriferum*)" were listed in § 301.78–2 as regulated articles. These are changed to "Pomiform guajava (*Psidium guajava* 'Pomiform')" and "Pyriform guajava (*Psidium guajava* 'Pyriform')", respectively, to reflect nomenclature currently accepted by the scientific community. Also, "Plum (*Prunus domestica*)" and "Pummelo (shaddock) (*Citrus grandis*)" were inadvertently listed out of alphabetical order in the list of regulated articles in § 301.78–2 and, therefore, the list is changed to include these articles in alphabetical order.

Treatments

It is also necessary, as an emergency measure, to amend § 301.78–10 of the quarantine and regulations (7 CFR 301.78–10) which sets forth treatments for certain regulated articles. Under the quarantine and regulations a regulated article from a regulated area would be eligible for interstate movement pursuant to a certificate if, among other things, it had been treated in accordance with § 301.78–10 of the quarantine and regulations, and would be eligible for interstate movement pursuant to a limited permit if it were moving under certain conditions to a specified destination for such treatment.

As noted above, this document adds certain articles to the list of regulated articles, including kiwi. Based on research, it has been determined that there are two treatments for kiwi that are adequate to destroy the Mediterranean fruit fly. One treatment consists of fumigation at normal atmospheric pressure for 3½ hours at 21°C (70°F) or above with methyl bromide initially at 32g/m³ and with the following minimum concentrations:

26g minimum gas concentration at first ½ hour.

22g minimum gas concentration at 2 or 2½ hours.

21g minimum gas concentration at 3½ hours.

The other treatment for kiwi is to cold treat according to one of the following schedules:

10 days at 0°C. (32°F.) or below.
11 days at 0.55°C. (33°F.) or below.
12 days at 1.11°C. (34°F.) or below.
14 days at 1.66°C. (35°F.) or below.
16 days at 2.22°C. (36°F.) or below.

Also, based on research, it has been determined that there are certain treatments adequate to destroy the Mediterranean fruit fly for certain articles that previously had no treatments but were included in the list of regulated articles. In this connection, it should be noted that the methyl bromide treatment referred to above for kiwi also has been found to be effective against the Mediterranean fruit fly for almond with husk, opuntia cactus, and walnut with husk.

Treatments have been set forth in § 301.78–10 for grape. However, based

[1] A list of this literature can be obtained from Chief Staff Officer, Plant Importation and Technical Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, USDA, Room 667 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

on research two additional treatments have been found adequate to destroy the Mediterranean fruit fly for grape. The methyl bromide treatment referred to above for kiwi has also been found to be effective against the Mediterranean fruit fly for grape. Also, an additional methyl bromide treatment has been found to be effective against the Mediterranean fruit fly for grape. This consists of fumigation at normal atmospheric pressure for 4 hours at 18°C (65°F) or above with an initial dosage of 32g/m³ of methyl bromide and with the following minimum concentrations:

26g minimum gas concentration at first ½ hour.

22g minimum gas concentration at 2 or 2½ hours.

19g minimum gas concentration at 4 hours.

Therefore, § 301.78–10 should be amended on an emergency basis to specify the appropriate treatments for almond with husk, grape, kiwi, opuntia cactus, and walnut with husk in order to relieve unnecessary restrictions by allowing the interstate movement of these articles from regulated areas in those instances where the risk of spreading the pest to noninfested areas can be eliminated.

A treatment against the Mediterranean fruit fly was provided for zucchini squash in § 301.78–10 of the quarantine and regulations. However, zucchini squash is not included in the list of regulated articles and was inadvertently included in § 301.78–10. Therefore, § 301.78–10 is amended to delete provisions relating to zucchini squash.

Public Hearing

As noted above, the Mediterranean fruit fly quarantine and regulations were made effective on July 20, 1981. This included a quarantine and regulations based on a proposal, and an emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County in California as regulated areas. A public hearing regarding the emergency designations of portions of Alameda and Santa Clara Counties and all of San Mateo County in California is scheduled for August 13, 1981, at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, California (see 46 FR 37706–37713). It is also necessary to hold a public hearing under the Plant Quarantine Act concerning the addition of articles to the list of regulated articles which are added as an emergency measure in this document under authority of the Federal Plant Pest Act. Therefore, the public hearing scheduled for August 13, 1981, is expanded to include all of the amendments to the quarantine and regulations made by this document, including the additions to the list of regulated articles. The procedures for the public hearing are set forth above under the heading "Public hearing."

Amendment to Regulation

Accordingly, the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78 through 301.78–10), are amended as follows:

1. Section 301.78–2(a) of the quarantine and regulations (7 CFR 301.78–2) is revised to read as follows:

§ 301–78.2 Regulated articles.

(a) The following fruits, nuts, vegetables and berries:

Almond with husk (*Prunus duleis(P. amygdalus)*)
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Calamondin orange (*Citrus mitis*)
Cherries (sweet and sour) (*Prunus avium, Prunus cerasus*)
Citrus citron (*Citrus medica*)
Date (*Phoenix dactylifera*)
Fig (*Ficus carica*)
Grape (*Vitis vinifera*)
Grapefruit (*Citrus paradisi*)
Guava (*Pisdium guajava*)
Japanese persimmon (*Diospyros kaki*)
Japanese plum (*Prunus salicina*)
Kiwi (*Actinidia chinesis*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*) except Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon)
Lime (*Citrus aurantiifolia*)
Loquat (*Eribotrya japonica*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Mango (*Mangifera indica*)
Mock orange (*Murraya exotica*)
Mountain apple (*Syzygium malaccense (Eugenia malaccensis)*)
Natal plum (*Carissa macrocarpa* and *Terminalia chebula*)
Nectarine (*Prunus persica*)
Olive (*Olea europea*)
Opuntia cactus (*Opuntia* spp.)
Papaya (*Carica papaya*)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepper (*Capsicum annuum* and *Capsicum frutescens*)
Pineapple guava (*Feijoa sellowiana*)
Plum (*Prunus americana*)
Pomegranate (*Punica granatum*)
Pomiform guajava (*Psidium guajava* 'Pomiform')
Prune (*Prunus domestica*)
Pummelo (shaddock) (*Citrus grandis*)
Pyriform guajava (*Psidium guajava* 'Pyriform')
Quince (*Cydonia oblonga*)
Rose apple (*Syzygium jambos (Eugenia jambos)*)
Sour orange (*Citrus aurantium*)
Spanish cherry (Brazilian plum) (*Eugenia dombeyi (E. brasiliensis)*)
Strawberry guava (*Psidium cattleianum*)
Surinam cherry (*Eugenia unifloro*)
Sweet orange (*Citrus sinensis*)
Tomato (pink and red ripe) (*Lycopersicon esculentum*)
Walnut with husk (*Juglans spp.*)
White sapote (*Casimiroa edulis*)
Yellow oleander (bestill) (*Thevetia peruviana*)

Except that the list does not include any fruits, nuts, vegetables, or berries which have been canned, or frozen below −17.8°C (0°F);

* * * * *

2. Section 301.78–10 of the quarantine and regulations (7 CFR 301.78–10) is amended by changing "Bell pepper, tomato, and zucchini squash:" to "Bell pepper and tomato:" in paragraph (d); by adding "kiwi," immediately before "mandarin orange" in paragraph (g); and by adding new subparagraphs (h) and (i) to read as follows:

§ 301.78–10 Treatments.

* * * * *

(h) Almond with husk, grape, kiwi, opuntia cactus, and walnut with husk.

Fumigation with methyl bromide at normal atmospheric pressure with 32g/m³ for 3½ hours at 21°C (70°F) or above.

Minimum concentration for above fumigations:

26g minimum gas concentration at first ½ hour

22g minimum gas concentration at 2 or 2½ hours

21g minimum gas concentration at 3½ hours.

(i) Grape:

Fumigation with methyl bromide at normal atmospheric pressure with 32g/m³ for 4 hours at 18°C (65°F) or above.

Minimum concentration for above fumigations:

26g minimum gas concentration at first ½ hour

22g minimum gas concentration at 2 or 2½ hours

19g minimum gas concentration at 4 hours.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565)

Done at Washington, D.C., this 6th day of August 1981.

Franklin D. Myers,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–23291 Filed 8–6–81; 12:20 pm]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 926

[California Tokay Grape Regulation 17]

Tokay Grapes Grown in San Joaquin County, Calif., Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation sets minimum grade and container marking requirements for shipments of fresh California Tokay grapes. Such action is designed to promote orderly marketing of suitable quality grapes in the interest of producers and consumers.

DATES: Interim rule effective August 10, 1981, through October 15, 1981; comments which are received by September 8, 1981, will be considered prior to issuance of a final rule to become effective on October 16, 1981, and continued in effect until modified, suspended, or terminated.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated 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 not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of fresh Tokay grapes grown in San Joaquin County, California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Industry Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The regulation establishes the minimum grade and size requirements specified in the U.S. No. 1 Table grade of the U.S. Standards for Grades of Table Grapes (European or Vinifera Type), except that at least 30 percent, by count, of the berries in the lower 25 percent, by count, of each bunch shall show characteristic color. The regulation also requires that each container of grapes bear a Federal-State Inspection Service lot stamp number in plain letters and figures on one outside end. The minimum grade and container marking requirements for grapes are necessary to maintain orderly marketing conditions by preventing the shipment of immature, poor quality, and excessively small fruit in fresh commercial marketing outlets. Shipment of such low quality fruit would disrupt orderly marketing and tend to depress prices of all grapes since low quality fruit undermines consumer confidence in the quality of all fruit sold in the market and discourages repeat purchases. The specified grade requirements are consistent with the quality and size composition of the available crop and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers consistent with the declared policy of the act. Fruit not meeting these requirements could be sold within San Joaquin County, or utilized in processing outlets such as crushing.

Production of Tokay grapes for the 1981 season is estimated by the committee at 124,920 tons, compared with production of 125,011 tons in 1980, and 126,818 tons in 1979. Fresh shipments are estimated at 16,100 tons (12.9%), compared with shipments of 15,591 tons (12.5%) in 1980, and 19,794 tons (15.6%) in 1979. Tokay grapes not shipped fresh are utilized in crushing. Total 1981 season California grape production is estimated at 4,170,000 tons, of which an estimated 420,000 tons will be shipped fresh. California 1977-80 grape production averaged 4,421,250 tons, of which 431,500 tons were shipped fresh.

It is proposed that the regulations contained in the interim rule, effective for the period August 10, 1981, through October 15, 1981, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through September 8, 1981, with regard to the interim rule and proposed final regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of California Tokay grapes would tend to effectuate the declared policy of the act.

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), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of grapes is expected to begin on or about August 10, 1981, and this regulation should be applicable to all such shipments; (2) the California Tokay grape regulation was recommended by the committee following discussion at a public meeting; and (3) California Tokay grape handlers have been apprised of these requirements and the effective date.

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

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Therefore, a new § 926.318 is added to read as follows: (§ 926.318 expires October 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 926.318 California Tokay Grape Regulations 17.

(a) During the period August 10, 1981, through October 15, 1981, no handler shall ship:

(1) Any Tokay grapes grown in the production area which do not meet the grade and size specifications of U.S. No. 1 Table grade, and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(2) Any container of Tokay grapes grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* "U.S. No. 1 Table grade" and "characteristic color" shall mean the same as in the United States Standards for Grades of Table Grapes (European or Vinifera type) (7 CFR 2851.880–2851.912).

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

Dated: August 5, 1981, to become effective August 10, 1981.

Frank M. Grasberger,

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

[FR Doc. 81-23264 Filed 8-6-81; 9:02 am]

BILLING CODE 3410-02-M

Proposed Rules

Federal Register
Vol. 46, No. 152
Friday, August 7, 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 Part 201

Federal Seed Act Regulations; Extension of Time Allowed for Written Comments Regarding Proposed Changes in Botanical Names, Testing Seed, and Standards for Certification of Seed

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time allowed for comments regarding proposed rule.

SUMMARY: This extension of time extends the deadline date from July 30, 1981, to August 10, 1981, for written comments on the proposed rule, "Proposed Changes in Botanical Names, Testing Seeds, and Standards for Certification of Seed," published as Part III in the **Federal Register** of Wednesday, June 10, 1981, (46 FR 30780–96). This will allow the Administrator to have a more complete record of the facts and opinions surrounding the proposed rule.

DATE: Written comments to be filed by August 10, 1981.

ADDRESS: Send written comments in duplicate to the Hearing Clerk, USDA, Room 1077, South Building, 1400 Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Donald W. Ator, Chief, Seed Regulatory Branch, Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, USDA, Room 2603, South Building, 1400 Independence Avenue SW., Washington, D.C. 20250, telephone (202) 447–9340.

SUPPLEMENTARY INFORMATION: Under section 402 of the Federal Seed Act, as amended (7 U.S.C. 1592; the Act) and the administrative procedure provisions of 5 U.S.C. 553, notice was given by publication in Part III, Volume 46 of the **Federal Register** on Wednesday, June 10, 1981, (46 FR 30780–96), of intention to amend Part 201 of the regulations (7 CFR Part 201) under the Act; notice was also given of public hearings to be held at Washington, D.C. on July 22, 1981, and Denver, Colorado on July 30, 1981; written comments were to be filed no later than July 30, 1981. At the Denver hearing, a request was made by the American Seed Trade Association that the written comment period be extended ten days to allow for additional time to send written comments to the Hearing Clerk in Washington, D.C. None of the participants at the Denver hearing voiced objection to this request. The Administrator has determined that a ten day extension of time to file written comments is appropriate under the circumstances. Therefore the July 30, 1981, deadline date to file written comments is changed to August 10, 1981.

(Sec. 402, 53 Stat. 1285 (7 U.S.C. 1592))

Signed in Washington, D.C. on August 4, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-23088 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service [1]

9 CFR Parts 318 and 381

[Docket No. 81-010P]

Phosphates and Sodium Hydroxide

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of the potassium salt of a phosphate whenever the use of a sodium salt of phosphate is now approved; and to permit the use of phosphates in all meat food products unless prohibited by another regulation. In addition, this proposed rule would permit the use of sodium hydroxide as a pH control agent in processed meat and poultry products in which phosphates are used. In accordance with 7 CFR 1.28 and 5 U.S.C. 553(e), official meat and poultry processing establishments have petitioned the Administrator to approve the addition of these substances. Although these substances are either food additives or generally recognized as safe substances (GRAS) permitted for use in foods by the Food and Drug Administration (FDA), they do not currently appear in the Federal meat and poultry inspection regulations as substances approved for use in meat and poultry products.

DATE: Comments must be received on or before October 6, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments regarding the proposed poultry products inspection regulations should be directed to Mr. Robert G. Hibbert, (202) 447–6042. (See also "Comments" under Supplementary Information.)

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

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined in accordance with Executive Order 12291 that this proposed rule is not a "major rule". It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512–1 implementing Executive Order 12291. The implementation of this regulation would provide manufacturers of meat food products and poultry products with increased flexibility since it expands the applications and uses of phosphates and sodium hydroxide. The action is not

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1000–1, issued June 17, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

expected to have any adverse impact on industry because the proposal merely expands the application and uses of these substances. It imposes no new requirements on businesses of any size. There are no adverse economic impacts or social costs identified with this action. Consequently, it would have a net benefit to society. The only alternative identified with this action is to retain the status quo and not issue the proposed changes. This would continue the existing restrictions on the use of these substances and make the public benefits of less restrictive regulation unavailable.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because this will impose no new requirements on industry. The implementation of this proposal will expand the permitted applications and uses of potassium phosphates, and sodium hydroxide. It is anticipated that this will not result in a significant economic impact.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Coordination Division. Comments should reference the docket number which appears in the heading of this document. Any person desiring opportunity for oral presentation of their views concerning the proposed amendments to the poultry products inspection regulations must make such request to Mr. Hibbert so that appropriate arrangements may be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4-30 p.m., Monday through Friday.

Background

Section 318.7 (9 CFR 318.7) of the Federal meat inspection regulations provides a chart which lists permitted substances and their specific uses in processed meat products. Section 381.147 of the Federal poultry products inspection regulations (9 CFR 381.147) provides a table which lists the permitted substances and their specified uses in processed poultry products. Requests to amend both the chart and table have been received by the Agency. This document presents the requests as proposed amendments to the regulations.

The Administrator has been requested to approve the use of potassium phosphates in meat food products. Presently, section 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)) lists disodium phosphates, monosodium phosphates, sodium hexametaphosphates, sodium tripolyphosphate, sodium pyrophospate and sodium acid pyrophosphate for use in most cured pork and uncured beef products. Section 381.147(f)(3) of the Federal poultry products inspection regulations (9 CFR 381.147(f)(3)) currently permits the use of these same "phosphates" in processed poultry products. Phosphates generally help to retain juices which would otherwise be lost during the cooking process. In addition, products injected with solutions containing "phosphates" will tend to retain a greater amount of the solution than products injected with solutions without phosphates. "Ham-Water Added" is an example of a product that is able to retain more moisture during processing due to the properties of the phosphates used in the curing solution. This provides consumers with a "juicier" product. In addition to these moisture retention properties, phosphates, when used in uncured beef, also help to prevent the loss of flavor freshness in beef that has been cooked, refrigerated, and reheated. Section 317.2(f)(1) of the Federal meat inspection regulations (9 CFR 317.2(f)(1)) and section 381.118(a) of the Federal poultry products inspection regulations (9 CFR 381.118(a)) provide that the product's ingredients statement must list sodium phosphate in the proper order of predominance by weight. Another substance, sodium hydroxide, may presently be used in conjunction with phosphate in cured pork. Its purpose is to aid in maintaining the pH (acidity/alkalinity) of a product in the range which aids the functions of the phosphates. It would provide a similar function when used with phosphates in processed beef products.

"GRAS" Status of Proposed Potassium Phosphates

Since 1970, FDA has been conducting a comprehensive review of the safety of of those human food ingredients that are currently listed in FDA regulations as either generally recognized as safe (GRAS) (21 CFR Part 182) or subject to a prior sanction (21 CFR Part 181). This ongoing review program, commonly referred to as the "GRAS review," has resulted, to date, in the initiation by FDA in excess of 66 rulemaking proceedings in which the agency has proposed either to affirm the GRAS status of the substance under review (see 21 CFR Part 184) or, where appropriate, to take action to restrict or prohibit use of the substance.

If FDA concludes that the substance under review is GRAS, it proposes to delete the substance from the original GRAS list in Part 182 (21 CFR Part 182) and proposes a regulation for inclusion in Part 184 (21 CFR Part 184) or Part 186 (21 CFR Part 186) affirming the substance's GRAS status and specifying the conditions of use for which the substance is considered GRAS. If FDA concludes that a substance can no longer be considered GRAS, the agency's usual course of action is to propose to delete the substance from the GRAS list and to declare that the substance is a food additive that cannot be used in food unless approved as a food additive under section 409 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 348).

On December 18, 1979, FDA published a proposed rule affecting the GRAS status of the potassium phosphates contained in this propsal (44 FR 74845). The current status of the GRAS review of these potassium phosphates is as follows:

Dipotassium phosphate is referred to as potassium phosphate, dibasic by the FDA. This substance is currently GRAS (21 CFR 182.6285) and it has been proposed for GRAS reaffirmation at 21 CFR 184.1638.

Monopotassium phosphate is referred to as potassium phosphate, monobasic by the FDA. This substance has been proposed for GRAS affirmation at 21 CFR 184.1639.

Potassium tripolyphosphate has been proposed for GRAS affirmation at 21 CFR 184.1644.

Potassium hexametaphosphate is referred to as potassium polymetaphosphate by the FDA. The FDA proposed to remove potassium polymetaphosphate from the GRAS list because of a lack of evidence that the substance was being used in food. However, comments in response to the proposal indicated that potassium polymetaphosphate is used in food. Therefore, the FDA intends to reaffirm the GRAS status of potassium polymetaphosphate.

FDA proposed to affirm the GRAS status of these and other phosphates in the **Federal Register** of December 18, 1979 (44 FR 74845). Since phosphates have a functional effect in all meat food products and are now widely used in

cured pork and uncured beef, and are also permissible in all poultry products, the Administrator has determined that the use of certain phosphates should be extended to other meat food products. After reviewing FDA's proposal to affirm the GRAS status of phosphates in food, the Administrator has determined that it is appropriate to propose approval of certain phosphates for general use in processed meat food products, except where otherwise prohibited by the Federal meat and poultry products inspection regulations. In this regard, however, the Administrator is aware of recent reports in the trade literature that consumption of phosphates may be associated with hyperkinesis in children. Dr. Herta Hafer of the University of Mainz, West Germany, is reported to have developed evidence that hyperactivity is due to an excess of phosphates in the diet. She is also reported to have successfully treated hyperkinetic children with a phosphate-reduced diet. These findings have reportedly been confirmed by Dr. Birgitta Roy-Feiler, also of the University of Maine. Dr. Hafer has met with representatives of the FDA to discuss the results. FSIS has consulted with and will continue to exchange information with FDA in this area. Future FDA consideration of the question obviously could have direct impact upon FSIS regulation of phosphates in the meat and poultry supply under both current and proposed regulations. At present, however, the available data is not sufficient to prevent publication of this proposal. The submission of specific data on the possible link between phosphates and hyperkinesis is encouraged.

FDA has determined that sodium hydroxide is a substance which is generally recognized as safe (GRAS) for use in food products. FDA proposed to affirm the GRAS status of sodium hydroxide in the **Federal Register** of February 22, 1980 (45 FR 11842). After reviewing the basis of FDA's proposal, the Administrator has determined that it is appropriate to propose approval of sodium hydroxide as a pH control agent to aid the functions of phosphates in products other than cured pork in which it is already approved for use.

After careful review of FDA's basis for its proposal, the Administrator has determined that it is appropriate to propose approval of these potassium salts for use in meat food products. This proposal has the additional benefits of providing flexibility to producers in the formulation of products, and of providing suitable meat food products for consumers who must limit their intake of sodium.

Proposal

After careful consideration of the issues described in the preceding background section, the Administrator has determined that it is appropriate to propose the following amendments to § 318.7(c)(4) of the meat inspection regulations:

(1) The chart of approved substances would be amended to permit the use of dipotassium phosphate, monopotassium phosphate, potassium phosphate, potassium hexametaphosphate, potassium tripolyphosphate and potassium pyrophosphate for the same purpose, in the same amount, and for the same meat food products for which the corresponding sodium phosphates are approved for use in § 318.7(c)(4).

(2) The chart of approved substances would be amended to permit the use of sodium hydroxide in meat food products containing phosphates.

(3) The chart of approved substances would be amended to delete the specific products listed in which phosphates may be used, and substitute "Various, except where prohibited by the Federal meat inspection regulations."

Items (1) and (2) are also being proposed as amendments to the poultry products inspection regulations.

Accordingly, the Federal meat inspection regulations would be amended as follows:

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS: REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for Part 318 reads as follows:

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

2. In § 318.7(c)(4), in that portion of the chart dealing with the class of substance titled "Miscellaneous", the description of the products in which the substance "Sodium Hydroxide" may be used would be revised as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * * * * * * *

(c) * * *
(4) * * *

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Miscellaneous	Sodium hydroxide	To decrease the amount of cooked out juices.	Meat food products containing phosphates.	May be used only in combination with phosphates in ratio of four parts phosphate to one part sodium hydroxide; the combination shall not exceed 5 percent in pickle at 10 percent pump level; 0.5 percent in product.
*	*	*	*	*

§ 318.7 [Amended]

3. In § 318.7(c)(4), in that portion of the chart dealing with class of substance titled "Phosphates" the description of the products in which those substances may be used would be revised as follows:

* * * * * * * * * *

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Phosphates	Disodium phosphate	do	Various, except where otherwise prohibited by the Federal meat inspection regulations.	5 percent of phosphate in pickle at 10 percent pump level; 0.5 percent of phosphate in product (only clear solution may be injected into product).

Class of substance	Substance	Purpose	Products	Amount
	Monosodium phosphate	do	do	Do.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
	Dipotassium phosphate	do	do	Do.
	Monopotassium phosphate.	do	do	Do.
	Potassium hexametaphosphate.	do	do	Do.
	Potassium tripolyphosphate.	do	do	Do.
	Potassium pyrophosphate	do	do	Do.

Further, the poultry products inspection regulations would be amended as follows:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and subsection 21(b) of the Water Pollution Control Act, as amended by Public Law 91–224 and by other laws (33 U.S.C. 1171(b)).

2. Section 381.147(f)(3) of the Federal poultry products inspection regulations (9 CFR 381.147(f)(3)) would be revised as follows:

§ 381.147 Restrictions on the use of substances in poultry products.

* * * * *

(f) * * *

(3) The substances specified in the following table are acceptable for use in the processing of poultry products provided they are used within the limits of the amounts stated and under other conditions as prescribed by applicable regulations.

* * * * *

§ 381.147 [Amended]

3. In § 381.147(f)(3) in the portion of the chart dealing with the class of substance "Miscellaneous," the following information would be added in the appropriate column in alphabetical order:

Class of substance	Substance	Purpose	Products	Amount
Miscellaneous	Sodium hydroxide	To decrease the amount of cooked out juices.	Poultry food products containing phosphates.	May be used in combination with phosphates in ratio of four parts phosphates to one part sodium hydroxide; the combination shall not exceed 5 percent in pickle at a 10 percent pump level; 0.5 percent in the product.

§ 381.147 [Amended].

4. In § 381.147(f)(3), that portion of the chart dealing with class of substance titled "Phosphates" the description of the products in which those substances may be used would be revised as follows:

Class of substance	Substance	Purpose	Products	Amount
Phosphates	Disodium phosphate	To decrease the amount of cooked-out juices and protect flavor.	Various	05. percent in product.
	Monosodium phosphate	do	do	Do.
	Sodium hexametaphosphate	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium acid pyrophosphate	do	do	Do.
	Dipotassium phosphate	do	do	Do.
	Monopotassium phosphate	do	do	Do.
	Potassium hexametaphosphate	do	do	Do.
	Potassium tripolyphosphate	do	do	Do.
	Potassium pyrophosphate	do	do	Do.

Done at Washington, D.C., on: July 24, 1981.

Donald L. Houston,

Administrotor, Food Safety and Inspection Service.

[FR Doc. 81-22917 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-DM

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 610

[Docket No. 81N-0133]

General Biological Products Standards; Amendment of Container Label Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the biologics regulations concerning the labeling requirements for biological products. For clarification, the agency proposes that the regulations reflect the existing requirement that the statement: "Caution: Federal law prohibits dispensing without prescription" be placed on labels of all prescription biologicals.

DATES: Comments by October 6, 1981. The proposed effective date of the final rule is 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: A biological product is defined as any virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or its derivatives applicable to the prevention, treatment, or cure of disease or injuries of man. Biological products are drugs within the meaning of section 201(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(g)). In section 503(b)(4) of the act (21 U.S.C. 353(b)(4)), a prescription drug that is to be administered under the supervision of a qualified, licensed practitioner is misbranded unless its label bears the statement "Caution: Federal law prohibits dispensing without prescription." Section 201.100(b)(1) (21 CFR 201.100(b)(1)) of the Code of Federal Regulations also requires this statement for all prescription drugs, including biological products intended for human use.

Although this cautionary labeling requirement for prescription drugs has been in effect and consistently applied to biological products since 1945, the cautionary statement has never been explicitly incorporated into the general provisions of the biologics regulation. As a result, the agency has been receiving occasional inquiries concerning application of the cautionary statement to biologics.

For clarification, the agency is proposing to amend the labeling requirements in 21 CFR 610.60 and 610.61 to reflect the existing requirement that the statement "Caution: Federal law prohibits dispensing without prescription" be placed on the labels of all prescription biological products.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (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.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 701, 52 Stat. 1040-1042 as amended, 1050-1051 as amended, 1055-1056 as amended (21 U.S.C. 321, 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) 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)), it is proposed that Part 610 be amended by adding new § 610.60(a)(6) and 610.61(t) to read as follows:

§ 610.60 Container label.

* * * * *

(a) * * *

(6) The statement "Caution: Federal law prohibits dispensing without prescription," if appropriate.

* * * * *

§ 610.61 Package label.

* * * * *

(t) The statement "Caution: Federal law prohibits dispensing without prescription," if appropriate.

Interested persons may, on or before October 6, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

FDA has examined the regulatory impact and regulatory flexibility implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The agency believes that the proposed rule will not affect manufacturers of biological products because the proposal is merely a clarification of an existing licensing requirement that has been enforced for many years. The proposed rule would have no economic impact on any manufacturer of biological products. Therefore, the agency concludes that the proposed regulation does not warrant designation as a major rule under any of the criteria specified under section 1(b) of Executive Order 12291. The agency similarly concludes that a regulatory flexibility analysis is not required because the proposed rule would not have a significant economic impact on a substantial number of small entities.

Dated: July 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-22905 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreement; North Dakota.

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

ACTION: Notice of intent to propose rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) intends to commence rulemaking to enter into a cooperative agreement between the Department of the Interior and the State of North Dakota for the regulation of surface coal mining and reclamation operations on Federal lands in North Dakota under the permanent regulatory program. This agreement will replace the existing cooperative agreement found at 30 CFR 211.77(d) and 45 FR 5534 (January 23, 1980) between the Department and the State of North Dakota which provides for the State regulation of surface coal mining operations on Federal lands under

OSM's interim regulatory program. This notice announces OSM's intent to enter into a cooperative agreement for the purpose of establishing North Dakota's role in the administration of the permanent regulatory program on Federal lands.

DATES: Comments must be received on or before October 6, 1981, at the Office listed below under "Addresses" by no later than 5 p.m.

Representatives of OSM will be available to meet with interested persons upon request between August 7, 1981, and October 6, 1981. A supplemental notice will announce the date and location for a public hearing.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, Division of Federal Programs, Room 153 South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240. All Comments received will be available for inspection at this location along with summaries of meetings held with representatives of OSM. The Complete administrative record will be maintained at this address.

Copies of the agreement proposed by the State, and of the related information required under 30 CFR Part 745, are available for inspection at the Public Service Commission, State of North Dakota Capital Building, Bismarck, North Dakota 58505; Office of Surface Mining, U.S. Department of the Interior, Room 153 South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240; Office of Surface Mining, U.S. Department of Interior, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Division of Federal Programs, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240. (703) 756-6970.

SUPPLEMENTARY INFORMATION: Rulemaking Under 30 Part 745 and 43 CFR Part 14. The regulations for development, approval, administration and enforcement of permanent program cooperative agreements, appear at 30 CFR Part 745. By letter of November 14, 1980, the State of North Dakota submitted a proposed permanent program cooperative agreement along with related information required by 30 CFR 745.11(b). A revised proposal was submitted on June 9, 1981. This information is available for inspection at the locations listed above under the heading "Addresses".

This notice of intent to propose rulemaking is issued pursuant to 30 CFR 745.11(c) and 43 CFR Part 14. (The latter regulations are the Department of the Interior's rulemaking procedures.) Pursuant to 30 CFR 745.11(c)(3) this notice specifies that the public comment period within which representatives of the public may submit written comments on the proposed permanent progam cooperative agreement with the State of North Dakota will be 60 days. OSM intends to publish a Notice of Proposed Rulemaking and a Notice of Public Hearing in the near future. *See*, 30 CFR 745.11(c) and (d) and 43 CFR Part 14.

Background

Consistent with Congress' intent that implementation of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), be accomplished in two phases, Section 523(c) of that Act provides for two kinds of State-Federal cooperative agreements: Initial program cooperative agreements and permanent program cooperative agreements. Initial program cooperative agreements are authorized by the second sentence of Section 523(c) which provides that "States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of their State program, or imposition of a Federal program, provided that such existing cooperative agreement is modified to fully comply with the initial regulatory procedures set forth in Section 502 of this Act." 30 U.S.C. 1273(c). Six States had cooperative agreements with the Department of the Interior prior to August 3, 1977 (Wyoming, Utah, New Mexico, North Dakota, Montana and Colorado). On January 23, 1980, North Dakota's pre-August 3, 1977, cooperative agreement was modified to comply fully with the initial regulatory program promulgated pursuant to Section 502 of the Act. 30 U.S.C. 1252. It was published in the **Federal Register** on January 23, 1980 (45 FR 5534) and codified at 30 CFR 211.77(d).

Permanent program cooperative agreements are authorized by the first sentence of Section 523(c) of the Act which provides that "[a]ny State *with an approved State program* may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provisions of this Act." 30 U.S.C. 1273(c) (emphasis added). The procedures for States to elect to enter into permanent program cooperative agreements are found in 30 CFR Part 745.

On February 29, 1980, the Governor of the State of North Dakota submitted the North Dakota State program for approval pursuant to Section 503 of the Act and 30 CFR Part 731. The State program was conditionally approved by the Secretary and became effective upon publication in the **Federal Register** on December 31, 1980 (45 FR 86459).

By letter of November 14, 1980, the Governor of North Dakota Submitted a request for a permanent program cooperative agreement. A revised proposal was submitted on June 9, 1981. The revision of the November 14, 1980, proposal was based on discussions between representatives from the State of North Dakota and OSM in Bismarck, North Dakota on April 28, 1981. The full text of the June 9, 1981, revision appears at the end of this notice and will be the basis for future rulemaking.

Contracts with State Representatives

The Department intends to follow during this rulemaking the "Guidelines for Contracts With Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 5444–5445 (September 19, 1979). As written, the guidelines apply only to the State program review and decision process. However, the Department believes that the guideline should also be applied in the development of State-Federal permanent cooperative agreements. The need to reserve the ability of the Department and the States to work together through the stages of the cooperative agreement and the right of the public to be informed and have the opportunity to comment meaningfully on issues raised are principles applicable to permanent program cooperative agreement rulemaking.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Departmental employees and officials during permanent program cooperative agreement rulemakings are given below. See the notice of September 19, 1979 (44 FR 5444–5445) for a full discussion of the guidelines and supporting principles. The September 19, 1979, guidelines remain fully applicable to the State program review process.

1. Upon request the Department will meet with any public representatives—citizens, environmental groups, industry—through the end of the public comment period. Notices of scheduled

meetings shall be posted in a public place. The meetings will be open.

2. The Department will meet with State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to enter into a permanent program cooperative agreement with a State. Through the end of the public comment period, the meetings will be open unless and OSM or Departmental official decides to hold an executive session. Advance notice of scheduled meetings will be posted in a public place. Both before and after the end of the public comment period, some meeting may be in executive session. Notice of executive sessions will be posted.

3. The Department shall keep a summary record of all discussions and meetings whether in person or by telephone on a proposed cooperative agreement. This record shall include a summary of the discussions and a list of all written information OSM receives. All such records along with all written communications relating to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include a summary of the meeting and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to enter into a permanent program cooperative agreement.

Request for Comments

The public is invited to comment on the following issues as they relate to North Dakota's proposed permanent program cooperative agreement:

1. Does the proposal meet the requirements of 30 CFR 745.12 relating to the content of a permanent program cooperative agreement?

2. Does the State have the legal authority to administer the proposed permanent program cooperative agreement? *See*, 30 CFR 741.11(f)(3).

3. Does the State have sufficient budget, equipment and personnel as required by 30 CFR 745.11(f)(2)?

4. Is it desirable as proposed in Article V, paragraph (B)(6), for the State and the Secretary to make different decisions within one proposed mining plan and permit area regarding the same operations for non-Federal and Federal portions respectively?

5. Is the proposal in Article V, paragraph (B)(6) that the State alone make decisions in certain circumstances regarding operations over a Federal Mineral estate desirable and consistent with Federal law and regulations?

6. Is it desirable and consistent with Federal law and regulations for the State alone to act on permit renewal applications as proposed in Article V, paragraph 7?

As this list is not intended to be an exhaustive summary of issues or considerations, the public is further invited to comment on any articles of the proposed permanent program cooperative agreement and on any other issues or areas which pertain to it.

Determination of Effects

Prior to publishing a notice of proposed rulemaking, a Determination of Effects will be prepared in order to determine it if the rule is a "Major" rule under Executive Order No. 12291, and whether the rule will have a "significant economic effect on a substantial number of small entities" under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Comments and information concerning these issues are also requested.

Proceedings relating to adoption of a permanent program, cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to Section 523 of the Act. 30 U.S.C. 1273. Such proceedings are therefore exempted under Section 702(d) of the Act 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).

Dated: July 29, 1981.

Daniel N. Miller,

Assistant Secretary of the Interior.

Cooperative Agreement

This is a Cooperative Agreement (Agreement) between North Dakota (State) acting by and through the North Dakota Public Service Commission (Commission) and the Governor, and the United States Department of the Interior (Interior), acting by and through the Secretary of the Interior (Secretary).

Article I: Introduction and Purpose

A. *Authority:* This Agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), Pub. L. 95–87, 30 U.S.C. 1273, which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253 to elect to enter into an agreement for the regulation and control of surface coal mining on Federal lands, and by Chapter 38–14.1 of the North Dakota Century Code, Reclamation of Surface-Mined lands (State Act). This Agreement provides for State regulation of surface coal mining and reclamation operations on Federal lands within North Dakota consistent with the State and Federal Acts and the Federal lands program.

b. *Purpose:* The purpose of the Agreement is to (1) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations; (2) eliminate unnecessary intergovernmental overlap and duplication; and (3) provide uniform and effective application of the State and Federal lands programs in North Dakota.

Article II: Effective Date

Following signing by the Secretary, the Governor and the Commission, the Agreement shall take effect 30 days from the date of publication in the **Federal Register** as a final rule. This Agreement shall remain in effect until terminated as approved in Article X.

Article III: Scope

This Agreement makes the laws, regulations, terms, and conditions of North Dakota's permanent state program (approved effective December 15, 1980, 30 CFR 934.11 or as hereinafter may be amended in accordance with 30 CFR 732.17) applicable to Federal lands within North Dakota except as otherwise stated in this Agreement, the Federal Act, 30 CFR 745.13, or other applicable laws.

Article IV: Requirements for Cooperative Agreement

The Commission and the Secretary affirm that they will comply with all of the provisions of this agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency:* The Commission is, and shall continue to be, the sole agency responible for administering this Agreement on behalf of North Dakota on Federal lands throughout the State. The Office of Surface Mining Reclamation and Enforcement (OSM) shall administer this agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter VII.

B. *Authority of State Agency:* The Commission has and shall continue to have authority under State law to carry out this Agreement.

C. *Funds:* The State will devote adquate funds to the administration and enforcement on Federal lands in North Dakota of the requirements contained in the State program. If the State complies with terms of this Agreement, and if

necessary funds have been appropriated, OSM shall reimburse the State as provided in Section 705(c) of the Federal Act and 30 CFR 735.16 for costs associated with carrying out responsibilities under this Agreement. Reimbursement shall be in the form of annual grants, and applications for grants shall be promptly processed and awarded.

D. *Reports and Records:* The Commission shall make annual reports to the OSM Regional Director, Region V (Regional Director), containing information respecting its compliance with the terms of this Agreement pursuant to 30 CFR 745.12(c). The Commission and the Regional Director shall exchange, upon request, information developed under this Agreement. The Regional Director shall provide the Commission with a copy of any approved evaluation report concerning State administration and enforcement of this Agreement.

E. *Personnel:* The Commission shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal and State Act and the State Program.

F. *Equipment and Laboratories:* The Commission shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed an which are necessary to carry out the requirements of this Agreement.

G. *Permit Application Fees:* The amount of the fee accompanying an application for a permit shall be determined in accordance with Section 38–14.1–13, NDCC. All permit fees shall be retained by the State and deposited with the State Treasurer. The financial status report submitted pursuant to 30 CFR 725.23 shall include a report of the amount of permit application fees collected and attributable to Federal lands during the prior Federal fiscal year. This amount shall be disposed of in accordance with Federal regulations, OMB Circular No. A–102, Attachment E.

Article V: Policies and Procedures: Mine Plan Review

A. *Contents of Mining Plans and Permits:* The Commission and the Secretary require that an operator proposing to mine on Federal land shall submit an identical mining and reclamation plan and permit application in an appropriate number of copies to the Commission and the Regional Director. The plan and permit application shall be in the form required by the Commission and include any supplemental forms required by the Secretary. The plan and application shall satisfy the requirements of 30 CFR 741.12(b) and 30 CFR 741.13 and shall include the information required by or necessary for, the Commission and the Secretary to make a determination of compliance with:

(1) Chapter 38–14.1 and Chapter 38–18 of the North Dakota Century Code;

(2) Article 69–05.2 of the North Dakota Administrative Code;

(3) Applicable terms and conditions of the Federal coal lease; and

(4) Applicable requirements of other Federal laws and the State Program including but not limited to those in Appendix A.

B. *Mine Plan Review Precedures:* 1. The Commission shall assume primary responsibility for the analysis and review of applications required by 30 CFR 741.13 for surface coal mining on Federal lands in North Dakota. The Secretary shall, as required, assist the State through the Regional Director in this analysis and review. The Secretary shall, in addition, evaluate the State's analysis and conclusions as necessary to independently determine whether the Secretary concurs in the Commission's decision.

2. The Commission shall be the primary point of contact for operators regarding the approval of the permit application. The Commission will be responsible for informing the applicant of all joint State-Federal determinations. The Commission shall send all correspondence with the applicant which may have a bearing on decisions regarding the mine plan to the Regional Director. Except in exigent circumstances, OSM shall not independently initiate contacts with applicants regarding completeness or deficiencies of plans and applications with respect to matters which are properly within the jurisdiction of the Commission. If requested, an operator shall send written communications and documents regarding mining plans and permit applications directly to OSM. At any time, the Secretary reserves the right to act independently of the Commission to carry out its responsibilities of the laws other than the Federal Act and a copy of all such independent correspondence relating to such actions with the applicant shall be sent to the State.

3. The Regional Director is responsible to ensure that any information OSM receives from an applicant is sent to the Commission and the Commission will send any information received from the applicant to the Regional Director. The Regional Director and the Commission shall regularly coordinate with each other during the permit review process.

4. The Regional Director shall be responsible for obtaining timely the views of all Federal agencies with jurisdiction or responsibility over a mine plan and permit application on Federal lands in North Dakota and for making these views known to the Commission within 90 days of the receipt of the application by OSM. The Commission shall keep the Regional Director informed of finding during the review which bear on the responsibilities of other Federal agencies. The Regional Director shall take appropriate steps to facilitate discussions between the Commission and the concerned agencies wherever desirable to resolve issues or problems identified in the review.

5. Upon receipt of a mining plan and permit application, the Regional Director and the Commission, respectively, shall identify a person as the application manager. The application managers shall serve as the primary point of contact between OSM and the Commission throughout the review process and shall be responsible for identifying areas of avoidable duplication of review and analysis, which shall be eliminated by the Regional Director. Not later than 15 days after an application has been received, OSM and the Commission shall discuss the application and agree upon a work plan and schedule for the review of the application. The Regional Director shall thereafter inform the Commission of any specific or general areas of concern which require special handling or analysis. The Commission shall likewise inform the Regional Director where OSM assistance will be needed to perform any specific or general analysis or prepare any studies or similar work.

6. Unless the work plan provides otherwise, the Commission shall prepare a technical analysis, environmental analysis, and proposed written decision on the permit. Copies of drafts of these documents shall be sent to the Regional Director for his review and comment. The Regional Director shall independently evaluate the documents and inform the Commission within 30 days of any changes that should be made. The Commission shall consider the comments of the Regional Director and send a final technical analysis, environmental analysis, and proposed decision to the Regional Director. The final decision of the Commission and the Secretary shall be made as contemporaneously as possible. In the absence of a decision by the Secretary within the time frames established by the State program the Commission may take final action on the permit. However, the permit issued by the

Commission shall condition the initiation of surface coal mining operations on Federal lands within the permit area on obtaining the necessary approvals from the Secretary. The Commission shall in the approval application, reserve the right to amend or rescind its action to conform with action taken or with terms or conditions imposed by the Secretary. The Regional Director shall not delete requirements included in the Commission's approval without consent of the Commission. If the decision of the Commission is to disapprove the permit, a notice shall be sent to the applicant and the Regional Director with a statement of findings and conclusions in support of the action. Prior to Regional Director disapproval of the application, the Regional Director shall consult with the Commission in an attempt to reach agreement on curative revisions to the application. In addition, the Commission may approve and issue permits, permit revisions, and permit renewals for surface coal mining and reclamation operations on lands where the surface estate is non-Federal and the mineral estate is Federal, provided that:

a. The proposed surface disturbances are planned to support surface coal mining and reclamation operations on adjacent non-Federal lands;

b. The Commission consults with the Regional Director in order to insure that actions are not taken which would substantially and adversely affect the Federal mineral estate.

7. Any permit renewal applications requested pursuant to applicable State law and regulations for a mining plan or permit area on Federal lands which have been previously approved by the Secretary shall be reviewed and approved or disapproved by the Commission. The Commission shall inform the Regional Director of the renewal, and provide OSM with copies of the application documents.

8. Any permit revisions requested pursuant to applicable State law and regulations for a mining plan or permit area on Federal lands which have been previously approved by the Secretary shall be reviewed by the Commission pursuant to Section 69-05.2-11-02(5), NDAC, in consultation, where necessary, with OSM to determine whether the proposed revisions is a significant alteration or addition to the approved plan. Permit revisions that are found to be an insignificant alteration to the existing plan shall be reviewed and approved or disapproved by the Commission. Permit revisions that are found to be a significant alteration to the existing plan shall be reviewed according to the procedures specified in this article.

9. When the Commission and the Regional Director cannot resolve differences that develop during mine plan review or agree to the final actions to be taken by the Commission and Interior on the mining plan and permit application, the matter shall be referred to the Governor and the Secretary for resolution.

10. Nothing in this agreement be construed to limit the Secretary's authority in 30 CFR 741.16, 741.17 and 741.21.

Article VI. Inspections

The Commission shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with the approved State Program.

A. *Inspection Reports:* The Commission shall, within 15 days of conducting any inspection on Federal lands, file with the Regional Director an inspection report describing (1) the general conditions of the lands under the lease, permit, or license; (2) whether the operator is complying with applicable performance and reclamation requirements; and (3) the manner in which specific operations are being conducted.

B. *Commission Authority:* The Commission shall be the point of contact and sole inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described in this Agreement and the Secretary's regulation. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement.

C. *OSM Authority:* For the purpose of evaluating the manner in which this Agreement is being carried out and to insure that performance and reclamation standards are being met, the Regional Director may conduct inspections of surface coal mining and reclamation operations on Federal lands, provided that adequate advance notice is given the Commission so that its representatives have the opportunity to participate. In order to facilitate a joint Federal-State inspection, when Interior is responding to a citizen complaint of an imminent environmental danger or a threat to human health, pursuant to 30 CFR 842.11(b)(1)(ii), it will contact the Commission if circumstances and time permit, prior to the Federal inspection. If an inspection is made without Commission inspectors, the Regional Director shall provide the Commission with a copy of the inspection report within 15 days after inspection.

D. *Witness Availability:* Personnel of the State and Interior shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VII. Enforcement

A. *Commission Enforcement:* The Commission shall take enforcement action on Federal lands in accordance with the State Program and this Agreement. During any joint inspection by Interior and the Commission, the Commission shall take enforcement action, including issuance of orders of cessation and notices of violation. Interior and the Commission shall consult prior to issuance of any decision to suspend or revoke a permit.

B. *Notification:* The Commission and OSM shall promptly notify each other of all violations of applicable laws, regulation, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken with respect to such violations.

C. *Secretary's Authority:* This Agreement does not limit the Secretary's authority to enforce violations of Federal law which establish standards and requirements which are authorized by laws other than the Federal Act.

Article VIII. Bonds

A. *Bond Coverage and Terms:* The Commission and the Regional Director shall require all operators on Federal lands to submit a single bond to cover the operator's responsibilities under the Federal Act and the State program, payable to both the United States and North Dakota. The bond shall be of sufficient amount to comply with the requirements of both State and Federal law and release of the bond shall be conditioned upon compliance with all applicable requirements.

B. *Bond Release:* Prior to releasing the operator from any bonding obligation required under the State Program for any Federal lands, the Commission shall obtain the consent of the Regional Director. The Commission shall also advise the Regional Director of adjustments to the bond.

Article IX. Designation of Lands as Unsuitable

The Commission and the Regional Director shall cooperate in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition which could impact adjacent Federal or non-Federal lands, respectively, the agency shall (1) notify the other of its receipt and of the anticipated schedule for reaching a

decision; and (2) request and fully consider data, information and views of the other. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative.

Article X. Termination of Cooperative Agreement

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State:* The Cooperative Agreement may be terminated by the Commission upon written notice to the Secretary, specifying the date upon which the Agreement shall be terminated. The date of termination shall not be less than 90 days from the date of the notice.

B. *Termination by the Secretary:* This Agreement may be terminated by the Secretary according to the following procedures:

1. The Secretary shall give written notice to the Commission specifying the date upon which the Agreement shall be terminated. The date of termination shall not be less than 90 days from the date of notice;

2. A written notice from the Secretary shall specify the grounds upon which he proposes to terminate the Agreement. In addition, a written notice containing the grounds for termination shall be published in the **Federal Register**, affording the Commission and the public a minimum 30 days for comment.

3. A written notice shall also specify the date and place within the State of North Dakota where the Commission shall be afforded the opportunity for hearing. The date of such hearing shall not be less than 30 days from the date of publication in the **Federal Register**. Prior to the time fixed for public hearing, representatives of the Commission may be permitted to appear and confer with the Secretary and present oral or written statements, and any other documents relative to the proposed termination.

4. The proposed termination hearing shall be conducted by the Secretary and a record shall be made of the hearing. The Commission shall be entitled to have legal and technical and other representatives present at the hearing, and may present, either orally or in writing, evidence, information, testimony, documents, records or materials as may be relevant to the issues involved.

C. *Termination by Operation of law:* This Agreement shall terminate by operation of law under any of the following circumstances:

1. When no longer authorized by Federal laws and regulation or North Dakota law and regulations, provided that if the Secretary intends to make such a determination, he follows the notice and hearing procedures specified in the above subsection B of Article X;

2. Upon termination or withdrawal of the Secretary's approval of the applicable State Program, provided that if the Secretary intends to make such a determination, he follows the notice and hearing procedures specified in the above subsection B of Article X.

D. *Notice of Proposed Secretarial Decision:* After the notice and hearing procedures have been complied with as specified in subsection B of Article X, and it is the intent of the Secretary to either terminate or withdraw all approval of the Agreement, the Secretary shall notify the Commission of his proposed decision, and afford the Commission an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in the administration of this Agreement. The Secretary shall state the period of time within which the defects shall be remedied in order for the Agreement to remain in effect. If the defects cannot be remedied as specified in accordance with the terms outlined by the Secretary, this Agreement shall be terminated 30 days after the Commission receives notice of the Secretary's proposed decision.

Article XI. Reinstatement of Cooperative Agreement

If this Cooperative Agreement has been terminated as provided in Article X, it may be reinstated upon application by the Commission and upon giving evidence satisfactory to the Secretary that the Commission can and will comply with all the provisions of the Agreement, and has remedied all defects in administration for which this Agreement was terminated.

Article XII. Amendments to Cooperative Agreement

This Agreement may be amended by mutual agreement of the Commission and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment and if rejected shall state the reason for rejection.

Article XIII. Changes in State or Federal Standards

A. *Time for Changes:* The Secretary or the State may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. The Secretary and the Commission shall immediately inform each other of any proposed or final changes in their respective laws or regulations as provided in 30 CFR 732.17. Each party shall, if it determines it to be necessary to keep this Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes, unless mutually extended, or unless such rulemakings are prevented by the issuance of an injunction or similar order by any court of competent jurisdiction, in which event the six month time period shall not commence until the applicable litigation has been finally resolved. For changes which require legislative authorization, the State shall have until the close of its next regular legislative session in which to make the changes.

B. *Copies of Changes:* The State and Interior shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV. Changes in Personnel and Organization

The Commission and the Secretary shall, consistent with 30 CFR 745, advise each other of changes in the organization, structure, functions, duties, and funds of the offices, departments, divisions, and persons within their organizations which could affect administration and enforcement of this Agreement. Each shall promptly advise the other in writing of changes in key personnel including the head of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the program. The Commission and the Secretary shall advise each other in writing of changes in the location of offices, addresss, telephone numbers, and changes in the names, location and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV. Reservation of Rights

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under the Mineral Leasing Act, as amended, the Minerals Leasing Act for Acquired Lands, the Stockraising Homestead Act,

the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy and Management Act, the Constitution of the United States, the Constitution of the State, or State laws.

Article XVI. Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Parts 700 and 701 shall be given the meanings set forth in said definitions.

Approved:

Dates

Secretary of the Interior

Dates

Governor, State of North Dakota

Dates

President, North Dakota Public Service Commission

Dates

Commissioner, North Dakota Public Service Commission

Dates

Commissioner, North Dakota Public Service Commission

Appendix A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701, *et seq.*, and implementing regulations.
2. The Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.*, and implementing regulations including 30 CFR 211 *et seq.*
3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, and implementing regulations including 40 CFR 1500 *et seq.*
4. The Endangered Species Act and implementing regulations including 50 CFR 402.
5. The National Historic Preservation Act of 1966, 16 U.S.C. 470, *et seq.*, and implementing regulations, including 36 CFR 800.
6. The Clean Air Act, 42 USC 7401, *et seq.*, and implementing regulations.
7. The Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, and implementing regulations.
8. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.
9. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. 469, *et seq.*
10. Executive Order 11593, Cultural Resource Inventories on Federal Lands.
11. Executive Order 11988, May 24, 1977 for flood plain protection. Executive Order 11990 for wetlands protections.
12. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351, *et seq.*, and the implementing regulations.
13. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291, *et seq.*
14. The Constitution of the United States.
15. The Constitution of the State and State Law.

[FR Doc. 81-22929 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1904-2]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of submittal to satisfy conditions of plan approval.

SUMMARY: The State of Iowa has submitted a State Implementation Plan (SIP) revision to satisfy a condition of approval on the Iowa SIP. This submission is being reviewed by EPA to determine if it can be approved as part of the Iowa SIP. The purpose of this document is to notify the public, as required by the Clean Air Act, that this revision has been received and is available for public review and comment.

ADDRESSES: The state submission is available for public inspection at: the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri; the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C.; and the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816-374-3791.

SUPPLEMENTARY INFORMATION: On April 17, 1981 (46 FR 22368) EPA conditionally approved the Iowa SIP at it relates to attainment of the secondary standards for total suspended particulates.

One condition required the state to submit a schedule for completing studies of nontraditional sources of particulate and for implementing the results of these studies in the form of control strategies.

The state has now submitted the required schedules. EPA is reviewing the submittal to determine compliance with Clean Air Act requirements. After completion of its review, EPA intends to publish a notice in the **Federal Register** advising of its proposed action on the submittal. Conditional approval of the Iowa SIP is continued until final action on the submittal is published in the **Federal Register**.

(Clean Air Act Sections 110, 172 and 301 (42 U.S.C. 7410, 7502 and 7601))

Dated: July 27, 1981.

William M. Rice,

Acting Regional Administrator.

[FR Doc. 81-23109 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL 1897-1]

Commonwealth of Pennsylvania Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania has requested approval of a revision to its State Implementation Plan (SIP) under the Clean Air Act. This revision consists of a modification to the Air Resources Regulations for the Beaver Valley Air Basin. This air basin will be divided into an upper and a lower section, and the regulations for the upper section will be changed. The Environmental Protection Agency is today proposing approval of this revision to the Pennsylvania SIP.

DATE: Comments must be submitted on or before September 8, 1981 to: Mr. H. G. Hanson (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: (AH024PA).

ADDRESSES: Copies of the proposed SIP revision and the accompaning support documents are available during normal business hours at the followings offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan (3AH11).

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, ATTN: Mr. James Hambright.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Shoener (3AH11), U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, 10th floor, 6th and Walnut Streets, Philadelphia, PA 19106, FTS: 597-8179.

SUPPLEMENTARY INFORMATION:

Introduction

The proposed changes to the Pennsylvania SIP were submitted by Department of Environmental Resources (DER) Secretary Clifford L. Jones on November 10, 1980. The changes were approved by the Environmental Quality Board on October 21, 1980 after a public hearing on September 2, 1980. Secretary Jones certified in his submittal letter that these hearings were held in accordance with 40 CFR Part 51.

The proposed changes would divide the Beaver Valley Air Basin into an upper section (the Lawrence County portion) and a lower section (the Beaver County portion). The existing emission limitations for the Lower Beaver Valley Air Basin will remain in effect. The proposed emission limitations for combustion units in the Upper Beaver Valley Air Basin will be revised to be consistent with those in the Reading, Allentown-Bethlehem-Easton, and Johnstown Air Basins.

Description of Changes

The existing regulations for the Beaver Valley Air Basin (Section 123.22(d)) limit emissions from combustion units to 0.6 pounds SO_2/million Btu heat input for larger sources (those of rated capacity greater than 2,000 million Btu per hour heat input); up to 1.0 pounds SO_2/million Btu heat input for smaller sources (those of rated capacity between 2.5 and 49 million Btu per hour heat input). For sources between 49 and 2,000 million Btu per hour heat input, the emission is determined by an equation in the regulation, and falls between 0.6 lbs. and 1.0 lbs. per million Btu heat input.

The proposed regulation for the Upper Beaver Valley Air Basin consists of the following sections:

(1) A general provision limiting the emissions of sulfur oxides (expressed as SO_2) from any combustion unit to 1.0 lbs. SO_2/per million Btu heat input.

(2) Commerical fuel oil sulfur content limitations restricting sale, delivery, exchange, causing, suffering, or permitting use of oil with a sulfur content greater than 0.3% sulfur for No. 2 and lighter fuel oils, and 2.0% sulfur for No. 4 and heavier oils. Effective August 1, 1982, the limitation for No. 4 and heavier oils will become 1.5% sulfur.

(3) An equivalency provision for fuel oil allowing sources using sulfur emissions control equipment or processes to burn oil with a sulfur content higher than the allowed in (2) above provided that the resultant emissions do not exceed those that would result from the use of the percent sulfur allowed in (2) above.

(4) An emission averaging provision for solid fossil fuel-fired combustion units. This averaging provision is allowed for all sources with a heat input equal to or in excess of 250 million BTU/hour, or for smaller sources which petition and are accepted by DER for this provision. This provision sets emission limitations for sulfur oxides (expressed as SO_2) in pounds of SO_2 per million BTU (lbs. SO_2/MMBTU) heat input for three concurrent time periods as follows:

(a) Thirty (30) day running average not to be exceeded at any time, set at 2.8 lbs. SO_2/MMBTU.

(b) Daily average not to be exceeded more than two (2) days in any running thirty (30) day period, set at 3.0 lbs. SO_2/MMBTU.

(c) Daily average maximum not to be exceeded at any time, set at 3.6 lbs. SO_2/MMBTU.

The emission averaging provisions above require continuous emission monitoring, the installation and operation of which must be approved by DER. The monitoring requirements are listed in Section 123.25 of the Pennsylvania Air Resources Regulations.

Any combustion units not qualifying for or not complying with the regulations for installation and operation of continuous monitoring equipment that is required for the averaging provision shall be subject to the general provision limitations.

Demonstration of Attainment

The Commonwealth of Pennsylvania has submitted a demonstration intended to show the effect of the proposed change in the regulations for the Lawrence County portion of the air basin. This demonstration consists of an air quality modeling study which predicted maximum annual average, 24-hour and 3-hour SO_2 concentrations. This study used worst case meteorological conditions, maximum rated operating capacity, and the 3.6 lbs./MMBTU emission limitation (for the 3-hour and 24-hour analysis). The study showed that the National Ambient Air Quality Standards (NAAQS), (annual average, 24-hour, and 3-hour secondary standard), will not be exceeded as a result of this regulation change and there will only be one major source (a 360 megawatt power plant) affected by the revision.

The modeling used in this SIP revision shows that these emission limits would not cause or contribute to a violation of the NAAQS for sulfur dioxide, and would not cause significant degradation of air quality in any other State. These emission limits therefore meet the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision to the Pennsylvania State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

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 this action, if promulgated, only approves State actions and imposes no new requirements.

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

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

Dated: June 26, 1981.

(42 U.S.C. 7401-642)

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-23150 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PP 7E1887/P186; PH-FRL 1903-4]

Chlorothalonil; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the fungicide chlorothalonil and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of the subject fungicide in or on parsnips (root) at 1.0 part per million (ppm).

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

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Emergency Response Section, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted pesticide petition number 7E1887 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida, North Carolina, and South Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity parsnips (root) at 1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance of 1 ppm in or on parsnips (root) were two 2-year feeding studies (dogs and rats), with a no-observed-effect-level (NOEL) of less than 0.15 percent and 60 ppm (1.5 mg/kg of body weight), respectively; a 3-generation rat reproduction study with a NOEL of 15,000 ppm (based on reproduction) and 1,500 ppm (based on lactation); a rabbit teratology study negative for teratogenic effects at 62.5 mg/kg (highest level fed).

Data considered in support of the metabolite were an acute rat oral feeding study with an LD_{50} of 422 milligram (mg)/kilogram (kg) for male rats and 242 mg/kg for female rats; a second acute rat oral feeding study with an LD_{50} of 322 mg/kg; a 4 month rat feeding study with a NOEL of 100 mg/kg; a sub-acute 90-day dog feeding study with a NOEL of less than 50 ppm; an acute dog oral feeding study with an LD_{50} of 100 mg/kg; a 3-generation rat reproduction study wherein no NOEL was established.

The National Cancer Institute (NCI) released the results of a study which showed that chlorothalonil, based on the terms of the bioassay, gave weakly positive evidence of oncogenicity in male and female Osborne-Mendel rats but not in $B_6C_3F_1$ mice. The Registrant has submitted an independent analysis of the bioassay which questions the integrity of the study; however, the present tolerance regulation is based on the assumption that the NCI study is valid. For the purpose of this petition a carcinogenic risk analysis and incremental risk assessment show that the theoretical exposure and risk associated with the proposed tolerance is less than 1 percent of the theoretical exposure from existing tolerances and that the carcinogenic upper limit is less than 1×10^{-7} for the proposed tolerance.

The acceptable daily intake (ADI), based on the dog feeding study (NOEL of 1.5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.0150 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 0.9 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.70076 mg/day.

The metabolism of chlorothalonil is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency, the tolerance established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein may request, on or before September 8, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 7E1887/P186]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule 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 proposal 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(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: July 24, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.275 be amended by alphabetically inserting the raw agricultural commodity "parsnips (root)" to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Parsnips (root)	1
* * * * *	

[FR Doc. 81-23111 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-32-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 12, 31, and 46

Contract Delivery or Performance, Cost Principles, and Contractor Liability for Loss of or Damage to Property of the Government

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract delivery or performance, cost principles, and contractor liability for loss of or damage to property of the Government. Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before September 23, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see Federal Register, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquistion Regulation are available upon request for public and Government agency review and comment.

PART 12—CONTRACT DELIVERY OR PERFORMANCE

This part prescribes policies and procedures relating to delivery or performance under contracts for supplies, services, and construction. Its subparts cover delivery or performance schedules; liquidated damages; priorities, allocations, and allotments; variation in quantity; and suspension of work, stop work orders, and Government delay of work. No policy changes are intended.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

Subparts 31.1 Applicability and 31.4 Construction, Construction Management, and Architect-Engineer Contracts

FAR Subpart 31.4 was initially intended to cover cost principles for construction, construction management, and architect-engineer contracts as provided in DAR 15-400 and FPR 1-15.4. Because of redundancy with Subpart 31.2, cost principles for contracts with commercial organizations, separate coverage of cost principles for construction and A-E contracts will not be included in the FAR. Subpart 31.4 is reserved. Portions of Subpart 31.1, Applicability, previously issued for public comment are revised to indicate applicability of 31.2 to construction, construction management, and architect-engineer contracts. It also picks up coverage of the use of predetermined equipment rate schedules from 15-402.1. The footnotes in this segment point out several effects caused by this consolidation.

PART 46—QUALITY ASSURANCE

Subpart 46.8—Contractor Liability for Loss of or Damage to Property of the Government

Since the FPR contains no coverage on this subject, the FAR is based upon the DAR text. The DAR is consistent with the Commission on Government Procurement recommendations H-1 and H-2 on this subject and is extended uniformly to all executive agencies. It provides that the Government will generally act as a self-insurer by relieving contractors, as specified in the Subpart, of liability for loss of or damage to property of the Government that occurs after acceptance and results from defects in the supplies or services. However, the Government will not relieve the contractor of liability for loss of or damage to the contract end item itself, except for high-value items.

Dated: July 30, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-23006 Filed 8-6-81; 8:45 am]

BILLING CODE 3110-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 (Sub-No. 4)]

Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy change.

SUMMARY: The Commission proposes to modify its fuel surcharge for all motor carriers and freight forwarders by implementing the following procedure. The proposal would: (1) Freeze the surcharge at the level in effect on the date the final decision is issued; (2) rescind all special permissions authorizing publication of a fuel surcharge; (3) require carriers to negotiate separate agreements with the owner-operators to provide additional compensation to the extent fuel costs exceed 63.5 cents per gallon; and (4) allow the carrier to incorporate all or any part of the surcharge into its base rates. Modification of the fuel surcharge program is proposed because circumstances which led to the adoption of the program no longer exist, and continuation in its present form is no longer warranted. Comments on this specific proposal, as well as those more generally developed in our prior notice, are invited. The Commission intends to issue a final notice within 30 days of receipt of comments on this document.

DATE: Comments should be filed on or before September 8, 1981.

ADDRESS: Comments should be addressed to: Interstate Commerce Commission, Office of Proceedings, Room 4126, 12th and Constitution Ave. N.W., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Richard Shullaw (202) 275-7639
Ted Kalick (202) 275-6448
David Manning (202) 275-7395

SUPPLEMENTARY INFORMATION: In the Spring of 1979, escalating fuel prices, spurred by shortfalls in the supply of petroleum, adversely affected the recoupment of transportation costs. Rate levels then could be increased only on 30-days' notice. Fuel prices, however,

were escalating at a rate which could not be accommodated under existing procedures.

In Special Permission No. 76–350, issued on April 20, 1979, the Commission permitted carriers to file for fuel-related rate increases on 10-days' notice. The relief provided by this action was deemed inadequate, however, particularly for motor carrier owner-operators who typically were receiving only a portion of fuel-related rate adjustments. This prompted the Commission to issue on, June 1, 1979, Special Permission No. 79–2620 which provided that future 10-day notice increases be in surcharge form and that each surcharge have a provision for a 100 percent pass through to those carriers bearing the increased fuel expense. This measure also proved inadequate.

On June 15, 1979, the Commission issued Special Permission No. 79–2800 which (1) permitted imposition of a fuel-related surcharge on one-day's notice, (2) retained the 100 percent pass through provision, and (3) provided for owner-operator compensation at the maximum surcharge level, regardless of whether or not carriers to which they were leased filed for the full surcharge.

The surcharge level, fixed as a percentage amount of the revenue of each shipment, was determined weekly by multiplying the percentage increase in fuel expense over the base period price of 63.5 cents a gallon by a factor of 16.9 percent.[1] With some adjustment, this procedure has remained in effect to the present day.[2]

While current surcharge procedures were responsive to the needs of the for-hire transportation industry during the fuel crisis, they were not without problems. A revenue-based surcharge may not have accurately reflected the fuel-related cost component of a shipment.

Moreover, the surcharge program tended to discriminate in favor of carriers which did not employ owner-operators on truckload shipments where the percentage of fuel expense to revenue was lower. In an attempt to offset the disparity in the program without adversely affecting owner-operators the Commission reduced the surcharge on less-than-truckload traffic not handled by owner-operators. A downturn in the economy, however, reduced overall traffic levels. At the same time, there was an increase in the proportion of less-than-truckload shipments which, if not handled by owner operators, often meant carriers could not fully recover fuel-related costs. With an overall reduction in traffic levels, disparities in the surcharge program provided some carriers, particularly those not employing owner-operators, with a distinct competitive edge in the marketplace.

Disparities in the surcharge program were the subject of a notice issued in this proceeding on April 11, 1980 (45 FR 26399, April 18, 1980). Several ameliorative measures, upon which we need not elaborate, were generally proposed and comments were invited. After consideration of the comments, we have determined that there may be merit to one additional proposal. We seek comments on this additional proposal and caution that a final decision to adopt one of the pending proposals will be made on or before October 6, 1981.

The Commission traditionally has not favored the use of surcharges for obvious reasons. Surcharges have been employed only in exigent circumstances such as the fuel crisis which began in the spring of 1979. The circumstances which led to adoption of the surcharge program no longer exist. Petroleum supplies are ample at present and the price of fuel is now relatively stable.[3] Continuation of the surcharge program, in its present form, is no longer warranted in the public interest.

We propose modification of the surcharge program for all motor carriers of property or passengers and freight forwarders, following service of a final notice in this proceeding. As of the date of service of that notice, the maximum surcharge levels, with two exceptions, will be frozen at the authorized levels then in effect. The exceptions relate to application (1) of the surcharge to other than line-haul charges (i.e., accessorial charges), and (2) of truckload surcharge levels on less-than-truckload traffic handled by owner-operators. Because these surcharges bear little or no relation to the fuel cost component of the shipment, substantial inequities result. By separate order to be issued shortly, these inequitable applications will be terminated.

Following service of the final notice in this proceeding, it is proposed that carriers will be permitted to fold into their base rate increases that reflect all or a portion of their maximum, presently allowable surcharge. Rate changes could be effected on one day's notice, and would not be suspended or investigated as long as the carrier cancels its existing surcharge tariffs, files new rates which reflect adjustments in accordance with the notice, and submits a verified statement indicating that it has entered into agreements, as specified below, to pass through the new charges to its owner-operators. Carriers which choose to incorporate all or any part of the surcharge into their base rates may do so either (1) directly, by independent action, or (2) by participating in conversion table supplements to agency tariffs, as reflected in the appendix.

It is proposed that a separate agreement between the carrier and its owner-operators be negotiated. The agreement should be designed to allow the owner-operators to recover the cost of fuel above 63.5 cents a gallon. However, it should not allow any owner-operator to receive more than the actual cost of fuel. Failure to negotiate these agreements in an equitable manner will be considered an unreasonable practice and appropriate enforcement action will be taken.

As an alternative to the foregoing transition approach, proposed rate adjustment by carriers or rate bureaus could be accompanied by a brief justification statement. The justification would indicate (1) that the rate adjustment is directly related to the fuel cost recovery fold-in-program; (2) whether shippers will be paying higher total charges under the proposal than they now pay under the base rate-plus-surcharge scheme; (3) whether owner-operators will be reimbursed for all actual fuel costs incurred under the proposal. Proponents would certify that, to the extent possible, they have consulted with affected shippers and owner-operators prior to filing a proposed adjustment with the Commission. Upon protest, or on its own motion, the Commission would review the justification and could reject or suspend the proposal. Should this approach be adopted, it would be reflected appropriately in special tariff authorities.

All surcharges should be converted to the base rates by the 60th day after date of service of the final notice. On that day, Special Permission Nos. 79–2800, 79–2620, and all other related Special Permissions would be canceled, and any surcharges remaining in effect on that

[1] The base price figure and all subsequent weekly fuel price data was gathered by the Commission from a statistically valid survey of truck stops around the country. The figure was determined by carrier-data from pre-June 15, 1979, X–311 rate increase filings in which the percentage of owner-operator fuel expense to total revenue approximated 16.9 percent.

[2] The 1-day notice procedure subsequently was extended to all motor carriers (whether or not owner-operators were employed) as well as bus carriers, freight forwarders, and United Parcel Service. A separate lower surcharge was established for less-than-truckload traffic for carriers not using owner-operators. Rail carriers ultimately were permitted fuel-related adjustments on 5-days' notice.

[3] See Monthly Energy Review Pub. DOE/EIA–0035 (June 1981).

date would be null and void. In addition, the National Motor Freight Traffic Association surcharge tariff (ICC NMF Tariff 121) would be canceled no later than the 60th day after service of the final notice.

During the period in which the maximum surcharge levels are frozen, and until such time as allowable adjustment is made to base rates, each carrier would be obligated to pay its owner-operators the authorized surcharge in effect at the time of publication of a final notice in this proceeding.

For purposes of the "zone of rate freedom" provisions of the Act, 49 U.S.C. 10708(d), with respect to motor carriers and freight forwarders, we propose that "the rate in effect one year prior to the effective date" of any proposed rate would include the fuel surcharge then in effect [4] and that subsequent increases through the surcharge would be considered general increases so that the first five percent of those increases, when folded in, would not count against the zone.

In view of the fact that the country may be confronted in the future, as we have been in the past, with periods of rapidly rising fuel prices, the Commission proposes that the 10-day notice procedures for fuel-related rate increases (not surcharges) be retained and available for carrier use after the 60-day transition period. This should facilitate establishment of individual carrier programs to compensate owner operators for rising fuel costs. We plan to cancel the present 10-day notice procedure (Special Permission No. 76–350) and replace it with a new updated one which, as proposed, is attached as an appendix to this notice. All carriers should be aware that this procedure may be implemented through agency tariffs or by independent action, and that increases under this Special Tariff Authority are to be filed by percentage increase supplements only. No other short-form tariffs or master tariff publications would be allowed. Carriers would have to provide the fuel data required in the Speical Tariff Authority, and these increases would be subject to investigation and suspension, where appropirate, or could be, by motor carrier or freight forwarder choice, outside our jurisdiction if taken under the zone of rate freedom.[5]

During and after the transition period, the Commission's staff will continue to monitor fuel prices at truck stops and at carrier-owned facilities. The data will assist us in reviewing the reasonableness of any short-notice rate adjustments. The composite data will be released periodically to the public.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

Decided: July 31, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham concurred in part with a separate expression. Commissioner Clapp concurred with a separate expression. Commissioner Trantum dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Gresham, Concurring in Part

This proceeding was instituted in April 1980. With the receipt of public comments and the conclusion of field meetings, the record was closed in May 1980. For more than 14 months, the matter has been ripe for final action. Now, however, the majority invites still another round of comments despite the fact that one of the options considered in the original notice—option (c)—specifically called for phasing out the surcharge program. I believe the prior notice was sufficient to take final action at this time.

My proposal for terminating the program (or "modifying" it as the decision euphemistically puts it) differs from the majority's in the following respects:

(1) With respect to the property carriers, I favor a two-stage transtion period of 180 days. After 90 days, the present (frozen) surcharge maxima would be cut in half: The surcharge would be no more than 10 percent for truckload traffic and 1.6 percent for less-than-truckload traffic. After 180 days, the remaining surcharge would be cancelled.

(2) During the 90 and 180-day transition periods, proposed rate adjustments by carriers or rate bureaus would have to be accompanied by a brief justification statement. The justification should indicate (a) that the rate adjustment is directly related to the fuel cost recovery fold-in program; (b) whether shippers will be paying higher total charges under the proposal than they now pay under the base rate-plus-surcharge scheme; (c) whether owner-operators will be reimbursed for all actual fuel costs incurred under the proposal. Proponents should certify that to the extent possible, they have consulted with affected shippers and owner-operators prior to filing a proposed adjustment with the Commission. Upon protest, or on its own motion, the Commission would review the justification and could reject or suspend the proposal. Such a review process would require more than one-day's notice, but I have no objection to a ten-day notice period. Many or all of the elements of the proposed verified statement could be incorporated into this justification process. This approach differs from the majority's in that it would not threaten "appropriate enforcement action" if "equitable agreements" are not reached between carriers and owner-operators. Such suspension powers seems more likely to encourage compliance.

(3) During and after the transition period, the Commission's staff should continue to monitor fuel prices at truck stops and at carrier-owned facilities. The data should assist the Commission in reviewing the reasonableness of any short-notice rate adjustments. The composite data should also be released periodically to the public.

A majority of the Commission has agreed to solicit public comments on points (2) and (3), *supra*. Since my vote for final action did not prevail, I concur in this alternative approach.

Commissioner Clapp, Concurring

That the present motor carrier fuel surcharge program contains serious inequities is acknowledged by nearly everyone. How to modify it to make it more fair and yet simple to understand and execute is considerably more controversial and difficult to accomplish. It is important that the Commission reduce the inequities and do that soon, hopefully in a way that will minimize Commission involvement.

I agree that the response to the options we advanced for comment earlier, while useful in focusing on certain weaknesses of those proposals, failed to elicit information and reactions that would enable us clearly to advance a happy solution. Thus in view of the importance of the issue I am willing, for a limited time only, to seek further comment on this modification of one of those options. Because of my belief that the present inequities have continued too long, I am glad that my suggestion that the draft's schedule for full implementation be reduced and that other actions be taken has been incorporated in the proposal. If this plan is perfected and adopted it will be possible to have it in place within two months and the existing program completely replaced by the end of November.

Commissioner Trantum, Dissenting

The fuel surcharge is not an isolated problem caused by OPEC's greed. The surcharge is merely a symptom of the fundamental problem facing owner-operators: their inability to haul freight except through the use of intermediaries; that is, under lease to regulated motor carriers. "Modifying" the surcharge program cannot change that fact. Existing ICC regulations, not escalating fuel prices, compelled the Commission to create in 1974, and resurrect in 1979, the elaborate incomes program we call the fuel surcharge.

The only viable and legitimate solution to the owner-operators' problem—and the only equitable context in which to consider terminating the surcharge—is to break the monopoly grip regulated truckers now enjoy over their unregulated lessees, the owner-operators. Although the ICC is limited by law

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[4] One year ago, the maximum surcharge on truckload and owner-operator traffic was 13-percent.

[5] In a separate notice, the Commission will ask for comments on a proposal to eliminate the fuel surcharge for water carriers, and to make available to these carriers the new 10-day notice special tariff authority that will be applicable to motor carriers and freight forwarders. We point out that the future use of the fuel surcharge by railroads under Special Permission No. 79–2620 was removed by our decision in Ex Parte No. 290 (Sub-No.2), Railroad Cost Recovery Procedures, decided April 8, 1981.

in certain areas, we do have the authority to change the Commission policy which now prohibits owner-operators from leasing directly to private carriers. These existing regulations, which prevent owner-operators from having direct access to 40 percent of all truck ton-miles, contribute greatly to the owner-operators' problem.

The Commission proposed to end its prohibition against such owner-operator leasing in *Ex Parte MC-122 (Sub-No. 2)*, issued on December 31, 1980. A draft decision ending that restrictive policy was transmitted to Acting-Chairman Alexis in April. The general counsel reviewed and approved the draft opining that (1) there is no legal reason to refrain from changing existing leasing policy and (2) that owner-operators can lease to private carriers on a sole source basis without dissolving the distinction between private and for-hire carriage.

It is no surprise that the regulated carriers opposed this change in policy. It is they who stand to face new competition and who would surrender their monopoly over the owner-operators. Private carriers and owner-operators strongly supported the leasing changes. It is in their interests. And in view of strongly pro-competitive nature of the action, I believe it is in the best interests of the public, as well.

I cannot support consideration of ending the surcharge program without first eliminating the underlying competitive inequality caused by our leasing policy. It is not possible to regulate a solution to a problem regulation causes. Though I am not certain that the majority eschews the free market, its proposal here signals little confidence in it. Indeed, it is difficult to avoid the conclusion that the majority has fashioned this "solution" to avoid a confrontation with regulated interests. Unfortunately, expediency is preventing serious consideration of the politically difficult, but otherwise simple action necessary to solve this problem once and for all.

Appendix—Special Tariff Authority No. 81–2500 Fuel Related Increases in Rates and Charges

In a notice in Ex Parte No. 311 (Sub-No. 4), *Modification of the Motor Carrier Fuel Surcharge Program*, the Commission ordered that, before 90 days from the service date of the notice, all motor carriers and freight forwarders are required to cancel fuel surcharge publications which have been filed under Special Permission Nos. 79–2800, 79–2620, and any others which are related.

The carriers may incorporate into the rates all or a portion of the maximum allowable surcharges either directly, through independent action, or by means of conversion table supplements to agency rate tariffs.

Increases folded into the rates before the 60th-day may not be suspended or investigated so long as the carrier cancels its existing tariff fuel surcharge filings, the new charge to shippers is not greater than it could have been under the fuel surcharge program, and it supplies a verified statement indicating it has entered into separate agreement with its owner-operators providing for payment to the owner-operator, of, at the least, all fuel costs above 63.5 cents a gallon but not exceeding the actual cost of fuel used by the owner-operator.

The Commission has retained 10-day notice fuel-related rate increase procedures (not surcharges) to be used by carriers at the end of the 60-day transition period. Special Permission Nos. 76–350 and 76–360 (for freight forwarders) are canceled and are being replaced by this new updated Special Tariff Authority (Part B), and a separate authority for freight forwarders, No. 81–2501. The verified statement of fuel expense to be filed with each increase closely follows that in canceled Special Permission No. 76–350. The explanatory statement of the data to be filed, found in Ex Parte No. 311, 350 ICC 578–579, should be followed, where appropriate, especially with regard to current period data. Any increase in fuel cost prior to August 1, 1981, however, may not be considered when publishing increases under Part B of this Special Tariff Authority.

Part A (Fold-In of Existing Surcharges)

It is ordered: 1. Motor common carriers of property or passengers, freight forwarders, United Parcel Service, and their tariff publishing agents, are authorized to incorporate into their basic rates, fares, and charges, either directly specifically, by independent action, or by conversion table supplements, all or a portion of the surcharge presently allowable to them. The maximum surcharge levels that may be incorporated are those which are presently allowable under Special Permission No. 79–2800, as modified.

2. Conversion table supplements filed hereunder shall be constructed substantially as provided in 49 CFR 1310.10(j). For the initial incorporation, neither a percentage statement of increased rates nor a so-called master tariff may be used.

3. The incorporating publication may be filed upon not less then one day's notice.

4. The incorporating publication shall bear the following notation:

"Issued on one day's notice; Special Tariff Authority No. 81–2500."

5. The incorporating publication shall bear an expiration dated of July 1, 1982, by which date the increase shall be reflected in the basic tariff rates, and with which date this Part A will expire.

6. Tariff publishing regulations in 49 CFR 1300, et seq. are waived to the extent necessary to publish conversion table supplements and to maintain in effect two conversion table supplements at the same time. However, only one fuel related conversion table supplement to a tariff shall be in effect at a time.

7. Concurrent with the issuance of a publication incorporating the fuel surcharge into the rate structure, carriers shall cancel the fuel surcharge publication.

8. Any surcharge supplement or master tariff of surcharges not specifically canceled within 60 days of the service date of this decision shall be null and void and stricken from the tariff.

9. The incorporating publication may not be amended under any circumstances without specific special tariff authority.

10. The incorporating publication shall be transmitted to the Commission in a separate envelope prominently marked "Fuel Related Increases."

Subsequent Increases—Part B

1. Following the end of the 60-day incorporation period of the fuel surcharge under Part A of this authority, motor common carriers of property or passengers, and United Parcel Service, individually or collectively, may increase their rates, fares, and charges for line-haul transportation and charges for other services which consume fuel, by an amount equal to the increase in fuel costs determined by the "Verified Statement of Fuel Expenses and Supporting Data" shown in Appendix I. Tariff publications filed under this authority shall specifically identify the charges for other services when applying any increase thereon. Any increase in the cost of fuel prior to August 1, 1981, may not be considered when publishing increases under this Part B. Freight forwarders must use the procedures in Special Tariff Authority No. 81–2501.

2. The initial increase publication may be in the form of only a percentage statement of increased rates. It may not be in the form of a conversion table supplement or a so-called master tariff.

3. The increase publications shall be filed upon not less than 10 working days' notice. (Working days means working days at the ICC).

4. The increase publication shall bear the following notation:

"Issued on 10 working days' notice; ICC Special Tariff Authority No. 81–2500."

5. Each increase publication shall bear an expiration date of one year from its effective date, which date may not be changed or canceled without specific authority.

6. Tariff publishing regulations in 49 CFR 1300, et seq., are waived to the extent necessary to maintain in effect two percentage increase supplements at the same time. However, only one fuel related percentage supplement to a tarriff may be in effect at a time.

7. Each increase publication shall be accompanied by an original and two copies of an executed "Verified Statement of Fuel Expenses and Supporting Data" in the manner and form provided in Appendix I. Each carrier or groups of carriers must justify their fuel related increases.

8. The increase publication with the accompanying justification shall be transmitted to the Commission in a separate envelope prominently marked "Fuel Related Increases and Justifications."

9. A carrier may file an increase supplement as often as it can justify a fuel related increase, but each increase supplement shall cancel the previous fuel related increase supplement for that carrier. All carriers are expected to update their tariffs by incorporating the increase into the specific rate structure as soon as practicable.

10. This decision shall remain in effect until further decision of the Commission.

11. Protests and requests for suspension shall reach the Commission at least 5 days before the effective date of increase publications filed under this Special Tariff Authority.

All outstanding decisions of the Commission are modified to the extent necessary to permit the filing of the tariff publications authorized herein.

Notice of this Special Tariff Authority shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each state having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Special Tariff Authority No. 81-2501 Fuel Related Increases in Rates and Charges-Freight Forwarders

Special Tariff Authority No. 81-2500 (Part B) authorizes all motor carriers, other than freight forwarders, after the 90-day fold-in period of existing surcharges ordered in the notice in Ex Parte No. 311 (Sub-No. 4), to file for fuel-related increases on 10-working days' notice. A similar procedure is required for freight forwarders.

It is ordered: Following the incorporation of the fuel surcharge under Special Tariff Authority No. 81-2500, freight forwarders, individually or collectively may increase their rates and charges to reflect only the amount of increased costs passed to the freight forwarder from the underlying carriers on a dollar for dollar basis (and not on a percentage basis) exactly as charged in the underlying carriers' tariffs; and increased fuel costs of pickup and delivery operations of the freight forwarders' own vehicles. Any such increase costs prior to August 1, 1981 may not be considered when publishing increases under this Part B. Each increase publication shall be accompanied by an original and two copies of a verified statement of fuel costs to justify such increase.

The provisions in Special Tariff Authority No. 81-2500 relating to manner of publication (percentage statement of increased rates), disposition of fractions, copies, notice, markings and title on separate envelope, future supplements, incorporation in subsequently filed tariffs, and protest are made applicable to this Special Tariff Authority.

The increase publication shall bear the following notatation:

"Issued on 10 working days' notice: ICC Special Tariff Authority No. 81-2501."

All outstanding decisions of the Commission are modified to the extent necessary to permit the filing of the tariff publications authorized herein.

Notice of this Special Tariff Authority shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each state having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission.

Agatha L. Mergenovich,

Secretary.

BILLING CODE 7035-01-M

APPENDIX I

VERIFIED STATEMENT OF FUEL EXPENSES AND RELATED DATA IN SUPPORT OF REQUESTED FUEL RATE INCREASE

Filed by:
Address

Line No.	Items (a)	Ratemaking Carrier (b)	Owner-Operator (if applicable)(c)
1.	(a) Requested fuel rate increase, current period over base period (not to exceed percent on line 15 col. (b) (percent)— Effective date:_____ (Mo.) (Day) (Yr.)	%	xxx
	(b) Last fuel rate increase granted under this procedure (percent)— Effective date:_____ (Mo.) (Day) (Yr.)	%	xxx
	I BASE PERIOD DATA:		
2.	Fuel expenses including taxes—	$	$
3.	Number of gallons purchased		
4.	Average purchase price per gallon of fuel including taxes (L.2÷L.3) (cents to 2 dec.) ——	¢	¢
	II CURRENT PERIOD DATA		
5.	Indicate month/yr for which current period data (Lines 6 through 12) are applicable: _____ (Mo.) (Yr.)		
6.	Fuel expense, including taxes ——	$	$
7.	Number of gallons purchased ——		
8.	Average purchase price per gallon of fuel including taxes (L.6÷L.7)(Cents to 2 dec.) ——	¢	¢
9.	Total operating revenues——	$	$

10. Payment to owner-operators——	xxx	$
11. Revenues retained by ratemaking carrier when transportation is performed by owner-operator ——	$	xxx
12. Balance of operating revenues (L.9. Col.(b)) minus (L.10, Col.(c)+ L.11, Col.(b))——	$	xxx
III PERCENT THAT INCREASED FUEL COSTS IS OF TOTAL OPERATING REVENUE		
13. Increase in purchase price per gallon of fuel, including taxes (L.8-L.4) (cents to 2 dec.) ——	¢	¢
14. Increase in fuel expenses, including taxes, current period over base period: (L.7xL.13) ——	$	$
15. Percent that increased fuel costs, including taxes, is to total operating revenues (L. 14 Cols. (b) and (c)) ÷ (L. 9) (2 dec.)	%	xxxx
IV LAST FUEL-RELATED RATE INCREASE RECEIVED		
16. Last rate increase relying on fuel cost increases alone under this Special Tariff Authority or a rate increases based upon fuel expenses among other expenses published under regular notice. (Percent to 1 dec.) ——	%	xxx

Study period relied on to support fuel cost increases
From:_____ to _____

Other basis

V. OTHER MATTERS

VERIFICATION

)
_____)
(State)

SS:

_____)
(County))

_____, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents, and that they are true as stated.

_____
(Signature)

Subscribed to and sworn before me, a Notary Public, this _____ day of _____, _____.
(month) (Year)

_____
(Notary Public)

My Commission expires _____

[FR Doc. 81-23254 Filed 8-6-81; 8:45 am]
BILLING CODE 7035-01-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

The Fishermen's Protective Act

AGENCY: National Marine Fisheries Service/National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The National Marine Fisheries Service proposes to amend the Fishing Vessel and Gear Damage Compensation Fund regulations to implement legislative amendments effected by the American Fisheries Promotion Act (Pub. L. 96–561, enacted December 22, 1980). The amendments (1) eliminate compensation for fishing gear casualties attributable to an "act of God", (2) provide a rebuttable presumption that fishing gear casualties are attributable to other vessels; and (3) provide compensation for up to 25 percent of the gross income lost because of not being able to fish or having to fish at a reduced level of effort as a result of a fishing gear or vessel casualty. These statutory amendments became effective on the date of enactment of the American Fisheries Promotion Act.

Because of the additional time and administrative costs that will be required to implement the provision for compensation for resulting economic loss, it is proposed that the filing fee be changed. In lieu of charging 1 percent of the lower of two estimates for replacement or repair cost of the vessel or gear involved in the casualty, a flat charge of $75.00 per claim, regardless of the amount claimed, is proposed. It is also proposed that the 4 percent approval fee, currently deducted from the repair or depreciated replacement cost, be deducted from the total amount compensable for both actual damage and resulting economic loss. In addition, it is proposed that the limit on the total of the filing fee plus the approval fee be raised from $1,000 to $2,000. These changes in the filing and approval fees will save time in processing claims and cover additional administrative costs. The amendments of the filing and approval fees will be effective 30 days from the date of final publilcation of the regulations.

DATE: Comments must be received by September 21, 1981.

ADDRESS: Submit written comments or requests for additional information to Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20233, Telephone (202) 634–4688.

FOR FURTHER INFORMATION CONTACT: Michael Grable at the address and phone number given above.

SUPPLEMENTARY INFORMATION: Final rules implementing section 10 of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95–376, were published on October 25, 1979 (44 FR 61546).

On March 17, 1980 (45 FR 17018), NOAA published a retroactive amendment to § 258.32(g) making claims for gear casualties occurring in a commercial shipping lane eligible for compensation if the gear casualty is attributable to another fishing vessel which is engaged in fishing, or to an act of God.

On September 15, 1980, (45 FR 60913) NOAA published a correction changing improperly designated §§ 258.20 through 258.30 inclusively to sections 258.30 to 258.40 inclusively.

On November 3, 1980, (45 FR 72667) NOAA published a change in § 258.33(c) implementing a statutory amendment extending the deadline for filing claims from 60 to 90 days from the date of discovery of the casulty.

The American Fisheries Promotion Act legislated the following changes in the Fishing Vessel and Gear Damage Compensation Fund program:

1. Claims for losses attributable to an "act of God" sustained on or after December 22, 1980, aré not eligible for compensation from the fund. All compensation for fishing gear casualties attributable to severe weather or sea conditions or other natural causes is eliminated.

2. Applicants are afforded a rebuttable presumption that gear casualties are attributable to another vessel. While all gear casualties are presumed to have been caused by another vessel, this presumption may be rebutted by sufficient evidence of other causes. Sufficient evidence of a casualty being attributable to severe weather or sea conditions, normal operating contingencies, or negligence of the applicant or the applicant's agents, would operate to rebut the presumption. Once the presumption of causation has been rebutted, the burden rests with the applicant to prove that the damage, loss, or destruction of the gear was in fact caused by another vessel. If the applicant fails to sustain this burden of proof, the claim shall be ineligible.

Extreme weather and sea conditions provide a sound, ascertainable basis for rebuttal of the presumption. In cases where it appears that weather or sea conditions might be a factor, the Agency will check with the National Weather Service to find out if weather conditions at the time and place of the casualty might have been severe enough to cause the damage or loss. If weather or sea conditions are greater than one standard deviation from the historical mean for the time and place of the casualty, the presumption will be overcome and the burden will rest with the claimant to prove that the damage was caused by another vessel. Although it is possible that another vessel could damage fixed gear in the midst of a severe storm, the presence of other factors which could have caused the gear damage could operate to overcome the presumption.

The Agency will investigate, as thoroughly as possible, each claim for which available evidence suggests that the damage or loss may be attributable to a cause other than the activity of another vessel. If evidence suggests any misrepresentation of facts by an applicant, local NMFS enforcement agents will be asked to verify the validity of the claim.

3. A fishing vessel owner or operator who is otherwise eligible for compensation under the program may claim compensation for up to 25 percent of the gross income lost by reason of not being able to fish, or having to fish at a reduced level of effort, because of a fishing vessel or gear casualty. Thus, in addition to compensation for actual loss, damage, or destruction of a fishing vessel or fishing gear, an eligible owner or operator may be compensated for up to 25 percent of gross income lost (1) on the vessel trip during which the casualty is discovered, and (2) for a reasonable period, on later vessel trips which are made at a reduced level of effort because of the casualty or, if fishing is discontinued, which would normally have been made.

The determination of gross income lost involves three components: (1) Calculation of gross income lost on the vessel trip during which the casualty was discovered; (2) determination of the time period (after the vessel trip of the casualty) during which the applicant may be compensated because of an inability to fish or because of having to fish at a reduced level of effort, and (3) determination of gross income lost during this compensable period.

Any method used for determining economic loss must consider the item of year of the loss, the circumstances prevailing in the fishery involved, and the ingenuity and effort of the individual fisherman sustaining the loss. The

determination of economic loss must be based upon some measure of performance. Trip tickets provide the best indication of the actual performance of the fisherman. This performance generally cannot be accurately indicated, or in some cases even approximated, by information available from an applicant's Federal income tax return for the previous year, or by any system of calculation based upon industry statistics. Income tax returns show only the previous year's record and cannot measure present performance. Industry statistics, such as landing percentages, do not accurately reflect the ability, or lack of it, of individual fishermen. The applicant's trip tickets remain the most reliable means of measuring and documenting performance for the individual fisherman at the time and in the geographical area of the casualty. They provide the date the catch was sold, the pounds of catch, and the dollar value. They also provide a built-in check against claims for losses during a period when, regardless of the casualty, a fisherman would not normally have fished.

In the case of a casualty involving fixed gear, the gross income lost on the vessel trip of the discovery of the casualty will be calculated as follows: the value of trip tickets for the three vessel trips immediately before, or nearest in time to, the trip of the casualty will be totaled; this total will be divided by the sum of the total number of gear units hauled on the three trips; and this average value per gear unit will be multiplied by the number of gear units involved in the casualty. In the case of a casualty involving mobile gear, the gross income lost will be calculated on the basis of the value of fishing time lost (rather than gear units lost) as determined to be reasonable by the Chief, FSD. A qualified applicant may claim up to 25 percent of the resulting figure as gross income lost on the vessel trip of the discovery of the casualty. Averaging three trip tickets is the best way of moderating a distorted measure of performance which could result from using only one trip ticket—e.g., that of the casualty or the one immediately before—which could represent a trip that was very good or very poor.

The period after the discovery of the casualty for which a qualified applicant may claim resulting economic loss is the period between the date of order and the date of receipt of replacement gear or between the dates when repair begins and is completed. A good faith effort must be made by the fisherman to replace or repair the gear or vessel as expeditiously as possible. This compensable period could have been determined in other ways. For example, it could have been set between the date of the casualty and the date the applicant became fully operational again. To allow compensation to be claimed for such an extended period could, however, sanction delay in ordering the repair or replacement gear and delay in becoming operational.

It should be noted that once the compensable period is established, an owner or operator still might not have a valid claim for economic loss during this period. Trip tickets, or other documentation, will verify the number of vessel trips normally made. If no vessel trips would normally have been made during the period required to replace or repair the gear or vessel, compensation for economic loss will be limited to losses sustained on the trip during which the casualty was discovered. If a casualty occurs at the end of the season for a particular fishery, the applicant will not be able to claim economic loss for the period after the season's close because trip tickets either for the compensable period or for the corresponding period of the previous year will not exist.

Many variables affect the computation of the economic loss sustained within the compensable period. These variables result from differences in individual fishing operations and from differences within fisheries. Because of the number and complexity of the variables, the Agency is not proposing at this time a specific formula for computing the amount of resulting economic loss during the compensable period. Rather, the Agency has established the documentation to be submitted for the computation and requires that the applicant provide a reasonable computation based on the documentation of all facts in support of the amount claimed. The Agency will review the documented facts and the method of computation submitted by the applicant and, if in agreement, pay up to 25 percent of the amount claimed for gross income lost. If not in agreement, the Agency will recompute the resulting economic loss and submit to the applicant a copy of the computation with the initial determination on the claim for economic loss.

Claims for damage, loss, or destruction of gear or a vessel will be processed separately from claims for resulting economic loss. This independent processing is necessary because all documentation required to support the claim for resulting economic loss will not always be available at the same time as the documentation of the claim for actual damages. *All claims must be submitted within 90 days of the discovery of the casualty*, as required by statute. When reasonably necessary, additional time will be allowed to enable applicants to submit the documentation required for the computation of resulting economic loss as it becomes available. The claim for resulting economic loss should not delay processing and payment of the claim for actual damage.

A claim for resulting economic loss will be eligible for compensation even though no corresponding claim for actual damages has been filed, if a claim for actual damages would meet all other statutory eligibility requirements. No compensation will be paid for economic loss resulting from a gear or vessel casualty which is ineligible for compensation.

Amendment of the filing and approval fee structures is necessitated by the statutory changes. The current 1 percent filing fee structure could have been extended to the amounts claimed for economic loss, but it was determined that this would introduce time-consuming administrative procedures which would slow down an already heavy claim processing burden. The proposed $75 filing fee is based on approximately 1 percent of the average claim payment over the life of the section 10 program. This nonrefundable fee covers the claim for actual damage and the one for resulting economic loss. The approval fee, currently 4 percent of the depreciated replacement cost, is extended to 4 percent of the total amount determined compensable for actual damages and for resulting economic loss. The current $1,000 ceiling on the combined filing and approval fees is raised to $2,000 to cover additional adminsitrative expenses. In order to afford applicants adequate notice, filing and approval fee amendments will be effective 30 days from the date of publication of the final regulations.

Since these amendments require a number of changes in the current regulations, final publication will be in the form of a complete set of regulations, as amended. However, for ease in identifying the required changes in current regulations, this proposed rulemaking is published in the form of amendments to the current regulations.

Having reviewed this proposed rulemaking in accordance with the specifications of Executive Order 12291, "Federal Regulation," and the Departmental guidelines implementing that order, the Agency has determined

that it is not "major" because it has no significant effect on the economy, costs or prices, and no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

Since this proposed rulemaking relates only to benefits, it is exempt from the provisions of the Administrative Procedure Act and, thus, from the Regulatory Flexibility Act requirement of regulatory flexibility analysis. It is, however, being published in proposed form for the benefit of public comment.

The statutory amendments will necessitate the collection of additional information from claim applicants to document and establish the amount of resulting economic loss. This collection is necessary for the proper performance of the Agency in determining both the eligibility of claims and the amounts to be paid for compensation of resulting economic loss. The collection of information request is being reviewed by OMB in accordance with the Paperwork Reduction Act of 1980.

Because the proposed rulemaking will affect only fishing vessel owners or operators who may suffer casualties eligible for compensation from the Fishing Vessel and Gear Damage Compensation Fund, it will not have a significant economic impact on a substantial number of small entities. The Assistant Administrator for Fisheries, NOAA, has also determined that these regulations do not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Dated: July 31, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(Pub. L. 95-376, 92 Stat. 715 (22 U.S.C. 1980))

Accordingly, 50 CFR Part 258 is proposed to be amended as folllows:

1. The preliminary material before § 258.30 is proposed to be amended:

(a) By revising the title to Subpart C to read:

"Subpart C—Compensation for Fishing Vessel or Fishing Gear Damage in a U.S. Fishery Attributable to Other Vessels"

(b) In the table of contents:

(1) By revising the title to § 258.35 to read:

"§ 258.35 *Amount of compensation for actual damage, loss, or destruction";*

(2) By redesignating §§ 258.36 through 258.40 as §§ 258.37 through 258.41; and

(3) By adding a new § 258.36 as follows: "§ 258.36 Compensation for resulting economic loss"; and

(c) In the Subpart C title included within the citation of authority, by striking out the words "or Acts of God";

§ 258.30 Purpose and scope. [Amended]

2. Section 258.30 is proposed to be amended in paragraph (a) by removing the words "after January 1, 1979" and inserting in lieu thereof "on or after December 22, 1980" and by striking the words "act of God or";

§ 258.31 Definitions. [Amended]

3. Section 258.31 is proposed to be amended:

a. By removing paragraph (a) in its entirety and redesignating paragraphs (b) through (e) as (a) through (d);

b. In paragraph (b) as so redesignated, by removing the words "or acts of God";

c. By adding a new paragraph (e) to read as follows:

(e) "Compensable period" means that period after the discovery of the casualty between the date of order and receipt of replacement gear, or the date repair begins and ends (whichever is appropriate), or such other period as the Chief, FSD, determines to be reasonable;

* * * * *

d. In paragraph (g), by revising the name "Fishery Conservation and Management Act" to "Magnuson Fishery Conservation and Management Act";

e. By redesignating paragraphs (l) through (o) as paragraphs (o) through (r) and adding new paragraphs (l), (m), and (n) as follows:

* * * * *

(l) "Rebuttable presumption" means a presumption which may be overcome by additional evidence which may be available.

(m) "Resulting economic loss" means the gross income that an eligible fishing vessel owner or operator will lose, as a direct result of the casualty with respect to which a claim is filed, on the vessel trip during which the casualty was discovered and on later vessel trips which would normally have been made at full operational capacity during the compensable period (as defined under (e) of this section) because of not being able to fish or having to fish at a reduced level of effort.

(n) "Trip ticket" means a receipt documenting the amount and value of fish sold from the catch of a fishing vessel during a trip offshore to take, catch, or harvest fish; and

* * * * *

f. In paragraph (o) as so redesignated, by revising "Fishery Conservation and Management Act" to "Magnuson Fishery Conservation and Management Act";

§258.32 Eligibility. [Amended.]

4. Section 258.32 is proposed to be amended:

a. In the first sentence of paragraph (b) by removing the words "after January 1, 1979" and inserting in lieu thereof the words, "on or after December 22, 1980";

b. In paragraph (d) by removing the words "an act of God or"; and

c. In paragraph (g) by removing the sentence, "In the case of fishing gear casualties, the presumption of § 258.34(l)(i) of this subpart shall not apply.";

* * * * *

§ 258.33 Applications. [Amended.]

5. Section 258.33 is proposed to be amended:

a. In paragraph (a) by adding the words "and the resulting economic loss" between the word "casualty" and the word "for";

b. In paragraph (d)(l) by changing "(k)" to "(l)".

c. In paragraph (e) by adding the words "and the resulting economic loss" between the word "casualty" and the word "for" in the first and third sentences;

d. In paragraph (e)(4) by removing the word "were" between "casualty" and "not" and inserting in lieu thereof the word "was";

e. In paragraph (e)(4)(iv) by removing "(or any other conditions which could be construed as an act of God)";

f. By revising paragraph (e)(5) to read as follows:

* * * * *

(e) * * *

(5) If the casualty was observed at the time it happened, a full description of the vessel which caused the casualty (for instance, the vessel's size, type, flag, name, number, color of house or hull, and other identifying characteristics) and a full description of such vessel's and/or its crew's action before, during, and after the casualty.

g. By revising paragraph (e)(7) to read as follows:

* * * * *

(e) * * *

(7) A full statement of the reasons for believing the casualty was caused by another vessel (or its crew or gear) rather than by weather and sea conditions or by other ineligible causes (for example, defective deployment, defective retrieval, or other circumstances which constitute normal operating contingencies).;

* * * * *

h. By redesignating paragraph (h) through (l) as paragraph (i) through (m)

and inserting a new paragraph (h) as follows:

(h) *Documentation of resulting economic loss.* Each application shall include proper and complete documentation of all facts necessary to substantiate the resulting economic loss, as defined in § 258.31(m).

(1) In support of any claim for economic loss sustained on the vessel trip during which the casualty was discovered, the claimant shall submit:

(i) Trip tickets (or other suitable documentation of gross income) for the three vessel trips immediately before that during which the casualty was discovered or, if these are not available, documentation of gross income for three other vessel trips nearest in time to that during which the casualty was discovered;

(ii) A statement of the number of gear units (traps, long lines, pots, gillnets, etc.) hauled on each of the three vessel trips; or if the casualty involves mobile gear, a statement of fishing time involved on each of the three vessel trips; and

(iii) If available, documentation (such as copies of relevant pages from the vessel's log book) supporting the statement of the number of gear units hauled or time involved on each of the three vessel trips;

(2) To establish the compensable period for resulting economic loss sustained after the vessel trip during which the casualty was discovered, the claimant shall submit documentation establishing the date of order of the replacement gear and the date of its receipt, or the date repair began and ended (whichever is appropriate).

Appropriate documentation may consist of purchase orders, bills of lading, or statements from commercial repair or supply sources;

(3) In support of any claim for resulting economic loss sustained during the compensable period, the claimant shall submit:

(i) If fishing is continued at a reduced level, trip tickets (or other suitable documentation of gross income) for vessel trips made during the compensable period, along with a statement of the number of gear units (traps, long lines, pots, gillnets, etc.) deployed during each trip and the number hauled during each trip, and any available documentation (such as copies of relevant pages from the vessel's log book) supporting the statement of the number of gear units deployed and hauled during each trip;

(ii) If fishing is discontinued because of the casualty, trip tickets (or other suitable documentation of gross income) for vessel trips made the previous year during the period corresponding to the compensable period, along with a statement of the number of gear units (traps, long lines, pots, gillnets, etc.) deployed during each trip and the number hauled during each trip, and any available documentation (such as copies of relevant pages from the vessel's log book) supporting the statement of the number of gear units deployed and hauled during each trip.;

* * * * *

i. By removing paragraph (l) as so redesignated in its entirety and inserting in lieu thereof the following:

(l) *Filing fee.* Each application for each casualty shall include a check or money order made payable to the National Marine Fisheries Service for a filing fee of $75. The filing fee is nonrefundable.

* * * * *

j. By removing paragraph (m) as so redesignated in its entirety and inserting lieu thereof the following revised paragraph (m):

(m) *Incomplete and abandoned applications.* All applications for compensation for actual damage, loss, or destruction of fishing vessels or gear or for resulting economic loss under this subpart must be filed within 90 days after the date of discovery of the casualty. When necessary, however, additional time, as determined reasonable by the Chief, FSD, will be allowed to enable applicants to submit information and documentation required for the computation of resulting economic loss. As soon as practicable after receipt of an incomplete or improperly completed application, the Chief, FSD, shall so notify the applicant.

(1) If the application is incomplete or improperly completed with regard to the claim for compensation for actual loss, damage or destruction, the Chief, FSD, shall notify the applicant, and the applicant shall have 60 calandar days following the date of notification to correct the deficiency. If the applicant without good cause fails to correct the deficiency within such 60-day period, the application will be considered abandoned. An initial Determination on claims for compensation for all actual loss, damage, or destruction, to be made under § 258.36 (redesignated section 258.37), will not be made until after the application is determined by the Chief, FSD, to be both proper and complete as to all claims for actual loss, damage or destruction.

(2) If the application is incomplete or improperly completed with regard to the claim for compensation for resulting economic loss, the Chief, FSD, may grant the applicant additional time as is deemed reasonable to correct the deficiency. If the applicant without good cause fails to correct the deficiency of the claim for resulting economic loss within the additional time allowed, the application will be considered abandoned. An Initial Determination on claims for compensation for resulting economic loss, to be made under § 258.36 *(redesignated § 258.37),* will not be made until after the application is determined by the Chief, FSD, to be both proper and complete as to all claims for resulting economic loss.

(3) If a claim is considered abandoned because of the failure of the applicant to correct a deficiency after notice from the Chief, FSD, the claim shall not be eligible for compensation under this Subpart.

(4) An application maybe amended at any time before issuance of the Initial Determination specified in § 258.36 *(redesignated § 258.37).* The Chief, FSD, will then make an Initial Determination on the application, as amended.

6. Section 258.34 is proposed to be revised in its entirety:

§ 258.34 Rebuttal presumption of causation and proof of casualty.

(a) *Proof of casualty.* An applicant seeking compensation for a fishing vessel or gear casualty must submit evidence:

(1) That a casualty actually occurred: evidence of the occurrence may consist of affidavits of material witnesses (affidavits should be submitted by the vessel's Master and its crew);

(2) Of ownership of the vessel or gear involved in the casualty: evidence of gear ownership may consist of receipts, itemized income tax statements, cancelled checks, or affidavits of sellers; and

(3) That the gear involved in the casualty was deployed in conformity with customary usage and practice.

(b) *Rebuttable presumption.* Claims for unobserved casualties to fishing gear shall be afforded a rebuttable presumption that the damage, loss, or destruction is attributable to another vessel, its crew, or its gear.

The presumption of causation for unobserved fishing gear casualties shall not apply to observed fishing vessel or fishing gear casualties.

(c) *Rebuttal of presumption.* In the case of an unobserved casualty, the Chief, FSD, may rebut the presumption that any damage, loss, or destruction of fishing gear is attributable to another vessel if there is sufficient evidence that:

(1) The casualty was caused by weather and sea conditions or other natural causes. Weather and sea

conditions greater than one standard deviation from the historical mean for the time and place of an unobserved casualty shall constitute sufficient evidence to rebut the presumption that the casualty was caused by another vessel. When appropriate evidence is available to justify its use, the following procedure will be used to establish sufficient evidence to rebut the presumption of causation:

(i) The Office of Oceanic and Atmospheric Services of the National Oceanic and Atmospheric Administration will compute the historical mean of weather and sea conditions for the general location, and during the season, of the casualty.

(ii) The same office will determine the actual weather and sea conditions at the general location, and at the time, of the casualty.

(iii) The same office will compare the actual weather and sea conditions with the historical mean.

(iv) If the actual weather and sea conditions were in excess of one standard deviation above the historical mean for the area on the date of the casualty, the casualty shall be considered attributable to the weather and sea conditions.

(2) The casualty resulted from the negligence or fault of the claimant or from a normal operating contingency; or

(3) The casualty resulted from some other cause unassociated with other vessels.

(d) *Proof after rebuttal of presumption.* Once the presumption of causation has been rebutted, the burden rests with the applicant to provide sufficient evidence that the damage, loss, or destruction of the fishing gear was in fact caused by other vessels.

7. Section 258.35 is proposed to be amended by removing the section title and inserting in lieu thereof the title:

§ 358.35 Amount of compensation for actual damage, loss, or destruction.

* * * * *

8. Sections 258.36 through 258.40 are proposed to be redesignated as §§ 258.37 through 258.41, and a new § 258.36 is proposed to be added as follows:

§ 258.36 Compensation for resulting economic loss.

(a) *General.* Applicants shall be eligible to receive compensation for up to 25 percent of the gross income lost as a direct result of the casualty with respect to which the claim is filed. The amount of compensation will be reduced proportionally to the extent that any negligence of the applicant (or applicant's agents) contributed to the cause or extent of the casualty. (See example of proportionate reduction under section 258.35(e)). No compensation will be paid for economic loss resulting from a gear or vessel casualty for which a vessel owner or operator is not otherwise entitled to compensation for actual damages under this subpart. Compensation will be made for up to 25 percent of:

(1) Gross income lost on the vessel trip during which the casualty was discovered; and

(2) Gross income lost within the compensable period specified in paragraph (b) of this section on vessel trips made at a reduced level of effort because of the casualty or, if fishing is discontinued because of the casualty, on vessel trips which would normally have been made at full operational capacity.

(b) *Compensable period.* Claimants will be eligible for compensation for income lost after the vessel trip on which the casualty was discovered only during the period between the dates of order and receipt of replacement gear or the dates repair begins and ends (whichever is appropriate), or such other period as the Chief, FSD, determines to be reasonable.

(c) *Calculation of economic loss for the vessel trip of discovery of casualty.* Compensation for economic loss on the vessel trip during which the casualty was discovered shall be determined as follows:

(1) For casualties involving fixed gear by:

(i) Totaling the dollar value of the catch for the three vessel trips immediately before the trip of the casualty, or the three trips nearest in time to that of the casualty if the former is unavailable;

(ii) Dividing this total value by the total number of gear units hauled during these three trips;

(iii) Multiplying this average dollar value per gear unit times the number of units lost or damaged; and

(iv) Computing 25 percent of the result;

(2) For casualties involving mobile gear by:

(i) Totaling the dollar value of the catch for the three vessel trips immediately before the trip of the casualty, or the three trips nearest in time to that of the casualty if the former is unavailable;

(ii) Dividing this total value by the total number of units (hours, days) of fishing time during these three trips;

(iii) Multiplying this average dollar value per unit of fishing time times the number of units of fishing time lost as a result of the casualty; and

(iv) Computing 25 percent of the result.

(d) *Calculation of economic loss after the casualty.* Resulting economic loss suffered during the compensable period may result either from an inability to fish or from fishing at a reduced level of effort because of the casualty. In either case, the calculation of the amount of the loss shall be based upon:

(1) The number of gear units lost or damaged in the casualty or, in the case of mobile gear, the amount of fishing time lost;

(2) The length of the compensable period;

(3) The number of gear units hauled on each vessel trip made during the compensable period or during the corresponding period of the previous year;

(4) Information, such as amount and value of catch, available from trip tickets, or other suitable documentation, for the vessel trips made during the compensable period or the corresponding period of the previous year; and

(5) The number of operable gear units in the claimant's complete inventory under § 258.33(f)(1).

§ 258.37 Initial determination. [Redesignated from § 258.36]

9. Section 258.37 (redesignated from § 258.36) is proposed to be amended by:

a. Adding the following prefatory paragraphs following the title:

"After receipt of an application which is properly completed as to claims for actal loss, damage, or destruction, the Chief, FSD, will make an initial determination of the amount of any compensation to be paid the applicant for such loss, damage, or destruction. After receipt of all required information and documentation of resulting economic loss, the Chief, FSD, will make an initial determination of the amount of any compensation to be paid to the applicant for resulting economic loss."

b. By removing the current paragraph (a) in its entirety and by redesignating paragraphs (b) and (c) as (a) and (b); and

c. In paragraph (b) as so redesignated, by removing "§ 258.38" and inserting in lieu thereof "§ 258.39";

* * * * *

§ 258.38 Final determination. [Redesignated from § 258.37]

10. Section 258.38 (redesignated from § 258.37) is proposed to be amended:

a. In paragraph (a) by removing "§ 258.36" and inserting in lieu thereof "§ 258.37";

b. In paragraph (b) by removing "§ 258.36" and inserting in lieu thereof "§ 258.37";

* * * * *

§ 258.40 Payments. [Redesignated from § 258.39]

11. Section 258.40 (redesignated from § 258.39) is proposed to be amended.

a. In paragraph (a) by inserting "and § 258.36" between "§ 258.35" and "minus" and by removing "§ 258.38" and inserting in lieu thereof "§ 258.39";

b. In paragraph (b) by inserting "and § 258.36" between "§ 258.35" and "but" and by removing "$1,000" and inserting in lieu thereof "$2,000".

[FR Doc. 81-23171 Filed 8-6-81; 8:45 am]

BILLING CODE 3520-22-M

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50 CFR Part 654

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold hearings to allow for public input on Amendment 1 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico.

DATES: Written comments on the amendment will be accepted until August 20, 1981. Anyone wishing to comment on the amendment may do so at public hearings held from 7:00 p.m. to 10:00 p.m. as follows:

August 11, 1981—Fort Myers, Florida
August 12, 1981—Marathon, Florida

These hearings will be recorded and the tapes will be filed as the official transcript of the proceedings. A written summary of each hearing will be prepared.

ADDRESS: Send comments to: Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Hearing Locations

August 11, 1981—Ramada Inn, Downtown, 2220 First Street, Fort Myers, Florida
August 12, 1981—Disabled American Veterans Bldg., 7280 Overseas Highway, Marathon, Florida

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228-2815.

SUPPLEMENTARY INFORMATION: The hearings will deal with a proposal to amend the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) under authority of the Magnuson Fishery Conservation and Management Act.

The amendment proposes to do the following:

1. Amend the regulations, setting the terms and conditions of the "line of separation." Shrimp trawling is prohibited shoreward of the line from January 1 to May 20. Future changes would be through use of the regulatory amendment process.

2. Modify reporting requirements of the FMP to specify that mandatory reporting shall be required only of those participants in the fishery who are randomly selected to report, rather than by all participants in the fishery and to modify regulations to permit shoreside enforcement of reporting requirements rather than at-sea enforcement.

3. Delete the exception for live bait shrimping which will be managed under the FMPs provisions.

4. Make such editorial changes to the FMP and regulations to accomplish the above changes, to update and analyze the statistical information on stock assessment, and to correct other editorial deficiencies.

5. Add a regulation to allow Federal enforcement officers to confiscate stone crab traps left in fishery conservation zone waters during the closed season.

Dated: August 4, 1981.

Everett Craig Felber,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 81-23141 Filed 8-5-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 152
Friday, August 7, 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

Forest Service

Malheur National Forest Grazing Advisory Board; Meeting

The Malheur National Forest Grazing Advisory Board will meet at 1:00 P.M. on September 4, 1981, in the downstairs conference room at the Malheur National Forest Supervisor's Office, 139 N. E. Dayton Street, John Day, Oregon 97845.

The meeting is the annual meeting of the board. Purpose of this meeting is to discuss allotment management plans and expenditure of Range Betterment funds.

The meeting will be open to the general public. Persons interested in presenting a subject at the meeting may file a request and brief before the meeting with: Forest Supervisor, Malheur National Forest, 139 N. E. Dayton Street, John Day, Oregon 97845.

Written statements may be filed with the board before or after the meeting.

Dated: July 31, 1981.

Kenneth L. Evans,

Forest Supervisor.

[FR Doc. 81-22980 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc.; Finding of No Significant Impact

Note.—This document originally appeared in the **Federal Register** for Thursday, August 6, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Agriculture/Rural Electrification Administration.

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Brazos Electric Power Cooperative, Inc., (Brazos) of Waco, Texas. The financing assistance will enable Brazos to construct approximately 32 km (20 miles) of 138 kV transmission line and a 138/69 kV distribution substation.

The 138 kV transmission line will be built between Texas Power and Light Company's switching station near Brownwood, Texas, and a proposed 138/69 kV distribution substation located near the existing Holder Substation. Brazos has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, cultural resources, wetlands, floodplains, and other potential impacts of the project were adequately considered in Brazos' BER and REA's Environmental Assessment.

Various alternatives to the proposed transmission line and substation were reviewed by REA. The alternatives include no action and alternate connection points. Alterntive connection points include the proposed Brownwood Substation in Brown County, the Hasse Substation in Comanche County, and the Leon Substation in Taylor County. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Brazos in Brown County.

REA's independent evaluation of the proposed project leads to the conclusion that its proposed financing assistance for the project does not represent a major Federal action that will significantly affect the quality of the human environment. Based on this independent evaluation, the REA Environmental Assessment and a review of Brazos' BER, a FONSI was made in accordance with REA Bulletin 20-21:320-21, Part 1.

Copies of REA's FONSI and supporting documents may be reviewed at or obtained from the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Brazos Electric Power Cooperative, Inc., 2404 LaSalle Avenue, Waco, Texas 76706.

This program is located in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 30th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-22950 Filed 8-5-81; 8:45 am]

BILLING CODE 1505-01-M

Southwest Public Power District; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact with respect to proposed financing assistance by REA for Southwest Public Power District (SPPD) of Palisade, Nebraska, for the contruction of a total of 61 miles (98.1 km) of 69 kV transmission line and associated substation facilities.

The proposed construction includes 40 miles (64.3 km) of 69 kV transmission line from Imperial to Buffalo in Chase and Dundy Counties and 21 miles (33.8 km) of 69 kV transmission line from Chase to Hayes Center in Chase and Hayes Counties, Nebraska, with intermediate substations at Dundy and Leffler. SPPD has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the proposed project are adequately considered in the BER and the Environmental Assessment.

Alternatives considered include no action, energy conservation and load management, upgrading existing circuits and alternate routes. The proposed transmission lines and associated substation construction is the most viable alternative to deliver power to existing and projected loads within the project area.

REA's independent evaluation of the proposed construction concludes that this project does not represent a major Federal action that will significantly affect the quality of the human environment. A Finding of No Significant Impact was reached in

accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of the Finding of No Significant Impact, the Environmental Assessment, and BER may be obtained from or reviewed at the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 or may be reviewed at the office of the Southwest Public Power District, P.O. Box J, Palisade, Nebraska 69040.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 4th day of August, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-23120 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-15-M

United Power Association, Elk River, Minnesota; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $48,200,000 to United Power Association of Elk River, Minnesota, for financing approximately 8 miles of 115 kV transmission line, 15 miles of 69 kV transmission line, 3 bulk transmission substations, transmission system improvements, miscellaneous generation system improvements and additional funds to complete the Stanton Supplemental Boiler Project.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances from Mr. Phillip O. Martin, Manager, United Power Association, Elk River, Minnesota 55330.

In order to be considered, proposals must be submitted on or before September 8, 1981 to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as United Power Association and REA deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 3rd day of August 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-23121 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Bell City Watershed, Louisiana; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT:
Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–473–7751.

Notice

Mr. Alton Mangum, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of Louisiana, is hereby providing notification that a record of decision to proceed with installation of the Bell City Watershed project is available. Single copies of this record of decision may be obtained from Mr. Alton Mangum at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23122 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-15-M

Bolado Park Critical Area Treatment R.C. & D. Measure, California; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone 196–758–2200.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bolado Park Critical Area Treatment RC&D Measure in San Benito County, California.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environment impact statement are not needed for this action.

The measure concerns plans for critical area treatment. The planned works of improvement include erosion control practices such as channel bank stabilization, minor grading and shaping, and revegetation of exposed and critically eroding areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Francis C. H. Lum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Cicular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23123 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-15-M

Bonner Agricultural Related Pollutant Control R.C. & D. Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth Street, Boise, Idaho 83702, telephone 208–334–1601.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bonner Agricultural Related Pollutant Control R.C. & D. Measure, Bonner County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns eliminating pollution of streams and drainageways by establishing six animal waste management systems. This will be accomplished by storage of the animal waste during critical months of high precipitation or frozen soil conditions, and then incorporating them into the soil at the appropriate time, generally in April and October.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–23128 Filed 8–6–81; 8:45 am]

BILLING CODE 3410–16–M

Boundary Agricultural Related Pollutant Control R.C. & D. Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth Street, Boise, Idaho 83702, telephone 208–334–1601.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Boundary Agricultural Related Pollutant Control R.C. & D. Measure, Boundary County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns reducing pollution of streams and drainageways by establishing 13 animal waste management systems. This will be accomplished by storage of the animal waste during critical months of high precipitation, frozen soil conditions, then incorporating them into the soil at the appropriate time, generally in April and October.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–23124 Filed 8–6–81; 8:45 am]

BILLING CODE 3410–16–M

Calvert Marine Museum Fish and Wildlife Development R.C. & D. Measure, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Calvert Marine Museum Fish and Wildlife Development R.C. & D. Measure, Calvert County, Maryland.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The measure concerns a plan for fish and wildlife development adjacent to Back Creek. The planned works of improvement include excavation of a marsh and boat basin area, establishment of marsh vegetation, and bulkheading of the boat basin.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to file single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23123 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

County Road 300N Critical Area Treatment R.C. & D. Measure, Indiana; Finding of No Significant Impact

AGENCY: Soil Conservation service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-269-6515.

Notice

Pursuant to Section 102(2)(C) of the Ntional Environmental Policy Act of 1969; the Council on Enviromental Quality Guidelines (40 GFR Part 1500); and the soil conservation service Guidelines (7 CFR Part 650); the soil conservation service, U.S. Department of Agriculture, gives notice that an environmental impact statemnt is not being prepared for the County Road 300N Critical Area Treatment RC&D Measure, Shelby County, Indiana.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Rodert L. Eddleman, State conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The measure concerns a plan for critical area treatment. The planned works of improvement include resloping 800 feet of road ditch banks, outletting the road ditch into an open ditch with a rock chute, seeding the ditch to permanent vegetation, and placing rock riprap at critical erosion sites in the ditch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. a limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc.81-23127 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Fort Branch Little League Land Drainage R.C. & D. Measure, Indiana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-269-6515.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Fort Branch Little League Land Drainage RC&D Measure in Gibson County, Indiana.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environment impact statement are not needed for this action.

The measure concerns a plan for land drainage. The planned works of improvement include 3,500 feet of subsurface drainage; a 500-foot diversion: 3 acres of land shaping for surface drainage; and seeding, mulching, and fertilizing of 3 acres after construction is completed.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated untIl September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23125 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Morse Creek Irrigation Company Gravity Sprinkler System R.C. & D. Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Amos I. Garrison, Jr., State Conservationist, Room 345, 304 North Eighth Street, Boise, Idaho 83702, telephone 208-334-1601.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not

being prepared for the Morse Creek Irrigation Company Gravity Sprinkler System, Lemhi County, Idaho.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The measure concerns a plan for land treatment to maintain or increase agricultural production, to conserve water, reduce labor, enhance wildlife, and reduce operation and maintenance costs. The planned works of improvement include a gravity sprinkler system and application of conservation practices on private agricultural land.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23126 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Martin Lateral Watershed, Dry Gulch Area, Utah; Authorization of Federal Assistance in the Installation of Works of Improvement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Authorization of Federal Assistance in the Installation of Works of Improvement.

FOR FURTHER INFORMATION CONTACT:
Mr. George D. McMillan, State Conservationist, Soil Conservation Service, 4012 Federal Building 125 So. State Street, Salt Lake City, Utah 84138, telephone 801-524-5050.

Notice

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the Martin Lateral Watershed, Dry Gulch Area, Utah.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008)

Dated: August 3, 1981.

Norman A. Berg,

Chief.

[FR Doc. 81-23136 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Skinner Irrigation Co. Gravity Sprinkler System R.C. & D. Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Amos I. Garrison, Jr., State Conservationist, Room 345, 304 North Eighth Street, Boise, Idaho 83702, telephone 208-334-1601.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines 97 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Skinner Irrigation Company Gravity Sprinkler System RC&D Measure, Bear Lake County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land treatment to increase agricultural production, increase efficiency of on farm irrigation water application, improve distribution system efficiencies, eliminate weed problems in farm ditches, and maintain the quality of the environment. The planned works of improvement include a gravity sprinkler system and application of conservation practices on private agricultural land.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1081.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: August 3, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23134 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Westport Central School Athletic Field Drainage R.C. & D. Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5076.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environemntal impact statement is not being prepared for the Westport Central School Athletic Field Drainage R.C. & D. Measure, Essex County, New York

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The measure concerns a plan to improve drainage on two extensively

used athletic fields and two tennis courts for the Westport Central School in Essex County, New York. The project would include surface and subsurface drainage in the athletic field and tennis court areas. In addition, the fields will be graded, shaped, and revegetated. Slopes adjacent to the tennis courts will be stabilized using drainage and revegetation techniques.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects in applicable)

Dated: August 3, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc.81-23135 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Frews Run and Farnsworth Road RC&D Measures, New York

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5521.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Frews Run and Farnsworth Road RC&D Measures, Chautauqua and Allegany Counties, New York.

The environmental assessment of this federally assisted action indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern a plan to stabilize seven critically eroding streambanks along public roads in Allegany and Chautauqua Counties, New York, near the villages of Cuba and Frewsburg. The planned projects include regrading all seven sites to a 2:1 slope and applying rock riprap and vegetative treatment.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd, State Conservationist. The FNSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of these proposals will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23130 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Hallsville Community Center RC&D Measure, Ohio

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hallsville Community Center RC&D Measure, Ross County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage and critical area treatment. Conservation practices include subsurface drains and seeding on areas disturbed by construction activity.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmenatal assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs is applicable)

Dated: July 3, 1981

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23133 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Morris Township Park Public Water-Based Recreation Development RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, USDA..

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500);

and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Morris Township Park Public Water-Based Recreation Development RC&D Measure, Washington County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant impact on the human environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that preparation and review of an enviromental impact statement are not needed for this measure.

This measure concerns recreation facilities. The planned works of improvement include parking, a comfort station, a well, a pinic shelter, and picnic tables, benches and grills to serve an estimated 6,500 annual visitations.

The Notice of a Finding of No Significant Impact (FNSI) has beeen forwarded to the Enviromental Protection Agency. The basic data developed during the enviromental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI is available, at the above address, to fill single copy requests.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23132 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

Village of Swanton R. C. & D. Measure, Ohio

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Village of Swanton RC&D Measure, Fulton County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment along Ai Creek. The planned works of improvement include shaping the streambanks, sediment bar removal, placing rock riprap on curves, and the installation of three erosion control structures. All areas disturbed by construction activity will be seeded to adapted grasses.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs is applicable)

Dated: July 31, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-23131 Filed 8-6-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 81-7-158; Dockets 35084, 39715, 39722]

United Airlines, Inc., et al.; Order on Review

Issued under delegated authority July 30, 1981. Application of UNITED AIR LINES, INC. for an exemption pursuant to section 403 of the Federal Aviation Act of 1958. Application of TRANSAMERICA AIRLINES, INC. for an emergency exemption from sections 401 and 403 of the Act. Emergency Air Transportation Requirements.

On June 18, 1981, the Board issued a notice to inform the airline industry and the public of the emergency measures it intended to take in the event of a strike or job action by the Professional Air Traffic Controllers Organization (PATCO).[1] Attached to the notice was a proposed order and a listing of categories of passengers and cargo that would receive priority air transportation on all domestic airline flights. The notice indicated that the imposition of these priorities was contingent upon the delegation of priorities and allocations authority from the Secretary of Transportation to the Chairman of the Civil Aeronautics Board [2] under the provisions of the Defense Production Act of 1950, as amended; [3] and that the proposed order, or one which was substantially the same, would be issued when such delegation was received.[4]

To facilitate the operations of the carriers during the emergency period, the proposed order, would have exempted the carriers from the duty-to-carry requirement, the requirement to observe tariff rules, the requirement to pay denied boarding compensation to passengers bumped by priority passengers and, for those carriers designated by the Board to provide essential air service, from their duty to maintain certain schedules if they cannot do so during the emergency. Also, the order would have granted the carriers authority to transport charter passengers on their scheduled service at less than the normal fare.

Subsequent to the issuance of the notice on June 18, the staff was informally advised by the Department of Transportation that the Secretary of Transportation might not grant an immediate delegation to the Chairman to implement the priority listing concurrent with a PATCO strike or job action. Also, the staff was informally advised by some of the carriers that, even if the priority list were not implemented, the requirement to observe various tariff rules (such as the "amenity" rule), the denied boarding rules, and the no smoking rules might create substantial difficulties for the

[1] Published in the **Federal Register** (see 46 FR 32057, June 19, 1981).

[2] 44 CFR Part 322, as amended (45 FR 53479, August 12, 1980).

[3] 50 U.S.C. (App. 2061-2069).

[4] The notice indicated that if the issuance of further orders became necessary, the Director, Bureau of Domestic Aviation, had been granted delegated authority to issue such orders.

carriers in accommodating and ticketing passengers in view of the service disruptions to schedules that would be caused by a PATCO strike or job action.

In view of these developments and considering the imminence of the PATCO strike threatened to occur on June 22, the staff, on June 19, issued Order 81–6–148 [5] which omitted the implementation of priorities for domestic passenger travel and cargo shipments pending a decision by the Secretary of Transportation to delegate the appropriate authority to the Chairman.[6] However, the order granted carriers an exemption from the requirement to observe certain tariff rules,[7] and an exemption from Part 252 (smoking rules) for all domestic passenger travel, and expanded the exemption from Part 250 (overbooking) so that it also covered all domestic passenger travel. We also authorized carriers to provide alternate return transportation to any stranded charter or scheduled passenger on charter flights and to carry their own charter passengers on their own scheduled service at no additional charge.[8]

On July 6, 1981, the Aviation Consumer Action Project (ACAP) filed a petition for reconsideration of Order 81–6–148 insofar as it suspends the denied boarding rules (Part 250).[9] On the same day, Transamerica asked for reconsideration of Order 81–6–148 to expand the authority to transport charter and scheduled passengers on charter flights to include originating as well as returning (i.e., stranded) passengers.[10]

In support of its petition, ACAP argues that the order, issued without resort to rulemaking just as the strike seemed imminent, is both procedurally and substantially defective by not following notice and comment procedures as required by the Federal Aviation Act, the Board's own Rules of Practice, and the Administrative procedures Act; that without implementing priorities for passenger travel, the suspension of all consumer protection rules cannot be justified; that by suspending the denied boarding rules, the Board would encourage the massive overbooking of flights on the part of the carriers which would result in thousands of passengers being stranded at airports; that the reduced schedules, along with the absence of interlining, would make the reservations system simpler rather than more complex; and that stand-by passengers would keep planes flying at their usual capacity. On the other hand, ACAP finds reasonable the decision to suspend the payment of compensation only to those passengers denied boarding because of priority given to persons on the air transportation priority list, as originally intended in the notice and proposed order issued on June 18.

Transamerica, in its petition, states that severe air transportation disruptions will result if carriers are not allowed to provide alternate emergency air service for orginating traffic similar to services authorized for stranded traffic.

No answers to the ACAP and Transamerica petitions were filed.

Upon consideration of the two petitions, we have decided to amend our previous order. When we issued Order 81–6–148 we had received some indications of carrier need to provide broad exemptions from the no smoking and denied boarding compensation rules and we therefore decided to grant such exemptions to give maximum flexibility to the carriers during the strike emergency. The absence of carrier responses to ACAP's petition is an indication to us that, upon reflection, the carriers might believe that they can operate with the more limited exemption advocated by ACAP. We have, therefore, decided to reverse our previous decision and revoke the blanket exemption granted in Order 81–6–148 of the denied boarding rules. Additionally, upon reflection, we do not believe that providing no smoking accommodations as required by Part 252 would impose any added burden on the carriers. If, however, the carriers encounter conditions that limit the maximum utilization of airlift capacity resulting from observance of Part 252 the carriers may petition the Board to show that the relief requested is essential to their operations during the PATCO strike or job action. Therefore, by our own motion, we revoke the exemption from Part 252 granted in Order 81–6–148.

With respect to Transamerica's petition to provide relief for originating as well as returning passengers, we agree that the provision of these emergency services should be authorized, and we will so modify our previous action.

In light of the action we are taking here, Board review of the staff's action is unnecessary and that portion of the petitions will be dismissed.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.13:

1. We amend ordering paragraph 1 of Order 81–6–148 to delete the references to Parts 250 and 252, as follows:

"1. We exempt all certificated air carriers and commuter air carriers designated by the Board to provide essential air service from the provisions of Section 403 of the Act and Part 221 of our Regulations to observe tariff rules to the extent that such rules would hinder a carrier's ability to operate during a PATCO strike, *Provided* that this exemption shall not authorize any carrier to increase the price of any ticket which has been issued; [6]" (footnote omitted)

2. We amend ordering paragraph 3 of Order 81–6–148 to read as follows:

"3. We exempt all U.S. certificated air carriers from the provisions of Section 401 and all foreign air carriers from the provisions of Section 402 of the Act to the extent necessary to permit them to provide the emergency transportation on any charter flight (including ferry legs) otherwise authorized by the carriers' certificate or permit, to any (originating or returning) charter or individually-ticketed passenger who has been left without transportation as a result of the strike, *Provided* that this exemption shall not authorize any foreign air carrier to engage in air transportation between United States points;"

3. We dismiss the petitions filed by ACAP and Transamerica insofar as they seek Board review of the staff's action in Order 81–6–148;

4. This order shall be served on all U.S. certificated air carriers, all commuter air carriers designated by the Board to provide essential air service, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General, the Department of Defense, and the Aviation Consumer Action Project.

A copy of this order will be published in the **Federal Register.**

Persons entitled to petition the Board for review of this order under the

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[5] Published in the **Federal Register** (see 46 FR 32921, June 25, 1981).

[6] See footnotes 2 and 3, *supra.*

[7] It applies to those which would inhibit a carrier's operations during a strike. The exemption does not apply to such rules as acceptance of baggage and baggage liability limits nor does it authorize a carrier to increase the price of any ticket that has been issued.

[8] The latter authority expanded an exemption granted previously in Order 81–5–31, May 6, 1981, which authorized carriers to carry on scheduled flights other carriers' charter passengers stranded as a result of emergency situations, such as mechanical problems, weather difficulties, and late delivery of aircraft. *See* application of United Air Lines, Docket 35084.

[9] The petition was served on all U.S. certificated air carriers on July 9, 1981.

[10] Although styled as petitions for reconsideration, the two requests are actually petitions for Board review of staff action.

Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days after the date of service of this order.

This order shall become effective immediately and the filing of a petition for review shall not preclude such effectiveness.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23144 Filed 8-6-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Optifilm Corporation, 407 W. Griffith Street, Gardena, California 90248, producer of glass parts for integrated circuits (accepted July 10, 1981); (2) Watson McDaniel Company, 975 Madison Avenue, Norristown, Pennsylvania 19403, producer of valves, steam traps, strainers and syphon pumps (accepted July 13, 1981); (3) Jones & Vining, Inc., 166 Forbes Road, Braintree, Massachusetts 02184, producer of shoe lasts & soles (accepted July 13, 1981); (4) Youngwood Electronic Metals, Inc., 4060 Norbatrol Avenue, Murrysville, Pennsylvania 15668, producer of metal stampings for electronic products (accepted July 13, 1981); (5) Ultra-Violet Products, Inc., 825 East Evelyn Avenue, Sunnyvale, California 94086, producer of mercury and xenon lamps, ultra-violet curing systems and other lighting equipment (accepted July 13, 1981); (6) B & B Coat Corporation, 51 Madison Street, Paterson, New Jersey 07501, producer of women's coats and suits (accepted July 20, 1981); (7) Cardo Automotive Products, Inc., 11500 Norcom Road, Philadelphia, Pennsylvania 19154, producer of automotive parts (accepted July 22, 1981); (8) Moore Dispensers, Inc., 800 Ferndale Place, Rahway, New Jersey 07065, producer of soap dispensers (accepted July 27, 1981); (9) Base 2, Inc., 1835-A Dawns Way, Fullerton, California 92631, producer of computer equipment (accepted July 27, 1981); (10) TransRib Corporation, 11562 Chairman Drive, Dallas, Texas 75240, producer of loudspeakers (accepted July 27, 1981); (11) Oxwall Tool Company, Inc., 50 Wall Street, Oxford, New Jersey 07863, producer of screwdrivers, wrenches and screwdriver blades (accepted July 28, 1981); (12) Phase Research Corporation, 3207 Oradell, Dallas, Texas 75220, producer of loudspeakers (accepted July 28, 1981); (13) Bibby's Creations, Inc., Box 7, Rising Star, Texas 76471, producer of handbags (accepted July 30, 1981); (14) Fibre Form Corporation, 700 South Main Street, Columbia City, Indiana 46725, producer of loudspeaker diaphragms (accepted August 3, 1981); (15) Reproduction Technologies, Inc., P.O. Box 518, Elkhart, Indiana 46515, producer of magnetic tape recorders (accepted August 3, 1981); (16) Superior Buildings Company, P.O. Box D, Columbia Falls, Montana 59912, producer of lumber (accepted August 3, 1981); and (17) Sanitary Creamery Company, Inc., 712 Wisconsin Avenue, Boscobel, Wisconsin 53805, producer of milk, butter and cheese (accepted August 3, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than August 17, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-23119 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-24-M

Foreign-Trade Zones Board

[Docket No. 7-81]

Foreign-Trade Zone No. 55, Burlington, Vt.; Application for Special-Purpose Subzone

On July 2, 1981, a notice appeared concerning the filing of an application for a special-purpose subzone at the Pedigree USA, Inc. plant in St. Albans, Vermont (46 FR 34613).

A copy of this application is available for public inspection at: Office of the Director, U.S. Department of Commerce District Office, 10th Floor, 441 Stuart Street, Boston, Massachusetts 02116.

Dated: August 4, 1981.

John J. Da Ponte, Jr.,

Executive Secretary Foreign-Trade Zones Board.

[FR Doc. 81-23118 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Cap Screws 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 June 16, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on cap screws 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 comments from one party but found no basis for changing our conclusions. Therefore, we have determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639.

EFFECTIVE DATE: August 7, 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 August 13, 1976, a final countervailing duty determination on cap screws from Italy, T.D. 76-225, was published in the **Federal Register** (41 FR 34250).

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 June 16, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on cap screws from Italy (46 FR 31462). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are iron or steel cap screws, ¼" in diameter and over, imported directly or indirectly from Italy. These imports are currently classifiable under item number 646.63 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

We received comments from one party offering his view that the amount of countervailing duty is sufficiently small to warrant its elimination. We have no basis for believing that the proposed countervailing duty is *de minimis*.

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 rebate.

Therefore, we determine that the rate of net subsidy conferred upon producers exporting to the United States for the period January 1, 1980 through December 31, 1980, is 15 lire per kilogram for this product.

The U.S. Customs Service shall assess countervailing duties of 15 lire per kilogram 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. 76-225 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 Customs Service shall assess countervailing duties of 15 lire per kilogram, the amount set forth in T.D. 76-225, 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 of 15 lire per kilogram on all unliquidated entries of cap screws 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 of 15 lire per kilogram 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 August, 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.

August 4, 1981.

[FR Doc. 81-23114 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

Compressors and Parts Thereof 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 June 16, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on compressors and parts thereof 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: August 7, 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 May 3, 1972, a final countervailing duty determination on compressors and parts thereof from Italy, T.D. 72-122, was published in the **Federal Register** (37 FR 8948). The effective date was June 17, 1972.

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 June 16, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of the Countervailing Duty Order" on compressors and parts thereof from Italy (46 FR 31463). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are compressors and parts thereof imported directly or indirectly from Italy (see Appendix A). These imports are currently classifiable under item number 661.12 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 imputs 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. 72-122 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 Customs Service shall assess countervailing duties in the amount set forth in T.D. 72-122 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 compressors and parts thereof 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 June 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.

August 4, 1981.

Appendix A

	Per kilogram (lire)
Air or gas compressors (including compressors for refrigerating equipment presented separately); power driven vacuum pumps	35
Compressors and vacuum pumps, motor coupled sets	35
Parts of compressors:	
Blades, vanes and rotors:	
Of stainless steel	60
Other, made predominantly of cast iron, iron or steel	40
Cylinders and cylinder heads	20
Cylinder blocks, crankcases, baseplates and bodies of pumps and compressors:	
Of cast iron or steel	15
Pistons, made predominantly of cast iron, iron or steel	20
Cylinder liners	15
Connecting rods	30
Crankshafts and camshafts, pump shafts	30
Piston rings	15
Oil pumps, water pumps and turbines, feed pumps	20
Gasoline, lifting pumps, economizers, oil cleaners, oil and fuel filters, and their parts, made predominantly of cast iron, iron or steel	20
Injectors, injector holders, injection pumps and parts thereof, the latter limited to those made predominantly of cast iron, iron or steel	70
Pressure regulators	40
Gaskets, also presented in envelopes or like packages, made predominantly of iron or steel	20
Other parts, not elsewhere specified, made predominantly of iron or steel	30

[FR Doc. 81-23113 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' and Management-Labor Textile Advisory Committees; Public Meetings

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: September 17, 1981 at 10:30 a.m. for the Importers and Retailers' Textile Advisory Committee and 1:30 p.m. for the Management-Labor Textile Advisory Committee. The meetings will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Street, NW).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committees before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: July 31, 1981.

Arthur Garel,

Acting Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-23117 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

Ski-Lifts and Parts Thereof From Italy; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On June 5, 1981 the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on ski-lifts and parts thereof 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: August 7, 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 November 22, 1968, a final countervailing duty determination on ski-lifts and parts thereof from Italy, T.D. 68–288, was published in the **Federal Register** (33 FR 17291).

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 June 5, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on ski-lifts and parts thereof from Italy (46 FR 30161). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are ski-lifts and parts thereof imported directly or indirectly from Italy (see Appendix A). These imports are currently classifiable under item number 664.10 of the Tariff Schedules of the United States, except in the case of parts for which there are various, specific classifications.

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. 69–91 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 Customs Service shall assess countervailing duties in the amount set forth in T.D. 69–91 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 ski-lifts and parts thereof 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 December, 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.

August 4, 1981.

Appendix A

	Per kilogram (lire)
Stations	18
Electric Motor	35
Gasoline Engine	35
Panel	15
Towers	18
Sheave	20
Chairs	15
Cable	20
Launching	20
Monorail	15
Other metal parts	15
Non-metallic parts	None

In the case of importation of a complete ski lift, countervailing duties will be collected on the basis of the countervailing duties applicable to the component parts thereof, as enumerated above.

[FR Doc. 81–23112 Filed 8–6–81; 8:45 am]
BILLING CODE 3510–25–M

Tomato Products From Greece; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on tomato products from Greece. The review is based upon information for the period January 1, 1979 through December 31, 1979. The Government of Greece's response to our requests for updated information regarding this merchandise was received too late in our review process to be considered timely. Therefore, the Department has preliminarily determined to collect deposits of estimated countervailing duties equal to the rates previously established in this case as the best information available. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT:
Joseph Black or Lorenza Olivas, Office of Compliance, Room 1126, International

Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774 or 377–1775).

SUPPLEMENTARY INFORMATION: The Department of Treasury published a countervailing duty order, T.D. 72–88, in the **Federal Register** of March 28, 1972 (37 FR 6360). The notice stated that the Treasury Department had determined that exports of tomato products from Greece were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties. The notice also suspended liquidation and required deposits of estimated countervailing duties. This order and suspension of liquidation became effective on May 13, 1972.

On February 20, 1974, the Treasury Department published T.D. 74–65 (39 FR 6516) which provided the countervailing duty rates for the liquidation of entries of this merchandise. The suspension of liquidation was rescinded. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on tomato products from Greece.

Scope of the Review

Imports covered by this review are tomato paste and sauce, peeled tomatoes and tomato juice, currently classifiable under item numbers 141.65, 141.66 and 166.30, respectively, of the Tariff Schedules of the United States (TSUS). The review is based upon information for the period from January 1, 1979 through December 31, 1979. The program investigated and found to constitute a bounty or grant under section 303 of the Tariff Act was the granting of cash payments to tomato growers.

Preliminary Results of the Review

The Government of Greece's response to our questionnaire on the present status of benefits bestowed on producers of tomato products was not timely. Therefore, using the rates established by T.D. 74–65 as the best information available, the Department has tentatively determined to instruct Customs officers to continue to collect deposits of estimated countervailing duties at those rates. Those rates are:

Tomato Paste and Tomato Sauce

Percentage of dry [1] tomato extract	Drachmas per metric ton, unpacked
15	750
16	800
17	850
18	900
19	950
20	1,000
21	1,050
22	1,100
23	1,150
24	1,200
25	1,250
26	1,300
27	1,350
28	1,400
29	1,450
30	1,500
31	1,550
32	1,600
33	1,650
34	1,700
35	1,750
36	1,800
37	1,850
38	1,900
39	1,950
40	2,000

[1] When tomato paste or tomato sauce is entered in a range of concentration, for example, 30 percent–32 percent, the median concentration (31 percent) shall be used in assessing countervailing duties.

Tomato Juice: 330 drachmas per metric ton, unpacked

Peeled Tomatoes: 330 drachmas per metric ton, unpacked

This deposit requirement shall remain in effect until publication of the final results of the next administrative review. There are no known unliquidated entries of Greek tomato products entered or withdrawn for consumption prior to January 1, 1980.

Interested partis may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

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.

August 4, 1981.

[FR Doc. 81–23115 Filed 8–6–81; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Articles; Mount Sinai Medical Center et. al.

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington,. D.C. 20230, by August 27, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00254. Applicant: Mount Sinai Medical Center, Inc., 950 North 12th Street, P.O. Box 342, Milwaukee, WI 53201. Article: Electron Microscope, Model EM 400T and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used in research projects involving examination of ultra thin sections of human tissues or cells; purified protein molecular stained negatively or metal-shadowed. Experiments will be conducted to determine the ultrastructure of tissue or cellular samples and to determine the shape of individual protein molecules. Application received by Commissioner of Customers: May 29, 1981.

Docket No. 81–00255. Applicant: North Carolina A&T State University, Greensboro, North Carolina 27411. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for electron microscopic examination of *Limulus* gametes and *Limulus* sperm-egg interactions. Examination of intact sperm acrosomes and acrosomes separated from sperm through the use of mechanical and chemical treatments will be performed at the ultrastructural level. An evaluation of the separation techniques on the membranes surrounding the

acrosome vesicle and its contents will be made following the separation procedures. The separation of sperm acrosomes from sperm will constitute the first step in the production of an acrosome extract on which enzyme assays will be conducted to ascertain the enzyme content of the sperm acrosomes. The article will also be used for instruction in the laboratory animal science program involving advanced, undergraduate and graduate students. Students will serve as laboratory assistants and research assistants, and will be trained to carry out assignments involving fine structure in research specimens. Application received by Commissioner of Customs: May 29, 1981.

Docket No. 81–00256. Applicant: National Jewish Hospital/Research Center, 3800 East Colfax Avenue, Denver, Colorado 80206. Article: Custom Electronic Circuits. Manufacturer: Thompson Instruments, Ltd., Canada. Intended use of article: The articles will be used in a variety of experiments with subjects, patients and animals investigating mechanical properties of the lung. Application received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00257. Applicant: Ellis Hospital, 1101 Nott Street, Schenectady, New York 12308. Article: Linear Accelerator, Model Therac 6/Neptune and Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for the study of the responses of malignant disease (tumor) to different modalities separately and in combination. The objectives pursued in the course of these investigations are two-fold: (a) ascertainment of the efficacy of specific treatment modalities for malignant tumors and (b) assessment and elmination of complications arising from such modalities. The article will also be used in the teaching of patient management in the various disciplines particularly those being treated by radiation therapy. Application received by Commissioner of Customers: June 3, 1981.

Docket No. 81–00258. Applicant: Washington University, Box 1105 Skinker and Lindell Campus, St. Louis, MO 63130. Article: Section Analyzer. Manufacturer: ETH Zuriel Institute for Kristallographie and Petrographie, Switzerland. Intended use of article: the article is intended to be used in developmental research on mass spectrometers. Application received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00259. Applicant: Donald N. Sharp Mem. Comm. Hospital, Owned & Operated by San Diego Hospital Association, 7901 Frost Street, San Diego, CA 92123. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for routine diagnostic surgical pathology studies on human tissues and body fluids. Specifically, the article will be used to characterize subcellular organelles within cancer cells. With this specific identification of cancer cell types, more specific drug regimens can be used to treat patients with an increased cure rate. Application received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00260. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Program Pico Ampmeter with Accessories. Manufacturer: Hewlett Packard, Japan. Intended use of article: The article is intended to be used for studies of bulk and thin film photovoltaic semiconductor devices. Experiments will be conducted to determine the electrical properties of photovoltaic semiconductor devices. Application received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00261. Applicant: University of Illinois Urbana-Champaign campus, Purchasing Divsion, 223 Administration, 506 South Wright Street, Urbana, Illinois 61801. Article: Thermally Stimulated Current Measuring Apparatus. Manufacturer: Toyo Seiki Seisaku-Sho, Ltd., Japan. Intended use of article: The article is intended to be used for studies of films and powders of synthetic polymers, and samples of biological tissues. The objectives of these studies are 1) to understand the effect that electrical fields have on the solid state structure and properties of synthetic polymers, and 2) to elucidate factors controlling molecular mobility and ionic diffusion in biological tissues. Application received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00262. Applicant: Yale University, Department of Molecular Biophysics & Biochemistry, P.O. Box 666, 260 Whitney Aveune, New Haven, CT 06511. Article: Nuclear Magnetic Resonance Spectrometer, Model TMR–32 with Accessories. Manufacturer: Oxford Research Systems, United Kingdom. Intended us of article: The article is intended to be used for studies of brain, liver and tumors in living animals. The brain studies will determine normal glucose pathways to amino acids and other products by ^{13}C NMR generally starting from ^{13}C labeled glucose. it is expected to be able to detect glutamate, glutamine, -amino butyric acid, aspartate and lactate and in some cases to determine biosynthetic pathways and compartmentation. The effects upon these pathways of hypoxia, restraints and seizures will be measured in order to improve and extend biochemical understanding of these states. In the tumor studies attempts will be made with ^{31}P and ^{13}C NMR to determine the hypoxic fraction of tumors, *in vivo*, and to monitor its response to different radiation treatments in order to increase their effectiveness. The article will also be used in the training of undergraduate, graduate and postgraduate students. Application Received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00263. Applicant: Stanford University, 851 Welch Road, Palo Alto, CA 94305. Article: Self Boring Pressuremeter, Mark 8. Manufacturer: Cambridge Institute, United Kingdom. Intended use of article: The articles intended to be used for reseach directed toward measuring properties of soil in-situ in order to quantify behavior under future loadings. Stiffness, strength and lateral stresses will be measured. In addition, the article will be used for educational purposes in the courses CE 290—Advanced Soil Mechanics and CE 293—Experimental Soil Mechanics. Application Received by Commissioner of Customs: June 3, 1981.

Docket No. 81–00264. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for studies of metallic and non-metallic solids. The experiments to be conducted will include:

(1) Routine bright field-centered dark field microscopy for identification of defects and particulate structures.

(2) g·b analysis of interfacial dislocation structures.

(3) Analysis of dislocations and cracks.

(4) Micro-micro diffraction for identification of small particle, fine second phases, particulate matter, and defect configurations.

(5) X-ray microanalysis of phases.

Application received by Commissioner of Customs: June 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-

Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-23063 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

Decision on Application for Duty-Free Entry of Scientific Article; Department of the Interior

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00027. Applicant: Department of the Interior, Geological Survey, Branch of Isotope Geol., Box 25046, MS 963, Denver Federal Center, Denver, Colorado 80225. Article: Mass Spectrometer, Model Special 54-S. Manufacturer: VG-Isotopes, Limited, United Kingdom. Intended use of article: See Notice on page 11694 in the **Federal Register** of February 10, 1981.

Comments: Comments postmarked February 26, 1981 have been received from the Nuclide Corporation (Nuclide). Nuclide states, inter alia, that it could provide a domestically manufactured thermal ionization mass spectrometer (MS) that was available at the time the foreign article was ordered. Decision: Application denied. Reasons: An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 14, 1980). Discussion: The applicant, in response to Question 8, states, "No domestic manufactured thermal ionization mass spectrometer was avaialble at the time the purchase order was issued." It further states that (1) the GSA file lists three types of thermal ionization MS's which can be used with elements of high atomic number such as uranium, thorium and lead; (2) all of these are manufactured by foreign manufacturers; and (3) only Micromass (the foreign article's manufacturer) has a GSA contract.

Nuclide published specifications on its 12-90-SU-2 MS especially designed for thermionic (surface ionization) studies in 1965. Nuclide offered such an instrument to the U.S. Geological Survey of Menlo Park, California in 1979 (see its response to RFP Number 719W). Nuclide literature (e.g., Nuclide Spectra, Volume IV, No. 1) indicates that its thermionic source MS's can analyze uranium, thorium and lead. The National Bureau of Standards (NBS) advises in its memorandum dated May 13, 1981 that a thermionic MS is pertinent to the applicant's intended use. NBS also advises that Nuclide instruments available at the time of order could provide this pertinent feature. We concur. We note that the GSA file is not intended to include all manufacturers of a particular instrument. Its listings are therefore not germane to findings of domestic availability.

Based on the foregoing considerations, NBS advice and our own review of this application as well as other factual information in our possession (specifications, textbooks, etc.), we find that the Nuclide Model 12-90-SU-2 MS with accessories was of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-23062 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Import Controls in Certain Cotton Apparel From the Republic of the Philippines; Correction

July 31, 1981.

In FR Doc. 81-20694 appearing at page 36725 in the issue for Wednesday, July 15, 1981, the dates of the twelve-month control period set forth in paragraph 2 of the letter to the Commissioner of Customs should have read, "January 1, 1981 and extending through December 31, 1981."

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-23116 Filed 8-6-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY DISABLED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 9, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 0782

Grounds Maintenance
Command Systems Technical Schools Command
Vallejo, California

SIC 7349

Janitorial Service
Naval and Marine Corps Reserve Center
Jackson, Mississippi

C. W. Fletcher,

Executive Director.

[FR Doc. 81-23064 Filed 8-6-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Prepare Proposed Draft Environmental Impact Statement; Altar Valley, AZ

The National Guard Bureau will prepare a draft environmental impact statement on the proposed construction of an auxiliary airfield and the

associated land acquisition to support the action. The location of the proposed airfield site is in the Altar Valley approximately eight miles southwest of Three Points, AZ. The auxiliary airfield is required to reduce the military training overflight activity in the Tucson area.

The environmental analysis will address the environmental impact of the airfield construction, land acquisition and anticipated aircraft operations at the proposed airfield.

There has been extensive contact between National Guard representatives and various local, regional, state and federal agencies concerning this proposal. The scope of issues to be discussed in environmental impact statement will be verified with these agencies in a public scoping meeting. Details will be announced in the local news media.

Information on the proposal and the environmental impact statement may be obtained from Mr. Sheldon L. Groner, Air National Guard Support Center/DEV, Stop 18, Andrews Air Force Base, MD 20331.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-23061 Filed 8-6-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Performance Review Board; Corps of Engineers Members

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board for the US Army Corps of Engineers for 1981.

EFFECTIVE DATE: August 14, 1981.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, D.C. 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. This board's review and recommendation will include only those senior executive's appraisals from US Army Corps of Engineers activities. Publication of this notice rescinds the notice published in 46 CFR, page 37749, dated July 27, 1981, to account for an addition and deletion to the membership of that board.

The Members of the Performance Review Board for the US Army Corps of Engineers (COE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.
2. Major General Hugh G. Robinson, Division Engineer, Southwestern Division.
3. Major General E. R. Heiberg, Director of Civil Works, Office, Chief of Engineers.
4. Brigadier General Jerome B. Hilmes, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.
5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.
6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.
7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.
8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.
9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.
10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.
11. Mr. Rodney H. Resta, Chief, Engineer Division, Lower Mississippi Valley Division.
12. Mr. William N. McCormick, Jr., Chief, Engineer Division, South Atlantic Division.
13. Dr. James Choromokos, Jr., Chief, Research and Development, Office, Chief of Engineers.
14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.
15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

Carol D. Smith,

Chief, SES Office.

[FR Doc. 81-23009 Filed 8-6-81; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of a forthcoming planning meeting of the National Advisory Council on Bilingual Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: August 28-30, 1981—9:00 a.m.-5:00 p.m.

ADDRESS: The meeting on August 28, 1981 will be held in the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Room 339-337A, Washington, DC 20202. The meetings of August 29-30, 1981 will be held in the Reporters Building, Room 408, 300 7th Street, S.W., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Louis J. Serpa, Designated Federal Official, Room 514 Reporters Building, 400 Maryland Avenue, S.W., Washington, DC 20202. (202-472-3520).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act.

The meeting of the Council is open to the public.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421 Reporters Building, 400 Maryland Avenue, S.W., Washington, DC 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: July 30, 1981.

Gilbert Chavez,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 81-23139 Filed 8-6-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Transportation Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Transportation Task Group of the Committee on Arctic Oil and Gas Resources will meet in August 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas

Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Transportation Task Group meeting follows:

The sixth meeting of the Transportation Task Group will be held on Thursday, August 27, 1981, starting at 1:30 p.m., in Room 3017, Chevron U.S.A. Inc., 555 Market Street, San Francisco, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review and discussion of the Task Group's draft.
3. Discussion of the timetable for completion of the Task Group's study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Transportation Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Transportation Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on July 28, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

July 28, 1981.

[FR Doc. 81-23004 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Switzerland and U.S. and EURATOM

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 Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of the United States origin, as follows: From Switzerland to France (the COGEMA facility) for the purpose of reprocessing 71 irradiated fuel assemblies containing 12,635 kilograms of uranium, enriched to 0.99 % U-235, and 100 kilograms of plutonium from the Muhleberg Power Plant, owned by the Bernische Kraftwerke AG. This subsequent arrangement is designated as RTD/EU(SD)-33.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored within France and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sonner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee of Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: August 3, 1981.

For the Department of Energy.

Fred McGoldrick,

Acting Director, Office of Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-23005 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Switzerland and U.S. and EURATOM

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 Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From Switzerland to France (the COGEMA facility) for the purpose of reprocessing 95 irradiated fuel assemblies containing 29,291 kilograms of uranium, enriched to 1.05% U-235, and 259 kilograms of plutonium from the Beznau Power Plants No. I and No. II, owned by the Nordostschweizerische Kraftwerke. This subsequent arrangement is designates as RTD/EU(SD)-34.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored within France and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement 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 and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee of Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: August 3, 1981.

For the Department of Energy.

Fred McGoldrick,

Acting Director, Office of Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-23006 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

The Armstrong Firms; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Adna S. Day, Product Resellers Branch, Office of Enforcement, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461, 202/653-3541.

SUPPLEMENTARY INFORMATION: On August 3, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Robert W. Armstrong, dba Armstrong & Associates, Armstrong Enterprises, Inc., and Pioneer Refining, Inc. (the Armstrong firms) of San Antonio, Texas, on July 18, 1979, 44 FR 45661 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by the Armstrong firms pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, the Armstrong firms refunded the sum of $35,700.00 by certified check made payable to the United States Department of Energy on July 23, 1979. This sum has been received by the OE and has been placed into a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $35,700.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on July 21, 1981 to implement special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3d day of August 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-23003 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

Ethyl Corp.; Action Taken on Consent Order

AGENCY: Ecomonic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Adna S. Day, Product Resellers Branch, Office of Enforcement, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461, 202/653-3541.

SUPPLEMENTARY INFORMATION: On August 13, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Ethyl Corporation, (Ethyl) of Baton Rouge, Louisiana on July 30, 1979 44 FR 47394 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund amount paid by Ethyl pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Ethyl refunded the sum of $14,535.00 by certified check made payable to the United States Department of Energy on August 9, 1979. This sum has been received by the OE and has been placed into a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $14,535.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on July 21, 1981 to implement special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refund should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 3rd day of August 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-22999 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-002; OFC Case Nos. 55364-9196-01-12, 55364-9196-01-62]

Gulf Oil Corp. (Gulf); Termination of Proceeding on a Petition for Exemption

AGENCY: Economic Regulation Administration, DOE.

ACTION: Notice of termination of proceeding on a petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On December 24, 1980, Gulf Oil Corporation (Gulf) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* for a new field-erected boiler (identified as Boiler No. 301-B-101), to be installed at the Alliance Refinery, Plaquemines Parish, Louisiana. As provided for in 10 CFR 503.32, Gulf requested a permanent exemption for this boiler based upon a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum as a primary energy source.

ERA accepted Gulf's petition for a permanent exemption on February 6, 1981, and notice of that acceptance was published in the **Federal Register** on February 12, 1981, at 46 FR 12050. On June 15, 1981, Gulf requested that ERA declare both the refinery fuel oil and refinery waste gas planned to be used as primary and secondary fuels in the new boiler at the Alliance Refinery to be alternate fuels for purposes of the Fuel Use Act. Upon evaluation of Gulf's request, ERA determined that the Alliance Refinery's refinery fuel oil and refinery waste gases are alternate fuels and notified Gulf to that effect on July 17, 1981.

With ERA's determination that the Alliance Refinery's refinery fuel oil and refinery waste gas are alternate fuels and with Gulf's declared intention to use these fuels exclusively as the primary and secondary energy sources for the proposed boiler, there is no further need to process Gulf's petition since the prohibitions of the Fuel Use Act do not apply to the use of alternate fuels as primary energy sources. Accordingly, ERA's proceeding on Gulf's petition for a permanent exemption, as announced at 46 FR 12050, is hereby terminated.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, N.W., Room 3128-K, Washington, D.C. 20461, Phone (202) 653-4237.

Douglas Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

Public files containing a copy of all documents and supporting materials relative to the proceeding on Gulf's petition for a permanent exemption (OFC Case Number 55364-9196-01-12) and its request for an alternate fuels determination (OFC Case Number 55364-9196-01-62) are available for inspection upon request at: Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on July 31, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-23000 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-007; OFC Case Nos. 55001-9201-01-11, 55001-9201-02-11]

MacMillan Bloedel, Inc.; Order Granting Temporary Exemption From the Prohibitions

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting temporary exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 27, 1981, MacMillan Bloedel, Inc. (MBI) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a temporary exemption for two new major fuel burning installations (MFBIs) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published a 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

MBI requested a temporary public interest exemption in order to burn petroleum or natural gas in one or two package boilers of at least 100 million Btu's heat input rate each (depending on availability) sufficient to produce a total heat input rate of 254 million Btu's per hour, to be located at its Pine Hill, Alabama linearboard, plywood and lumber producing facility. MBI petitioned for a temporary exemption from the prohibiitons of Title II of FUA under 10 CFR 503.25(2) based upon the use of one or two package boilers during the expected 6- to 10-month period needed to convert an existing on-site boiler to coal and wood waste.

Pursuant to section 211(c) of the Act, and 10 CFR 503.25, and subject to specified reporting requirements stated herein, ERA hereby issues this order granting two temporary public interest exemptions to MBI to permit the use of petroleum (No. 6 oil) or natural gas sufficient to suply the 254 million Btu heat input rate required for the package boilers during the expected 6- to 10-month conversion period.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, DC 20461, (202) 653-4477.

L. Dow Davis, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Forrestal Building, Room 6B-178, Washington, DC 20585, (202) 252-2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of FUA and ERA's regulations, ERA accepted MBI's petition and published notice of its acceptance in the **Federal Register** on June 9, 1981 (46 FR 30524). The Notice of Acceptance provided a 45-day public comment period during which interested persons could submit comments on the petition for exemption and could request that a public hearing be convened. This period expired on July 24, 1981.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review completed a Tentative Staff Analysis the availability of which was noticed in the **Federal Register** concurrent with the Notice of Acceptance. This analysis recommended that an order be issued to grant a temporary public interest exemption to MBI's boiler permitting the use of petroleum or natural gas for a period not to exceed 10 months. The period during which interested persons could submit written comments on the Tentative Staff Analysis or request a public hearing also expired July 24, 1981. No comments were received nor was a public hearing requested on either the Notice of Acceptance or the Tentative Staff Analysis.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of MBI's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments were received from either agency.

ERA has determined that MBI has satisfied the requirements of 10 CFR 503.25(2) in that their application for temporary exemptions is in the public interest to allow conversion of the existing on-site boiler to coal and wood waste. Accordingly, pursuant to section 211(c) of FUA, and subject to the reporting requirements stated below, ERA hereby grants MBI two temporary public interest exemptions to permit the use of No. 6 fuel oil or natural gas in one or possibly two package boilers at a capacity sufficient to satisfy MBI's heat input requirement of 254 million Btu's per hour for a period not to exceed 10 months. These exemptions can however, be extended upon approval of ERA for a period not to exceed five years.

REPORTING REQUIREMENTS: MBI must notify ERA when the package boiler(s)

are placed in service, the date the units are removed from service, and the total fuel consumption of the unit(s) for the duration of their use. Such notifications shall be executed by a duly authorized representative of MBI. Cite OFC Case No. 55001–9202–01, 02–11 on each document and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55001–9202–01, 02–11, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C., on July 31, 1981:

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-23001 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–81–016; OFC Case No. 55029–9012–04–12]

St. Regis Paper Co.; Modification of Order Granting an Exemption From the Prohibitions

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of modification of order granting an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act) prohibits the use of petroleum or natural gas in certain new Major Fuel Burning Installations (MFBI's) unless an exemption has been granted by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE). Pertinent criteria and the procedures for petitioning for exemptions from the prohibitions of FUA, and other administrative procedures and sanctions, are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

In response to a petition for exemption from the prohibitions of FUA filed on April 10, 1980, by the St. Regis Paper Company (St. Regis), ERA pursuant to the authority contained at section 212(d) of the Act, issued an order (hereafter, the order) on August 2, 1980, which granted St. Regis a permanent fuels mixture exemption for a MFBI to be constructed at its Pensacola-Kraft Center Mill, Cantonment, Florida. The order, published in the **Federal Register** on August 8, 1980, at 45 FR 52861, authorized St. Regis to use in the MFBI (designated as No. 4 Bark/Power Boiler by St. Regis) natural gas in a mixture with wood waste. Under the terms and condition of the order, the amount of natural gas used in the No. 4 Bark/Power Boiler (hereafter, No. 4 boiler) shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

On June 12, 1981, St. Regis filed with ERA a request for modification of the order pursuant to 10 CFR Part 501, Subpart G (10 CFR 501.100, *et seq.*), which described changed circumstances which have occurred since the issuance of the order which require its modification. The changed circumstances described by St. Regis are that study has revealed that future production of natural gas from the Pensacola mill's present sources will be insufficient to meet the mill's total requirements. Predicated upon that study, St. Regis is taking measures to reduce the mill's dependence upon natural gas by the installation of coal handling facilities at the Pensacola mill and the modification of an existing boiler and the new No. 4 boiler to burn pulverized coal. As result of that decision, St. Regis has determined that a planned source of wood waste for the No. 4 boiler is no longer economically feasible to pursue, consequently resulting in an inability to fire the MFBI with a mixture of wood waste and natural gas in the amounts originally planned. St. Regis requested that the order be modified to permit it to temporarily burn natural gas in the No. 4 boiler in amounts of up to 60 percent of the unit's total annual Btu heat input during the approximate two-year period required to install coal handling facilities at the Pensacola mill. It also requested that the order be modified to permit, at the time No. 4 boiler has the capability to burn coal and thus able to comply with the 25% limitation, the use of petroleum as well as natural gas in a mixture with the alternate fuels to be used in the No. 4 boiler. Additionally, St. Regis requested a technical clarification to the order to indicate that the first annual reporting period (which requires an annual certification by St. Regis that the amount of natural gas used in the No. 4 boiler did not exceed the prescribed percentage) would commence with the initial operation of the unit under the provisions of the fuels mixture exemption.

Pursuant to 10 CFR 501.101 (d) and (e), ERA, by letter dated June 23, 1981, notified St. Regis of its decision to commence a proceeding to consider its request for modification of the order. By the same letter, ERA provided a copy of St. Regis's request to the Administrator, Environmental Protection Agency, and the Chairman, Federal Trade Commission, for their review and comment. A 14-day period for submission of written comments was provided these agencies. That period expired on July 7, 1981. No comments were received.

ERA has reviewed the entire administrative record in this proceeding and has determined that St. Regis has, pursuant to 10 CFR 501.12(b), demonstrated that there are significantly changed circumstances with respect to the exemption granted in the order and such changes occurred subsequent to the issuance of the order and were caused by forces or circumstances beyond St. Regis' control. Accordingly, ERA hereby grants St. Regis' request for modification of order. A summary of St. Regis' request and the specific modifications made are set forth in the SUPPLEMENTARY INFORMATION section below.

In accordance with section 702(a) of FUA, this modification of order shall take effect on October 5, 1981, the 60th calendar day after publication in the **Federal Register.**

SUPPLEMENTARY INFORMATION: .

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4226.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4257.

Douglas Mitchell, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of this modification of order and other documents and supporting materials on this proceeding is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: Facts and circumstances stated by St. Regis in its request for modification of order and the specific changes requested are summarized as follows:

The natural gas presently being used at the Pensacola mill as a "swing" fuel in existing boilers and in the lime reburning operation, and planned to be used in the new No. 4 boiler under the provisions of the fuels mixture exemption granted by ERA, is obtained from two gas fields located in northeast

Florida in which St. Regis has a proprietary interest. Projection now indicated that there will be a decline in production of natural gas at the two fields and that by 1983 the supply available will be insufficient to meet the needs at the Pensacola mill. As an alternative to the use of natural gas as a "swing" fuel, St. Regis is now in the process of procuring and installing coal handling facilities at the Pensacola mill and modifying existing boiler No. 3 and the new No. 4 boiler to burn pulverized coal. St. Regis anticipates the Pensacola mill will have coal capability by August 1982. Once the necessary construction and modifications are completed, both the existing No. 3 boiler and the new No. 4 boiler will burn a mixture of wood waste and coal, with natural gas, or possibly petroleum, used for control purposes or as necesarry to sustain production in the event of interruption of coal burning capability. In that mode of operation, the amounts of natural gas or petroleum used in No. 4 boiler will be substantially less than 25% of the total annual Btu heat input of the primary energy sources used in the unit and the use of coal is expected to reduce the amount of natural gas used annually at the Pensacola mill by approximately 90%.

As initially planned by St. Regis, the sources and percentages of the wood waste to be used in No. 4 boiler under the provisions of the fuels mixture exemption were:

(1) Bark and chipper fines produced as a by-product at the Pensacola mill—40%.

(2) Wood waste purchased from other nearby wood processing operations—12%

(3) Whole tree hogged fuel to be obtained and processed at timber properties owned by St. Regis—48%.

St. Regis states the capital allocation required solely to produce, deliver and receive the whole tree hogged fuel (3 above) is estimated to be 4.2 million dollars. St. Regis calculates that the cost of this component of the waste wood fuel supply is expected to exceed the cost of coal by approximately 67%. Therefore, St. Regis contends that to invest in the plant and equipment to temporarily produce the balance of wood waste supply needed to comply with the terms and conditions of the previously granted fuels mixture exemptions, while proceeding with the larger permanent investment in coal facilities, would not be economical. St. Regis states it has attempted to procure an alternate source of wood waste to replace the 48% increment (approximately 180,000 tons per year) that was to be produced at the off-site facility. It surveyed all producers within a 100 mile radius and concluded that a maximum volume of 50,000 tons per year could be purchased from those sources. Without the whole tree hogged fuel, and in the absense of a sufficient supply of wood waste from other sources, the new No. 4 boiler will require the temporary use (until coal capability is achieved) of natural gas in excess of the 25% allowed by the fuels mixture exemption. During the period of installation of the coal handling facilities, the use of up to 60% natural gas in boiler No. 4 will be needed to sustain the mill's steam requirements. Accordingly, St. Regis has requested ERA modify the order to permit the temporary use of natural gas, in a mixture with the available supply of wood waste, in the No. 4 boiler in amounts of up to 60% of the total annual Btu heat input of the primary energy sources used in the unit, and that such use of natural gas be permitted for the period beginning with the commencement of operation of No. 4 boiler, currently estimated to occur in July 1981, and ending two years later, by which time the coal-firing support systems at the Pensacola mill will be fully operational.

St. Regis has also requested that, in view of the projected shortage of natural gas available to the Pensacola mill and in the interest of retaining permanent fuel flexibility, the term and condition of the order prohibiting the use of petroleum be deleted. St. Regis states that once coal capability is achieved it intends to use natural gas as the fuel supplement in the No. 4 boiler, but removal of this condition would avoid significant future problems in the event natural gas was unavailable. Therefore, St. Regis has requested tht the order be modified to allow up to 25% Btu heat input of natural gas or petroleum in any annual period subsequent to the date No. 4 boiler is capable of burning coal.

In the order, ERA imposed an annual certification requirement wherein St. Regis shall certify that the amount of natural gas use in No. 4 boiler during the preceding year did not exceed 25% of that unit's total annual Btu heat input of its primary energy sources. As stated in the order, such certification would be filed with ERA each year on the anniversary of the effective date of the order. St. Regis requests that the order be modified to reflect commencement of the first annual report period at the date natural gas is first fired in the No. 4 boiler.

Decision and Order: ERA has considered the entire record in this proceeding and has examined the facts stated by St. Regis in its request for modification, and has determined that the order should be modified as requested. Therefore, pursuant to 10 CFR 501.100 *et seq.*, ERA hereby makes the following modifications to the order granting St. Regis a permanent fuels mixture exemption for its No. 4 boiler, which was issued on August 2, 1980, and published in the **Federal Register** on August 8, 1980, at 45 FR 52861:

Subject to the Terms and Conditions stated below, and during the period specified in such Terms and Conditions, St. Regis is authorized to use natural gas, in a mixture with wood waste, in No. 4 boiler in an amount not to exceed 60% of the unit's total annual Btu heat input of its primary energy sources; and, upon expiration of that period, St. Regis is authorized to use natural gas or petroleum in a mixture with coal and wood waste in No. 4 boiler in amounts that shall not, in the aggregate, exceed 25% of that unit's total annual Btu heat input of its primary energy sources.

Terms and Conditions: The Terms and Conditions appearing at 45 FR 52862 of the order (August 8, 1980) are hereby rescinded and superseded by the following Terms and Conditions:

(1) Commencing on the date the No. 4 boiler is first operated under the provisions of the order, as modified, and ending two (2) years from that date, or on the date coal can be burned in No. 4 boiler, whichever occurs earlier, the amount of natural gas used in the No. 4 boiler in a mixture with wood waste shall not exceed 60% of the unit's total annual Btu heat input of its primary energy sources.

(2) Commencing on the date the No. 4 boiler is capable of burning coal, the amounts of natural gas or petroleum used in a mixturte with coal and wood waste in that MFBI shall not, in the aggregate, exceed 25% of the unit's total annual Btu heat input of its primary energy sources.

(3) The quality of any petroleum to be burned in the No. 4 boiler will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(4) In accordance with the reporting requirement prescribed in 10 CFR 503.38(g), St. Regis shall submit to the Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, the following:

(a) A certification of the date No. 4 boiler first commenced operation burning natural gas under the provisions of the order, as modified.

(b) Within 30 days from each anniversary date of commencement of operation of No. 4 boiler, as reported

pursuant to (a) above, a certified statement of the percentage of natural gas and or petroleum used in the MFBI in the preceding year. Accompanying each such certification shall be a report of the status of the installation of the coal-firing support systems at the Pensacola mill and an estimate of the date the No. 4 boiler will be capable of burning coal until such time as the installation has been completed and No. 4 boiler is capable of buring coal. The certification for the year during which coal burning commences shall indicate the date No. 4 boiler began operation using coal and wood waste and the percentages of natural gas and petroleum burned both before and after that date.

The certifications shall be executed by a duly authorized representative of St. Regis and the OFC Case No. Assigned this proceeding, 55029-9012-04-12, shall be cited on each certification.

National Environmental Policy Act of 1969 (NEPA) Review: On the basis of the analysis provided by the Office of Fuels Conversion, and reviewed by the Office of Environmental Protection, Safety, and Preparedness, with consultation from the Office of the General Counsel, the Department of Energy has concluded that the granting of St. Regis' request for modification of order will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Effective date of order modification: This order modification shall take effect on October 5, 1981.

Judicial review: Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order modification may petition for judicial review at any time before the 60th day after the date of its publication in the **Federal Register.**

Issued in Washington, D.C., on July 31, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-23002 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-27-NG]

Great Lakes Gas Transmission Co.; Application To Amend Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration DOE.

ACTION: Notice of application to amend natural gas import authorization to extend the term of the import.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Great Lakes Gas Transmission Company (Great Lakes) to amend its authorization to import certain volumes of natural gas purchased from TransCanada Pipelines Limited (TransCanada) by extending the term of that authorization from November 1, 1981 through October 31, 1982. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act (NGA) and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on August 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Marie E. Lanciotti (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street NW., Room 7108, RG-13, Washington, D.C. 20461, (202) 653-3220

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: By the order issued on July 11, 1979, in ERA Docket No. 78-011-NG, Great Lakes was authorized to import on an interruptible basis through October 31, 1980, up to 18 Bcf of natural gas purchased from TransCanada. DOE/ERA Opinion and Order No. 21, issued October 20, 1980, in ERA Docket No. 80-16-NG, extended that authorization through October 31, 1981, in order to permit Great Lakes to import the remaining portion of the 18 Bcf previously authorized. Order 21 also authorized Great Lakes to import additional volumes, as necessary, through October 31, 1981, for company use to provide transportation services for volumes imported by Midwestern Gas Transmission Company (Midwestern). (See ERA Opinion and Order No. 20 which authorized Midwestern to import up to 114 Bcf). Except for company use volumes necessary to provide transportation services for the account of Midwestern, the gas imported by Great Lakes under this authorization is resold to Midwestern.

On June 23, 1981, Great Lakes filed an application to extend this authorization through October 31, 1982, at the current international border price of U.S. $4.94 per MMBtu. Great Lakes states that to date it has imported approximately 8.6 Bcf of the 18 Bcf orginally authorized, and that the remaining volumes cannot be imported by October 31, 1981. Great Lakes asserts that the requested amendment is not inconsistant with the public interest because this natural gas is available without take-or-pay or minimum bill obligations and therefore will be imported only to the extent there is a need for such volumes. Great Lakes further states that there may be a substantial need for these volumes during the 1981-82 winter season and the period thereafter.

OTHER INFORMATION: Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., August 24, 1981.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Great Lake's application is available for inspection and copying in the Division of Natural Gas Docket Room, located in Room 7108, at 2000 M Street, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, D.C., on July 31, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-23105 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-28-NG]

Midwestern Gas Transmission Co.; Application To Amend Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to amend natural gas import authorization to extend the term of the import.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Midwestern Gas Transmission Company (Midwestern) to amend its current authorization to import certain volumes of natural gas purchased from TransCanada Pipelines Limited (TransCanada) by extending the term of that authorization from November 1, 1981, through October 31, 1982. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act (NGA) and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m., on August 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Marie E. Lainciotti (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 7108, RG-13, Washington, D.C. 20461, (202) 653-3220.

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: By an order issued on August 9, 1979, in ERA Docket No. 79-04-NG, ERA authorized Midwestern to import on a best efforts basis through October 31, 1980, up to 114 Bcf of natural gas purchased from TransCanada. DOE/ERA Opinion and Order No. 20, issued on October 16, 1980, in ERA Docket No. 80-17-NG extended that authorization through October 31, 1981. Midwestern resells the imported volumes to Tennessee Gas Pipeline Company (Tennessee), Northern Natural Gas Company (Northern) and Natural Gas Pipeline Company of America (Natural) in accordance with these customers' needs. To date Midwestern has imported approximately 57 Bcf of the total 114 Bcf authorized.

On June 23, 1981, Midwestern filed an application for an extension of this authorization through October 31, 1982, at the current international border price of $4.94 per MMBtu, in order to permit it to import the remaining volumes already authorized. Midwestern states that this authorization, under a contract with no take-or-pay requirements, has given its customers the flexibility to meet unusually heavy winter demand.

Midwestern submits that extension of this import will not have a rate impact on its customers not interfere with Midwestern's ability to render service at reasonable rates to its customers. Midwestern concludes that an extension of its authorization for one year would not be inconsistent with the public interest.

OTHER INFORMATION: Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determing the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG-13, 2000 M Street, NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., August 24, 1981.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Midwestern's application is available for inspection and copying in the Division of Natural Gas Docket Room, located in Room 7108, at 2000 M Street, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, D.C., on July 31, 1981.

F. Scott Bush

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-23104 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-29-NG]

Transcontinental Gas Pipe Line Corp.; Application for Authorization To Import Natural Gas From Canada and Re-Export Into Canada a Portion of That Natural Gas for Storage in and Eventual Reimportation Into the United States

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application for Authorization to Import Natural Gas from Canada and Re-export into Canada a Portion of that Natural Gas for Storage and Eventual Reimportation into the United States.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on July 2, 1981, of an application from the Transcontinental Gas Pipe Line Corporation (Transco) for authorization to import up to 300,000 Mcf of natural gas per day from TransCanada Pipelines Limited (TransCanada) for a ten year period commencing on November 1, 1982, and after April 1, 1984 export a portion of that natural gas into Canada for storage and eventual reimportation into the United States.

Transco proposes to store some of those volumes conmmencing April 1, 1984, during summer day operations in two locations, one operated by ANR Storage Company (ANR) in Grand Traverse County, Michigan and a second operated by Union Gas Limited (Union) near Dawn, Ontario, Canada. During the winter season gas would be withdrawn from ANR's storage and exported to Canada where it would be added to volumes withdrawn from Union's storage. The combined volumes then would be imported at a point near Lake Erie. Transco intends to construct new pipeline facilities across the eastern end of Lake Erie.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act (NGA) and the Secretary of Energy's Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before September 8, 1981.

FOR FURTHER INFORMATION CONTACT:

Lawrence A. DiRicco, Division of Natural Gas Economic Regulatory Administration, 2000 M Street, NW., Room 7108, RG-13, Washington, D.C. 20461, (202) 653-3220.

Michael T. Skinker, Office of the General Counsel for Natural Gas and Mineral Leasing, Department of Energy, 1000 Independence Avenue

SW., Room 6E-042, GC-15, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: Transco is a natural gas company engaged in the transportation and sale of natural gas in interstate commerce. Transco's principal sources of supply originate in Texas, Louisiana, Mississippi and the Offshore Gulf of Mexico area. Transco augments its domestic gas supply with imports from Canada and Mexico. Transco's primary service area includes the States of Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania and New Jersey, as well as the New York Metropolitan area..

Transco's application seeks authorization under Section 3 of the NGA to import natural gas from Canada as part of what it has termed the "Lake Erie Import and Storage Project." (Lake Erie Project). As described by Transco the Lake Erie Project will include the importation of up to 300,000 Mcf of gas per day commencing November 1, 1982 for a contract term of 10 years at either or both of two import points—(a) the point of interconnection between TransCanada and Transco to be constructed across the eastern end of Lake Erie and (b) at an existing import point between TransCanada and Great Lakes Gas Transmission Company (Great Lakes) at Emerson, Manitoba.

Transco also intends, commencing April 1, 1984 and for a contract period of 20 years, to store up to 40 Bcf of the gas to be purchased each year from TransCanada. Transco indicates that it will be necessary to arrange for an extension of the TransCanada import contract after ten years, or purchase alternate gas supplies for storage during the remainder of the storage contract period. Storage would be provided at two locations—(a) up to 20 Bcf per year at ANR's storge facilities in Grand Traverse County, Michigan and (b) up to 20 Bcf per year at Union's storage facilities near Dawn, Ontario.

During the summer period (April 1 to October 31) commencing on April 1, 1984, TransCanada will deliver 38 percent (an average of 114,000 Mcf per day) of the daily contract quantity purchases to Transco at the Lake Erie import point. In addition Transco will inject into storage the remaining 62 percent (an average of 186,000 Mcf per day) of its summer period purchases from TransCanada. The storage injection volumes will be delivered by TransCanada to Great Lakes at the Emerson import point. Great Lakes will then deliver an average of 93,000 Mcf per day to ANR for injection into storage and transport the remainder to the existing point of interconnection between Great Lakes and TransCanada near St. Clair, Michigan for export to TransCanada. TransCanada will then cause an equivalent amount of gas to be delivered to Union's system for injection into its storage for Transco's account.

During the winter period (November 1 to March 31), TransCanada will deliver its daily contract quantity of up to 300,000 Mcf per day to Transco at Lake Erie. In addition during the winter period Transco can withdraw up to 132,000 Mcf per day of its stored gas each from ANR and from Union. The gas from ANR will be delivered by ANR to Great Lakes, which in turn will transport the gas to TransCanada at their St. Clair interconnection. TransCanada will then transport the ANR volumes to Union's system, where they will then be added to any volumes withdrawn by Transco from Union's storage. Union will then deliver the combined volumes to TransCanada at a point of interconnection near Kirkwall, Ontario. TransCanada will then deliver those volumes, up to 265,000 Mcf per day, plus its regular daily contract quantity of up to 300,000 Mcf per day to Transco at the Lake Erie import point.

The proposed gas purchase contract between Transco and TransCanada specifies that the unit price of the gas will be the amount or amounts determined from time-to-time under the Petroleum Administration Act of Canada or otherwise determined by the Government of Canada. The ERA has authorized a price of $4.94 per MMBtu for current imports of natural gas from Canada. This contract also provides for a primary term of 10 years, obligates Transco to take or pay for a volume equal to 75 percent of annual volumes, and provides for a one year extension to the contract to take any gas paid for but not taken during the term of the contract.

Several other contracts with regard to the summer period storage, winter period withdrawal, and the transportation of those volumes have also been concluded and submitted with Transco's application. Transco has entered into a 20 year storage agreement with ANR commencing on April 1, 1984, which permits the injection of up to 150,000 Mcf per day during the summer period and a maximum withdrawal rate of up to 300,000 Mcf per day during the winter period. Transco has agreed to pay ANR $1,493,333 per month for each month of the agreement for storage service.

Transco has also entered into a 20 year term contract commencing April 1, 1984 with Union for transportation and storage service. Transco has agreed to pay transportation service charges of: (a) a monthly demand charge of $1,217,000 plus (b) a commodity charge of 2.88 cents per Mcf, plus (c) an energy adjustment commodity charge of 1.0 cents per Mcf. In addition, Transco has agreed to pay storage service charges of (a) a monthly demand charge of $1,182,000 plus (b) a commodity charge 1.43 cents per Mcf. Transco will be eligible to inject into storage up to 150,000 Mcf per day during the summer period and withdraw up to 300,000 Mcf per day during the winter period.

Transco has also entered into a gas transportation and displacement contract with Great Lakes. The contract term is for 20 years commencing on April 1, 1983. Transco will pay Great Lakes a monthly transportation charge of $811,200 for deliveries of up to 20 million dekatherms per year (approximately 20 Bcf per year). This charge wil become payable from the commencement of the first contract year regardless of whether any volumes are tendered to Great Lakes for transportation.

Finally Great Lakes and TransCanada have entered into a transportation contract for a term of 20 years commencing on November 1, 1982 to effect delivery of the various gas volumes to the Lake Erie import point. Transportation charges in this contract are not enumerated.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convered must file a petition to intervene with the ERA. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., (30 days after publication).

A hearing will not be held unles a motion for hearing is made by any party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. If a hearing is required, due notice will be given.

A copy of Transco's application is available for inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 31, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-23106 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-420-000]

Algonquin Gas Transmission Co.; Application

July 31, 1981.

Take notice that on July 17, 1981, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP81-420-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to an existing customer, Connecticut Natural Gas Corporation (CNG), at certain existing delivery points where Applicant presently serves another customer, City of Norwich, Connecticut, Board of Commissioners (City of Norwich), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to make deliveries to CNG utilizing to existing meter stations on its system presently serving City of Norwich. Such deliveries, it is submitted, would be made primarily during the period April 1 to October 31 of each year when the capability of Applicant's existing pipeline facilities is not required for firm deliveries and would permit CNG to provide gas service to Phelps Dodge Copper Products Company (Phelps Dodge) in Norwich, Connecticut, utilizing gas which Applicant is presently authorized to deliver to CNG.

Applicant states that Phelps Dodge has constructed an industrial facility in Norwich, Connecticut, which requires gas for a direct-flame industrial process use and that City of Norwich originally indicated that it would be able to supply Phelps Dodge but subsequently determined that it could not meet Phelps Dodge's requirements. It is further stated that CNG, however, is able to supply Phelps Dodge and has informed Applicant that it has reached an agreement with Phelps Dodge pursuant to which CNG would serve Phelps Dodge. Applicant asserts, however, that it has not reviewed such agreement nor is Applicant undertaking to supply the Phelps Dodge load.

It is stated that under a presently effective service agreement dated September 15, 1969, Applicant delivers gas from its pipeline system to CNG at Cromwell, Farmington, Glastonbury, Mansfield, and Cheshire, Connecticut, and proposes to add the existing Norwichtown and Yantic (Browning Road) delivery points to those through which Applicant renders service to CNG.

Applicant submits that it has reached an agreement with CNG and City of Norwich pursuant to which CNG would take up to 1,583 million Btu of its per day gas entitlements from Applicant at the Norwichtown and Yantic (Browning Road) meter stations but only during periods when Applicant's existing facilities have available capacity to effectuate such deliveries.

Applicant asserts that CNG has agreed that Applicant's firm service obligations to CNG are related to deliveries at the five existing delivery points discussed above and that CNG's proposal to receive gas at such two new delivery points would not provide a basis for CNG to contend that Applicant's firm service obligations to CNG include deliveries at such two new delivery points except when Applicant's existing pipeline delivery capacity is available for such purpose.

It is submitted that the Yantic (Browning Road) delivery point would have peak hourly and daily requirements of 65 million Btu 1,083 million Btu, respectively, while the Norwichtown delivery point would have peak hourly and daily requirements for 30 million Btu and 500 million Btu, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 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. 81-23010 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-38-000]

Ashland Exploration, Inc.; Petition for Declaratory Order

July 31, 1981.

Take notice that on July 21, 1981, Ashland Exploration, Inc. (Ashland), P.O. Box 391, Ashland, Kentucky 41101, filed a petition for declaratory order pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure. Ashland requests that the Commission issue a declaratory order confirming Ashland's right to charge and collect for gas sold to each of its Kentucky customers a price which is the weighted average of all applicable NGPA ceiling prices for all gas produced by Ashland and sold to its Kentucky customers.

Ashland presented the following facts and arguments in support of its application:

Ashland, a natural gas company engaged in the development and sale of natural gas, is an independent producer as defined in § 154.91 of the Commission's regulations, as it is engaged in the production and sale of natural gas in interstate commerce for resale but not in the transportation of natural gas by pipeline in interstate commerce.

Ashland produces gas from approximately 350 wells in eastern Kentucky, and this gas is gathered by Barnes Transportation Company, Inc.

(Barnes) and transported to connecting points from which most of the gas is sold by Ashland in interstate commerce to Columbia Gas Transmission Corporation (Columbia). Prior to July 18, 1981, Ashland also sold gas to Ashland Oil, Inc. (AOI), which is the parent corporation of Ashland and Barnes. AOI resold the gas to 1,038 domestic users in eastern Kentucky, located within one-half air mile of the Barnes system, as is required under Kentucky Revised Statutes § 278.485. On July 18, 1981, AOI transferred all its retail sales assets and domestic service contracts to Ashland, which now intends to sell directly to the domestic customers as required by K.R.S. § 278.485.

The Court of Appeals for the Sixth Circuit rules in *Public Service Commission v. FERC*, 610 F.2d 439 (1979) that Commission approval is required for the diversion of interstate gas supplies to local customers pursuant to K.R.S. § 278.485. On December 5, 1980, and April 22, 1981, Ashland requested permission to release from dedication to Columbia approximately 225,050 Mcf of gas annually in order to furnish gas to domestic users. The Commission approved this partial abandonment of service in orders issued on March 6, 1981 and June 18, 1981, in Docket Nos. G-3913-000, G-3913-001, G-3913-002, and CI61-749-000.

Ashland maintains that its sales of gas to the Kentucky domestic customers are "first sales" under section 2(21)(A)(iii) of the NGPA. Ashland argues that the maximum lawful price of these gas sales is the lesser of the contract rate or the maximum lawful price set in section 104 of the NGPA (plus any NGPA section 110 allowances) unless Ashland obtains special relief or the gas qualifies for a higher rate under Title I of the NGPA.

Due to the type of connection of Barnes' pipeline to delivery points with Columbia, some of the Kentucky domestic customers purchase gas that is produced from only one well.[1] In other cases, the domestic users receive gas from more than one well. The result is that some of the domestic customers receive only gas from section 104 wells, other customers receive only section 108 gas, and still other customers receive mixed volumes of sections 104 and 108 gas. This is due to the fact that Ashland's total production never goes to a central commingling point. The domestic customers are located upstream of 73 of Columbia's 100 sales meters.

[1] Barnes allegdly never owns the gas which it gathers, and it allegedly makes no sales.

Ashland asserts that its sales contracts with the domestic customers provide for a rate equal to the weighted average of the NGPA maximum lawful prices applicable to all of the gas sold to all of the customers served under K.R.S. § 278.485, including applicable section 110 allowances. In order to calculate the weighted average price (where billing is in a "per Mcf" or volumetric, rather than on a dekatherm basis), Ashland's proposed methodology would first calculate a weighted average base price of all gas, and then the total value of gas sold to the domestic customers located behind each Columbia sales meter would be calculated by multiplying the weighted average base price times the volume of gas sold to the these customers. The weighted average price per Mcf of gas sold to the domestic customers is then obtained by dividing the sum of the values of the gas sold to them behind the sales meters by the sum of the volumes sold to these customers.

Under Ashland's proposed method of charging the domestic customers and weighted average price, all customers allegedly will be charged the same unit price. Ashland's petition contains an inquiry into the propriety of this method, and whether it is in compliance with Title I of the NGPA and the Commission's regulations. Ashland contends that under § 270.202 of the Commissions regulations, if AOI were still making these sales, it would be allowed to charge a weighted average price of all gas purchased from Ashland simply because it would be acting as a reseller. Ashland claims that this pricing methodology should not be precluded simply because Ashland is now substituted for AOI.

Ashland requests expeditious treatment of its petition due to the fact that it plans to institute the weighted average pricing methodology in August, 1981, and that bills under this method will be received by the domestic customers in late September. Bills will be collected subject to refund in the event the Commission does not approve the methodology. Ashland requests that the notice period be shortened and that intermediate decision procedures be omitted. Ashland also waives oral hearing and opportunity for filing exceptions to the Commission decision.

Copies of this application are on file with the Commission and are available for public inspection in the Office of Public Information, Room 1000.

Any person desiring to be heard or to make any protest to this petition should file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before, August 17, 1981 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.18, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing, must file a petition to intervene in accordance with the Commission's regulations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23011 Filed 8-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4800-000]

City of Bountiful, Utah; Application for Preliminary Permit

August 5, 1981

Take notice that the City of Bountiful, Utah (Applicant) filed on June 3, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4800 to be known as the Moon Lake Hydro Project located on the Lake Fork River in Duchesne County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Berry Hutchings, Manager, Bountiful City Light and Power, 198 South 200 West, Bountiful, Utah 84010.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Moon Lake Dam and Reservoir, operated and maintained by the Moon Lake Water Users Association, and would consist of: (1) a penstock utilizing the existing outlet works in the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 2,200 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,470,000 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 one year, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the

studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to Utah Hydro Corporation's application for Project No. 3541 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, protest, or petition to intervene must be received on or before September 4, 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. 4800. 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. 81-23013 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-66-000]

Caribou Four Corners, Inc.; Filing of Petition for Review

August 3, 1981.

Take notice that Caribou Four Corners, Inc. on July 24, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretay and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before August 17, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before August 17, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23025 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-80-000]

Consolidated Gas Supply Corp.; Order Accepting for Filing and Suspending Tariff Sheets, Subject to Refund and Conditions, Granting Waivers, Initiating Hearing, Establishing Procedures and Denying Motion

July 31, 1981.

On June 30, 1981, Consolidated Gas Supply Corporation (Consolidated) tendered for filing revised tariff sheets [1] reflecting a general rate increase under Section 4(e) of the Natural Gas Act that will increase jurisdictional revenues approximately $33.4 million annually, an increase that is 1.95% inclusive and 16.2% exclusive of purchase gas costs. The increased rates, using the *United* method of cost classification, are based on actual costs for the 12 month period ending February 28, 1981, as adjusted for known and measurable changes in costs that are expected to be incurred by the end of test period, November 30, 1981. The proposed effective date is August 1, 1981.

Consolidated states that the proposed rates are necessary to recover increased operation and maintenance expenses, increased cost of gas transported by others, increased taxes and an overall rate of return of 13.81 percent. That overall rate of return includes a 17.5 percent return on common equity which represents 56.3 percent of Consolidated's capitalization.

Consolidated requests a waiver of the Commission's regulations to allow it to use cost of capital data in Statement F utilizing a calendar year 1980 base period instead of the 12 month base period ending February 28, 1981 as used in developing Consolidated's cost of service. Consolidated states that it is necessary to use the calendar year 1980 base period in its Statement F because its parent, Consolidated Natural Gas Company, develops its systemwide financial statements on a quarterly basis and not on a monthly basis.

Public notice of the filing was issued on July 6, 1981, providing for protests or petitions to intervene to be filed on or before July 22, 1981. Petitions for intervention were filed by the parties listed in Appendix A. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation, therefore the petitions will be granted.

Based upon a review of Consolidated's filing, the Commission

[1] Twenty-Sixth Revised Sheet No. 16, Third Revised Sheet Nos. 38, 39 and 111 to FERC Gas Tariff, Third Revised Volume No. 1.

finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Consolidated's tariff sheets for filing, subject to refund, and to the conditions set forth below.

In a number of suspension orders, the Commission has addressed the policy consideration underlying the Commission's policy regarding rate suspensions.[3] 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 in violation of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, subject to the conditions specified below, we shall accept and suspend Consolidated's rates for a period of five months to become effective, subject to refund, on January 1, 1982.

Consolidated has included in its rate base approximately $8 million of facilities which have not been certificated and $44.5 million of plant not in service, which is precluded by § 154.63(e)(2)(ii) of the Regulations. The Commission will waive that Section subject to the condition that Consolidated file revised tariff sheets and supporting data 30 days on or before the end of the test period to reflect the elimination of costs associated with facilities not in service by November 30, 1981. Also, this waiver will be granted upon the condition that Consolidated shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders. Acceptance of this filing is further conditioned upon Consolidated's filing revised tariff sheets and supporting data at the end of the test period to reflect the actual balance of advance payments in Account 166 as of November 30, 1981. The Commission also finds that good cause exists to waive the Regulations to accept Consolidated's Statement F as filed.

[3] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension.)

On July 9, 1981, Consolidated filed a motion for phased, expedited consideration of two issues, rate of return and inclusion of gas stored underground in the working capital component of rate base. In support of its motion, Consolidated states that both issues have been disputed in recent Consolidated rate cases and are not likely to be settled in the present case. Consolidated states that a prompt hearing on those issues would provide rate certainty and limit future refund liability.

We are not persuaded that phasing of these two issues for special expedited procedures has been supported by Consolidated. Furthermore, there may be other issues which others may raise which are not readily susceptible to settlement in this case. Therefore, we shall deny Consolidated's July 9, 1981 motion. However, this denial is without prejudice to any participant's right to request the Presiding Administrative Law Judge to waive the normal top sheet and settlement conference procedures on all issues and proceed directly to establish dates for the filing of direct testimony by the Commission Staff and interested parties and rebuttal testimony by Consolidated and a date for hearing.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the rate increases proposed by Consolidated.

(B) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and those in the body of this order, Consolidated's tariff sheets are accepted for filing and suspended for five months until January 1, 1982, subject to refund.

(C) Waiver of the Regulations is granted to permit Statement F, as filed.

(D) Waiver of § 154.63(e)(2)(ii) of the Regulations is granted to permit the inclusion in Consolidated's cost of service facilities not certificated and not in service, subject to the condition that Consolidated file, on or before November 30, 1981, revised tariff sheets reflecting the elimination of all costs associated with facilities not in service at the end of the test period.

(E) Consolidated is further required to revise its tariff sheets to reflect (a) the GRI Funding Unit in effect on the effective date of the increased rates; and (b) the actual balances of Advance Payments in Account 166 at the end of the test period, provided that the inclusion of a higher advance payment balance shall not be permitted to increase the level of the original, suspended rates.

(F) Staff shall be required to serve top sheets on or before November 3, 1981.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(H) The petitioners identified in Appendix A to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

[Docket No. RP81-80]

Southern Tier Gas Corporation
The East Ohio Gas Company
The River Gas Company
The Peoples Natural Gas Company
Niagara Mohawk Power Corporation
Public Service Commission of the State of New York
Rochester Gas & Electric Corporation
Texas Eastern Transmission Corporation
Elizabethtown Gas Company
Public Service Electric & Gas Company
New York State Electric & Gas Corporation
Algonquin Gas Transmission Company
Philadelphia Gas Works
National Fuel Gas Supply Corporation
Transcontinental Gas Pipe Line Corporation
West Virginia Public Service Commission

[FR Doc. 81-23040 Filed 8-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-638-000]

Duke Power Co.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for

filing on July 27, 1981 a supplement to the Company's Electric Power Contract with York Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 146.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following additional delivery: Delivery Point No. 14 with a designated demand of 1,800 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of July 20, 1981.

According to Duke Power copies of this filing were mailed to York Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in detemining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23027 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-84-000 and RP81-7]

Florida Gas Transmission Co.; Order Accepting for Filing and Suspending Certain Tariff Sheets Subject to Refund and Conditions, Granting Waiver, Initiating Hearing, and Consolidating Procedures

Issued: July 31, 1981.

On July 1, 1981, Florida Gas Transmission Company (Florida Gas) filed for a general rate increase [1] under Section 4(e) of the Natural Gas Act (NGA) that will result in annual increased charges of approximately $14,639,008 (2.87%) compared to the rates presently effective subject to refund in Docket No. RP81-7. The increase in revenues attributable to costs other than purchased gas costs is 10.59%. In Docket No. RP81-7, Florida Gas requested an increase of $20,228,541. The combined effect of these two open proceedings is an increase of $34,867,549. In the instant docket, the increased rates are based on actual costs for the 12 month period ended March 31, 1981, as adjusted for known and measurable changes which are expected to be incurred by the end of the test period December 31, 1981.[2] The proposed effective date for the increased rates is August 1, 1981.

Florida Gas has tendered for filing Second Revised Sheet No. 17 to FERC Gas Tariff Original Volume No. 1 to change the interest charged on its customers' unpaid bills from 12% to the amount prescribed by §154.67(d) of the Commission's Regulations.

Florida Gas claims that the proposed rate increase is necessary to meet the increased operation and maintenance expenses, and to afford Florida Gas a reasonable opportunity to earn a fair rate of return. In its filing, Florida Gas seeks an overall rate of return of 13.28%. This overall rate of return provides an allowance of 17.00% return on the equity portion which constitutes 39.67% of total capitalization.

Public notice of the filing was issued on July 8, 1981, providing for filing of protests or interventions by July 22, 1981. Petitions for intervention were filed by the parties listed in Appendix B. For good cause shown, these petitioners are granted intervention in this proceeding. In addition to its petition to intervene, Florida Public Utilities Company (Florida Public Utilities) filed a protest in opposition to the filing requesting that the filing be suspended for five months and set for hearing.

Based upon a review of Florida Gas' filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, subject to the conditions specified below, we shall accept and suspend Florida Gas' tariff sheets listed in Appendix A for filing and suspend their effectiveness in the manner set out below. Since Second Revised Sheet No. 17 provides for interest on past due accounts at the rate prescribed by § 154.67(d)(2)(iii), it shall be accepted for filing, to become effective on August 1, 1981, without suspension.

In a number of suspension orders, the Commission has addressed the policy considerations underlying the Commission's policy regarding rate suspensions.[3] 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 in violation of other statutory standards. We have acknowledged however, that shorter suspensions may be warranted in circumstances. No such circumstances have been presented here. In addition, Florida Public Utilities requested suspension for the maximum statutory period of five months. Accordingly, with the exception of Second Revised Sheet No. 17, the remaining tariff sheets listed in Appendix A shall be suspended for five months so that they may become effective, subject to refund on January 1, 1982.

Florida Gas' costs have been classified and allocated in accordance with the *Atlantic Seaboard (Seaboard)* method.[4] Florida Gas is placed on notice in this docket of its potential liability for undercollections in the event that the cost classification and allocation adopted in this docket assigns more fixed costs to the commodity component than are assigned under the *Seaboard* formula.

The Commission notes that this filing includes certain costs which may be related to uncertificated facilities. Inclusion of these costs is inconsistent with § 154.63(e)(2)(ii) of the Commission's Regulations. Accordingly, acceptance for filing would require waiver of that rule. We find that good cause exists to accept Florida Gas' filing as long as the acceptance is appropriately conditioned. The Commission will grant the waiver on condition that on or before December 31, 1981, Florida Gas file revised tariff sheets to reflect elimination of those costs associated with facilities not in service on or before that date. Also, this waiver will be granted on the condition that Florida Gas shall not be permitted to make off-setting adjustments to the suspended rates prior to hearing, except

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[1] See Appendix A for a list of the Revised Tariff Sheets.

[2] Florida Gas requests waiver of the Commission's Regulations to include a proposed salary and wage increase in the test period that is scheduled to be in effect one day after the end of the nine month adjustment period. For good cause shown, the Commission shall grant this requested waiver.

[3] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

[4] *Atlantic Seaboard Corporation*, 11 F.P.C. 43 (1952).

for those adjustments made pursuant to Commission approved tracking provisions, or adjustments required in a Commission order.

As noted above, Florida Gas filed a rate increase with the Commission in Docket No. RP81–7. Review of the instant filing indicates that a number of issues of law and fact are common to both proceedings. The two rate increases are based upon changes in the cost of service including, but not limited to, additional facilities, increased labor costs, increased general operating costs, and an increase in the rate of return. Therefore, in view of the common issues in both proceedings, we shall consolidate Docket Nos. RP81–7 and RP81–84 for purposes of hearing and decision.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the changed rates proposed by Florida Gas.

(B) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and those described in the body of this order, certain of Florida Gas' tariff sheets listed in Appendix A are accepted for filing and suspended for five months until January 1, 1982, subject to refund.

(C) Second Revised Tariff Sheet No. 17 shall be accepted for filing to become effective August 1, 1981.

(D) Waiver of § 154.63(e)(2)(ii) of the regulations is granted to the extent necessary to accept Florida Gas' tariff sheets (shown in Appendix A) subject to the condition that Florida Gas file on or before December 31, 1981, revised tariff sheets reflecting the elimination of all costs associated with facilities not in service by December 31, 1981; *provided, however,* that Florida shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, or adjustments required in a Commission order.

(E) Waiver of § 154.63(e)(2)(i) of the Commission's Regulations is granted to the extent necessary to permit Florida Gas to include salary and wage increases that become effective January 1, 1982, one day after the end of the nine month adjustment period.

(F) Docket No. RP81–84–000 shall be consolidated with Docket No. RP81–7 for purposes of hearing and decision.

(G) The Commission Staff shall prepare and serve top sheets on all parties on or before November 2, 1981.

(H) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to establish such further prodedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(I) The petitions to intervene identified in Appendix B of this order shall be granted and the petitioners shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Florida Gas Transmission Co.

[Docket No. RP81–84]

Index of Tariff Sheets Being Filed and Suspended for Five Months

FGT's FERC tariff volume No.	Sheet No.
1	27th Revised Sheet No. 3–A.
2	17th Revised Sheet No. 128.
3	3rd Revised Sheet No. 126.
3	2nd Revised Sheet No. 181.
3	2nd Revised Sheet No. 245.
3	2nd Revised Sheet No. 265.
3	2nd Revised Sheet No. 283.
3	2nd Revised Sheet No. 305.
3	2nd Revised Sheet No. 332.
3	2nd Revised Sheet No. 365.
3	2nd Revised Sheet No. 395 & 396.
3	2nd Revised Sheet No. 423.
3	1st Revised Sheet No. 453.
	Tariff Sheets Accepted Effective August 1, 1981.
1	2nd Revised Sheet No. 17.

Appendix B—Florida Gas Transmission Co.

[Docket No. RP81–84–000]

Southern Gas Company, Division of Donovan Companies, Inc.
Florida Public Utilities Company
Florida Power & Light Company
City of Sunrise, Florida
Gulf Natural Gas Corporation
Gainesville Gas Company
Central Florida Gas Corporation

[FR Doc. 81–23028 Filed 8–6–81; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. ER81–635–000]

Green Mountain Power Corp.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that on July 27, 1981, Green Mountain Power Corporation (GMP) tendered for filing an initial rate schedule of an exchange agreement (the "Agreement) between GMP and the Hartford Electric Light Company (HELCO), and the Connecticut Light and Power Company (CL&P), collectively the "NU Companies". The Agreement, dated as of November 19, 1979 provides for an exchange of capacity and associated energy between the NU Companies and GMP. GMP will provide system capacity and associated energy in exchange for an equal entitlement in capacity from certain gas turbine type electric operating units owned by the NU Companies.

An Exchange shall take place only during those hours agreed to by GMP and the NU Companies. GMP and the NU Companies will mutually agree upon the amount of capacity, in kilowatts, to be exchanged, with the provision that the Capacity Exchange Amount shall be zero during any of the Hours of Exchange when the Vermont Yankee nuclear generating unit is operation at an output less than 370,000 kilowatts.

The NU Companies will pay capacity and energy charges to GMP, that are reflective of the actual total cost of energy production of GMP's system for the anticipated operating conditions at the time the mutually agreed upon charge is set, not to exceed $0.0240/kilowatthour.

GMP and the NU Companies request an effective date of November 19, 1979 for the Agreement.

The NU Companies have filed certificates of concurrence in this docket.

The Agreement has been executed by GMP and the NU Companies and copies have been mailed to each of them.

GMP requests an effective date of November 19, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests

should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23029 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4553-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 4, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4553 known as the Greenwich Hydroelectric Power Project located on the Batten Kill River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017.

Project Description—The Applicant proposes two alternatives that would develop the entire reach from the headwaters of the Upper Greenwich Dam Site to the tailwaters of the Lower Greenwich Dam Site.

Alternative I comproses three developments as follows: Development No. 1—The Lower Greenwich Dam Site is owned by Skybel, Inc. This development would consist of: (1) the existing Lower Greenwich Dam, a concrete gravity structure 10 feet high and 250 feet long; (2) the Lower Greenwich Reservoir with a surface area of 11 acres at mean surface elevation of 310.0 (USGS datum); (3) an existing intake structure; (4) an existing power canal (on the north side of dam); leading to (5) a new powerhouse containing new generating units with a rated capacity of 675 kW; (6) a new tailrace; (7) 2,000 feet of new transmission line; (8) new switchyard equipment; and (9) appurtenant works.

Development No. 2—The Middle Greenwich Dam Site is owned in part by the Village of Greenwich, the Karlson Glass Works, and Mr. David Grimes. This development would consist of: (1) the existing Middle Greenwich Dam, a reinforced concrete structure 10 feet high and 235 feet long; (2) the Middle Greenwich Reservoir with a surface area of 9 acres at a mean surface elevation of 320 feet (USGS datum); (3) an existing intake structure; (4) an existing power canal; leading to (5) a new powerhouse containing new generators with a rated capacity of 675 kW; (6) a new tailrace; (7) 3,000 feet of new transmission line; (8) new switchyard equipment; and (9) appurtenant works.

Development No. 3—The Upper Greenwich Dam Site is owned by the Niagara Mohawk Power Corporation. This development would consist of: (1) the existing Upper Greenwich Dam, a reinforced concrete structure 11.5 feet high and 204 feet long; (2) the Upper Greenwich Reservoir with a surface area of 15 acres at a mean surface elevation of 340.0 feet (USGS datum); (3) an existing intake structure; (4) an existing power canal; leading to (5) a new powerhouse containing new generators with a rated capacity of 780 kW; (6) a new tailrace; (7) 4,500 feet of new transmission line; (8) new switchyard equipment; and (9) appurtenant works.

Alternative I would have a total rated capacity of 2,130 kW. The Applicant estimates that the average annual energy output for this Alternative would be 10,600,000 kWh.

Alternative II comprises two developments as follows: A combination of the Upper Greenwich Dam Site and the Middle Greenwich Dam Site which would consist of: Development No. 1—(1) The Lower Greenwich Dam Site as described in Alternative I.

Development No. 2—(1) The existing Upper Greenwich Dam, a reinforced concrete structure 11.5 feet high and 204 feet long; (2) the existing Upper Greenwich Reservoir with a surface area of 15 acres at a mean surface elevation of 340.0 feet (USGS datum); (3) an existing intake structure; (4) an existing power canal; (5) a new penstock; leading to (6) a new powerhouse located at the Middle Greenwich Dam Site containing new generators with a rated capacity of 1,500 kW.

Alternative II would have a total rated capacity of 2,175 kW. The Applicant estimates that the average annual energy output for this alternative would be 10,850,000 kWh.

Proposed Scope and Cost 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 time 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 sudies, the Applicant would decide whether to proceed with an application for an FERC license. Applicant estimates the cost of studies under the permit would be $140,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 8, 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 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 October 8, 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. 81-23030 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4948-000]

Lower Powder River Irrigation District and Union County; Application for Preliminary Permit

August 3, 1981.

Take notice that Lower Powder River Irrigation District and Union County (Applicant) filed on June 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4948 known as the Thief Valley Dam Project located on the Powder River in Union County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Fred Dolby, President, Lower Powder River Irrigation District, Medical Springs Route, Baker, Oregon 97850; and Earle C. Misener, Judge, Union County, 1100 L Avenue, LaGrande, Oregon 97850.

Project Description—The proposed project would consist of: (1) two 40-foot long steel penstocks to be installed in the outlet works of the existing U.S. Bureau of Reclamation's 50-foot high Thief Valley Dam; (2) a powerhouse containing one generating unit rated at 200 kW and one generating unit rated at 400 kW; and (3) a transmission line. The proposed project would utilize existing irrigation releases.

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 24 months, during which time it would conduct engineering, feasibility, economic , and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $33,600.

Competing Applications—This application was filed as a competing application to Thief Valley Project No. 3898 filed on December 22, 1980, by Cook Electric Company 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, protest, or petition to intervene must be received on or before September 1, 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. 81-23031 Filed 8-6-81; 8:45 a.m.]

BILLING CODE 6450-85-M

[Project No. 4964-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 5, 1981

Take notice that the City of Rohnert Park, California (Applicant) filed on June 24, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4964 to be known as the Hostler Creek, Humboldt Project loacted on Hostler Creek in Humboldt 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. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park California 95427.

Project Description—The project would consist of: (1) a 48-foot long, 5-foot high diversion structure; (2) a 4,000-foot long diversion conduit; (3) a 825-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 1,250 kW; and (5) a 2-mile long, 12.5-kV transmission line. The average annual energy generation is estimated to be 4.9 million 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 36 months during which time it would conduct engineering, environmental and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Hostler Creek, Humboldt Project No. 4378 filed on March 19, 1981, by Consolidated Hydroelectric, Inc. 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 Committion's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 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, 825 North Capitol Street, NE., 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. 81-23014 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4963-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

August 5, 1981

Take notice that the City of Rohnert Park, California (Applicant) filed on June 24, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4963 to be known as the Little Grider Creek, Siskiyou Project located on Little Grider Creek in Siskiyou 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. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) a 80-foot long, 5-foot high diversion structure; (2) a 3,700-foot long diversion conduit; (3) a 1,000-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 1,370 kW; and (5) a 5-mile long transmission line to connect to an existing Pacific Power and Light Company line. The average annual energy generation is estimated to be 5.4 million 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 36 months during which time it would conduct engineering, environmental and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Little Grider Creek, Siskiyou Project No. 4327 filed on March 12, 1981, by Consolidated Hydroelectric, Inc. 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, protest, or petition to intervene must be received on or before September 4, 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, 825 North Capitol Street, NE., 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. 81-23015 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2795-000]

City of Seattle; Surrender of Preliminary Permit

August 5, 1981.

Take notice that the City of Seattle, Washington, Permittee for the proposed Copper Creek Project No. 2795, has requested that its preliminary permit be terminated. The project would have been located on the Skagit River in Skagit and Whatcom Counties, Washington. The Permittee cites "the extent of public and agency opposition . . ." to the proposed project and the "unresolved legal issues, particularly those related to American Indian treaty rights" as the reasons for its request.

The City of Seattle's request is hereby granted effective the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23012 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1973-000]

Edward A. Brown; Application

August 4, 1981

The filing individual submits the following:

Take notice that on July 27, 1981, Edward A. Brown filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Maine Yankee Atomic Power Company
Director—Vermont Yankee Nuclear Power Corporation
Director—Yankee Atomic Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 26, 1981. Protests will be considered by the Commission in determining the appropriate actions to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23016 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1974-000]

George D. Uhl; Application

August 4, 1981

The filing individual submits the following:

Take notice that on July 27, 1981, George D. Uhl filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Controller—Connecticut Yankee Atomic Power Company
Controller—Connecticut Light and Power Company
Controller—Hartford Electric Light Company
Controller—Western Massachusetts Electric Company
Controller—Holyoke Water Power Company
Controller—Holyoke Power and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10). All such petitions or protests should be filed on or before August 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23017 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4782-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

August 5, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4782 known as the South Indian Creek Hydroelectric Project located on South Fork of Indian Creek in Bonner and Boundary Counties, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The proposed project would consist of: (1) a three-foot high barrier; (2) an intake orifice; (3) a settling tank; (4) a 4,400-foot long, 16-inch diameter penstock; (5) a powerhouse with total installed capacity of 200 kW; and (6) a 9,200-foot long underground transmission line interconnecting with an existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy output would be 0.89 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, hydrological and environmental studies; conduct surveys; and prepare FERC license application. No new roads are required for conducting these studies. The Applicant estimates that the cost of completing studies is $2,050.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 13, 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, protests, or petitions to intervene must be received on or before October 13, 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. 81-23018 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1939-001]

John F. Kaslow; Application

August 4, 1981.

The filing individual submits the following:

Take notice that on July 27, 1981, John F. Kaslow filed an application pursuant to Section 305(b) of the Federal Energy Power Act to hold the following positions:

Director—Connecticut Yankee Atomic Power Company
Director—Maine Yankee Atomic Power Company
President and Director—New England Power Company
Director—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23019 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4829-000]

Mountain Tower Power, Inc.; Application for Preliminary Permit

August 5, 1981.

Take notice that Mountain Tower Power, Inc. (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. 4829 to be known as the Catskill Creek Project located on Catskill Creek in Green County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sherret E. Chase, President, Mountain Tower Power, Inc., P.O.B. 193, Shokan, New York 12481

Project Description—The proposed project would consist of: (1) a partially breached, buttress-type, reinforced concrete dam, 20 feet high and 120 feet long; (2) a reservoir with an area of 30 acres and a gross storage capacity of 100 acre-feet; (3) a new penstock 9 feet in diameter and 525 feet long; (4) a new powerhouse containing one 400-kW and one 800-kW turbine/generator unit, each operating under a head of 40 feet; (5) a new 7.62-kV transmission line approximately 100 feet long; and (6) appurtenant facilities. The average annual generation of 1.9 million kWh would be sold to a local ski center with any excess sold to Central Hudson Gas and Electric.

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 18 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license including an environmental report. Applicant estimates the cost of studies under the permit would be $11,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 13, 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 October 13, 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. 81-23020 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-641-000]

Niagara Mohawk Power Corp.; Filing

August 3, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 27, 1981, tendered for filing as a rate schedule, and agreement between Niagara and Rochester Gas and Electric Corporation (RG&E) dated April 1, 1980.

Concurrently with this submittal, Niagara is submitting for filing an original agreement with RG&E dated April 1, 1979. The original agreement is to provide transmission service for the delivery of diversity power and energy from the Power Authority of the State of New York (PASNY) and RG&E. The diversity power and energy is in turn exchanged by PASNY with Hydro Quebec.

The April 1, 1980 agreement, which is a supplement to the original agreement, revises the transmission rates. Niagara requests a waiver of the Commission's prior notice requirements in order to allow the April 1, 1980 agreement to become effective April 1, 1980.

Copies of this filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23002 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-640-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

August 3, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 27, 1981 tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (RG&E) dated April 1, 1981.

Concurrently with this submittal, Niagara is submitting for filing an original agreement with RG&E dated April 1, 1979. The original agreement is to provide transmission service for the delivery of diversity power and energy from the Power Authority of the State of New York (PASNY) and RG&E. The diversity power and energy is in turn exchanged by PASNY with Hydro Quebec.

The April 1, 1981 agreement, which is supplement to the original agreement, revises the transmission rates. Niagara requests a wiaver of the Commission's prior notice requirements in order to allow the April 1, 1981 agreement to become effective April 1, 1981.

Copies of this filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 1.10). All such petitions or protests should be filed on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23033 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-632-000]

Ohio Power Co.; Filing

August 3, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation on behalf of its affiliate, Ohio Power Company (OPCO) tendered for filing on or before July 24, 1981, Supplement No. 4 and Supplement No. 5 to the Federal Energy Regulatory Commission OPCO Rate Schedule No. 74 which represents the Agreement with American Municipal Power-Ohio, Inc. (AMP-Ohio). These proposed Supplements are stated to be a filing in compliance with the Federal Regulatory Commission's Order No. 84, issued May 7, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before August 24, 1981. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23034 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4921-000]

Pedernales Electric Cooperative, Inc., Application for Preliminary Permit

August 5, 1981.

Take notice that Pedernales Electric Cooperative, Inc. (Applicant) filed on June 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4921 known as the Canyon Dam Hydroelectric Project located on The Guadalupe River in Comal County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Bennie R. Fuelberg, Pedernales Electric Cooperative, Inc., P.O. Box 467, Johnson City, Texas 78636.

Project Description—The proposed project would utilize the existing U.S. Corps of Engineers' Canyon Dam and Reservior and would consist of: (1) a powerhouse with 3 generating units with a total rated capacity of 7,500 kW; (2) an existing spillway; (3) a 1-mile long transmission line; and (4) appurtenant facilities. Applicant estimates that the average annual energy output would be 27 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include enonomic 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. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $65,000.

Competing Applications—This application was filed as a competing application to the Canyon Dam Project No. 3635 filed on October 31, 1980, by Mitchell Energy Company Inc. 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 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 September 4, 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 representatiave of the Applicant

specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23021 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1976-000]

Ralph O. Smith; Application

August 4, 1981.

The filing individual submits the following:

Take notice that on July 27, 1981, Ralph O. Smith filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Connecticut Light and Power Company
Vice President—Hartford Electric Light Company
Vice President—Western Massachusetts Electric Company
Vice President—Holyoke Water Power Company
Vice President—Holyoke Power and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23022 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1975-000]

Richard P. Werner; Application

August 4, 1981.

The filing individual submits the following:

Take notice that on July 27, 1981, Ralph O. Smith filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Connecticut Light and Power Company
Vice President—Hartford Electric Light Company
Vice President—Western Massachusetts Electric Company
Vice President—Holyoke Water Power Company
Vice President—Holyoke Power and Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23023 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-86-000]

Southern Natural Gas Co.; Order Accepting for Filing and Suspending Tariff Sheets, Subject To Refund and Conditions, Granting Waiver, Initiating Hearing, and Establishing Procedures

July 31, 1981

On July 1, 1981, Southern Natural Gas Company (Southern) filed a general rate increase under Section 4(e) of the Natural Gas Act that will result in increased annual jurisdictional revenues of approximately $79.8 million (4.2%) compared to the rates currently in effect subject to refund in Docket No. RP80-102.[1] The increased rates are based on actual costs for the twelve-month period ending March 31, 1981, as adjusted for known and measurable changes through the end of the test period, December 31, 1981. Although the proposed effective date is August 1, 1981, Southern notes that the filing is intended to comply with a pending Stipulation and Agreement in Docket No. RP80-102 wherein Southern is required to file a rate change in accordance with Section 154.63 of the Commission's Regulations, to be effective January 1, 1982, after allowing for 30 days notice and a five-month suspension period.

Southern states that the proposed rate increase is necessary to enable Southern to attract capital for its increasing capital requirements through (1) an increase in the overall rate of return to 14.38%; (2) an increase in costs for new facilities required to attach new gas supplies; and (3) the inclusion of costs associated with the Bear Creek Storage Project. The overall rate of return includes a return of 16.5% on the equity portion, which represents 65.22% of Southern's total capital structure.

Southern requests waiver of Section 154.63(e)(2)(ii) of the Commission's regulations, since its cost of service includes expenditures associated with uncertificated facilities that have not yet been placed in service. In support of its request, Southern states that it anticipates the necessary certificates will be issued and the facilties placed in service prior to January 1, 1982.

Notice of the filing was issued on July 8, 1981, with petitions to intervene due by July 22, 1981. In response to the notice, timely petitions to intervene were filed by the petitioners listed in Appendix B to this order. The Commission finds that all petitioners listed in Appendix B have demonstrated an interest in this proceeding warranting their participation. Accordingly, the petition shall be granted.

Atlanta Gas Light Company (Atlanta), in its Protest and Petition to Intervene, requests that Southern's filing be rejected for improperly changing its method of allocating transmission costs from a uniform system-wide method to a mileage-based zone method. Atlanta alleges that Southern's use of a mileage-based allocation is improper because (1) it is inconsistent with the three-phase transition from zone rates to uniform rates approved in Opinion No. 83;[2] (2) the hiatus in LNG imports from Algeria does not justify abandonment of uniform system-wide rates; and (3) Southern's LNG facility performs a storage function which benefits all customers on the system even in the absence of additional LNG imports.

As a general rule, the Commission may not summarily dispose of an issue raised by a new rate filing without first allowing the applicant a hearing on that issue. 15 U.S.C. 717c. A judicially recognized exception to this statutory right of hearing exists in those cases where facts are not in dispute and the new tariff contravenes a valid and explicit Commission regulation or policy.[3] In view of the uncertainty

[1] A list of filed revised tariff sheets is set forth in Appendix A to this order.

[2] *Southern Natural Gas Company*, 10 FERC ¶61,297 (1980).

[3] *Citizens for Allegan County, Inc.* v. *FPC*, 414 F. 2d 1125, 1128 (D.C. Cir. 1969); *cf. FPC* v. *Texaco*,

Continued

surrounding the use of Southern's LNG facilities, our review of Atlanta's pleading indicates that sufficient justification has not been presented to warrant summary rejection of Southern's filing. Accordingly, we reject Atlanta's request for rejection of the filing without prejudice to Atlanta's right to raise its concerns in the proceedings herein.

Based upon a review of Southern's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the revised tariff sheets for filing and suspend their effectiveness, subject to the conditions set forth below.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying its 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 unreasonable, or that it may run afoul of other statutory standards. The Commission has acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. As noted above, the proposed Stipulation and Agreement filed in Docket No. RP80–102 contemplates a five-month suspension period in this case. Accordingly, Southern's proposed tariffs are suspended for five months, so that they may become effective January 1, 1982, subject to refund.

The Commission finds that good cause exists to grant waiver of § 154.63(e)(2)(ii) of the regulations and accepts for filing the tariff sheets which reflect costs of uncertificated facilities not yet in service. Acceptance is subject to Southern's filing revised tariff sheets and supporting data on or before December 31, 1981 to reflect the elimination of costs associated with facilities not in service by the end of the test period.

Also, this waiver will be granted on the condition that Southern shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, or adjustments required in a Commission order. The granting of this waiver is further conditioned upon Southern adjusting its rates to reflect the actual balance of advance payments in Account No. 166 at the end of the test period, provided that the inclusion of a higher advance payment balance shall not be permitted to increase the level of the original suspended rates. Further, Southern shall file revised tariff sheets and supporting data to reflect the current GRI surcharge adjustment as of December 31, 1981, the end of the test period.

We note that Southern's proposed use of the *Atlantic Seaboard* method of cost classification and allocation is a departure from the *United* cost classification and allocation methodology reflected in Southern's underlying rates. Southern is placed on notice of its potential liability for undercollections in the event that the cost classification and allocation adopted in this docket assigns more fixed costs to the commodity component than are assigned under the *Seaboard* formula.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rate increase proposed by Southern.

(B) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and those described in the body of this order, Southern's tendered tariff sheets listed in Appendix A shall be accepted for filing and suspended for the full statutory period of five months until January 1, 1982, when they shall be permitted to become effective, subject to refund in the manner prescribed by the Natural Gas Act.

(C) Waiver of § 154.63(e)(2)(ii) of the Commission's Regulations is granted to permit Southern to include costs associated with facilities that are not certificated and not in service in its cost of service. Waiver is granted subject to the condition that Southern file on or before December 31, 1981, revised tariff sheets reflecting the elimination of all costs associated with facilities not in service by that date; *provided, however,* that Southern shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, or adjustments required in a Commission order.

(D) The granting of the waiver is further conditioned upon Southern filing, on or before December 31, 1981, revised tariff sheets which reflect the actual balance of advance payments in Account No. 166 as of December 31, 1981, and the current GRI surcharge adjustment as of December 31, 1981, *provided, however,* that the inclusion of a higher advance payment balance shall not be permitted to increase the level of the original suspended rates.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before November 2, 1981.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to established such further procedural dates as may be necessary and to rule upon all motions (except motions to consoldiate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(G) The petitioners listed in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Southern Natural Gas Company

[Docket No. RP81–86–000]

FERC Sixth Revised Volume No. 1

Forty-Eighth Revised Sheet No. 4A

FERC Original Volume No. 2

Eleventh Revised Sheet No. 24A
Second Revised Sheet No. 369
Second Revised Sheet No. 397
Second Revised Sheet No. 403
Second Revised Sheet No. 450
Second Revised Sheet No. 458
Second Revised Sheet No. 470

Inc., 377 U.S. 33, 39 (1946); *United Gas Pipe Line Company* v. *FPC*, 551 F. 2d 460, 463 (D.C. Cir. 1977); *Panhandle Eastern Pipe Line Company* v. *FPC*, 236 F. 2d 606, 609 3d Cir. 1956).

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five months suspension).

First Revised Sheet No. 520

Appendix B—Southern Natural Gas Company

[Docket No. RP81-86-000]

Interventions

Alabama Gas Corporation
Atlanta Gas Light Company
Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia
Carolina Pipeline Company
Chattanooga Gas Company
Columbia Nitrogen Corporation and NIPRO, Inc.
Gas Light Company of Columbus
Georgia Municipal Association
Mississippi Valley Gas Company
Piedmont Natural Gas Company, Inc.
South Carolina Electric & Gas Company
South Carolina Public Service Commission
Texas Eastern Transmission Corporation
Georgia Industrial Group
Alabama Municipal Distributors Group
Board of Water, Gas & Light Commissioners of the City of Albany, Georgia

[FR Doc. 81-23035 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-85-000]

Trunkline LNG Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Conditions and Establishing Procedures

July 31, 1981.

On July 1, 1981, Trunkline LNG Company (Trunkline LNG) filed the revised tariff sheets listed in Appendix A of this order to its FERC Gas Tariff pursuant to Section 4 of the Natural Gas Act. The presently effective straight line rate of $6.32 per MMBtu had been accepted by the Commission in compliance with Opinion No. 796, issued April 29, 1977. The revised tariff implements a cost of service tariff with an interim rate of $7.38 per MMBtu. The interim rate will result in a 17 percent increase in rates (a 32 percent increase after removing the impact of liquified gas purchase costs) or an increase of $1.06 per MMBtu. The proposed interim rate will be effective from the date of initial delivery to the first day of the month following either (a) the month during which Trunkline LNG purchases 1/12 of the annual contract quantity specified in its LNG Supply Contract with Societe Nationale SONATRACH or (b) the sixth month following the date of initial deliveries, at which time the proposed cost of service tariff would become effective.

Trunkline LNG filed a supplement on July 13, 1981, to this filing requesting the minimum one-day suspension because of unique factors associated with both the form and the content of this tariff filing. Such factors include consumer safeguards built into the cost of service tariff and a roposed reduction in the rate of return on equity capital from 15 percent, which had been approved in Opinion No. 796, to 14 percent.

In both the initial (July 1, 1981) and supplemental (July 13, 1981) filings, Trunkline LNG proposed an effective date of August 15, 1981. The tariff sheets submitted with the filing, however, indicate that the interim rate shall begin on the initial delivery of revaporized LNG. The Commission notes that the currently effective tariff sheets also specify an effective date of initial delivery.

The propsoed interim rate is based on the estimated cost of service per MMBtu during Trunkline LNG's first year of operations and contract volumes of 163,400,000 MMBtu. Trunkline LNG states that the difference between the proposed interim rate of $7.38 per MMBtu and the currently effective rate of $6.32 per MMBtu arises from increases in operating expenses, interest, and plant costs above those levels originally certificated in 1976.

Trunkline LNG requests that such waivers be granted as are necessary for acceptance and prompt implementation of this filing.

Public notice of the filing was issued on July 7, 1981, providing for the filing of protests or interventions by July 22, 1981. Petitions for intervention have been filed by the parties listed in Appendix B. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. Therefore, the petitions shall be granted.

Consumer Power Company (Consumer Power), Laclede Gas Company, the State of Michigan and the Michigan Public Service Commission also request a five month suspension of the filing and a hearing. They note that the Federal Power Commission in Opinion Nos. 796[1] and 796-A[2] rejected Trunkline's proposal to include a cost-of-service tariff in its initial rate tariffs and they question Trunkline's present proposal to implement a cost of service tariff after the expiration of the period the interim rate would be in effect. They also question the proposed increased costs reflected in Trunkline LNG's filing.

Based upon a review of Trunkline LNG's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the revised tariff sheets for filing and suspend their effectiveness subject to refund and to the conditions set forth below.

Further, we set for hearing the justness and reasonableness of Trunkline's proposed tariff changes. In particular, the hearing should address the reasonableness of Trunkline's proposed cost of service tariff approach in light of prior Commission treatment of the matter.

In a number of suspension orders[3] the Commission has addressed the considerations underlying its 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 the preliminary study leads the Commission to believe that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. The Commission finds that circumstances warranting a shorter suspension than the maximum statutory period are present in this case.

The substitute tariff includes an interim rate period followed by a cost of service formula rate which limits Trunkline LNG's revenues to actual costs, unlike the customary form of pipeline tariffs. Moreover, Trunkline LNG's filing proposes a reduction in the rate of return on equity capital from that provided by the Commission in Opinion No. 796. Also, Trunkline LNG's presently effective rates are based on the estimated cost of service reviewed by the Commission in the 1976 initial certificate proceeding. Since then, it appears that significant changes have occurred in plant cost and interest costs. These circumstances, when viewed together, support a one-day suspension period.

Accordingly, the Commission shall suspend these tariff sheets for one day so that they may become effective, subject to refund, one day after the date of initial delivery. Waiver of Section 154.22 of the Regulations is granted to permit this action.

[1] *Trunkline LNG Company*, Opinion No. 796, order issued April 29, 1977, Docket No. CP74-138, *et al.*

[2] *Trunkline LNG Company*, Opinion No. 796-A, order issued June 30, 1977, Docket No. CP74-138, *et al.*

[3] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

The Commission Order

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the rates proposed by Trunkline LNG.

(B) Pending hearing and decision, Trunkline LNG's proposed tariffs listed in Appendix A are accepted for filing and suspended for one day so that they may become effective, subject to refund, for one day after the date of "initial delivery". [4]

(C) Waiver of Section 154.22 of the Regulations is granted to permit the action taken in ordering paragraph (B) above.

(D) The petitions to intervene identified in Appendix B of this order shall be granted and the petitioners shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations: *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before November 16, 1981.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of Staff's top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to sever, consolidate or dismiss) as provided for in the rules of practice and procedure.

[4] "Initial Delivery" shall refer to the first day on which quantities of regasified LNG are delivered to the buyer. The initial rate filed in compliance with the initial certificate order would be effective for the first day of deliveries; then the proposed "interim rate" computed in accordance with the proposed cost of service tariff would become effective, subject to refund. All costs and revenues would be capitalized and AFUDC recorded during the effectiveness of the interim rate. At the termination of the interim rate (see p. 1), the cost-of-service tariff formula becomes operative.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Trunkline LNG Company

[Docket No. RP81-85-000]

Substitute Tariff Sheets

Original Volume No. 1

Substitute Original Sheet No. 4
Substitute Original Sheet No. 5
Substitute Original Sheet No. 8
Substitute Original Sheet No. 9
Substitute Original Sheet No. 10
Substitute Original Sheet No. 27
Substitute Original Sheet No. 28
Substitute Original Sheet No. 29
Substitute Original Sheet No. 30
Substitute Original Sheet No. 31
Substitute Original Sheet No. 32
Substitute Original Sheet No. 33
Substitute Original Sheet No. 34
Substitute Original Sheet No. 35
Substitute Original Sheet No. 36
Substitute Original Sheet No. 37
Substitute Original Sheet No. 38
Substitute Original Sheet No. 39

Appendix B—Petitioners for Intervention

Illinois Power Company
General Service Customer Group
Michigan Gas Utilities Company
Central Illinois Light Company
Mississippi River Transmission Corporation
Columbia Gas Transmission Corporation
General Motors Corporation

[FR Doc. 81-23036 Filed 8-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4856-000]

Utah Board of Water Resources; Application for Preminary Permit

August 5, 1981.

Take notice that the Utah Board of Water Resources (Applicant) filed on June 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4856 known as the Long Park Project located on Sheep Creek in Daggett, County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis Strong, 231 East 400 South, Suite 300, Salt Lake City, Utah 84111.

Project Description—The proposed project would consist of: (1) an earth-filled dam, owned by the State of Utah Division of Water Resources, 110 feet high and 790 feet long; (2) a reservoir having a surface area of 400 acres and a gross storage capacity of 13,700 acre-feet; (3) a new 42-inch concrete and steel penstock 11,000 feet long; (4) a new powerhouse containing one 7.0-MW turbine/generator unit using a maximum flow of 95 cfs under a head of 1,025 feet; (5) transformer and swithgear equipment; (6) a new 12.5-mile long, 69-kV transmission line and (7) appurtenant facilities. The average annual generation of 23 million kWh would be sold to the Intermountain Consumer Power Association.

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 it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 21, 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 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 petitions to intervene must be received on or before September 21, 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. 81-23024 Filed 8-6-81; 8:45 a.m.]

BILLING CODE 6450-85-M

[Docket No. CP81-345-001]

Western Slope gas Co.; Amendment to Application

August 4, 1981.

Take notice that on July 13, 1981, Western Slope Gas Company (Applicant), P.O. Box 840, Denver, Colorado 80201, filed in Docket No. CP81-345-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to modify the methodology used in determining rates for natural gas service proposed in the pending application, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is submitted that in the pending application, Applicant requested authorization to transport and sell natural gas under the same conditions as those available to intrastate pipelines under Subparts C, D, and E of Part 284 of the Commission's Regulations as well as Section 284.203 thereof.

Applicant further submits that in its application it proposed a means of determining rates currently used by Public Service Company of Colorado, Applicant's parent company. It is asserted that the Colorado Commission has not yet approved such methodology for use by Applicant.

Applicant, therefore, now proposes basically to derive its rates by dividing net operating revenues by system sales volumes.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before file with the Federal Energy Regultory 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23038 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4785-000]

Village of Winnetka, Ill.; Application for Preliminary Permit

August 5, 1981.

Take notice that the Village of Winnetka (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4785 known as the Kaskaskia Lock & Dam located on the Kaskaskia River in Randolph County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, P.E., 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would utilize a Corps of Engineers Lock & Dam. Project No. 4785 would consist of: (1) A proposed powerhouse containing generating units with an installed capacity of 6.0 MW; (2) a proposed 34.5 kV transmission line owned by Illinois Power Company; and (3) appurtenant facilities. The Applicant estimates the average annual energy output at 24,000 MWh. The Applicant proposes to utilize the generated output of energy within its own municipal system.

Proposed Scope of Studies under Permit—A preliminary permit if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments, and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Kaskaskia Lock & Dam Project No. 3651 filed on November 3, 1980, by Mitchell Energy Company, Inc. under 18 C.F.R. § 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 C.F.R. 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 4, 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. 81-23637 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-517-000]

Wisconsin Electric Power Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Waiver, Granting Intervention, Granting Summary Disposition in Part, and Establishing Hearing and Price Squeeze Procedures

July 31, 1981.

On June 4, 1981, Wisconsin Electric Power Company (WEPCO) submitted for filing revised rates for service to twenty-one wholesale customers.[1] The proposed rates would result in increased revenues of approximately $7,783,538 (16.15%) for the twelve-month period ending December 31, 1981. WEPCO has also filed increased rates for contract demand, interruptible, and transmission services,[2] although the company does not anticipate that any service will be taken under these rate schedules for at least 120 days. WEPCO requests an effective date of August 3, 1981, and requests waiver of the 120-day notice requirement with respect to the contract demand, interruptible, and transmission rates.

Notice of the filing was issued on June 11, 1981, with responses due on or before June 25, 1981. On June 25, 1981, Upper Peninsula Power Company (UPPCO) filed a petition to intervene, noting the magnitude of the proposed increase to UPPCO and stating its opposition to unidentified rate design procedures initially proposed by WEPCO in its earlier filing in Docket No. ER80-567.

On June 25, 1981, the Public Service Commission of Wisconsin filed a notice of intervention. Although no substantive issues were raised, the state commission requests participation in any proceedings which may be ordered.

On June 29, 1981, eighteen of WEPCO's affected customers (Customer Group) filed an untimely petition to intervene, and a request for a five month suspension, summary disposition of certain issues, and a hearing. The Customer Group also filed a motion for leave to file the petition and protest out of time. In support of this motion, the Customer Group asserts that counsel did not become aware of the Commission's June 11, 1981 notice of filing until June 25, 1981, the date upon which comments were due, and that, as of June 26, 1981, a number of the affected customers had not received copies of the notice by mail.

The Customer Group requests a five month suspension, alleging that WEPCO has substantially understated the magnitude of its rate increase. In addition, the Customer Group requests summary disposition with respect to the following cost of service issues: (1) WEPCO's calculation of cash working capital allowance based on a 30-day rather than a 20-day billing period; (2) use of Period II beginning of year plant balances which exceed Period I end of year balances; (3) inclusion of permanent nuclear fuel storage costs in the cost of service; (4) expensing of nuclear fuel AFUDC; (5) inclusion of construction related ad valorem and payroll taxes in taxes other than income taxes; and (6) inclusion of nuclear fuel in operation and maintenance (O&M) expenses for purposes of calculating cash working capital.

The Customer Group also disputes WEPCO's treatment of a variety of cost of service issues including: (1) coal inventory level; (2) inclusion of certain plant held for future use in the rate base; (3) payroll allocators used to allocate a portion of A&G and general plant; (4) Cedarburg's coincident demands; (5) amortization of predecisional expenses and abandoned project losses; (6) inclusion of deferred income taxes in rate base; (7) a Kaukauna-Menasha voltage discount; and (8) rate of return. Finally, the Customer Group alleges price squeeze.[3]

On July 8, 1981, the City of Clintonville, Wisconsin filed a protest, challenging WEPCO's rate increase as highly inflationary, but raising no substantive issues.

WEPCO responded to the Customer Group's protest on July 7, 1981. WEPCO generally refutes the allegations of cost of service improprieties, and opposes the requests for the five month suspension and summary disposition. The company contends that its proposed rate increase is not so excessive as to warrant a five month suspension and that its cost of service procedures are not so blatantly defective as to warrant summary action. WEPCO requests that its increase be suspended for no more than one day, without summary disposition.

Discussion

The Commission finds that participation in this proceeding by each of the petitioners is in the public interest and that good cause exists to grant the Customer Group's motion to intervene out of time. Accordingly, we shall grant the petitions to intervene. The timely notice of intervention filed by the Public Service Commission of Wisconsin is sufficient to initiate its participation as an intervenor.

Our analysis reveals that WEPCO included accumulated deferred investment tax credits (ADITC) as a separate component of its capital structure. This is contrary to well-established Commission precedent.[4] Accordingly, summary disposition of this issue will be ordered.

In computing the O&M portion of its working capital allowance under the existing formulary approach, WEPCO included nuclear fuel cost recorded in Account 518. The intervenors request summary disposition of this treatment citing *Virginia Electric and Power Company*, Opinion No. 118 (April 10, 1981) and *Connecticut Yankee Atomic Power Company*, Opinion No. 102 (November 21, 1980). We agree that these opinions are dispositive with respect to nuclear fuel storage and disposal costs. The Commission has concluded that such costs represent non-cash items which are not properly included in the cash working capital computation. However, we decline to go so far as to say that the prior opinions are necessarily controlling with respect to WEPCO's other nuclear fuel expenses because of possible factual distinctions arising from WEPCO's leasing of its nuclear fuel. We shall therefore grant summary disposition as to nuclear fuel disposal and storage costs in the company's working capital allowance; but the propriety of including other nuclear expense items should be

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[1] *See* Attachment A for rate schedule designations. WEPCO provides partial and full requirements service to twenty customers under tariff rates. Kaukauna-Menasha is served under a rate included in an interconnection agreement with WEPCO. All affected wholesale customers except Crystal Falls, Norway, and Kaukauna-Menasha, are total requirements customers. The proposed filing would increase the firm power rate for Kaukauna-Menasha without amending the rates for other interchange services.

[2] Rates for those services were first filed together with WEPCO's last wholesale rate increase in Docket No. ER80-567. The Company has submitted proposed settlement rates for full and partial requirements service in Docket No. ER80-567.

[3] On July 8, 1981, the Customer Group filed a supplemental petition to intervene which restates and quantifies the impacts of the issues raised in their original pleading. The company filed a response to this pleading on July 21, 1981.

[4] *E.g., Virginia Electric and Power Co.*, Opinion No. 118 (April 10, 1981); *Carolina Power and Light Co.*, Opinion No. 19 (August 2, 1979); *Public Service Company of New Mexico*, Docket No. ER81-187-000, order issued February 27, 1981; *Public Service Company of Oklahoma*, Docket No. ER78-511, order issued October 12, 1978; *Virginia Electric and Power Co.*, Docket No. ER78-522, order issued August 30, 1978.

resolved at hearing. Because the revenue effect of our summary dispositions concerning cash working capital and ADITC is relatively small in relation to the requested increase, we shall not require WEPCO to refile its cost of service or rates at this time.

The Commission finds that the remaining requests for summary disposition and the other cost of service matters raised present questions of fact more appropriately addressed during the course of the hearing to be convened pursuant to this order. Therefore, all other requests for summary disposition will be denied.

Our analysis indicates that WEPCO's proposed 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 proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In a number of suspension orders,[5] 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 unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances were suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While the matters raised by the intervenors warrant further inquiry at hearing, our preliminary review suggests that the proposed rates may not produce substantially excessive revenues. Under these circumstances, we believe that a nominal suspension and a refund obligation will adequately protect the interests of the affected customers. Furthermore, with respect to the proposed rates for contract demand, interruptible, and transmission service, we find that good cause exists to waive the notice requirements, as requested by WEPCO. Accordingly, we shall exercise our discretion to suspend the rates for one day from the proposed effective date, permitting them to take effect subject to refund thereafter on August 4, 1981.[6]

The rate schedules currently proposed by WEPCO contain time-of-day rates which were filed by the company for the first time in Docket No. ER80-567. Because the time-of-day rate design is an issue in the Docket No. ER80-567 proceedings, the presiding administrative law judge may wish to determine at an early stage whether relitigation of this issue in this docket is warranted.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the intervenors. As we have noted in prior orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission Orders

(A) WEPCO's request for waiver of the 120-day notice requirement with respect to its rates for contract demand, interruptible, and transmission services is hereby granted.

(B) WEPCO's revised rates are hereby accepted for filing, as modified by this order, and are suspended for one day, to become effective on August 4, 1981, subject to refund.

(C) WEPCO's inclusion of ADITC as a separate component of its capital structure is summarily rejected. WEPCO shall reflect this summary disposition in its compliance cost of service at the conclusion of these proceedings.

(D) WEPCO's inclusion of nuclear fuel disposal and storage costs in its calculation of cash working capital is summarily rejected. WEPCO shall reflect this summary disposition in its compliance cost of service at the conclusion of these proceedings.

(E) All other motions for summary disposition are hereby denied.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization 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), a public hearing shall be held concerning the lawfulness of WEPCO's rates.

(G) The Customer Group's motion for leave to intervene out of time is hereby granted.

(H) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and, *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(I) The Commission staff shall serve top sheets in this proceeding on or before August 4, 1981.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(K) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (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. ER80-488 (August 22, 1980) (one day suspension).

[6] WEPCO's transmittal letter states that contracts between WEPCO and two of its customers—Alger-Delta Cooperative Electric Association and Ontonagon County Rural Electrification Association—preclude unilateral changes in the terms and conditions of service. Accordingly, WEPCO does not propose to apply a new late-payment provision included in the instant submittal to these customers until expiration of their contracts. At that time, WEPCO will make the filings necessary to convert these customers to service under its tariff. Consistent with the company's proposal, the late payment provision shall not become effective as to these customers in advance of an appropriate filing upon expiration of the contracts.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23039 Filed 8-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP81-82-000 and RP81-83-000]

Columbia Gulf Transmission Co. and Columbia Gas Transmission Corp.; Order Accepting for filing Certain Tariff Sheets and Suspending Proposed Rate Increases, Subject To Refund and Subject to Conditions, Consolidating Proceedings, Initiating Hearings, and Granting Interventions

Issued: July 31, 1981.

On July 1, 1981, Columbia Gulf Transmission Company (Columbia Gulf), pursuant to Section 4(e) of the Natural Gas Act, filed proposed changes to its FERC Gas Tariff, listed on page one of Appendix A, which would increase its jurisdictional revenues by $41.7 million annually. The increase is based upon a comparison between a cost of service for the test period ending March 31, 1981, as adjusted, and the cost of service in the Second Revised Filing at Docket No. RP80-145. The proposed effective date is August 1, 1981.

Also on July 1, 1981, Columbia Gas Transmission Corporation (Columbia Gas) filed proposed changes to its FERC Gas Tariff, listed on page two of Appendix A, reflecting an annual jurisdictional revenue increase of $134.7 million annually based on costs and volumes for the 12 months ended March 31, 1981, as adjusted. This increase represents a 4.3% increase in Columbia Gas' total system jurisdictional revenues or a 24.1% increase in costs other than purchased gas costs. The proposed effective date is August 1, 1981.

Included in Columbia Gas' July 1, 1981, filing were tariff sheets revising its FERC Gas Tariff, Original Volume No. 1. These sheets, with a proposed effective date of November 1, 1981, were filed to reflect a system-wide conversion to dekatherm billing and to correct and substantially modify certain technical provisions of the General Terms and Conditions. They were filed to comply with the Stipulation and Agreement in Docket No. RP78-19, *et al.* in which Columbia Gas agreed to institute a dekatherm billing basis by November 1, 1981. Preliminary review of these tariff sheets reveals that the technical changes are more substantial than claimed by Columbia Gas. All of the tariff sheets reflecting the proposed dekatheram conversion except for two sheets are in compliance with the settlement agreement.[1] More specifically, Seventh Revised Sheet No. 19 and Fifth Revised Sheet No. 28, in addition to dekatherm conversion language, reflect the following provision relating the amounts to be paid by Seller (Columbia Gas) to Buyer when Buyer uses peak shaving supplier in lieu of taking gas from Seller.

For any such quantities of gas so supplied by Buyer, Seller will either reimburse Buyer for its reasonable out-of-pocket costs, including the replacement of feedstock if necessary, or at Buyer's option, replace such quantities of gas with subsequent deliveries of natural gas pursuant to arrangements mutually acceptable to Seller and Buyer.

Since their change does not relate to the dekatherm conversion proposal which was filed in compliance with the aforementioned settlement agreement, we shall suspend Seventh Revised Sheet No. 19 and Fifth Revised Sheet No. 28 for five months. Furthermore, Columbia shall be directed to file Substitute Sheets Nos. 19 and 28 reflecting elimination of the non-germane language set forth above. These substitute sheets,[2] along with the sheets listed in Appendix B to the order, shall become effective November 1, 1981, in compliance with the settlement agreement.

Both companies claim that the rate increases are due to increases in labor and supplies; a need for an overall rate of return of 12.60% which yields a 16% return on common equity (46.23% of total capitalization); an increase in rate base; an increase in depreciation; an increase in Federal and State income taxes associated with the rate of return and rate base; and an increase in taxes other than income taxes. Columbia gas also claims an increase in cost of transportation of gas by others.

Public notices of the filings were issued on July 7, 1981, with petitions to intervene due by July 22, 1981. Petitions to intervene were filed by petitioners listed in Appendix C. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall be granted.

Columbia Gulf and Columbia Gas have relied on the same data to support identical rates of return. The transportation services rendered by Columbia Gulf for Columbia Gas are on a cost of service basis and Columbia Gulf's annualized costs are essential factors in Columbia Gas' filing. Because of these common issues in the subject dockets, the Commission finds that it is appropriate to consolidate the dockets for purposes of hearing and decision.

Based upon a review of the filings of Columbia Gulf and Columbia Gas, the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept the revised tariff sheets for filing, subject to refund, and to the conditions set forth below.

Columbia Gulf and Columbia Gas have employed the *Seaboard*[3] method of classifying and allocating costs. The companies are hereby placed on notice of their potential liability for any undercollections in the event that the cost classification and cost allocation adopted in these dockets assigns more fixed costs to the commodity component than are assigned under the *Seaboard* method.

Both companies request that the Commission waive its notice requirements and shorten the period of suspension for the subject rate filing permitting the rates to go into effect, subject to refund, on August 1, 1981. In a number of suspension orders, the Commission has addressed the policy considerations underlying the Commission's policy regarding rate suspensions.[4] 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 in violation of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Neither company has furnished any support for the requested one-day suspension period. Neither rate filing differs substantially from the standard general rate increase in that the proposed increases are based on historical actual based period data with full advantage taken of the opportunity to adjust the historical data for known and measurable changes occurring in the subsequent nine months.

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[1] Tariff Sheets listed in Appendix B.

[2] Upon Refiling, the Commission shall review the substitute sheets to ensure they comply with this order and the settlement agreement before making them effective.

[3] See: Order Accepting For Filing And Suspending Proposed Tariff Sheets Subject To Refund And Conditions, *Florida Gas Transmission Company*, Docket No. RP81-7-000 (issued November 28, 1980).

[4] *E.g.*, *Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

Based on the foregoing, the Commission shall suspend the effectiveness of the subject tariff sheets for Columbia Gulf and Columbia Gas for the full statutory period. Accordingly, subject to the conditions specified below, we shall accept and suspend the rates set forth in Appendix A for a period of five months, to become effective, subject to refund on January 1, 1982.

Both companies request waiver of the requirements of § 154.63(e)(2)(ii) of the Regulations to permit the inclusion in their respective proposed rates cost of facilities not yet certificated with the condition that the companies will adjust their respective proposed rates to eliminate costs of facilities not certificated and in service prior to the effective date of such rates.

The Commission finds that good cause exists to grant waiver of § 154.63(e)(2)(ii) of the Commission's regulations subject to the condition that Columbia Gulf and Columbia Gas file revised tariff sheets 30 days prior to the end of the test period eliminating facilities not in service on or before December 31, 1981. These waivers are granted upon the condition that Columbia Gulf and Columbia Gas shall not be permitted to make offsetting adjustments other than those made pursuant to Commission-approved tracking provisions, those adjustments required by this order and those required by other Commission orders.

In addition, the waiver is granted upon further condition that Columbia Gas file revised tariff sheets reflecting the elimination of those costs associated with facilities not in service, revised cost associated with any revision made by Columbia Gulf in compliance with this order, the GRI Funding Unit in effect on the effective date of the increased rates, and finally shall reflect the actual balances of advance payments in Account 166 at the end of the test period, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates.

The Commission Orders

(A) Proceedings in the subject dockets relating to the tariff filings of Columbia Gulf and Columbia Gas are consolidated for the purposes of hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the proposed increased rates by Columbia Gulf and Columbia Gas.

(C) Pending hearing and decision, and subject to the conditions in the body of this order and these ordering paragraphs, the effectiveness of Columbia Gulf and Columbia Gas' tariff sheets shown in Appendix A and Columbia Gas' Seventh Revised Sheet No. 19 and Fifth Revised Sheet No. 28 shall be suspended for five months, until January 1, 1982, when they may become effective, subject to refund, in the manner provided by section 4 of the Natural Gas Act, and subject to the conditions enumerated in the body of this order and the ordering paragraphs below.

(D) Columbia Gulf shall file revised tariff sheets on or before December 31, 1981, to reflect elimination of all costs associated with facilities which will not be in service on or by December 31, 1981.

(E) Columbia Gas shall file on or before December 31, 1978, revised tariff sheets to reflect:

(1) the elimination of those costs associated with facilities not in service on or before December 31, 1981;

(2) the revised cost associated with any revision made by Columbia Gulf in compliance with (D) above;

(3) the GRI Funding Unit in effect on the effective date of the increased rates; and

(4) the actual balance of the advance payments outstanding as of December 31, 1981, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates.

(F) The Commission grants waiver of § 154.63(e)(2)(ii) to permit the inclusion of uncertificated facilities in the subject dockets to the extent necessary to permit compliance with paragraphs (D) and (E) above. This waiver is granted upon the condition that Columbia Gulf and Columbia Gas shall not be permitted to make offsetting adjustments other than those made pursuant to Commission-approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

(G) The Commission denies the requests of Columbia Gulf and Columbia Gas for waiver of the notice requirements and the requests for a shortened suspension period to permit the proposed rates to be effective August 1, 1980, subject to refund, except as provided below.

(H) Prior to November 1, 1981, Columbia Gas shall file Substitute Sheet Nos. 19 and 28 to become effective November 1, 1981, reflecting elimination of the language discussed in the body of the order.

(I) The tariff sheets listed in Appendix B are accepted for filing to become effective as of November 1, 1981.

(J) The Commission Staff shall prepare and serve top sheets on all parties on or before November 2, 1981.

(K) The petitioners identified in Appendix C to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene and *provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order entered in this proceeding.

(L) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(D)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A.—Columbia Gulf Transmission Co.

[Docket No. RP81-82-000]

Filed: July 1, 1981.

Original Volume No. 1

Twenty-Seventh Revised Sheet No. 7

Original Volume No. 2

Eighth Revised Sheet No. 72
Eighth Revised Sheet No. 73
Fifth Revised Sheet No. 92
Fifth Revised Sheet No. 93
Fifth Revised Sheet No. 126
Sixth Revised Sheet No. 145
Sixth Revised Sheet No. 146
Fifth Revised Sheet No. 263
Fourth Revised Sheet No. 320
Fourth Revised Sheet No. 337
Fourth Revised Sheet No. 386
Fourth Revised Sheet No. 387
Third Revised Sheet No. 416
Third Revised Sheet No. 417
Fourth Revised Sheet No. 440
Fourth Revised Sheet No. 484
Fourth Revised Sheet No. 493
Fourth Revised Sheet No. 567
Fourth Revised Sheet No. 596
Third Revised Sheet No. 623

Second Revised Sheet No. 663
Second Revised Sheet No. 677
Second Revised Sheet No. 702
Third Revised Sheet No. 750
Third Revised Sheet No. 820
Third Revised Sheet No. 821
Third Revised Sheet No. 848
Third Revised Sheet No. 849
Second Revised Sheet No. 937
Second Revised Sheet No. 1052
Second Revised Sheet No. 1097
Second Revised Sheet No. 1149
Second Revised Sheet No. 1150
First Revised Sheet No. 1194
First Revised Sheet No. 1195
First Revised Sheet No. 1223

[Docket No. RP81-83-000]

Filed: July 1, 1981.

Original Volume No. 1

Seventy-First Revised Sheet No. 16
Nineteenth Revised Sheet No. 16A
Fifth Revised Sheet No. 16B

Original Volume No. 2

Second Revised Sheet No. 693

Appendix B.—Columbia Gas Transmission Corp.

[Docket No. RP81-83-000]

Dekatherm Conversion Sheets (excluding Sheet Nos. 19 and 28).

Original Volume No. 1

Third Revised Sheet No. 17
Sixth Revised Sheet No. 18
Fifth Revised Sheet No. 20
Second Revised Sheet No. 26
Fourth Revised Sheet No. 32
Sixth Revised Sheet No. 33
Fifth Revised Sheet No. 34
First Revised Sheet No. 35
Second Revised Sheet No. 36
Fourth Revised Sheet No. 37
Second Revised Sheet No. 38
Second Revised Sheet No. 39
First Revised Sheet No. 40
Second Revised Sheet No. 41
Third Revised Sheet No. 43
Third Revised Sheet No. 44
Third Revised Sheet No. 44A
Second Revised Sheet No. 44B
Second Revised Sheet No. 44C
Second Revised Sheet No. 44D
Second Revised Sheet No. 46
Seventh Revised Sheet No. 47
Second Revised Sheet No. 48
Third Revised Sheet No. 27
Fifth Revised Sheet No. 29
Seventh Revised Sheet No. 30
Third Revised Sheet No. 31
Second Revised Sheet No. 49
Second Revised Sheet No. 50
First Revised Sheet No. 51
Original Sheet No. 51A
Second Revised Sheet No. 52
First Revised Sheet No. 56
Second Revised Sheet No. 57
Eighth Revised Sheet No. 62
Fourth Revised Sheet No. 63
Second Revised Sheet No. 63A
Seventeenth Revised Sheet No. 64
Twenty-Seventh Revised Sheet No. 64A
Twenty-First Revised Sheet No. 64B
Third Revised Sheet No. 64C
First Revised Sheet No. 64D
Original Sheet No. 64D1
Third Revised Sheet No. 72A
Second Revised Sheet No. 73B
Second Revised Sheet No. 72D
Second Revised Sheet No. 73

Appendix C.—Columbia Gulf Transmission Co.

[Docket No. RP81-82-000]

Baltimore Gas And Electric Company
Columbia Gas Distribution Companies
Dayton Power and Light Company
Exxon Corporation
National Fuel Gas Supply Corporation
New York State Electric and Gas Corporation
Peoples Natural Gas Company
Public Service Commission of the State of New York
West Ohio Gas Company

Columbia Gas Transmission Corp.

[Docket No. RP81-83-000]

Baltimore Gas And Electric Company
Columbia Gas Distribution Companies
Dayton Power and Light Company
Elizabeth Gas Company
National Fuel Gas Supply Corporation
New York State Electric and Gas Corporation
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Public Service Commission
UGI Corporation
Virginia Electric and Power Company
West Ohio Gas Company

[FR Doc. 81-23026 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 29, 1981.

JD	DT CAT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
**********						
TEXAS RAILROAD COMMISSION						
**********						
-ADA OIL EXPLORATION CORP			RECEIVED: 07/02/81 JA: TX			
8139706	F-02-028498	4228531394	102-2 TUSA #1	TUSA	1373.1	UNITED TEXAS TRAN
-ADOBE OIL & GAS CORPORATION			RECEIVED: 07/02/81 JA: TX			
8139884	F-08-035756	4247532156	103 BARSTOW 26 NO 1	SCOTT (CHERRY CANYON)	16.0	TRANSWESTERN PIPE
8139827	F-78-034925	4213332786	102-4 QUICK NO 2	MANGUM NORTH (3200)	15.0	ODESSA NATURAL CO
8139826	F-78-034924	4213332520	102-4 WOODS NO 1	MANGUM NORTH (3200)	20.0	ODESSA NATURAL CO
-ALPAR RESOURCES INC			RECEIVED: 07/02/81 JA: TX			
8139817	F-10-034612	4221131244	103 ARRINGTON 4-53	HEMPHILL (GRANITE WASH)	360.0	EL PASO NATURAL G
-ALPS OIL CO			RECEIVED: 07/02/81 JA: TX			
8139860	F-08-035594	4210332465	103 M B MCKNIGHT A NO 6	SAND HILLS (MCKNIGHT)	36.5	WARREN PETROLEUM
8139861	F-08-035595	4210332466	103 M B MCKNIGHT NO 6	SAND HILLS (MCKNIGHT)	12.4	WARREN PETROLEUM
-AMERADA HESS CORPORATION			RECEIVED: 07/02/81 JA: TX			
8139742	F-08-032255	4222732138	103 MCCUTCHEN #1	HUTTO SOUTH (WOLFCAMP)	54.0	PHILLIPS PETROLEU
8139757	F-RA-032949	4216531795	103 MINNIE GRAHAM #7	ADAIR	0.3	AMERADA HESS CORP
8139745	F-08-032468	4222732124	103 W READ #1	COAHOMA	18.7	PHILLIPS PETROLEU
-AMMEX PETROLEUM CORP			RECEIVED: 07/02/81 JA: TX			
8139642	F-03-021078	4228700000	102-2 LEHMANN #1 - RRC #12733	GIDDINGS (AUSTIN CHALK)	30.0	CLAJON GAS CO
8139642	F-03-021078	4228700000	103 LEHMANN #1 - RRC #12733	GIDDINGS (AUSTIN CHALK)	30.0	CLAJON GAS CO
-AMMEX PETROLEUM INC			RECEIVED: 07/02/81 JA: TX			
8139695	F-03-027966	4265130815	102-2 JANELLE UNIT #1	GIDDINGS (AUSTIN CHALK)	300.0	CLAJON GAS CO
8139695	F-03-027966	4205130815	103 JANELLE UNIT #1	GIDDINGS (AUSTIN CHALK)	300.0	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED: 07/02/81 JA: TX			
8139656	F-10-023654	4219530702	103 B W HUFF WELL #4	HORIZON (CLEVELAND)	1.0	NORTHERN NATURAL
8139938	F-08-036365	4200332478	103 BLOCK 9 FUHRMAN MASCHO NO #98	FUHRMAN-MASCHO	25.9	PHILLIPS PETROLEU
8139937	F-08-036364	4200332601	103 BLOCK 9 FUHRMAN MASCHO NO 100	FUHRMAN-MASCHO	33.2	PHILLIPS PETROLEU
8139932	F-08-036359	4200332602	103 BLOCK 9 FUHRMAN MASCHO NO 99	FUHRMAN-MASCHO	29.9	PHILLIPS PETROLEU
8139717	F-05-030442	4234931187	102-4 CHARLES F GREGORY GAS UNIT /A/ #1	CHENEYBORO SW /9585/	150.0	LONE STAR GAS CO
8139717	F-05-030442	4234931187	107-TF CHARLES F GREGORY GAS UNIT /A/ #1	CHENEYBORO SW /9585/	150.0	LONE STAR GAS CO
8139682	F-06-027158	4220330570	108 FRANK THOMAS GAS UNIT #2	ELOCKER/COTTON VALLEY/	27.2	TEJAS GAS CORP
8139767	F-08-035226	4213533317	103 GOLDSMITH LANDRETH SAN ANDRES #327	GOLDSMITH	365.0	PHILLIPS PETROLEU
8139939	F-02-036367	4217531443	103 L W OCONNOR ESTATE A #77	LIVE OAK LAKE/5000/	19.0	AMOCO GAS CO
8139936	F-02-036363	4217531441	103 L W OCONNOR ESTATE A #78	LIVE OAK LAKE/5000/	19.0	AMOCO GAS CO
8139933	F-02-036360	4217531442	103 L W OCONNOR ESTATE A #80	LIVE OAK LAKE/5000/	19.0	AMOCO GAS CO
8139934	F-02-036361	4217531445	103 L W OCONNOR ESTATE A #81	LIVE OAK LAKE/5000/	19.0	AMOCO GAS CO
8139935	F-02-036362	4217531444	103 L W OCONNOR ESTATE A NO 79	LIVE OAK LAKE /5000/	19.0	AMOCO GAS CO
8139829	F-05-034981	4234931389	102-4 SUSAN WHEELOCK WELL NO 1	CHENEYBORO/COTTON VALLEY	116.0	LONE STAR GAS CO
8139829	F-05-034981	4234931389	107-TF SUSAN WHEELOCK WELL NO 1	CHENEYBORO/COTTON VALLEY	116.0	LONE STAR GAS CO
8139903	F-78-036264	4243331165	103 W C WEIR B #14	GUEST (CANYON SAND)	25.5	CITIES SERVICE CO
-ANDERSON PETROLEUM INC			RECEIVED: 07/02/81 JA: TX			
8139688	F-7C-027465	4210532562	107-TF AUSTIN C MILLSPAUGH A1 4-32	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8139723	F-7C-030880	4210533171	103 E. CARSON CLEGG ET VIR C1 1-10A	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8139723	F-7C-030880	4210533171	107-TF E. CARSON CLEGG ET VIR C1 1-10A	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE

8139724	F-7C-030881	4210553127	103		ELOISE CARSON CLEGG ET VIR C1 2-10	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8139724	F-7C-030881	4210553127	107-TF		ELOISE CARSON CLEGG ET VIR C1 2-10	OZONA (CANYON SAND)	55.0	ANDERSON PIPELINE
8139697	F-7C-028030	4243532248	103		PAULINE FRIESS A 1-101	SAWYER (CANYON)	55.0	SUTTON COUNTY PIP
-ARCADIA REFINING CO				RECEIVED: 07/02/81 JA: TX				
8139712	F-06-029716	4240130655	103		C E LLOYD NO 2 #10033	CYRIL (TRAVIS PEAK 7650)	354.4	HENDERSON CLAY PR
-ARCO OIL AND GAS COMPANY				RECEIVED: 07/02/81 JA: TX				
8139701	F-04-026321	4221530982	103		SWALLOW GAS UNIT WELL #7	DONNA (6600)	120.0	TENNESSEE GAS PIP
-ARROWHEAD ENERGY CO				RECEIVED: 07/02/81 JA: TX				
8139662	F-7B-024261	4226700000	102		MCCANN #1 RRC#	TOTC (CADDO CONGLOMERATE	91.0	LONE STAR GAS CO
-ART MACHIN & ASSOCIATES INC				RECEIVED: 07/02/81 JA: TX				
8139674	F-06-035687	4240130867	103		L PIPES NO 1 WELL	REDWINE (TRAVIS PEAK A)	150.0	UNITED GAS PIPE L
-B & B DRILLING CO				RECEIVED: 07/02/81 JA: TX				
8139675	F-01-026211	4233130777	103		JUERGENS-FALKNER ET AL UNIT NO 1	JORDAN (NAVARRO B)	0.0	PRODUCERS GAS CO
-B & B PRODUCTION				RECEIVED: 07/02/81 JA: TX				
8139637	F-08-008630	4213500000	108-ER		COWDEN A #1	GOLDSMITH EAST (GRAYBURG	0.0	PHILLIPS PETROLEU
-BENNETT GUINN & LACEY INC				RECEIVED: 07/02/81 JA: TX				
8139763	F-7B-033609	4213332633	103		L Z GRAY #1 42 133 32633	CISCO WEST (3550)	182.0	LONE STAR GAS CO
-BLACK JACK RESOURCES INC				RECEIVED: 07/02/81 JA: TX				
8139754	F-03-032740	4248100000	102-4		OBENHAUS #1	BONUS (4800)	300.0	TRUNKLINE GAS CO
-BLOCKER EXPLORATION CO				RECEIVED: 07/02/81 JA: TX				
8139720	F-05-030?0	4229330455	107-TF		C C WHITE UNIT NO 1	SOUTH THORNTON (COTTON V	7.7	TEXAS UTILITIES F
-BONANZA PETROLEUM INC				RECEIVED: 07/02/81 JA: TX				
8139766	F-02-033182	4223931452	103		BONANZA #1 CARROLL	MORALES (3900)	117.0	DELHI GAS PIPELIN
-BRUNER OIL & GAS INC				RECEIVED: 07/02/81 JA: TX				
8139663	F-7B-02458	4242532037	103		JOHNNIE L DAVIS #1	MCCN-SECTION 1341 TE & L	100.0	LONE STAR GAS CO
-C & K PETROLEUM INC				RECEIVED: 07/02/81 JA: TX				
8139760	F-08-023067	4230100000	107-DP		JOHNSON 40 WELL NO 1	(PENNSYLVANIAN)	2200.0	
-CASSELL OIL CO				RECEIVED: 07/02/81 JA: TX				
8139803	F-7B-034384	4213300000	102-4		GEORGE NO 2	EASTLAND COUNTY REGULAR	3.7	WEST CEN-TEX GAS
8139803	F-7B-034384	4213300000	103		GEORGE NO 2	EASTLAND COUNTY REGULAR	3.7	WEST CEN-TEX GAS
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 07/02/81 JA: TX				
*8139661	F-04-024093	4235531573	103		G P WARDNER NO 142	STRATTON (H-23)	18.9	TENNESSEE GAS PIP
-CHEROKEE ENERGY INC				RECEIVED: 07/02/81 JA: TX				
8139786	F-04-033915	4224930819	103		E PEREZ NO 2	PREMONT (SINGER 3100)	36.5	TENNECO CHEMICALS
-CHRISTIE ENERGY CO INC				RECEIVED: 07/02/81 JA: TX				
8139820	F-03-034750	4203900000	102-4		BASTROP BAY ST TR 13 WELL NO 1	BASTROP BAY E (5790 SAND	326.0	GULF OIL CORP
8139820	F-03-034750	4203900000	103		BASTROP BAY ST TR 13 WELL NO 1	BASTROP BAY E (5790 SAND	326.0	GULF OIL CORP
-CITIES SERVICE COMPANY				RECEIVED: 07/02/81 JA: TX				
8139966	F-08-036482	4213533463	103		MOSS GRAYBURG-SAN ANDRES UNIT #307	COWDEN SOUTH	6.0	ODESSA NATURAL CO
-CLAYTON W WILLIAMS JR				RECEIVED: 07/02/81 JA: TX				
8139729	F-03-031251	4205100000	102-2		JOHN SEE #2-A	GIDDINGS	0.0	VALERO TRANSMISSI
8139752	F-03-032610	4205100000	102-2		PETERS-CHEMLAR UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
-CMC ENERGY INC				RECEIVED: 07/02/81 JA: TX				
8139657	F-04-023804	4213100000	108		SOUTHLAND LIFE NO 6A 14333	SOUTHLAND (TEDLIE)	20.0	TRANSCONTINENTAL
-COLA PETROLEUM INC				RECEIVED: 07/02/81 JA: TX				
8139948	F-10-036427	4217930733	103		SKARKE-SMITH #1	EAST PANHANDLE	6.5	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED: 07/02/81 JA: TX				
8139877	F-09-035701	4248535517	103		TJ & JL WAGGONER ADE-#67 ID #18376	CHITA COUNTY REGULAR	3.7EA	GLE PETROLEUM CO
8139774	F-09-033601	4248535292	103		TJ & JL WAGGONER-ADE-#38 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139775	F-09-033602	4248535288	103		TJ & JL WAGGONER-ADE-#41 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139776	F-09-033603	4248535286	103		TJ & JL WAGGONER-ADE-#42 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139778	F-09-033771	4248535333	103		TJ & JL WAGGONER-ADE-#45 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139779	F-09-033772	4248535336	103		TJ & JL WAGGONER-ADE-#48 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C

JC NO	JA CAT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8139780	F-09-033773	4248535339	103	TJ & JL WAGGONER-ADE-#51 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139777	F-09-033770	4248535434	103	TJ & JL WAGGONER-ADE-#55 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139771	F-09-033356	4248535436	103	TJ & JL WAGGONER-ADE-#57 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139773	F-09-033361	4248535437	103	TJ & JL WAGGONER-ADE-#58 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8139841	F-09-035281	4248537340	103	TJ & JL WAGGONER-ADE-#64 ID #18376	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
-COOK PRODUCTION CO			RECEIVED: 07/02/81 JA: TX				
8139741	F-09-032228	4223700000	103	DICKENSON #1	WILDCAT COUNTY REG WORSH	17.8	TEXAS UTILITIES F
-DALLAS TRUST CO			RECEIVED: 07/02/81 JA: TX				
8139716	F-78-030438	4236332164	102-2	STONE B NO 1	SANTO EAST (3800 CONGL)	191.6	SOUTHWESTERN GAS
8139716	F-78-030428	4236332164	103	STONE B NO 1	SANTO EAST (3800 CONGL)	191.6	SOUTHWESTERN GAS
-DELTA DRILLING CO			RECEIVED: 07/02/81 JA: TX				
8139714	F-06-030297	4236500000	107-TF	BRIGGS #1	BECKVILLE NORTH (COTTON	365.0	NATURAL GAS PIPEL
8139784	F-06-033831	4236500000	108	C WILLIAMSON #1 80258	CARTHAGE (CV)	0.0	TEXAS GAS TRANSMI
-DERNICK RESOURCES INC			RECEIVED: 07/02/81 JA: TX				
8139897	F-78-036104	4214330310	102-2	DAVIS NO 1	MORGAN MILL (MARBLE FALL	35.0	CORONADO TRANSMIS
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 07/02/81 JA: TX				
8139676	F-10-02E48C	4235731041	103	CARL ELLIS # NO 4	ELLIS RANCH	100.0	NATURAL GAS PIPEL
-DILLEY PRODUCTION CO			RECEIVED: 07/02/81 JA: TX				
8139813	F-10-034502	4248330548	108	MITCHELL #1	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139812	F-10-034501	4248330555	108	MITCHELL #2	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139811	F-10-034500	4248330568	108	MITCHELL #3	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139810	F-10-034499	4248330567	108	MITCHELL #4	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139809	F-10-034498	4248330574	108	MITCHELL #5	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139807	F-10-034496	4248330581	108	MITCHELL #6	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139808	F-10-034497	4248330580	108	MITCHELL #7	PANHANDLE (OSBORNE AREA)	9.6	ASHLAND OIL INC
8139791	F-10-034039	4248330678	108	RICE #10	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139790	F-10-034038	4248330679	108	RICE #11	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139789	F-10-034037	4248330687	108	RICE #12	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139793	F-10-034041	4248330585	108	RICE #2	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139794	F-10-034042	4248330594	108	RICE #3	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139795	F-10-034043	4248330593	108	RICE #4	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139796	F-10-034044	4248330633	108	RICE #5	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139798	F-10-034046	4248330635	108	RICE #6	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139797	F-10-034045	4248330636	108	RICE #8	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
8139792	F-10-034040	4248330661	108	RICE #9	PANHANDLE (OSBORNE AREA)	11.0	ASHLAND OIL INC
-DIRKS PETROLEUM CORP			RECEIVED: 07/02/81 JA: TX				
8139685	F-02-027385	4202531294	102-4	HENRY AMEN ET AL NO 3	WILDCAT FIELD	20.0	TRANSCONTINENTAL
8139685	F-02-027385	4202531294	103	HENRY AMEN ET AL NO 3	WILDCAT FIELD	20.0	TRANSCONTINENTAL
-DISCOVERY OPERATING INC			RECEIVED: 07/02/81 JA: TX				
8139821	F-7C-034817	4241330935	107-TF	HENDERSON #1	DISCOVERY (CANYON)	54.0	CRA INC
-E L SMITH III			RECEIVED: 07/02/81 JA: TX				
8139887	F-7C-035815	4243532418	102-4	WESLEY SYKES #1	WESLEY SYKES (CANYON SAN	72.0	EL PASO NATURAL G
8139887	F-7C-035815	4243532418	107-TF	WESLEY SYKES #1	WESLEY SYKES (CANYON SAN	72.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED: 07/02/81 JA: TX				
8139920	F-7C-036333	4243532338	103	DEBERRY #2	SONORA CANYON UPPER	100.0	EL PASO NATURAL G
8139920	F-7C-036333	4243532338	107-TF	DEBERRY #2	SONORA CANYON UPPER	100.0	EL PASO NATURAL G
8139696	F-10-027987	4217923714	108	HIBLER A #1	PANHANDLE WEST	25.0	EL PASO NATURAL G
8139822	F-10-034856	4208726251	108	SANDERS #2	PANHANDLE EAST	23.0	EL PASO NATURAL G
8139921	F-7C-036334	4243532336	103	SHURLEY #18	SAWYER CANYON	113.0	EL PASO NATURAL G
8139921	F-7C-036334	4243532336	107-TF	SHURLEY #18	SAWYER CANYON	113.0	EL PASO NATURAL G
8139922	F-7C-036335	4243532337	103	SHURLEY #19	SAWYER CANYON	164.0	EL PASO NATURAL G
8139922	F-7C-036335	4243532337	107-TF	SHURLEY #19	SAWYER CANYON	164.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED: 07/02/81 JA: TX				

OG NO	GA UNT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8139947	F-08-036425	4232900000		108		L B EPLEY NO 2	AZALEA	8.0	ODESSA NATURAL CO
8139659	F-01-023941	4201300000		103		L T URBANCZYK UNIT 3 NO 3-LT	FASHING	365.0	NATURAL GAS PIPEL
8139666	F-7C-025079	4213730268		108		W L MIERS C NO 8	SAWYER	7.0	LONE STAR GAS CO
-ESTATE OIL & GAS CORP				RECEIVED: 07/02/81 JA: TX					
8139718	F-06-030550	4220300000		107-TF		JOHN K KEASLER G U NO 2 #7910	LANSING NORTH (COTTON VA	102.3	TEJAS GAS CORP
-EVERGREEN OIL CORP				RECEIVED: 07/02/81 JA: TX					
8139905	F-01-036286	4217700000		102-2		BRZOZOWSKI #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139905	F-01-036286	4217700000		103		BRZOZOWSKI #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139907	F-01-036288	4217730643		102-2		GILLETTE #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139907	F-01-036288	4217730643		103		GILLETTE #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139908	F-01-036289	4217730611		102-2		LOGAN #2	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139908	F-01-036289	4217730611		103		LOGAN #2	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139906	F-01-036287	4217730620		102-2		SMITH #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139906	F-01-036287	4217730620		103		SMITH #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139904	F-01-036284	4217730597		102-2		VICKERS #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
8139904	F-01-036284	4217730597		103		VICKERS #1	COST (AUSTIN CHALK)	0.0	VALERO TRANSMISSI
-EXXON CORPORATION				RECEIVED: 07/02/81 JA: TX					
*8139664	F-03-024611	4215730867		103		H P LOCKWOOD #43	THOMPSON	52.0	ARMCO STEEL CORP
8139842	F-08-035287	4210332371		103		J B TUBB C #23L	SAND HILLS (TUBB)	11.0	EL PASO NATURAL G
*8139865	F-02-035651	4239130549		103		J M OBRIEN C-311 #90328	GRETA (700)	60.0	ARMCO STEEL CORP
*8139949	F-04-036425	4227331268		103		K R ALAZAN 311-D (92304)	ALAZAN (F-12 U)	130.0	ARMCO STEEL CORP
*8139943	F-04-036387	4227331457		102-4		K R ALAZAN 344 (90873)	ALAZAN (J-37)	110.0	ARMCO STEEL CORP
*8139941	F-04-036385	4227331502		103		K R ALAZAN 361 (92305)	ALAZAN NORTH (F-57)	913.0	ARMCO STEEL CORP
*8139854	F-04-035484	4227331259		102-4		K R SEELIGSON E-97 (89049)	T-C-B EAST (20-I-4 N)	50.0	ARMCO STEEL CORP
*8139838	F-04-035251	4227331183		102-4		KING RANCH TIJERINA A-41-D	T-C-B E (20-I-4 N)	20.0	ARMCO STEEL CORP
*8139853	F-04-035461	4227331306		103		KR SEELIGSON C-196-D	SEELIGSON (ZONE 21-G-3)	0.0	ARMCO STEEL CORP
8139924	F-036340	4242731363		102-4		LAZARO M GUERRA E (92411)	KELSEY SOUTH (ZONE 17-A	220.0	TRUNKLINE GAS CO
8139931	F-04-036357	4204730882		102-4		MCGILL BROS 461 (92368)	KELSEY DEEP (ZONE H-42)	450.0	TRUNKLINE GAS CO
8139819	F-08-034728	4200332536		103		MEANS/SAN ANDRES/UNIT #1968	MEANS	25.0	PHILLIPS PETROLEU
8139844	F-04-035331	4226130581		103		MRS S K EAST B-32	SARITA EAST (FRIO)	365.0	NATURAL GAS PIPEL
*8139964	F-04-036473	4226130583		102-4		MRS S K EAST 119-D (91941)	RITA N E (I-78)	1022.0	ARMCO STEEL CORP
*8139940	F-04-036384	4226130592		102-4		MRS S K EAST 119-D (91942)	RITA NE (J-57)	1420.0	ARMCO STEEL CORP
8139781	F-08-033708	4231133051		103		OATES GAS UNIT NO 4 #2	OATES NE (DEVONIAN)	119.0	NORTHERN NATURAL
*8139648	F-04-021889	4204730581		103		R J K JR TR BARROSA PAST 14-F 35	PITA NW (G-59 U)	490.0	ARMCO STEEL CORP
*8139649	F-04-021997	4204730696		103		R J K JR TR BARROSA PASTURE 18-F	PITA NW (F-59 U)	70.0	ARMCO STEEL CORP
*8139651	F-04-023074	4204730701		103		R J K JR TR VIBORAS PAST 80-F	VIBORAS	511.0	ARMCO STEEL CORP
*8139942	F-04-036386	4204730587		103		R J K JR TR VIBORAS PASTURE 67-F	VIBORAS (G-17 VIII)	200.0	ARMCO STEEL CORP
*8139852	F-04-035480	4204730788		102-4		R J K JR TR ZACH ST 5-D (88569)	VIBORAS (MASSIVE SECOND	730.0	ARMCO STEEL CORP
*8139923	F-04-036337	4204730653		103		RJK JR TR VIBORAS PAST 75-F (78620)	VIBORAS (MASSIVE FIRST 5	546.0	ARMCO STEEL CORP
*8139963	F-04-036472	4226130697		103		SANTA FE RANCH-MULA PASTURE 31	STILLMAN (SHALLOW)	150.0	ARMCO STEEL CORP
8139715	F-06-030431	4245530459		107-TF		W F SMITH GAS UNIT 1 #2	GILMER (JURASSIC)	490.0	ARKANSAS LOUISIAN
-F L LIVINGSTON				RECEIVED: 07/02/81 JA: TX					
8139727	F-08-031185	4249500000		108		J B WALTON #16 (03258)	KORPIT FIELD	12.0	CABOT CORP
-FAGADAU ENERGY CORP				RECEIVED: 07/02/81 JA: TX					
8139683	F-09-027231	4233732432		102-4		WORTHINGTON-EDWARDS A NO	JACKSBORO N (MIDDLE ATOK	0.0	SOUTHWESTERN GAS
8139683	F-09-027231	4233732432		103		WORTHINGTON-EDWARDS A NO	JACKSBORO N (MIDDLE ATOK	0.0	SOUTHWESTERN GAS
-FALCON PETROLEUM COMPANY				RECEIVED: 07/02/81 JA: TX					
8139686	F-10-027395	4235731029		103		HALEY WELL NO 1	PERRYTON WEST (MORROW UP	110.0	PHILLIPS PETROLEU
-FISHER-WEBB INC				RECEIVED: 07/02/81 JA: TX					
8139769	F-78-03331	4235330910		103		COMPTON NO 2	JAM (CANYON)	300.0	SUN GAS CO
8139751	F-7C-031635	4208130951		103		GUEST B NO 6	ARLEDGE (PENN SAND)	150.0	SUN GAS CO
8139855	F-7C-035493	4208130963		103		HARRIS ESTATE NO 1	BLOODWORTH SOUTH (5700)	200.0	SUN OIL CO
8139768	F-78-033310	4235331053		103		LAWLIS NO 1	NOODLE NW (CANYON SAND 3	0.0	PALO DURO PIPELIN

									FIELD NAME	PRLD	PURCHASER
8139661	F-78-027153	4244131460	103		RODE A-1				LAKE ABILENE (4000)	50.0	MATRIX LAND CO
8139919	F-78-036331	4244131821	103		RODE D NO 1				LAKE ABILENE (4000)	50.0	FORT CHADBOURNE C
			RECEIVED: 07/02/81 JA: TX								
-FOLLETT OPERATING CO											
8139862	F-10-075677	4229530904	103		HARRELSON #1				SPERRY (TONKAWA)	270.0	PHILLIPS PETROLEU
			RECEIVED: 07/02/81 JA: TX								
-FRANK CASS											
8139890	F-78-035857	4238300000	103		HOWARD 32A-1 RRC NO 08733				SPRABERRY (TREND AREA)	186.0	EL PASO NATURAL G
			RECEIVED: 07/02/81 JA: TX								
-GAGE & CO											
8139833	F-09-035172	4223733250	103		STARK #1				JACKSBORO NW (CONGL)	0.0	SOUTHWESTERN GAS
			RECEIVED: 07/02/81 JA: TX								
-GENERAL PRODUCTION CORP											
8139709	F-03-029224	4205131078	103		NORMAN BECKHAM NO 1				WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING
			RECEIVED: 07/02/81 JA: TX								
-GETTY OIL COMPANY											
8139770	F-06-033347	4236500000	107-TF		E C POWERS #3				CARTHAGE (COTTON VALLEY)	552.0	UNITED GAS PIPELI
8139779	F-78-036522	4243331136	103		FLOWERS CANYON SAND UNIT #174				FLOWERS (CANYON SAND)	10.0	CITIES SERVICE CO
8139778	F-78-036521	4243331137	103		FLOWERS CANYON SAND UNIT #175				FLOWERS (CANYON SAND)	3.0	CITIES SERVICE CO
8139777	F-78-036520	4243331135	103		FLOWERS CANYON SAND UNIT #176				FLOWERS (CANYON SAND)	3.0	CITIES SERVICE CO
8139694	F-06-027937	4236500000	103		FURRH-MCMILLAN WELL #2				CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8139694	F-06-027937	4236500000	107-TF		FURRH-MCMILLAN WELL #2				CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8139751	F-06-032605	4236500000	107-TF		JEANETTE HARRELL NO 3				CARTHAGE (COTTON VALLEY)	500.0	UNITED GAS PIPELI
8139711	F-06-029566	4237100000	103		KATE MCMILLAN WELL #2				CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8139711	F-06-029566	4237100000	107-TF		KATE MCMILLAN WELL #2				CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8139707	F-03-029031	4205100000	102-2		N L MEYERS WELL #1				GIDDINGS	0.0	
8139658	F-02-023893	4212331010	102-4		SMITH RANCH WELL #1				SMITH RANCH (WILCOX LOWE	270.0	ESPERANZA TRANSMI
8139658	F-02-023893	4212331013	103		SMITH RANCH WELL #1				SMITH RANCH (WILCOX LOWE	270.0	ESPERANZA TRANSMI
8139732	F-09-031840	4230130253	107-DP		TOM LINEBERY STRIP WELL NO 1				BRUNSON RANCH (ELLENBURG	1100.0	INTRATEX GAS CO
8139708	F-06-029039	4236500000	103		W B POWELL WELL #2				CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8139708	F-06-029039	4236500000	107-TF		W B POWELL WELL #2				CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELIN
8139749	F-06-032603	4236531020	107-TF		W G ANDERSON WELL #2				CARTHAGE (COTTON VALLEY)	224.0	DELHI GAS PIPELIN
8139750	F-06-032604	4236531019	107-TF		WERNER-LAGRONE #2				CARTHAGE (COTTON VALLEY)	167.7	DELHI GAS PIPELIN
8139748	F-06-032500	4236500000	107-TF		WERNER-SPRADLEY WELL #2				CARTHAGE (COTTON VALLEY)	115.0	DELHI GAS PIPELIN
			RECEIVED: 07/02/81 JA: TX								
-GULF OIL CORPORATION											
8139655	F-09-023187	4223700000	108		CAP YATES #2				BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPEL
8139654	F-09-023185	4223700000	108		FAYETTE YATES NO 9				BOONSVILLE (BEND CONGL G	19.7	NATURAL GAS PIPEL
8139856	F-10-035529	4208700000	108		FRANKS H E E #1				PANHANDLE EAST	3.0	HIGH PLAINS NATUR
			RECEIVED: 07/02/81 JA: TX								
-GULFSTREAM PETROLEUM CORP											
8139650	F-03-022756	4236130324	102-4		EARL C HANKAMER ET AL NO 1				WORTHUM NODASARIA (PROPO	365.0	ESPERANZA TRANSMI
			RECEIVED: 07/02/81 JA: TX								
-GUS EDWARDS CO											
8139846	F-03-035375	4247730350	102-2		FIVE STAR RANCH WELL NO 1				GIDDINGS (AUSTIN CHALK G	0.0	CLAJON GAS CO
			RECEIVED: 07/02/81 JA: TX								
-H-M OIL CO											
8139725	F-03-031082	4248131575	103		LOU ALICE ELLIS #1				TWIN BASIN (7070)	200.0	TENNESSEE GAS PIP
			RECEIVED: 07/02/81 JA: TX								
-HANSON MINERALS CO											
*8139685	F-02-022750	4225530786	102-4		KOEHLER GAS UNIT #1				MALC DOMINGO (9953 SAND)	15.3	VALERO TRANSMISSI
			RECEIVED: 07/02/81 JA: TX								
-HENDERSON CLAY PRODUCTS INC											
8139889	F-06-035832	4240130365	103		A HIGH WELL #1 RRC# 10005				CYRIL (TRAVIS PEAK 7650)	7.5	HENDERSON CLAY PR
8139887	F-06-035831	4240130591	103		HIGH -A- WELL #1 RRC# 10037				CYRIL (TRAVIS PEAK 7650)	20.0	HENDERSON CLAY PR
8139965	F-06-036481	4240130762	103		JOE H ROGERS WELL #1 RRC #10145				CYRIL (TRAVIS PEAK 7650)	25.0	HENDERSON CLAY PR
8139783	F-06-033830	4240131106	102-3		LEON CRIM ESTATE WELL #1				HENDERSON NORTH (COTTON	300.0	UNITED GAS PIPELI
8139783	F-06-033830	4240131106	107-TF		LEON CRIM ESTATE WELL #1				HENDERSON NORTH (COTTON	300.0	UNITED GAS PIPELI
8139734	F-06-031920	4240131085	102-3		PRICE GAS UNIT WELL NO 2				OAKHILL (COTTON VALLEY)	380.0	HYDROCARBON TRANS
8139734	F-06-031920	4240131085	107-TF		PRICE GAS UNIT WELL NO 2				OAKHILL (COTTON VALLEY)	380.0	HYDROCARBON TRANS
8139764	F-06-033128	4240131069	102-3		SHAW ESTATE WELL #1 RRC #92891				CYRIL (COTTON VALLEY) FI	500.0	UNITED GAS PIPELI
8139764	F-06-033128	4240131069	107-TF		SHAW ESTATE WELL #1 RRC #92891				CYRIL (COTTON VALLEY) FI	500.0	UNITED GAS PIPELI
8139926	F-06-036342	4240131008	102-4		WAYNE YANDLE -A- WELL #1 RRC #10363				RUFUS (TRAVIS PEAK LO) F	24.0	HENDERSON CLAY PR
8139925	F-06-036341	4240100000	102-4		WAYNE YANDLE WELL #1 RRC #84587				RUFUS (TRAVIS PEAK) FIEL	36.0	HENDERSON CLAY PR

-HIGHLAND RESOURCES INC			RECEIVED: 07/02/81 JA: TX				
8139837	F-08-035237	4208131024	102-4	STOVALL UNIT NO 1 WELL	BLACKFOOT (NORTH) RODESS	0.0	LONE STAR GAS CO
-HNG OIL COMPANY			RECEIVED: 07/02/81 JA: TX				
8139850	F-04-035457	4250531045	102-4	BRUNI MINERAL TRUST A #4	LA PERLA (WILCOX 6800)	51.0	HOUSTON PIPELINE
8139850	F-04-035457	4250531045	103	BRUNI MINERAL TRUST A #4	LA PERLA (WILCOX 6800)	51.0	HOUSTON PIPELINE
8139946	F-08-036418	4243130919	103	MCENTIRE 22 #2	CREDO E (CISCO UP)	70.9	INTRATEX GAS CO
8139951	F-08-036435	4247531692	102-4	MILLER 137 #1A	PHANTOM (PENNSYLVANIAN)	413.0	INTRATEX GAS CO
8139951	F-08-036435	4247531692	103	MILLER 137 #1A	PHANTOM (PENNSYLVANIAN)	413.0	INTRATEX GAS CO
8139849	F-04-035458	4247931848	103	TULLY C GARNER #8 74911	TOM WALSH (OLMOS)	66.4	HOUSTON PIPELINE
8139848	F-04-035455	4247931847	103	TULLY C GARNER #9	TOM WALSH (OLMOS)	33.9	HOUSTON PIPELINE
8139952	F-08-036440	4249531007	103	UNIVERSITY 35 A #1	UNIVERSITY BLOCK 21 (BRU	7.3	INTRATEX GAS CO
8139970	F-04-036507	4247932203	102-4	VAQUILLAS RANCH CO #1	AGUILETE CREEK	0.0	HOUSTON PIPELINE
8139970	F-04-036507	4247932203	103	VAQUILLAS RANCH CO #1	AGUILETE CREEK	0.0	HOUSTON PIPELINE
8139851	F-02-035461	4202500000	102-4	W A VOSS #1	MINERAL SOUTH (2700)	29.9	VALLEY GAS PIPELI
8139851	F-02-035461	4202500000	103	W A VOSS #1	MINERAL SOUTH (2700)	29.9	VALLEY GAS PIPELI
8139980	F-7C-036532	4243532425	103	WALLACE 50 #1	SAWYER (CANYON)	86.0	INTRATEX GAS CO
8139980	F-7C-036532	4243532425	107-TF	WALLACE 50 #1	SAWYER (CANYON)	86.0	INTRATEX GAS CO
8139981	F-7C-036533	4243532424	103	WALLACE 51 #1	SAWYER (CANYON)	20.0	INTRATEX GAS CO
8139981	F-7C-036533	4243532424	107-TF	WALLACE 51 #1	SAWYER (CANYON)	20.0	INTRATEX GAS CO
8139832	F-7C-035168	4243531113	107-DP	WARD 127 #4 85620	SAWYER (CANYON)	72.6	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 07/02/81 JA: TX				
8139859	F-03-035569	4229131417	103	CHARLES WILSON FEE WELL NO 28	LIBERTY SOUTH	0.0	
8139845	F-03-035356	4207130975	102-3	STATE TRACT 299 WELL NO 1	SHIPCHANNEL S (F-24)	0.0	UNITED TEXAS TRAN
-HUNT PETROLEUM CORPORATION			RECEIVED: 07/02/81 JA: TX				
8139865	F-10-034431	4248330668	107-DP	E T DAVIS #1	STILES RANCH/MORROW	1442.0	COLORADO INTERSTA
-IKE LOVELADY INC			RECEIVED: 07/02/81 JA: TX				
8139772	F-7C-033357	4243532417	103	WEST NO 10 WELL	INTERSTATE (CANYON)	365.0	
8139772	F-7C-033357	4243532417	107-TF	WEST NO 10 WELL	INTERSTATE (CANYON)	365.0	
-INDEPENDENT EXPLORATION CO			RECEIVED: 07/02/81 JA: TX				
8139913	F-7B-036322	4236332064	102-4	R S JONES #1 ID NO 85515	SCATTER (BEND)	57.0	SOUTHWESTERN GAS
8139915	F-7B-036324	4236332159	102-4	RICHARD MARSDEN #1 I D NO 85517	SCATTER (BEND)	84.0	SOUTHWESTERN GAS
8139914	F-7B-036323	4236332169	102-4	STONEWALL JACKSON #1 I D NO 85523	SCATTER (BEND)	168.0	SOUTHWESTERN GAS
8139892	F-7B-035893	4236731232	102-4	STROUD #1 86664	BUCKNER (MARBLE FALLS)	180.0	EMPIRE PIPELINE C
8139910	F-7B-03629	4236332063	102-4	UNDERWOOD #1 82731	SCATTER (BEND) FIELD	49.0	SOUTHWESTERN GAS
-JACKSON EXPLORATION INC			RECEIVED: 07/02/81 JA: TX				
8139818	F-7C-034660	4246131658	103	CONNELL ESTATE #4	SPRABERRY (TREND AREA)	36.0	PHILLIPS PETROLEU
-JAKE L HAMON			RECEIVED: 07/02/81 JA: TX				
8139843	F-7C-035302	4210532989	103	SUTTON NO 2	INGHAM QUEEN	0.0	EL PASO NATURAL G
-JAMES K ANDERSON INC			RECEIVED: 07/02/81 JA: TX				
8139704	F-7C-028744	4239931553	103	LESZCYNSKI NO 1	FRITZESS (ODOM LIME)	360.0	LONE STAR GAS CO
-JIM BIRGE INC			RECEIVED: 07/02/81 JA: TX				
8139641	F-7B-020510	4213330000	108	BECK #1 ID-11103	EASTLAND COUNTY REGULAR	9.0	LONE STAR GAS CO
-JOHN DEETER			RECEIVED: 07/02/81 JA: TX				
8139756	F-04-032831	4235531653	102-4	PAINTER NO 1-C	COTTON (7500)	0.0	FERGUSON CROSSING
-JOHN GREER			RECEIVED: 07/02/81 JA: TX				
8139858	F-7B-035576	4244732174	103	J B HERRINGTON #1-A (16411)	THROCKMORTON COUNTY REGU	14.0	CLEARFORK GAS CO
-JOHN L COX			RECEIVED: 07/02/81 JA: TX				
8139740	F-7C-032951	4246131655	103	ANTWEIL-UNIVERSITY #1 (RRC #08620)	BENEDUM (FUSSELMAN)	10.0	PHILLIPS PETROLEU
8139739	F-7C-032645	4246131560	103	FOWLER-NEAL E #1 (RRC #08667)	SPRABERRY (TREND AREA)	2.0	EL PASO NATURAL G
8139738	F-7C-032642	4238331662	103	WOLTERS EST B #2 (RRC #08313)	SPRABERRY (TREND AREA)	10.0	EL PASO NAT GAS C
-K L H OIL & GAS INC			RECEIVED: 07/02/81 JA: TX				
8139839	F-7B-035264	4204932582	103	H C WILLIAMS #2	CHAMBERS (CONGL) FIELD	320.0	ODESSA NATURAL CO
8139840	F-7B-035268	4204932582	103	O B FOMBY #2	CHAMBERS (CONGL) FIELD	613.0	ODESSA NATURAL CO

8139785	F-78-033874	4204932578	103	O B FOMPY #3	DALE (CADDO)	18.0	ODESSA NATURAL CC
-KERR-MCGEE CORPORATION							
8139857	F-10-035563	4229500000	108	BECHTOLD NO 1-909	KIOWA CREEK	13.0	NORTHERN NATURAL
-KEY PRODUCTION COMPANY							
8139900	F-06-038147	4241930313	103	CHARLES CHILDRESS ETAL #1	JOAQUIN (PETTIT LOWER)	365.0	SOUTHERN NATURAL
-LADD PETROLEUM CORPORATION							
8139733	F-7C-031872	4210532902	103	MONTGOMERY C C 5-#4	OZONA (CANYON SAND)	399.0	VALERO TRANSMISSI
8139733	F-7C-031872	4210532902	107-TF	MONTGOMERY C C 5-#4	OZONA (CANYON SAND)	399.0	VALERO TRANSMISSI
8139640	F-78-017621	4236731673	103	STANLEY UNIT NO 5	TOTC (LIME M-1)	70.0	LONE STAR GAS CO
-LONGHORN RESOURCES INC							
8139787	F-78-033939	4236731986	103	NEWBERRY #2-T	MOBY DICK (MARBLE FALLS)	102.2	SOUTHWESTERN GAS
-LYNCO OIL CORPORATION							
8139667	F-03-025178	4231330255	103	SCHOLZ #1	WILDCAT	60.0	SOUTH TEXAS GATHE
-M-TEX INC							
8139800	F-01-034257	4232331712	103	VAN DALSEM NO 25-2	EL INDIO N (OLMOS A-11)	36.0	TEJAS GAS CORP
-MARINE CONTRACTORS & SUPPLY INC							
8139875	F-03-035695	4220100000	103	W W BAKER #4	W W BAKER #4-90260	0.0	NATURAL GAS PIPEL
-MARSHALL EXPLORATION INC							
8139759	F-06-033015	4236531155	103	WERNER SAWMILL CO #2	BELLE BOWER (COTTON VALL	256.0	TENNESSEE GAS PIP
8139759	F-06-033015	4236531155	107-TF	WERNER SAWMILL CO #2	BELLE BOWER (COTTON VALL	256.0	TENNESSEE GAS PIP
-MARTIN OIL & GAS CO							
8139878	F-03-035719	4228700000	102-4	C D VARNADO NO 1 WELL 13497	GIDDINGS (BUDA)	0.0	CLAJON GAS CO
-MCZ INC							
8139916	F-05-036327	4204100000	102-2	SAM B PATE NO 1	KURTEN	400.0	FERGUSON CROSSING
-MIDWAY OIL CORP							
8139899	F-03-036144	4205130826	102-4	FRANK MYNAR #1 (ID 13090)	CALDWELL (AUSTIN CHALK)	122.0	CLAJON GAS CO
-MITCHELL ENERGY CORPORATION							
8139814	F-09-034553	4249731900	103	A A DRUMMOND NO 1-L	BOONSVILLE (BEND CONGL G	105.0	NATURAL GAS PIPEL
8139788	F-09-033989	4249700000	103	C A LAWRENCE NO 10-L	BOONSVILLE (BEND CONGLOM	1000.0	NATURAL GAS PIPEL
8139755	F-09-032791	4249700000	103	D J HUGHES #19	BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPEL
8139698	F-7P-028066	4242900000	108	FRANCES HAYMORE #1 41388	HAYMORE (BIG SALINE)	2.0	SOUTHWESTERN GAS
8139747	F-09-032497	4249731976	103	J L GALLETT NO 2	BOONSVILLE (BEND CONLG G	376.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC							
8139762	F-08-033067	4238931084	103	JOHNSON & MITCHELL NO 1	WORSHAM EAST (CHERRY CAN	11.7	EL PASO NATURAL G
8139962	F-8A-036465	4221932859	103	MAPLE WILSON NO 96	SLAUGHTER	20.1	AMOCO PRODUCTION
8139825	F-08-034919	4233531772	103	MARY FOSTER NO 143	IATAN EAST HOWARD	0.4	GETTY OIL CO
8139961	F-08-036460	4232930920	103	SHACKELFORD SPRABERRY UNIT NO 1906	SPRABERRY (TREND AREA)	2.9	EL PASO NATURAL G
-MOTE RESOURCES INC							
8139638	F-09-12875	4249700000	103	HUMPHRIS HEIRS NO 1	BOONSVILLE (BEND CONGL G	127.0	NATURAL GAS PIPEL
8139891	F-09-035892	4207732038	103	SUDDATH #1 20929	FREDDIE FIELD CONG 5600	10.0	FAGADAU ENERGY CC
-MUSTANG EXPLORATION CO INC							
8139823	F-02-034916	4246931299	103	GERLES #3	NURSERY (3440)	170.0	CORONADO TRANSMIS
-N D STOVALL & SON							
8139873	F-78-035678	4236332501	103	STOVALL FEE 1137 WELL #1 92415	RYAN (CONG 4365)	55.0	SOUTHWESTERN GAS
-NELSON & TUCKER OPERATING CO							
8139703	F-03-028674	4248131879	103	DUNCAN A-#7	BERNARD SW (MIOCENE)	3.5	TENNESSEE GAS PL
8139705	F-03-028787	4248131868	103	J D HUDGINS #1	BERNARD SW (MIOCENE)	55.0	TENNESSEE GAS TRA
-NORTH CENTRAL OIL CORPORATION							
8139691	F-04-027858	4221500000	108	DOUGHERTY NO 4-U IL NC 74866	PENITAS	13.0	CENTRAL POWER & L
-ORLA PETCO INC							
8139801	F-08-034275	4210931412	103	HAWKINS-GRUPP NO 1	EC KENNEDY & FORD WEST	219.0	
8139802	F-08-034280	4210931420	103	HAWKINS-GRUPP NO 2	EC KENNEDY & FORD WEST	219.0	
-PARAFFINE OIL CORP							

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JD	DOCKET	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8139806	F-034433	4214930658		102-3		ALVES NO 1	GIDDINGS (AUSTIN CHALK)	26.0	PHILLIPS PETROLEU
8139806	F-034433	4214930658		103		ALVES NO 1	GIDDINGS (AUSTIN CHALK)	26.0	PHILLIPS PETROLEU
-PDC GAS CO						RECEIVED: 07/02/81 JA: TX			
8139824	F-08-034917	4237100000		103		UNIVERSITY #6	CARDINAL (QUEEN W)	31.0	NORTHERN NATURAL
-PELTO OIL COMPANY						RECEIVED: 07/02/81 JA: TX			
8139758	F-03-032976	4235130330		102-4		B E QUINN SR ET AL NO 1	SABINE TRAM W (COCKFIELD	65.0	TEXAS EASTERN TRA
-PENNZOIL PRODUCING COMPANY						RECEIVED: 07/02/81 JA: TX			
8139902	F-04-036230	4235504788		108		HELEN P AUSTIN NO 84	AGUA DULCE (6100)	17.0	UNITED GAS PIPE L
-PETRO-SEARCH INC						RECEIVED: 07/02/81 JA: TX			
8139639	F-10-013890	4223300000		108		ONEAL 1-117-02786-4	PANHANDLE	6.2	PHILLIPS PETROLEU
-PETROLEUM CORPORATION OF TEXAS						RECEIVED: 07/02/81 JA: TX			
8139644	F-10-021465	4229500001		108-ER		MAX BLAU (22277)	KIOWA CREEK DOUGLAS	5.6	NORTHERN NATURAL
-PETROLEUM EQUITIES CORP						RECEIVED: 07/02/81 JA: TX			
8139863	F-7C-035606	4243532315		107-DP		VANDERSTUCKEN #6 (90893)	SAWYER (SAND)	138.0	LONE STAR GAS CO
-PHARAOH & ASSOCIATES INC						RECEIVED: 07/02/81 JA: TX			
8139671	F-03-025366	4205130593		102-2		CURTIS PILLOW UNIT NO 1	CALDWELL (AUSTIN CHALK)	161.0	FERGUSON CROSSING
8139671	F-03-025366	4205130593		103		CURTIS PILLOW UNIT NO 1	CALDWELL (AUSTIN CHALK)	161.0	FERGUSON CROSSING
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 07/02/81 JA: TX			
8139679	F-08-027002	4213507855		108		(21193) GLDS ANDECTOR UNIT NO N-17A	GOLDSMITH (CLEARFORK)	19.0	EL PASO NATURAL G
8139815	F-08-034588	4249531274		103		BASH #13 (16091)	KEYSTONE (COLBY)	105.0	SID RICHARDSON GA
8139677	F-10-026951	4242100000		108		CRAIG A #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
8139945	F-08-036417	4213533525		103		GOLDSMITH ADOBE UNIT WELL NO 22-7	GOLDSMITH (5600)	15.0	EL PASO NATURAL G
8139944	F-08-036416	4213533522		103		GS ADOBE NO 17-14 (18713)	GOLDSMITH (5600)	5.8	EL PASO NATURAL G
8139912	F-08-036312	4249530484		108		KERMIT-A WELL NO 4 (24390)	KERMIT (7-RIVERS QUEEN)	3.7	EL PASO NATURAL G
8139646	F-10-021671	4217900000		108		PHIL-PAMPA UNIT 6-3	PANHANDLE GRAY	12.0	GETTY OIL CO
8139645	F-10-021670	4217900000		108		SIN-POPE #2	PANHANDLE GRAY	19.0	GETTY OIL CO
8139804	F-10-034393	4223300000		108		TURNER-KENT A NO 31	PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
8139864	F-08-035646	4249531257		103		WALTON B #6 (26408)	KEYSTONE (COLBY)	35.7	SID RICHARDSON GA
8139799	F-10-034163	4223300000		108		WHITTENBURG #81	PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
8139901	F-10-036171	4219500000		108		WORD A #2	HANNAS DRAW DOUGLAS	0.0	MICHIGAN WISCONSI
-PHOENIX RESOURCES COMPANY						RECEIVED: 07/02/81 JA: TX			
8139743	F-7C-032290	4223531600		103		SUGG B NO 3	HOWDA (CLEAR FORK)	0.0	J L DAVIS
-PITCOCK INC						RECEIVED: 07/02/81 JA: TX			
8139665	F-7B-025037	4236331977		103		FITZGERALD A 1	STRAWN N (BEND CONGL)	21.0	SOUTHWESTERN GAS
8139735	F-7B-031988	4236332500		102-2		MAGERS-BATES #1	MAGERS (UPPER CONGL)	0.0	INTRASTATE GATHER
-QUEST PETROLEUM INC						RECEIVED: 07/02/81 JA: TX			
8139898	F-09-036130	4223700000		103		B F GOODSON NO 1 20818	STEED SOUTH	36.5	SOUTHWESTERN GAS
-R C BENNETT CO						RECEIVED: 07/02/81 JA: TX			
8139765	F-7C-033180	4210532987		103		MITCHELL A #1	OZONA (CANYON SAND)	110.0	EL PASO NATURAL G
8139765	F-7C-033180	4210532987		107-TF		MITCHELL A #1	OZONA (CANYON SAND)	110.0	EL PASO NATURAL G
-R G ANDERSEN						RECEIVED: 07/02/81 JA: TX			
8139710	F-02-029323	4217500000		108		ALBRECHT P A WELL NO 6 ID NO 60568	BOYEE (RECKLAW)	1.5	VALLERO TRANSMISS
-R LACY INC						RECEIVED: 07/02/81 JA: TX			
8139894	F-06-035974	4236531018		103		EDDY-PEEPLES WELL NO 1 (RRC #10251)	CARTHAGE (TRAVIS PEAK 64	5.5	UNITED GAS PIPELI
8139893	F-06-035973	4236531008		103		MATHEWS-PEEPLES NO 1 (RRC #10254)	CARTHAGE (TRAVIS PEAK 64	21.0	UNITED GAS PIPELI
8139895	F-06-035975	4236530818		103		PEEPLES WELL NO 1 (RRC #10253)	CARTHAGE (TRAVIS PEAK 64	3.0	UNITED GAS PIPELI
8139896	F-06-035976	4236531003		103		PEEPLES WELL NO 2	CARTHAGE (TRAVIS PEAK 64	6.0	UNITED GAS PIPELI
-RAY HERRING						RECEIVED: 07/02/81 JA: TX			
8139835	F-7B-035210	4242932807		103		NANTZ #2	JOHNNY (CONGL UPPER)	72.0	SUN GAS GATHERING
-REALITOS ENERGY CORP						RECEIVED: 07/02/81 JA: TX			
8139667	F-02-027425	4246931562		102-4		WALTER F MUELLER NO 1	COLOGNE (4700 OIL)	68.0	TENNESSEE GAS PIP
-RIDDLE OIL CO						RECEIVED: 07/02/81 JA: TX			
8139668	F-06-025287	4240130960		102-3		FOSTER #1	OAK HILLS (COTTON VALLEY	500.0	TEXAS EASTERN TRA

							FIELD NAME	PROD	PURCHASER
-ROBERT E BYRNE					RECEIVED: 07/02/81 JA: TX				
R139676	F-78-035697	4213531251	103		HODGE #1 (14244)		EASTLAND COUNTY REGULAR	2.0	COMANCHE GAS PIPE
-ROCKWOOD RESOURCES INC					RECEIVED: 07/02/81 JA: TX				
R139511	F-02-036310	4246931659	102-4		GOLDMAN NO 1 WELL ID NO 92628		PRICHAM LAKE (4400)	0.0	DELHI GAS PIPELIN
R139678	F-06-02694	4236530691	103		J K GRAVES NO 1 WELL		CARTHAGE S (COTTON VALLE	0.0	UNITED GAS PIPELI
-ROGERS & BRYANT					RECEIVED: 07/02/81 JA: TX				
R139647	F-8A-035390	4221900000	103		IVEY NO 1		LEVELLAND	0.0	AMOCO PRODUCTION
-RUTHERFORD OIL CORP					RECEIVED: 07/02/81 JA: TX				
R139630	F-03-035019	4270630170	102-4		STATE TRACT 104-L #10		GALVESTON BLK 104-L (SD	93.0	DOW CHEMICAL CC
R139628	F-03-034928	4270630135	102-4		STATE TRACT 104-L #6		GALVESTON BLK 104-L (SD	120.0	DOW CHEMICAL CC
-SAGE ENERGY CO					RECEIVED: 07/02/81 JA: TX				
R139753	F-03-032637	4214930525	102-2		AIRPORT #1 RRC #13557		GIDDINGS (AUSTIN CHALK)	117.0	FALCON GAS CO
R139670	F-08-025229	4213533283	103		TXL G #1 RRC #25740		COWDEN NORTH	8.9	PHILLIPS PETROLEU
R139669	F-08-025228	4213533264	103		TXL G #2 RRC #25740		COWDEN NORTH (DEEP)	10.2	PHILLIPS PETROLEL
R139634	F-03-035202	4214930597	102-2		OQUINN #1 RRC #13881		GIDDINGS (AUSTIN CHALK)	107.0	FALCON GAS CO
-SANCHEZ-OBRIEN OIL & GAS CORP					RECEIVED: 07/02/81 JA: TX				
R139782	F-04-033628	4235531436	103		CORZINE GAS UNIT NO 1		BOBBY LYNN KING (VICKSBU	0.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY					RECEIVED: 07/02/81 JA: TX				
R139930	F-7C-036355	4246131645	103		WINDHAM F NO 1		SPRABERRY (TREND AREA)	36.5	EL PASO NATURAL G
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 07/02/81 JA: TX				
R139673	F-06-025850	4236500000	102-4		W E MOSS GAS UNIT WELL NO 1		PINEHILL SE (RODESSA GLO	0.0	UNITED GAS PIPELI
-SHELL OIL CO					RECEIVED: 07/02/81 JA: TX				
*R139976	F-8A-036514	4250131904	103		DENVER UNIT WELL NO 4121		WASSON	1.8	SHELL OIL CO
*R139972	F-8A-036510	4250131906	103		DENVER UNIT WELL NO 4123		WASSON	17.2	SHELL OIL CO
*R139975	F-8A-036513	4216531872	103		DENVER UNIT WELL NO 6733		WASSON	20.1	SHELL OIL CO
*R139974	F-8A-036512	4216531880	103		DENVER UNIT WELL NO 7716		WASSON	28.5	SHELL OIL CO
*R139973	F-8A-036511	4216531876	103		DENVER UNIT WELL NO 7717		WASSON	5.1	SHELL OIL CO
*R139971	F-8A-036509	4216531875	103		DENVER UNIT WELL NO 8612		WASSON	13.5	SHELL OIL CO
R139909	F-04-036294	4250531316	102-4		G G HINOJOSA NO 2		RANDADO RANCH (QUEEN CIT	2.0	
R139929	F-08-026353	4210332379	103		JOHNSON-STATE #2		SAND HILLS (TUBB)	3.3	WARREN PETROLELM
R139881	F-08-035742	4210500000	108		SOUTH CROSS UNIT NO 104		CROSSETT S (DETRITAL)	7.7	SHELL OIL CO
R139880	F-08-035741	4210500000	108		SOUTH CROSS UNIT NO 129		CROSSETT S (DETRITAL)	6.4	SHELL OIL CO
R139879	F-08-035740	4210500000	108		SOUTH CROSS UNIT NO 152		CROSSETT S (DETRITAL)	9.0	SHELL OIL CO
R139927	F-8A-036351	4216531917	103		STARK T O -B- #3		ROBERTSON N (CLEAR FORK	29.9	PHILLIPS PETROLEU
R139928	F-8A-036352	4216531785	103		STARK T O NO 29		ROBERTSON N (SAN ANDRES)	8.2	PHILLIPS PETROLEU
R139883	F-08-035744	4213500000	108		TXL NORTH UNIT NO 325-L		TXL (TUBB)	5.0	SHELL OIL CO
R139882	F-08-035743	4213500000	108		TXL NORTH UNIT NO 548-L		TXL (TUBB)	2.0	SHELL OIL CO
R139684	F-08-027238	4213500000	108		TXL-DEVONIAN MAIN PAY UNIT #504		TXL(DEVONIAN-MAIN PAY)	3.4	SHELL OIL CO
-SKLAR & PHILLIPS OIL CO					RECEIVED: 07/02/81 JA: TX				
R139728	F-06-031217	4236531151	102-3		T G HEMBY GAS UNIT NO 1		NORTH BECKVILLE (COTTON	200.0	UNITED GAS PIPE L
R139728	F-06-031213	4236531151	103		T G HEMBY GAS UNIT NO 1		NORTH BECKVILLE (COTTON	200.0	UNITED GAS PIPE L
-SMACKOVER SHELL LIMITED					RECEIVED: 07/02/81 JA: TX				
R139693	F-05-027910	4221320061	102-4		L L COCKERELL ESTATE UNIT 1 NO 1		EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
-SOUTHERN ROYALTY INC					RECEIVED: 07/02/81 JA: TX				
R139700	F-02-028158	4202531406	102-4		MCLEAN-CURLEE NO 1		SLIVA SW (MCLEAN SAND)	130.0	UNITED GAS PIPELI
-SOUTHLAND ROYALTY CO					RECEIVED: 07/02/81 JA: TX				
R139960	F-7C-036455	4238300000	108		ALDWELL #1		CALVIN	3.5	EL PASO NATURAL G
R139959	F-7C-036454	4238300000	108		ALDWELL #2		CALVIN	4.6	EL PASO NATURAL G
R139958	F-08-036452	4210300000	108		EDWARDS GRAYBURG UNIT #7-4		EDWARDS	0.2	PHILLIPS PETROLEU
R139955	F-08-036449	4247500000	108		F G SMITH #1X		WARD SOUTH	1.0	CABOT CORP
R139954	F-08-036448	4249500000	108		H F LOVETT #2		KEYSTONE	16.0	TRANSWESTERN PIPE
R139957	F-08-036451	4249500000	108		J C LOVETT #16		KERMIT	3.5	CABOT CORP
R139956	F-08-036450	4249500000	108		J C LOVETT #17		KERMIT	1.4	CABOT CORP

8139953	F-7C-036447	4241300000	108	W M WHITTEN #1		ELDORADO N	18.0	ATLANTIC RICHFIEL
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 07/02/81 JA: TX					
8139831	F-01-035154	4212731945	103	BIG WELLS UNIT WELL NO 3610		BIG WELLS	36.0	HOUSTON PIPE LINE
8139885	F-8A-035765	4221933063	103	CENTRAL LEVELLAND UNIT #258		LEVELLAND	5.6	AMOCO PRODUCTION
8139722	F-08-030740	4213500000	108	EAST GOLDSMITH SAN ANDRES NO 31-1		EAST GOLDSMITH (SAN ANDR	0.3	PHILLIPS PETROLEU
8139652	F-08-023111	4213500000	108	FOSTER-JOHNSON UNIT NO 4-3		FOSTER (GRAYBURG)	0.4	ODESSA NATURAL CO
8139653	F-08-023112	4213500000	108	FOSTER-JOHNSON UNIT NO 7-4		FOSTER (GRAYBURG)	0.4	ODESSA NATURAL CO
8139686	F-7C-035773	4208130876	103	JAMESON REEF UNIT NO 2-8		JAMESON	119.8	LONE STAR GAS CO
8139968	F-7C-036488	4208130869	103	JAMESON STRAWN S U NO 11-33		JAMESON (STRAWN)	131.0	LONE STAR GAS CO
8139969	F-7C-036485	4208130871	103	JAMESON STRAWN SAND UT NO 6-58		JAMESON (STRAWN)	117.0	LONE STAR GAS CO
8139647	F-08-021818	4213500000	108	PAUL MOSS UNIT WELLS NO 79		COWDEN SOUTH	1.0	ODESSA NATURAL CO
8139967	F-8A-036485	4221932948	103	SOUTHEAST LEVELLAND UNIT #258		LEVELLAND	160.8	AMOCO PRODUCTION
8139721	F-8A-030719	4207931050	103	WRIGHT UNIT NO 3-9		LEVELLAND	36.5	CITIES SERVICE CO
-SUPERIOR OIL CO			RECEIVED: 07/02/81 JA: TX					
8139695	F-03-028082	4201530458	107-DP	BLEZINGER WELL NO 1		NEW ULM	0.0	COLUMBIA GAS TRAN
-SWEETWATER DRILLING CO INC			RECEIVED: 07/02/81 JA: TX					
8139950	F-7H-036436	4242932491	103	M O KENNEDY #1 (92350)		IVAN (DUFFER)	388.0	LONE STAR GAS CO
8139917	F-7H-036325	4205932395	102-4	S SIMMONS # 1-L(86032)		PUTNAM N E (MISS)	2077.0	LONE STAR GAS CO
-TARTAN OIL & GAS			RECEIVED: 07/02/81 JA: TX					
8139713	F-03-030165	4215700000	102-4	HAYNES-CORTEZ GAS UNIT NO 1		HUNGERFORD E (MID 3000 E	180.0	HOUSTON PIPE LINE
-TARTAN PRODUCTION CO			RECEIVED: 07/02/81 JA: TX					
8139643	F-03-021424	4248100000	102-4	VASEK-WASEK NO 1		WHARTON W(FRIO 4460) - P	220.0	HOUSTON PIPE LINE
-TAUBERT & STEED			RECEIVED: 07/02/81 JA: TX					
8139744	F-84-032332	4226930289	102-4	S B BURNETT N 10		ANNE TANDY (CONGLOMERATE	6.9	LONE STAR GAS CO
-TEXACO INC			RECEIVED: 07/02/81 JA: TX					
8139692	F-04-027876	4250503025	108	J D JENNINGS #276		JENNINGS W	0.7	TENNESSEE GAS PIP
-TEXAS CRUDE INC			RECEIVED: 07/02/81 JA: TX					
8139726	F-06-031085	4207330335	102-2	TEMPLE EASTEX G U #2 WELL #1		SOUTHERN PINE TRAVIS PEA	547.0	UNITED TEXAS TRAN
-TEXAS OIL & GAS CORP			RECEIVED: 07/02/81 JA: TX					
8139660	F-02-024070	4202531233	102-4	YOWARD #2		YOWARD (8240)	0.0	TRANSCONTINENTAL
-THE ARD DRILLING COMPANY INC			RECEIVED: 07/02/81 JA: TX					
8139736	F-8A-03202	4226930402	102-4	TOM & BEN MASTERSON NO E 71625		TOM (B CONGL)	365.0	PALO DURO PIPELIN
-THE MAURICE L BROWN COMPANY			RECEIVED: 07/02/81 JA: TX					
8139730	F-06-031582	4220300000	108	MAUDE CADENHEAD GAS UNIT #1		BLOCKER	0.0	UNITED GAS PIPE L
-TREND RESOURCES LTD			RECEIVED: 07/02/81 JA: TX					
8139672	F-03-025465	4208931132	102-4	DAVID WINTERMANN NO 1 WELL		WYLIE (WILCOX)	912.0	SEAGULL PIPELINE
-TRI-MOR PRODUCTION CO			RECEIVED: 07/02/81 JA: TX					
8139918	F-7H-036330	4242932620	103	J W HOPE C #1 (90518)		BRECKENRIDGE S E (DUFFER	1600.6	WARREN PETROLEUM
-TRITON OIL & GAS CORP			RECEIVED: 07/02/81 JA: TX					
8139690	F-05-027676	4221330266	102-4	H H CADE GAS UNIT NO 1 WELL #1		TRINIDAD S (RODESSA)	60.0	UNITED GAS PIPELI
-TUMBLEWEED PRODUCTION CO			RECEIVED: 07/02/81 JA: TX					
8139761	F-10-033071	4206500000	103	HESS #3		PANHANDLE	75.0	PANHANDLE EASTERN
-U S OPERATING INC			RECEIVED: 07/02/81 JA: TX					
8139719	F-03-030682	4228730745	102-2	LODDIE NO 1 RRC ID N/A		GIDDINGS (AUSTIN CHALK)	150.0	PGP GAS PRODUCTS
8139674	F-03-026047	4228730653	102-2	STALEY LEE #1 (LEASE NO 12880)		GIDDINGS (AUSTIN CHALK)	100.0	PGP GAS PRODUCTS
-UNIT DRILLING & EXPLORATION CO			RECEIVED: 07/02/81 JA: TX					
8139836	F-10-035258	4229530905	102-4	LOVELLA NO 1		UNIT (UPPER MORROW)	900.0	PALO DURO PIPELIN
-VAUGHAN WELL CORP			RECEIVED: 07/02/81 JA: TX					
8139746	F-10-032495	4248300000	108	OSBORNE #1		EAST PANHANDLE	1.0	SHAMROCK GAS CO
-W A MCCARTY			RECEIVED: 07/02/81 JA: TX					
8139867	F-10-035672	4217900009	108	HAYNES #1		PANHANDLE	10.0	PHILLIPS PETROLEU
8139869	F-10-035674	4217900009	108	LALLIE WEBB A 1		PANHANDLE	7.5	PHILLIPS PETROLEU
8139866	F-10-035671	4217900009	108	LALLIE WEBB B 1		PANHANDLE	4.7	PHILLIPS PETROLEU

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J...	DE ...T	...1 ...	E SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8139868	F-10-035673	4217900000	108	LALLIE WEBB C 1	PANHANDLE	3.3	PHILLIPS PETROLEU
8139872	F-035677	4217900000	108	LALLIE WEBB C 1	PANHANDLE	5.5	PHILLIPS PETROLEU
8139871	F-10-035676	4217900000	108	SKELLY WEBB A 1	PANHANDLE	5.0	PHILLIPS PETROLEU
8139870	F-10-035675	4217900000	108	SKELLY WEBB B 1	PANHANDLE	15.0	PHILLIPS PETROLEU
-W M NULL				RECEIVED: 07/02/81 JA: TX			
8139680	F-01-027017	4212731936	102-4	STUMBERG RANCH #3 (RRCID #06089)	STUMBERG (OLMOS 4150)	14.0	VALERO TRANSMISSI
8139680	F-01-027017	4212731936	103	STUMBERG RANCH #3 (RRCID #06089)	STUMBERG (OLMOS 4150)	14.0	VALERO TRANSMISSI
-WAYMAN W BUCHANAN				RECEIVED: 07/02/81 JA: TX			
8139702	F-03-028469	4214930529	102-2	MINNIE TAYLOR NO 1	GIDDINGS-AUSTIN CHALK	33.0	PHILLIPS PETROLEU
-WESLEY SENKEL INC				RECEIVED: 07/02/81 JA: TX			
8139816	F-09-034603	4250300000	102-4	O B HEARNE #1	SENKEL (CADDO 4600)	250.0	SOUTHWESTERN GAS
-WTG EXPLORATION INC				RECEIVED: 07/02/81 JA: TX			
8139737	F-7C-032039	4210532450	107-TF	MILLER #1	OZONA (CANYON SAND)	146.0	NORTHERN NATURAL

OTHER PURCHASERS

8139648 E I DUPONT DE NEMOURS & CO INC
8139649 E I DUPONT DE NEMOURS & CO INC
8139651 E I DUPONT DE NEMOURS & CO INC
8139661 COLUMBIA GAS TRANS CORP
8139664 E I DUPONT DE NEMOURS & CO INC
8139669 UNITED TEXAS TRANS CO
8139691 E I DUPONT DE NEMOURS & CO INC
8139692 E I DUPONT DE NEMOURS & CO INC
8139699 E I DUPONT DE NEMOURS & CO INC
8139704 E I DUPONT DE NEMOURS & CO INC
8139705 E I DUPONT DE NEMOURS & CO INC
8139933 E I DUPONT DE NEMOURS & CO INC
8139940 E I DUPONT DENEMOURS & CO INC
8139941 E I DUPONT DENEMOURS & CO INC
8139942 E I DUPONT DE NEMOURS & CO INC
8139943 E I DUPONT DE NEMOURS & CO INC
8139947 WARNER PETROLEUM CO
8139949 E I DUPONT DE NEMOURS & CO INC
8139963 E I DUPONT DE NEMOURS & CO INC
8139964 E I DUPONT DE NEMOURS & CO INC
8139971 COLTEXO CORP
8139972 COLTEXO CORP
8139973 COLTEXO CORP
8139974 COLTEXO CORP
8139975 COLTEXO CORP
8139976 COLTEXO CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservior
102–5: New reservior on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stipper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–22870 Filed 8–6–81; 8:45 am]

BILLING CODE 6450–85–M

Issued: July 29, 1981.

JD	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
-OKMAR OIL COMPANY			RECEIVED: 07/07/81 JA: KS				
8140961	K 78-0009	1511520098	108-ER	FRIESEN NO 1	MCKINNEY	13.5	PANHANDLE EASTERN
OHIO DEPARTMENT OF NATURAL RESOURCES							
-A & Z PRODUCTION			RECEIVED: 07/06/81 JA: OH				
8140084		3408322855	103	WILBUR H MCDONALD #2	CLAY	3.5	COLUMBIA GAS TRAN
-AMERICAN PETROEL INC			RECEIVED: 07/06/81 JA: OH				
8140087		3416726206	107-DV	ARTHUR R HALL #1	GRANDVIEW	18.0	
8140088		3416726234	107-DV	E R HAMILTON #1	LIBERTY	7.3	
8140089		3416726235	107-DV	HEARN #1	INDEPENDENCE	22.0	
8140085		3416725906	107-DV	R J BRADEN/R LINDAMOOD #4	INDEPENDENCE	9.0	
8140086		3416725912	107-DV	ROBERT L BAKER #1	LAWRENCE	30.0	
8140090		3416726431	107-DV	USA/ M JOY #1	INDEPENDENCE	35.0	
8140091		3416726438	107-DV	WILLIAM W WEHR #2	NEWPORT	12.0	
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 07/06/81 JA: OH				
8140092		3408322822	103	WALTER HACK NO 1	JACKSON	18.0	
-APPALACHIAN PETROLEUM CORP			RECEIVED: 07/06/81 JA: OH				
8140094		3412122381	103	H REED #4	WARREN	3.5	COLUMBIA GAS TRAN
8140096		3412122478	103	M SCHOTT #1	JACKSON	3.5	COLUMBIA GAS TRAN
8140095		3412122477	103	M SCHOTT #4	JACKSON	3.5	COLUMBIA GAS TRAN
8140097		3412122593	103	M SCHOTT #7	JACKSON	3.5	COLUMBIA GAS TRAN
-BELDEN & BLAKE AND CO #77			RECEIVED: 07/06/81 JA: OH				
8140100A		3415123497	103	BRADLEY #2-341081	MARLBORO	36.5	
8140100B		3415123497	D 107-TF	BRADLEY #2-341081	MARLBORO	36.5	
8140101A		3415123498	103	M DOTSON #6-341082	MARLBORO	36.5	
8140101B		3415123498	D 107-TF	M DOTSON #6-341082	MARLBORO	36.5	
-BOBBY ANDERSON			RECEIVED: 07/06/81 JA: OH				
8140093		3416726044	103	CARVER #4	WARREN	0.0	COLUMBIA GAS TRAN
-BRADEN DEVELOPMENT COMPANY			RECEIVED: 07/06/81 JA: OH				
8140104		3416726059	103	ROBERT BRADEN - R LINDAMOOD #5	INDEPENDENCE	30.0	
-BUCKEYE OIL PRODUCING CO			RECEIVED: 07/06/81 JA: OH				
8140105		3400523348	103	C H MORRIS #1	HONOVER	16.0	COLUMBIA GAS TRAN
8140106		3411121858	D 107-DV	POLLOCK #1	MALAGA	3.0	COLUMBIA GAS TRAN
-C W RIGGS INC			RECEIVED: 07/06/81 JA: OH				
8140200		3416725571	107-DV	DALE HAUGHT #1-A	RENO	6.9	COLUMBIA GAS TRAN
8140203		3416726100	107-DV	EDWARD MCCAULEY #1	RENO	12.7	COLUMBIA GAS TRAN
8140202		3416726070	107-DV	JULIA LANTZ #1	RENO	8.0	COLUMBIA GAS TRAN
8140204		3416726104	107-DV	ROBERT POOLE #1	RENO	7.7	COLUMBIA GAS TRAN
8140205		3416726213	107-DV	USA FULMER #1-B	RENO	6.8	COLUMBIA GAS TRAN
8140206		3416726214	107-DV	USA FULMER #2-B	RENO	5.8	COLUMBIA GAS TRAN

JOB NO	DOCKET	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140201		3416726069		107	DV	USA HAAS #1	RENO	5.8	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED: 07/06/81 JA: CH					
8140107		3408924036		103		A LIPFERT #1-516	HOPEWELL	50.0	
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 07/06/81 JA: CH					
8140108		3416726321		107	DV	MOSSOR #1	LUDLOW	7.0	COLUMBIA GAS TRAN
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED: 07/06/81 JA: CH					
8140213		3415320938		103		R C FIRESTONE #2-C	BATH	10.0	EAST OHIO GAS CO
8140215		3415320956		103		R C FIRESTONE #4-E	BATH	10.0	EAST OHIO GAS CO
8140214		3415320946		103		RAYMOND C FIRESTONE #3-A	BATH	10.0	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC				RECEIVED: 07/06/81 JA: OH					
8140110		3403123430		103		BL-2A FRY	PERRY	18.0	
8140109		3403123426		103		BL-3E JONES	JEFFERSON	1.8	
8140111		3403123770		103		BL-4A FRY	PERRY	18.0	
-EDWARD E ATHA				RECEIVED: 07/06/81 JA: OH					
8140099A		3400922151		103		CHESTER COPELAND #2	ROME	0.0	
8140099E		3400922151	D	107	TF	CHESTER COPELAND #2	ROME	0.0	
8140098A		3400922137		103		LLOYD DILLINGER #3	JACKSON	4.8	
8140098E		3400922137	D	107	TF	LLOYD DILLINGER #3	JACKSON	4.8	
-ENERGY RECOVERY CO				RECEIVED: 07/06/81 JA: CH					
8140112		3411925650		103		PETTIT #1-A	HOPEWELL	17.0	
-GIANT PETROLEUM CORPORATION				RECEIVED: 07/06/81 JA: CH					
8140114		3400721541		103		A MILLER #3	ORWELL	20.0	EAST OHIO GAS CO
8140115		3400721542		103		A MILLER #4	ORWELL	20.0	EAST OHIO GAS CO
8140116		3400721656		103		MOORE #1	ROME	20.0	EAST OHIO GAS CO
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 07/06/81 JA: CH					
8140118		3411925538		103		OHIO POWER #1N	MEIGS	0.0	COLUMBIA GAS TRAN
8140117		3411925532		103		OHIO POWER #3N	MEIGS	0.0	COLUMBIA GAS TRAN
8140120		3411925646		103		OHIO POWER #4N	MEIGS	0.0	COLUMBIA GAS TRAN
8140121		3411925647		103		OHIO POWER #5N	MEIGS	0.0	COLUMBIA GAS TRAN
8140119		3411925539		103		OHIO POWER 2N	MEIGS	0.0	COLUMBIA GAS TRAN
-HILLTOP DEVELOPMENT CORP				RECEIVED: 07/06/81 JA: OH					
8140122		3411925497		103		#1 TIMOTHY MILLER	JACKSON	3.0	NATIONAL GAS & OI
-J D DRILLING CO				RECEIVED: 07/06/81 JA: OH					
8140123		3410521423		107	DV	EARL CLEEK #1	LEBANON	7.0	COLUMBIA GAS TRAN
8140124		3410522008		103		MANNING WEBSTER #1	SALISBURY	3.0	COLUMBIA GAS TRAN
-JOHN G FORAKER				RECEIVED: 07/06/81 JA: CH					
8140113		3411925329		103		JENKINS #1	NEWTON	6.0	NATIONAL GAS & OI
-KENOIL				RECEIVED: 07/06/81 JA: OH					
8140125		3403124255		103		MYRON YOUNG #1-N	CLARK	6.0	COLUMBIA GAS TRAN
8140126		3403124256		103		MYRON YOUNG #1-S	CLARK	6.0	COLUMBIA GAS TRAN
-L & M OPERATING INC				RECEIVED: 07/06/81 JA: OH					
8140128		3412724899		103		RUSSELL FOLK #3	JACKSON	2.0	FORAKER GAS CO IN
-L & M PETROLEUM INC				RECEIVED: 07/06/81 JA: CH					
8140129		3401921271		103		MCCARTY (BARRY AUSTIN C) #2	ORANGE	20.0	BONANZA GAS LINE
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 07/06/81 JA: CH					
8140127		3408924107		103		ANDREW J MEARS #1	EDEN	18.0	
-LOMAK PETROLEUM INC				RECEIVED: 07/06/81 JA: CH					
8140130		3403123451		103		R BISHOP #4	MONROE	19.0	COLUMBIA GAS TRAN
-M C F OIL COMPANY INC				RECEIVED: 07/06/81 JA: CH					
8140131		3403124127		103		JESSIE MCGRADY #2	MONROE	5.0	COLUMBIA GAS TRAN
-MCCORMICK OIL & GAS CO				RECEIVED: 07/06/81 JA: CH					
8140132		3412724919	D	107	TF	MINNIE SAUMS #1	MADISON	25.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED: 07/06/81 JA: CH					

8140133		3401931295		103	DEVITT-HUTH #2-13	UNNAMED BEREA	12.0	
-MOHAWK OIL & GAS CORP				RECEIVED: 07/06/81 JA: CH				
8140146		3412122321		107-DV	BRYAN & OPAL LEE #1-21	HARRIETSVILLE	1.8	COLUMBIA GAS TRAN
8140147		3412122322		107-DV	BRYAN & OPAL LEE #2-21	HARRIETSVILLE	1.2	COLUMBIA GAS TRAN
8140140		3412122274		107-DV	ROMAN SMITHBERGER #1-20	ELK	10.0	COLUMBIA GAS TRAN
8140141		3412122275		107-DV	ROMAN SMITHBERGER #2-20	HARRIETSVILLE	3.6	COLUMBIA GAS TRAN
8140145		3412122310		107-DV	ROMAN SMITHBERGER #4-20	HARRIETSVILLE	9.1	COLUMBIA GAS TRAN
8140148		3412122350		107-DV	ROMAN SMITHBERGER #7-20	HARRIETSVILLE	1.3	COLUMBIA GAS TRAN
8140149		3412122351		107-DV	ROMAN SMITHBERGER #8-20	HARRIETSVILLE	7.3	COLUMBIA GAS TRAN
8140138		3412122269		107-DV	RUTH WEBER #1-21	ELK	21.0	COLUMBIA GAS TRAN
8140139		3412122271		107-DV	RUTH WEBER #2-21	ELK	1.2	COLUMBIA GAS TRAN
8140143		3412122307		107-DV	RUTH WEBER #5-21	HARRIETSVILLE	4.5	COLUMBIA GAS TRAN
8140144		3412122308		107-DV	RUTH WEBER #6-21	HARRIETSVILLE	9.1	COLUMBIA GAS TRAN
8140134		3412122224		107-DV	SMITHBERGER #1-21	ELK	40.0	COLUMBIA GAS TRAN
8140137		3412122230		107-DV	SMITHBERGER #2-21	ELK	20.0	COLUMBIA GAS TRAN
8140135		3412122225		107-DV	SMITHBERGER #3-21	ELK	40.0	COLUMBIA GAS TRAN
8140136		3412122226		107-DV	SMITHBERGER #4-21	ELK	20.0	COLUMBIA GAS TRAN
8140142		3412122305		107-DV	WEBER #3-21	ELK	8.2	COLUMBIA GAS TRAN
-MUSK JOINT VENTURE				RECEIVED: 07/06/81 JA: CH				
8140156		3411924708		108	DRAKE #1		3.7	COLUMBIA GAS TRAN
8140154		3411924706		108	DRAKE #2		3.7	COLUMBIA GAS TRAN
8140155		3411924707		108	DRAKE #3		3.7	COLUMBIA GAS TRAN
8140153		3411924685		108	WHITE #1		8.1	COLUMBIA GAS TRAN
8140152		3411924684		108	WHITE #2		8.1	COLUMBIA GAS TRAN
8140151		3411924683		108	WHITE #3		8.1	COLUMBIA GAS TRAN
8140150		3411924681		108	WHITE #4		8.1	COLUMBIA GAS TRAN
-NATIONAL PETROLEUM CORP				RECEIVED: 07/06/81 JA: CH				
8140166		3411122077		107-DV	L HINDERLONG #1	SUMMIT	15.0	TEXAS EASTERN TRA
8140165		3411122016		107-DV	PAUL HINDERLONG #1	SUMMIT	15.0	TEXAS EASTERN TRA
-NEIHART EXPLORATION & DEVELOPMENT C				RECEIVED: 07/06/81 JA: CH				
8140167		3412122468		107-DV	ROBERT ULLMAN #6	ELK	50.0	
-OHIO NATURAL FUEL CO				RECEIVED: 07/06/81 JA: CH				
8140168		3416922035		108	REDICK WELL #2		12.0	COLUMBIA GAS TRAN
-ORWIG OIL COMPANY				RECEIVED: 07/06/81 JA: CH				
8140169		3407322350		103	IMBODEN HERBERT & LESTER NO 4	MARION	18.0	PARAMOUNT TRANSMI
-OXFORD OIL CO				RECEIVED: 07/06/81 JA: CH				
8140177		3411924384		108	ALPINE FARMS #2-A		18.0	COLUMBIA GAS TRAN
8140178		3411924480		108	CLARENCE PORTER #1		16.0	COLUMBIA GAS TRAN
8140171		3411121866		107-DV	GERALD WILLIAMSON #1-5	BETHEL	9.0	COLUMBIA GAS TRAN
8140172		3411121868		107-DV	HARLEY BEARDMORE #1	FRANKLIN	15.0	COLUMBIA GAS TRAN
8140176		3411924262		108	RICHARD WATSON #4		15.0	COLUMBIA GAS TRAN
8140175		3411522276		103	ROBT SMITH #4	DEERFIELD	10.0	
8140174		3411521733		108	SHIRLEY SAVAGE #1		15.0	COLUMBIA GAS TRAN
8140170		3403520200		108	SWEENEY COMMUNITY #1		19.0	EAST OHIO GAS CO
8140173		3411121925		107-DV	THOMAS CAPPADONIA #1	FRANKLIN	10.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FD 1978 COMB P				RECEIVED: 07/06/81 JA: CH				
8140182A		3416922151		103	DAN T HOSTETLER #2	MORELAND FIELD EXTENSION	18.0	COLUMBIA GAS TANS
8140182P		3416922151	D	107-TF	DAN T HOSTETLER #2	MORELAND FIELD EXTENSION	18.0	COLUMBIA GAS TANS
8140183A		3416922161		103	RICE-DUNHAM UNIT #1	MORELAND FIELD EXTENSION	27.0	COLUMBIA GAS TRAN
8140183H		3416922161	D	107-TF	RICE-DUNHAM UNIT #1	MORELAND FIELD EXTENSION	27.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - 80				RECEIVED: 07/06/81 JA: CH				
8140181		3408322851		103	ACHERT LARRY D #1	JEFFERSON	30.0	
8140180		3408322849		103	CRAWFORD WILLIAM #2	JEFFERSON	30.0	

JC NO	JA SKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140179		3403124257		103		HAINES-BASHOOR #4	TIVERTON	30.0	
-PETROLEUM SECURITIES FUND 79		RECEIVED: 07/06/81 JA: CH							
8140184A		3416922305		103		ROBERT RICE #4	MILTON-WAYNE POOL	24.0	COLUMBIA GAS TRAN
8140184B		3416922305	D	107	TF	ROBERT RICE #4	MILTON-WAYNE POOL	24.0	COLUMBIA GAS TRAN
-PIONEER OIL COMPANY INC		RECEIVED: 07/06/81 JA: CH							
8140185		3412725139		103		#1 PINGLEDIS-SHIPLETT-QUINN	READING	10.0	COLUMBIA GAS TRAN
-PREMIER ENERGY CORP		RECEIVED: 07/06/81 JA: CH							
8140186A		3407522687		103		BERNARD NYHART #1	KILLBUCK	0.0	COLUMBIA GAS TRAN
8140186B		3407522687	D	107	TF	BERNARD NYHART #1	KILLBUCK	0.0	COLUMBIA GAS TRAN
8140187A		3411121981		103		RODNEY KAHRIG #1	MALAGA	0.0	COLUMBIA GAS TRAN
8140187B		3411121981	D	107	TF	RODNEY KAHRIG #1	MALAGA	0.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY		RECEIVED: 07/06/81 JA: CH							
8140188		3404520596		108		F TRIBBLE & H MILLER #1		15.0	COLUMBIA GAS TRAN
8140189		3408924140		107	DV	WILLIAM KIDWELL #1	NEWTON	4.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP		RECEIVED: 07/06/81 JA: CH							
8140199		3416725665	D	107	DV	DUCKWORTH #2	SIMMONS FIELD	12.2	COLUMBIA GAS OF O
8140196		3416725532		107	DV	FRANCIS AND WILFORD HUCK #2	SIMMONS FIELD	0.0	COLUMBIA GAS OF O
8140195		3416725531	D	107	DV	FRANCIS AND WILFRED HUCK #1	SIMMONS FIELD	3.2	COLUMBIA GAS OF O
8140192		3416725322	D	107	DV	HANDSCHUMACHER #2	SIMMONS FIELD	4.0	COLUMBIA GAS OF O
8140193		3416725323	C	107	DV	HANDSCHUMACHER #3	SIMMONS FIELD	4.0	COLUMBIA GAS OF O
8140194		3416725530		107	DV	PAUL ARNOLD #1	SIMMONS FIELD	11.9	COLUMBIA GAS OF O
8140191		3416724840	D	107	DV	W HUCK #1	SIMMONS FIELD	4.5	COLUMBIA GAS OF O
8140190		3416724753	D	107	DV	WATSON #1	SIMMONS FIELD	5.6	COLUMBIA GAS OF O
8140197		3416725587	C	107	DV	WATSON #2	SIMMONS FIELD	6.0	COLUMBIA GAS OF O
8140198		3416725640	D	107	DV	WATSON #3	SIMMONS FIELD	5.6	COLUMBIA GAS OF O
-RIVERVIEW FINANCE CO		RECEIVED: 07/06/81 JA: CH							
8140208		3412122587		107	DV	JOHN NOON #4	ELK	60.0	
8140207		3412122464		107	DV	LOTTIE & BERNARD CRUM #1	ELK	50.0	
-ROSCOE BAKER		RECEIVED: 07/06/81 JA: CH							
8140103		3407522639	D	108		ROBERT & SYLVIA BAKER #PB-6B	KILLBUCK TWP	4.5	COLUMBIA GAS TRAN
8140102		3407522638	D	108		ROBERT & SYLVIA BAKER #5-B	KILLBUCK TWP HOLMES CO O	4.5	COLUMBIA GAS TRAN
-ROWLEY & BROWN PETROLEUM CORP		RECEIVED: 07/06/81 JA: CH							
8140209		3403520917	D	107	TF	CLEVELAND CATHOLIC DIOCESE #3	PARMA	10.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)		RECEIVED: 07/06/81 JA: CH							
8140212		3416726366		107	DV	LEWIS HACKATHORN #1	GRANDVIEW	13.0	
8140210		3416726084		107	DV	TED GRIMES #1	LUDLOW	15.0	
8140211		3416726327		107	DV	TED GRIMES #2	LUDLOW	20.0	
-SITES GAS CO		RECEIVED: 07/06/81 JA: CH							
8140217		3408720274	C	107	DV	JOHN CARL PRATT #1	FAYETTE	20.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC		RECEIVED: 07/06/81 JA: CH							
8140218		3401921402		103		SCOTT #1	SCOTT	0.0	M B OPERATING CO
-TALBOTT OIL & GAS CO		RECEIVED: 07/06/81 JA: CH							
8140219		3410521707		108		CHARLES SCHULER #1		2.0	COLUMBIA GAS TRAN
8140222		3410521746		108		KENNETH AND ANNA WOLFE #1		6.0	COLUMBIA GAS TRAN
8140220		3410521717		108		LARRY JOHNSON #1		2.0	COLUMBIA GAS TRAN
8140221		3410521745		108		RILEY AND VIRGINIA MCCLELLAND #1		4.0	COLUMBIA GAS TRAN
8140223		3410521965		108		TOM STEWART #1		3.0	COLUMBIA GAS TRAN
-TECHNICAL PETROLEUM EXPLORATION CCR		RECEIVED: 07/06/81 JA: CH							
8140224		3416726389		107	DV	WILES AND MILLER NO 2	VINCENT OHIO AREA	29.0	
-TEMPLE OIL & GAS CO		RECEIVED: 07/06/81 JA: CH							
8140226		3411924414		108		ARDEN PENNINGTON #1		10.0	COLUMBIA GAS TRAN
8140225		3411522389		103		SECKMAN-SMITH UNIT 1	YORK	10.0	
-THE MUTUAL OIL & GAS COMPANY		RECEIVED: 07/06/81 JA: CH							

CD NO	JA LRT	API NO	C	SEC	LAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140157		3411122179		107-DV		B MALLETT #1-M	FRANKLIN	20.0	COLUMBIA GAS TRAN
8140159		3411122198		107-DV		BAKER ET AL #1-M	FRANKLIN	15.0	COLUMBIA GAS TRAN
8140160		3412122465		107-DV		ORANGE COAL #4	ELK	50.0	
8140163		3412122539		107-DV		ORANGE COAL #5	ELK	50.0	
8140158		3411122195		107-DV		R HINES 2-M	FRANKLIN	15.0	COLUMBIA GAS TRAN
8140161		3412122466		107-DV		ROBERT ULLMAN #3	ELK	50.0	
8140162		3412122469		107-DV		ROBERT ULLMAN #4	ELK	40.0	
8140164		3412122542		103		ROBERT ULLMAN #7	ELK	50.0	
8140164		3412122542		107-DV		ROBERT ULLMAN #7	ELK	50.0	
-THUNDERBIRD PETROLEUM DEVELOP CO						RECEIVED: 07/06/81 JA: OH			
8140227		3411122143		107-DV		HARRY ARMSTRONG #2	WASHINGTON	50.0	
-W E SHRIDER CO						RECEIVED: 07/06/81 JA: OH			
8140216		3408924091		103		RICHARD WILLS #1	MADISON	3.0	NATIONAL GAS & OI
-WILLEY OIL & GAS CO						RECEIVED: 07/06/81 JA: OH			
8140225		3408924032		103		WILLEY 1 (FK# WELLING)	FALLSBURG	0.0	
-WILLIAM N TIPKA						RECEIVED: 07/06/81 JA: OH			
8140228		3415723158		108		J MOZENA #1		20.0	COLUMBIA GAS TRAN
-ZENITH OIL & GAS INC						RECEIVED: 07/06/81 JA: OH			
8140230		3411925480		103		J TAYLOR #1-A	LICKING	18.0	
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AN-SON CORPORATION						RECEIVED: 07/07/81 JA: OK			
*8140065	09673	3503920388		102-4		PALMER #1	S W WEATHERFORD	3646.0	COLORADO INTERSTA
-ANADARKO PRODUCTION COMPANY						RECEIVED: 07/07/81 JA: OK			
8140082	09832	3500700000		102-2		PETERS A NO 1	TURPIN EAST	196.0	WESTERN GAS INTER
-ANDOVER OIL COMPANY						RECEIVED: 07/07/81 JA: OK			
8140063	09765	3501721668		102-2		LANMAN #12-1		180.0	DELHI GAS PIPELIN
8140063	09765	3501721668		103		LANMAN #12-1		180.0	DELHI GAS PIPELIN
8140081	09766	3501721639		102-2		SCHIMMELS #13-1		75.0	DELHI GAS PIPELIN
8140081	09766	3501721639		103		SCHIMMELS #13-1		75.0	DELHI GAS PIPELIN
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/07/81 JA: OK			
8140072	09676	3504722195		102-4		ELSIE WHITE WELL #1	SOUTH DOUGLAS	36.5	
-DAVIS OIL COMPANY						RECEIVED: 07/07/81 JA: OK			
8140073	09402	3501721885		103		AIRPORT TRUST #8	NORTH FORK	250.0	PHILLIPS PETROLEU
-DOME PETROLEUM CORP						RECEIVED: 07/07/81 JA: OK			
8140066	09902	3504921265		102-4		EWERT #2-36	FOSTER S E	87.6	SOHIO PETROLEUM C
8140062	09904	3504921395		102-4		FERGUSON #3-1	FOSTER S E	62.0	SOHIO PETROLEUM C
8140067	09900	3504921336		102-4		POTTS #1-35	FOSTER S E	32.8	SOHIO PETROLEUM C
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 07/07/81 JA: OK			
8140083	09845	3504520814		102-2		STOUT #1	W ARNETT	500.0	NORTHERN NATURAL
8140083	09845	3504520814		103		STOUT #1	W ARNETT	500.0	NORTHERN NATURAL
-MONSANTO CO						RECEIVED: 07/07/81 JA: OK			
8140071	9785	3504321050		102-4		ALTON NO 1	PUTNAM	0.0	PANHANDLE EASTERN
-OFT EXPLORATION INC						RECEIVED: 07/07/81 JA: OK			
8140069	09862	3504321115		102-4		JENNIE MAJOR 1-02		401.5	MICHIGAN WISCONSI
-PETROLEUM INC						RECEIVED: 07/07/81 JA: OK			
8140068	09891	3515121034		102-4		MACKEY #1	AVARD NORTH	11.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 07/07/81 JA: OK			
8140070	09876	3501721798		102-4		EABES B #1		0.0	
-SHELL OIL CO						RECEIVED: 07/07/81 JA: OK			
8140074	09412	3501500000		108		MCLAIN #1	FOX GRAHAM	1.7	MOBIL OIL CORP
-TRIGG DRILLING COMPANY INC						RECEIVED: 07/07/81 JA: OK			

JC NO	JA DAT	API NO	F	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140079	09872	3503920317		102-4		OSCAR COLLINS #1		0.0	MICHIGAN WISCONSI
-W M & A P FULLER				RECEIVED: 07/07/81 JA: OK					
8140075	09382	3508320966		103		E MCNEIL NO 1	NORTHEAST RUSSELL	3.0	EASON OIL CO
8140076	09399	3501721770		103		KALINAY NO 1	NORTHEAST YUKON	100.0	PHILLIPS PETROLEU
8140080	09381	3508321520		103		LENA MCNEIL NO 1	NORTHEAST RUSSELL	60.0	EASON OIL CO
8140078	09383	3508320948		103		MORRISON NO 1	NORTHEAST RUSSELL	2.5	EASON OIL CO
8140077	09384	3508321007		103		WISS NO 1	NORTHEAST RUSSELL	7.0	EASON OIL CO
-WOODS PETROLEUM CORPORATION				RECEIVED: 07/07/81 JA: OK					
8140064	09843	3503920326		102-4		CORDES #24-1	GRANT	274.0	ARKANSAS LOUISIAN
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ANGERMAN ASSOCIATES INC				RECEIVED: 07/02/81 JA: PA					
8139986	7884	3712921697		103		A JOHNSTON STINE JR #5 - WES-21697	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139985	7883	3706323563		103		ALEX BENNETT #3 - IND-23563	W PENNA - UPPER DEVONIAN	50.0	PEOPLES NATURAL G
8140007	7921	3712921069		103		ANDREW F RODGERS #2 - WES-21069	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8139996	7895	3706324787		103		B & P SLEDZIK ET AL #2 IND-24787	W PENNA UPPER DEVONIAN S	15.0	PEOPLES NATURAL G
8139995	7894	3706324780		103		B & P SLEDZIK ET AL #3 - IND-24780	W PENNA UPPER DEVONIAN S	25.0	PEOPLES NATURAL G
8140006	7920	3712921119		103		CLARISSA I POUNDS #2 - WES-21119	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8139987	7885	3712721734		103		E PAUL LEMON #2 - WES-21734	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8140004	7918	3706323766		103		FRED MUSSER #3 - IND-23766	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8139988	7886	3706324895		103		HENRY P AND ANNA SADOSKY #2 -	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139989	7887	3706324456		103		HENRY P AND ANNA SADOSKY #4 -	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8140002	7915	3712920974		103		HOMER C LAUGHLIN #1 - WES-20974	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8140003		3712921026		103		HOMER C LAUGHLIN #2-WES-21026	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8140009	7923	3706323714		103		HOWARD T SANFORD #3 - IND-23714	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139983	7881	3706323564		103		JOHN J WEYANDT (DICKIE) #5 -	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139984	7882	3706323587		103		JOHN J WEYANDT (DICKIE) #6 -	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139982	7880	3706323588		103		JOHN K CRIBBS #1 - IND 23588	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139990	7888	3706325355		103		KATHERINE D COLEMAN #2 - IND-25355	W PENNA - UPPER DEVONIAN	35.0	PEOPLES NATURAL G
8139991	7889	3706325357		103		KATHERINE D COLEMAN #4 - IND-25357	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8139993	7891	3706325358		103		KATHERINE D COLEMAN #5 - IND-25358	W PENNA - UPPER DEVONIAN	35.0	PEOPLES NATURAL G
8139992	7890	3706325527		103		KATHERINE D COLEMAN #5 - IND-25527	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8139994	7893	3706302668	D	103		LEONARD J SADOSKY ET UX #1 -	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8140005	7919	3706323631		103		QUINN NEAL #1 - IND-23631	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8139997	7896	3712921347	D	103		R C HAMILTON #1 - TR #1 WES-21347	PA - UPPER DEVONIAN SA*	15.0P	EOPLES NATURAL GA
8139999	7898	3712921349		103		R C HAMILTON #2 - TR #2 WES-21349	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8139998	7897	3712921348		103		R C HAMILTON #2 TRACT #1 WES-21348	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140000	7899	3712921350		103		R C HAMILTON #3 - TR #2 WES-21350	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140008	7922	3706323557		103		VIONA ROWE #1 - IND-23857	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
-ANGERMAN GAS VENTURE #1				RECEIVED: 07/02/81 JA: PA					
8140001	7900	3706325073		103		GLENN E MCCALL #5 - IND-25073	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 07/02/81 JA: PA					
8140014	7844	3703921103		102-2		HELEN DENNIS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8140013	7841	3703920967		102-2		MENNO SOMMERS #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
-BARON CREST ENERGY CO				RECEIVED: 07/02/81 JA: PA					
8140010	7861	3703120815		108		RIMER WELL #1	RIMERSBURG	10.9	HANLEY & BIRD
8140011	7862	3703120818		108		RIMER WELL #2	RIMERSBURG	10.9	HANLEY & BIRD
-BARON CREST INC				RECEIVED: 07/02/81 JA: PA					
8140035	3375	3706322391		108		COLEMAN #1	MCINTYRE	1.9	PEOPLES NATURAL G
8140037	3379	3706322406		108		COLEMAN #2	MCINTYRE	1.9	PEOPLES NATURAL G
8140036	3376	3706322814		108		FULMER #1	ELDERTON	13.5	PEOPLES NATURAL G
8140039	3381	3706322421		108		J HILL #1	MCINTYRE	4.0	PEOPLES NATURAL G

JO AU	JA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140038	3383	3706322571		108		METALLA #2	MCINTYRE	3.2	PEOPLES NATURAL G
8140029	3352	3706322479		108		ZEHNER #1	ERNEST	4.5	PEOPLES NATURAL G
8140030	3353	3706322483		108		ZEHNER #3	ELDERTON	8.9	PEOPLES NATURAL G
-CARDINAL OIL CO				RECEIVED: 07/02/81 JA: PA					
8140015	7860	3703920944		103		T O DONNEL #80-45 PA PER CRA-20944	*CONNEAUT	0.	ONATIONAL FUEL GA
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 07/02/81 JA: PA					
8140016	7848	3706521023		108		A LEROY KEATON WN-1302	BELL TOWNSHIP	17.5	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED: 07/02/81 JA: PA					
8140022	7868	3703320978		103		B WELLS #2 K-M-1	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8140018	7864	3703320973		103		E MANCUSE #1 K-M-3	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8140027	7873	3703320997		103		I PENTZ #1 K-M-9	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8140028	7874	3712921635		103		J M KENNEDY #1 K-R-11	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8140025	7871	3712921693		103		J M KENNEDY #2 K-R-12	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8140026	7872	3712921694		103		J M KENNEDY #3 K-R-13	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8140024	7870	3712921658		103		J M KENNEDY #4 K-R-14	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8140020	7866	3712921483		103		M STAHLMAN #1 K-R-1	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8140019	7865	3712921593		103		N OBRADOVICH #1-246 K-Z-7	UPPER DEVONIAN SAND	30.0	T W PHILLIPS GAS
8140017	7863	3703320955		103		R SEYLER #1 K-M-2	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8140023	7869	3712921546		103		S P LONG #1 K-K-3	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8140021	7867	3712921597		103		W TROUT #1 K-Z-8	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
-E J BRUMAGE & SONS INC				RECEIVED: 07/02/81 JA: PA					
8140012	6284	3700500000		108		CRAVENOR G W	CRAVENOR G W	14.3	EQUITABLE GAS CO
-FRANK GARUFI				RECEIVED: 07/02/81 JA: PA					
8140031	3354	3706322945		108		FLEMING #3	ELDERTON	5.6	PEOPLES NATURAL G
8140032	3355	3706323716		108		FLEMING #4	ELDERTON	5.7	PEOPLES NATURAL G
8140033	3356	3706323409		108		KUBECKA #1	SHELOCTA	4.6	PEOPLES NATURAL G
8140034	3357	3706323407		108		YURT #1	ELDERTON	9.2	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED: 07/02/81 JA: PA					
8140042	7036	3706323686	D	103		L P FRAILEY #1	ARMSTRONG	200.0	PEOPLES NATURAL G
8140040	7027	3700522300		103		N MUSSER #1 (34A)	PLUMCREEK	200.0	PEOPLES NATURAL G
8140043	7039	3706324324	D	103		STUDENT COOP ASSOCIATION INC #3	WHITE	200.0	PEOPLES NATURAL G
8140041	7029	3706324875		103		VERNON K LIGHTNER #2	WEST MAHONING	200.0	PEOPLES NATURAL G
-KRIEBEL WELLS 80				RECEIVED: 07/02/81 JA: PA					
8140044	7804	3706325942		103		MARSHALL #1	ROCHESTER MILLS	31.5	
8140045	7805	3706325943		103		MARSHALL #2	ROCHESTER MILLS	31.5	
-MITCHELL ENERGY CORPORATION				RECEIVED: 07/02/81 JA: PA					
8140051	7879	3703720808		103		CARLSON #1-58	CONNEAUTVILLE-MEDINA & W	0.0	
8140050	7876	3703720807		103		HEALD #1-57	CONNEAUTVILLE-MEDINA & W	30.0	
-PAUL LEMLEY				RECEIVED: 07/02/81 JA: PA					
8140048	7875	3705900000		108		P A SHRIVER 1537	PA SHRIVER	12.1	PEOPLES NATURAL G
-PEACOCK/DOVERSPIKE GAS VENTURE - 79				RECEIVED: 07/02/81 JA: PA					
8140052	7560	3706325051		103		SOULCHIN #5 IND-25051	WHITE	0.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO				RECEIVED: 07/02/81 JA: PA					
8140054	6881	3706325085		108		BERNARD B BUTERBAUGH ET UX #1	N MAHONING	6.0	COLUMBIA GAS TRAN
8140053	5844	3706324684		108		REV C C VAN LEER AGT #1	N MAHONING	14.0	CONSOLICATED GAS
-SAMUEL P WEAVER				RECEIVED: 07/02/81 JA: PA					
8140060	7839	3705900000		108		HANNAH LOHR WELL	ALEPPO TOWNSHIP	12.2	PEOPLES NATURAL G
-THERESA MILLER				RECEIVED: 07/02/81 JA: PA					
8140049	7769	3712900000		108		RIDGWAY		6.6	PEOPLE NATURAL GA
-UNION DRILLING INC				RECEIVED: 07/02/81 JA: PA					
8140055	7853	3704921227		102-2		FRANK E DOWNOR #1 0693	UNION TOWNSHIP	0.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED: 07/02/81 JA: PA					
8140057	7857	3704921186		102-2		SCOTS GLEN DEVELOPMENT CO LTD #1	EDINBORO	30.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140056	7856	3704921198		102-2		SCOTS GLEN DEVELOPMENT CO LTD #2	EDINBORO	20.0	NATIONAL FUEL GAS
-VICTORY DEVELOPMENT CO				RECEIVED: 07/02/81 JA: PA					
8140059	7855	3703321057		103		BARRY EINSIG #2 CLE-21057	BURNSIDE	80.0	COLUMBIA GAS TRAN
8140058	7854	3703321047		103		FORREST WALLS #1 CLE-21047	BURNSIDE	80.0	COLUMBIA GAS TRAN
-VINCENT KUTCH				RECEIVED: 07/02/81 JA: PA					
8140047	7859	3706320976		108		RHEA #1	CRETE CHURCH	4.7	PEOPLES NATURAL G
8140046	7858	3706320890		108		WATSON #1	INDIANA AREA	1.8	PEOPLES NATURAL G

BILLING CODE 6450-85-C

The above notice of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–22871 Filed 8–6–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 31, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-ADOBE OIL & GAS CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140438	81-1345	1705320651		107	DP	STATE LEASE 7712 NO 1	SOUTH LAKE ARTHUR FIELD	1825.0	COLUMBIA GAS TRAN
-AMOCO PRODUCTION CO				RECEIVED: 07/06/81 JA: LA					
8140458	81-1381	1711321039		103		ELIZABETH M WATKINS NO 35	SOUTH FLORENCE	0.0	FLORIDA GAS TRANS
8140457	81-1382	1711321039		103		ELIZABETH M WATKINS NO 35-D	SOUTH FLORENCE	0.0	FLORIDA GAS TRANS
-ARCO OIL AND GAS COMPANY				RECEIVED: 07/06/81 JA: LA					
8140462	81-1363	1710121105		107	DP	ADELINE SUGAR FACTORY COMPANY #29	JEANERETTE	365.0	MICHIGAN WISCONSI
-CHEVRON U S A INC				RECEIVED: 07/06/81 JA: LA					
8140443	81-1338	1707720231		107	DP	18100 TUSC RA SUK L J HARLAUX #1	MOORE-SAMS	3285.0	
-CITIES SERVICE COMPANY				RECEIVED: 07/06/81 JA: LA					
8140432	81-1350	1711920284		102	4	WILLIAMS A NO 1	NORTH SHONGALOO - RED RO	750.0	
-CLEMENTS ENERGY INC				RECEIVED: 07/06/81 JA: LA					
8140444	81-1339	1711122170		102	4	W D NELSON ESTATE NO 1	LILLIE	720.0	ARKANSAS LOUISIAN
-CLOVELLY OIL CO INC				RECEIVED: 07/06/81 JA: LA					
8140442	81-1337	1703720022		107	DP	15400 TUSC RA SUA J T HOWELL ETAL 1	REELAND	130.0	
-DEWEY WHITE				RECEIVED: 07/06/81 JA: LA					
8140476	81-1367	1708320362		108		ABRAHAM NO 2	RICHLAND	1.9	MID LOUISIANA GAS
8140473	81-1368	1708320432		108		J B RATCLIFF NO 2	RICHLAND	18.8	MID LOUISIANA GAS
8140464	81-1366	1708320414		108		SQUYRES HEIRS NO 1	RICHLAND	7.8	MID LOUISIANA GAS
-ERGON INC				RECEIVED: 07/06/81 JA: LA					
8140445	81-1340	1711122024		107	TF	H L BREARD NO 1	MONROE (6824)	6.2	TEXAS GAS TRANSMI
-EXXON CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140471	81-1371	1710121200		107	DP	MA-7 RA SUA MIAMI CORP W NO 1	BAYOU CARLIN	4000.0	COLUMBIA GAS TRAN
-GLENDA PETROLEUM CORP				RECEIVED: 07/06/81 JA: LA					
8140446	81-1341	1706721305		108		PERRY HEIRS A #3 S/N 161925	MONROE	9.0	MID LOUISIANA GAS
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140451	81-1388	1703121431		103		CARMEL INDUSTRIAL SITES INC NO 1	RED RIVER-BULL BAYOU	144.0	TEXAS EASTERN TRA
8140455	81-1384	1703121472		103		FAIR-LASSETT NO 1	RED RIVER-BULL BAYOU	14.4	TEXAS EASTERN TRA
-GULF OIL CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140456	81-1383	1707522668		103		SL 195 GQ WELL NO 301	QUARANTINE BAY	6.0	UNITED GAS PIPELI
8140448	81-1343	1709720602		107	TF	16600 TUSC RA SUA TURNER NO 5	MONCRIEF	1750.0	LOUISIANA GAS INT
-HAWTHORNE OIL & GAS CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140450	81-1389	1701920927		103		VUA KLUMPP NO 4	SOUTH LAKE CHARLES	0.0	LOUISIANA GAS SYS
-HENRY GOODRICH D/B/A GOODRICH OIL C				RECEIVED: 07/06/81 JA: LA					
8140454	81-1385	1704920896		103		JAMES LIME RA SU A DEJEAN #1	HODGE FIELD	180.0	LOUISIANA GAS INT
-HOGAN DRILLING COMPANY INC				RECEIVED: 07/06/81 JA: LA					
8140439	81-1346	1702120650		102	4	J C BRADDOCK NO 2	PISTOL THICKET	75.0	LOUISIANA INTRAST
-JOHN O CLAY EXPLORATION INC				RECEIVED: 07/06/81 JA: LA					
8140469	81-1373	1702120774		102	4	2050 RA SUA IPCO #2	SWIM LAKE	70.0	LOUISIANA INTRAST
-LOCK ARBOR PRODUCTION CO				RECEIVED: 07/06/81 JA: LA					
8140482	81-1377	1707321634		103		SMITH ET AL #20	MONROE	8.0	UNITED GAS PIPE L

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140461	81-1378	1707321635		103		SMITH ET AL #23	MONROE	8.0	UNITED GAS PIPE L
8140460	81-1379	1707321636		103		SMITH ET AL #25	MONROE	8.0	UNITED GAS PIPE L
-LUFFEY GAS CORP				RECEIVED: 07/06/81 JA: LA					
8140474	81-1233	1711121821		108		EXXON 11-1	MONROE GAS FIELD	6.3	IMC PIPELINE CO I
-LYONS PETROLEUM INC				RECEIVED: 07/06/81 JA: LA					
8140440	81-1347	1702120720		102-4		PIONEER NO 1	WILDCAT - SPAULDING FIEL	73.0	LOUISIANA INTRAST
-MARION CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140472	81-1369	1701920971		102-4		HANKAMER NO 1	NORTHWEST STARKS	0.0	
-MARSHALL EXPLORATION INC				RECEIVED: 07/06/81 JA: LA					
8140434	81-1360	1703120963		108		FBG RA SU 104 SELLERS #1	LOGANSPORT	9.0	TENNESSEE GAS PIP
8140479	81-1356	1703120973		108		FBG RA SU 116 SANDERS #2	LOGANSPORT	19.0	TENNESSEE GAS PIP
8140477	81-1358	1703120942		108		FBG RA SU 128 ADAMS #1	LOGANSPORT	20.0	TENNESSEE GAS PIP
8140478	81-1357	1703120993		108		FBG RA SU 35 RAMSEY #6	LOGANSPORT	20.0	TENNESSEE GAS PIP
8140437	81-1362	1703120811		108		FBG RA SU 40 PACE #1	LOGANSPORT	19.0	TENNESSEE GAS PIP
8140435	81-1359	1703120970		108		FBG RA SU 42 RAMSEY #7	LOGANSPORT	20.0	TENNESSEE GAS PIP
8140436	81-1361	1703120965		108		FBG RA SU 78 SMITH #2	LOGANSPORT	8.0	TENNESSEE GAS PIP
-MID LOUISIANA GAS COMPANY				RECEIVED: 07/06/81 JA: LA					
8140483	81-1376	1711123070		103		MLGC FEE GAS #1022	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
-PELICAN PRODUCING CO				RECEIVED: 07/06/81 JA: LA					
8140481	81-1353	1711121793		108		UNION PRODUCING COMPANY #2 164600	MONROE	20.0	PETRO LEWIS CORP
-PENTAD RESOURCES INC				RECEIVED: 07/06/81 JA: LA					
8140466	81-1391	1708320464		102-2		MAY A LINTON ET AL #1	WILDCAT	324.0	
-RELIANCE TRUSTS				RECEIVED: 07/06/81 JA: LA					
8140447	81-1342	1711121670		108		OLINKRAFT #28	MONROE GAS FIELD	40.0	WEST MONROE GAS G
-SHADRACK PRODUCTION CO				RECEIVED: 07/06/81 JA: LA					
8140480	81-1354	1711123156		103		O WAYNE #1	MONROE GAS FIELD	13.0	WEST MONROE GAS G
-SHELL OIL CO				RECEIVED: 07/06/81 JA: LA					
8140449	81-1344	1709720604		102-4		L WX RA SUC MARTIN A NO 1	ELBA	110.0	TRANSCONTINENTAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/06/81 JA: LA					
8140468	81-1374	1703120664		108		CALLON AGENT F NO 2	GROGAN	11.0	TENNESSEE GAS PIP
8140467	81-1375	1703120338		108		SOUTHWOOD NO 15	SPICER	20.0	J-W OPERATING CO
-TEXACO INC				RECEIVED: 07/06/81 JA: LA					
8140463	81-1364	1711320990		102-4		FELIX VALLOT 2	GROSSE ISLE	1533.0	
8140452	81-1387	1770920243		103		SL 340 RABBIT ISLAND #196	RABBIT ISLAND	2.3	KAISER ALUMINUM &
8140459	81-1380	1770920251		103		SL 340 RABBIT ISLAND #197	RABBIT ISLAND	394.2	KAISER ALUMINUM &
8140441	81-1336	1710922230		107-DP		VUJ DGL U-10 NO 2	DOG LAKE	763.0	
-TEXOMA PRODUCTION CO				RECEIVED: 07/06/81 JA: LA					
8140453	81-1386	1711121170		102-2		THATCHER ET AL NO 1	WILDCAT	365.0	
-THE STONE OIL CORPORATION				RECEIVED: 07/06/81 JA: LA					
8140475	81-1365	1711321073		107-DP		MEUSE BROUSSARD NO 1	PARCPERDUE	7.5	DOW CHEMICAL CO
-UNION OIL COMPANY OF CALIF				RECEIVED: 07/06/81 JA: LA					
8140470	81-1372	1710922351		107-DP		S L 3090 NO 10	CAILLOU ISLAND	2000.0	UNITED GAS PIPE L
-UNION TEXAS PETROLEUM				RECEIVED: 07/06/81 JA: LA					
8140465	81-1390	1705320603		103		M HUGHES B NO 9	LAKE ARTHUR	182.5	SUGAR BOWL GAS CO
-WOODS & DEAS				RECEIVED: 07/06/81 JA: LA					
8140433	81-1351	1711123043		102-4		COLLET A NO 1 #173502	CORNEY BAYOU	73.0	MISSISSIPPI RIVER
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 07/06/81 JA: WV					
8140278		4703501539		107-DV		ROBERT L PARSONS # 3	RIPLEY	20.0	COLUMBIA GAS TRAN
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 07/07/81 JA: WV					
8140420		4703501543		107-TF		E H CARPENTER #1	WASHINGTON	20.0	

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140416		4703501543		103		F H CARPENTER #1	WASHINGTON	20.0	
8140413		4703501538		103		JOHN J PFOST #12A	WASHINGTON	10.0	COLUMBIA GAS TRAN
8140414		4703501539		103		ROBERT L PARSONS #3	RIPLEY	20.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 07/07/81 JA: WV							
8140360		4710300624		108		A - 668	CENTERPOINT DISTRICT	0.0	CONSOLIDATED GAS
8140359		4709701845		108		A - 760	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8140358		4704900638		108		A - 789	LINCOLN DISTRICT	0.0	CONSOLIDATED GAS
8140356		4701702318		108		A - 791	SOUTHWEST DISTRICT	0.0	CONSOLIDATED GAS
8140361		4709701913		108		A - 804	BUCKHANNON DISTRICT	0.0	EQUITABLE GAS CO
8140357		4701702352		108		A - 812	SOUTHWEST DISTRICT	0.0	CONSOLIDATED GAS
8140415		4703301147		108		A-671	UNION DISTRICT	0.0	CONSOLIDATED GAS
8140343		4710300633		108		A-695	GRANT DISTRICT	0.0	CONSOLIDATED GAS
-APPALACHIAN ENERGY INC		RECEIVED: 07/06/81 JA: WV							
8140279		4703322084		103		A BROOKE #2 A-E-93	EAGLE	30.0	CONSOLIDATED GAS
8140281		4703322132		103		B HELDRETH #1 AE95	EAGLE	30.0	CARNEGIE NATURAL
8140235		4703321999		103		H K THOMPSON A-E-38	COAL	20.0	CONSOLIDATED GAS
8140238		4703322072		103		N STUART A-E-91	CLARK	20.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP		RECEIVED: 07/06/81 JA: WV							
-CABOT OIL & GAS CORP		RECEIVED: 07/06/81 JA: WV							
8140306		4708100500		103		BEAVER COAL COMPANY A-38	SHADY SPRINGS	20.0	COLUMBIA GAS TRAN
8140303		4708100512		103		BEAVER COAL COMPANY A-43	SHADY SPRINGS	25.0	COLUMBIA GAS TRAN
8140304		4708100521		103		BEAVER COAL COMPANY A-57	TOWN	30.0	COLUMBIA GAS TRAN
8140305		4703903649		103		SILER COAL LAND CO A-15	WASHINGTON	16.0	TENNESSEE GAS PIP
-CABOT OIL & GAS CORP		RECEIVED: 07/07/81 JA: WV							
8140341		4703902566		108		A HUNTINGTON A-1	CABIN CREEK	7.8	CABOT CORP
8140342		4703902578		108		A HUNTINGTON A-3	CABIN CREEK	10.8	CABOT CORP
8140419		4703902217		108		ADAM BURFORD #2	UNION	2.9	CABOT CORP
8140409		4701900180		108		ANGUS MCDONALD A-1	KANAWHA	14.5	CABOT CORP
8140408		4701900200		108		ANGUS MCDONALD A-4	KANAWHA	11.5	CABOT CORP
8140412		4701900204		108		ANGUS MCDONALD A-5	KANAWHA	11.5	CABOT CORP
8140418		4704700450		108		C O DAVIS #1	SANDY RIVER	17.2	CABOT CORP
8140422		4704700551		108		C O DAVIS #2	SANDY RIVER	17.2	CABOT CORP
8140382		4701500995		108		EVANS SIZEMORE #1	PLEASANT	12.4	CABOT CORP
8140394		4707900822		107-DV		HARDY HEIRS B-1	UNION	13.0	CABOT CORP
8140430		4707900830		107-DV		HARDY HEIRS B-2	UNION	21.0	CABOT CORP
8140336		4706700292		108		HILL & LONG B-1	JEFFERSON	7.4	CABOT CORP
8140340		4703902376		108		HOMER JONES #1	POCA	20.4	CABOT CORP
8140431		4707900833		107-DV		J L MCLEAN A-1	UNION	13.0	CABOT CORP
8140427		4707900996		107-DV		J L MCLEAN A-16	UNION	32.0	TENNESSEE GAS PIP
8140429		4707900979		107-DV		J L MCLEAN A-20	UNION	6.3	TENNESSEE GAS PIP
8140428		4707900976		107-DV		J L MCLEAN A-35	UNION	17.5	TENNESSEE GAS PIP
8140333		4703902227		108		JOSEPH TATE #1	UNION	7.2	CABOT CORP
8140347		4706700302		108		LILLIE TAYLOR #1	JEFFERSON	6.1	CABOT CORP
8140368		4700501333		107-DV		LITTLE COAL C-2	WASHINGTON	27.3	TENNESSEE GAS PIP
8140383		4701500996		108		MAMIE SIZEMORE #1	PLEASANT	8.5	CABOT CORP
8140339		4703902386		108		MARY MASON #2	UNION	4.7	CABOT CORP
8140338		4703902502		108		MCDONALD A-2	CABIN CREEK	18.1	CABOT CORP
8140346		4706700311		108		MILLEN GAS UNIT #1	JEFFERSON	20.2	CABOT CORP
8140410		4701900203		108		NEWMAN A-1	FALLS	9.7	CABOT CORP
8140393		4707900823		107-DV		ORVILLE STONE B-1	UNION	14.0	CABOT CORP
8140398		4707900829		107-DV		ORVILLE STONE B-2	UNION	14.0	CABOT CORP
8140421		4704700503		108		PANTHER STATE #2	SANDY RIVER	7.2	CABOT CORP
8140345		4704700629		108		PANTHER STATE #5	SANDY RIVER	12.7	CABOT CORP

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140397		4707900824			107-DV	PUTNAM LAND B-1	UNION	12.0	CABOT CORP
8140417		4704700471			108	RED ASH POCA A-1	SANDY RIVER	13.1	CABOT CORP
8140362		4703903506			107-DV	SILER COAL & LD A-1	WASHINGTON	12.0	TENNESSEE GAS PIP
8140411		4701900233			108	W R JOHNSON G U #1	FALLS	9.0	CABOT CORP
8140425		4709901697			107-DV	WILSON COAL & LAND A-3	LINCOLN	20.5	TENNESSEE GAS PIP
8140424		4709901720			107-DV	WILSON COAL A-6	LINCOLN	21.5	TENNESSEE GAS PIP
8140426		4709901696			107-DV	WILSON COAL AND LAND A-2	LINCOLN	13.2	TENNESSEE GAS PIP
-ASHLAND EXPLORATION INC						RECEIVED: 07/06/81 JA: WV			
8140259		4703903627			103	EASTERN GAS & FUEL #70 - 90151	PAINT CREEK	25.0	COLUMBIA GAS TRAN
8140311		4701900445			103	EASTERN GAS & FUEL #72 - 090381	PAINT CREEK	33.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC						RECEIVED: 07/07/81 JA: WV			
8140354		4701900128			108	POCAHONTAS LAND #10 - 165981	LOUP CREEK	10.0	UNION CARBIDE COR
8140352		4701900154			108	POCAHONTAS LAND #19 - 166061	LOUP CREEK	8.0	UNION CARBIDE COR
8140327		4701900179			108	POCAHONTAS LAND #28 - 166141	LOUP CREEK	8.0	UNION CARBIDE COR
8140326		4701900253			108	POCAHONTAS LAND #33 - 065341	LOUP CREEK	19.0	UNION CARBIDE COR
8140353		4701900115			108	POCAHONTAS LAND #4 - 165951	LOUP CREEK	4.0	UNION CARBIDE COR
8140328		4701900163			108	W A RHODES #1 - 155800	LOUP CREEK	16.0	UNION CARBIDE COR
-BEREA OIL AND GAS CORPORATION						RECEIVED: 07/06/81 JA: WV			
*8140237		4700121386			102-3	R J HESSE #1	VALLEY	17.5	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION						RECEIVED: 07/07/81 JA: WV			
*8140407		4700121250			103	A J GRIFFITH #1	VALLEY	19.0	CONSOLIDATED GAS
*8140373		4700121215			103	C BOOTH #1	BARKER	8.8	CONSOLIDATED GAS
*8140374		4700121223			103	D OBRIEN #1	BARKER	13.8	CONSOLIDATED GAS
*8140406		4700121346			103	DEAN #1	VALLEY	19.5	CONSOLIDATED GAS
*8140376		4700121234			103	DENNIS MCLEAN #1	BARKER	4.8	CONSOLIDATED GAS
*8140405		4700121382			103	FOSTER-SHOMO #1	VALLEY	15.1	CONSOLIDATED GAS
*8140372		4700101213			103	J BILLER #1	VALLEY	7.0	CONSOLIDATED GAS
*8140378		4700121281			103	K T EVANS #1	BARKER	4.8	CONSOLIDATED GAS
*8140375		4700121224			103	P THORNE #1	VALLEY	11.8	CONSOLIDATED GAS
*8140404		4700121386			103	R J HESSE #1	VALLEY	17.5	CONSOLIDATED GAS
*8140371		4700121211			103	RALPH GUATTRO #1	BARKER	16.0	CONSOLIDATED GAS
*8140377		4700121237			103	ROBERT H POE #1	VALLEY	4.8	CONSOLIDATED GAS
*8140369		4700121197			103	TALBOTT LUMBER CO #1	VALLEY	16.0	CONSOLIDATED GAS
*8140370		4700121204			103	W T GEORGE #1	VALLEY	11.6	CONSOLIDATED GAS
-BLUE CREEK GAS COMPANY						RECEIVED: 07/07/81 JA: WV			
8140332		4701501616			108	O D STOCKLEY #4	HENRY	12.0	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP						RECEIVED: 07/06/81 JA: WV			
8140312		4702103661			103	NO 1 J HUGH JOHN	ROSEDALE	20.0	CONSOLIDATED GAS
-CARSON PETROLEUM CORP						RECEIVED: 07/06/81 JA: WV			
8140245		4704122947			103	L L D PETERS #1A	INDIAN FORK	0.0	CONSOLIDATED GAS
8140246		4702123686			103	PARKERSBURG NATIONAL BANK #1	INDIAN FORK	20.0	CONSOLIDATED GAS
-CITIES SERVICE COMPANY						RECEIVED: 07/06/81 JA: WV			
8140301		4704700838			103	CHEMICAL BANK A #1	BRADSHAW	72.0	
8140266		4704700837			103	CHEMICAL BANK A #2	BRADSHAW	21.6	
8140264		4704700841			103	LOPIN A #1	BRADSHAW	0.0	CONSOLIDATED GAS
8140263		4704700638			103	POLON A #1	BRADSHAW	45.0	CONSOLIDATED GAS
8140265		4704700814			103	POLON A #2	BRADSHAW	0.0	CONSOLIDATED GAS
-DEVON CORPORATION						RECEIVED: 07/07/81 JA: WV			
8140423		4705300236			103	KEM #43 LEONA TEETS	PARCHMENT	22.0	KAISER ALUMINUM &
-DORAN & ASSOCIATES INC						RECEIVED: 07/06/81 JA: WV			
8140250		4703322276			103	A B LOWTHER #2 KL264	TENMILE	30.0	CONSOLIDATED GAS
8140283		4701722482			103	H WEST #1 KL275	GREENBRIER	30.0	CONSOLIDATED GAS
8140286		4703322060			103	J BRENNAN #1 KL258	CLAY	30.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140321		4703322011		108		M JACKSON-M ROGERS #3 KT4	SARDIS	20.0	CARNEGIE NATURAL
8140268		4701722492		103		R PECK #2 KL265	GREENBRIER	30.0	CONSOLIDATED GAS
8140284		4704122866		103		V REXROAD #3 KL176	FREEMANS CREEK	30.0	CONSOLIDATED GAS
-ENERGY UNLIMITED INC				RECEIVED: 07/07/81 JA: WV					
8140335		4710720932		103		HAROLD MARSHALL #1	UNION	2.0	CONSOLIDATED GAS
8140379		4710720986		103		JACK WILCOXEN #3	UNION	2.0	CONSOLIDATED GAS
8140334		4707320831		103		ROBERT MATTINGLY #1	GRANT	2.0	CONSOLIDATED GAS
-ENHANCED OIL RECOVERY INC				RECEIVED: 07/06/81 JA: WV					
8140285		4704102949		103		MITCHELL #2	HACKERS CREEK	36.0	CONSOLIDATED GAS
8140271		4704102950		103		SMITH #1	HACKERS CREEK	36.0	CONSOLIDATED GAS
-FMF OIL & GAS PROPERTIES				RECEIVED: 07/06/81 JA: WV					
8140313		4700101098		108		DURRETT #2	ELLAMORE QUAD VALLEY DIS	0.0	PARTNERSHIP PROPE
8140290		4700101096		108		REGISTER #3	ELLAMORE QUAD VALLEY DIS	0.0	PARTNERSHIP PROPE
-FOX DRILLING CO INC				RECEIVED: 07/07/81 JA: WV					
8140388		4700101132		108		C POE #1A	BELINGTON FIELD	2.0	COLUMBIA GAS TRAN
8140389		4700101133		108		C POE #1B	BELINGTON FIELD	2.0	COLUMBIA GAS TRAN
8140385		4700101104		108		MCCAULEY #1	BELINGTON FIELD	8.0	COLUMBIA GAS TRAN
8140387		4700101124		108		MULSON #1	BELINGTON FIELD	2.0	COLUMBIA GAS TRAN
8140392		4700101147		108		MYERS #1	BELINGTON FIELD	5.0	COLUMBIA GAS TRAN
8140390		4700101134		108		STURM #1A	BELINGTON FIELD	1.0	COLUMBIA GAS TRAN
8140391		4700101135		108		STURM #1B	BELINGTON FIELD	1.5	COLUMBIA GAS TRAN
8140384		4700101082		108		T POE #1	BELINGTON FIELD	4.0	COLUMBIA GAS TRAN
8140386		4700101121		108		TALBOTT #2	BELINGTON FIELD	4.0	COLUMBIA GAS TRAN
-FRANKLIN ADKINS				RECEIVED: 07/06/81 JA: WV					
8140276		4704321816		107-DP		PARSONS 1 B	SHERIDAN DISTRICT	7.2	COLUMBIA GAS TRAN
8140275		4704321835		107-DV		PARSONS 1 C	SHERIDAN DISTRICT	7.2	COLUMBIA GAS TRAN
8140273		4704321834		107-DV		PARSONS 1 D	SHERIDAN DISTRICT	7.2	COLUMBIA GAS TRAN
8140272		4704321815		107-DV		PARSONS 1-A	SHERIDAN DISTRICT	5.0	COLUMBIA GAS TRAN
8140274		4709921670		107-DV		PORTER #1 B	LINCOLN	7.2	COLUMBIA GAS TRAN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 07/07/81 JA: WV					
*8140380		4700120624		108		G RINEHART #1	VALLEY DISTRICT	15.5	CONSOLIDATED GAS
*8140381		4700120815		108		W HARPER #1	VALLEY DISTRICT	19.8	CONSOLIDATED GAS
-GULF OIL CORPORATION				RECEIVED: 07/06/81 JA: WV					
8140318		4702101042		108		KELLER #2	VADIS	0.3	EQUITABLE GAS CO
8140317		4702100385		108		KELLER #3	VADIS	0.3	EQUITABLE GAS CO
8140292		4702100405		108		KELLER #4	VADIS	0.3	EQUITABLE GAS CO
-INTERSTATE DRILLING INC				RECEIVED: 07/06/81 JA: WV					
8140322		4704102549		108		BUTCHER #4	CAMDEN	8.0	CONSOLIDATED GAS
8140319		4704102518		108		CASEY #2	CAMDEN	3.6	CONSOLIDATED GAS
8140320		4702103392		108		COPELAND #1	BURNTHOUSE	11.0	CONSOLIDATED GAS
8140288		4704102941		103		FISHER #1		18.0	CONSOLIDATED GAS
8140270		4704102940		103		MERTZ #3		16.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED: 07/06/81 JA: WV					
8140280		4704102745		103		B-273	COURTHOUSE	200.0	CONSOLIDATED GAS
8140256		4700101182		103		B-290	PLEASANT	200.0	CONSOLIDATED GAS
8140261		4709702016		103		B-298	UNION	200.0	CONSOLIDATED GAS
8140262		4709702031		103		B-300	UNION	200.0	CONSOLIDATED GAS
8140310		4703302266		103		B-328	TENMILE	200.0	CONSOLIDATED GAS
8140291		4701702836		103		J-148	COVE	200.0	CONSOLIDATED GAS
8140233		4701702814		103		J-17	CENTRAL	200.0	CONSOLIDATED GAS
8140269		4701702856		103		J-286	WEST UNION	200.0	COLUMBIA GAS TRAN
8140267		4700101448		103		J-331	VALLEY	200.0	CONSOLIDATED GAS
8140287		4701702842		103		J-334	GREENBRIER	200.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140277		4700101424		103		J-364	VALLEY	200.0	COLUMBIA GAS TRAN
8140282		4701702748		103		J-369	GREENBRIER	200.0	CONSOLIDATED GAS
8140234		4702103710		103		J-375	DEKALB	200.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED: 07/07/81 JA: WV					
8140399		4701702858		103		DAN LOUCHERY S-326	GREENBRIER	44.0	CONSOLIDATED GAS
8140330		4703302478		103		DUANE SOUTHERN S-322	SARDIS	40.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				RECEIVED: 07/06/81 JA: WV					
8140300		4700101366		103		BILLER #2	BILINGTON	0.0	COLUMBIA GAS TRAN
8140232		4703302453		103		CHILDERS #1	BIG ISAAC	0.0	CONSOLIDATED GAS
8140231		4703302395		103		CLEEB #1	GLADE RUN	0.0	
8140255		4703302397		103		CLEEB #2	GLADE RUN	0.0	
8140296		4703302428		103		DAWSON #2	GLADE RUN	0.0	
8140295		4703302344		103		GOODWIN #1	GLADE RUN	0.0	
8140297		4703302396		103		GOODWIN A #1	GLADE RUN	0.0	
8140299		4700101430		103		HARRIS B #2	BELINGTON	0.0	COLUMBIA GAS TRAN
8140298		4700101297		103		KELLEY A #1	BELINGTON	0.0	COLUMBIA GAS TRAN
8140293		4709702094		103		KOON-HUBER #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRAN
8140253		4708300364		103		LEWIS #2	ELLAMORE	0.0	COLUMBIA GAS TRAN
8140254		4708300363		103		LEWIS A #1	ELLAMORE	0.0	COLUMBIA GAS TRAN
8140252		4709702158		103		MUSCARI #1	ABBOTT - FRENCH CREEK	0.0	COLUMBIA GAS TRAN
8140294		4703302487		103		RYMER #1	BIG ISAAC	0.0	CONSOLIDATED GAS
8140289		4703302450		103		WILSON #2	BIG ISAAC	0.0	CONSOLIDATED GAS
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 07/06/81 JA: WV					
8140239		4708504664		103		ALBERT KEHRER #1	WHITE OAK CREEK	28.0	CONSOLIDATED GAS
8140243		4700101118		103		ANN MURPHY #1	CLEMTOWN	122.0	CONSOLIDATED GAS
8140247		4703302287		103		ANNA GLOVER #1	FLAG RUN	26.0	CONSOLIDATED GAS
8140251		4700101159		103		BETTY CHAPMAN HARRIS #1A	TAYLOR DRAINER	86.0	CONSOLIDATED GAS
8140249		4703302256		103		EZRA GAWTHROP #1	WOLF SUMMIT	37.0	CONSOLIDATED GAS
8140241		4700101099		103		HADDIX-CHESSAR-LEACH #1	CLEMTOWN	57.0	CONSOLIDATED GAS
8140240		4700100978		103		I STURM #1	CLEMTOWN	37.0	CONSOLIDATED GAS
8140244		4700100988		103		LOAR - LAULIS #1	CLEMTOWN	25.0	PETROLEUM DEVELOP
8140242		4700101123		103		MAYLE-THOMPSON #1	CLEMTOWN	6.0	CONSOLIDATED GAS
8140248		4700101089		103		RYAN-ROBINSON #1	CLEMTOWN	14.0	CONSOLIDATED GAS
8140302		4706100589		103		W O BARB #1	STEWARTS RUN	34.0	CONSOLIDATED GAS
-RSA CORP				RECEIVED: 07/07/81 JA: WV					
8140331		4700501030		108		ROY JARRELL NR #109	CROOK DISTRICT	20.0	CONSOLIDATED GAS
8140355		4704500908		108		W B MCDONALD #4-SER NR #102	GUYAN DISTRICT	5.0	INDUSTRIAL GAS CO
-SANTA FE DRILLING CORP				RECEIVED: 07/06/81 JA: WV					
8140236		4708504964		103		JIM SHEETS #1	UNION DISTRICT	6.0	CARNEGIE NATURAL
-SENECA-UPSHUR PETROLEUM CO				RECEIVED: 07/06/81 JA: WV					
8140309		4709722164		103		GENO J MONTI #2	BANKS	20.0	COLUMBIA GAS
-SOUTHEASTERN GAS COMPANY				RECEIVED: 07/06/81 JA: WV					
8140323		4704300000		108		LINCOLN LAND & MINERALS #Q-38	WASHINGTON	1.7	INDUSTRIAL GAS CO
8140324		4704300287		108		LINCOLN LAND & MINERALS #Q-39	WASHINGTON	15.8	INDUSTRIAL GAS CO
8140325		4704300320		108		LINCOLN LAND & MINERALS #Q-40	WASHINGTON	16.1	INDUSTRIAL GAS CO
-SPARTAN GAS COMPANY				RECEIVED: 07/06/81 JA: WV					
8140257		4701100675		103		LLOYD DAVIS 1-S-212	GRANT DISTRICT	0.0	COLUMBIA GAS TRAN
8140260		4701100675		107-DV		LLOYD DAVIS 1-S-212	GRANT DISTRICT	4.0	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED: 07/06/81 JA: WV					
8140307		4708103361		103		BRANNON #158	GEARY DISTRICT	5.7	COLUMBIA GAS TRAN
8140308		4708703345		103		DRAKE #166	GEARY DISTRICT	8.0	COLUMBIA GAS TRAN
8140258		4701501830		103		MULLINS #305	BUFFALO DISTRICT	9.4	
8140314		4701501303		108		THE PITTSTON #1 SDP #51	BUFFALO DISTRICT	0.0	EQUITABLE GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-STERLING DRILLING AND PROD CO INC				RECEIVED: 07/07/81		JA: WV			
8140400		4701501872		103		MULLINS #306	BUFFALO DISTRICT	42.4	
8140402		4701501828		103		MULLINS #307	BUFFALO DISTRICT	21.1	
8140401		4701501829		103		MULLINS #308	BUFFALO DISTRICT	69.3	
8140329		4708703351		103		ODELL #348	GEARY DISTRICT	21.6	PENDING - COLUMBI
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 07/07/81		JA: WV			
8140337		4706700346		108		J M BLANTON #1	TWENTY MILE CREEK	18.0	CABOT CORP
8140344		4706700352		108		J M BLANTON #2	TWENTY MILE CREEK	9.0	CABOT CORP
8140403		4708701558		103		ROBERT BERRY #2	SALT LICK	73.0	COLUMBIA GAS TRAN
-THOMAS J FLUHARTY				RECEIVED: 07/06/81		JA: WV			
8140315		4701702987		108		H I RIFFEE #1	MCCLELLAN	1.2	PENNZOIL CO
8140316		4701702988		108		H I RIFFEE #2	MCCLELLAN	1.2	PENNZOIL CO
-UPLAND RESOURCES INC				RECEIVED: 07/07/81		JA: WV			
8140366		4705700030		102-2		DIROCCO NO 2	HEADSVILLE FIELD	7.2	
8140367		4705700028		102-2		EDMUNDS	HEADSVILLE FIELD	76.5	
8140348		4705700024		102-2		GILLASPIE	HEADSVILLE FIELD	14.4	
8140350		4705700018		102-2		HESSE NO 2	HEADSVILLE FIELD	5.4	
8140364		4705700038		102-2		KUYKENDALL NO 1	HEADSVILLE FIELD	37.8	
8140363		4705700039		102-2		KUYKENDALL NO 2	HEADSVILLE FIELD	23.4	
8140396		4705700041		102-2		LEONARD NO 1	HEADSVILLE FIELD	7.0	
8140349		4705700020		102-2		RODEHEAVER	HEADSVILLE FIELD	31.5	
8140395		4705700043		102-2		SHREVE NO 1	HEADSVILLE FIELD	40.0	
8140365		4705700034		102-2		SMITH NO 4	HEADSVILLE FIELD	7.2	
8140351		4705700035		102-2		SMITH NO 5	HEADSVILLE FIELD	10.8	

OTHER PURCHASERS VOLUME AC :478

8140237	BROOKLYN UNION GAS
8140369	BROOKLYN UNION GAS
8140370	BROOKLYN UNION GAS
8140371	BROOKLYN UNION GAS
8140372	BROOKLYN UNION GAS
8140373	BROOKLYN UNION GAS CO
8140374	BROOKLYN UNION GAS
8140375	BROOKLYN UNION GAS
8140376	BROOKLYN UNION GAS CO
8140377	BROOKLYN UNION GAS
8140378	BROOKLYN UNION GAS
8140380	BROOKLYN UNION GAS CO
8140381	BROOKLYN UNION GAS CO
8140404	BROOKLYN UNION GAS CORP
8140405	BROOKLYN UNION GAS
8140406	BROOKLYN UNION GAS
8140407	BROOKLYN UNION GAS

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23041 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 31, 1981.

JD	JA	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
						NEW MEXICO DEPARTMENT OF ENERGY & MINERALS			
-SOUTHLAND ROYALTY CO						RECEIVED: 07/06/81 JA: NM			
8140576		3001522747		102-4		STATE 14 COM #1	TURKEY TRACK	150.0	LLANO INC
						OKLAHOMA CORPORATION COMMISSION			
-AMOCO PRODUCTION CO						RECEIVED: 07/07/81 JA: OK			
8140593	09650	3515321125		103		STEVENS UNIT NO 3	WEST SHARON	332.0	INTERNORTH INC
-AMOCO PRODUCTION CO						RECEIVED: 07/08/81 JA: OK			
8140664	09565	3504321054		103		BART WOODS UNIT NO 1 (MORROW)	PUTNAM	12.0	MOBIL OIL CORP
8140663	09566	3504321054		103		BART WOODS UNIT NO 1 (RED FORK)	PUTNAM	13.0	MOBIL OIL CORP
-AN-SON CORPORATION						RECEIVED: 07/07/81 JA: OK			
8140603	07747	3501100000		103		ICE A #1	W WATONGA	27.7	MUSTANG FUEL CORP
8140580	07749	3507321963		103		LEFLER #1	N CKARCHE (FIELD) MISSIS	0.7	DELHI GAS PIPE LI
-ANADARKO PRODUCTION COMPANY						RECEIVED: 07/07/81 JA: OK			
8140588	10145	3515321107		102-2		WYMAN A NO 1-33	MUTUAL PROSPECT	1989.0	PANHANDLE EASTERN
-ANADARKO PRODUCTION COMPANY						RECEIVED: 07/08/81 JA: OK			
8140656	09944	3500320783		102-4		BLACKLEDGE B 1-29	LAMBERT	180.0	PIONEER GAS PRODU
8140638	9715	3500320782		103		TUCKER D-1	S E LAMBERT	100.0	PIONEER GAS PRODU
-ANDOVER OIL COMPANY						RECEIVED: 07/07/81 JA: OK			
8140613	09962	3501721792		102-2		BOMHOFF #20-1		165.0	DELHI GAS PIPELIN
8140613	09962	3501721792		103		BOMHOFF #20-1		165.0	DELHI GAS PIPELIN
8140598	10180	3501721748		102-2		BURNETT #27-1		135.0	DELHI GAS PIPELIN
8140598	10180	3501721748		103		BURNETT #27-1		135.0	DELHI GAS PIPELIN
8140587	10183	3501721764		102-2		COOKSEY #10-2		175.0	DELHI GAS PIPELIN
8140587	10183	3501721764		103		COOKSEY #10-2		175.0	DELHI GAS PIPELIN
8140591	10209	3501721823		102-2		EVANS #12-3		125.0	DELHI GAS PIPELIN
8140591	10209	3501721823		103		EVANS #12-3		125.0	DELHI GAS PIPELIN
8140599	09649	3501721742		103		GLOBE LIFE #34-7		400.0	DELHI GAS PIPELIN
8140595	09601	3501121513		103		HEFFEL #32-1		100.0	PHILLIPS PETROLEU
8140578	08532	3501721635		103		HUNT #32-3		185.0	DELHI GAS PIPELIN
8140614	09963	3501721662		102-2		TRIBAL #19-1		180.0	DELHI GAS PIPELIN
8140614	09963	3501721662		103		TRIBAL #19-1		180.0	DELHI GAS PIPELIN
8140586	08065	3512500000		103		WASHBURN #32-1		90.0	PUBLIC SERVICE CO
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/07/81 JA: OK			
8140581	09753	3504722361		102-4		HAROLD R WILLIAMS NO 1	SOUTH DOUGLAS	0.0	
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/08/81 JA: OK			
8140641	09463	3508720510		103		LINDSAY DEESE UNIT NO 3-2	GOLDEN TREND	14.6	WARREN PETROLEUM
8140643	09461	3505120904		103		LUCY KERN UNIT NO 1	NE VERDEN	183.0	ARKANSAS LOUISIAN
*8140642	09462	3506120295		103		SNOW UNIT (ARCO) NO 2	KIATA	36.5	PUBLIC SERVICE CO
-BERRY PETROLEUM CORP						RECEIVED: 07/08/81 JA: OK			
8140623	09371	3507322735		103		NICE #6-1	SCOKER TREND	150.0	PHILLIPS PETROLEU

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JC NO	JA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BOGERT OIL CO				RECEIVED: 07/08/81 JA: OK			
8140662	07831	3507322543	103	LAYTON #2-27	SOONER TREND	90.0	CONOCO INC
-BUNKER EXPLORATION CO				RECEIVED: 07/08/81 JA: OK			
8140630	09470	3505120933	102-2	J J JORDAN 1-24	KNOX A	0.0	ARKLA EXPLORATION
-CENTRAL CALIFORNIA OIL CO				RECEIVED: 07/08/81 JA: OK			
8140660	08034	3511122219	103	MCKAN #2	WEST BALD HILLS	6.7	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 07/07/81 JA: OK			
8140596	09608	3504722023	103	FRANK BIRD A NO 4	N E ENID	20.0	CHAMPLIN PETROLEU
-CITIES SERVICE COMPANY				RECEIVED: 07/08/81 JA: OK			
8140672	06566	3502500000	108-ER	BRADSHAW A #1	KEYES	10.0	COLORADO INTERSTA
8140620	09278	3500700000	108-ER	MILES L #1		0.0	COLORADO INTERSTA
-CLARK RESOURCES INC				RECEIVED: 07/08/81 JA: OK			
8140619	09274	3507322217	102-4	MARCUS 6-1 (MISSISSIPPI)	SOONER TREND	297.5	CITIES SERVICE GA
-COBRA OIL AND GAS CORPORATION				RECEIVED: 07/08/81 JA: OK			
8140666	07579	3505920917	102-4	NIGHSWONGER 4 #1		146.0	NORTHERN NATURAL
8140666	07579	3505920917	103	NIGHSWONGER 4 #1		146.0	NORTHERN NATURAL
-CONOCO INC				RECEIVED: 07/07/81 JA: OK			
8140602	09781	3500920349	102-2	GOLDEN NO 1	E CARTER	712.0	
-COTTON PETROLEUM CORPORATION				RECEIVED: 07/07/81 JA: OK			
8140615	09868	3501520857	102-4	HAMILTON NO 1	S W HINTON	300.0	TRANSOK PIPE LINE
-CUR-RIC PETROLEUM & GAS CO				RECEIVED: 07/08/81 JA: OK			
8140622	09347	3510120776	103	ODOM #2-14	HASKELL	36.0	PHILLIPS PETROLEU
-DOME PETROLEUM CORP				RECEIVED: 07/07/81 JA: OK			
8140595	10121	3512920469	102-2	ADAMS-ASHLEY #1	S W LEEDY	1681.9	
-DYCO PETROLEUM CORPORATION				RECEIVED: 07/08/81 JA: OK			
8140670	09573	3501520934	103	BESSIE NOVY #1-29	BESSIE NOVY #1-29	175.0	PIONEER TRANSMISS
-ECC OIL CO				RECEIVED: 07/07/81 JA: OK			
8140606	09605	3514721732	103	HOLDEN #2 SE/4 SE/4 SE/4 30-25N-14E	OGLESBY GAS FIELD	22.7	OKAN GAS CO
-EDINGER INC				RECEIVED: 07/08/81 JA: OK			
8140669	9659	3500320774	103	SNIDER #1	RINGWOOD	36.0	PANHANDLE EASTERN
-ESTORIL PRODUCING CORP				RECEIVED: 07/07/81 JA: OK			
8140610	09639	3512520954	103	SHEARER NO 1 (NOW HENRY NO 1)	NE TECUMSEH	35.0	PUBLIC SERVICE CO
-FERGUSON OIL & GAS COMPANY INC				RECEIVED: 07/07/81 JA: OK			
8140612	09712	3509322036	103	NIGHTENGALE NO 4	FAIRVIEW	300.0	PHILLIPS PETROLEU
-GRACE PETROLEUM CORPORATION				RECEIVED: 07/08/81 JA: OK			
8140617	09172	3512920515	103	TRACY 2-32	WEST CHEYENNE	0.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED: 07/08/81 JA: OK			
8140633	09483	3501520959	103	J R EPPERLY #1-24	LIBBIE	57.0	
8140632	09481	3507322619	103	REMPE NO 1-7	ALTONA	60.0	
-HADSON OHIO OIL COMPANY				RECEIVED: 07/08/81 JA: OK			
8140645	09454	3506120377	103	SEABOLT #1-22	KINTA	100.0	
-HOME PETROLEUM CORPORATION				RECEIVED: 07/07/81 JA: OK			
8140579	07853	3500721804	103	BOCKELMAN 1-1	MOCANE-LAVERNE	270.0	NORTHERN NATURAL
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 07/08/81 JA: OK			
8140648	10108	3501520918	102-2	COFFEEN #1	WILDCAT	444.0	
-HUNTON OIL & GAS CORP				RECEIVED: 07/08/81 JA: OK			
8140640	09468	3508100000	103	PAUL #1	N E TRYON	0.0	SUN PRODUCTION CO
-J W ALBRITTON				RECEIVED: 07/07/81 JA: OK			
8140590	10140	3512320393	102-2	KIRKPATRICK FOUNDATION #1	SOUTH ALLEN	54.8	ARKANSAS LOUISIAN
-JOHN C OXLEY				RECEIVED: 07/08/81 JA: OK			
8140634	09694	3512120728	103	ELLEN BROWN NO 1	FEATHERSTON	362.0	SOUTHEAST TRANSMI
-JONES & PELLOW OIL CO				RECEIVED: 07/08/81 JA: OK			
8140631	09352	3504700000	10P	ORCHARD HILL	E ENID	8.0	CHAMPLIN PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
-KETAL OIL PRODUCING CO						RECEIVED: 07/07/81 JA: OK
8140609	09624	3504722359		103		ALICE NO 3
8140608	09623	3503722875		103		JANEWAY NO 1
-L G WILLIAMS OIL COMPANY INC						RECEIVED: 07/08/81 JA: OK
8140647	09972	3501721630		102-2		ADDISON NO 15-1
-LINCOLN ROCK CORP						RECEIVED: 07/07/81 JA: OK
8140592	09994	3508520410		102-4		LAHOMA #2
-LINCOLN ROCK CORP						RECEIVED: 07/08/81 JA: OK
8140652	09996	3508520415		102-4		TRAVIS #3
8140644	09995	3508520414		102-4		VIOLA #6
-MACKELLAR INC						RECEIVED: 07/08/81 JA: OK
8140629	09597	3507322714		103		ELMER #1
-MAGIC CIRCLE ENERGY CORP						RECEIVED: 07/08/81 JA: OK
8140667	09576	3515121099		103		SIMMONS UNIT #1
-MARK GANER OIL & GAS						RECEIVED: 07/07/81 JA: OK
8140584		3507122023		108		ORR #2
8140585		3507122032		108		ORR #3
-MARLIN OIL CORPORATION						RECEIVED: 07/08/81 JA: OK
8140635	7717	3500721767		103		NO 1 SHEPHERD
-MAY PETROLEUM INC						RECEIVED: 07/08/81 JA: OK
8140657	09975	3501721752		102-4		KERR-MCGEE CORP #1
8140657	09975	3501721752		103		KERR-MCGEE CORP #1
-NATOMAS NORTH AMERICA INC						RECEIVED: 07/07/81 JA: OK
8140605	10023	3504365571		102-2		STAMBAUGH NO 1-5
-NIXON-DAVIS ENERGY CO INC						RECEIVED: 07/08/81 JA: OK
8140628	09671	3508300000		103		RUSSELL NO 1
8140627	09670	3508300000		103		SANDERS #1
-OUACHITA EXPLORATION INC						RECEIVED: 07/08/81 JA: OK
8140661	09494	3505100000		103		NORTHWOODS #2
-PERKINS PRODUCTION CO						RECEIVED: 07/08/81 JA: OK
8140624	09389	3504921370		103		BRINLEY NO 1
-PHILLIPS OIL OPERATING CO						RECEIVED: 07/07/81 JA: OK
8140604	09846	3508121245		102-2		POORE NO 1
8140604	09846	3508121245		103		POORE NO 1
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 07/08/81 JA: OK
8140651	09674	3501721831		103		ZUM MALLEN F #1
-RICHARDSON CONSTRUCTION						RECEIVED: 07/08/81 JA: OK
8140636	07615	3511122347		103		STAUFFACHER B2
-RICK BUCK						RECEIVED: 07/07/81 JA: OK
8140594	09686	3501721745		102-4		CAROL DIANE NO 1
8140594	09686	3501721745		103		CAROL DIANE NO 1
-RICKS EXPLORATION CO						RECEIVED: 07/07/81 JA: OK
8140577	08592	3506120353		102-4		OWENS 22A
8140577	08592	3506120353		103		OWENS 22A
-RICKS EXPLORATION CO						RECEIVED: 07/08/81 JA: OK
8140650	10021	3507322494		102-3		STROUD 33A
-S K TUTHILL & B J BARBEE						RECEIVED: 07/07/81 JA: OK
8140582	09988	3515121054		102-2		WILBUR W MADDOX NO 1-27
-SAMEDAN OIL CORPORATION						RECEIVED: 07/08/81 JA: OK
8140621	09288	3501721657		102-2		KROUTIL NO 1
-SAMSON RESOURCES COMPANY						RECEIVED: 07/07/81 JA: OK
*8140616	09830	3501520631		102-4		VANCE NO 1
-SELLERS & SELLERS						RECEIVED: 07/08/81 JA: OK

FIELD NAME	PROD	PURCHASER
NE ELKHORN	0.6	AMINOIL USA INC
VANDERSLICE	0.5	
NORTH RICHLAND	404.0	PHILLIPS PETROLEU
NORTHEAST MARIETTA	5.0	CIMARRON TRANSMIS
NORTHEAST MARIETTA	5.0	CIMARRON TRANSMIS
NORTHEAST MARIETTA	5.0	CIMARRON TRANSMIS
SOONER TREND	0.0	CITIES SERVICE GA
W ALINE	186.0	OKLAHOMA NATURAL
NORTH DILWORTH FIELD	11.0	EUFUALA ENTERPRIS
NORTH DILWORTH FIELD	11.0	EUFUALA ENTERPRIS
N FOLLETT	150.0	NORTHERN NATURAL
SOUTH YUKON	73.0	
SOUTH YUKON	73.0	
FONCA	0.0	PHILLIPS PETROLEU
WEST MULHALL	0.0	EASON OIL CO
WEST MULHALL	50.0	EASON OIL CO
CHICKASHA GAS FIELD	60.0	ARKANSAS-LOUISIAN
WEST WHITEBEAD	12.0	WARREN PETROLEUM
SOUTHWEST PRAIRIE GEM	274.0	
SOUTHWEST PRAIRIE GEM	274.0	
N CONCHO	0.0	
SCHULTER	0.0	PHILLIPS PETROLEU
NORTH EAST PIEDMONT	0.0	OKLAHOMA NATURAL
NORTH EAST PIEDMONT	0.0	OKLAHOMA NATURAL
KINTA	240.0	DELHI GAS PIPELIN
KINTA	240.0	DELHI GAS PIPELIN
WEST CHARCHE	527.0	PHILLIPS PETROLEU
NORTHEAST FARRY	292.0	PANHANDLE ESTERN
	220.0	DELHI GAS PIPELIN
SOUTH COGAR	1000.0	PUBLIC SERVICE CO

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140626	09651	3511122342		103		FOREST NO 1 WELL	PHILLIPSVILLE	4.5	PHILLIPS PETROLEU
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED: 07/08/81 JA: OK					
8140668	09570	3510321002		103		HONEYWELL #1	POLO	0.0	ARCO OIL & GAS CO
8140625	09654	3510321121		103		HVOLBOLL #3	POLO	0.0	ARCO OIL & GAS CO
				RECEIVED: 07/08/81 JA: OK					
-STRUTHER OIL & GAS CO								0.0	SUN OIL CO
8140618	09259	3505320512		103		CORMACK #1			
				RECEIVED: 07/07/81 JA: OK					
-SUMMIT ENERGY INC								36.5	COLORADO GAS COMP
8140600	10029	3511921255		102-4		AUFLEGER NO 1-30		36.5	COLORADO GAS COMP
8140600	10029	3511921255		103		AUFLEGER NO 1-30		36.5	COLORADO GAS COMP
8140601	10030	3511921289		102-4		AUFLEGER NO 2-30		36.5	COLORADO GAS COMP
8140601	10030	3511921289		103		AUFLEGER NO 2-30		36.5	COLORADO GAS COMP
8140583	10028	3511921360		102-4		AUFLEGER NO 3		36.5	COLORADO GAS COMP
8140583	10028	3511921360		103		AUFLEGER NO 3			
				RECEIVED: 07/08/81 JA: OK					
-SUN OIL COMPANY (DELAWARE)								14.0	EXXON CORP
8140637	7549	3507321777		108		LARSEN NO 2	DOVER-HENNESSEY	65.0	MOBIL OIL CORP
8140658	09084	3501822040		103		POLLOCK #10	SHO-VEL-TUM		
				RECEIVED: 07/07/81 JA: OK					
-SUPRON ENERGY CORPORATION								51.0	ARKANSAS-LOUISIAN
8140597	09610	3512120568		103		WOODS 1-10	HARTSHORNE		
				RECEIVED: 07/08/81 JA: OK					
-TENNECO OIL COMPANY								13.0	PUBLIC SERVICE CO
8140639	09716	3509320515		108		RUTH POLLOCK UNIT 1-28	RINGWOOD	387.0	NORTHERN NATURAL
8140646	10172	3515121040		102-4		SEELEY 1-34	LOVEDALE NW	6.0	PUBLIC SERVICE CO
8140649	09653	3507321076		108		YOST UNIT 1-29	ALPHA SOUTHEAST		
				RECEIVED: 07/07/81 JA: OK					
-THE GHK COMPANY								181.0	
8140607	09861	3503920365		102-2		1-22 DUNN	SOUTH CARPENTER		
				RECEIVED: 07/08/81 JA: OK					
-VISA EXPLORATION CORP								34.0	NORTHERN NATURAL
8140659	9084	3504520849		103		CADWELL #1-10	N E GRANDE		
				RECEIVED: 07/08/81 JA: OK					
-WALKER & WITHROW INC								274.0	CONOCO INC
8140665	09581	3501721842		103		K CLARK #27-1	YUKON		
				RECEIVED: 07/08/81 JA: OK					
-WESTERN WELLS CO								110.0	CRA INC
8140671	09568	3504700000		103		BONNETT #1	NORTH HUNTER		
				RECEIVED: 07/08/81 JA: OK					
-WILLIAM ZUHONE JR								18.3	EUFAULA ENTERPRIS
8140654	09656	3507121462		103		CHRISTENSEN #1		9.1	EUFAULA ENTERPRIS
8140655	09657	3507121180		103		MADRIGAL #1		0.0	EUFAULA ENTERPRIS
*8140653	09655	3507121657		103		SCHNEE #1			
				RECEIVED: 07/07/81 JA: OK					
-WILLIS EXPLORATION INC								75.6	MOBIL OIL CORP
8140611	09648	3501721698		103		SOUTHBOUND #2	NE MUSTANG		
**********									
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
**********									
				RECEIVED: 07/06/81 JA: NM 4					
-AAA OPERATING CO INC								75.0	EL PASO NATURAL G
8140523	NM-1129-80	3004523460		108		FEDERAL J NO 2	LARGO CHACRA		
				RECEIVED: 07/06/81 JA: NM 4					
-ALPHA TWENTY-ONE PRODUCTION CO								180.0	EL PASO NATURAL G
8140521	NM-1724-80	3002526726		103		EL PASO TOM FEDERAL NO 3	LANGLIE MATTIX (LOWER SE		
				RECEIVED: 07/06/81 JA: NM 4					
-AMOCO PRODUCTION CO								100.0	CONTINENTAL OIL C
8140553	NM-0653-81	3002527017		103		FEDERAL AW #1	WILDCAT WOLFCAMP	30.0	EL PASO NATURAL G
8140526	NM-1748-81	3004524427		103		GALLEGOS CANYON UNIT NO 184E	BASIN DAKOTA	30.0	EL PASO NATURAL G
8140556	NM-0658-81	3004524377		103		HEATH GAS COM G NO 1E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8140492	NM 0506-81	3003922455		103		JICARILLA APACHE 102 NO 10E	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8140564	NM 0509-81	3003922459		103		JICARILLA APACHE 102 NO 11E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8140493	NM 0505-81	3003922457		103		JICARILLA APACHE 102 NO 14E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8140490	NM 0508-81	3003922453		103		JICARILLA APACHE 102 NO 7E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8140491	NM 0507-81	3003922456		103		JICARILLA APACHE 102 NO 9E	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8140487	NM-0415-81-A	3004524149		103		STANOLIND GAS COM B NO 1 (GALLUP)	UNDESIGNATED GALLUP	114.0	EL PASO NATURAL G

JA NO	JA KT	API NO	T	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140488	NM-0415-81-B	3004524149			103	STANOLIND GAS COM B NO 1	UNDESIGNATED GREENHORN	45.0	EL PASO NATURAL G
-APOLLO OIL COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140558	NM 0718-81	3002500000			108	FEDERAL A #2	LANGLIE MATTIX	18.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140543	NM 0600-81	3004524216			103	KRAUSE WN FED 7E (DK)	BASIN DAKOTA (DK)	104.0	NORTHWEST PIPELIN
8140542	NM 0601-81	3004524486			103	KRAUSE WN FEDERAL 4E (DK)	BASIN DAKOTA (DK)	175.0	NORTHWEST PIPELIN
-CONOCO INC						RECEIVED: 07/06/81 JA: NM 4			
8140496	NM-0592-81	3003908134			108	AXI APACHE N NO 8	AXI APACHE AREA	13.1	GAS CO OF NEW MEX
8140486	NM-0593-81	3003920418			108	JICARILLA 22 NO 5	WEST LINDRETH	20.8	EL PASO NATURAL G
8140497	NM-0591-81	3002500684			108	MCA UNIT NO 132	BAISH-MALJAMAR-PEARSALL	0.6	TRANSWESTERN PIPE
-DEPCO INC						RECEIVED: 07/06/81 JA: NM 4			
8140547	NM-0583-81	3003922392			103	BURNS FEDERAL NO 2	BLANCO MESAVERDE	470.0	EL PASO NATURAL G
8140565	NM-0550-81	3000560524			108	MIDWEST FEDERAL #3	SAND RANCH	4.2	EL PASO NATURAL G
-DUGAN PRODUCTION CORP						RECEIVED: 07/06/81 JA: NM 4			
8140555	NM-0659-81	3004522969			108	FAF #4	WAW PICTURED CLIFFS	14.6	EL PASO NATURAL G
8140561	NM 0536-81	3004524229			103	LA LEE ANN #1	WAW FRUITLAND PICTURED C	20.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO						RECEIVED: 07/06/81 JA: NM 4			
8140513	NM-0668-81	3003921310			108	JICARILLA 119 N #7A	BLANCO - MESAVERDE	18.0	NORTHWEST PIPELIN
8140511	NM 0130-81	3003906711			108-PB	JICARILLA 119 N #9	TAPACITO - PICTURED CLIF	24.0	NORTHWEST PIPELIN
8140570	NM-0663-81	3003906226			108	JICARILLA 120 C #15	SOUTH BLANCO - PICTURED	18.0	NORTHWEST PIPELIN
8140569	NM-0664-81	3003921162			108	JICARILLA 123 C #20	BLANCO SOUTH - PICTURED	18.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140522	NM-1656-80	3003920262			108	CANYON LARGO UNIT #149	OTERO-CHACRA	15.0	EL PASO NATURAL G
8140539	NM-0633-81	3004510273			108	DAWSON #1	BLANCO-MESAVERDE	18.0	EL PASO NATURAL G
8140551	NM-0655-81	30045210P6			108	HARDIE #11	BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL G
8140568	NM 0541-81	3004523875			103	HOSTEEN NEZ BEGAY #1	BASIN DAKOTA	15.0	EL PASO NATURAL G
8140563	NM-0534-81	3004520837			108	HUERFANO UNIT #226	BASIN - DAKOTA GAS	17.0	EL PASO NATURAL G
8140572	NM 0542-81-A	3004523707			103	LACKEY A #1R	BLANCO MESAVERDE	180.0	EL PASO NATURAL G
8140573	NM 0542-81-B	3004523707			103	LACKEY A #1R	AZTEC PICTURED CLIFFS	35.0	EL PASO NATURAL G
8140528	NM-1807-80	3004521083			108	MUDGE #37	BLANCO - PICTURED CLIFFS	20.0	EL PASO NATURAL G
8140550	NM-0656-81	3003920659			108	RINCON UNIT #142	SOUTH BLANCO - PICTURED	21.0	EL PASO NATURAL G
8140560	NM-0698-81	3003907160			108	SAN JUAN 28-7 UNIT #104 MV & PC	BLANCO MESAVERDE & BLANC	16.0	EL PASO NATURAL G
8140494	NM-0434-81	3003907263			108	SAN JUAN 28-7 UNIT #11	BLANCO - MESAVERDE	20.0	EL PASO NATURAL G
8140514	NM-0667-81	3003920406			108	SAN JUAN 28-7 UNIT #160	LARGO - CHACRA	19.0	EL PASO NATURAL G
8140515	NM-0665-81	3003907124			108	SAN JUAN 28-7 UNIT #86 PC & MV	BLANCO MESAVERDE & BLANC	20.0	EL PASO NATURAL G
8140567	NM 0543-81	3004523790			103	SCHOEN #1R	BLANCO MESAVERDE	220.0	EL PASO NATURAL G
8140559	NM-0697-81	3004522073			108	SCOTT #16	BLANCO - PICTURED CLIFFS	15.0	EL PASO NATURAL G
-GENERAL OPERATING COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140548	NM-0584-81	3002526875			103	FLIP FEDERAL NO 1	QUEEN (PENROSE)	180.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140534	NM-0688-81	3004524848			103	FEDERAL 2W WELL NO 1E	BASIN DAKOTA	75.0	EL PASO NATURAL G
8140502	NM-0574-81	3002511922			103	GETTY RIGGS FEDERAL WELL NO 1	LANGLIE-MATTIX	5.5	EL PASO NATURAL G
-GULF OIL CORPORATION						RECEIVED: 07/06/81 JA: NM 4			
8140535	NM-0680-81	3004524584			103	FULLERTON FEDERAL COM WELL NO 12	WEST KUTZ PICTURED CLIFF	0.0	EL PASO NATURAL G
-HIXON DEVELOPMENT COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140529	NM-1486-80	3004524045			108	HIXON FEDERAL WELL NO 1-R	WAW-FRUITLAND-PC	3.0	EL PASO NATURAL G
-HNG OIL COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140527	NM-0022-81-1	3002526717			103	WILSON 9 FEDERAL #6	SIOUX TANSILL YATES	14.6	EL PASO NATURAL G
-J GREGORY MERRION&ROBERT L BAYLESS						RECEIVED: 07/06/81 JA: NM 4			
8140538	NM-0643-81	3004523691			108	CHACO #2-R	WAW FRUITLAND/PICTURED C	20.0	SOUTHERN UNION EX
8140545	NM-0644-81	3004522411			108	CHACO #5	WAW FRUITLAND/PICTURED C	12.0	EL PASO NATURAL G
-LIVELY EXPLORATION COMPANY						RECEIVED: 07/06/81 JA: NM 4			
8140554	NM 0651-81	3004524455			103	LIVELY NO 17-E	BASIN DAKOTA	111.0	EL PASO NATURAL G

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JD CC	JD AI	API NO	FEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140544	NM 0650-81	3004524581	103	LIVELY NO 1P-E	BASIN DAKOTA	111.0	EL PASO NATURAL G
-MARATHON OIL COMPANY			RECEIVED: 07/06/81 JA: NM 4				
8140529	NM 0211-81	3001523315	103	FEDERAL 18D GAS COM WELL NO 2	INDIAN BASIN (UPPER PENN	300.0	NATURAL GAS PIPEL
-MESA PETROLEUM			RECEIVED: 07/06/81 JA: NM 4				
8140512	NM-0001-81A	3003900000	108	BUTTRAM FEDERAL #2	SOUTH BLANCO PICTURED CL	20.0	EL PASO NATURAL G
8140531	NM-0672-81	3003922548	103	SOUTH BLANCO NAVAJO 8 #1	LYBROOK GALLUP EXT	35.0	GAS CO OF NEW MEX
8140546	NM-0585-81	3003922560	103	SOUTH BLANCO 6 #4	LYBROOK GALLUP EXT	18.0	GAS CO OF NEW MEX
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 07/06/81 JA: NM 4				
8140540	NM-2695-81	3003922551	103	LINLRITH B UNIT NO 13	CHACON-DAKOTA ASSOCIATED	146.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 07/06/81 JA: NM 4				
8140520	NM-0772-80	3003921113	108	JACARILLA 93 #10	TAPACITO PICTURED CLIFFS	24.0	NORTHWEST PIPELIN
8140504	NM 0564-79	3003922539	103	ROSA UNIT #79 DK	BASIN DAKOTA	206.0	NORTHWEST PIPELIN
8140566	NM-0548-81	3003922539	103	ROSA UNIT 79 MV	BLANCO MESAVERDE	72.0	NORTHWEST PIPELIN
8140489	NM-0247-81	3003921791	108	SAN JUAN 30-5 #63	BLANCO PICTURED CLIFFS	29.0	NORTHWEST PIPELIN
8140519	NM-0965-80	3003907754	108	SAN JUAN 30-5 #7	BLANCO MESAVERDE	25.0	EL PASO NATURAL G
8140505	NM-0563-81	3003907778	108	SAN JUAN 30-5 UNIT #34	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8140530	NM 0246-81	3003921839	103	SAN JUAN 30-5 UNIT 49	BASIN DAKOTA	31.0	NORTHWEST PIPELIN
8140510	NM 03252-79	3003907778	108-PE	SAN JUAN 30-5-UNIT #34	BLANCO	13.0	NORTHWEST P L COR
8140503	NM 0565-81	3003922488	103	SAN JUAN 31-6 UNIT 56	BASIN DAKOTA	100.0	NORTHWEST PIPELIN
8140506	NM-0567-81	3004522170	108	SAN JUAN 32-8 #37	LOS PINOS FRUITLAND/PC	0.0	EL PASO NATURAL G
-OKLAHOMA OIL COMPANY			RECEIVED: 07/06/81 JA: NM 4				
8140557	NM 0176-81	3004522774	108	NAVAHO 4-1 WELL E-4-25N-12W	NIPP PICTURED CLIFF	15.0	EL PASO NATURAL G
-RALPH NIX			RECEIVED: 07/06/81 JA: NM 4				
*8140562	NM-0525-81	3001521746	108	FASKEN FEDERAL #2	AVALON ATOKA	14.2	EL PASO NATURAL G
-SHELL OIL CO			RECEIVED: 07/06/81 JA: NM 4				
8140517	NM-1108-80	3000500000	108	AMOCO FEDERAL 11	CATO	2.0	CITIES SERVICE OI
8140518	NM-1107-80	3000500000	108	AMOCO FEDERAL 13	CATO	2.0	CITIES SERVICE OI
-SOUTHLAND ROYALTY CO			RECEIVED: 07/06/81 JA: NM 4				
8140536	NM-0674-81	3004524589	103	BURNT MESA #3	SOUTH LOS PINOS FRUITLAN	300.0	NORTHWEST PIPELIN
8140537	NM 0675-81	3004524588	103	BURNT MESA #4	SOUTH LOS PINOS FRUITLAN	200.0	NORTHWEST PIPELIN
8140525	NM-1480-NM	3004523535	108	DAVIS #19	BLANCO	16.0	SOUTHERN UNION GA
8140541	NM-0604-81	3001523358	103	PECOS RIVER FEDERAL 21 COM #1		55.0	PHILLIPS PETROLEU
-SUPRON ENERGY CORPORATION			RECEIVED: 07/06/81 JA: NM 4				
8140495	NM-0551-81	3004524558	103	CITY OF FARMINGTON 2-E	BASIN DAKOTA	501.0	SOUTHERN UNION GA
8140507	NM-0553-81-A	3004524411	103	OXNARD 3-A	BLANCO MESAVERDE	593.0	SOUTHERN UNION GA
8140508	NM-0553-81-C	3004524411	103	OXNARD 3-A	BASIN DAKOTA	489.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY			RECEIVED: 07/06/81 JA: NM 4				
8140516	NM-1294-80	3004510180	108	ATLANTIC #1	BASIN DAKOTA	12.4	NORTHWEST PIPELIN
8140532	NM-0556-81	3004524752	103	BERGEN #2E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8140533	NM-0555-81	3004524183	103	HOLACK F #1	BASIN DAKOTA	500.0	EL PASO NATURAL G
8140549	NM-0617-81	3004524294	103	CALLOW #9E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8140574	NM 0676-81-A	3004524504	103	MONTOYA #25-1M	BLANCO MESAVERDE	500.0	SOUTHWEST GAS COR
8140575	NM 0670-81-B	3004524504	103	MONTOYA #25-1M	BASIN DAKOTA	500.0	SOUTHWEST GAS COR
8140501	NM-0579-81	3004524080	103	OMLER A #3E	BLANCO CHACRA	500.0	EL PASO NATURAL G
8140500	NM-0580-81	3004524111	103	OMLER A #4-E	BASIN DAKOTA	500.0	EL PASO NATURAL G
8140485	NM-0594-81-B	3004524110	103	OMLER A #5E	BASIN DAKOTA	500.0	SOUTHERN UNION CO
8140499	NM-0581-81	3004524208	103	OMLER A #6E	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL G
8140498	NM-0582-81	3004524111	103	OMLER A #7-E	BASIN/CHACRA	500.0	EL PASO NATURAL G
8140484	NM-0594-81	3004524113	103	OMLER A 9E	BLOOMFIELD CHACRA	500.0	EL PASO NATURAL G
8140571	NM-0661-81	3004500000	108	WARREN #1	BASIN DAKOTA	20.0	NORTHWEST PIPELIN
-UNION OIL COMPANY OF CALIF			RECEIVED: 07/06/81 JA: NM 4				
8140552	NM-0654-81	3002527121	102-2	FEDERAL 31-6 #1	(DEEP MORROW GAS)	750.0	
-BARUCH-FOSTER CORP			RECEIVED: 07/06/81 JA: OK 4				

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140509	OK-80-1	3511921230	102-4	NORA BARKER HEIRS #1	RAVENDALE	100.0	CITIES SERVICE GA

OTHER PURCHASERS

8140562	SOUTHERN UNION GAS CO
8140616	OKLAHOMA GAS AND ELECTRIC COMPANY
8140642	OKLAHOMA GAS & ELECTRIC COMPANY
8140653	CITIES SERVICE GAS CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:
- 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OSC lease

Section:
- 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section:
- 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

Corrections to Previous Notices/Revisions to Prior Determinations

JD No.	JA	Applicant	Well name	Original FERC Volume No.	Date Published in FEDERAL REGISTER	R: Revision or redetermination by jurisdictional agency; C: Correction to prior FEDERAL REGISTER notice
80-10272	OK	Samson Resources Co	Hightower Unit No. 1	136	01-28-80	C: 103 approved, 102-4 denied.
80-27498	LA	Ergon Inc	Iris Russell No. 1	191	05-23-80	C: 103 and 108 approved.
80-27502	LA	Ergon Inc	Jarmon Est	191	05-23-80	C: 103 and 108 approved.
80-56568	LA	Ergon Inc	Brooks Jones No. 1	288	10-09-80	C: 108 approved.
81-24528	TX	Delta Drilling Co	Werner-Caraway No. 1	413	05-01-81	C: 102, 103, and 107-TF approved.
81-26190	OK	Laguna Petroleum Co	Laflore No. 1-11	421	05-15-81	C: Well name.
81-27311	NE	Double M Oil Co	No. 1 Niemann	425	05-20-81	C: 103 approved; 102-4 denied.
81-27319 thru 81-27325	ND	Amerada Hess, et al	(Various)	425	05-20-81	C: Received 4-27-81.
81-28065	KS	Benson Mineral Group	Cotner No. 4-29	429	05-18-81	C: Well name.
81-28431	NM	Phillips Petroleum	Philmex No. 11	430	05-21-81	C: 108 approved.
81-28434	NM	Delta Drilling Co	South Culebra Bluff No. 6	430	05-21-81	C: 102-2 approved.
81-28435	NM	Delta Drilling Co	South Culebra Bluff No. 4	430	05-21-81	C: 102-2 approved.
81-28818A&B	OH	M B Operating Co	Slutz Unit No. 1	432	06-02-81	C: Applicant name.
81-29214	TX	Arledge Petroleum	Clara Driscoll No. 1-C (81045)	434	06-02-81	C: App., well name, 102-4 app.
81-29235	TX	Humble Exploration	Susie Hootkins No. 1-11971	434	06-02-81	C: 103 approved; 102 withdrawn.
81-29772	WV	Waco Oil & Gas Co	Jones 4A	435	06-10-81	C: 103 and 107-DV approved.
81-30251	OK	Southport Exploration	Rollin No. 1-3	437	06-09-81	C: Well name.
81-31170	LA	Reliance TR-JV	Hopkins Estate No. 4	441	06-11-81	C: 107-TF approved; not 107 DP.
81-31179	LA	H L McKee & J P McKee	Peek No. 3	441	06-11-81	C: 103 and 108 approved.
81-31180	LA	American Quasar	Dixie Rice No. 3	441	06-11-81	C: 102-4 and 103 approved.
81-31272	OH	Consol. Resources	Culbertson No. 1	443	06-24-81	C: 108 approved.
81-31584	TX	HNG Oil Co	Mayfield 46-2 (84727)	444	06-19-81	C: 103 and 107-TF approved.
81-31587	TX	Millwee Oil Inc	Whitaker No. 1	444	06-19-81	C: 102-4 and 103 approved.
81-32685	OH	Tiger Oil Inc	Urban Becker No. 1	448	07-01-81	C: 103 and 107-DV approved.
81-32686	OH	Tiger Oil Inc	Carl Miller No. 1	448	07-01-81	C: 103 and 107-DV approved.
81-32716	OK	Dawn Energy Co	Scott No. 1-30	448	07-01-81	C: 102-4 and 103 approved.
81-32732	OK	Apollo Production	Tutty No. 25-2	448	07-01-81	C: Well name.
81-33129	TX	Champlin Petroleum	J. S. Eliff et al. No. 4	450	06-30-81	C: Well name.
81-34128	TX	Phillips Petroleum	N Pembrook Spraberry No. 5502	454	06-30-81	C: 108 approved, not 103.
81-34872	WV	Cecil Pruitt Jr	Harrison No. 1	458	07-02-81	C: 108 denied.
81-34886	WV	Trio Petroleum Corp	Thompson No. 1	458	07-02-81	C: 103 denied.
81-35481	TX	Ensearch Exploration	L T Urbanczyk Ut 3 No. 3-UT	461	07-10-81	C: Well name.
81-35499	TX	Phillips Petroleum	Willclo No. 3	461	07-10-81	C: Well name.
81-35544	TX	Seagull Resources	Guntle Gas Unit No. 1-L	461	07-10-81	C: 102-4 and 103 approved.
81-35547	TX	H L Brown Jr	Red Bluff (Deep) No. 1	461	07-10-81	C: 102-4 approved.
81-37438	TX	Cassell Oil Co	Tischler A No. 2	468		C: 103 approved; not 102-4.
81-37742A&B	OH	Jacobson Exploration	Fire Baugh No. 1	469		C: Well name.
81-38490	CO	Amoco Production Co	Jack W. Eastman GU No. 1	471		C: Well name.
81-38499	CO	Black Gold Explor. Ltd	Hazlet B No. 1	471		C: Well name.

[FR Doc. 81-23042 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 31, 1981.

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
-ADOBE OIL & GAS CORPORATION			RECEIVED: 07/09/81 JA: PA				
8140673	6706	3706324751	108	JOHN BAKER #3	BURNSIDE	12.0	J & J ENTERPRISES
-ANGERMAN ASSOCIATES INC			RECEIVED: 07/09/81 JA: PA				
8140715	7955	3712921498	103	A W BEATTY HEIRS #2 WES-21494	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140674	7951	3712920987	103	ALBERT COPPOLA #2 - WES-20987	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8140733	7970	3712921519	103	AUGUST MAYER #2 WES-21519	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140707	7943	3712921737	103	BERT F OBER ESTATE #2 WES-21739	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140712	7948	3712921667	103	CHARLES A SCHUE #1 WES-21667	W PA - UPPER DEVONIAN SA	10.0	PEOPLES NATURAL G
8140740	7977	3712921528	103	CHARLES A SCHUE #3 WES-21528	W PA - UPPER DEVONIAN SA	20.0	PEOPLES NATURAL G
8140731	7968	3700522334	103	CHARLES H LONG #1 ARM-22334	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140743	7980	3706325080	103	CHARLES O SWASY #5 IND-25080	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140714	7950	3706325312	103	CHARLES O SWASY #6 IND-25312	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140691	7927	3706325638	103	CLAIR M BOTHEL #2 IND-25638	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140711	7947	3712921683	103	DAVID W ROBERTSON #2 WES-21683	W PA - UPPER DEVONIAN SA	20.0	PEOPLES NATURAL G
8140688	7924	3706325804	103	DWIGHT E BARKLEY #4 IND-25804	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140675	7962	3712920993	103	E R COST #2 - WES-20993	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8140698	7934	3700522561	103	ELIZABETH M HARMON #2 ARM-22561	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140715	7951	3712921685	103	EMIL V WILFORD #1 WES-21685	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140697	7933	3706325313	103	ERNEST L FARKAS #3 IND-25313	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140735	7972	3712921266	103	ETTA S MITCHELL #2 WAS-21266	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140732	7969	3712921567	103	EVERETT LYNN #2 WES-21569	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140762	7985	3706324855	103	FRED YARNICK #2 IND-24855	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140718	7954	3700522335	103	G M ANDERSON #2 ARM-22335	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140695	7931	3712921710	103	GEORGE B COUGHENOUR #3 WES-21710	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140737	7974	3712921466	103	GEORGE E MORLET #1 WES-21466	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140745	7982	3712921565	103	GEORGE R TODD #1 WES-21565	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140742	7979	3712921465	103	GOLDIE B SILLAMAN #2 WES-21465	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140734	7971	3712921419	103	GRANT E MCINTIRE #1 WES-21419	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140685	7912	3706323784	103	H A JAMISON #2 - IND-23784	W PENNA - UPPER DEVONIAN	50.0	PEOPLES NATURAL G
8140736	7973	3706324897	103	H GLENN MOOSE #2 IND-24897	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140725	7962	3700522376	103	H R ELLENBERGER #3 ARM-22376	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140744	7981	3706324998	103	HARRY J TAYLOR #1 IND-24998	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140726	7963	3706324829	103	HOWARD HENRY #2 IND-24829	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140684	7911	3706323806	103	INDIANA INVESTMENT CO - IND-23806	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8140717	7953	3712921506	103	J N ALCORN #1 WES-21506	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140708	7944	3706325632	103	J R PHILLIPPI #2 IND-25632	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140747	7984	3700522375	103	JAMES WALKER #3 ARM-22375	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140701	7937	3700522487	103	JANET L MILLER #2 ARM-22487	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140700	7936	3712921655	103	JOHN E MCCAULEY #1 WES-21699	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140694	7930	3705120265	103	JOSEPH COOK HEIRS #1 FAY-20265	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140705	7941	3706325052	103	JOSEPH F NESBIT #5 IND-25052	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G

8140706	7942	3706325643	103	JOSEPH F NESBIT #6 IND-25643	W PA - LOWER MISSISSIPPI	45.0	PEOPLES NATURAL G
8140704	7940	3706325929	103	JOSEPH F NESBIT #7 IND-25929	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140722	7958	3706325033	103	JOSEPH H CARLSON #1 IND-25033	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140692	7928	3706325375	103	JOSEPH H CARLSON #2 IND-25375	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140676	7913	3712920995	103	JOSEPH H FARRAN #3 - WES-20995	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8140687	7914	3712921025	103	JOSEPH M KAHL #3 - WES-21025	W PENNA - UPPER DEVONIAN	55.0	PEOPLES NATURAL G
8140746	7983	3712521287	103	JOSEPH TURK #2 WAS-21287	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140696	7932	3706325814	103	L G DIXON #2 IND-25814	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140677	7914	3712920977	103	L J FEASEL #4 - WES-20977	W PENNA - UPPER DEVONIAN	25.0	PEOPLES NATURAL G
8140678	7915	3712921057	103	L J FEASEL #5 - WES-21057	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8140729	7966	3712921540	103	LATROBE BREWING CO #2 WES-21540	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140730	7967	3712921568	103	LATROBE BREWING CO #3 WES-21568	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140710	7946	3712921743	103	MARTIN G RAMALEY #1 WES-21743	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140716	7952	3712921717	103	MARY YURCEVICH #1 WES-21717	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140738	7975	3706324939	103	MUSSER FORESTS INC #2 IND-24939	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140703	7939	3706325464	103	MUSSER FORESTS INC #3 IND-25464	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140720	7957	3712921418	103	PAUL B BRAUCHLER #1 WES-21418	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140727	7964	3712921452	103	PETER J KUHN #1 WES-21452	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140728	7965	3712921456	103	PETER J KUHN #2 WES-21456	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140709	7945	3712921700	103	PNG-FEE #1 WES-21700	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140724	7961	3700522336	103	R C ELLENBERGER #2 ARM-22336	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140689	7925	3706325771	103	R E BARRETT #2 IND-25771	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140690	7926	3712921644	103	SARA E BEATTY #2 WES-21644	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140741	7978	3706324879	103	SHEFFIELD OIL & GAS CO #2 IND-24879	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140721	7956	3712921498	103	STANLEY E BUTZ #2 WES-21498	W PA - UPPER DEVONIAN SA	35.0	PEOPLES NATURAL G
8140723	7960	3700522331	103	T M DICE #4 ARM-22331	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140693	7929	3706325627	103	TODD R CLAWSON #2 IND-25627	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140686	7913	3706324070	103	V L JOHNS #3 - IND-24070	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8140739	7976	3706324916	103	VIOLA ROWE #2 IND-24916	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140679	7906	3712920998	103	W W FRIEDLINE #1 -WES-20998	W PENNA - UPPER DEVONIAN	55.0	PEOPLES NATURAL G
8140680	7907	3712920999	103	W W FRIEDLINE #2 WES-20999	W PENNA - UPPER DEVONIAN	45.0	PEOPLES NATURAL G
8140681	7908	3712921000	103	W W FRIEDLINE #3 - WES-21000	W PENNA - UPPER DEVONIAN	55.0	PEOPLES NATURAL G
8140713	7949	3706325311	103	WILLIAM A SIGMUND #1 IND-25311	W PA - UPPER DEVONIAN SA	15.0	PEOPLES NATURAL G
8140682	7909	3712921074	103	WILLIAM D GRIFFITH JR - WES-21074	W PENNA - UPPER DEVONIAN	15.0	PEOPLES NATURAL G
8140702	7938	3706325434	103	WILLIAM G MILLER #2 IND-25434	W PA - UPPER DEVONIAN SA	45.0	PEOPLES NATURAL G
8140699	7935	3706325624	103	WILLIAM K LOWMAN #1 IND-25624	W PA - UPPER DEVONIAN SA	25.0	PEOPLES NATURAL G
8140683	7910	3712920978	103	WILMONT T HEIPLE #1 - WES-20978	W PENNA - UPPER DEVONIAN	50.0	PEOPLES NATURAL G
-ATLAS RESOURCES INC			RECEIVED: 07/09/81 JA: PA				
8140784	8079	3706325705	103	HENRY NO 3		21.0	COLUMBIA GAS TRAN
8140783	8067	3706325831	102-2	MCCLURE NO 1		7.0	COLUMBIA GAS TRAN
-B & B OIL & GAS PRODUCTIONS CO			RECEIVED: 07/09/81 JA: PA				
8140786	8117	3703321088	102-2	ALFRED KLINE ER-579		20.0	CONSOLIDATED GAS
8140785	8116	3703321092	102-2	HELEN YURCISIN PROKUP #1		52.0	COLUMBIA GAS TRAN
-C & N CO			RECEIVED: 07/09/81 JA: PA				
8140873	8016	3706521964	103	JOHN J FIRMENT #1	GASKILL	200.0	T W PHILLIPS GAS
8140874	8017	3706521965	103	JOHN J FIRMENT #2	BELL	200.0	T W PHILLIPS GAS
8140875	8018	3706522133	103	JOHN J FIRMENT #3	BELL	0.0	T W PHILLIPS GAS
8140876	8019	3706522132	103	JOHN J FIRMENT #4	BELL	0.0	T W PHILLIPS GAS
8140872	8015	3706523759	103	RICHARD A RISHELL #1	CANOE	0.0	T W PHILLIPS GAS
8140871	8011	3706524005	103	ROBERT D WOLFE #1	CANOE	0.0	T W PHILLIPS GAS
-CABOT OIL & GAS CORP			RECEIVED: 07/09/81 JA: PA				
8140787	8055	3703921092	102-2	ALBERT MCNAMARA #1	EAST MEAD	50.0	TENNESSEE GAS PIP
8140788	8056	3703921151	102-2	ROBERT DUNLAVY #1	FAIRFIELD	50.0	TENNESSEE GAS PIP

[illegible]	[illegible]	API NO	E SEC TWP	WELL NAME	FIELD NAME	PROD	PURCHASER
-CALDWELL GAS VENTURE			RECEIVED: 07/09/81 JA: PA				
8140789	8045	3706324972	103	GEORGE NO 1	GEORGE NO 1 (CENTER TWP	20.0	COLUMBIA GAS TRAN
-CHARLEMAGNE INVESTMENT CORP			RECEIVED: 07/09/81 JA: PA				
8140748	7795	3712500000	108	NO 1 ESTER MAGS		1.4	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 07/09/81 JA: PA				
8140792	8101	3705100000	108	A J OPPERMAN #1 WN-1490	BURNSIDE	5.5	GENERAL SYSTEM PU
8140793	8102	3705100000	108	C C & C CO #1 WN-1489	BURNSIDE	2.6	GENERAL SYSTEM PU
8140790	8054	370332103H	102-2	JOSEPH D TONKIN WN-1830	BURNSIDE TOWNSHIP	0.0	GENERAL SYSTEM PU
8140791	8053	3703321038	103	JOSEPH D TONKIN WN-1830	BURNSIDE TOWNSHIP	0.0	GENERAL SYSTEM PU
8140795	8104	3705100000	108	MARY I SMITH #2 WN-1487	BURNSIDE	7.4	GENERAL SYSTEM PU
8140794	8103	3705100000	108	R H HEYN #4 WN-1488	BURNSIDE	21.8	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L			RECEIVED: 07/09/81 JA: PA				
8140797	8090	3705120185	108	CHARLES J KALONSKY 8825-1		6.9	COLUMBIA GAS OF P
8140796	8089	3705120192	108	ELIZABETH SHARPNACK 8841-1		6.9	COLUMBIA GAS OF P
-DORAN & ASSOCIATES INC			RECEIVED: 07/09/81 JA: PA				
8140750	5362	3703320768	108	M ZOLD #1 K-6 9	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8140749	5325	3703320746	108	M ZOLD #3 KL 135	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
-EARL M RICHARDS			RECEIVED: 07/09/81 JA: PA				
8140877	8020	3706300000	108	GEORGE RAY #1	CHESTNUT RIDGE	8.0	PEOPLES NATURAL G
8140878	8021	3706320278	108	GEORGE RAY #2	CHESTNUT RIDGE	0.0	PEOPLES NATURAL G
8140879	8022	3706320270	108	PAUL KNAPPENBERGER #1	MATEER AREA	8.0	PEOPLES NATURAL G
-FAIRMAN DRILLING CO			RECEIVED: 07/09/81 JA: PA				
8140804	8049	3706324125	108	JAMES M REED NO 1 001-L	CREEKSIDE	5.0	PEOPLES NATURAL G
8140803	8048	3706324126	108	JAMES M REED NO 2 002-L	CREEKSIDE	5.0	PEOPLES NATURAL G
8140802	8063	3706326021	103	JOSEPH E TRIMARCHI NO 2 F-3044	CREEKSIDE	20.0	T W PHILLIPS GAS
8140801	8062	3706326022	103	JOSEPH E TRIMARCHI NO 4 F-3045	CREEKSIDE	20.0	T W PHILLIPS GAS
8140800	8051	3706324206	103	M C PORTER NO 2 006-L	CREEKSIDE	30.0	PEOPLES NATURAL G
8140799	8050	3706324931	103	M C PORTER NO 3 007-L	CREEKSIDE	30.0	PEOPLES NATURAL G
-FELMONT OIL CORPORATION			RECEIVED: 07/09/81 JA: PA				
8140752	8031	3706325743	103	DELANO COAL CO #1 F-275	SOUTH PINE	0.0	COLUMBIA GAS TRAN
8140755	8034	3711120012	108	ELLIS FRIEDLINE #1 F-95	BOSWELL FIELD	19.8	PEOPLES NATURAL G
8140751	8030	3706325826	103	JOSEPH VEHOVIC #2 F-274	PINETON	0.0	CONSOLIDATED GAS
8140756	8035	3711120006	108	M H CRITCHFIELD #1 F-76	BOSWELL	0.7	PEOPLES NATURAL G
8140753	8032	3706326052	103	UNITED SCHOOL DISTRICT #1 F-285	SOUTH PINE	0.0	COLUMBIA GAS TRAN
8140754	8033	3712920223	108	WILLIAM HILTY #1 F-124	WEST CENTRAL JOHNSTOWN	13.4	PEOPLES NATURAL G
-FOX OIL & GAS INC			RECEIVED: 07/09/81 JA: PA				
8140760	7993	3706322092	108	BEATTY #1	RAYNE TOWNSHIP	4.0	PEOPLES NATURAL G
8140759	7992	3706322126	108	BEATTY #2	RAYNE TOWNSHIP	4.0	PEOPLES NATURAL G
8140761	7994	3706322128	108	BEATTY #3	RAYNE TOWNSHIP	4.0	PEOPLES NATURAL G
8140762	7995	3706322153	108	C C WALLACE #2	RAYNE TOWNSHIP	4.0	PEOPLES NATURAL G
8140806	8001	3706322393	108	CORBIN #2	CONEMAUGH	4.0	PEOPLES NATURAL G
8140805	8000	3706322435	108	MABEZ FULTON #2	CONEMAUGH	4.0	PEOPLES NATURAL G
8140758	7991	3706322420	108	MABEZ FULTON #1	CONEMAUGH	4.0	PEOPLES NATURAL G
8140765	7998	3706322310	108	RABIKOW #1	CONEMAUGH	4.0	PEOPLES NATURAL G
8140808	8003	3706322319	108	RABIKOW #2	CONEMAUGH	4.0	PEOPLES NATURAL G
8140763	7996	3706322248	108	SCHRECENGOST #1	CONEMAUGH	4.0	PEOPLES NATURAL G
8140764	7997	3706322284	108	SCHRECENGOST #2	CONEMAUGH	4.0	PEOPLES NATURAL G
8140757	7990	3706322368	108	SCHRECENGOST #3	CONEMAUGH	4.0	PEOPLES NATURAL G
8140809	8004	3706322325	108	SCHRECENGOST #4	CONEMAUGH	4.0	PEOPLES NATURAL G
8140810	8005	3706322364	108	TATARKA #1	CONEMAUGH	4.0	PEOPLES NATURAL G
8140807	8002	3706322365	108	TATARKA #2	CONEMAUGH	4.0	PEOPLES NATURAL G
8140811	8006	3706322366	108	TATARKA #3	CONEMAUGH	4.0	PEOPLES NATURAL G
8140766	7999	3706322419	108	W C CORBIN #1	CONEMAUGH	4.0	PEOPLES NATURAL G

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[illegible]	[illegible]	API NO	P SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-GEORGE W & ELEANOR M KEENER			RECEIVED: 07/09/81 JA: PA				
8140815	8041	3706300000	108	G W & E M KEENER #1		2.0	PEOPLES NATURAL G
-GLENDALE GAS VENTURE			RECEIVED: 07/09/81 JA: PA				
8140814	8044	3706324818	103	DASKIVICH NO 1	J DASKIVICH PROPERTY CEN	22.0	COLUMBIA GAS TRAN
8140813	8043	3706324819	103	DASKIVICH NO 2	JOSEPH DASKIVICH PROPERT	22.0	COLUMBIA GAS TRAN
8140812	8042	3706324973	103	DASKIVICH NO 3	JOSEPH DASKIVICH PROPERT	22.0	COLUMBIA GAS TRAN
-KEYSTONE ENERGY RESOURCES			RECEIVED: 07/09/81 JA: PA				
8140816	8058	3706326006	103	CAMPBELL #3	WALTER M CAMPBELL	38.3	T W PHILLIPS GAS
-KRIEBEL WELLS 80			RECEIVED: 07/09/81 JA: PA				
8140768	7807	3706325900	103	QUIGLEY #1	ROCHESTER MILLS	30.0	
8140817	8036	3706325926	103	WILDER #1	JACKSONVILLE	31.0	
8140818	8037	3706325967	103	WILDER #2	JACKSONVILLE	32.5	
-LATIMER BROTHERS			RECEIVED: 07/09/81 JA: PA				
8140822	8060	3712921784	103	DALE LATIMER NO 1	SALTSBURG	20.0	T W PHILLIPS GAS
-MAY GAS CO			RECEIVED: 07/09/81 JA: PA				
8140823	8065	3705900000	108	JANE HUFFMAN #1	RICHHILL TOWNSHIP	3.6	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP			RECEIVED: 07/09/81 JA: PA				
8140865	8105	3704921318	102-2	CLARENCE CHASE #579-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
8140866	8106	3704921067	102-2	D GOSS #561-2	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
8140867	8107	3704921210	102-2	K GARDNER #540-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8140868	8108	3704921214	102-2	R SANDERS #544-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION			RECEIVED: 07/09/81 JA: PA				
8140769	7877	3703920805	103	BLEICHER #1-56	CONNEAUTVILLE	30.0	
8140770	7878	3703920866	103	DILLINGER #1-71	NORRISVILLE (MEDINA & WH	0.0	
-MRS JUNE SHANER SWITZER			RECEIVED: 07/09/81 JA: PA				
8140776	7827	3700520478	108	ADDISON #2	RED BANK TOWNSHIP	2.1	COLUMBIA GAS
8140780	7837	3703120043	108	C D DECKER #2	PORTER TOWNSHIP	4.1	COLUMBIA GAS
8140779	7836	3703120004	108	C D DECKER #3	PORTER TOWNSHIP	1.9	COLUMBIA GAS
8140778	7835	3703120228	108	C D DECKER #4	PORTER TOWNSHIP	1.3	COLUMBIA GAS
8140775	7825	3700520340	108	COPENHAVER #2	MAHONING TOWNSHIP	1.1	COLUMBIA GAS
8140777	7831	3703120420	108	MCCLURE #1	PORTER TOWNSHIP	0.5	COLUMBIA GAS
8140883	7832	3703120077	108	MUSSER #1	PORTER TOWNSHIP	1.8	COLUMBIA GAS
-ORVILLE EBERLY			RECEIVED: 07/09/81 JA: PA				
8140798	503	3705120200	108	SHOAF #1		32.8	COLUMBIA GAS TRAN
-PERRY W GLENN			RECEIVED: 07/09/81 JA: PA				
8140767	7988	3706522103	103	P W GLENN #1	SIGEL	14.4	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO			RECEIVED: 07/09/81 JA: PA				
8140771	7989	3706325633	103	GEORGE I REAM ET UX #1		50.0	
-POMINEX INC			RECEIVED: 07/09/81 JA: PA				
8140773	8027	3712521055	108	CAMPANA #1		9.0	PEOPLES NATURAL G
8140772	8029	3712521054	103	HARRIS #1		36.0	COLUMBIA GAS OF P
8140774	8028	3712521056	108	KULIKOWSKI #1		5.0	COLUMBIA GAS OF P
-R & L DEVELOPMENT CO			RECEIVED: 07/09/81 JA: PA				
8140869	8059	3712921758	103	R & L DEVELOPMENT CO NO 1	SALTSBURG	20.0	T W PHILLIPS GAS
8140870	8061	3712921759	103	R & L DEVELOPMENT CO NO 2	SALTSBURG	20.0	T W PHILLIPS GAS
-R WESLEY SMITH & RAYMOND A SMITH			RECEIVED: 07/09/81 JA: PA				
8140880	8038	3706320463	108	MUSSER #1	MCINTYRE 7-1/2 QUAD	9.2	PEOPLES NATURAL G
8140881	8039	3706320534	108	MUSSER #2	MCINTYRE 7-1/2 QUAD	11.0	PEOPLES NATURAL G
8140882	8040	3706320439	108	PETERMAN #1	ELDERTON 7-1/2 QUAD	11.6	PEOPLES NATURAL G
-RONALD MAXSON			RECEIVED: 07/09/81 JA: PA				
8140829	8123	3710500000	108	L C MAXSON #76	SHARON	3.9	NATIONAL FUEL GAS
8140825	8119	3710500000	108	L G MAXSON #75	SHARON	3.9	NATIONAL FUEL GAS
8140824	8118	3710500000	108	MAXSON GAS CO #1	OSWAYO	3.9	NATIONAL FUEL GAS

WD ID	JA INT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140837	8131	3710500000	108	MAXSON GAS CO #10	SHARON	3.9	NATIONAL FUEL GAS
8140838	8132	3710500000	108	MAXSON GAS CO #11	SHARON	3.9	NATIONAL FUEL GAS
8140839	8133	3710500000	108	MAXSON GAS CO #12	SHARON	3.9	NATIONAL FUEL GAS
8140840	8134	3710500000	108	MAXSON GAS CO #13	SHARON	3.9	NATIONAL FUEL GAS
8140841	8135	3710500000	108	MAXSON GAS CO #14	SHARON	3.9	NATIONAL FUEL GAS
8140842	8136	3710500000	108	MAXSON GAS CO #15	SHARON	3.9	NATIONAL FUEL GAS
8140843	8137	3710500000	108	MAXSON GAS CO #16	SHARON	3.9	NATIONAL FUEL GAS
8140844	8138	3710500000	108	MAXSON GAS CO #17	SHARON	3.9	NATIONAL FUEL GAS
8140845	8139	3710500000	108	MAXSON GAS CO #18	SHARON	3.9	NATIONAL FUEL GAS
8140846	8140	3710500000	108	MAXSON GAS CO #19	SHARON	3.9	NATIONAL FUEL GAS
8140831	8125	3710500000	108	MAXSON GAS CO #2	OSWAYO	3.9	NATIONAL FUEL GAS
8140847	8141	3710500000	108	MAXSON GAS CO #20	SHARON	3.9	NATIONAL FUEL GAS
8140848	8142	3710500000	108	MAXSON GAS CO #21	OSWAYO	3.9	NATIONAL FUEL GAS
8140849	8143	3710500000	108	MAXSON GAS CO #22	SHARON	3.9	NATIONAL FUEL GAS
8140850	8144	3710500000	108	MAXSON GAS CO #23	OSWAYO	3.9	NATIONAL FUEL GAS
8140851	8145	3710500000	108	MAXSON GAS CO #24	OSWAYO	3.9	NATIONAL FUEL GAS
8140853	8147	3710500000	108	MAXSON GAS CO #26	OSWAYO	3.9	NATIONAL FUEL GAS
8140854	8148	3710500000	108	MAXSON GAS CO #27	OSWAYO	3.9	NATIONAL FUEL GAS
8140855	8149	3710500000	108	MAXSON GAS CO #29	OSWAYO	3.9	NATIONAL FUEL GAS
8140832	8126	3710500000	108	MAXSON GAS CO #3	OSWAYO	3.9	NATIONAL FUEL GAS
8140856	8150	3710500000	108	MAXSON GAS CO #31	OSWAYO	3.9	NATIONAL FUEL GAS
8140857	8151	3710500000	108	MAXSON GAS CO #34	OSWAYO	3.9	NATIONAL FUEL GAS
8140858	8152	3710500000	108	MAXSON GAS CO #36	OSWAYO	3.9	NATIONAL FUEL GAS
8140859	8153	3710500000	108	MAXSON GAS CO #38	OSWAYO	3.9	NATIONAL FUEL GAS
8140860	8154	3710500000	108	MAXSON GAS CO #39	OSWAYO	3.9	NATIONAL FUEL GAS
8140833	8127	3710500000	108	MAXSON GAS CO #4	OSWAYO	3.9	NATIONAL FUEL GAS
8140861	8155	3710500000	108	MAXSON GAS CO #40	OSWAYO	3.9	NATIONAL FUEL GAS
8140862	8156	3710500000	108	MAXSON GAS CO #41	OSWAYO	3.9	NATIONAL FUEL GAS
8140863	8157	3710500000	108	MAXSON GAS CO #42	OSWAYO	3.9	NATIONAL FUEL GAS
8140864	8158	3710500000	108	MAXSON GAS CO #43	OSWAYO	3.9	NATIONAL FUEL GAS
8140834	8128	3710500000	108	MAXSON GAS CO #5	OSWAYO	3.9	NATIONAL FUEL GAS
8140835	8129	3710500000	108	MAXSON GAS CO #7	SHARON	3.9	NATIONAL FUEL GAS
8140826	8120	3710500000	108	MAXSON GAS CO #72	SHARON	3.9	NATIONAL FUEL GAS
8140827	8121	3710500000	108	MAXSON GAS CO #73	SHARON	3.9	NATIONAL FUEL GAS
8140828	8122	3710500000	108	MAXSON GAS CO #74	SHARON	3.9	NATIONAL FUEL GAS
8140852	8146	3710500000	108	MAXSON GAS CO #75	OSWAYO	3.9	NATIONAL FUEL GAS
8140830	8124	3710500000	108	MAXSON GAS CO #77	SHARON	3.9	NATIONAL FUEL GAS
8140836	8130	3710500000	108	MAXSON GAS CO #8	SHARON	3.9	NATIONAL FUEL GAS
-TER-EX INC				RECEIVED: 07/09/81 JA: PA			
8140781	7987	3712921682	103	TER-ES A FORBES HEIRS WELL #1	DRY RIDGE	70.0	STANDARD STEEL CO
-TRI-COUNTY OIL & GAS INC				RECEIVED: 07/09/81 JA: PA			
8140885	8066	3705900000	108	TALBERT WELL #1	RICHILL	1.8	COLUMBIA GAS TRAN
8140884	8064	3705900000	108	WORKMAN #1	RICHHILL TOWNSHIP	1.8	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO				RECEIVED: 07/09/81 JA: PA			
8140888	8086	3703321057	102-0	BARRY EINSIG #2 CLE-21057	BURNSIDE	0.0	COLUMBIA GAS TRAN
8140889	8087	3703321047	102-2	FORREST WALLS #1 CLE-21047	BURNSIDE	0.0	COLUMBIA GAS TRAN
8140886	8084	3706326063	102-2	OCTA NUPP #4	MONTGOMERY	0.0	COLUMBIA GAS TRAN
8140890	8088	3703321080	102-2	SHERWOOD #1 CLE-21080	BURNSIDE	0.0	COLUMBIA GAS TRAN
8140887	8085	3703321079	102-2	STEPHEN W SHEA #1	BURNSIDE	0.0	COLUMBIA GAS TRAN
-VINCENT KUTCH				RECEIVED: 07/09/81 JA: PA			
8140819	8091	3706323678	108	RHEA #2	CRETE CHURCH AREA	18.0	PEOPLES NATURAL G
8140821	8093	3706323986	108	RHEA #3	CRETE CHURCH AREA	16.0	PEOPLES NATURAL G
8140820	8092	3706324758	108	RHEA #4	CRETE CHURCH AREA	16.0	PEOPLES NATURAL G

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before August 24, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:
- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section:
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section:
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-23043 Filed 8-6-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1905-1]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of July 27, 1981 to July 31, 1981.

REVIEW PERIODS: The 45-day review period for draft EISs listed in this notice is calculated from August 7, 1981 and will end on September 21, 1981. The 30-day review period for final EISs; as calculated from August 7, 1981 will end on September 7, 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: August 4, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

Correction: FS: Draft—South-Southeastern Region Land Resource Management Plan—published in the **Federal Register** July 2, 1981 with erroneous time extension to October 13, 1981—the review period was extended until October 3, 1981 (EIS order #810504).

Army Corps of Engineers

Draft Supplement—Wallkill River Basin, Black Dirt Area Flood Control Plan, Orange County, New York (EIS order #810598).

Department of Energy

Draft—Jonesboro-Hergett 161 kV Transmission Line Construction, Craighead County, Arkansas (EIS order #810602).

Draft—Liquid Radioactive Waste Storage, Western New York Nuclear Service Center, Cattaraugus County, New York; the review period for this EIS has been extended until October 30, 1981 (EIS order #810604).

Department of Housing and Urban Development

Final—Highlands Ranch Housing Development, Mortgage Insurance, Douglas County, Colorado (EIS order #810599).

Draft Supplement—Park Forest South New Community Development, Title VII Status Termination, Will County, Illinois (EIS order #810597).

Department of the Interior

BLM: Draft—La Sal Shale Oil Pipeline, Right-of-Way, Colorado and Wyoming; the review period for this EIS has been extended until October 9, 1981 (EIS order #810603).

BLM: Final—Luke Air Force Range, Continued Use, Maricopa, Pima and Yuma Counties, Arizona (EIS order #810595).

BR: Final Supplement—Norden Dam Design Modification, Pick-Sloan Missouri Basin Program, Nebraska (EIS order #810596).

Department of Transportation

FHWA: Final—FL-563/Lakeland North-South Route, FL-563 to FL-37, Polk County, Florida (EIS order #810600).

FRA: Draft—St. Louis Metro Area Rail Gateway Restructuring, St. Clair and Madison Counties, Illinois (EIS order #810605).

USCG: Final—Freeport Deepwater Port Construction and Operation in the Gulf of Mexico, License, Brazoria County, Texas (EIS order #810601).

UMTA: Draft—Overtown Station Area Redevelopment, Dade County, Florida (EIS order #810607).

Environmental Protection Agency

EPA8: Final—Poplar River Basin/Canadian Power Plant, Flow Apportionment Agreement, Sheridan, Daniels and Roosevelt Counties, Montana (EIS order #810606).

Nuclear Regulatory Commission

Extension: Final—Susquehanna Steam Electric Station Units 1 and 2, Luzerne County, Pennsylvania—published in the **Federal Register** July 2, 1981—the review period for this EIS has been extended until August 31, 1981 (EIS order #810511).

[FR Doc. 81-23146 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1905-2]

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A-104), 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 June 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: August 4, 1981.

Thomas R. Sheckells,

Acting Director, Office of Federal Activities.

[FR Doc. 81-23147 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-37-M

[OPTS-51293; TSH-FRL 1904-1]

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 statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–367, and 81–368, September 26, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51293]" 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–409, 401 M Street, SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice Manager	Telephone	Room No.
81–367	Carrie Berlin	202–426–8815	E–222
81–368	Cynthia Work	202–426–0503	E–229

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 the PMN's received by EPA:

PMN 81–367

Close of Review Period. October 26, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.
Manufacturing site—East North Central.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of an alkoxy methyl amino resin.

Use. Claimed confidential busines information. Generic use information provided: The manufacturer states that the PMN substance will be used as coatings.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Percent volatile by volume, <0.5.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and disposal a total of 8 workers may have dermal exposure less than 1 hr/day, 160 days/yr.

Environmental Release/Disposal. The manufacturer states that the distillate remaining from the cleaning operation is collected in steel drums and destroyed by contract incineration. Very slight quantities of volatile impurities are discharged into the atmosphere.

PMN 81–368

Close of Review Period. October 26, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $100 and $499 million
Manufacturing site—East North Central
Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Metallic beta diketonate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use environment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD_{50} (rat), very high
Mutagenicity, Nonmutagenic

Exposure. The manufacturer states that during manufacture and processing a total of 4 workers may have exposure 2–4 hr/day, 40 days/yr. Exposure during manufacture will be limited to packaging. Exposure during processing may occur when mixing the substance with a high boiling diluent.

Environmental Release/Disposal. The manufacturer states that the only release during synthesis will be carbon dioxide and water. Any residuals will be treated by means of an activated sludge treatment works owned and operated by the manufacturer.

Dated: July 31, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81–23060 Filed 8–6–81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51292; TSH-FRL 1903-7]

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 statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–363, 81–364, and 81–366, September 24, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51292]" 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-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN NO.	Notice manager	Telephone	Room No.
81-363	Kathleen Ehrensberger.	(202-426-8815)	E-222
81-364	Kathleen Ehrensberger.	(202-426-8815)	E-222
81-366	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 the PMN's received by EPA:

PMN 81-363

Close of Review Period. October 25, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identify. Claimed confidential business information. Generic name provided: Aliphatic acid ester.

Use. The manufacturer states that the PMN substance will be used as a fragrance for laundry detergents, dishwashing liquids and industrial cleaners.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Odor—Fruity, flowery with apple and wine yeast-note
Uses—General application for blossom-flower-complexes
Stability—Stable at normal pH values
Color—Colorless liquid
Boiling point—Kp 83-85°C (16 mbar)
Flash point—76°C
Specific gravity—d25 0,860 25

Toxicity Data

Oral LD_{50} (mouse)—5.2 g/kg
Dermal irritation (mouse)—No affect detected
Eye irritation (rabbit)—No affect detected
Phototoxicity (mouse)—No affect detected
Dermal sensitization (guinea pig)—No affect detected
Inhalation (rat)—No affect detected
Mutagenicity (Ames)—No affect detected

Exposure. The manufacturer states that exposure will be limited to one employee during manufacture and would be primarily accidental. Exposure will be dermal and inhalation and will occur during measuring and transfer of material.

Environmental Release/Disposal. The manufacturer states that after cleaning operations, the used solution of detergent and PMN substance will typically be discharged into sanitary sewers and subsequently processed in local waste treatment operations.

PMN 81-364

Close of Review Period. October 25, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cycloaliphatic furan, tetrahydro.

Use. The manufacturer states that the PMN substance will be used as a detergent fragrance.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Odor—Warm wood-/amber note
Color—Stable at all pH values
Color—Colorless liquid
Boiling point—Kp 92-94° (0, 2 mbar)
Flash point—151°C
Specific gravity—d25 0,961 25

Toxicity Data

Oral LD_{50} (mouse)—5.0 g/kg
Dermal irritation (mouse)—No affect detected
Eye irritation (rabbit)—No affect detected
Phototoxicity (mouse)—No affect detected
Dermal sensitization (guinea pig)—No affect detected
Inhalation (rat)—No affect detected
Mutagenicity (Ames)—No affect detected

Exposure. The manufacturer states that exposure will be limited to one worker during manufacturer and would be primarily accidental. Exposure will be dermal and inhalation and will occur during measuring and transfer of material.

Environmental Release/Disposal. The manufactturer states that after cleaning operations, the used solution of detergent and PMN substance will typically be discharged into sanitary sewers and subsequently processed in local waste treatment operations.

PMN 81-366

Close of Review Period. October 25, 1981.

Manufacturer's Identity. American Color and Chemical Corporation, Mt. Vernon Street, Lock Haven, PA 17745.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sulfo phenyl azo naphthalenol, 2, 2',2''-nitrilotris [ethanol]salt.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, reddish-orange
pH—8.5-9.5

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal exposure 2 hr/day, 5 days/yr.

Environmental Release/Disposal. The manufacturer states that all waste streams are confined within internal transfer lines for pretreatment prior to transmission to the city publicly owned treatment work (POTW). After pretreatment the effluent is sent to the Reading Municipal Treatment Plant at the rate of 300,000 gal/day, but no effluent containing the PMN substance is expected.

Dated: July 31, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-23059 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51294; TSH FRL 1903-3]

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 statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary.

DATE: Written comments by:
PMN 81-371 and 81-372, September 26, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51294]" 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-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-371	Robert Jones.	202-426-0503	E-229.
81-372	Richard Green.	202-426-2601	E-209.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturers on the PMN's received by EPA:

PMN 81-371

Close of Review Period. October 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester diol of halogenated compound and polyethylene glycol.

Use. No data were submitted.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	70,000	100,000
2d year	100,000	450,000
3d year	450,000	1,400,000

Physical/Chemical Properties

Color—Clear, yellow to brown liquid
Boiling point @ 760 Torr—<200°C
Density @ 25°C—1.3545 g/ml
Vapor pressure ¶ 20°C—<.01 Torr
Ionic chloride—100-600 ppm
Refractive Index at 25°C—1.5227
Flash point (Open cup)—233°C
Flash point (Closed cup)—235°C

Toxicity Data

Skin irritation—Slight to abraded skin; none to normal skin
Eye irritation—Minimal
Ingestion—No short term toxic effects

Long term observation period in progress.

Exposure. The manufacturer states that during manufacture, processing and disposal, a combined total of 1,013 workers will have dermal, ingestion and inhalation exposure for 20 hrs/day, 323 days/yr. Exposure will occur from drumming, disposal, quality control operations and cleaning with a concentration level peaking at 0-1 ppm.

Environmental Release/Disposal. The manufacturer states that < 10 kg/yr will be released to land and 1,000 to 10,000 kg/yr to water. Disposal will occur in a plant site wastewater treatment.

PMN 81-372

Close of Review Period. October 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: C. I. Direct Black 173.

Use. The manufacturer states that the PMN substance will be used as a commercial dye for cellulosic fibers.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	10,000
2d year	0	15,000
3d year	0	20,000

Physical/Chemical Properties

Appearance—Black powder
Solubility (water) at 80°C—60 g/1

Toxicity Data

TLM_{48} (orange medaka)—Above 2,000 ppm (parts per million)

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

Dated: July 31, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-23058 Filed 8-6-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS 140002; TSH-FRL 1903-6]

ICF Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA will transfer information contained in Premanufacture Notices (PMNs) submitted by manufactures and importers under section 5 of the Toxic Substances Control Act (TSCA) to ICF Incorporated (ICF) of Washington, D.C. Some of this information may be claimed to be confidential. ICF will review and analyze the PMN information to identify possible trends in the data which may be helpful to EPA in conducting economic impact analyses of the PMN process.

DATE: The transfer of data submitted in PMNs and claimed to be confidential will occur no sooner than August 17, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr. Director, Industry Assistance Office (TS-779), Office of Toxic Substances, Environmental Agency, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065). In Washington, D.C.: (554-1404), Outside the U.S.A: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, manufacturers and importers of chemical substances are required to submit PMNs for new chemical substances that they intend to manufacture or import and that are not included in EPA's Inventory of Chemical Substances. EPA will be evaluating the economic impact of the Premanufacture Notification requirements. To accomplish this, EPA will require the assistance of outside experts. It has selected ICF Incorporated of Washington, D.C. to perform analyses of PMN information which may be helpful to EPA in this evaluation. (Contract No. 68-01-6287).

ICF will examine the information contained in PMN's including test data, production volumes, chemical types, use information, and risk assessments, to identify possible trends and relationships among the pieces of information. EPA hopes to use the analyses by ICF to assist it in determining ways in which to make the PMN process less burdensome economically. It expects to use the information to identify innovative sectors of the chemical industry, to look at the role of small business, and to perform other types of economic impact analyses.

Pursuant to 40 CFR 2.306(j), EPA has determined that it will need to disclose Confidential Business Information to ICF Incorporated. EPA will provide ICF Incorporated with information submitted in PMNs, including type of chemicals (e.g., polymers, intermediates, etc.), production volumes, uses and substitutes, and other data which may be helpful in conducting economic impact analysis. If any PMN information is claimed to be confidential, reports prepared by ICF dealing with this Confidential Business Information will be treated as confidential. After

evaluating the information in a PMN, ICF will return the PMN and any reports it prepares to EPA.

Since ICF will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of PMNs that ICF will receive Confidential Business Information from EPA. ICF Incorporated is legally required to safeguard from any unauthorized disclosure the PMNs and any information generated during ICF's review. ICF's contract specifically prohibits disclosure of any of this information to any third party without written authorization from EPA.

ICF Inc.'s security plan and facilities have been inspected by EPA and found to be in compliance with the TSCA Confidential Business Information Security Manual. ICF is required to treat all confidential business information in accordance with the requirements of that manual, and its personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: July 3, 1981.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 81-23056 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59054D; TSH-FRL 1903-5]

Urethane Polyester Prepolymer Acrylate Capped; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application from Thiokol Corp. for a test marketing exemption (TM-81-18) under section 5 of the Toxic Substances Control Act (TSCA) on June 11, 1981. Notice of receipt of the application was published in the **Federal Register** of July 1, 1981. EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Carrie E. Berlin, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

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 of certain new chemical substances.

Section 5(h), "Exemptions", contains serveral 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 requirements of section 5(a) or section 5(b), and 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 June 11, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The TME substance is described generically as urethane polyester prepolymer acrylate capped. A notice published in the **Federal Register** of July 1, 1981 (46 FR 34407) announced receipt of this application (TM81-18) and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application. The manufacturer, the Thiokol Corporation, claimed the chemical identity and process information as confidential business information pursuant to section 14 of TSCA.

In the application the submitter states it will manufacture 5000 kg of the TME substance and will sell the material to 20 customers for a period not to exceed one year. The TME substance is a base for UV-cured coatings, adhesives and inks.

The TME substance will be manufactured on four days, 24 hours per day, during the test marketing period. There is minimal exposure to workers. During manufacture employees will wear protective equipment consisting of overalls, gloves, and goggles. The non-hazardous waste material will be disposed at an on-site landfill.

At the 20 customers' sites, during processing of the TME substance, there will be minimal dermal exposure to employees. The TME substance is polymerized during processing and ceases to exist. There will be no commercial or consumer exposure to the TME substance. The release to the air and water after processing is minimal The solid waste is non-hazardous and will be disposed at an on-site landfill.

Agency reviewers raised little or no concern that adverse health or environmental effects may be caused by the manfacturing or processing of the substance as described in the test marketing exemption application. Toxicological studies indicate the TME substance is not a skin or ocular irritant.

Because of the low level of concern regarding the toxicity of the substance, along with minimal, if any human exposure and evironmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manfacturer an exemption from the premanufacture reporting requirements for purposes of test marketing the urethane polyester prepolymer acrylate capped 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 processing and quantities processed in each batch and must make these records available to EPA upon request.

3. The volume of the new substance manfactured may not exceed the quantity of 5000 kg described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of 1 year commencing on the date of signature of this notice by the Administrator.

5. The worker protection measures specified by the submitter (coveralls, gloves, and glasses or goggles) must be observed.

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 29, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-23057 Filed 8-6-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL RESERVE SYSTEM

Banc One Corp.; Acquisition of Bank

Banc One Corporation, Columbus, Ohio, 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 66.7 per cent or more of the voting shares of The Union National Bank of Youngstown, Youngstown, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 29, 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 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23079 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gain in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 29, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (commercial lending and leasing activities; Texas): to engage through its subsidiary, Citicorp Industrial Credit, Inc., in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit, including but not limited to the business of factoring and asset-based financing; and leasing personal or real property or acting as agent, broker, or advisor in leasing such property and servicing such leases, where the leases serve as the functional equivalent of an extension of credit to the leasee of the property. Such activities would be conducted from an office in Houston, Texas, serving all of Texas.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690: American National Holding Company, Kalamazoo, Michigan (underwriting credit life and disability insurance; Arizona): to engage, through its subsidiary, Superior Life Insurance Company, in the activity of underwriting, as reinsurer, credit life and credit disability insurance which is directly related to extensions of credit by the banking subsidiaries of American National Holding Company, which serve the following Michigan Counties: Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, Masson, St. Joseph and Van Buren. This activity would be conducted at offices in Phoenix, Arizona.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; South Carolina): to continue to engage through its indirect subsidiary, Finance America Corporation, a South Carolina corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance, credit-related accident and health insurance, and credit-related property insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from an existing office located in Greenville, South Carolina, serving the entire State of South Carolina.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23081 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

First Western Bancshares, Inc.; Acquisition of Bank

First Westen Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of First Western Bank, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in

writing to the Reserve Bank to be received not later than September 2, 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, August 3, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23075 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

GBC Bancorp; Formation of Bank Holding Company

GBC Bancorp, Los Angeles, 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 per cent of the voting shares of General Bank of Commerce, Los Angeles, 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 30, 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 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23080 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

Johnson Bancshares, Inc.; Formation of Bank Holding Company

Johnson Bancshares, Inc., Chatfield, Minnesota, 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 82.2 percent of the voting shares of Root River State Bank, Chatfield, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 2, 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, August 3, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23077 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Bancshares corp.; Acquisition of Bank

Mercantile bancshares Corporation, Baltimore, Maryland, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 per cent of the voting shares of the successor by merger to Calvert Bank and Trust Company, Prince Frederick, Maryland. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. 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 September 2, 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, August 3, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc.81-23076 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

Security Richland Bancorporation; Acquisition of Bank

Security Richland Bancorporation, Miles City, Montana, 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 96 percent or more of the voting shares of Richland National Bank, Sidney, Montana. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 30, 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 31, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-23078 Filed 8-6-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting Extension

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: In the **Federal Register** of July 21, 1981 (46 FR 37564), the Food and Drug Administration (FDA) announced a meeting of the Miscellaneous Internal Drug Products Panel to be held on August 21, 22, and 23, 1981. The Panel may be unable to complete its work in the planned 3 days. If necessary, the meeting will be extended through August 24, 1981, and that session will be held from 8 a.m. to 3 p.m. in Conference Rm. G., Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

FOR FURTHER INFORMATION CONTACT: John R. Short, Bureau of Drugs (HFD-514), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

Dated: July 31, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-22949 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

Compilation of Preambles for Color Additive Documents; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of another volume of the preamble compilation. This volume contains significant preambles of published **Federal Register** documents relating to Color Additive regulations, from March 1936 through March 1978.

ADDRESS: This volume may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Federal Register Writer's Office (HFC–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: The preamble compilation series has been structured around the current organizational scheme for Food and Drug Administration regulations issued under Chapter I of Title 21 of the Code of Federal Regulations. This compilation is part of a comprehensive effort to make available to the public and the agency a central source for tracing, by subject, the historical development of agency regulations.

Each volume of the preamble compilation will be updated with an annual cumulative pocket supplement. The agency will publish in the **Federal Register** a notice of availability for each volume and pocket supplement as they become available.

The Color Additive volume may be purchased from the Superintendent of Documents (address above) for $14.00. To order, reference GPO stock No. 017–015–00192–0.

Dated: July 31, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–22850 Filed 8–6–81; 8:45 am]

BILLING CODE 4110–03–M

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 Abraham I. Kleks, District Director, Los Angeles District Office, Los Angeles, CA.

DATE: The meeting will be held from 1 to 3 p.m., on Wednesday, August 19, 1981.

ADDRESS: The meeting will be held at the Santa Ana Public Library, 26 Civic Center Plaza, Spurgeon Room Santa Ana, CA 92702.

FOR FURTHER INFORMATION CONTACT: Irene Caro, Consumer Affairs Officer, Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015, 213–688–3771.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Los Angeles District Office, and contribute to the agency's policymaking decisions on vital issues.

Date: July 31, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–22852 Filed 8–6–81; 8:45 am]

BILLING CODE 4110–03–M

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 Hayward E. Mayfield, District Director, Nashville District Office, Nashville, TN.

DATE: The meeting will be held at 10:45 a.m., Monday, August 24, 1981.

ADDRESS: The meeting will be held at the Maury County Senior Center, Maury County Park, Columbia, TN 38401.

FOR FURTHER INFORMATION CONTACT: Jessica A. Parchman, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

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 understanding and exchange information between local consumers and FDA's Nashville District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 31, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–22851 Filed 8–6–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81M–0216]

Barnes-Hind Pharmaceuticals, Inc.; Premarket of Approval of Barnes-Hind Soft Mate® Comfort Drops

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of Barnes-Hind Soft Mate® Comfort Drops sponsored by Barnes-Hind Pharamaceuticals, Inc., Sunnyvale, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 8, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent 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: Henry Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 10, 1980, Barnes-Hind Pharmaceuticals, Inc., Sunnyvale, CA, submitted to FDA an application for premarket approval of Barnes-Hind Soft Mate® Comfort Drops for tetrafilcon hydrophilic contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On June 25, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lens solutions were regulated as new drugs. Because the amendments broadened the definitiaon of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lens solutions are now regulated as class III devices (premarket approval). As FDA

explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formely regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of Barnes-Hind Soft Mate® Comfort Drops states that the solution is designed for daily use as a lubricating and rewetting solution for use with tetrafilcon soft contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(e)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall indentify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 8, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 20, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-23044 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of 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 Hayward E. Mayfield, District Director, Nashville District Office, Nashville, TN.

DATE: The meeting will be held at 10 a.m., Monday, August 31, 1981.

ADDRESS: The meeting will be held at the Boynton Drive Center, Movie Room, 751 Boynton Dr., Chattanooga, TN 37403.

FOR FURTHER INFORMATION CONTACT: Barbara B. Shields, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

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 understanding and exchange information between local consumers and FDA's Nashville District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 31, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-23046 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of 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 Hayward E. Mayfield, District Director, Nashville District Office, Nashville, TN.

DATE: The meeting will be held at 10 a.m., Wednesday, September 2, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, Conference Room, 297 Plus Park Blvd., Nashville, TN.

FOR FURTHER INFORMATION CONTACT: Barbara B. Shields, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for curent and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Nashville District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 31, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-23045 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0224]

W. R. Grace and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that W. R. Grace and Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of butadiene-styrene-

divinylbenzene copolymer in can end cements.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3569) has been filed by W. R. Grace and Co., 55 Hayden Ave., Lexington, MA 02173, proposing that paragraph (b)(3)(xxxi) of § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300(b)(3)(xxxi)) be amended to provide for the safe use of butadiene-styrene-divinylbenzene copolymer in can end cements.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 23, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-22740 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Recombinant DNA Research; Action Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Action Under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth an action taken by the Director, NIAID, under the June 1981 NIH Guidelines for Research Involving Recombinant DNA Molecules (46 FR 34462).

EFFECTIVE DATE: August 7, 1981.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. Willain J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205 (301) 496-6051.

SUPPLEMENTARY INFORMATION: I am promulgating today a major action under the NIH Guidlines for Research Involving Recombinant DNA Molecules. This proposed action was published for comment in the **Federal Register** of April 30, 1980, and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on June 5-6, 1980. Final action on the the proposal was deferred pending receipt of additional information. In accordance with Section IV-E-1-b of the NIH Guidelines, I find that this action complies with the Guidelines and presents no significant risk to health or the environment.

I. Approval of Field Testing of Corn Plants Modified by Recombinant DNA Techniques

Dr. Ronald Davis of Stanford University requested permission from the Recombinant DNA Advisory Committee (RAC) to field test corn plants (*Zea mays*) which have been transformed by corn DNA or modified corn sequences cloned in *E. coli* K-12 or *Saccharomyces cerevisiae* host-vector systems. The request was published as a proposed major action under the NIH Guidlines in the **Federal Register** of April 30, 1980. No comments were received on the proposal.

The RAC reviewed the request at its meeting on June 5-6, 1980. Although the RAC recommended approval of this proposal by a vote of eleven in favor, none opposed, and five abstentions, the Director, NIH, in the **Federal Register** of July 29, 1980, announced that he was deferring action on this recommendation pending receipt of additional information on the technical aspects of the experiments and the proposed containment.

In June 1981, Dr. Davis provided technical information on the proposed experiments, including information on hosts and vectors, DNA transfection methods, and the location of the experiments. Dr. Virginia Walbot, Dr. Davis' associate, provided information on containment procedures in a letter dated July 13, 1981. The USDA Recombinant DNA Committee has also reviewed the proposal, and has recommended that Dr. Davis and his associates be permitted to proceed with the experiments.

I accept the recommendations of the RAC and the USDA Recombinant DNA Committee, and Appendix E of the Guidelines is amended to reflect this decision.

II. Summary of Action

The following new section is added to Appendix E of the Guidelines: "35. Permission is granted to Dr. Ronald Davis of Stanford University to field test corn plants modified by recombinant DNA techniques under specified containment conditions."

Dated: August 3, 1981.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announecments the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially ever federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected. NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

[FR Doc. 81-23067 Filed 8-6-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-17847]

Idaho; Proposed Withdrawal

July 30, 1981

The U.S. Forest Service, Department of Agriculture, on July 20, 1981, filed application, Serial No. I-17847, for the withdrawal of the following described lands from location under the mining laws, subject to valid existing rights:

Boise Meridian

Salmon National Forest

T. 20 N., R. 18 E.,
Sec. 35.

Beginning at the confluence of Panther Creek and Moyer Creek said point being more particularly located in the unsurveyed NE¼NW¼.

From point of beginning, North 19°27' West 430 feet to Corner No. 1,

Thence South 18°04' West, 3055 feet, to Corner No. 2,

Thence North 80°38' East, 2640 feet, to Corner No. 3,

Thence North 33°49' West, 2978 feet, to Corner No. 1, the true point of beginning.

The area described aggregates 82 acres in Lemhi County.

The lands will be segregated from entry and location under the general mining laws for a period of two years from the date of publication of the proposed withdrawal in the **Federal Register**, or until the withdrawal action is completed, or the application is canceled, whichever is the shortest period of time.

Present authorized uses may continue until preparation of site construction of improvements begin. The land will then be closed to all non-Forest Service uses, except for public access on Forest developed roads.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

On or before September 8, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-22979 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 23806]

Notice of Realty Action—Exchange; Public Lands in Lane County for Private Land in Clackamas County, Oregon

July 29, 1981.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy Management Act of 19976 (90 Stat. 2756; 43 U.S.C. 1716):

Willamette Meridian, Oregon

Township 18 South, Range 8 West,
Sec. 6, Lot 7.
Township 18 South, Range 9 West,
Sec. 6, Lot 3;
Sec. 27, W½NE¼;
Sec. 30, Lots 1 and 4;
Sec. 31, Lots 1–3, NE¼SW¼.
Township 18 South, Range 10 West,
Sec. 24, S½SW¼.
Township 18 South, Range 11 West,
Sec. 7, NE¼NW¼.
Containing 405.39 acres in Lane County.

In exchange for all or some of these lands the United States will acquire the following described land from Champion International Corporation:

Willamette Meridian, Oregon

Township 7 South, Range 4 East,
Sec. 16, N½, E½SW¼, SE¼.
Containing 560.00 acres in Clackamas County.

The purpose of the exchange is to facilitate the resource management program of the Bureau of Land Management and to improve the timber management program of the corporation. The public lands that will be exchanged are relatively small, scattered parcels located in the vicinity of Mapleton, Oregon, where the corporation has a veneer mill. The corporation intends to manage the acquired lands with its existing timber lands for timber production. The corporation land that will be exchanged has important archeologic, botanic, and scenic resources. The land will be managed for multiple use along with the surrounding public lands.

The exchange has been discussed with Clackamas and Lane County officials and no objections were raised. The exchange is consistent with the Bureau of Land Management land use plans and the public interest will be well served by making the exchange.

The fair market value of the lands involved are either approximately equal or the acreage will be adjusted to bring the values as close as possible. Full equalization of values will be achieved by payment to the United States of funds in an amount not to exceed 25 percent of the total value of the public lands to be transferred out of Federal ownership. All mineral rights will be transferred with the surface estate.

The public lands to be transferred from the United States will be subject to the following terms and conditions:

1. The public lands will be subject to valid, existing rights including any right-of-way, easements, and leases of record.

2. The patent will include a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1980.

Publication of this notice in the **Federal Register** segregates the public lands, described above, from appropriation under the public land laws, including mining laws, but not from exchange pursuant to Section 206 of the Federal land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange, including the environmental assesment and the record of public discussions, is available for review at the Salem District Office, P.O. Box 3227 (1717 Fabry Road S.E.), Salem, Oregon 97302.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salem District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

John d. Evans

Acting District Manager.

[FR Doc. 81-23051 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-84-M

Minnesota; Availability of Map

Notice is hereby given that a new Bureau of Land Management (BLM) map showing the location of public lands and Federal mineral rights in the Duluth, Minnesota area is now available to the public. The map, prepared as a result of a Bureau-wide program to map areas of mineral interests, is published at the scale of 1:100,000 (one centimeter=one kilometer) in a format of 1° longitude by 30' latitude (34 x 60 miles). They are sold for $2.00 each.

The new Duluth map is one of a series of BLM maps which cover parts of the three Lake States. BLM maps covering northern Minnesota, northeastern Wisconsin, and western Upper Michigan have already been printed and are available to the public. Additional maps covering northwestern Wisconsin and Lower Michigan will be published in the future.

For further information and/or a BLM map index, contact the Bureau of Land Management, Duluth Field Office, 125 Federal Building, Duluth, Minnesota 55802, (218) 727–6692 or Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235–2840.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81-23065 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources, Meeting

Notice is hereby given that a meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on August 27 and

28, 1981, at 10:15 a.m. in Room 5110 of the Dirkson Senate Office Building.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and royalty management problems. The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian Tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. Departmental efforts to improve the Royalty Accounting System will be evaluated by the Commission. A final report will be presented to the Secretary evaluating the Royalty Accounting System, internal controls and actions relating to the allegations of oil theft.

Purpose of the Meeting

The purpose of this meeting is to hear testimony relating to the problems of oil theft and royalty management. The hearing will be devoted to oral testimony to assist the Commission in understanding the intricacies of the problems. It is possible that a portion of the second day will be a business meeting. The meeting will be open to the public. Any member of the public may file a written statement concerning matters to be discussed with the Commission.

Persons wishing further information concerning the meeting may contact the Executive Director in Room 403, 1111 18th Street, N.W., Washington, D.C. 20036, phone (202) 653-9051.

Minutes of the meeting will be available for public inspection within 30 days in Room 403, 1111 18th Street, N.W., Washington, D.C. 20036.

Dated: August 4, 1981.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 81-23066 Filed 8-6-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-No. 118F)]

Chicago and North Western Transportation Company—Abandonment Between Tama and Gladbrook, in Tama County, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated July 28, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment by Chicago and North Western Transportation Company (C&NW) of its line of railroad between milepost 0.2 near Tama and milepost 18.5 near Gladbrook, IA, a total distance of 18.3, subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the C&NW permitting the abandonment unless within 15 days from the date of this publication the Commission also find that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributing to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23103 Filed 8-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: August 4, 1981.

In recent decisions, an 18.0-percent surcharge was authorized on all owner-operators traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.9-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 6.7-percent surcharge for the bus carriers. However, the surcharge for United Parcel Service is ordered reduced to 2.0-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m., August 7, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

August 3, 1981 ..... 130.8¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.9	3.1	6.7	[3] 2.8

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
Percent surcharge allowed	18.0	3.1	6.7	[4]2.0

[1] Apply to all truckload rated taffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-23099 Filed 8-6-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 28676 (Sub-No. 1); Finance Docket No. 29695]

Grand Trunk Western Railroad Company—Control—Detroit, Toledo and Ironton Railroad Company and Detroit and Toledo Shore Line Railroad Company and Consolidated Rail Corporation—Petition To Require Cancellation of Agreements With Grand Trunk Western Railroad Company and Detroit, Toledo and Ironton Railroad Company

Decided: July 31, 1981.

On June 9, 1981, Consolidated Rail Corporation (Conrail) filed a petition in Finance Docket No. 28676 (Sub-No. 1) (the *Control* proceeding) requesting us to rescind two agreements it made in 1975 with Grand Trunk Western Railroad Company (GTW) and Detroit, Toledo and Ironton Railroad Company (DT&I). The agreements provide for imposition of obligations which Conrail claims are substantially identical to the so-called DT&I Conditions.[1] GTW replied on June 24, 1981.

Conrail alleges that traffic protective provisions such as those contained in the agreements tend to impede interstate commerce. It further alleges that a provision of the agreements calling for equalization of Conrail's single-line rates with joint-line rates is in conflict with certain provisions of the Staggers Rail Act of 1980 and is contrary to the spirit of the antitrust laws. Conrail contends that it is appropriate to analyze these issues in the *DT&I Control* proceeding because that proceeding has been reopened primarily to receive evidence on whether the Commission should impose DT&I Conditions either as a condition to our approval of the main control transaction, or through approval of a settlement agreement containing the conditions.[2]

GTW objects to Conrail's attempt to use the reopened *DT&I Control* proceeding as a forum for reviewing two 1975 agreements which have never been before the Commission. It notes that Conrail chose not to become a party in the *DT&I Control* proceeding when it was initiated 3½ years ago or at any time thereafter. GTW further argues that the *DT&I Control* proceeding has been remanded from the Fourth Circuit Court of Appeals solely to permit protestants in that case to submit additional evidence in support of their position that we should have conditioned our approval of GTW's control by imposing traffic protective conditions (or approved stipulations with a similar effect). In sum, GTW argues that consideration of Conrail's petition is beyond the scope of the reopened *DT&I Control* proceeding.

We will not broaden the *DT&I Control* proceeding to consider rescission of Conrail's contractual arrangements with GTW and DT&I. Conrail has stated no compelling reasons to intervene at this late date, after consummation of the transaction. Indeed, Conrail does not even argue that the relief it seeks is required to mitigate an impact on the GTW control transaction. Compare *Railroad Consolidation Procedures*, 363 I.C.C. 784, 792 (1981) and our order in *DT&I Control* served May 11, 1981.

Nonetheless, we do not intend to deprive Conrail of a forum for review of the agreements. Accordingly, we will treat Conrail's petition as a petition for relief under 49 CFR 1100.99, and will institute a proceeding to rule on this petition.

GTW's reply questions our jurisdiction to disapprove the 1975 agreements. GTW asserts that these agreements were executed in order to implement the Final System Plan and are thus exempt from the antitrust laws without Commission approval. See § 601(a)(2) of the Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, 87 Stat. 985. GTW further asserts that the agreements were never subject to Commission approval (and hence are not subject to a revocation of Commission approval) and contain no provision for termination by the parties or by the Commission. We will not rule on this contention without benefit of further presentation of arguments by all parties. GTW's challenge to our jurisdiction over the agreements should be addressed by parties participating in the proceeding.

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

It is ordered: 1. Conrail's request to intervene in Finance Docket No. 28676 (Sub-No. 1) is denied.

2. A proceeding is instituted, in Finance Docket No. 29695, to investigate and rule upon Conrail's petition. Notice of this proceeding shall be given by publication of this decision in the **Federal Register**. Conrail shall provide a copy of its petition to any person upon request. Any person wishing to participate shall file its response to Conrail's petition within 45 days of the **Federal Register** publication. Conrail must file its rebuttal within 70 days of publication of this decision in the **Federal Register**.

3. This decision shall be effective on August 4, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-23102 Filed 8-6-81; 8:45 am]
BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Dana Corporation, 4500 Dorr Street, Toledo, Ohio 43615, is the parent corporation.

2. Wholly-owned subsidiaries which will participate in the operations and state(s) of incorporation are:

i. Wix Corporation, a Delaware corporation;
ii. Tyrone Hydraulics, Inc., a Delaware corporation;
iii. Lantex Hydraulics, Inc., a Delaware corporation;
iv. Gresen Manufacturing Company, a Delaware corporation;
v. Michigan Wheel Corporation, a Delaware corporation;
vi. Wilson-Wichita, Inc., a Delaware corporation;
vii. Omicron, Inc., a Michigan corporation; and
viii. Boston Industrial Products, Inc., a Delaware corporation.

1. Parent Corporation and address of principal office: Fleming Companies, Inc., 6601 North Broadway, Box 26647, Oklahoma City, OK 73126.

2. Wholly-owned subsidiaries which will participate in the operations, and

[1] The "DT&I Conditions" are standard traffic protective conditions first imposed in *Detroit, T&I. R. Co. Control*, 275 I.C.C. 455 (1950). GTW disputes Conrail's characterization of the obligations imposed by the two agreements as "substantially identical" to the "DT&I conditions."

[2] *Norfolk & Western Railway Co.* v. *United States*, 639 F. 2d 1096 (1981).

addresses of their respective principal offices:

(A) Fleming Foods of Missouri, Inc., 3001 Davis Boulevard, P.O. Box 730, Joplin, MO 64801.
(B) The Fleming Company of Nebraska, Inc., 1601 Pioneer Boulevard, Box 82809, Lincoln, NE 68501.
(C) Thriftway Foods, Inc., Egypt & Greentree Roads, P.o. Box 935, Oaks, PA 19456.
(D) Thrift-Rack, Inc., Egypt & Greentree Road, P.O. Box 935, Oaks, PA 19456.
(E) Kockos Bros., Inc. (dba Fleming Foods), 5900 Stewart, Fremont, CA 94537.
((F) Benson Wholesale Company, Inc., 1015 West Magnolia Avenue, P.O. Box 398, Geneva, AL 36340
(G) E. J. Keefe Company, Inc., 3933 Old Tampa Highway, P.O. Drawer B-K, Lakeland, FL 33802.
(H) Southland Grocery Company, Inc., 1801 Victory Drive, P.O. Box 3740, Columbus, GA 31995.
(I) Dixieland Food Stores, Inc., 1015 West Magnolia Avenue, P.O. Box 398, Geneva, AL 36340.
(J) Fleming Foodservice, Inc., 220 East St. Elmo Road, P.O. Box 1649, Austin, TX 78767.
(K) General Merchandise Distributors, Inc., 7215 S. Topeka Boulevard, Box 1817, Topeka, KS 66601.
(L) Kahan & Lessin Company, 3131 East Maria, Compton, CA 90221.
(M) Royal Food Distributors, Inc., 215 Blair Road, Woodbridge, NJ 07095.
(N) Blue Ridge Grocery Company, Inc., 700 Bath Avenue, P.O. Box 1207, Waynesboro, VA 22980.
(O) Fleming Foods of Texas, Inc., 2525 Minimax Drive, P.O. Box 1479, Houston, TX 77001.
(P) Fleming Transportation Service, Inc., 6601 North Broadway, Oklahoma City, OK 73126.
(Q) General Printing & Paper, Inc., 305 East 17th Street, Topeka, KS 66607.

1. Parent corporation and address of principal office: NIBCO, INC., 500 Simpson Avenue, P.O. Box 1167, Elkhart, Indiana 46515.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: (i) Kel-Win Manufacturing, Inc., 1601 Hundred Road, Chester, Virginia 23831, a Virginia Corporation.

1. Parent corporation and address of principal office: Shepherd Products Limited, 37 Esna Park Drive, Markham, Ont., Canada L3R 1C9.

2. Wholly-owned subsidiaries which will participate in the operations and State(s) of incorporation:

(i) Shepherd Products U.S. Inc.—Michigan.
(ii) Shepherd Manufacturing Co. Limited—Ontario.
(iii) Kermil Company Limited—Ontario.
(iv) Sterling Corporation Limited—Ontario.
(v) Constellation Contract Furniture Limited—Ontario.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23101 Filed 8-6-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

August 4, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

FSA 43930, Southwestern Freight Bureau, Agent, carload rates on styrene Butadiene Emulsion, not less than forty-nine (49) percent water, in tank cars, minimum weight 200,000 pounds per car, from Freeport, TX., to Sarnia, ON., in Tariff ICC SWFB 4616-A to become effective August 30, 1981.

Grounds for relief: Origin rate relationship

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23098 Filed 8-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-220]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 31, 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** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we 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 become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an appliant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Fortier 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 authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 126960 (Sub-10), filed July 27, 1981. Applicant: EASTMAN TRANSPORT, INC., P.O.B. 1186, Fort Bragg, CA 95437. Representative: Lawrence V. Smart, Jr.,

419 NW. 23rd Ave., Portland, OR, (503) 226–3755. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 140231 (Sub-12), filed July 28, 1981. Applicant: LUMBER DISTRIBUTORS, INC., Building 149 Marsh St., Southside, Port Newark, NJ 07114. Representative: Jerry J. Massell, 222 Route 25, P.O. Box 22, Middletown, NJ 07748, (201) 747–2626. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147910 (Sub-1), filed July 20, 1981. Applicant: SHAIN TRUCKING COMPANY, a corporation, 8130 Upriver Road, Corpus Christi, TX 78410. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152170, filed July 24, 1981. Applicant: PUTMAN MOVING & STORAGE, INC., 302 Via Del Norte, Oceanside, CA 92054. Representative: Patrick Collins (same address as applicant), (714) 439–2583. Transporting *used household goods*, for the account of the U.S. Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157141, filed July 13, 1981. Applicant: PATRICK HENRY NATIONAL BANK, Riverside Drive, P.O. Box 1776, Bassett, VA 24055. Representative: Jackson L. Kiser, 60 West Church St., Martinsville, VA 24112, (703) 638–2367. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-23097 Filed 8-6-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 136]

Motor Carriers; Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: August 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be must with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 125 (Sub-2)X, filed July 29, 1981. Applicant: AMERICAN FREIGHT FORWARDING CORP., 351 West 38th Street, New York, NY 10123. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. Applicant seeks to remove restrictions in its freight forwarder permit No. FF–125, authorizing the transportation of general commodities, to replace existing one-way authority with radial authority in part (2) of the territorial description, thereby authorizing service between points in MA, RI, CT, NY, NJ, DE, MD, PA, OH, MI, IN, WI, IL, and Kansas City, KS, on the one hand, and, on the other, points in WY, LA, TN, KY, ND, SD, NE, CO, KS, OK, AR, and TX.

MC 31024 (Sub-40)X, filed July 23, 1981. Applicant: NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Ave., New Rochelle, NY 10805. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017. Applicant seeks to remove restrictions in its Sub-No. 37 certificate to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures"; and (2) remove the exception of AK and HI from its nationwide authority.

MC 33500 (Sub-23)X, filed July 27, 1981. Applicant: TOWNE VAN LINES, INC., 1935 Sable Lane, San Antonio, TX 78217. Representative: Zoe Ann Pace, One World Trade Center, Suite 2373, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 16 certificate to broaden the commodity description from household goods to "household goods, and furniture and fixtures."

MC 36517 (Sub-114)X, filed July 24, 1981. Applicant: JAMES J. KEATING, INC., P.O. Box 380, Perth Amboy, NJ 08862. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-No. 9F certificate to (1) broaden the commodity description from chemicals and "chemicals and related products"; and (2) broaden territorial scope (a) to county-wide authority: Bayonne and Jersey City, NJ to Hudson County, NJ, Carteret, NJ, to Middlesex County, NJ and Elizabeth, NJ to Union County, NJ, and (b) to replace one-way with radial authority to serve between points in Hudson, Middlesex and Union Counties, NJ, and, points in CT, MA, NY AND RI.

MC 45472 (Sub-3)X, filed July 21, 1981. Applicant: BUTKEWICH TRUCKING CORP., 127–36 Northern Blvd., Flushing, NY 11368. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden its commodity descriptions (a) in the lead to "food and related products", from agricultural commodities, groceries, and malt beverages; to "metal products", from metal beds, scrap metals, and steel and steel products; to "containers", from empty malt beverage containers; to "metal products, machinery, and textile mill products", from scrap metals, machinery, wool waste, and textile waste materials; to "textile mill products", from burlap bags; and (6) in Sub-No. 1, to "metal products", from steel conduit pipe and iron pipe fittings; (2) replace cities and facilities with county or city-wide authority (a) in the lead, Worcester and Clinton, MA, with Worcester County, MA; New Haven, CT, with New Haven County, CT, Perth Amboy and Carteret, NJ, with Middlesex County, NJ; Utica, NY, with Oneida County, NY; Bridgeport, CT, with Fairfield County, CT; Norwich and New London, CT, with New London County, CT; Putnam, CT, with Windham County, CT; Buffalo, NY, with Erie County, NY; and Springfield, NJ, with Union County, NJ; and (b) in Sub-No. 1, facilities at New York, NY, with New

York, NY; and (3) change one-way to radial authority between specified cities and counties, and points in several eastern cities, counties, and States.

MC 58923 (Sub-76)X, filed July 16, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its MC–141069 and MC–141069 (Sub-No. 1) certificates (acquired in MC–F–14515F) to (1) broaden the commodity description in the lead and Sub-No. 1 from general commodities, with the usual exceptions to "general commodities (except classes A and B explosives);" (2) replace the railroad TOFC ramp facilities at Dallas and Fort Worth, TX in the lead and Sub-No. 1 with city-wide authority; (3) remove the restriction in the lead limiting transportation to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service.

MC 60012 (Sub-106)X, Filed July 13, 1981. Applicant: RIO GRANDE MOTOR WAY, INC., P.O. Box 5628, Denver, CO 80217. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 28, 29, 34, 35, 37, 38, 40, 41, 43, 44, 49, 53, 55, 58, 59, 60, 62, 65, 67, 70, 71, 72, 74, 77, 81, 83, 84, 87, 88, 90, 91, 92, 96, 97, 99F, 103F and 104 certificates: (1)(a) remove all exceptions other than Classes A and B explosives from general commodity authority, broaden territorial scope to serve all intermediate points or regular routes and remove restrictions on service to off-route points in lead; (1)(b) broaden commodity description from ore and ore concentrates to "metallic ores", and remove bulk and equipment restrictions in lead; (2) remove all exceptions from general commodity authority in Sub-No. 28; remove a restriction limiting service at the off-route point to that in connection with regular route operations to and from Denver, CO, held by carrier on March 31, 1952 to allow service in connection with any of the carrier's regular routes; (3) remove all exceptions from general commodity authority, broaden territorial scope to serve all intermediate points or regular routes, and remove joinder only restrictions in Sub-No. 29; (4) remove all exceptions from general commodity authority in Sub-Nos. 34, 38, 40, 41, 44, 53, 55, 62, 70, 81 and 87; (5) broaden commodity description from ore and ore concentrates to "metallic ores"; remove bulk restriction and broaden territorial scope serve all intermediate points on regular routes and remove the joinder only restriction in Sub-No. 35; (6) remove all exceptions from general commodity authority; remove restriction limiting off-route point service to that in connection with operations to and from Denver to allow service in connection with any of the carrier's regular routes in Sub-Nos. 37 and 43; (7) broaden commodity description from ore and ore concentrates to "metallic ores"; broaden territorial scope to serve all intermediate points on regular routes in Sub-No. 49; (8) remove all exceptions from general commodity authority except Classes A and B explosives where applicable; broaden territorial scope to serve all intermediate points on regular routes in Sub-No. 58; (9) remove all exceptions other than Classes A and B explosives from general commodity authority; broaden territorial scope to serve all intermediate points on regular routes in Sub-Nos. 59, 67 and 90; (10) remove all exceptions other than Classes A and B explosives from general commodity authority in Sub-Nos. 60, 65, 88, 92, 96, 97 and 99; (11) remove all exceptions other than Classes A and B explosives from general commodity authority; remove restriction limiting off-route point service to that in connection with operations to and from Cortez, CO in Sub-No. 71; (12) remove all exceptions from general commodity authority; remove restriction limiting off-route point service to that in connection with operations to and from Farmington, NM in Sub-No. 72; (13) broaden commodity description from molybdenum concentrates, in bulk to "metallic ores" in Sub-No. 74; (14) remove all exceptions from general commodity authority and restriction against serving Climax, CO in Sub-No. 77; (15) remove all exceptions from general commodity authority and restriction limiting service at Climax, CO to that originating at or destined to points west of Colorado-Utah State line in Sub-No. 83; (16) remove all exceptions from general commodity authority; broaden territorial scope to serve all intermediate points on regular routes in Sub-No. 84; (17) remove all exceptions other than Classes A and B explosives from general commodity authority; and broaden territorial scope to serve all intermediate points in Sub-No. 91; (18) broaden commodity description from iron and steel articles to "metal products" in Sub-No. 103; (19) remove all exceptions other than Classes A and B explosives from general commodity authority; remove restriction against interline at Denver, CO of traffic destined to or originating at Greeley, Fort Collins and Loveland, CO in Sub-No. 104.

MC 85934 (Sub-132)X, filed July 17, 1981. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 12, 15, 17, 27, 35, 37, 40, 44, 48, 49, 51, 53, 54, 55, 59, 60, 62, 63, 79F, 83F, 98F, 102, 110, 114, 115F, 116, 117F, 118F, 120F, 124F, and 125F certificates to: (1) broaden the commodity descriptions from: (a) fly ash to "metal products" in Sub-No. 1; (b) calcium chloride or dry calcium chloride to "chemicals and related products" in Sub-Nos. 3, 15, and 54; (c) clay products, tile, plaster, and mortar to "clay, concrete, glass or stone products" in Sub-No. 12; (d) cement to "clay, concrete, glass or stone products" in Sub-Nos. 12, 17, 37, 98F, 102, and 118F; (e) paper or scrap paper to "pulp, paper and related products" in Sub-No. 12; (f) lime or lime and limestone products to "clay, concrete, glass or stone products" in Sub-Nos. 12 and 35; (g) plastic sheets to "rubber and plastic products" in Sub-No. 12; (h) wallboard to "lumber or wood products" in Sub-No. 12; (i) metal lath to "machinery" in Sub-No. 12; (j) metal pipe for sewer and water systems and millwork to "metal products" in Sub-No. 12; (k) insulation materials to "building materials" in Sub-Nos. 12 and 59; (l) Gypsum products to "clay, concrete, glass or stone products" in Sub-Nos. 12 and 59; (m) salt or dry salt and dry salt products to "chemicals and related products" in Sub-Nos. 12 and 44; (n) roofing materials or composition roofing products and materials to "building materials" in Sub-Nos. 12 and 59; (o) coal tar pitch and powdered coal to "coal and coal products" in Sub-Nos. 27 and 115F; (p) building materials (except liquid asphalt, in bulk and clay products) to "building materials" in Sub-No. 48; (q) fertilizer or liquid fertilizer to "chemicals and related products" in Sub-Nos. 49 and 53; (r) composition boards to "lumber and wood products" in Sub-No. 59; (s) urethane and urethane products to "rubber and plastic products" in Sub-No. 59; (t) liquid petroleum products and grease to "petroleum, natural gas and their products" in Sub-No. 60; (u) construction materials to "building materials" in Sub-No. 83; (v) zinc products and cadmium products to "metal products" in Sub-No. 110; (w) hardwood flooring and hardwood flooring systems to "lumber and wood products" in Sub-No. 114; (x) tractors, snowblowers and attachments for tractors and snowblowers to "transportation equipment and

machinery" in Sub-No. 116; (y) asphalt to "petroleum, natural gas and their products" in Sub-No. 117F; (z) iron and steel articles or steel to "metal products" in Sub-Nos. 120F, 124F, and 125F; (aa) beans to "food and related products" in Sub-No. 12. (2) remove the restrictions excepting AK and HI in Sub-Nos. 102 and 116; (3) Broaden facility-or city-wide authority to county-wide authority: Wayne County for Trenton, MI in Sub-No. 1; Midland and Mason Counties for Midland and Ludington, MI in Sub-No. 3; Shiawassee, Ingham, and Eaton Counties for Corunna, Williamston, and Grand Ledge, MI in Sub-No. 12; Monroe County for Monroe, MI in Sub-No. 12; Ottawa County for Port Clinton, OH in Sub-No. 12; Wood County for Luckey, OH in Sub-No. 12; Ingham County for Lansing, MI in Sub-No. 12; Stark, Tuscarawas, Richland, Coshocton, and Franklin Counties for East Canton, Sugarcreek, Mansfield, Coshocton, Uhrichsville, New Philadelphia, and Columbus, OH in Sub-No. 12; Wayne County for Detroit, MI in Sub-No. 12; Berrien County for St. Joseph, MI in Sub-No. 12; Baraga County for L'Anse, MI in Sub-No. 12; Cuyahoga County for Cleveland, OH in Sub-No. 12; Summit County for Barberton, OH in Sub-No. 15; Kalamazoo County for Schoolcraft, MI in Sub-No. 17; Wayne County for Detroit, MI in Sub-No. 27; Wayne County for River Rouge, MI in Sub-No. 35; Kent County for Grand Rapids, MI in Sub-No. 37; Ottawa County for Port Clinton, OH in Sub-No. 40; Midland County for Midland, MI in Sub-No. 44; Ottawa County for Port Clinton, OH in Sub-No. 48; Ingham County for facility at Lansing, MI in Sub-No. 53; Mason County for Ludington, MI in Sub-No. 54; Ottawa County for Port Clinton, OH in Sub-No. 59; Gratiot and Montcalm Counties for St. Louis, Carson City and Alma, MI in Sub-No. 60; Midland County, MI, Columbia County, AR, Jefferson County, MO, Lawrence County, OH and Will and LaSalle, Counties, IL for facilities at or near Midland, MI, Magnolia, AR, Pevely, MO, Hanging Rock, OH and Channahon, IL in Sub-No. 79F; Cook and Will Counties, IL for facilities at Chicago and Wilmington, IL, in Sub-No. 83F; Emmet County for Petoskey, MI in Sub-No. 98F; Emmet County for Petoskey, MI and Cook County for Chicago, IL in Sub-No. 102; Wayne County for Detroit, MI in Sub-No. 110.; Houghton County for Dollar Bay, MI in Sub-No. 114; Wayne County for Detroit, MI in Sub-No. 115F; and Milwaukee County for Milwaukee, WI in Sub-No. 116; Lawrence County for facility at or near Lawrenceville, IL in Sub-No. 117F Stark County, OH, Warren County, IA, and Summit County, OH for facilities at or near Middlebranch, OH, West Des Moines, IA and Macedonia, OH, in Sub-No. 11,8F; Lee and Whiteside Counties, IL for facilities at or near Sterling and Rock Falls, IL in Sub-No. 120F; Wayne County, MI for facilities at or near Detroit, MI, in Sub-No. 124F; (4) remove the in bulk, in containers, in flat bed equipment only, in dump vehicles, and in tank vehicles restrictions in Sub-Nos. 1, 3, 12, 15, 27, 35, 44, 48, 49, 53, 59, 79F, 83F, 117F, and 118F; (5) replace one-way with radial authority in all Sub-Nos. except Sub-Nos. 37, 51, 55, 62 and 63; (6) remove the restriction against service between Lorain and Cleveland, OH and between Toledo and Ashtabula, OH in its movement from named points in MI to points in IN and OH in Sub-No. 60; (7) remove the following restrictions: (a) against the transportation of lime and limestone products, in bags, to points in OH, in Sub-No. 35; (b) against the transportation of shipments originating at specified origin points in Sub-No. 51; (c) limiting transportation to traffic originating at named facilities in Sub-No. 79; and (d)(1) against the transportation of traffic originating at Buffington, IN and (2) against the transportation of traffic originating at named facilities at Chicago and destined to points in WI in Sub-No. 102; and (8) remove the facilities limitation at Dearborn, MI in Sub-No. 62.

MC 118537 (Sub-29)X, filed July 23, 1981. Applicant: MARX TRUCK LINE INC., 220 Lewis Boulevard, Sioux City, IA 51106. Representative: Robert L. Marx (same address as applicant). Applicant seeks to remove restrictions in its lead permit MC 61401 and Sub-Nos. 15F, 18F, 20F, 21F and 22F permits, to (1) broaden the commodity description from packing-house products and other commodities dealt in by packing-houses, cheese, and packing-house equipment, materials and supplies to "food and related products and packing-house equipment, materials and supplies" in its lead; from glass jars to "such commodities as are dealt in or used by honey processing plants or apiaries" in Sub-No. 18F; from iron and steel articles as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 to "metal products in Sub-No. 20F; from tile, artificial turf, neoprene foam padding and floor coverings to" textile mill products, rubber and plastic products and clay, concrete, glass or stone products in Sub-No. 21F; from animal feed products and materials and supplies used in the manufacture and distribution of animal feed products to "food and related products" in Sub-No. 22F; (2) remove the bulk restriction in Sub-Nos. 15F and 22F; (3) change specified regular routes to "irregular routes" in its lead; (4) broaden the territorial description to between points in the U.S. under continuing contract(s) with the specified class or shippers in its lead and named shipper(s) in Sub-Nos. 15F, 18F, 20F, 21F and 22F.

MC 133095 (Sub-306)X, filed July 22, 1981. Applicant: TEXAS CONTINENTAL EXPRESS INC., 2002 Continental Life Building, Fort Worth, TX 76102. Representative: Marshall Kragen, 1919 Pennsylvania Ave. N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 304X certificate to broaden authority to serve (1) Houston, TX to Harris, Ft. Bend, Montgomery and Chambers Counties, TX; (2) El Paso, TX to El Paso County, TX and Dona Ana and Otero Counties, NM (3) Louisville, KY to Jefferson County, KY and Floyd, Clark, and Harrison Counties, IN; (4) Minneapolis, MN to Hennepin, Ramsey, Anoka Washington, Dakota, Carver, and Scott Counties, MN; (5) fort Worth, TX to Tarrant, Johnson, Dallas and Parker Counties; (6) Toledo, OH to Lucas, Wood and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI; (7) Dallas, TX to Dallas, Denton, Tarrant, Rockwall, Kaufman, Collin, and Ellis Counties, TX; (8) Buffalo, NY to Erie and Niagara Counties, NY; (9) Atlanta, GA to DeKalb, Clayton, and Cobb, (10) Memphis, TN to Shelby and Tipton Counties, TN, Crittenden County, AR, and Desoto County, MS; (11) Detroit, MI to Wayne, Macomb, Oakland, Monroe, Counties, MI, (12) Birmingham, AL to Jefferson, Shelby, and St. Clair, Counties, AL; (13) Portland, OR to Multnomah, Clark, Washington, Clackamas, and Yamhill Counties, OR; (14) Fort Wayne and Evansville, IN to Allen, Webb, Adams, Whitley, Dekalb, Noble, Vanderburgh, Warrick, Posey, and Spencer Counties, IN and Henderson and Davies Counties, KY; (15) Alexandria, New Orleans, Lafayette, and Baton Rouge, LA to Rapides, LaSalle, Grant, Avoyelles, Orleans, St. Bernard, Plaquemines, St. John the Baptist, St. Charles, Jefferson, West Baton Rouge, East Baton Rouge, Ascension, Iberville, Livingston, Lafayette, St. Martin, and Acadia Parishes, LA (16) New Orleans, LA to St. Bernard, Plaquemines, Orleans, St. John the Baptist, St. Charles and Jefferson Parishes, LA, (17) Indianapolis, IN to Marion, Hancock, Shelby, Johnson, Hamilton, Boone, Hendricks, and Morgan Counties, IN; (18) Nashville, TN to Davidson, and Williamson, Counties, TN; (19) Mobile, AL to Mobile County,

AL; (20) South Texarkana, TX to Bowie County, TX and Miller County, AR; (21) Grand Rapids, MI to Muskegon, Ottawa, and Kent Counties, MI; and (22) Jackson, MS to Rankin, Madison and Hinds Counties, MS; (23) Peoria, IL to Peoria, Tazewell, Marshall, and Woodford Counties, IL.

MC 134112 (Sub-9)X, filed July 21, 1981. Applicant: NATIONAL FREIGHTWAYS, INC., 1923 South 111th Street, Omaha, NE 68114. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its lead and Sub-No. 6F permits and its Sub-No. 8F certificate to (1) broaden the commodity description to "food and related products" from (a) hides, pelts, skins, switches or tails and pieces and products thereof, in its lead, and (b) hides, in Sub-Nos. 6F and 8F; (2) broaden the territorial description to between points in the U.S., under continuing contracts with named shippers, in the lead and Sub-No. 6F; and (3) authorized radial authority to replace existing one-way service between points in States throughout the U.S., in Sub-No. 8F.

MC 138016 (Sub-4)X, filed July 28, 1981. Applicant: MENANTICO TRANSPORT CO., INC., Sharp Road, P.O. Box 248, Tuckahoe, NJ 08250. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its Sub-No. 3 permit to (1) remove the restriction (except cement in bulk) from such commodities as are sold, dealt or utilized by construction and road building companies and supply companies; and (2) expand the territory to between points in the U.S., under continuing contract(s) with a named shipper.

MC 143963 (Sub-5)X, filed July 23, 1981. Applicant: P. J. LOMBARDI TRUCKING, INC., 1308 71st Street, Brooklyn, NY 11228. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NY 07006. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F permits to (1) broaden the commodity descriptions from electrical conduit fasteners and fittings, batteries, foil, valves, fittings, hoses, couplings, automotive parts, electric motors, and electrical products and equipment, to "machinery, metal products, rubber and plastic products, clay, concrete, glass or stone products, and transportation equipment", in part (1) of all of the above authority; (2) remove an in bulk restriction in Sub-No. 2; and (3) broaden the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146180 (Sub-9)X, filed July 30, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459–A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 4F permits to (1) broaden the commodity description from welding rods, wires, and liquid galvanizing, and iron and steel welding wires and electrodes to "metal products"; (2) remove the commodities in bulk restriction and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 147108 (Sub-4)X, filed July 24, 1981. Applicant: CARRIER TRANSPORT SERVICE, 2553 Wyandotte Street, Mountain View, CA 94043. Representative: Daniel W. Baker, 100 Pine St., #2550, San Franciso, CA 94111. Applicant seeks to remove restrictions in its Sub-No. 3X certificate to broaden the commodity description from household goods, as defined by the Commission to "household goods, and furniture and fixtures", in its existing authority between points in the U.S.

MC 148296 (Sub-2)X, filed July 24, 1981. Applicant: MARINE DROPBOX COMPANY, 6849 NE 47th, Portland, OR 97218. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove the ex-water restriction from its Sub-No. 1 certificate authorizing transportation of general commodities between WA and OR.

MC 148600 (Sub-14)X, filed July 30, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 7F permit to (1) broaden the commodity description from foodstuffs, meats, meat products, meat by-products, and articles distributed by meat-packinghouse, materials, equipment, and supplies, to "food and related products and materials, equipment and supplies"; (2) delete the exception of service to AK and HI; (3) remove the exceptions of hides, foodstuffs, and commodities in bulk; and (4) authorize service between points in the United States under continuing contract(s) with a named shipper.

[FR Doc. 81-23100 Filed 8-6-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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.

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. OP1–219

Decided: July 31, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

FF 560, filed July 8, 1981. Applicant: TEK FORWARDING, INC., 150 Manton Avenue, Providence, RI 02909. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *Freight forwarder* in connection with the transportation of (a) *used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the U.S. (including HI, but excluding AK), restricted in (b) above to the transportation of import-export traffic.

MC 22311 (Sub-34), filed June 12, 1981, and previously noted in the **Federal Register** issue of July 10, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Transporting *metals*, (1) between Detroit, MI, Chicago, and points in Putnam County, IL, Cincinnati and Cleveland, OH, Buffalo, NY, Pittsburgh, PA, Baltimore, MD and St. Louis, MO, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) between points in IL, IN, KY, MI, OH, PA, TN, WV, and WI.

MC 34600 (Sub-5), filed July 23, 1981. Applicant: C. H. COLVIN, INC., S. Main St., Cherry Creek, NY 14723. Representative: Gregory B. Fraser, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701, (716) 664–5210. Transporting (1) *food and related products*, between points in IL, IN, MI, MD, NJ, NY, OH, PA and VA, and (2) *such commodities* as are dealt in by farm supply dealers, between points in Chautauwua, Cattaraugus and Erie Counties, NY, on the one hand, and, on the other, points in OH, MI, PA and NY.

MC 58851 (Sub-10), filed July 20, 1981. Applicant: RUDOLF EXPRESS CO., a corporation, 1650 Armour Road, Bourbonnais, IL 60914. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mortell Company and Roper Corporation, both of Kankakee, IL, Carter Wallace Incorporated, of Cranbury, NJ, and Ko Pak Incorporated, of Momence, IL.

MC 79550 (Sub-11), filed July 21, 1981. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43107, (614) 889–2531. Transporting (1) *metal products*, (2) *clay, concrete, glass or stone products*, and (3) *building materials*, between points in Montgomery County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 87451 (Sub-11), filed July 23, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 628–1600. Transporting *construction materials*, between points in Middlesex County, MA, Providence County, RI, and Hartford County, CT, on the one hand, and, on the other, points in the U.S.

MC 87451 (Sub-12), filed July 27, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr., (same address as applicant), (617) 628–1600. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, between the facilities of Colonial Provisions Co., Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 97310 (Sub-41), filed July 27, 1981. Applicant: SHARRON MOTOR LINES, INC., 3730 First Avenue, South, Birmingham, AL 35222. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3880. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Meridian, MS, and Nashville, TN, (a) from Meridian over U.S. Hwy 11 to junction U.S. Hwy 31 then over U.S. Hwy 31 to Nashville, and return over the same route, (b) from Meridian over combined Interstate Hwys 20/59 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Nashville, and return over the same route, (c) from Meridian over U.S. Hwy 45 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Nashville, and return over the same route; and (2) between Nashville and Memphis, TN, over Interstate Hwy 40, serving all intermediate points in connection with routes (1) and (2) above, and serving points in Newton and Neshoba Counties, MS as off-route points in connection with route (1) above.

MC 113751 (Sub-50), filed July 24, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (606) 273–1003. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 115840 (Sub-128), filed July 21, 1981. Applicant: COLONIAL FAST FREIGHT LINES, IN., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow (same address as applicant), (615) 966–9711. Transporting *metal products*, between points in the U.S.

MC 117201 (Sub-56), filed July 13, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Inland Empire Paper Co., of Spokane, WA.

MC 120680 (Sub-2), filed July 21, 1981. Applicant: COUNTY TANK LINES, INC., East Junction of Rts. 58–25, Riverhead, NY. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *hazardous waste materials*, between points in NY, on the one hand, and, on the other, points in DE, MD, NJ, PA, CT, OH, and MI. Condtion: To the extent that this certificate authorizes the transportation of hazardous waste materials, it shall expire 5 years from the date of issuance. Issuance of a certificate in this proceeding shall be subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC–120680 Sub. 1.

MC 124170 (Sub-179), filed July 24, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with Howard Johnson Company, of Braintree, MA.

MC 125141 (Sub-2), filed July 21, 1981. Applicant: SEA-COLD SERVICE, INC., 320 Main St., P.O. Box 220 Gloucester, MA 01930. Representative: Ian W. Moores, 29A Langsford St., Gloucester, MA 01930, (617) 281–3190. Transporting *food and related products,* between points in MA, Mobile County, AL, Dade County, FL, Kane County, IL, Cumberland County, NJ, and Cuyhoga County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 134701 (Sub-8), filed July 27, 1981. Applicant: J-V INCORPORATED, 723 E. 8425 S. Sandy, UT 84070. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Pacific Coast Resources Corp., of San Marino, CA.

MC 136401 (Sub-4), filed July 20, 1981. Applicant: ROBIN EXPRESS, INC., 38–04 20th Ave., Astoria, NY 11105. Representative: Kenneth M. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *general commodities,* (except classes A and B explosives) between points in NY, NJ, CT, and PA.

MC 138441 (Sub-3), filed July 22, 1981. Applicant: SHEFFIELD TRANSPORT COMPANY, INC., d.b.a. S & S TRANSPORT COMPANY, 4810 Dignan St., Jacksonville, FL 32205. Representative: O. C. Beakes, 836 Riverside Ave., Jacksonville, FL 32204, (904) 354–1590. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Industrial Molasses, Division of Westway Trading Corporation, of Englewood Cliffs, NJ.

MC 144011 (Sub-6), filed July 13, 1981. Applicant: HALL SYSTEMS, INC., 214 South 10th St., Birmingham, AL 35233. Representative: George M. Boles, 727 Frank Nelson Bldg. Birmingham, AL 35203, (205) 251–5223. (A) Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Birmingham, AL, and Shreveport, LA, from Birmingham over U.S. Hwy 11 (also over Interstate Hwys 59–20) to Meridian, MS, then over U.S. Hwy 80 (also over Interstate Hwy. 20) to Shreveport, and return over the same route, (2) between Meridian, MS, and New Orleans, LA, (a) over U.S. Hwy 11, and (b) from Meridian over Interstate Hwy 59 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans and return over the same route, serving all intermediate points and serving as off-route points, those points in LA and MS on and south of U.S. Hwy 80, including the commercial zones of those points on Interstate Hwy 20 and U.S. Hwy 80, in routes (1) and (2) above. (B) Over irregular routes, transporting foodstuffs, between points in AL, GA, and FL.

MC 144790 (Sub-4), filed July 20, 1981. Applicant: HOWARD HERLEE LISK, d.b.a. HOWARD LISK, Route 1, Box 166, Wadesboro, NC 281,70. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *commodities in bulk,* between points in AL, FL, GA, NC, TN, VA, SC, and WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 145481 (Sub-24), filed July 24, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between the facilities used by General Telephone & Electronics Corporation and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146270 (Sub-3), filed July 22, 1981. Applicant: WINFORD NOAH WILLIAMS, P.O. Box 578, Aberdeen, NC 28315. Representative: Winford Noah Williams (same address as applicant), (919) 295–6066. Transporting *general commodities* (except classes A and B explosives) between points in Anson, Richmond, Robeson, Scotland, Moore, Montgomery, Lee, and Hoke Counties, NC, and Chesterfield and Marlboro Counties, SC.

MC 149100 (Sub-13), filed July 27, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *lumber and wood products, and building materials,* between points in the U.S., under continuing contract(s) with Erb Lumber Company, of Birmingham, MI.

MC 150080 (Sub-10), filed July 21, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *plastic products,* between Los Angeles, CA, on the one hand, and, on the other, points in the U.S.

MC 150430 (Sub-1), filed July 27, 1981. Applicant: MIDLAND TRANSPORT LIMITED, P.O. Box 929, Moncton, New Brunswick, Canada E1C 8N8. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street NW., Washington, DC 20036, (202) 452–7400. Transporting *such commodities* as are dealt in by a manufacturer of tires, between points in the U.S., under continuing contract(s) with Michelin Tires (Canada) Ltd., of Granton, Nova Scotia, Canada.

MC 151650, filed July 17, 1981. Applicant: OVERLEY'S INCORPORATED, 650 West Southern Ave., Mesa, AZ 85202. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting *hazardous materials* between points in AZ, AR, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous materials, it will expire 5 years from the date of issuance.

MC 151660 (Sub-6), filed July 13, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant), (214) 438–2851. Transporting *metal products and steel buildings, knocked down,* between points in the U.S., under continuing contract(s) with Mesco Building Corporation, of Grapevine, TX.

MC 151801 (Sub-2), filed July 21, 1981. Applicant: VEEN CARTAGE, INC., 9146 S. Kolmar Ave., Oak Lawn, IL 60453. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *pet foods,* between points in Kankakee County, IL, on the one hand, and, on the other, points in IN, MI, NY, OH, PA, and WV.

MC 152730 (Sub-6), filed July 27, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South P.O. Box 21, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348–0051. Transporting *general commodities,* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155291, filed July 27, 1981. Applicant: BROCO, INC., 2040 N. Towne Ave., Pomona, CA 91767. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414)–722–2848. Transporting (1) *Hazardous materials;* and (2) *hazardous waste,* between points in the U.S.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 155350, filed July 13, 1981. Applicant: UTLEY LUMBER COMPANY, INC., P.O. Box 207, Steele, MO 63877. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *lumber and wood products*, between points in AL, MS, AR, and LA, on the one hand, and, on the other, points in MO, IL, IN, MI, WI, IA, OH and MN.

MC 155870, filed July 20, 1981. Applicant: L & S EQUIPMENT, INC., Cranberry Meadow Road, Berwick, ME 03901. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101 (207) 773–5651. Transporting *machinery*, between points in the U.S.

MC 156381 (Sub-1), filed July 7, 1981. Applicant: BIG O TRUCKING, INC., P.O. Box 668, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *metal products*, between points in Craighead County, AR, on the one hand, and, on the other, points in the U.S.

MC 156381 (Sub-2), filed July 20, 1981. Applicant: BIG O TRUCKING, INC., P.O. Box 668, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *such commodities* as are dealt in by grocery stores and food business houses, between Van Buren, AR, on the one hand, and, on the other, points in the U.S.

MC 157110, filed July 13, 1981. Applicant: STAR REFRIGERATED, INC., Elkton Road, P.O. Box 7476, Newark, DE 19711. Representative: Robert B. Einhorn, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, PA 19107, (215) 922–1400. Transporting *food and related products*, between points in MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC and DC.

MC 157220, filed July 20, 1981. Applicant: UNITED MOTOR FREIGHT, INC., 14490 57th Ave. So., Tukwila, WA 98168. Representative: Gordon C. Newton, 16020 7th S.W., Seattle, WA 98166, (206) 243–1314. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 157260, filed July 21, 1981. Applicant: ART BLISS AND ROSINA F. BLISS, d.b.a. ART BLISS TRUCKING, P.O. Box 66014, Portland, OR 97266. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting *lumber and wood products, and construction materials*, between points in WA, OR, CA, AZ, and NV.

MC 157351, filed July 27, 1981. Applicant: ROBERT AND JERRY FISCHER, d.b.a. FISCHER TRUCKING, Goodwin, SD 57238. Representative: Bob Fischer (same address as applicant), (605) 795–3201. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) Nash Finch Co., of Fargo, ND, (b) Eddies Bakery, of Inman, KS, and (c) Con Agra, Inc., of Fergus Falls, MN.

Volume No. OPY–5–121

Decided: July 30, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 56679 (Sub-180), filed July 21, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, SW., Atlanta, GA 30315. Representative: Leonard S. Cassell (same address as applicant), (404) 752–5151 ext. 530. Transporting *paper and paper products*, between the facilities used by Hammermill Paper Company at points in Erie and Clinton Counties, PA, and Oswego County, NY, on the one, hand, and, on the other, points in CT, DE, IL, IN, KY, MA, MD, ME, MI, MS, NH, NJ, NY, OH, PA, RI, VA, VT, WI, WV, and DC.

MC 71718 (Sub-4), filed June 26, 1981. Applicant: SPOKANE TRANSFER & STORAGE COMPANY, 117 North Napa, Spokane, WA 99202. Representative: Anthony W. Dougherty, 2120 Pacific Bldg., Seattle, WA 98104, (206) 624–5370. Transporting *general commodities* (except classess A and B explosives), between points in Boundary, Bonner, Shoshone, and Kootenai Counties, ID, and those points in MT on the west of a line beginning at the WY–MT state line at or near Gardiner, MT, then over U.S. Hwy 89 to junction U.S. Hwy 87, at or near Great Falls, then over U.S. Hwy 87 to junction MT Hwy 223 at or near Fort Benton, then over MT Hwy 223 to the Chouteau-Liberty County line, then easterly over the Chouteau-Liberty County line to the Liberty-Hill County line, then over Liberty-Hill County line to the international boundary line between the United States and Canada, and points in WA.

MC 113678 (Sub-912), filed July 22, 1981. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant) (303) 289–6181. Transporting *general commodities* (except classess A and B explosives), between points in the U.S.

MC 119349 (Sub-40), filed July 20, 1981. Applicant: STARLING TRANSPORT LINES, INC., 3620 S. U.S. 1 Federal Hwy, Fort Pierce, FL 33450. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001, (202) 628–9243. Transporting *fruit juices and fruit juice concentrates*, between points in St. Lucie County, FL, on the one, hand, and, on the other, points in MI, IN, OH, PA, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and TX.

MC 120028 (Sub-23), filed July 23, 1981. Applicant: CRAW CARTING, INC., 160 Despatch Drive, P.O. Box 267, East Rochester, NY 14445. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *general commodities* (except classes A and B explosives), between points in NY, on the one hand, and, on the other, points in and east of MN, WI, IL, TN, MS, and LA.

MC 120378 (Sub-8), filed July 20, 1981. Applicant: FINDLAY TRUCK LINE, INC., 420 Trenton Ave., Findlay, OH 45840. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (416) 464–4130. Transporting *general commodities* (except classes A and B explosives) between Chicago, IL, and Louisville, KY, and points in Lauderdale County, TN, Broome County, NY, Alamance and Orange Counties, NC, Crisp County, GA, Union and Fayette Counties, IA, Lavaca and De Witt Counties, TX, Stanislaus County, CA, Thurston County, WA, Fayette County, IL, Fayette County, KY, Logan, Kit Carson, Morgan Phillips, Yuma and Gunnison Counties, CO, and points in OH, MI, and IN, on the one hand, and, on the other, points in the U.S.

MC 121639 (Sub-11), filed July 20, 1981. Applicant: OKMULGEE EXPRESS, INC., 207 N. Cincinnati, Tulsa, OK 74103. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262–1322. Over regular routes, transporting *general commodities* (except classes A and B explosives): (1) Between Tulsa and Sapulpa, OK, over U.S. Hwy 66; (2) between Sapulpa and Beggs, OK, over U.S. Hwy 75 ALT; (3) between Tulsa and Henryetta, OK, over U.S. Hwy 75; (4) between Tulsa and Stilwell, OK, over U.S. Hwy 51; (5) between Stilwell and Westville, OK, over U.S. Hwy 59; (6) between Tahlequah and Westville, OK: from Tahlequah over OK Hwy 82 to junction OK Hwy 33, then over OK Hwy 33 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Westville, and return over the same route, serving the off-route point of Oaks, OK; (7) between Tahlequah and Stilwell, OK: from Tahlequah over OK Hwy 82 to junction OK Hwy 100, then over OK Hwy 100 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Stilwell, and return over the

same route, serving the off-route points of the Parkhill and Greenleaf Nursery; (8) between Tulsa and Grove, OK: from Tulsa over OK Hwy 33 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Grove, and return over the same route; (9) between Henryetta and Eufaula, OK: from Henryetta over U.S. Hwy 266 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Eufaula, then west from Eufaula, over OK Hwy 9 to junction Indian Nation Turnpike, then over Indian Nation Turnpike, to Henryetta, and return over the same route, serving the off-route points of Dewar, Grayson, Hitchita, and Checotah, OK; (10) between Henryetta and Poteau, OK: from Henryetta over the Indian Nation Turnpike to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction U.S. Hwy 271, then over U.S. Hwy 271, to Poteau, then north from Poteau over U.S. Hwy 59 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Henryetta, serving the off-route point of Krebs, OK; (11) between Wister and Hodgens, OK, over U.S. Hwy 270; (12) between Poteau and Hodgens, OK, over U.S. Hwy 59, serving the off-route points of Howe and Heavener, OK; (13) between Coweta and Wagoner, OK: from Coweta over OK Hwy 51B to junction U.S. Hwy 69, then over U.S. Hwy 69 to Wagoner and return over the same route, serving the off-route point of Red Bird, OK; (14) between Wagoner and Chouteau, OK, over U.S. Hwy 69; (15) between Locust Grove and Afton, OK: from Locust Grove over OK Hwy 82 to junction OK Hwy 85, then over OK Hwy 85 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Afton, and return over the same route, serving the off-route points of Langley, Disney, Cleora, and Bernice, OK; (16) between Afton and Grove, OK, over U.S. Hwy 59; (17) between Jay and Spavinaw, OK, over OK Hwy 20, serving the off-route point of New Eucha, OK; (18) between Tulsa and Langley, OK: from Tulsa over Interstate Hwy 44 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction OK Hwy 28, then over OK Hwy 28 to Langley and return over the same route, serving the off-route points of Big Cabin and Patton, OK; (19) between Tulsa, and Afton, OK: from Tulsa, over Interstate Hwy 44 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Afton, and return over the same route; (20) between Tulsa, OK and intersection of Muskogee Turnpike and Interstate Hwy 40, over Muskogee Turnpike; (21) between Muskogee and Westville, OK, over U.S. Hwy 62; and (22) between Muskogee, OK and intersection of U.S. Hwy 69 and Interstate Hwy 40, over U.S. Hwy 69; serving all intermediate points on routes (1) through (22).

Note.—Purpose of this application is to convert applicant's certificates of registration into a certificate of public convenience and necessity.

MC 136818 (Sub-130), filed July 20, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 West Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85005. (602) 275–3124. Transporting *refractories*, between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 139858 (Sub-38), filed July 14, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St., NW, Washington, DC 20005, (202) 337–6500. Transporting *books, toys, games, and educational materials*, between points in the U.S., under continuing contract(s) with Western Publishing Company, Inc., of Racine, WI.

MC 141889 (Sub-16), filed July 23, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of printing paper, between points in Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 143668 (Sub-2), filed July 22, 1981. Applicant: LONG ISLAND AIRPORTS LIMOUSINE SERVICE CORP., 25 Newton Place, Hauppauge, NY 11787. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *passengers and their baggage*, in round-trip charter and special operations beginning and ending at points in Nassau, Suffolk and Queens Counties, NY, and extending to points in the U.S.

MC 148209 (Sub-1), filed July 22, 1981. Applicant: MARRIOTT-RIDDLE, INC., P.O. Box 409, Green Forest, AR 72638. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *metal castings* between points in Carroll County, AR, on the one hand, and, on the other, points in the U.S.

MC 150358 (Sub-1), filed July 20, 1981. Applicant: RICHARD R. KROHN, d.b.a. NORTHWEST DELIVERY SERVICE, 4060 Trenton Ave., North, Plymouth, MN 55441. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339–4546. Transporting *food and related products*, between Minneapolis, MN, on the one hand, and, on the other, points in the Upper Peninsula of MI, and WI.

MC 150939 (Sub-21), filed July 23, 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 *such commodities* as are dealt in or used by a manufacturer of corrugated storage boxes and corrugated furniture, between points in the U.S., under continuing contract(s) with Corrugated Concepts Ltd., Inc., of Trenton, NJ.

MC 152509 (Sub-11), filed July 22, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566–2677. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 152509 (Sub-12), filed July 21, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS COMPANY, 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Rail-Van, Inc., of Cleveland, OH.

MC 153328 (Sub-12), filed July 23, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236–9375. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pistons, between points in Dunklin County, MO, on the one hand, and, on the other, points in the U.S.

MC 153759 (Sub-3), filed July 23, 1981. Applicant: GLOUCESTER DISPATCH, INC., 158 Eastern Ave., Gloucester, MA 01930. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Compugraphic Corporation, of Wilmington, MA.

MC 157109, filed July 6, 1981. Applicant: MERRITT TRANSPORTATION, INC., 373 East Main St., Somerville, NJ 08876. Representative: George A. Olsen, P.O.

Box 357, Gladstone, NJ 07934, (201) 234–0301.Transporting *general commodities* (except classes A and B explosives), between the facilities used by The Singer Company, its subsidiaries, divisions, and vendors, at points in the U.S. on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-23096 Filed 8-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-5-101]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–20752, appearing at page 36772, in the issue for Wednesday, July 15, 1981, make the following correction:

On page 36774, in the first column, in the paragraph "MC 156578", filed for Holdren & Sons, Inc., in the sixteenth line, "Albermarle" should have read "Albemarle".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Under Sea Industries, Inc.; Proposed Final Judgment, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Under Sea Industries, Incorporated,* Civil Action No. 79–2579. The Complaint in this case alleged that the defendant engaged in a combination and conspiracy with its retail dealers to fix the retail prices of Scubapro-brand scuba diving equipment in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed Consent Judgment enjoins the defendant from entering into, maintaining or enforcing any agreement, combination or mutual understanding with any retail dealer of Scubapro equipment to fix the retail prices at which such equipment is sold by that dealer or any other dealer. Defendant is further enjoined from penalizing or threatening any dealer because of the prices, discounts, or markups at which such dealer or any other dealer has sold or advertised Scubapro equipment. Should the defendant suggest retail prices or explain the basis of such prices, it must also advise its dealers that the retail prices are suggested only and that they are free to sell at whatever prices, discounts or markups they may choose. The defendant is required to establish an antitrust compliance program, to include meetings with pertinent officers and employees during which the provisions of the Judgment and the consequences of noncompliance are reviewed.

Public comment is invited within the statutory 60-day comment period. Such comments, and the responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Clark, Chief, Special Trial Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530 (telephone: (202) 724–6335).

Joeph H. Widmar,

Director of Operations.

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *Under Sea Industries, Incorporated,* Defendant.

Civil Action No. 79–2579.

Filed: July 29, 1981.

Entered: ———.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

21. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of its shall be without prejudice to any party in this or any other proceeding.

Dated: July 29, 1981.

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Mark P. Leddy, *Deputy Director of Operations;* John W. Clark, *Attorneys, Department of Justice.*

David J. Lenci, *Attorney, Department of Justice, Antitrust Division,* Washington, D.C. 20530 Telephone: (202) 724–6364.

For the defendant: John B. Wyss, Kirkland & Ellis, 1776 K Street, N.W., Washington, D.C. 20530, (202) 857–5038.

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *Under Sea Industries, Incorporated,* Defendant.

Civil Action No. 79–2579.

Filed: July 29, 1981.

Entered: ———.

Final Judgment

Plaintiff, the United States of America, having filed its Complaint herein on September 27, 1979, and defendant, Under Sea Industries, Incorporated, having answered the Complaint and denied the allegations thereof, and both parties by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby.

Ordered, adjudged, and decreed, as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Defendant" means defendant Under Sea Industries, Incorporated.

(B) "Person" means any individual, partnership, corporation, association, firm, or other business or legal entity.

(C) "Scuba diving equipment" means products used to facilitate surface and underwater aquatic sport diving, including, but not limited to, self-contained underwater breathing apparatus, underwater gauges, flotation and buoyancy control vests, underwater lights, wetsuits, facemasks, snorkels, fins, and other similar or allied equipment.

(D) "Scubapro equipment" means scuba diving equipment manufactured, assembled or sold by the defendant under any trade name owned or used by defendant.

(E) "Dealer" means any person who purchases and resells scuba diving equipment to consumers in the United States.

(F) "Scubapro dealer" means a dealer which has been selected and authorized by Under Sea Industries to resell and service Scubapro equipment.

III

This Final Judgment applies to the defendant and to each of its officers, directors, agents, employees, domestic subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise,

provided, however, that nothing contained herein shall apply to any transaction solely between defendant and its officers, directors, employees, parents or domestic subsidiaries, or any of them when acting in such capacity.

IV

Defendant is enjoined and restrained from:

(A) Entering into, adhering to, maintaining, or enforcing any contract, agreement, combination or mutual understanding with any dealer to fix, raise, maintain or stabilize the price, discount, markup or margin of profit at which Scubapro equipment is sold or offered for sale by such dealer or any other dealer.

(B) Terminating, penalizing or threatening to terminate or penalize any Scubapro dealer because of the prices, discounts, markups or margins of profit at which such dealer or any other dealer has sold, offered to sell or advertised Scubapro equipment.

V

Except as provided in Section IV, nothing in this Final Judgment shall prohibit defendant from unilaterally suggesting resale prices for the sale of Scubapro equipment or explaining the basis for such suggestion on the condition that any such suggestion or explanation shall include a statement that the resale prices are suggested only and that each dealer is free to sell at whatever prices, discounts, markups or margins of profit such dealer may choose.

VI

Except as provided in Section IV, nothing in this Final Judgment shall be deemed to limit defendant's rights to:

(A) Select Scubapro dealers or limit the number of such dealers; or

(B) Reduce or suspend shipments to or terminate any Scubapro dealer.

VII

Defendant is ordered and directed to:

(A) Within sixty (60) days after entry of this Final Judgment, furnish a copy of same to each of its officers and directors, and to each employee or agent who is engaged in, or has responsibility for, the sale or distribution of Scubapro equipment.

(B) Provide a copy of this Final Judgment to each of its future officers, directors, and employees in the positions described in Paragraph A above, within sixty (60) days after their employment.

(C) Provide a copy of this Final Judgment, together with a written notice thereof in a form acceptable to plaintiff, to all present Scubapro dealers within sixty (60) days of entry of this Final Judgment and, within the ensuing four years, provide a copy of these materials to each new Scubapro dealer.

(D) Maintain files containing the names and addresses of Scubapro dealers to whom defendant has terminated shipments of Scubapro equipment and the reasons for such terminations.

(E) Initiate and maintain a program to ensure compliance with this Final Judgment which shall include at a minimum with respect to each of its officers and each employee or agent who is engaged in, or has responsibility for, the sale or distribution of Scubapro equipment:

(1) The annual distribution to them of this Final Judgment, and of a written directive concerning defendant's antitrust compliance program which shall include (a) a statement that noncompliance may result in appropriate disciplinary action by defendant, and (b) advice that supervising personnel or legal advisors are available at all reasonable times to confer about compliance questions or problems;

(2) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such meeting within approximately each twelve month period; and

(3) The imposition of a requirement that a responsible officer of the defendant sign and retain during the term of this Final Judgment an acknowledgment that the requirements of subparagraphs VII(E) (1) and (2) have been fulfilled, which acknowledgment shall include a list of the names of all individuals who have received the written directive and have attended the meetings described above.

(F) Within ninety (90) days after entry of this Final Judgment, and annually thereafter on the anniversary date of this Final Judgment, defendant shall serve upon the plaintiff an affidavit setting forth the fact and manner of compliance with Section VII of this judgment.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, employees and agents of defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, the defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by defendant to plaintiff, the defendent represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

IX

The defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the manufacture and sale of scuba diving equipment, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

This Final Judgment will expire on the tenth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *Under Sea Industries, Incorporated*, Defendant.

Civil Action No. 79-2579.

Filed: ———.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States of America submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of Proceeding

On September 27, 1979, the Department of Justice filed a civil antitrust complaint against Under Sea Industries, Inc. ("USI") under Section 4 of the Sherman Act (15 U.S.C. 4), alleging a conspiracy to fix the retail prices of Scubapro-brand scuba diving equipment throughout the United States. The complaint also sought injunctive relief to prevent the continuance of the conspiracy.

II

Description of Practices Involved in the Alleged Violation

The defendant, USI, manufactures and sells scuba diving equipment under the trade name "Scubapro". Scuba diving is a recreational sporting activity in which the participant swims underwater for extended periods of time with the aid of Self-Contained Underwater Breathing Aparatus (S.C.U.B.A.). A scuba diver typically uses several pieces of equipment for underwater diving, including facemask, wetsuit, compressed air tank, regulator, underwater gauges, flotation or buoyancy control vest, knife and fins. USI, which manufactures a full line of scuba diving equipment, markets its Scubapro-brand products through authorized Scubapro dealers who sell and service scuba diving equipment, and also provide scuba diving instruction.

The complaint alleges that, since at least as early as 1963 and continuing at least to the date the complaint was filed, USI has engaged in a conspiracy with its Scubapro dealers to maintain the retail prices at which Scubapro equipment is sold to the public. According to the complaint, dealers agreed to sell Scubapro equipment at the prices set by USI, and USI and Scubapro dealers agreed not to sell Scubapro equipment to other dealers who discounted from USI's suggested list prices. Also, the complaint alleged that Scubapro dealers would report to USI instances of discounting by other dealers in order that USI could take action to eliminate such sales. The complaint further alleged several anti-competitive effects which resulted from this conspiracy: retail prices for Scubapro equipment have been fixed, stabilized and maintained at non-competitive and artificial levels; price competition among Scubapro dealers in the sale of Scubapro equipment has been suppressed and eliminated; and consumers have been deprived of the opportunity of buying Scubapro equipment at competitive prices.

III

Explanation of the Proposed Final Judgment

The United States and the defendant have agreed, by stipulation, that the Court may enter the proposed Final Judgment at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed consent Judgment provides that its entry does not constitute any evidence against or any admission by either party with respect to any issue of fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), entry of the Final Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest.

A. *Prohibited Conduct.*—Section IV of the proposed Final Judgment will prohibit the defendant from participating, in any way, in any contract, agreement, combination or mutual understanding with any dealer to fix, raise, maintain, or stabilize retail prices, discounts margins or markups at which Scubapro equipment is sold by such dealer or any other dealer. USI is further prohibited from penalizing or threatening to penalize any Scubapro dealer because of the prices, discounts, markups or margins of profit at which that dealer, or any other dealer, sells or advertises Scubapro equipment.

Section V permits USI to suggest retail prices or explain the basis for such suggestion, but only on condition that in so doing it further informs each dealer that such prices are suggested only and that each dealer is free to sell at whatever prices, discounts, markups or margins of profit such dealer may choose.

Section VI reserves the defendant's right to select, limit, or terminate Scubapro dealers, except where these rights have been restricted by the provisions of Section IV discussed above.

B. *Affirmative Obligation.*—Section VII requires the defendant, within 60 days of entry of the Judgment, to furnish a copy of the Judgment to each of its officers and directors, and to each employee or agent who is engaged in or has responsibility for the sale or distribution of Scubapro equipment, and to each of their successors within 60 days of employment. The defendant is also obligated to provide a copy of this Final Judgment, along with a written notice of the Judgment in a form acceptable to the Department of Justice, to all present dealers, and for the following four years, to each newly authorized Scubapro dealer. USI is also required to keep files of all suspended or terminated Scubapro dealers, including their names and addresses, and the reasons for their suspension or termination.

Under Section VII(E), the defendant must initiate and maintain an antitrust compliance program involving each officer and each emloyee who is engaged in, or is responsible for, the sale of Scubapro equipment. As part of this program each of these persons must annually receive a copy of the Judgment and a directive outlining the disciplinary consequences of noncompliance with the terms of the Judgment and indicating the availability of supervisory personnel and legal advisors to deal with questions or problems concerning compliance with the Judgment. In addition, the defendant must hold meetings with these persons to review the provisions of the Judgment and their obligations under the Judgment at sufficient intervals so that each person attends at least one meeting every twelve months. A responsible officer of the defendant must sign and retain an acknowledgment that these requirements have been fulfilled, including a list of persons who received the directive and attended the meetings.

Section VII(F) requires the defendant to provide to the Department of Justice an affidavit of compliance with the provisions of Section VII within ninety days of entry of the Judgment and annually thereafter.

The Department of Justice is given access, under Section VIII of the proposed Judgment, to the files and records of USI, to examine such records for compliance or non-compliance with the Judgment. The Department is also granted access to interview employees of the defendant to determine whether the defendant is complying with the judgment.

Under Section IX, USI shall require any purchaser of all or substantially all the assets used by USI in its scuba diving equipment business to agree to be bound by the judgment and to file with the Court and serve on the plaintiff its consent.

C. *Scope of the Proposed Judgment.*—The proposed Final Judgment will remain in effect for a period of ten years from the date of entry, except to the extent otherwise provided. It applies to USI, its officers, directors, agents, employees, domestic subsidiaries, successors and assigns, and to all other persons in active concert with any of them, who receive actual notice of the judgment. The Judgment does not apply to transactions solely between or among USI and its officers, directors, employees, parents and domestic subsidiaries.

D. *Effect of the Proposed Judgment on Competition.*—The relief encompassed in the proposed Final Judgment is intended to prevent any continuance or recurrence of the activities alleged in the Complaint. The prohibitive language of the Judgment should ensure that retail prices of Scubapro equipment will be arrived at independently by individual Scubapro dealers and by any other dealers who resell Scubapro equipment to consumers. The Judgment makes it clear that Scubapro dealers cannot be pressured or coerced by the defendant into selling at USI's list prices. The affirmative obligations set forth in the Final Judgment are designed to ensure that Scubapro dealers are aware of their rights, that USI's officers, employees and agents are reminded of their obligations under the Final Judgment, and that the Department of Justice is able to adequately monitor defendant's activities in the future.

The Department of Justice is of the opinion that the proposed Final Judgment is fully adequate to prevent future antitrust violations by USI of the type reflected in the complaint.

IV

Procedures Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in Federal court to recover three times the damages suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against this defendant.

V

Procedures Available for Modification of the Proposed Judgment

The proposed Final Judgment is subject to a stipulation by and between the United States and the defendant which provides that the United States may withdraw its consent to the proposed judgment at any time before the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed Final Judgment provides for the Court's retention of jurisdiction of this action in order to permit either of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the Final Judgment.

As provided by the Antitrust Procedures and Penalties Act, any person wishing to comment on the proposed Final Judgment may, within the 60 days provided by the Act, submit written comments to:

John W. Clark, Chief, Special Trial Section, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530.

Such comments, and the Department of Justice's responses, will be filed with the Court and published in the **Federal Register**. The Department of Justice will evaluate all such comments and determine whether there are any reasons for withdrawal of is consent to the judgment.

VI

Alternatives to the Proposed Consent Judgment

The alternative to the proposed Final Judgment considered by the Department of Justice was a full trial on the merits. The Department considers the proposed Final Judgment to be of sufficient scope and effectiveness to make such a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint and imposes affirmative obligations on defendant intended to ensure compliance with the law and the Final Judgment.

VII

Determinative Materials and Documents

Since no materials or documents were considered determinative by the United States in formulating the proposed Final Judgment, none are being filed by the United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act.

David J. Lenci,

Attorney, Department of Justice, Antitrust Division, Washington, D.C. 20530, (202) 724-6364.

[FR Doc. 81-23072 Filed 8-6-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration Manufacturer of Controlled Substances; Application by McNeilab, Inc.; correction

On July 2, 1981, the Drug Enforcement Administration (DEA) published a Notice of Application in the **Federal Register** (Vol. 46, No. 127, pg. 34733) stating that McNeilab, Inc., 803 East Fourth Street, Wilmington, Delaware 19801 (McNeil), made application to the DEA for registration as a bulk manufacturer of the Schedule II substance Concentrate of Poppy Straw (9670) along with nine other Schedule II substances. The Concentrate of Poppy Straw was listed in error as McNeil does not propose to bulk manufacture this substance.

The announcement also referred to a previous application submitted by McNeil dated June 28, 1978. The last of three references to this application gave the date in error as June 28, 1971. The date should have read June 28, 1978.

Dated: August 3, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-23138 Filed 8-6-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-9419]

A. P. Parts Corp., Questor Shock Absorber Systems Division; Negative Determination Regarding Application for Reconsideration

By an application dated June 19, 1981, the United Auto Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing shock absorbers at the A.P. Parts Corporation's Dyersburg, Tennessee plant. The determination was published in the **Federal Register** on May 22, 1981 (46 FR 28048).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union questions the validity of the Department's customer survey especially in regards to one original equipment manufacturer's (o.e.m.) response concerning its purchases of shock absorbers from Canada and claims that the Department failed to consider the shift of production of shock absorbers from Dyersburg, Tennessee to a plant of its parent, Questor Corporation, in Spain where McPherson struts are manufactured. Lastly, the union questions the Department's evenhandedness because it denied trade adjustment assistance benefits to workers at Dyersburg while it certified workers at other domestic plants expecially workers of the Monroe Auto Equipment Company.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The review showed that the major portion of the shock absorbers produced at Dyersburg went to the replacement market while only some ten percent went to the original equipment market where one o.e.m. firm purchased virtually the entire amount for assembly of domestic automobiles. The review also showed that the o.e.m. firm increased its purchases of shock absorbers from Dyersburg in 1980. None of Dyersburg's customers in the replacement market which responded to the survey purchased imported shock absorbers.

The union's allegation concerning company imports of McPherson struts adversely affecting the production of shock absorbers at the Dyersburg plant imples that McPherson struts are like or directly competitive with shock absorbers. The Department does not agree that McPherson struts are "like or directly competitive with" shock absorbers as that term is used in the Act. The Senate Finance Committee when interpreting "like or directly competitive" states that "like" articles are those which are *substantially identical* in inherent or intrinsic characteristics (i.e., materials from which made, appearance, quality, texture, etc.), and *"directly competitive"* articles are those which, although not *substantially equivalent for commercial purposes, that is, are adapted to the same uses and are essentially interchangeable therefore.* "The Department notes that the use of McPherson strut over shock absorbers is generally technological in nature and reflects design of the vehicle. McPherson struts are an intrinsic part of the suspension system. An auto equipped with McPherson struts will not operate if one is removed from the car. However, a car can still operate if all four shock absorbers are removed. McPherson struts are not interchangeable with shock absorbers on the same car and are more expensive than shock absorbers. Even if the Department were

to concede the point, however, company imports of McPherson struts were not significant in terms of A.P. Parts Corporation's sales decline, to say nothing of its overall sales.

A review of the Department's certifications shows that four groups of workers producing shock absorbers were certified. Workers at Monroe Auto Equipment's Paragould, Arkansas; Hartwell, Georgia; and Cozad, Nebraska plants, TA-W-5386, TA-W-4648 and TA-W-8890, respectively, met all the criteria of Section 222 of the Trade Act including the "contributed importantly" test. Workers at Dyersburg did not meet the "contributed importantly" test as mentioned earlier. The remaining worker group certified was General Motors' Delco Production Division plant in Dayton, Ohio, TA-W-7782, whose production of shock absorbers was substantially integrated into the production of GM trade impacted vehicles.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied. Signed at Washington, D.C., this 30th day of July 1981.

Bert Lewis,

Administrator, Unemployment Insurance Service.

[FR Doc. 81-23090 Filed 8-6-81; 8:45 am]

BILLING CODE 4501-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period July 27-31, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,621; Brand & Puritz, Kansas City, MO
TA-W-11,254; White Automotive Corp., Colorado Springs, CO
TA-W-10,380; Wallace Murray Corp., Richmond Gear Div., Richmond, IN
TA-W-11,755; Penn Fishing Tackle Mfg. Co., Philadelphia, PA
TA-W-11,039; Connors Steel Co., Huntington, WV
TA-W-10,502; TRW/IRC Incorporated, Philadelphia Div., Philadelphia, PA
TA-W-9505; Milady Brassiere and Corset Co., Inc., New York & Brooklyn, NY
TA-W-9361 & 11,135; Lebeau Sportswear Corp., New York, NY and Jamel Sportswear Corp., New York, NY
TA-W-9669; International Playtex, Inc., LaGrange, GA

TA-W-9721; U.S. Steel Corp., Fairless Works, Fairless Hills, PA. Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of carbon steel wire rod did not increase as required for certification. U.S. imports of tin null products hot and cold rolled sheet, galvanized sheet, wire and wire products and bar mill products did not contribute importantly to the total or partial separations at the subject firm. The preponderance of finished steel products at Fairless have been determined not to be adversely impacted by imports. Therefore, increased imports did not contribute importantly to separations with respect to finished steel.

TA-W-12,332 & 12,676; Carpenter Technology Corp., Tube Div., Union, NJ and Jamesburg, NJ. Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,492; Kooling Products, Co., Inc., Mt. Clemens, MI. Investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-11,117 & 11,418; Bird and Son, Inc., Paperboard Products Div., East Walpole, MA and Lewiston, ME. Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of shoe cartons did not increase as required for certification.

TA-W-10,990; Alma Plastics Co., Milan, MI. Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of interior trim did not increase as required for certification. Other parts including bumper guard inserts account for a small percentage of total production.

TA-W-9666; Dino's Dress Mfg., Inc., Copiaque, NY. Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

I hereby certify that the aforementioned determinations were issued during the period July 27-31, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal working hours or will be mailed to persons who write to the above address.

Dated: August 3, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-23091 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6951]

Ford Motor Co., San Jose Assembly; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on April 17, 1980, published in the **Federal Register** on April 25, 1980 (45 FR 28009), applicable to all workers covered under the following petitions: TA-W-6946 through 6948, TA-W-6948 through 6955, 6955A and TA-W-6956 through 6958, respectively. The Department also issued an Amended Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance on July 16, 1980. The Notice of Amended Determinations was published in the **Federal Register** on July 25, 1980 (45 FR 49703).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification and amended determination. The additional information revealed that a few layoffs occurred about three weeks prior to the impact date at the San Jose, California plant. These layoffs were not covered by the original impact date of October 1, 1979 set in the certification for workers at the San Jose Assembly plant, San Jose, California.

The intent of the certification is to cover workers of the Ford Motor Company who were affected by the decline in the sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles and component parts for passenger cars, trucks, vans and general utility vehicles at certain plants of the Ford Motor Company, Dearborn, Michigan related to increased import competition. The Notice of Amended Determinations of July 16, 1980, therefore, is amended to include a new impact date of September 1, 1979 for the San Jose Assembly plant of the Ford Motor Company in San Jose, California.

The certification applicable to TA–W–6951 is hereby amended a second time and issued as follows:

All workers of the Ford Motor Company's San Jose Assembly plant, San Jose, California who became totally or partially separated from employment on or after September 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22nd day of January 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81–23089 Filed 8–6–81; 8:45 am]

BILLING CODE 4510–28–M

Pension and Welfare Benefit Programs

[Application Nos. D–2516 and D–2517]

Aluminum Coating Manufacturers, Inc. Money Purchase Pension Plan and Trust and Profit Sharing Plan and Trust Located in Cleveland, Ohio; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sales of limited partnership interests (the Partnership Interests) in Hampton Associates (the Partnership) by the Aluminum Coating Manufacturers, Inc. Money Purchase Pension Plan and Trust (the Pension Plan) and the Aluminum Coating Manufacturers, Inc. Profit Sharing Plan and Trust (the Profit Sharing Plan) to Richard D. Kaplan, a party in interest with respect to the Pension Plan and the Profit Sharing Plan (collectively, the Plans). The Proposed exemption, if granted, would affect the participants and beneficiaries of the Plans.

DATES: Written comments and requests for a public hearing must be received by the Department on or before September 21, 1981.

EFFECTIVE DATE: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application Nos. D–2516 and D–2517. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8196. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of two applications for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in two applications filed by Mr. Ronald L. Kahn, an officer and director of Aluminum Coating Manufacturers, Inc. (the Employer) and a participant in the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicant.

1. The Pension Plan is a defined contribution plan that had four participants and total assets of $15,814 as of December 31, 1979. The Profit Sharing Plan is a profit sharing plan that had four participants and total assests of $58,896 as of December 31, 1979. The investment decisions of the Plans are made by the Plans' trustee (the Trustees), Donald Gaynor, the accountant of the Employer and Richard D. Kaplan.

2. In August of 1978, the Plans purchased 6.5 Partnership Interests in the Partnership, an unrelated party to the parties to the transactions, located in Cleveland, Ohio. Each Partnership Interest represents one percent of the Partnerhip. The Pension Plan purchased 4.5 Partnership Interests for $6,187.50 and the Profit Sharing Plan purchased 2 Partnership Interests for $2,750 for a total investment of $8,937.50. The Partnership Interests represented approximately 39% of the Pension Plan's assets and 5% of the Profit Sharing Plan's assets as of December 31, 1979. The business of the Partnership is the ownership and operation of an apartment building, located in Cleveland, Ohio (the Building).

3. The Partnership Interests have been and continue to be non-income producing. Since 1979, the Partnership has not generated sufficient income from the Building to cover the mortgage amortization and operational expenses of the Building. As a result, the Partnership has sustained losses which as of March 31, 1981 totaled $38,836.

4. In addition, Mr. Louis S. Frank, the general partner of the Partnership, has stated that he does not believe he will be able to distribute any money from the Partnership to the partners for a number of years. Thus, the Trustees believe that the sales of the Partnership Interests would be beneficial to the Plans because the monies received as a result of the sales could be invested in assets earning a greater return, thereby enhancing the liquidity of each Plan.

5. The Partnership Interests have been offered for sale, without success, to the general partner and the limited partners of the Partnership in accordance with the Partnership agreement, at a price of $1,700 per Partnership Interest. Since the Trustees have been unable to sell the Partnership Interests to the general partner or the limited partners, they propose to sell the Partnership Interests for cash to Richard D. Kaplan for $1,777 per Partnership Interest, which was the sales price for Partnership Interests sold on May 1, 1980 and on August 11, 1980 in arm's-length transactions with unrelated third parties. The total amount paid to the Plans would be $11,550.50, or $2,613 more than the Plans originally paid in 1978. No commissions would be paid in connection with the above sales.

6. In summary, the applicant represents that the proposed sales by the Plans would meet the statutory criteria for an exemption under section 408(a) of the Act because: (a) the Trustees have determined that the tranactions are appropriate for the Plans and are in the best interests of the Plans' participants and beneficiaries; (b) the sales are one-time transactions for cash; (c) the Plans will be able to dispose of investments which are non-income producing for a profit and reinvest the proceeds in assets earning a greater return; (d) the sales price is equal to the most recent sales price paid by unrelated third parties for Partnership Interests; (e) no commissions will be paid in connection with the sales; and (f) all attempts to sell the Partnership Interests to the general partner and the limited partners for $1,700 per Partnership Interest have been unsuccessful.

Notice to Interested Persons

Notice of a proposed exemption will be provided to all of the Plans' participants and beneficiaries and other interested persons by hand delivery and/or by mailing such notices by first class mail to such participants' last known address. Notice shall be given within 15 days of the date the notice of pendency of such exemption is published in the **Federal Register**. Such notice shall include a copy of the notice of pendency and shall inform interested persons of their right to comment or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transaction prohibited under section 406(b)(3) of the Act and section 4975(C)(1)(E) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the applications, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sales of the 6.5 Partnership Interests by the Plans to Richard D. Kaplan for $11,550.50, provided the purchase price is not less than the fair market value of the Partnership Interests at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 31st day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-23082 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2521]

Beall, Garner, Screen and Geare, Inc. Profit Sharing Plan Located in Cumberland, Maryland; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of $250,000 by the Beall, Garner, Screen and Geare, Inc. Profit Sharing Plan (the Plan) to Beall, Garner, Screen and Geare, Inc. (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before September 16, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2521. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (a), (b)(1), and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan. As of June 1, 1981, the Plan had assets of approximately $872,000 and approximately 30 participants. The First National Bank and Trust Company of Western Maryland (the Trustee) is the Trustee of the Plan.

2. The Employer is requesting an exemption that will permit the Plan to loan $250,000 (the Loan) to the Employer which will be used by the Employer to build an addition (the Addition) to the Employer's current business facility (the Building). The Loan will be for a period of ten years with repayment in equal monthly payments of principal and interest. The interest rate on the Loan will be set to conform with the interest rate that is charged on similar loans by the Trustee and Liberty Trust Company of Maryland (the Banks) which are the two largest banks in the Cumberland, Maryland area. The initial interest rate on the Loan will be 17.5% and will be adjusted annually to equal the average interest rate then being charged by the Banks on this type of loan. The Loan will be secured by the Building and the Addition. An independent appraisal of the Building was performed on May 19, 1981 by Perrin and Perrin, real estate appraisers in Cumberland, Maryland. Perrin and Perrin represent that as of May 19, 1981, the Building had a fair market value of $385,000.

3. An independent party, the law firm of Walsh, Walsh and Reinhart (WWR) will examine the proposed transaction. The applicant represents that WWR has a great deal of experience in mortgage financing. Prior to the Plans entering into the transaction, WWR must certify that the proposed transaction is in the best interests of the participants and beneficiaries of the Plan and that the terms and conditions of the Loan are at least equal to those which the Plan would receive in a similar transaction with an unrelated party. WWR will also monitor the transaction to assure the compliance of the terms and conditions of the Loan.

4. The applicant represents that the proposed transaction is in the best interest of the Plan because it will provide the Plan a high yielding secure investment.

5. In summary, the applicant represents that the proposed transaction satisfies the criteria for an exemption under section 408(a) of the Act as follows: (1) the Trustee represents that the transaction will be in the best interests of the participants and beneficiaries of the Plan; (2) an independent party will approve and monitor the transaction; and (3) the Plan will receive a high rate of return on a secure investment.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing will be hand delivered or mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406 (a), (b)(1), and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed Loan of $250,000 by the Plan to the Employer provided that the terms and conditions of the Loan are at least equal to those which the Plan could receive in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions

that the material facts and representations contained in the appliction are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 31st day of July 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-23083 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2483 and D-2487]

Goossen Farms, Inc. Money Purchase Pension Trust Plan and Profit Sharing Plan Located in Dinuba, California; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of real property by the Goossen Farms, Inc. Money Purchase Pension Trust Plan and the Goossen Farms, Inc. Profit Sharing Plan (the Plans) to Messrs. Ray and Virgil Goossen (the Plans' trustees), parties in interest with respect to the Plans. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Plans' trustees.

DATE: Written comments and requests for a public hearing must be received by the Department on or before September 16, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526 U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-2483 and D-2487. The application for exemption and the comments received will be avialable for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plans; trustees, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plans have 3 participants, the Plans' trustees and one other employee. As of January 31, 1981, the Plans had assets totaling $213,768.62.

2. In October 1977, the Plans purchased a parcel of real property (the Property) located in Tulare, California, consisting of 19.4 acres, for $50,000 from Mr. Benjamin Cress, an unrelated party. The Plans purchased the Property on the advice of a representative from Mutual Security Life Insurance Company who set up the Plans. The Plans' trustees believed the purchase of the Property to be a reasonable investment at the time of acquistion. The Property represents approximately 67% of the Plans' assets.

3. The Property, at the time of acquisition by the Plans, was infested with weeds and Johnson grass and needed leveling. Goossen Farms, Inc. (the Employer) cleaned up the Property and leveled it. In March 1978, the Employer planted 8 acres of Flame Crest peach trees, 5 acres of Black Beaut plum trees, 2 acres of Spring Beaut plum trees, 2 acres of Spring Red nectarine trees and 2 acres of Red Diamond nectarine trees on the Property. All costs of cleaning, leveling and planting were absorbed by the Employer. As of May 1981, no crops have been produced from the fruit trees.

4. The Property was appraised on April 21, 1981 by Harry Tellalian of Tellalian and Associates, an independent appraiser, to have a value of $145,000.

5. The Plans' trustees have been farming together for 30 years. The Plans' trustees have decided to separate and farm independently within the next few years. In order to facilitate the distribution of benefits to the Plans' participants when the Employer terminates its operations, the Plans' trustees wish to convert the Property into assets with greater liquidity which can more easily be distributed.

6. The Plans' trustees propose to purchase the Property from the Plans for its appraised value of $145,000. The Plans will pay no commissions or other fees or expenses with respect to the sale of the Property other than the normal costs associated with such a transfer.

7. The Plans' trustees represent that the Property has been, and continues to be, a non-income producing asset of the Plans. The Plans' trustees believe that it is appropriate to sell the Property at this time because it will allow the Plans to realize a substantial profit. In addition, monies received as a result of the sale of the Property could be invested in diversified income-producing assets thus enhancing the Plans' financial liquidity.

8. In summary, the applicant represents that the proposed sale of the Property meets the statutory criteria for an exemption under section 408(a) of the Act because: (1) it is a one time transaction for cash; (2) the sales price for the Property was determined by an independent appraiser; (3) the Plans will be able to dispose of a non-income producing asset for a profit and reinvest the proceeds in income producing assets, without paying a commission; (4) the Plans' liquidity will be enhanced; and (5) the Plans' trustees have determined that the transaction is appropriate for the Plans and is in the best interests of the Plans' participants and beneficiaries.

Notice to Interested Persons

Notice will be hand delivered to all the Plans' participants within 10 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform the Plans' participants of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale of the Property by the Plans to the Plans' trustees for $145,000, provided that this amount is not less than the fair market value at the time of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 31st day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-23084 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2618]

Phelps Dodge Retirement Plan for Salaried Employees Located in New York, New York; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the contribution of a parcel of improved real property (the Property) the the Phelps Dodge Corporation Retirement Plan for Salaried Employees (the Plan) by Phelps Dodge Industries, Inc. (PDI), a party in interest with respect to the Plan; and (2) a guarantee by PDI or Phelps Dodge Corporation (PDC), the Plan sponsor, with respect to the future disposition of the Property by the Plan; and (3) a guarantee by PDI to the Plan with regard to certain obligations of the lessee under a lease of the Property from the Plan. The proposed exemption, if granted, would affect PDI, PDC, the Plan and its participants and beneficiaries and any other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before September 15, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2618. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of PDI, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The plan is a defined benefit pension plan and has been determined by the Internal Revenue Service to meet the requirements of section 401(a) of the Code. As of April 31, 1980, the Plan had net assets of approximately 128 million dollars and had 3,689 active participants. Citibank, N.A. of New York, a national banking association, is the trustee of the Plan (the Trustee) and pursuant to the trust agreement exercises exclusive authority and discretion to manage and control the assets of the Plan.

PDI is a wholly owned subsidiary of PDC, a corporation engaged in the extraction and refining of copper and certain other minerals and in the manufacture of certain copper and copper alloy products.

2. PDI presently owns the Property, a 81 acre parcel of real property situated in the Town of South Brunswick in the State of New Jersey. The Property fronts the New Jersey Turnpike nd is improved by three main buildings and associated surface structures. The main buildings are improved for industrial use and consist of approximately 653,600 square feet of rentable space. Since 1979, approximately $2,650,000 has been expended to improve the Property for general industrial use. PDI also owns a 38.4 acre parcel of real property adjacent to the Property. The 38.4 acre parcel is not the subject of this exemption application.

3. The Property is currently leased by PDI to Uniroyal, Inc. (the Lessee) under a lease dated April 12, 1979 (the Lease). The Lease was negotiated on an arm's-length basis between PDI and the Lessee. The Lessee is not directly nor indirectly affiliated with PDI, PDC or any of its affiliates or the Trustee. The Lessee sublets portions of the Property to unrelated third parties. No sublease or other assignment affects or reduces in any respect any of the obligations of the Lessee under the Lease.

The Lessee is a diversified manufacturing company which, as of December 28, 1980, had a total net worth of approximately one-half billion dollars and net sales in the calendar year 1980 of approximately 2.3 billion dollars.

4. The Lease's intital term expires on September 14, 1994 and affords the Lessee the right to extend the term of the Lease for three successive periods of five years each. The Lessee is obligated to pay rentals over the term of the Lease on a graduated basis with increases in rental payable set every five years. The Lease is an "absolute net" lease requiring the Lessee to pay all costs, charges, taxes, assessments and other expenses connected with the use, occupancy, maintenance, addition to, improvement of, or repair of the Property. The Lessee shall also maintain adequate insurance coverage for the Property. The Lease provides that in the event of default by the Lessee on any of its duties or obligations under the Lease, the lessor has the right to terminate the Lease without jeopardy to its right to enforce satisfaction of such obligations and to collect damages.

5. PDI seeks to contribute the Property to the Plan subject to the Lease and thereby assign all of its rights, powers and privileges as lessor to the Plan. After contribution the Plan will be free to hold or dispose of the Property, subject to the Lease, to independent third parties. After contribution PDI will agree to pay all taxes and other expenses of the Property in the event of default of such taxes and expenses by the Lessee under the Lease.

6. PDI will take a federal income tax deduction for such contribution pursuant to section 404 of the Code. The contribution of the Property to the Plan would not exceed the allowable contribution to the Plan as determined in accordance with applicable provsions of the Code. The Property will be contributed free and clear of any mortgages, liens or encumbrances. The Plan's investment in the Property is consistent with the Plan's diversification and investment policy.

7. A complete appraisal by an independent, MAI appraiser, Durand Taylor (Taylor), located in West New York, N.J., determined, as of April 6, 1981, that the Property, as currently leased on an absolute net basis to the Lessee had a fair market value of 6.5 million dollars. Taylor also determined that the Property, if vacant and available for its highest and best use (i.e. manufacturing) would have a fair market value of approximately 8.4 million dollars, and if available for general warehousing use would have a fair market value of approximately 7.2 million dollars. PDI's deductions pursuant to the contribution will not exceed the 6.5 million dollar appraised value of the Property. The property, after contribution, will comprise approximately five percent (5%) of the Plan's net assets and will initially provide a rate of return of approximatley 12 % of its appraised value.

8. PDI or PDC will enter into an agreement with the Trustee to provide that if the Trustee decides to sell the Property and would realize a sales price less than the appraised value of the Property on which the contribution deduction was based (i.e., 6.5 million dollars), the Trustee may require PDI or PDC to purchase the Property at a sales price equal to such appraised value.

9. The Trustee, after a complete review of the Plan's investment portfolio, an on-site inspection of the Property and an analysis of Taylor's appraisal of the Property has determined that the contribution of the Property will be in the best interest of the Plan and protective of the rights of the participants and beneficiaries of the Plan. The Trustee represents that the contribution will enable the Plan to receive a fair income from the Lease payments and provide the Plan with the potential to realize enhanced capital value from a subsequent sale of the Property. PDI has no commercial relationships with the Trustee. PDC maintains a 1 million dollar line of credit with the Trustee, however PDC has no outstanding loans with the Trustee. In addition, PDC has a 16.5 million dollar revolving credit line with the Trustee under a 100 million dollar syndicated credit agreement for which the Trustee serves as agent. The total 17.5 million dollars of credit available to PDC is estimated to be less than ½ of 1 percent of the total credit the Trustee has made available for the year ended December 31, 1980 to commercial borrowers. In addition, the Trustee is the trustee of a 90 million dollar pollution control bond issue, privately financed for PDC, and Mr. Edward L. Plamer who is Chairman of the Executive Committee of the Trustee is an outside director of PDC.

10. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (a) the Properties will be contributed free and clear of any liens, morgages or other encumbrances; (b) the Lease for the Property was negotiated on an arm's-length basis between PDI and the lessee; (c) after contribution neither PDI nor PDC will have any further involvement with the Property except for PDI's guarantee to the Plan of certain obligations of the Lessee under the Lease and PDC's or PDI's agreement with the Trustee to repurchase the Property at a price equal to the contribution value of the Property if the Trustee cannot realize such amount upon a subsequent sale of the Property; (d) the Property is located in a viable trade area and will provide the Plan with an investment which has the potential to realize long-term appreciation in capital; (e) the investment in the Property is consistent with the Plan's diversification and investment policy; (f) after contribution the Property will comprise approximately five percent (5%) of the

Plan's assets; (g) the Trustee will maintain complete fiduciary responsiblity with respect to the Property; and (h) after a complete review of the proposed transaction the Trustee has determined that the contribution of the Property will be in the best interest of the Plan and protective of the rights of the participants and beneficiaries of the Plan.

Notice to Interested Persons

Within seven (7) days after publication of this notice in the **Federal Register** notice of this proposed exemption will be conspicuously posted on bulletin boards in plants and offices of PDC and its affiliates which are used to notify employees of announcements and will be mailed to the last known address of participants and beneficiaries not employed by PDC or its affiliates. Such notice will include a copy of this Notice of Proposed Exemption as published in the **Federal Register** together with a statement informing such interested persons of their right to comment and/or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisons of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the contribution of the Property subject to the Lease by PDI to the Plan provided the contribution is valued at fair market value on the date contributed; (2) the guarantee by PDI or PDC to repurchase the Property at a price not less than the contribution value of the Property if the Trustee cannot realize such amount upon a subsequent sale of the Property provided the amount received by the Plan under the repurchase agreement is not less than the fair market value of the Property on the date repurchased; and (3) the guarantee by PDI to the Plan with regard to certain obligations of the Lessee under the Lease.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 31st day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-23088 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-67; Exemption Application No. D-2354]

Radiology Associates Retirement Plan and Trust Located in Vienna, Va.; Exemption From the Prohibitions for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the loan of funds (the Loan) by the Radiology Associates Retirement Plan and Trust (the Plan) to VIP Associates (VIP), a party in interest with respect to the Plan, and other transactions to be executed in accordance with the terms of the Loan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 19, 1981, notice was published in the **Federal Register** (46 FR 32104) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In

addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was provided to interested persons in accordance with the requirements set forth in the notice. No public comments and no requests for a hearing were received by the Department.

The notice stated the Plan's name as the Radiology Associates Profit Sharing Plan and Trust. The applicant has informed the Department that the Plan's correct name is the Radiology Associates Retirement Plan and Trust. The Department notes this correction and has determined that such does not reflect on the merits of the exemption. The Department hereby incorporates such correction into this final grant.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;
(b) It is in the interests of the Plan and of its participants and beneficiaries; and
(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the Loan of $198,750 by the Plan to VIP; and (2) other transactions to be executed in accordance with the terms of the Loan, including: (a) the execution of a full recourse note by all of the partners of VIP thereby personally guaranteeing each partner's obligations pursuant to the Loan; and (b) the agreement by Kirschner, Chung and Mero Radiology Associates, Ltd., the Plan sponsor, to purchase the Loan and first trust deed from the Plan in the event of any default by VIP which is not cured within 90 days; provided that the Loan and other transactions to be consummated pursuant to the terms of the Loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated third party at the time of consummation of the transactions.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of August 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-23085 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2397]

United Brotherhood of Carpenters and Joiners Local 203 Apprenticeship Fund Located in Dutchess County, N.Y.; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibitied transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the purchase of improved real property (the Property) and the assumption of a mortgage by the United Brotherhood of Carpenters and Joiners Local 203 Apprenticeship fund (the Plan) from the United Brotherhood of Carpenters and Joiners Local No. 203 (the Union), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Union, and other persons participating in the proposed transaction.

DATE: Written comments and requests for public hearing must be received by the Department on or before September 21, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. Attention: Application No. D–2397. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523–8884. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act. The proposed exemption was requested in an application filed by legal counsel for the Plan, pursuant to section 408(a) of the Act, and in accordance with procedures set forth in ERISA

Procedure 75–1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan, a multiple employer apprenticeship plan, was established in 1972 pursuant to a collective bargaining agreement between the Union and the Master Builders Assn. of Dutchess County, Inc. The purpose of the Plan is to educate carpenter apprentices in the building and construction industry in the full scope of the carpentry trade. Financial support for the Plan is derived from employer contributions pursuant to collective bargaining agreements which provide for hourly contributions for each hour worked by each carpenter, journeyman and working carpenter apprentice. There are presently 215 Plan participants and Plan assets as of December 31, 1980 totaled $132,817.12.

2. The Plan seeks to purchase the Property known as Carpenters Local 203 Meeting Hall which is located at 543 Dutchess Turnpike, Poughkeepsie, New York. The Property, encompassing approxiamtely 40,000 square feet, is presently owned and used by the Union. The Property is improved by a 2,236 square foot building. The building contains more space than the Union requires and its acquisition by the Plan will help remedy a serious problem of the Plan, that being the need for adequate training facilities for its participants. Currently, the Plan leases facilities from the Board of Cooperative Educational Services at the Dutchess County Community College.

3. It is contemplated that if the Plan purchases the Property from the Union, that it will lease back approximately 10 percent of the space to the Union.[1] The Union will be charged an annual rental based on comparable rates in the area.

4. It is further contemplated that if the Plan acquires the Property from the Union, that certain modifications and improvements will be made to the building. The work to be done will be performed by contractors on a bid basis. It is possible that the general contractor and subcontractors selected may be contributing employers to the Plan.[2]

5. On July 17, 1979, the Property was appraised by Mr. H. R. Fountain of H. R. Fountain & Co., Inc., an independent appraiser, who valued the Property at $70,000. On April 1, 1981, the Property was reappraised by Mr. Eldred P. Carhart, Jr., GRI (Mr. Carhart) of the Carhart Agency, Inc., an independent appraiser, who valued the Property at $72,000.

6. The Plan will pay the Union $70,000 for the Property based on its appraised value on July 17, 1979. The Plan will pay approximately $39,000 in cash and assume the present mortgage of approximately $31,000 on the Property. The mortgage, which is held by Marine Midland Bank, provides for monthly payments of principal and interest of $417.16 (interest at 7½ percent per annum) payable through June 1, 1988.

7. Mr. Carhart has been appointed as an independent fiduciary on behalf of the Plan. Mr. Carhart has reviewed the proposed transaction and found that it is appropriate for the Plan to buy the Property at this time on the aforesaid terms.

8. The applicant represents that there are no present facilities suitable for the purpose of the Plan in its immediate geographical area which will accommodate the needs of the Plan at a similar cost and expense. The Plan currently has extremely limited training facilities and in order to function properly has a definite need for expansion.

9. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (1) the Property will be purchased at a price below its current fair market value; (2) no other facility is available to the Plan or could be acquired at a comparable price; (3) the Plan will acquire a needed training facility; and (4) an independent fiduciary has determined that it is appropriate for the Plan to acquire the Property at this time on the aforesaid terms.

Notice to Interested Persons

Within 15 days after the notice of pendency is published in the **Federal Register** notice will be given to all Plan participants by posting at the Union Hall and to other interested persons including participating employer associations by mail. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall informed interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act;

(3) Before an exemption may be granted, under section 408(a) of the Act the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available or public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the

[1] The Department is not proposing an exemption in this notice beyond that which is provided in Prohibited Transaction Exemption 76–1 (41 FR 12740, March 26, 1976) and Prohibited Transaction Exemption 77–10 (42 FR 33918, July 1, 1977).

[2] The Department is not proposing an exemption in this notice beyond that which is provided by section 408(b)(2) of the Act.

application, the Department is considering granting the requested exemption under the authority of section 408(a) of The Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act shall not apply to the purchase of the Property and the assumption of the mortgage by the Plan from the Union provided that the purchase price does not exceed the fair market value of the Property at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 31st day of July 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-23087 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel: Meeting

August 3, 1981.

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

Date, time, and room: August 24, 1981, 9:00 a.m. to 5:30 p.m., 1134.
Program: This meeting will review Fellowships for Independent Study and Research applications in English Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose,

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

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-22982 Filed 8-6-81; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1.

Date: August 24, 1981.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review Fellowships for Independent Study and Research applications in Art History and Architecture, submitted to the Division of Fellowships and Seminars, for Projects beginning after January 1, 1982.

2.

Date: September 9, 10, and 11, 1981.
Time: 7 p.m. to 9:30 p.m. (September 9, 1981); 8:30 a.m. to 5 p.m. (September 10, 11, 1981).
Room: First Floor Conference Room.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of Public Programs, for projects beginning after January 1, 1982.

3.

Date: September 16, 17, 18, 1981.
Time: 7 p.m. to 9 p.m. (September 16, 1981); 8:30 a.m. to 5 p.m. (September 17, 18, 1981).
Room: First Floor Conference Room.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of Public Programs, for projects beginning after January 1, 1982.

4.

Date: September 23, 24, 25, 1981.
Time: 7 p.m. to 9 p.m. (September 23, 1981); 8:30 a.m. to 5 p.m. (September 24, 25, 1981).
Room: First Floor Conference Room.
Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of Public Programs, for projects beginning after January 1, 1982.

5.

Date: August 28, 1981.
Time: 9 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review Independent Study and Research applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

6.

Date: September 2, 1981.
Time: 9 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review Independent Study and Research applications in Political Science and Law, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose; (1) trade secrets and commercial or financial information obtained from a person and priviledged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about the these meetings can be obtained from Mr.

Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephan J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81–23140 Filed 8–6–81; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–364]

Alabama Power Co.; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. NPF–2 and Amendment No. 3 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Houston County, Alabama. The amendments are effective as of the date of issuance.

The amendments grant temporary relief on a one-time only basis from diesel generator operability and surveillance frequency requirements to allow continued plant opertion for six additional days during repairs to diesel generator 1C. The existing Technical Specifications allows a 72 hour outage time.

The application for the amendments comply 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 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 these 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) and environmental impact statememt 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 request for amendments, dated July 31, 1981, (2) Amendment No. 21 to License No. NPF–2, (3) Amendment No. 3 to License No. NPF–8, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington,. D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division, Division of Licensing.

Dated At Bethesda, Maryland, this 31st day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga, *Chief,*

Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–23092 Filed 8–6–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Company; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company, (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment eliminates the containment purge exhaust and supply isolation time requirements for operation in modes 1, 2, 3 and 4.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 29, 1981, (2) Amendment No. 44 to License No. DPR–66 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. 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 29th day of July, 1981.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactor Branch No. 1, Division of Licensing.

[FR Doc. 81–23093 Filed 8–6–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70–1308 SP]

General Electric Co. (GE Morris Operation Spent Fuel Storage Facility); Order Cancelling and Resetting Prehearing Conference

August 3, 1981.

The Prehearing Conference presently scheduled for August 6, 1981, is cancelled and reset to commence August 14, 1981 at 9:00 a.m. The place of the hearing will be set in a later Order.

It is so ordered.

Signed in Bethesda, MD this 3d day of August 1981.

For the Atomic Safety and Licensing Board.

Andrew C. Goodhope,

Chairman, Administrative Judge.

[FR Doc 23094 Filed 8–6–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co.; Proposed Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–24 and DPR–27 issued to Wisconsin Electric Power Company (the licensee), for operation of the Point Beach Nuclear Plant, Units 1 and 2 located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendments would revise the provisions in the Technical Specifications to permit repair of degraded or defective steam generator tubes by sleeving in accordance with the

licensee's application for amendment dated July 2, 1981.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By September 8, 1981, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission of by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding, (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend this petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce Churchill, Esq. Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 2, 1981, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Joseph Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241.

Dated at Bethesda, Maryland this 3rd day of August 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-23085 Filed 8-6-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[812-4888; Release No. 11881]

The Capitol Life Insurance Co., Capitol Life Separate Account A, and Security First Financial, Inc.; Application for an Amended Order

August 3, 1981.

Notice is hereby given that the Capitol Life Insurance Company ("Capitol Life"), 1600 Sherman Street, Denver, Colorado 80203, a stock life insurance company organized under the laws of the State of Colorado, and Capitol Life Separate Account A ("Separate Account") established by Capitol Life and registered as a unit investment trust under the Investment Company Act of 1940 ("Act") and Security First Financial, Inc., 1800 Avenue of the Stars, Los Angeles, CA 90067, a registered broker-dealer and the principal underwriter for the Separate Account (hereinafter collectively referred to as "Applicants"), filed an Application on June 9, 1981 for an amended order pursuant to Section 11 of the Act, approving certain offers of exchange, and pursuant to Section 6(c) of the Act, exempting the Applicants from the provisions of Sections 26(a) and 27(c)(2) of the Act. The requested order would supplement the exemptive relief previously granted (i) to the extent necessary to include a new Group Flexible Payment Variable Annuity Contract ("New Contract"), to be issued by Capitol Life and funded in the Separate Account, in the offer of exchange allowing Accumulation Units of one series of the Separate Account to be exchanged for those of another series; and (ii) to the extent necessary to include the New Contract in the exemptions underlying the current safekeeping arrangement of the Separate Account, previously granted pursuant to Section 6(c).

All interested persons are referred to the Application on file with the

Commission for a statement of the representations contained therein which are summarized below.

The Separate Account was established by Capitol Life to fund certain variable annuity contracts which are currently being offered and sold to the public pursuant to an effective registration statement under the Securities Act of 1933 (File No. 2–51169). The Separate Account presently consists of four series, each of which invests solely in the shares of one of the following open-end diversified management investment companies; Security First Legal Reserve Fund, Inc., Security First Variable Life Fund, Inc., T. Rowe Price Growth Stock Fund, Inc., and
T. Rowe Price Prime Reserve Fund, Inc. (hereinafter collectively referred to as the "Funds").

The New Contracts are group flexible payment variable annuity contracts and are designed to provide annuity benefits to persons participating in various types of annuity plans or arrangements. Applicants assert that the Contracts are designed to be used in connection with retirement plans or individual retirement arrangements which qualify for special tax treatment under the Internal Revenue Code.

Applicants seek to amend and supplement the orders of September 13, 1974 (Release No. IC–8497), November 30, 1978 (Release No. IC–10502), and July 23, 1980 (Release No. IC–11271), and June 12, 1981 (Release No. IC–11814) only to the extent necessary to include the New Contract in the offers of exchange approved by such orders pursuant to Section 11, and to include the New Contract in the exemptions from Sections 26(a) and 27(c)(2) previously granted pursuant to Section 6(c).

Section 11

Section 11(a) makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to, and approved by, the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The order contained in Release No. IC–11814 approved the conversion or transfer of Contract Accumulation Units from any one of the four series of the Separate Account to any other Division of the Separate Account then in existence. Applicants propose that this conversion right be extended so as to encompass the New Contract.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an indenture or agreement containing specified provisions. Section 26(a) requires that such indenture or custodian agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of such Section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable bookkeeping and other administrative services of a character normally performed by the bank itself.

Pursuant to an exemption from the aforementioned provision of the Act granted in Release No. IC–11814, Capitol Life acts as custodian of the Separate Accounts; however, all such assets are held for safekeeping pursuant to an agreement between Capitol Life and the State Street Bank and Trust Company of Boston, Massachusetts ("Bank"). Insofar as the New Contract proposed to be funded in the Separate Account is not included within the terms of the order issued in Release No. IC–11814, the Applicants request that the order of exemptions from Sections 26(a) and 27(c)(2) be amended to the extent necessary to make the requirement of a trust inapplicable to such New Contract.

Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and Rules promulgated 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 party may, not later than August 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request and the issues of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any sush communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following August 27, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments 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. 81-23137 Filed 8-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22148; (70-6600)]

Middle South Energy, Inc.; Supplemental Notice of Proposal To Enter Into Revolving Credit/Term Loan Agreement With Foreign Banks

August 4, 1981.

In the matter of Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana, Supplemental notice of proposal to enter into revolving credit/term loan agreement with foreign banks.

Middle South Energy, Inc. ("MSE"), a special purpose subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

On July 31, 1981 a notice was issued giving interested persons until August 24, 1981 to request a hearing on a proposal by MSE to enter into a revolving credit/term loan agreement in an aggregate principal amount of approximately $300,000,000 with a group of foreign lenders. MSE was granted an exception from the competitive bidding requirements of Rule 50 under the Act for the purpose of engaging Credit Suisse First Boston Ltd. ("Credit Suisse") as its financial advisor to explore the the market and assist in arranging a revolving credit and term loan agreement. MSE has filed an amendment to its application-declaration redefining its relationship with Credit Suisse. Credit Suisse will not act solely as financial advisor with respect to the proposed transaction. The loan agreement with the group of foreign lenders will be negotiated with and through Credit Suisse. This change in the structure of the proposed transaction does not affect the validity of the exception from competitive bidding granted in the release of July 31, 1981.

The application-declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 24, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-23143 Filed 8-6-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

Reimbursable Services—Excess Cost of Preclearance Operations

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 23, 1981.

Installation	Bi-weekly excess cost
Montreal, Canada	$17,717
Toronto, Canada	31,795
Kindley Field, Bermuda	6,747
Nassau, Bahama Islands	17,244
Vancouver, Canada	12,139
Winnipeg, Canada	2,113
Freeport, Bahama Islands	13,323
Calgary, Canada	10,027
Edmonton, Canada	4,756

Jack T. Lacy,

Comptroller.

[FR Doc. 81-23142 Filed 8-6-81; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 28, 1981, at 8:00 A.M., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Hollywood College of Beauty Culture, 598 Funston Street, West Hollywood, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of Law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: July 31, 1981.

Thomas Jensen,

Acting Director.

[FR Doc. 81-22981 Filed 8-6-81; 8:45 am]

BILLING CODE 8320-01-M

[FAI-03-79-01]

Arizona Veterans Memorial Cemetery; Application for Federal Assistance, Maricopa County, Phoenix, Arizona; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur from the Federal funding of the construction of Phase I development of the Arizona Veterans Memorial Cemetery, Phoenix, Arizona.

The proposed project consists of the first wing of the administrative building, parking area, deep well, garden type columbarium and roadways. This construction is the initial phase of the master plan prepared by the State of Arizona for the total development of 833 acres as a State veterans cemetery. The State authorized and initiated development of the land for use as a State veterans cemetery in June, 1976. The cemetery was opened in March, 1979, and to date over 420 interments have occurred.

The proposed development has been designed, and will be constructed and administered by the State of Arizona in a similar manner as the VA National Cemetery System.

The alternatives considered in the VA planning and approval process for the proposal have been: (1) Accept as submitted, (2) Accept with modifications, (3) Reject for funding. The "No Action" option was not considered viable, as the agency program requires the VA respond to requests for assistance in review of proposed project actions relative to state cemeteries.

The Phase I development of the Master Plan, if constructed, will have impacts on the human and natural

environment in only minor ways. Minor effects from dust generation during construction and burial operations may be expected. Additionally, potential for impact on archaeological finds exists, but is minimal. An archaeological survey of the site area has been taken and reviewed by the State Historic Preservation Officer. No Historical sites exist in or adjacent to the area. No endangered plants or animals listed on the state's endangered species inventory have been identified on the site.

Mitigation of the identified project impacts will include: (1) Dust control through pavement of roads, irrigation of land surface and utilization of decomposed granite as a ground surface cover; (2) Archaeological sightings, if they occur, will be reviewed and analyzed by a professional archaeologist before work is allowed to continue; (3) The policy of the cemetery administration will be to protect plant and animal species, and encourage the location of confiscated native plants protected under the State Native Plant Law to the cemetery site.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessement.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: July 29, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-23068 Filed 8-6-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 152
Friday, August 7, 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

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, August 6, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the Bank Board meeting of Thursday, August 6, 1981 and has been added to the Bank Board meeting of Thursday, August 13, 1981.

Bank Membership—State Mutual Savings Bank, Tacoma, Washington

No. 526, August 5, 1981.

[S-1199-81 Filed 8-5-81; 11:34 am]

BILLING CODE 6720-01-M

2

METRIC BOARD.

Planning and Coordination Committee Meeting; Research Committee Meeting; Public Awareness and Education Committee Meeting; Executive Committee Meeting

DATE AND TIME: Wednesday, August 19, 1981 and Thursday, August 20, 1981—9:00 a.m. to 5:00 p.m.

STATUS: Closed to the public (Exemption 5 U.S.C. 552b(c)(9)(B).

MATTERS TO BE CONSIDERED: Fiscal Year 1982 Operating Plan.

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall, 703/235-3058.

Louis F. Polk,
Chairman.

[S-1200-81 Filed 8-5-81; 1:28 pm]

BILLING CODE 8250-01-M

federal register

Friday
August 7, 1981

Part II

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Recodification and Amendments to Explosive Materials Regulations

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 55 and 181

[T.D.-ATF 87; Re: Notice Nos. 309 and 358]

Recodification and Amendments to Explosive Materials Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule is a recodification of 27 CFR Part 181 (Commerce in Explosives) as 27 CFR Part 55, and contains numerous revisions after a review by the Bureau of the explosives regulations implementing Title XI of the Organized Crime Control Act of 1970. The regulatory changes made in this Treasury decision clarify and liberalize explosive materials regulations and reduce regulatory requirements on the explosives industry.

In compliance with Executive Order 12291, this final rule is not classified as a major rule.

EFFECTIVE DATE: September 8, 1981. The provisions in Subpart K may be used in lieu of the provisions in Subpart J after September 8, 1981, but are mandatory after August 9, 1982.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) published a notice of proposed rulemaking (Notice No. 309) in the **Federal Register** of August 3, 1977 (42 FR 39316). This notice proposed (1) a substantial amending of the regulations, particularly with respect to the recordkeeping and storage requirements for explosive materials, (2) the addition of new terms and revision of existing language to conform more to current industry terminology, and (3) the making of numerous miscellaneous, clarifying, and editorial changes. Written data, comments, and suggestions on the proposed regulations were invited. In response to the notice of proposed rulemaking, written comments were submitted by 19 industry members (manufacturers, users, carriers, distributors), seven trade associations, four agencies of the Federal Government, one agency of a State Government, one workers union, and one individual. Additional comments were submitted by ATF offices. Because a number of changes were necessary in Notice No. 309, a new notice of proposed rulemaking (Notice No. 358) was published in the **Federal Register** on November 18, 1980 (45 FR 76191). In addition to the noncontroversial changes in Notice No. 309, the new notice proposed a three year period for license and permit renewals, a simpler procedure for qualifying mobile or portable magazines, broader allowances for electrical lighting in explosives magazines, retention of current bullet resistance standards, addition of laboratory reagents as exempt from explosive materials regulations, and many other changes of lesser impact. In response to Notice No. 358, written comments were submitted by 18 industry members (manufacturers, distributors and users), four trade associations, two agencies of the Federal Government and one individual. The regulations proposed and comments are summarized as follows:

Summary of Proposed Regulations, Comments, and Changes Pursuant to Comments

New Subpart K Storage

The notices proposed a new Subpart K which included the provisions now found in Subpart J and the changes affecting the storage of explosive materials proposed in the two notices. The requirements of the new Subpart K are mandatory one year after the publication date of this Treasury decision, but their use is optional until that date. After that date, the provisions in Subpart J will be deleted from Part 55. Two types of comments were received involving Notice No. 309: first, to make the effective date for mandatory compliance with Subpart K three years from the date of the Treasury decision rather than two, and second, "grandfather" all current storage construction that is in compliance with Subpart J. However, since the major construction requirements for explosives magazines previously proposed have been deleted and no comments were received for Notice No. 358 on the one year Subpart K [1] compliance date, the Bureau believes a one year phase in period is reasonable.

The comments received for Notice No. 309, were summarized in Notice No. 358, so the following summary of the comments received is specific to Notice No. 358.

[1] Subpart K was proposed as new Subpart JJ at 45 FR 76191, Nov. 18, 1980.

Definitions

A few meanings of terms, § 55.11, were revised based on comments received. The ambient moisture content of less than 15% requirement for hardwood and softwood used in magazine construction was deleted because such a requirement is very difficult to determine. The definition of water gels was simplified and made more general in scope. Throughout the regulations, the term blasting cap was changed, where appropriate, to the broader industry term, detonator. Two commenters desired a more specific definition of "highway" and another commenter requested a revision of "artificial barricade" so an accidential explosion wouldn't result in missiles. We believe the definition of artificial barricade is satisfactory as proposed in the notice, but we would consider changing the definition in the future if we received further inquiry. We have broadened the definition of highway, however. [Section 55.11 amended (formerly § 181.11)]

License and Permit Renewals

To make license and permit renewals a three-year period instead of one year received no opposition and is included in the final rule as proposed.

[Sections 55.42, 55.43, and 55.51 amended (formerly §§ 181.42, 181.43, and 181.51)]

Changes in Approved Magazines

The proposed simplification of procedures in changing location, construction, or adding magazines stated that explosive materials couldn't be put in a magazine until a copy of the letter application was received stamped "Approved." Two commenters stated that magazines on occasion need to be used prior to receipt of an approved application and in such cases telephonic approvals have been granted. We revised the final rule to simplify the entire procedure for changing existing magazines and constructing or acquiring new magazines.

[Section 55.63 added (formerly § 181.54)]

Mobile or Portable Magazines

Two commenters recommended deletion of the proposed section for mobile or portable magazines because an administrative burden would be put on those with a great number of such explosive magazines in keeping track of individual magazines. The intent of the new section was to make it easier for those with mobile or portable magazines to qualify a new magazine or move an approved magazine. Because of the intent of allowing for an easier

qualification for mobile and portable magazines, ATF issued Ruling 80–22 on December 26, 1980, which was similar to the proposed regulations. We considered carefully the comments and have deleted the new mobile or portable magazine section. In addition, we have exempted mobile or portable type 5 magazines from application requirements because most are trailers used frequently for other than transporting and storing blasting agents. However, construction and distance requirements are in effect for mobile or portable magazines when in use for the storage of explosives. ATF Ruling 80–22 becomes obsolete on the effective date of this final rule.

Posting of Licenses or Permits

Two commenters stated the posting of a license in each approved explosives magazine was a burden on those with many magazines and it served little useful purpose. One commenter objected to having a copy of the approved application for a license or permit at each business premises because some of the information in the application was not intended for circulation. The Bureau agrees the benefits of these two requirements are not sufficient and the final rule reflects the changes.

[Section 55.101 amended (formerly § 181.101)]

Sales or Distributions of Explosive Materials

The notice sets forth a revision to clarify procedures for sales or distributions between licensees or between licensees and permittees, and distributions to non-licensees and non-permittees. Two commenters asked for a definition of the word "acquire" because confusion exists within the explosives industry in determining whether "acquire" pertains to the person placing the order or the person receiving the explosive materials. Instead of defining "acquire," we have further clarified the procedures for obtaining explosives.

[Sections 55.103 and 55.105 amended (formerly §§ 181.103 and 181.105)]

Inventories. The proposed regulations required a physical inventory of explosives at least once a year. No comments were received on this proposal because we believe most, if not all, explosives industry members already take at least one physical inventory per year.

[Sections 55.122, 55.123, 55.124 and 55.125, amended (formerly §§ 181.122, 181.123, 181.124, 181.125)]

Records. Two commenters requested deleting the requirement that record entries have descriptive words such as dynamite, blasting agents and detonators, because the manufacturer's trade name is sufficient in identifying the explosive. We do not agree that in the records a manufacturer's trade name can be substituted for more commonly understood names. For example, full or partial inventories would be difficult to verify against record balances if the record did not divide the explosives by type and size. Use of trade names may also make the tracing of explosives more difficult for those unfamiliar with these names. We agree with the commenters, however, that space on accounting and transactions forms is limited and the time in making entries is costly, so we have suggested in the regulations use of abbreviations instead of a full descriptive name of the explosive.

[Sections 55.122, 55.123, 55.124 and 55.125 amended (formerly §§ 181.122, 181.123, 181.124 and 181.125)]

Two licensed manufacturers commented that their operations involve an on-site mixing of components to manufacture an explosive material which is then all used after its manufacture. They requested this type of operation be considered differently from other explosives manufacturing. We agree the recordkeeping requirements for such manufacturing is a burden, so we have specifically exempted on-site explosive manufacturers from keeping records on their explosive materials manufactured and used within a 24-hour period at the same site.

[Section 55.123 amended (formerly § 181.123)]

Another commenter suggested records should only be retained by a licensee during the period of the license and then the records should be turned over to the Bureau for retention. Notice No. 309 proposed licenses and permittees forward all explosives transaction records to the Bureau after five years. However, most of the commenters opposed this proposal and the Bureau decided to withdraw the proposal and reevaluate the subject of record retention. This final rule is issued with no change in the present record retention requirements.

Exemption From Explosives Regulations

One commenter suggested including in the new exemption of certain industrial or laboratory chemicals specific names of chemicals used as reagents, i.e., the following chemicals: picric acid, nitric acid, sodium nitrate, cobalt nitrate, aluminum nitrate, potassium nitrate, strontium peroxide, hydrogen peroxide, perchloric acid, ammonium perchlorate, sulphate and potassium chlorate. We have decided not to add these chemicals specifically because these and other chemicals are already included in the general language of § 55.141(a)(9).

Storage of Explosives

Construction of Magazines. Two commenters suggested the new construction provisions for explosives magazines in Subpart K include any alternate construction previously approved by ATF. We have included such a statement in the new § 55.201.

Inspection of Magazines. Several commenters stated there was no need to open and inspect the contents of an explosives magazine if there was no evidence of tampering or other forced entry. The opening of an explosives magazine during winter months in snow country is especially a burden. We agree with the commenters and the regulation now requires magazines to be inspected at least every seven days to determine whether there has been unauthorized entry or attempted entry.

[Section 55.204 added]

Location of Magazines. One commenter requested that pipelines be added to the list which includes inhabited buildings, passenger railways, public highways, or other magazines for the minimum distances for the storage of explosives. This suggestion could not be added to this rule without benefit of public comment, but the suggestion will be considered in future rulemaking on explosives regulations.

Locks. Several commenters objected to changing the minimum lock shackle diameter size from ⅜ inches as stated in Notice No. 309, to the 7/16 inches stated in Notice No. 358. We agree the ⅜ inches shackle minimum diameter is sufficient and the final rule includes this minimum size.

[Sections 55.207 thru 55.211 amended]

One commenter requested including a statement that a steel hood over the lock is not required for Type 3 magazines. This suggestion is also included in the final rule.

[Section 55.209 amended]

Quantity and Storage Restrictions. Two commenters requested an allowance of over 300,000 pounds of explosive material in a magazine upon special request.

Notice No. 358 contained this provision as does the final rule.

[Section 55.213 added]

Recodification and Miscellaneous Changes

The numbering of the sections is changed to reflect recodification of 27 CFR Part 181 to 27 CFR Part 55. A number of title and definition changes are made to conform to reorganization changes involving ATF. Also, the old numbers used to identify forms have been changed to reflect the new numbers within the ATF Subject Classification System.

Drafting Information

The principal author of this document is James A. Hunt of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

These regulations are issued under the authority contained in 18 U.S.C. 847 (84 Stat. 959).

Specific changes to the Regulations

In consideration of the foregoing, 27 CFR Part 181 is recodified and amended as follows:

Preamble. 1. The regulations in this new Part 55 revise and supersede 27 CFR Part 181 in its entirety.

2. These regulations do not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding completed or commenced before the effective date of these regulations.

3. The regulations in this part are effective September 8, 1981.

PART 55—COMMERCE IN EXPLOSIVES

Subpart A—Introduction

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55.2 Relation to other provisions of law.

Subpart B—Definitions

55.11 Meaning of terms.

Subpart C—Administrative and Miscellaneous Provisions

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55.77 Designated place of hearing.
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55.80 Court review.
55.81 Service on applicant, licensee, or permittee.
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55.83 Operations by licensees or permittees after notice of denial or revocation.

Subpart F—Conduct of Business or Operations

55.101 Posting of license or permit.
55.102 Authorized operations by permittees and certain licensees.
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55.105 Distributions to nonlicensees and nonpermittees.
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55.108 Importation.
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Subpart G—Records and Reports

55.121 General.
55.122 Records maintained by licensed importers.
55.123 Records maintained by licensed manufacturers.
55.124 Records maintained by licensed dealers.
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55.125 Records maintained by licensed manufacturers-limited and permittees.
55.126 Explosives transaction record.
55.127 Daily summary of magazine transactions.
55.128 Discontinuance of business.
55.129 Exportation.
55.130 Transaction record for black powder to be used in antique firearms or in antique devices.

Subpart H—Exemptions

55.141 Exemptions.
55.142 Relief from disabilities incurred by indictment, information or conviction.

Subpart I—Unlawful Acts, Penalties, Seizures, and Forfeitures

55.161 Engaging in business without a license.
55.162 False statement or representation.
55.163 False entry in record.
55.164 Unlawful storage.
55.165 Failure to report theft or loss.
55.166 Seizure or forfeiture.

Subpart J—Storage

The provisions in this subpart shall apply until August 9, 1982. The provisions in Subpart K may be used in lieu of the provisions in this subpart, but shall be mandatory after August 9, 1982.

55.181 General.
55.182 Classes of explosive materials.
55.183 Types of magazines.
55.184 Inspection of magazines.
55.185 Movement of explosive materials.
55.186 Location of magazines.
55.187 Construction of type 1 magazines.
55.188 Construction of type 2 magazines.
55.189 Construction of type 3 magazines.
55.190 Construction of type 4 magazines.
55.191 Construction of type 5 magazines.
55.192 Smoking and open flames.
55.193 Quantity and storage restrictions.
55.194 Storage within types 1, 2, 3, and 4 magazines.
55.195 Housekeeping.
55.196 Repair of magazines.
55.197 Lighting.
55.198 American table of distances for storage of explosive materials.
55.199 Table of distances for storage of low explosives.
55.200 Table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Subpart K—Storage

The provisions of this subpart may be used in lieu of the provisions in Subpart J, but are mandatory after August 9, 1982.

55.201 General.
55.202 Classes of explosive materials.
55.203 Types of magazines.
55.204 Inspection of magazines.
55.205 Movement of explosive materials.
55.206 Location of magazines.
55.207 Construction of type 1 magazines.
55.208 Construction of type 2 magazines.
55.209 Construction of type 3 magazines.
55.210 Construction of type 4 magazines.
55.211 Construction of type 5 magazines.
55.212 Smoking and open flames.

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55.213 Quantity and storage restrictions.
55.214 Storage within types 1, 2, 3, and 4 magazines.
55.215 Housekeeping.
55.216 Repair of magazines.
55.217 Lighting.
55.218 Table of distances for storage of explosive materials.
55.219 Table of distances for storage of low explosives.
55.220 Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Authority: 18 U.S.C. Chapter 40, unless otherwise noted.

Subpart A—Introduction

§ 55.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in explosives and implement Title XI, Regulation of Explosives (18 U.S.C. Chapter 40; 84 Stat. 952), of the Organized Crime Control Act of 1970 (84 Stat. 922).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

(1) The interstate of foreign commerce in explosive materials;

(2) The licensing of manufacturers and importers of, and dealers in, explosive materials;

(3) The issuance of user permits;

(4) The conduct of business by licensees and operations by permittees;

(5) The storage of explosive materials;

(6) The records and reports required of licensees and permittees;

(7) Relief from disabilities under this part; and

(8) Exemptions, unlawful acts, penalties, seizures, and forfeitures.

§ 55.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in explosive materials. For regulations applicable to commerce in firearms and ammunition, see Part 178 of this chapter. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 38 of the Arms Export Control Act (22 U.S.C. 2778), and regulations of Part 47 of this chapter and in Parts 121–128 of Title 22, Code of Federal Regulations. For statutes applicable to nonmailable materials, see 18 U.S.C. 1716 and implementing regulations. For statutes applicable to water quality standards, see 33 U.S.C. 1341.

Subpart B—Definitions

§ 55.11 Meaning of terms.

When used in this part, terms are defined as follows in this section. Words in the plural form include the singular, and vice versa, and words indicating the masculine gender include the feminine. The terms "includes" and "including" do not exclude other things not named which are in the same general class or are otherwise within the scope of the term defined.

Act. 18 U.S.C. Chapter 40.

Ammunition. Small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms, including percussion caps, and 3/32 inch and other external burning, pyrotechnic hobby fuses. The term does not include black power.

Approved storage facility. A place where explosive materials are stored, consisting of one or more approved magazines, conforming to the requirements of this part and covered by a license or permit issued under this part.

Artificial barricade. An artificial mound or revetted wall of earth of a minimum thickness of three feet, or any other approved barricade that offers equivalent protection.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Barricaded. The effective screening of a magazine containing explosive materials from another magazine, a building, a railway, or a highway, either by a natural barricade or by a artificial barricade. To be properly barricaded, a straight line from the top of any sidewall of the magazine containing explosive materials to the eave line of any other magazine or building, or to a point 12 feet above the center of a railway or highway, will pass through the natural or artificial barricade.

Blasting agent. Any material or mixture, consisting of fuel and oxidizer, that is intended for blasting and not otherwise defined as an explosive; if the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined. A number 8 test blasting cap is one containing 2 grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40–0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed to 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer.

Bureau. The Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, DC.

Business premises. When used with respect to a manufacturer, importer, or dealer, the property on which explosive materials are manufactured, imported, stored or distributed. The premises include the property where the records of a manufacturer, importer, or dealer are kept if different than the premises where explosive materials are manufactured, imported, stored or distributed. When used with respect to a user of explosive materials, the property on which the explosive materials are received or stored. The premises includes the property where the records of the users are kept if different than the premises where explosive materials are received or stored.

Crime punishable by imprisonment for a term exceeding one year. Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of one year. The term does not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

Customs officer. Any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized to perform the duties of an officer of the Customs Service.

Dealer. Any person engaged in the business of distributing explosive materials at wholesale or retail.

Detonator. Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating-cord delay connectors, and nonelectric instantaneous and delay blasting caps.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, DC.

Distribute. To sell, issue, give, transfer, or otherwise dispose of. The term does not include a mere change of possession from a person to his agent or

employee in connection with the agency or employment.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the required declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is required, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete".

Explosive actuated device. Any tool or special mechanized device which is actuated by explosives, but not a propellent actuated device.

Explosive materials. Explosives, blasting agents, water gels and detonators. Explosive materials include, but are not limited to, all items in the List of Explosive Materials provided for in § 55.23.

Explosives. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

Fugitive from justice. Any person who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. The term also includes any person who has been convicted of any crime and has fled to avoid imprisonment.

Hardwood. Oak, maple, ash, hickory, or other hard wood, free from loose knots, spaces, or similar defects.

Highway. Any public street, alley, or road. Public highways of class A to D are highways with an average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbett, Vol. 1, Table 46, Sec. 3–74, 1956 Edition, John Wiley and Sons).

Importer. Any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

Indictment. Includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

Inhabited building. Any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.

Internal Revenue District. An Internal Revenue District under the jurisdiction of a District Director of Internal Revenue.

Interstate or foreign commerce. Commerce between any place in a State and any place outside of that State, or within any possession of the United States or the District of Columbia, and commerce between places within the same State but through any place outside of that State.

Licensed dealer. A dealer licensed under this part.

Licensed importer. An importer licensed under this part.

Licensed manufacturer. A manufacturer licensed under this part to engage in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

Licensed manufacturer-limited. A manufacturer licensed under this part to engage in the business of manufacturing explosive materials for his own use and not for sale or distribution.

Licensee. Any importer, manufacturer, or dealer licensed under this part.

Magazine. Any building or structure, other than an explosives manufacturing building, used for storage of explosive materials.

Manufacturer. Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

Manufacturer-limited. Any person engaged in the business of manufacturing explosive materials for his own use and not for sale or distribution.

Mass detonation (mass explosion). Explosive materials mass detonate (mass explode) when a unit or any part of a larger quantity of explosive material explodes and causes all or a substantial part of the remaining material to detonate or explode.

Natural barricade. Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Number 8 test blasting cap. (See definition of "blasting agent.")

Permittee. Any user of explosives for lawful purpose, who has obtained a user permit under this part.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Plywood. Exterior, construction grade (laminated wood) plywood.

Propellant actuated device. Any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

Railway. Any steam, electric, or other railroad or railway which carries passengers for hire.

Region. A geographical region of the Bureau of Alcohol, Tobacco and Firearms.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

Service Center Director. A director of an Internal Revenue Service center.

Softwood. Fir, pine, or other soft wood, free from loose knots, spaces, or similar defects.

State. A State of the United States. The term includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

State of residence. The State in which an individual regularly resides or maintains his home. Temporary stay in a State does not make the State of temporary stay the State of residence.

U.S.C. The United States Code.

User-limited permit. A user permit valid only for a single purchase transaction, a new permit being required for a subsequent purchase transaction.

User permit. A permit issued to a person authorizing him (a) to acquire for his own use explosive materials from a licensee in a State other than the State in which he resides or from a foreign country, and (b) to transport explosive materials in interstate or foreign commerce.

Water gels. Explosives or blasting agents that contain a substantial proportion of water.

Subpart C—Administrative and Miscellaneous Provisions

§ 55.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished.

§ 55.22 Alternate methods or procedures; emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee or licensee, on specific approval by the Director as provided by this paragraph, may use an alternate method or procedure in lieu of a method

or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause is shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure and that the alternate method or procedure is substantially equivalent to that specifically prescribed method or procedure; and

(3) The alternate method or procedure will not be contrary to any provision of law and will not result in an increase in cost to the Government or hinder the effective administration of this part.

Where the permittee or licensee desires to employ an alternate method or procedure, he shall submit a written application to the regional regulatory administrator, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure and shall set forth the reasons for it. Alternate methods or procedures may not be employed until the application is approved by the Director. The permittee or licensee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization of any alternate method or procedure may be withdrawn whenever, in the judgment of the Director, the effective administration of this part is hindered by the continuation of the authorization. As used in this paragraph, alternate methods or procedures include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary and the proposed variations—

(1) Will afford security and protection that are substantially equivalent to those prescribed in this part;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provisions of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with the procedures, conditions, and limitations shall automatically terminate the authority for the variations and the licensee or permittee shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever, in the judgment of the Director, the effective administration of this part is hindered by the continuation of the variation. Where the licensee or permittee desires to employ an emergency variation, he shall submit a written application to the regional regulatory administrator for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons for it. Variations may not be employed until the application is approved, except when the emergency requires immediate action to correct a situation that is threatening to life or property. Corrective action may then be taken concurrent with the filing of the application and notification of the Director via telephone.

(c) *Retention of approved variations.* The licensee or permittee shall retain, as part of his records available for examination by ATF officers, any application approved by the Director under this section.

§ 55.23 List of Explosive Materials.

The Director shall compile and publish in the **Federal Register** a list of Explosive Materials. The list shall be published and revised at least annually.

§ 55.24 Right of entry and examination.

Any ATF officer may enter during business hours the premises, including places of storage, of any licensee or permittee for the purpose of inspecting or examining any records or documents required to be kept under this part, and any explosive materials kept or stored at the premises.

§ 55.25 Disclosure of information.

Upon receipt of written request from any State or any political subdivision of a State, the regional regulatory administrator may make available to the State or politicial subdivision any information which the regional regulatory administrator may obtain under the Act with respect to the identification of persons within the State or political subdivision, who have purchased or received explosive materials, together with a description of the explosive materials.

§ 55.26 Prohibited shipment, transportation, or receipt of explosive materials.

(a) No person, other than a licensee or permittee, shall transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials. This paragraph does not apply to—

(1) The transportation, shipment, or receipt of explosive materials by a nonlicensed person or nonpermittee who lawfully purchases explosive materials from a licensee in a State contiguous to the purchaser's State of residence if, (i) the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive mateials in a contiguous State, (ii) the provisions of § 55.105(c) are fully complied with, and (iii) the purchaser is not otherwise prohibited under paragraph (b) of this section from shipping or transporting explosive materials in interstate or foreign commerce or receiving explosive materials which have been shipped or transported in interstate or foreign commerce; or

(2) The lawful purchase by a nonlicensee or nonpermittee of commerically manufactured black powder in quantities not to exceed 50 pounds, if (i) the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, and (ii) the provisions of § 55.105(g) are fully complied with.

(b) No person may ship or transport any explosive material in interstate or foreign commerce or receive any explosive materials which have been shipped or transported in interstate or foreign commerce who (1) is under indictment or information for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marijuana, or any depressant or stimulant drug, or narcotic drug (as these terms are defined in the Controlled Substances Act; 21 U.S.C. 802), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

§ 55.27 Out-of-State disposition of explosive materials.

No nonlicensee or nonpermittee shall distribute any explosive materials to any other nonlicensee or nonpermittee who the distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

§ 55.28 Stolen explosive materials.

No person shall receive, conceal, transport, ship, store, barter, sell, or dispose of any stolen explosive materials knowing or having reasonable

cause to believe that the explosive materials were stolen.

§ 55.29 Unlawful storage.

No person shall store any explosive materials in a manner not in conformity with this part.

§ 55.30 Reporting theft or loss of explosive materials.

(a) Any licensee or permittee who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 800–424–9555 (nationwide toll free number) and on ATF F 5400.5 (formerly Form 4712) in accordance with the instructions on the form. Theft or loss of any explosive materials shall also be reported to appropriate local authorities.

(b) Any other person, except a carrier of explosive materials, who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 800–424–9555 (nationwide toll free number) and in writing to the nearest ATF office. Theft or loss shall be reported to appropriate local authorities.

(c) Reports of theft or loss of explosive materials under paragraphs (a) and (b) must include the following information, if known:

(1) The manufacturer or brand name.

(2) The manufacturer's marks of identification (date and shift code).

(3) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(4) Description (dynamite, blasting agents, detonators, etc.).

(5) Size (length and diameter).

(d) A carrier of explosive materials who has knowledge of the theft or loss of any explosive materials shall, within 24 hours of discovery, report the theft or loss by telephoning 800–424–9555 (nationwide toll free number). Theft or loss shall also be reported to appropriate local authorities. Reports of theft or loss of explosive materials by carriers shall include the following information, if known:

(1) The manufacturer or brand name.

(2) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(3) Description (Class A, B, or C explosives, or nitro-carbo-nitrates, as classified by the U.S. Department of Transportation in the Hazardous Materials Table).

§ 55.31 Inspection of site accidents or fires; right of entry.

Any ATF officer may inspect the site of any accident or fire in which there is reason to believe that explosive materials were involved. Any ATF officer may enter into or upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location.

§ 55.32 Special explosive devices.

The Director may exempt certain explosive actuated devices, explosive actuated tools, or similar devices from the requirements of this part. A person who desires to obtain an exemption under this section for any special explosive device, which as designed does not constitute a public safety or security hazard, shall submit a written request to the Director. Each request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer, the purpose of and use for which it is intended, and any photographs, diagrams, or drawings as may be necessary to enable the Director to make a determination. The Director may require that a sample of the device be submitted for examination and evaluation. If it is not possible to submit the device, the person requesting the exemption shall advise the Director and designate the place where the device will be available for examination and evaluation.

Subpart D—Licenses and Permits

§ 55.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, explosive materials, including black powder, shall, before commencing business, obtain the license required by this subpart for the business to be operated. Each person who intends to acquire for use explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall obtain a permit under this subpart; except that it is not necessary to obtain a permit if the user intends to lawfully purchase—

(1) Explosive materials from a licensee in a State contiguous to the user's State of residence and the user's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State, or

(2) Commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices.

(b) Each person intending to engage in business as an explosive materials importer, manufacturer, or dealer shall file an application, with the required fee (see § 55.42), with the Service Center Director for the internal revenue district in which his business premises are to be located. A license shall, subject to law, entitle the licensee to transport, ship, and receive explosive materials in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license (and in the case of a licensed manufacturer, on site within the same region), for the period stated on the license. A separate license must be obtained for each business premises at which the applicant is to manufacture, import, or distribute explosive materials; except under the following circumstances:

(1) A separate license shall not be required for storage facilities operated by the licensee as an integral part of one business premises or to cover a location used by the licensee solely for maintaining the records required by this part.

(2) A separate license shall not be required of a licensed manufacturer with respect to his on-site manufacturing within the same region.

(3) It shall not be necessary for a licensed importer or a licensed manufacturer (for purposes of sale or distribution) to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in explosive materials.

(c) Except as provided in paragraph (a) of this section, each person intending to acquire explosive materials from a licensee in a State other than a State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall file an application, with the required fee (see § 55.43), with the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business. A permit shall, subject to law, entitle the permittee to acquire, transport, ship, and receive in interstate or foreign commerce explosive materials of the class authorized by this permit. Only one permit is required under this part.

§ 55.42 License fees.

(a) Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business premises, as follows:

(1) Manufacturer—$50.

(2) Manufacturer-limited (nonrenewable)—$5.
(3) Importer—$50.
(4) Dealer—$20.
(b) Each applicant for a renewal of a license shall pay a fee for a three year license as follows:
(1) Manufacturer—$25.
(2) Importer—$25.
(3) Dealer—$10.

§ 55.43 Permit fees.

(a) Each applicant shall pay a fee for obtaining a permit as follows:
(1) User—$20.
(2) User-limited (nonrenewable)—$2.
(b) Each applicant for a renewal of a user permit shall pay a fee of $10 for a three year permit.

§ 55.44 License or permit fee not refundable.

No refund of any part of the amount paid as a license or permit fee will be made where the operations of the licensee or permittee are, for any reason, discontinued during the period of an issued license or permit. However, the license or permit fee submitted with an application for a license or permit will be refunded if that application is denied, withdrawn, or abandoned, or if a license is cancelled subsequent to having been issued through administrative error.

§ 55.45 Original license or permit.

(a) Any person who intends to engage in business as an explosive materials importer, manufacturer, or dealer, or who has not timely submitted application for renewal of a previous license issued under this part, shall file with the Service Center Director for the internal revenue district in which the applicant is to do business an application, ATF F 5400.13. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application is to be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. ATF F 5400.13 may be obtained from any regional regulatory administrator.
(b) Any person, except as provided in § 55.41(a), who intends to acquire explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, or who has not timely submitted application for renewal of a previous permit issued under this part, shall file with the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business an application, ATF F 5400.16. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C 844(a). The application is to be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. ATF F 5400.16 may be obtained from any regional regulatory administrator.

§ 55.46 Renewal of license or permit.

(a) If a licensee or permittee intends to continue the business or operation described on a license or permit issued under this part after the expiration date of the license or permit, he shall, unless otherwise notified in writing by the regional regulatory administrator, execute and file prior to the expiration of his license or permit an application for license renewal, ATF F 5400.14 (Part III), or an application for permit renewal, ATF F 5400.15 (Part III), accompanied by the required fee, with the Service Center Director for the internal revenue district in which the business premises are located, or in the case of a permittee, in which is located his legal residence or principal place of business. In the event the licensee or permittee does not timely file a renewal application, he shall file an original application as required by § 55.45, and obtain the required license or permit in order to continue business or operations.
(b) A license issued to a manufacturer-limited is not renewable and is only valid for 30 days from the date of issuance. A user-limited permit is not renewable and is valid for a single purchase transaction. All applications for manufacturer-limited licenses or user-limited permits must be filed on ATF F 5400.13 or ATF F 5400.16, as required by § 55.45.

§ 55.47 Procedure by Service Center Director.

Upon receipt of an application for an original license or an original permit, or an application for renewal of a license or renewal of a permit, the Service Center Director shall deposit the fee accompanying the license or permit application and forward the application to the regional regulatory administrator. Where an application is filed with an insufficient fee, the application and any fee submitted will be returned.

§ 55.48 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant will be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application will be considered as having been abandoned and the license or permit fee returned.

§ 55.49 Issuance of license or permit.

(a) The regional regulatory administrator shall issue a license or permit if (1) a properly executed application for the license or permit is received, and (2) through further inquiry or investigation, or otherwise, it is found that the applicant is entitled to the license or permit. The license or permit and one copy will be forwarded to the applicant, except that in the case of a user-limited permit, the original only shall be issued. Each license or permit will bear a serial number and this number may be assigned to the licensee or permittee to whom issued for as long as he maintains continuity of renewal in the same region.
(b) The regional regulatory administrator shall approve a properly executed application for a license or permit, if:
(1) The applicant is 21 years of age or over;
(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not a person to whom distribution of explosive materials is prohibited under the Act;
(3) The applicant has not willfully violated any provisions of the Act or this part;
(4) The applicant has not knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive, in connection with his application;
(5) The applicant has in a State, premises from which he conducts business or operations subject to license or permit under the Act or from which he intends to conduct business or operations;
(6) The applicant has storage for the class (as described in § 55.182 or § 55.202) of explosive materials described on the application, unless he establishes to the satisfaction of the regional regulatory administrator that the business or operations to be conducted will not require the storage of explosive materials.
(7) The applicant has certified in writing that he is familiar with and understands all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business; and

(8) The applicant for a license has submitted the certificate required by section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1341).

(c) The regional regulatory administrator shall approve or deny any application for license or permit within the 45-day period beginning on the date a properly executed application was received by the Service Center Director. However, when an applicant for license or permit renewal is a person who is, under the provisions of § 55.83 or § 55.142, conducting business or operations under a previously issued license or permit, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or permit, or renewal application, or final action by the Director on an application for relief submitted under § 55.142, as the case may be.

§ 55.50 Correction of error on license or permit.

(a) Upon receipt of a license or permit issued under this part, each licensee or permittee shall examine the license or permit to insure that the information on it is accurate. If the license or permit is incorrect, the licensee or permittee shall return the license or permit to the regional regulatory administrator with a statement showing the nature of the error. The regional regulatory administrator shall correct the error, if the error was made in his office, and return the license or permit. However, if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the regional regulatory administrator shall require the licensee or permittee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the regional regulatory administrator shall make the correction on the license or permit and return it to the licensee or permittee.

(b) When the regional regulatory administrator finds through any means other than notice from the licensee or permittee that an incorrect license or permit has been issued, (1) the regional regulatory administrator may require the holder of the incorrect license or permit to return the license or permit for correction, and (2) if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the regional regulatory administrator shall require the licensee or permittee to file an amended application setting forth the correct information, and a statement satisfactorily explaining the error contained in the application. The regional regulatory administrator then shall make the correction on the license or permit and return it to the licensee or permittee.

§ 55.51 Duration of license or permit.

An original license or permit is issued for a period of one year. A renewal license or permit is issued for a period of three years. However, a manufacturer-limited license is issued for a period of 30 days and a user-limited permit is valid only for a single purchase transaction.

§ 55.52 Limitations on license or permit.

(a) The license covers the business and class (as described in § 55.182 or § 55.202) of explosive materials specified in the license at the licensee's business premises (see § 55.41(b)).

(b) The permit is valid with respect to the type of operations and class (as described in § 55.182 or § 55.202) of explosive materials specified in the permit.

§ 55.53 License and permit not transferable.

Licenses and permits issued under this part are not transferable to another person. In the event of the lease, sale, or other transfer of the business or operations covered by the license or permit, the successor must obtain the license or permit required by this part before commencing business or operations. However, for rules on right of succession, see § 55.59.

§ 55.54 Change of address.

During the term of a license or permit, a licensee or permittee may move his business or operations to a new address at which he intends to regularly carry on his business or operations, without procuring a new license or permit. However, in every case, the licensee or permittee shall—

(a) Give notification of the new location of the business or operations to the regional regulatory administrator for the regions from which or to which the removal is to be made or the region within which the move is to be made at least 10 days before the move; and

(b) Submit his license or permit, and any copies furnished with the license or permit, to the regional regulatory administrator for the region to which or within which the move is to be made. The regional regulatory administrator will approve the license or permit, and any copies, to show the new location and the new license or permit number (if any). The approved license or permit, and any copies, will then be returned to the licensee or permittee.

§ 55.55 Change in class of explosive materials.

A licensee or permittee who intends to change the class of explosive materials described in his license or permit from a lower to a higher classification (see § 55.182 or § 55.202) shall file an application on ATF F 5400.13 or on ATF F 5400.16 with the regional regulatory administrator for an amended license or permit. If the change in class of explosive materials would require a change in magazines, the amended application must include a description of the type of construction as prescribed in this part. Business or operations with respect to the new class of explosive materials may not be commenced before issuance of the amended license or amended permit. Upon receipt of the amended license or amended permit, the licensee or permittee shall submit his superseded license or superseded permit and any copies furnished with the license or permit to the regional regulatory administrator.

§ 55.56 Change in trade name.

A licensee or permittee continuing to conduct business or operations at the location shown on his license or permit is not required to obtain a new license or permit by reason of a mere change in trade name under which he conducts his business or operations. However, the licensee or permittee shall furnish his license or permit and any copies furnished with the license or permit for endorsement of the change to the regional regulatory administrator for the region in which the licensee or permittee conducts his business or operations, within 30 days from the date the licensee or permittee begins his business or operations under the new trade name.

§ 55.57 Change of control.

In the case of a corporation or association holding a license or permit under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the corporation holding a license or permit or in any other corporation), by operation of law, or in any other manner, the licensee or permittee shall, within 30 days of the change, give written notification executed under the penalties of perjury, to the regional regulatory administrator. Upon expiration of the license or permit, the corporation or association shall file an ATF F 5400.13 or an ATF F 5400.16 as

required by § 55.45, and pay the fee prescribed in § 55.42(b) or § 55.43(b).

§ 55.58 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, the surviving partner may continue to conduct the business or operations under the license or permit of the partnership. If the surviving partner acquires the business or operations on completion of settlement of the partnership, he shall obtain a license or permit in his own name from the date of acquisition, as provided in § 55.45. The rule set forth in this section will also apply where there is more than one surviving partner.

§ 55.59 Right of succession by certain persons.

(a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same business premises for the remainder of the term of license or permit. These persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right of succession, the person or persons continuing the business or operations shall submit the license or permit and all copies furnished with the license or permit for endorsement of the succession to the regional regulatory administrator for the region in which the business or operations are conducted, within 30 days from the date on which the successor begins to carry on the business or operations.

§ 55.60 Certain continuances of business or operations.

A licensee or permittee who furnishes his license or permit to the regional regulatory administrator for correction, amendment, or endorsement, as provided in this subpart, may continue his business or operations while awaiting its return.

§ 55.61 Discontinuance of business or operations.

Where an explosive materials business or operations is either discontinued or succeeded by a new owner, the owner of the business or operations discontinued or succeeded shall, within 30 days, furnish notification of the discontinuance or succession and submit his license or permit and any copies furnished with the license or permit to the regional regulatory administrator for the region in which his business or operations was located. (See also § 55.128.)

§ 55.62 State or other law.

A license or permit issued under this part confers no right or privilege to conduct business or operations, including storage, contrary to State or other law. The holder of a license or permit issued under this part is not, by reason of the rights and privileges granted by that license or permit, immune from punishment for conducting an explosive materials business or operations in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

§ 55.63 Explosives magazine changes.

(a) General.

(1) The requirements of this section are applicable to magazines used for other than temporary (under 24 hours) storage of explosives.

(2) A magazine is considered suitable for the storage of explosives if the construction requirements of this part are met during the time explosives are stored in the magazine.

(3) A magazine is considered suitable for the storage of explosives if positioned in accordance with the applicable table of distances as specified in this part during the time explosives are stored in the magazine.

(4) For the purposes of this section, notification of the regional regulatory administrator may be by telephone or in writing. However, if notification of the regional regulatory administrator is in writing it must be at least three business days in advance of making changes in construction to an existing magazine or constructing a new magazine, and at least five business days in advance of using any reconstructed magazine or added magazine for the storage of explosives.

(b) *Exception.* Mobile or portable type 5 magazines are exempt from the requirements of paragraphs (c) and (d) of this section, but must otherwise be in compliance with paragraphs (a) (2) and (3) of this section during the time explosives are stored in such magazines.

(c) *Changes in magazine construction.* A licensee or permittee who intends to make changes in construction of an existing magazine shall notify the regional regulatory administrator describing the proposed changes prior to making any changes. Unless otherwise advised by the regional regulatory administrator, changes in construction may commence after explosives are removed from the magazine. Explosives may not be stored in a reconstructed magazine before the regional regulatory administrator has been notified in accordance with paragraph (a)(4) of this section that the changes have been completed.

(d) *Additional magazines.* A licensee or permittee who intends to construct or acquire additional magazines shall notify the regional regulatory administrator in accordance with paragraph (a)(4) of this section describing the additional magazines and the class and quantity of explosives to be stored in the magazine. Unless otherwise advised by the regional regulatory administrator, additional magazines may be constructed, or acquired magazines may be used for the storage of explosives. Explosives must not be stored in a magazine under construction. The regional regulatory administrator must be notified that construction has been completed.

Subpart E—License and Permit Proceedings

§ 55.71 Opportunity for compliance.

Except in cases of willfulness or those in which the public interest requires otherwise, and the regional regulatory administrator so alleges in the notice of denial of an application or revocation of a license or permit, no license or permit will be revoked or renewal application denied without first calling to the attention of the licensee or permittee the reasons for the contemplated action and affording him an opportunity to demonstrate or achieve compliance with all lawful requirements and to submit facts, arguments, or proposals of adjustment. The notice of contemplated action, AFT F 5400.12, will afford the licensee or permittee 15 days from the date of receipt of the notice to respond. If no response is received within the 15 days, or if after consideration of relevant matters presented by the licensee or permittee, the regional regulatory administrator finds that the licensee or permittee is not likely to abide by the law and regulations, he will proceed as provided in § 55.74.

§ 55.72 Denial of initial application.

Whenever the regional regulatory administrator has reason to believe that an applicant for an original license or permit is not eligible to receive a license

or permit under the provisions of § 55.49, he shall issue a notice of denial on ATF F 5400.11. The notice will set forth the matters of fact and law relied upon in determining that the application should be denied, and will afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within that time, a copy of the application, marked "Disapproved", will be returned to the applicant.

§ 55.73 Hearing after initial application is denied.

If the applicant for an original license or permit desires a hearing, he shall file a request with the regional regulatory administrator within 15 days after receipt of the notice of denial. The request should include a statement of the reasons for a hearing. On receipt of the request, the regional regulatory administrator shall refer the matter to an administrative law judge who shall set a time and place (see § 55.77) for a hearing and shall serve notice of the hearing upon the applicant and the regional regulatory administrator at least 10 days in advance of the hearing date. The hearing will be conducted in accordance with the hearing procedures prescribed in Part 200 of this chapter (see § 55.82). Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the administrative law judge shall render his recommended decision. He shall certify to the complete record of the proceedings before him and shall immediately forward the complete certified record, together with four copies of his recommended decision, to the regional regulatory administrator for decision.

§ 55.74 Denial of renewal application or revocation of license or permit.

If following the opportunity for compliance under § 55.71, or without opportunity for compliance under § 55.71, as circumstances warrant, the regional regulatory administrator finds that the licensee or permittee is not likely to comply with the law or regulations or is otherwise not eligible to continue operations authorized under his license or permit, the regional regulatory administrator shall issue a notice of denial of the renewal application or revocation of the license or permit, ATF F 5400.11 or ATF F 5400.10, as appropriate. In either case, the notice will set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The notice will, in the case of revocation of a license or permit, specify the date on which the action is effective, which date will be on or after the date the notice is served on the licensee or permittee. The notice will also advise the licensee or permittee that he may, within 15 days after receipt of the notice, request a hearing and, if applicable, a stay of the effective date of the revocation of his license or permit.

§ 55.75 Hearing after denial of renewal application or revocation of license or permit.

If a licensee or permittee whose renewal application has been denied or whose license or permit has been revoked desires a hearing, he shall file a request for a hearing with the regional regulatory administrator. In the case of the revocation of a license or permit, he may include a request for a stay of the effective date of the revocation. On receipt of the request the regional regulatory administrator shall advise the licensee or permittee whether the stay of the effective date of the revocation is granted. If the stay of the effective date of the revocation is granted, the regional regulatory administrator shall refer the matter to an administrative law judge who shall set a time and place (see § 55.77) for a hearing and shall serve notice of the hearing upon the licensee or permittee and the regional regulatory administrator at least 10 days in advance of the hearing date. If the stay of the effective date of the revocation is denied, the licensee or permittee may request an immediate hearing. In this event, the regional regulatory administrator shall immediately refer the matter to an administrative law judge who shall set a date and place for a hearing, which date shall be no later than 10 days from the date the licensee or permittee requested an immediate hearing. The hearing will be held in accordance with the applicable provisions of Part 200 of this chapter. Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the administrative law judge shall render his decision. He shall certify to the complete record of the proceeding before him and shall immediately forward the complete certified record, together with two copies of his decision, to the regional regulatory administrator, serve one copy of his decision on the licensee or permittee or his counsel, and transmit a copy to the attorney for the Government.

§ 55.76 Action by regional regulatory administrator.

(a) *Initial application proceedings.* If, upon receipt of the record and the recommended decision of the administrative law judge, the regional regulatory administrator decides that the license or permit should be issued, he shall approve the application, briefly stating, for the record, his reasons. If he contemplates that the denial should stand, he shall serve a copy of the administrative law judge's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with supporting reasons. If the regional regulatory administrator, after consideration of the record of the hearing and of any proposed findings, conclusions, or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the administrative law judge, he shall issue the license or permit or disapproved the application accordingly. If he disapproves the findings, conclusions, and recommendation of the administrative law judge, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and the facts in the record. Any decision of the regional regulatory administrator ordering the disapproval of an initial application for a license or permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion, and exception to the administrative law judge's recommended decision, together with a statement of his findings and conclusions, and reasons or basis for his findings and conclusions, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision will be served upon the applicant and the original copy containing certificate of service will be placed in the official record of the proceedings. If the decision of the regional regulatory administrator is in favor of the applicant, he shall issue the license or permit, to be effective on issuance.

(b) *Renewal application and revocation proceedings.* Upon receipt of the complete certified records of the hearing, the regional regulatory administrator shall enter an order confirming the revocation of the license or permit, or disapproving the application, in accordance with the administrative law judge's findings and decision, unless he disagrees with the findings and decision. A signed duplicate original of the order, ATF F 5400.9, will be served upon the licensee

or permittee and the original copy containing certificate of service will be placed in the official record of the proceedings. If the regional regulatory administrator disagrees with the findings and decision of the administrative law judge, he shall file a petition with the Director for review of the findings and decision, as provided in § 55.79. In either case, if the renewal application denial is sustained, a copy of the application marked "Disapproved" will be returned to the applicant. If the renewal application denial is reversed, a license or permit will be issued to become effective on expiration of the license or permit being renewed, or on the date of issuance, whichever is later. If the proceedings involve the revocation of a license or permit which expired before a decision is in favor of the licensee or permittee, the regional regulatory administrator shall:

(1) If renewal application was timely filed and a stay of the effective date of the revocation was granted, issue a license or permit effective on the date of issuance;

(2) If renewal application was not timely filed but a stay of the effective date of the revocation had been granted, request that a renewal application be filed and, following that, issue a license or permit to be effective on issuance; or

(3) If a stay of the effective date of the revocation had not been granted, request that an application be filed as provided in § 55.45, and process it in the same manner as for an application for an original license or permit.

(c) *Curtailment of stay of revocation effective date.* If, after approval of a request for a stay of the effective date of an order revoking a license or permit but before actions are completed under this subpart, the regional regulatory administrator finds that it is contrary to the public interest for the licensee or permittee to continue the operations or activities covered by his license or permit, the regional regulatory administrator may issue a notice of withdrawal of the approval, effective on the date of issuance. Notice of withdrawal will be served upon the licensee or permittee in the manner provided in § 55.81.

§ 55.77 Designated place of hearing.

The designated place of hearing set as provided in § 55.73 or § 55.75, will be at the location convenient to the aggrieved party.

§ 55.78 Representation at a hearing.

An applicant, licensee, or permittee may be represented by an attorney or other person recognized to practice before the Bureau of Alcohol, Tobacco and Firearms as provided in 31 CFR Part 8, if he has otherwise complied with the applicable requirements of §§ 601.521–601.527 of 26 CFR. The regional regulatory administrator shall be represented in proceedings under §§ 55.73 and 55.75 by an attorney in the office of the chief counsel or regional counsel who is authorized to execute and file motions, briefs, and other papers in the proceedings, on behalf of the regional regulatory administrator, in his own name as "Attorney for the Government".

§ 55.79 Appeal on petition to the Director.

An appeal to the Director is not required prior to filing an appeal with the U.S. Court of Appeals for judicial review. An appeal may be taken by the applicant, licensee, or permittee to the Director from a decision resulting from a hearing under § 55.73 or § 55.75. An appeal may also be taken by a regional regulatory administrator from a decision resulting from a hearing under § 55.75 as provided in § 55.76(b). The appeal shall be taken by filing a petition for review on appeal with the Director within 15 days of the service of an administrative law judge's decision or an order. The petition will set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition will be filed with the regional regulatory administrator or served on the applicant, licensee, or permittee, as the case may be. In the event of appeal, the regional regulatory administrator shall immediately forward the complete original record, by certified mail, to the Director for his consideration, review, and disposition as provided in Subpart I of Part 200 of this chapter. When, on appeal, the Director affirms the initial decision of the regional regulatory administrator or the administrative law judge, as the case may be, the initial decision will be final.

§ 55.80 Court review.

An applicant, licensee, or permittee may, within 60 days after receipt of the decision of the administrative law judge or the final order of the regional regulatory administrator or the Director, file a petition for a judicial review of the decision, with the U.S. Court of Appeals for the district in which he resides or has his principal place of business. The Director, upon notification that a petition has been filed, shall have prepared a complete transcript of the record of the proceedings. The regional regulatory administrator or the Director, as the case may be, shall certify to the correctness of the transcript of the record, forward one copy to the attorney for the Government in the review of the case, and file the original record of the proceedings with the original certificate in the U.S. Court of Appeals.

§ 55.81 Service on applicant, licensee, or permittee.

All notices and other formal documents required to be served on an applicant, licensee, or permittee under this subpart will be served by certified mail or by personal delivery. Where service is by personal delivery, the signed duplicate original copy of the formal document will be delivered to the applicant, licensee, or permittee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent, or to its attorney of record.

§ 55.82 Provisions of Part 200 made applicable.

The provisions of Subpart G of Part 200 of this chapter, as well as those provisions of Part 200 relative to failure to appear, withdrawal of an application or surrender of a permit, the conduct of hearings before an administrative law judge, and record of testimony, are hereby made applicable to application, license, and permit proceedings under this subpart to the extent that they are not contrary to or incompatible with this subpart.

§ 55.83 Operations by licensees or permittees after notice of denial or revocation.

In any case where a notice of revocation has been issued and a request for a stay of the effective date of the revocation has not been granted, the licensee or permittee shall not engage in the activities covered by the license or permit pending the outcome of proceedings under this subpart. In any case where notice of revocation has been issued but a stay of the effective date of the revocation has been granted, the licensee or permittee may continue to engage in the activities covered by his license or permit unless, or until, formally notified to the contrary: *Provided,* That in the event the license or permit would have expired before proceedings under this subpart are completed, timely renewal application must have been filed to continue the license or permit beyond its expiration date. In any case where a notice of denial of a renewal application has been issued, the licensee or permittee may continue to engage in the activities covered by the existing license or permit after the date of expiration of the license

or permit until proceedings under this subpart are completed.

Subpart F—Conduct of Business or Operations

§ 55.101 Posting of license or permit.

A license or permit issued under this part, or a copy of a license or permit, will be posted and available for inspection on the business premises at each place where explosive materials are manufactured, imported, or distributed.

§ 55.102 Authorized operations by permittees and certain licensees.

(a) *In general.* The license issued to a manufacturer-limited does not authorize that licensee to engage in another class of business required to be licensed under the Act or this part. Therefore, if a licensed manufacturer-limited intends to manufacture explosive materials for purposes of sale or distribution or to deal in explosive materials, he shall qualify for the appropriate license. Similarly, a permit issued under this part does not authorize the permittee to engage in the business of manufacturing, importing, or dealing in explosive materials. Accordingly, if a permittee's operations bring him within the definition of a manufacturer, importer, or dealer under this part, he shall qualify for the appropriate license.

(b) *Distributions of surplus stocks.* Licensed manufacturers-limited and permittees are not authorized to engage in the business of sale or distribution of explosive materials. However, these licensees or permittees may dispose of surplus stocks of explosive materials to other licensees or permittees in accordance with § 55.103, and to nonlicensees or to nonpermittees in accordance with § 55.105(d).

§ 55.103 Transactions among licensees/permittees.

(a) *General.*

(1) A licensed importer, licensed manufacturer or licensed dealer selling or otherwise distributing explosive materials (or a permittee or a licensed manufacturer-limited disposing of surplus stock to another licensee or permittee) who has the certified information required by this section may sell or distribute explosive materials to a licensee or permittee for not more than 45 days following the expiration date of the distributee's license or permit, unless the distributor knows or has reason to believe that the distributee's authority to continue business or operations under this part has been terminated.

(2) A licensed importer, licensed manufacturer or licensed dealer selling or otherwise distributing explosive materials (or a permittee or a licensed manufacturer-limited disposing of surplus stock to another licensee or permittee) shall verify the license or permit status of the distributee prior to the release of explosive materials ordered, as required by this section.

(3) Licensees or permittees desiring to return explosive materials to a licensed manufacturer may do so without obtaining a certified copy of the manufacturer's license.

(4) Where possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing possession. Before the delivery at the distributor's premises of explosive materials to an employee of a licensee or permittee, or to an employee of a carrier transporting explosive materials to a licensee or permittee, the distributor delivering explosive materials shall obtain an executed ATF F 5400.8 from the employee before releasing the explosive materials. The ATF F 5400.8 must contain all of the information required on the form and required by this part.

Example 1. An ATF F 5400.8 is required when:

a. An employee of the purchaser takes possession at the distributor's premises.

b. An employee of a carrier hired by the purchaser takes possession at the distributor's premises.

Example 2. An ATF F 5400.8 is not required when:

a. An employee of the distributor takes possession of the explosives for the purpose of transport to the purchaser.

b. An employee of a carrier hired by the distributor takes possession of the explosives for the purpose of transport to the purchaser.

(b) *License/permit verification of individuals.*

(1) The distributee shall furnish a certified copy (or, in the case of a user-limited, the original) of the license or permit. The certified copy need be furnished only once during the current term of the license or permit. Also, a licensee need not furnish certified copies of licenses to other licensed locations operated by such licensee.

(2) The distributor may obtain any additional verification as the distributor deems necessary.

(c) *License/permit verification of business organizations.*

(1) A business organization may (in lieu of furnishing a certified copy of a license) furnish the distributor a certified list which contains the name, address, license number and date of license expiration of each licensed location. The certified list need be furnished only once during the current term of the license or permit. Also, a business organization need not furnish a certified list to other licensed locations operated by such business organization.

(2) A business organization shall, prior to ordering explosive materials, furnish the licensee or permittee a current certified list of the representatives or agents authorized to order explosive materials on behalf of the business organization showing the name, address, and date and place of birth of each representative or agent. A licensee or permittee shall not distribute explosive materials to a business organization on the order of a person who does not appear on the certified list of representatives or agents and, if the person does appear on the certified list, the licensee or permittee shall verify the identity of such person.

(d) *Licensee/permittee certified statement.*

(1) A licensee or permittee ordering explosive materials from another licensee or permittee shall furnish a current, certified statement of the intended use of the explosive materials; e.g., resale, mining, quarrying, agriculture, construction, road building, oil well drilling, seismographic research, to the distributor.

(2) For individuals, the certified statement of intended use must specify the name, address, date and place of birth, and social security number of the distributee.

(3) For business organizations, the certified statement of intended use must specify the taxpayer identification number, the identity and the principal and local places of business.

(4) The licensee or permittee purchasing explosive materials need revise the furnished copy of the certified statement only when the information is no longer current.

(e) *User-limited permit transactions.* A user-limited permit issued under the provisions of this part is valid for only a single purchase transaction and is not renewable (see § 55.51). Accordingly, at the time a user-limited permittee orders explosive materials, the licensed distributor shall write on the front of the user-limited permit the transaction date, his signature, and the distributor's license number prior to returning the permit to the user-limited permittee.

§ 55.104 Certified copy of license or permit.

Except as provided in § 55.49(a), each person issued a license or permit under this part shall be furnished together with his license or permit a copy for his

certification. If a person desires an additional copy of his license or permit for certification and for use under § 55.103, he shall—

(a) Make a reproduction of the copy of his license or permit and execute the certification on it;

(b) Make a reproduction of his license or permit, enter on the reproduction the statement: "I certify that this is a true copy of a *(insert the word license or permit)* issued to me to engage in the specified business or operations", and sign his name next to the statement; or

(c) Submit a request, in writing, for certified copies of his license or permit to the regional regulatory administrator for the region in which the license or permit was issued. The request will show the name, trade name (if any), and address of the licensee or permittee and the number of copies of the license or permit desired. There is a fee of $1 for each copy of a license or permit issued by the regional regulatory administrator under this paragraph. Fee payment must accompany each request for additional copies of a license or permit. The fee must be paid by (1) cash, or (2) money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms.

§ 55.105 Distributions to nonlicensees and nonpermittees.

(a) This section will apply in any case where distribution of explosive materials to the distributee is not otherwise prohibited by the Act or this part.

(b) Except as provided in paragraph (c) of this section, a licensed importer, licensed manufacturer, or licensed dealer may distribute explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee or nonpermittee furnishes to the licensee the explosives transaction record, AFT F 5400.4, required by § 55.126. Disposition of AFT F 5400.4 will be made in accordance with § 55.126.

(c) A licensed importer, licensed manufacturer, or licensed dealer may sell or distribute explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State or residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State and the purchaser and the licensee have, prior to the distribution of the explosive materials, complied with all the requirements of paragraphs (b), (e), and (f) of this section applicable to intrastate transactions occuring on the licensee's business premises.

(d) A licensed manufacturer-limited or a permittee may dispose of surplus stocks of explosive materials to a non-licensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which the licensee's or permittee's business premises or operations are located, or is a resident of a State contiguous to the State in which the licensee's or permittee's place of business or operations are located, and if the requirements of paragraphs (b), (c), (e) and (f) of this section are fully met.

(e) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to a business entity shall verify the identity of the representative or agent of the business entity who is authorized to order explosive materials on behalf of the business entity. Each business entity ordering explosive materials shall furnish the distributing licensee prior to or with the first order of explosive materials a current certified list of the names of representatives or agents authorized to order explosive materials on behalf of the business entity. The business entity ordering explosive materials is responsible for keeping the certified list current. A licensee shall not distribute explosive materials to a business entity on the order of a person whose name does not appear on the certified list.

(f) Where the possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing possession. Before the delivery at the distributor's premises of explosive materials to an employee of a nonlicensee or nonpermittee, or to an employee of a carrier transporting explosive materials to a nonlicensee or nonpermittee, the distributor delivering explosive materials shall obtain an executed ATF F 5400.8 from the employee before releasing the explosive materials. The ATF F 5400.8 must contain all of the information required on the form and by this part. (See examples in § 55.103(a).)

(g) A licensee or permittee disposing of surplus stocks may sell or distribute commercially manufactured black powder in quantities of 50 pounds or less to a nonlicensee or nonpermittee if—

(1) The black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices; and

(2) The nonlicensee or nonpermittee furnishes to the licensee the transaction record, ATF F 5400.3, required by § 55.130.

§ 55.106 Certain prohibited distributions.

(a) A licensee shall not distribute explosive materials to any person not licensed or holding a permit under this part, who the licensee knows or has reason to believe does not reside in the State in which the licensee's place of business is located. This paragraph does not apply to the distribution of explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located, if the requirements of § 55.105(c) are fully met.

(b) A licensee shall not distribute any explosive materials to any person—

(1) Who the licensee knows is less than 21 years of age;

(2) In any State where the purchase, possession, or use by a person of explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution;

(3) Who the licensee has reason to believe intends to transport the explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into the State or to receive explosive materials in the State; or

(4) Who the licensee has reasonable cause to believe intends to use the explosive materials for other than a lawful purpose.

(c) A licensee shall not distribute any explosive materials to any person knowing or having reason to believe that the person—

(1) Is, except as provided under § 55.142 (d) and (e), under indictment or information for, or was convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) Is a fugitive from justice;

(3) Is an unlawful user of marijuana, or any depressant or stimulant drug, or narcotic drug (as these terms are defined in the Controlled Substances Act, 21 U.S.C. 802); or

(4) Was adjudicated as a mental defective or was committed to a mental institution.

(d) The provisions of this section do not apply to the purchase of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for

sporting, recreational, or cultural purposes in antique firearms or in antique devices, if the requirements of § 55.105(g) are fully met.

§ 55.107 Record of transactions.

Each licensee and permittee shall keep records of explosive materials as required by Subpart G of this part.

§ 55.108 Importation.

(a) Explosive materials imported or brought into the United States by a licensed importer or permittee may be released from customs custody to the licensed importer or permittee upon proof of his status as a licensed importer or permittee. Proof of status must be made by the licensed importer or permittee furnishing to the customs officer a certified copy of his license or permit (see § 55.103).

(b) A nonlicensee or nonpermittee may import or bring into the United States commercially manufactured black powder in quantities not to exceed 50 pounds. Upon submitting to the customs officer completed ATF F 5400.3, certifying that the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, black powder may be released from customs custody. The disposition of the executed ATF F 5400.3 will be in accordance with the instructions on the form.

(c) The provisions of this section are in addition to, and are not in lieu of, any applicable requirement under 27 CFR Part 47.

§ 55.109 Identification of explosive materials.

(a) Each licensed manufacturer of explosive materials shall legibly identify by marking all explosive materials he manufactures for sale or distribution. The marks required by this section must identify the manufacturer and the location, date, and shift of manufacture. The licensed manufacturer shall place on each cartridge, bag, or other immediate container of explosive materials manufactured for sale or distribution the required mark which shall also be placed on the outside container, if any, used for their packaging.

(b) *Exceptions.*

(1) Licensed manufacturers of blasting caps are only required to place the identification marks prescribed in paragraph (a) on the containers used for the packaging of blasting caps.

(2) The Director may authorize other means of identifying explosive materials upon receipt of a letter application from the licensed manufacturer showing that other identification is reasonable and will not hinder the effective administration of this part.

(3) The Director may authorize the use of other means of identification on fireworks instead of marks prescribed in paragraph (a).

Subpart G—Records and Reports

§ 55.121 General.

(a) (1) Licensees and permittees shall keep records pertaining to explosive materials in permanent form (i.e., commercial invoices, record books) and in the manner required in this subpart.

(2) Licensees and permittees shall keep records required by this subpart on the business premises for five years from the date a transaction occurs or until discontinuance of business or operations by the licensee or permittee. (See also § 55.128 for discontinuance of business or operations.)

(b) ATF officers may enter the premises of any licensee or permittee for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 55.24). Section 843(f) of the Act requires licensees and permittees to make all required records available for examination or inspection at all reasonable times. Section 834(f) of the Act also requires licensees and permittees to submit all reports and information relating to all required records and their contents, as the regulations in this part prescribe.

(c) Each licensee and permittee shall maintain all records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of explosive materials as the regulations in this part prescribe. Sections 842(f) and 842(g) of the Act make it unlawful for any licensee or permittee knowingly to make any false entry in, or fail to make entry in, any record required to be kept under the Act and the regulations in this part.

§ 55.122 Records maintained by licensed importers.

(a) Each licensed importer shall take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed importer shall take a special inventory (1) at the time of commencing business, which is the effective date of the license issued upon original qualification under this part; (2) at the time of changing the location of his business to another region; (3) at the time of discontinuing business; and (4) at any time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator, and the duplicate retained by the licensed importer. If a special inventory specified by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, at least one physical inventory will be taken. However, the record of the yearly inventory, other than a special inventory required by paragraph (a) (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127.)

(b) Each licensed importer shall, not later than the close of the next business day following the date of importation or other acquisition of explosive materials, enter the following information in a separate record:

(1) Date of importation or other acquisition.

(2) Name or brand name of manufacturer and country of manufacture.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(c) Each licensed importer shall, not later than the close of the next business day following the date of distribution of any explosive materials to another licensee or a permittee, enter in a separate record the following information:

(1) Date of disposition.

(2) Name or brand name of manufacturer and country of manufacture.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) License or permit number of licensee or permittee to whom the explosive materials are distributed.

(d) The regional regulatory administrator may authorize alternate records to be maintained by a licensed importer to record his distribution of explosive materials when it is shown by the licensed importer that alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed importer who proposes to use alternate records shall submit a letter application

to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the licensed importer until approval is received from the regional regulatory administrator.

(e) Each licensed importer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. These records are maintained as prescribed by § 55.126.

(f) Each licensed importer shall maintain separate records of sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. These records are maintained as prescribed by § 55.130.

§ 55.123 Records maintained by licensed manufacturers.

(a) Each licensed manufacturer shall take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed manufacturer shall take a special inventory (1) at the time of commencing business, which is the effective date of the license issued upon original qualification under this part; (2) at the time of changing the location of his premises to another region; (3) at the time of discontinuing business; and (4) at any other time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator, and the duplicate retained by the licensed manufacturer. If a special inventory required by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, at least one physical inventory will be taken. However, the record of the yearly inventory, other than a special inventory required by paragraph (a) (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127.)

(b) Each licensed manufacturer shall not later than the close of the next business day following the date of manufacture or other acquisition of explosive materials, enter the following information in a separate record:

(1) Date of manufacture or other acquisition.

(2) Manufacturer's marks of identification.

(3) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(4) Name, brand name or description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) of the product and size (length and diameter).

(c) Each licensed manufacturer shall, not later than the close of the next business day following the date of distribution of any explosive materials to another licensee or a permittee, enter in a separate record the following information:

(1) Date of disposition.

(2) Name or brand name of manufacturer or name of importer, as applicable, if acquired other than by his own manufacture.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) License or permit number of licensee or permittee to whom the explosive materials are distributed.

(d) Each licensed manufacturer who manufactures explosive materials for his own use shall, not later than the close of the next business day following the date of use, enter in a separate record the following information:

(1) Date of use.

(2) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(3) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

Exception—A licensed manufacturer is exempt from the recordkeeping requirements of this subsection if the explosive materials are manufactured for his own use and used within a 24 hour period at the same site.

(e) The regional regulatory administrator may authorize alternate records to be maintained by a licensed manufacturer to record his distribution or use of explosive materials when it is shown by the licensed manufacturer that alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the licensed manufacturer until approval is received from the regional regulatory administrator.

(f) Each licensed manufacturer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. These records are maintained as prescribed by § 55.126.

(g) Each licensed manufacturer shall maintain separate records of sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. These records are maintained as prescribed by § 55.130.

§ 55.124 Records maintained by licensed dealers.

(a) Each licensed dealer shall take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed dealer shall take a special inventory (1) at the time of commencing business, which is the effective date of the license issued upon original qualification under this part; (2) at the time of changing the location of his premises to another region; (3) at the time of discontinuing business; and (4) at any other time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator, and the duplicate retained by the licensed dealer. If a special inventory required by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, at least one physical inventory will be taken. However, the record of the yearly inventory, other than a special inventory required by paragraph (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127.)

(b) Each licensed dealer shall, not later than the close of the next business day following the date of purchase or other acquisition of explosive materials (except as provided in paragraph (d) of this section), enter the following information in a separate record:

(1) Date of acquisition.

(2) Name or brand name of manufacturer and name of importer (if any).

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) Name, address, and license or permit number of the person from whom the explosive materials are received.

(c) Each licensed dealer shall, not later than the close of the next business day following the date of use (if the explosives are used by the dealer) or the date of distribution of any explosive materials to another licensee or a permittee (except as provided in paragraph (d) of this section), enter in a separate record the following information:

(1) Date of disposition.

(2) Name or brand name of manufacturer and name of importer (if any).

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) License or permit number of licensee or permittee to whom the explosive materials are distributed.

(d) When a commercial record is kept by a licensed dealer showing the purchase or other acquisition information required for the permanent record prescribed by paragraph (b) of this section, or showing the distribution information required for the permanent record prescribed by paragraph (c) of this section, the licensed dealer acquiring or distributing the explosive materials may, for a period not exceeding seven days following the date of acquisition of distribution of the explosive materials, delay making the required entry into the permanent record of acquisition or distribution. However, until the required entry of acquisition or disposition is made in the permanent record, the commercial record must be (1) kept by the licensed dealer separate from other commercial documents kept by the licensee, and (2) readily available for inspection on the licensed premises.

(e) The regional regulatory administrator may authorize alternate records to be maintained by a licensed dealer to record his acquisition or disposition of explosive materials, when it is shown by the licensed dealer that alternate records will accurately and readily disclose the required information. A licensed dealer who proposes to use alternate records shall submit a letter application to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the licensed dealer until approval is received from the regional regulatory administrator.

(f) Each licensed dealer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. These records are maintained as prescribed by § 55.126.

(g) Each licensed dealer shall maintain separate records of the sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. These records are maintained as prescribed by § 55.130.

§ 55.125 Records maintained by licensed manufacturers-limited and permittees.

(a) Each licensed manufacturer-limited and each permittee will take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed manufacturer-limited or permittee shall take a special inventory (1) at the time of commencing business, which is the effective date of the license or permit issued upon original qualification under this part; (2) at the time of changing the location of his premises to another region; (3) at the time of discontinuing business; and (4) at any other time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator and the duplicate retained by the licensee or permittee. If a special inventory required by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, a permittee is required to take at least one physical inventory. However, the record of the yearly inventory, other than a special inventory required by paragraph (a) (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127).

(b)(1) Each licensed manufacturer-limited shall, not later than the close of the next business day following the date of disposition of surplus stocks of explosive materials to another licensee or to a permittee, enter in a separate record the information prescribed in § 55.123(c).

(2) Each licensed manufacturer-limited shall maintain separate records of disposition of surplus stocks of explosive materials to nonlicensees or nonpermittees as prescribed by § 55.126.

(3) Each licensed manufacturer-limited shall maintain separate records of disposition of surplus stocks of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, as prescribed by § 55.130.

(c) Each permittee shall, not later than the close of the next business day following the date of acquisition of explosive materials, enter the following information in a separate record:

(1) Date of acquisition.

(2) Name or brand name of manufacturer.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) Name, address, and license number of the persons from whom the explosive materials are received.

(d) Each permittee shall, not later than the close of the next business day following the date of disposition of surplus explosive materials to another permittee or a licensee, enter in a separate record the information prescribed in § 55.124(c).

(e) Each permittee shall maintain separate records of disposition of surplus stocks of explosive materials to nonlicensees or nonpermittees as prescribed in § 55.126.

(f) Each permittee shall maintain separate records of disposition of surplus stocks of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, as prescribed in § 55.130.

(g) The regional regulatory administrator may authorize alternate records to be maintained by a permittee to record his acquisition of explosive materials, when it is shown by the permittee that alternate records will accurately and readily disclose the required information. A permittee who proposes to use alternate records shall submit a letter application to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the

permittee until approval is received from the regional regulatory administrator.

§ 55.126 Explosives transaction record.

(a) A licensee or permittee shall not temporarily or permanently distribute explosive materials to any person, other than another licensee or permittee, unless he records the transaction on an explosives transaction record, ATF F 5400.4.

(b) Before the distribution of explosive materials to a nonlicensee or nonpermittee who is a resident of the State in which the licensee or permittee maintains his business premises, or to a nonlicensee or nonpermittee who is not a resident of the State in which the licensee or permittee maintains his business premises and is acquiring explosive materials under § 55.105(c), the licensee or permittee distributing the explosive materials shall obtain an executed ATF F 5400.4 from the distributee which contains all of the information required on the form and by the regulations in this part.

(c) ATF F 5400.4 is completed in duplicate, the original of which is to be retained by the licensee or permittee as part of his permanent records in accordance with paragraph (d) of this section, and the copy forwarded in accordance with the instructions on the form, on or before the close of business on the next business day following the date of the transaction.

(d) Each original ATF F 5400.4 is retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000", the licensee or permittee may recommence the series. The recommenced series is to be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of the change may be continued.

(e) The requirements of this section are in addition to any other recordkeeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of ATF F 5400.4 from the Director.

§ 55.127 Daily summary of magazine transactions.

In taking the inventory required by §§ 55.122, 55.123, 55.124, and 55.125, a licensee or permittee shall enter the inventory in a record of daily transactions to be kept at each magazine of an approved storage facility; however, these records may be kept at one central location on the business premises if separate records of daily transactions are kept for each magazine. Not later than the close of the next business day, each licensee and permittee shall record by manufacturer's name or brand name, the total quantity received in and removed from each magazine during the day, and the total remaining on hand at the end of the day. Any discrepancy which might indicate a theft or loss of explosive materials is to be reported in accordance with § 55.30.

§ 55.128 Discontinuance of business.

Where an explosive materials business or operations is discontinued and succeeded by a new licensee or permittee, the records required by this subpart are to appropriately reflect this information and be delivered to the successor. Where discontinuance of the business or operations is absolute, the records required in this subpart are to be delivered within 30 days following the business or operations discontinuance to the regional regulatory administrator for the region in which the business was operated. Where State law or local ordinance requires the delivery of records to other responsible authority, the regional regulatory administrator may arrange for the delivery of the records required by this subpart to that authority (see also § 55.61).

§ 55.129 Exportation.

Exportation of explosive materials is to be in accordance with the applicable provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and implementing regulations. However, a licensed importer, licensed manufacturer, or licensed dealer exporting explosive materials shall maintain records showing the manufacture or acquisition of explosive materials as required by this part and records showing the quantity, the manufacturer's name or brand name of explosive materials, the name and address of the foreign consignee of the explosive materials, and the date the explosive materials were exported.

§ 55.130 Transaction record for black powder to be used in antique firearms or in antique devices.

(a) A licensee or permittee shall not sell or otherwise distribute to a nonlicensee or nonpermittee commercially manufactured black powder in quantities of 50 pounds or less, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, unless he records the transaction on ATF F 5400.3.

(b) Before the distribution of the black powder in paragraph (a) of this section to a nonlicensee or nonpermittee who is acquiring it under the provisions contained in § 55.105(g), the licensee or permittee distributing the black powder shall obtain an executed ATF F 5400.3 from the distributee. The ATF F 5400.3 is to contain all the information required on the form and by the regulations in this part.

(c) ATF F 5400.3 is retained by the licensee or permittee as part of his permanent records in accordance with paragraph (d) of this section.

(d) Each ATF F 5400.3 is retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000", the licensee or permittee may recommence the series. The recommenced series is then given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of the change may be continued.

(e) The requirements of this section are in addition to any other recordkeeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of ATF F 5400.3 from the Director.

Subpart H—Exemptions

§ 55.141 Exemptions.

(a) *General.* This part does not apply with respect to:

(1) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which is regulated by the U.S. Department of Transportation and its agencies.

(2) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopoeia or the National Formulary.

(3) The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision.

(4) Small arms ammunition and components of small arms ammunition.

(5) The manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by, the military or naval services or other agencies of the United States.

(6) Arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

(7) The importation and distribution of fireworks classified as Class C explosives and generally known as "common fireworks", and other Class C explosives, as described by U.S. Department of Transportation regulations in 49 CFR Part 173.100 (p), (r), (t), (u) and (x).

(8) Gasoline, fertilizers, propellant actuated devices, or propellant actuated industrial tools manufactured, imported, or distributed for their intended purposes.

(9) Industrial and laboratory chemicals which are intended for use as reagents and which are packaged and shipped pursuant to U.S. Department of Transportation regulations, 49 CFR Parts 100 to 177, which do not require explosives hazard warning labels.

(b) *Black powder.* Except for the provisions applicable to persons required to be licensed under subpart D, this part does not apply with respect to commercially manufactured black powder in quantities not to exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16) or antique devices, as exempted from the term "destructive devices" in 18 U.S.C. 921(a)(4), and if the provisions of §§ 55.105(g) and 55.130 are fully complied with.

§ 55.142 Relief from disabilities incurred by indictment, information or conviction.

(a) Any person may make application for relief from the disabilities under the Act incurred by reason of an indictment or information for, or conviction of, a crime punishable by imprisonment for a term exceeding one year.

(b) An application for relief from disabilities is filed with the Director and supported by data that the applicant considers appropriate. In the case of a corporation, or of any person having the power to direct or control the management of the corporation, the supporting data is to include information as to the absence of culpability in the offense for which the corporation, or any such person, was indicted, formally accused or convicted.

(c) The Director may grant relief to an applicant if it is established to the satisfaction of the Director that the circumstances regarding the indictment, information or conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) A person who has been granted relief under this section is relieved of any disabilities imposed by the Act with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials, that were incurred by reason of such indictment, information or conviction.

(e)(1) A licensee or permittee who is under indictment or information for, or convicted of, a crime punishable by imprisonment for a term exceeding one year during the term of a current license or permit, or while he has pending a license or permit renewal application, shall not be barred from licensed or permit operations for 30 days after the date of indictment or information or 30 days after the date upon which his conviction becomes final. Also, if he files his application for relief under this section within such 30 day period, he may further continue licensed or permit operations while his application is pending. A licensee or permittee who does not file an application within 30 days from the date of his indictment or information, or within 30 days from the date his conviction becomes final, shall not continue licensed or permit operations beyond 30 days from the date of his indictment or information or beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license or permit of a person expires during the 30 day period following the date of indictment of information of during the 30 day period after the date upon which his conviction becomes final or while his application for relief is pending, he shall file a timely application for renewal of his license or permit in order to continue licensed or permit operations. The license or permit application is to show that the applicant has been indicted or under information for, or convicted of, a crime punishable by imprisonment for a term exceeding one year.

(3) A licensee or permittee shall not continue licensed or permit operations beyond 30 days following the date the Director issues notification that the licensee's or permittee's application for removal of the disabilities resulting from an indictment, information or conviction has been denied.

(4) When a licensee or permittee may no longer continue licensed or permit operations under this section, any application for renewal of license of permit filed by the licensee or permittee while his application for removal of disabilities resulting from an indictment, information or conviction is pending, will be denied by the regional regulatory administrator.

Subpart I—Unlawful Acts, Penalties, Seizures and Forfeitures

§ 55.161 Engaging in business without a license.

Any person engaging in the business of importing, manufacturing, or dealing in explosive materials without a license issued under the Act, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

§ 55.162 False statement or representation.

Any person who knowingly withholds information or makes any false or fictitious oral or written statement or furnishes or exhibits any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the Act, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

§ 55.163 False entry in record.

Any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee who knowingly makes any false entry in any record required to be kept under subpart G of this part, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

§ 55.164 Unlawful storage.

Any person who stores any explosive material in a manner not in conformity with this part, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 55.165 Failure to report theft or loss.

Any person who has knowledge of the theft or loss of any explosive materials from his stock and fails to report the theft or loss within 24 hours of discovery in accordance with § 55.30, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

§ 55.166 Seizure or forfeiture.

Any explosive materials involved or used or intended to be used in any violation of the Act or of this part or in any violation of any criminal law of the United States are subject to seizure and forfeiture, and all provisions of title 26, U.S.C. relating to the seizure, forfeiture, and disposition of firearms, as defined in 26 U.S.C. 5845(a), will, so far as applicable, extend to seizures and forfeitures under the Act.

Subpart J—Storage

The provisions in this subpart apply until August 9, 1982. The provisions in Subpart K may be used in lieu of the provisions in this subpart, but are mandatory after August 9, 1982.

§ 55.181 General.

(a) Section 842(j) of the Act and § 55.29 of this part require that the storage of explosive materials by any person must be in accordance with the regulations in this part. The storage standards prescribed by this subpart confer no rights or privileges to store explosive materials in a manner contrary to State or other law.

(b) The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any person intending to use alternate magazine construction shall submit a letter application to the regional regulatory administrator for transmittal to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified by ATF that the application has been approved.

(c) A licensee or permittee who intends to make modifications to or changes in his approved magazines, or who intends to construct or acquire additional magazines, shall comply with § 55.63.

§ 55.182 Classes of explosive materials.

For purposes of this part, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite and detonators.)

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined. (For example, black powder; safety fuses; igniters; igniter cords; fuse lighters; and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173.)

(c) *Blasting agents.* (For example, ammonium nitrate-fuel oil and certain water-gels (see also § 55.11).)

§ 55.183 Types of magazines.

For purposes of this part, there are five types of magazines. These types, together with the classes of explosive materials, as defined in § 55.182, to be stored in them are as follows:

(a) *Type 1 magazines.* Permanent magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.186 and 55.193. Other classes may also be stored in type 1 magazines.

(b) *Type 2 magazines.* Mobile and portable indoor and outdoor magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.186, 55.188(b), and 55.193. Other classes may also be stored in type 2 magazines.

(c) *Type 3 magazines.* Portable outdoor magazines for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§ 55.186 and 55.193. Other classes may also be stored in type 3 magazines.

(d) *Type 4 magazines.* Magazines for the storage of low explosives, subject to the limitations prescribed by §§ 55.186(b), 55.190(b), and 55.193. Blasting agents may be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.186(c), 55.191(b), and 55.193. Detonators that will not mass detonate may also be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.186(a), 55.190(b), and 55.193.

(e) *Type 5 magazines.* Magazines for the storage of blasting agents subject to the limitations prescribed by §§ 55.186(c), 55.191(b), and 55.193.

§ 55.184 Inspection of magazines.

Any person storing explosive materials shall inspect his magazines at least every seven days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazines, or unauthorized removal of the contents of the magazines (see also § 55.30).

§ 55.185 Movement of explosive materials.

All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are—

(a) In the process of manufacture;

(b) Being physically handled in the operating process of a licensee or user;

(c) Being used; or

(d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 55.126.

§ 55.186 Location of magazines.

(a) Outdoor magazines in which high explosives are stored are to be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which high explosives are stored, than the minimum distances specified in the table of distances for storage of explosives in § 55.198.

(b) Outdoor magazines in which low explosives are stored are to be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 55.199. The distances shown in § 55.199 may not be reduced by the presence of barricades.

(c)(1) Outdoor magazines in which blasting agents in quantities of more than 50 pounds are stored are to be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the table of distances for storage of explosive materials in § 55.198.

(2) Ammonium nitrate and magazines in which blasting agents are stored are to be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the table of distances for the separation of ammonium nitrate and blasting agents in § 55.200. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc., may not be less than the distances specified in the table of distances for storage of explosive materials in § 55.198.

§ 55.187 Construction of type 1 magazines.

A type 1 magazine is a permanent structure: a building, an igloo or "Army-type structure", a tunnel, or a dugout. It is bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

(a) *Buildings.* All building type magazines are to be constructed of masonry, wood, metal, or a combination of these materials and have no openings except for entrances and ventilation. The ground around building magazines must slope away for drainage.

(1) *Masonry wall construction.* Masonry wall construction is to consist of brick, concrete, tile, cement block, or cinder block and be not less than six inches in thickness. Hollow masonry units used in construction must have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in

place). Interior walls are to be constructed of, or covered with, a nonsparking material.

(2) *Fabricated metal wall construction.* Metal wall construction consists of sectional sheets of steel or aluminum not less than number 14-gauge, securely fastened to a metal framework. Metal wall construction is either lined inside with brick, solid cement blocks, hardwood not less than four inches thick, or will have at least a six-inch sand fill between interior and exterior walls. Interior walls are to be constructed of, or covered with, a nonsparking material.

(3) *Wood frame wall construction.* The exterior of outer wood walls are to be covered with iron or aluminum not less than number 26-gauge. An inner wall of, or covered with, nonsparking material will be constructed so as to provide a space of not less than six inches between the outer and inner walls. The space is to be filled with coarse, dry sand or weak concrete.

(4) *Floors.* Floors are to be constructed of, or covered with, a nonsparking material and be strong enough to bear the weight of the maximum quantity to be stored.

(5) *Foundations.* Foundations are to be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings is to be enclosed with metal.

(6) *Roof.* Except for buildings with fabricated metal roofs, the outer roof is to be covered with no less than number 26-gauge iron or aluminum, fastened to at least ⅞ inch sheathing.

(7) *Bullet-resistant ceilings or roofs.* Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosive within, the magazine is to be protected by one of the following methods:

(i) A sand tray lined with a layer of building paper, plastic, or other nonporous materials, and filled with not less than four inches of coarse, dry sand, and located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.

(ii) A fabricated metal roof constructed of 3/16 inch plate steel lined with four inches of hardwood. (For each additional 1/16 inch of plate steel, the hardwood lining may be decreased one inch.)

(8) *Doors.* All doors are to be constructed of not less than ¼ inch plate steel and lined with at least two inches of hardwood. Hinges and hasps are to be attached to the doors by welding, riveting or bolting (nuts on inside of door). They must be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) *Locks.* Each door is to be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and padlock; or with a mortise lock that requires two keys to open; or a three-point lock. Locks must have at least five tumblers. All padlocks must be protected with not less than ¼ inch steel caps constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

(10) Ventilation. Magazines are to be ventilated to prevent dampness or heating of stored explosive materials. Except at doorways, at least a two inch air space is to be left around ceilings and the perimeter of floors. Where foundation ventilators are used, they must not be less than four by six inches. Vents in the foundation, roof, or gables must be offset and screened to prevent the entrance of sparks.

(11) *Exposed metal.* No sparking material is to be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and side walls, which might be exposed to contact with explosive materials, must be blind nailed, countersunk, or covered with a nonsparking lattice work or other nonsparking material.

(b) *Igloos, "Army-type structures", tunnels, and dugouts.* Igloo, "Army-type structures", tunnel, and dugout magazines are to be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They must have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors must be constructed of, or covered with, a nonsparking material. Magazines of this type are also to be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this section.

§ 55.188 Construction of type 2 magazines.

A type 2 magazine is a box, trailer, semi-trailer, or other mobile facility. It is to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. Except as provided in paragraph (c) of this section, hinges and hasps are to be attached to the covers or doors in the manner prescribed in § 55.187(a)(8) and locking system as prescribed in § 55.187(a)(9).

(a) *Outdoor magazines.* Outdoor magazines are to be supported in such a manner so as to prevent direct contact with the ground and, if less than one cubic yard in size, must be securely fastened to a fixed object. The sides, bottoms, tops, and covers or doors are to be constructed of not less than ¼ inch steel and lined with at least two inches of hardwood. Magazines with top openings must have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position. The ground around magazines must slope away for drainage. When unattended, vehicular magazines must have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor magazines.* No indoor magazine for the storage of high explosive may be located in a residence or dwelling. The indoor storage of high explosives may not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the magazines are separated by a distance of at least 10 feet and the total quantity of explosive materials stored does not exceed 50 pounds. Detonators are to be stored in a separate magazine (except as provided in § 55.213) and the total quantity of detonators stored may not exceed 5,000. Indoor magazines are to be constructed according to the following specifications:

(1) *Wood construction.* Wood indoor magazines must have sides, bottoms, and covers or doors constructed of not less than two inches of hardwood and be well braced at corners. They are to be covered with sheet metal of not less than number 20-gauge. Nails exposed to the interior of magazines must be countersunk.

(2) *Metal construction.* Metal indoor magazines must have sides, bottoms, and covers or doors constructed of not less than number 12-gauge metal and be lined inside with a nonsparking material. Edges of metal covers must overlap sides at least one inch.

(c) *Detonator boxes.* Magazines for detonators in quantities of 100 or less are to have sides, bottoms, and covers constructed of not less than number 12-gauge metal and lined with a nonsparking material. Hinges and hasps must be attached by welding. A single lock having at least five tumblers is sufficient for locking purposes.

§ 55.189 Construction of type 3 magazines.

A type 3 magazine is a "day-box" or other portable magazine. It is constructed in the same manner prescribed for type 2 outdoor magazines in § 55.188(a), and is bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. Hinges, hasps, locks and lock protection are to be in

conformity with the requirements of § 55.187(a) (8) and (9). The ground around magazines must slope away for drainage. No explosive materials are to be left in magazines if unattended. The explosive materials contained in type 3 magazines must be removed to types 1 or 2 magazines for unattended storage.

§ 55.190 Construction of type 4 magazines.

A type 4 magazine may be a building, igloo or "Army-type structure", tunnel, dugout, box, trailer, or semi-trailer or other mobile magazine and is to be fire-resistant, weather-resistant, and theft-resistant. It must be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of magazines must be lined with a nonsparking material or suitable lattice work. The doors or covers must be metal or solid wood covered with metal. The foundations, hinges and hasps, locks and lock protection, and interior are to be in conformity with the requirements of § 55.187(a) (5), (8), (9), and (11).

(a) *Outdoor magazines.* The ground around outdoor magazines must slope away for drainage. When unattended, vehicular magazines must have wheels removed or be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor magazines.* No indoor magazine may be located in a residence or dwelling. The indoor storage of low explosives may not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of low explosives stored does not exceed 50 pounds.

§ 55.191 Construction of type 5 magazines.

A type 5 magazine may be a building, igloo or "Army-type structure", tunnel, dugout, bin, box, trailer, or semi-trailer or other mobile facility. It is to be theft-resistant. The doors or covers are to be solid wood or metal. The hinges, hasps, locks, and lock protection are to be in conformity with the requirements of § 55.187(a) (8) and (9).

(a) *Outdoor magazines.* The ground around outdoor magazines must slope away for drainage. When unattended, vehicular magazines must have wheels removed or be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor magazines.* No indoor magazine for the storage of blasting agents may be located in a residence or dwelling.

§ 55.192 Smoking and open flames.

Smoking, matches, open flames, and spark producing devices are not permitted in, or within 50 feet of, any outdoor storage facility.

§ 55.193 Quantity and storage restrictions.

Explosive materials in excess of 300,000 pounds or detonators in excess of 20 million are not to be stored in one magazine. Detonators are not to be stored with other explosive materials in the same magazines, except as provided in § 55.213.

§ 55.194 Storage within types 1, 2, 3, and 4 magazines.

(a) Explosive materials within a magazine may not be placed directly against interior walls and are to be stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material may be used.

(b) Containers of explosive materials are to be stored so that marks are visable. Stocks of explosive materials are to be stored so they can be easily counted and checked upon inspection.

(c) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials are not to be unpacked or repacked inside a magazine or within 50 feet of a magazine, and are not to be unpacked or repacked close to other explosive materials. Containers of explosive materials are to be securely closed while being stored.

(d) Tools used for opening or closing containers of explosive materials are to be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet are to be used for opening or closing wood containers or explosive materials. Metal tools other than nonsparking transfer conveyors are not to be stored in any magazine containing high explosives.

§ 55.195 Housekeeping.

Magazines are to be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors are to be regularly swept. Brooms and other utensils used in the cleaning and maintenance of magazines must have no spark producing metal parts. Floors stained by leakage from explosive materials are to be cleaned according to instructions of the explosives manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if a liquid is leaking from an explosive material, it is to be destroyed in accordance with the instructions of its manufacturer. The area surrounding magazines is to be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions, except as provided in § 55.215. Any other combustible materials are to be kept a distance of not less than 50 feet from outdoor magazines.

§ 55.196 Repair of magazines.

Before repairing the interior of magazines, all explosive materials are to be removed and the interior cleaned. Before repairing the exterior of magazines, all explosive materials must be removed if there exists any possibility that repairs may produce sparks or flame. The explosive materials removed from magazines under repair must either be placed in other magazines appropriate for the storage of the materials under this part or placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been completed.

§ 55.197 Lighting.

No lighting is to be placed or used in a type 1, 2, 3, or 4 magazine except battery-activated safety lights or battery-activated safety lanterns.

§ 55.198 American table of distances for storage of explosive materials.

Explosives (pounds)		Distances in feet when storage is barricaded			
Over	Not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	380	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94

Explosives (pounds)		Distances in feet when storage is barricaded			
Over	Not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

Notes for American table of distances

(1) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, highways, and, in addition, they shall be separated from each other by not less than the distances shown for "Separation of magazines". However, the quantity of explosives contained in cap (detonator) magazines shall govern in the spacing of cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of magazines" distances, then the two or more magazines, as a group, must be considered as one magazine. The total quantity of explosives stored in that group must then be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum distances from othe magazines, inhibited buildings, railways, or highways.

(2) All types of blasting caps in strengths through No. 8 cap shall be rated at 1½ lbs. of explosives per 1,000 caps. For strengths higher than No. 8 caps, consult the manufacturer.

(3) For quantity and distance purposes, detonating cord of 50 to 60 grains per foot shall be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads shall be rated proportionately.

(4) When a storage facility is not barricaded, the distances shown should be doubled.

§ 55.199 Table of distances for storage of low explosives.

Pounds		From inhabited building distance (feet) (3)	From public railroad and highway distance (feet) (4)	From above ground magazine (feet) (5)
Over (1)	Not over (2)			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

§ 55.200 Table of separation distances of ammonium nitrate and blasting agents from explosives or other blasting agents. (1) (6)

Donor weight (pounds)		Minimum separation distance of acceptor from donor when barricaded (feet) (2)		Minimum thickness of artificial barricades (inches) (5)
Over	Not over	Ammonium nitrate (3)	Blasting agent (4)	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Notes

(1) This table recommends separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or other blasting agents referred to in the table as the "donor". Ammonium nitrate, by itself, is not considered to be a donor when applying this table. Ammonium nitrate, ammonium nitrate-fuel oil, or combinations of the two are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate shall be included in the mass of the donor when calculating separation distances.

(2) When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". When storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in § 55.198 are not required.

(3) The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer issued by the Fertilizer Institute. Ammonium nitrate failing to pass this test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

(4) These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

(5) Earth dikes, sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves are also acceptable.

(6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the table in § 55.198. Ammonium nitrate, when stored with blasting agents or explosives, may be counted at one-half its actual weight because its blast effect is lower.

Subpart K—Storage

(The provisions of this subpart may be used in lieu of the provisions in Subpart J, but are mandatory after August 9, 1982.)

§ 55.201 General.

(a) Section 842(j) of the Act and § 55.29 of this part require that the storage of explosive materials by any

person must be in accordance with the regulations in this part. The storage standards prescribed by this subpart confer no rights or privileges to store explosive materials in a manner contrary to State or other law.

(b) The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any alternate explosive magazine construction approved by the Director prior to August 9, 1982, will continue as approved unless notified in writing by the Director. Any person intending to use alternate magazine construction shall submit a letter application to the regional regulatory administrator for transmittal to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved.

(c) A licensee or permittee who intends to make changes in his magazines, or who intends to construct or acquire additional magazines, shall comply with § 55.63.

§ 55.202 Classes of explosive materials.

For purposes of this part, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite.)

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined. (For example, black powder; safety fuses; igniters; igniter cords; fuse lighters; and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173.)

(c) *Blasting agents.* (For example, ammonium nitrate-fuel oil and certain water-gels (see also § 55.11).)

§ 55.203 Types of magazines.

For purposes of this part, there are five types of magazines. These types, together with the classes of explosive materials, as defined in § 55.202, which will be stored in them, are as follows:

(a) *Type 1 magazines.* Permanent magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.206 and 55.213. Other classes of explosive materials may also be stored in type 1 magazines.

(b) *Type 2 magazines.* Mobile and portable indoor and outdoor magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.206, 55.208(b), and 55.213. Other classes of explosive materials may also be stored in type 2 magazines.

(c) *Type 3 magazines.* Portable outdoor magazines for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§ 55.206 and 55.213. Other classes of explosives materials may also be stored in type 3 magazines.

(d) *Type 4 magazines.* Magazines for the storage of low explosives, subject to the limitations prescribed by §§ 55.206(b), 55.210(b), and 55.213. Blasting agents may be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.206(c), 55.211(b), and 55.213. Detonators that will not mass detonate may also be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.206(a), 55.210(b), and 55.213.

(e) *Type 5 magazines.* Magazines for the storage of blasting agents, subject to the limitations prescribed by §§ 55.206(c), 55.211(b), and 55.213.

§ 55.204 Inspection of magazines.

Any person storing explosive materials shall inspect his magazines at least every seven days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazines, or unauthorized removal of the contents of the magazines.

§ 55.205 Movement of explosive materials.

All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are—

(a) In the process of manufacture;

(b) Being physically handled in the operating process of a licensee or user;

(c) Being used; or

(d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 55.106.

§ 55.206 Location of magazines.

(a) Outdoor magazines in which high explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which high explosives are stored, than the minimum distances specified in the table of distances for storage of explosive materials in § 55.218.

(b) Outdoor magazines in which low explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 55.219. The distances shown in § 55.219 may not be reduced by the presence of barricades.

(c)(1) Outdoor magazines in which blasting agents in quantities of more than 50 pounds are stored must be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the table of distances for storage of explosive materials in § 55.218.

(2) Ammonium nitrate and magazines in which blasting agents are stored must be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the table of distances for the separation of ammonium nitrate and blasting agents in § 55.220. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc., may not be less than the distances specified in the table of distances for storage of explosives materials in § 55.218.

§ 55.207 Construction of type 1 magazines.

A type 1 magazine is a permanent structure: a building, an igloo or "Army-type structure", a tunnel, or a dugout. It is to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

(a) *Buildings.* All building type magazines are to be constructed of masonry, wood, metal, or a combination of these materials, and have no openings except for entrances and ventilation. The ground around building magazines must slope away for drainage or other adequate drainage provided.

(1) *Masonry wall construction.* Masonry wall construction is to consist of brick, concrete, tile, cement block, or cinder block and be not less than 6 inches in thickness. Hollow masonry units used in construction must have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls are to be constructed of, or covered with, a nonsparking material.

(2) *Fabricated metal wall construction.* Metal wall construction is

to consist of sectional sheets of steel or aluminum not less than number 14-gauge, securely fastened to a metal framework. Metal wall construction is either lined inside with brick, solid cement blocks, hardwood not less than four inches thick, or will have at least a six inch sand fill between interior and exterior walls. Interior walls are to be constructed of, or covered with, a nonsparking material.

(3) *Wood frame wall construction.* The exterior of outer wood walls is to be covered with iron or aluminum not less than number 26-gauge. An inner wall of, or covered with nonsparking material will be constructed so as to provide a space of not less than six inches between the outer and inner walls. The space is to be filled with coarse, dry sand or weak concrete.

(4) *Floors.* Floors are to be constructed of, or covered with, a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored. Use of pallets covered with a nonsparking material is considered equivalent to a floor constructed of or covered with a nonsparking material.

(5) *Foundations.* Foundations are to be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings is to be enclosed with metal.

(6) *Roof.* Except for buildings with fabricated metal roofs, the outer roof is to be covered with no less than number 26-guage iron or aluminum, fastened to at least ⅞ inch sheathing.

(7) *Bullet-resistant ceilings or roofs.* Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosives within, the magazine is to be protected by one of the following methods:

(i) A sand tray lined with a layer of building paper, plastic, or other nonporous material, and filled with not less than four inches of coarse, dry sand, and located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.

(ii) A fabricated metal roof constructed of 3/16-inch plate steel lined with four inches of hardwood. (For each additional 1/16 inch of plate steel, the hardwood lining may be decreased one inch.)

(8) *Doors.* All doors are to be constructed of not less than ¼ inch plate steel and lined with at least two inches of hardwood. Hinges and hasps are to be attached to the doors by welding, riveting or bolting (nuts on inside of door). They are to be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlock fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a casehardened shackle of at least ⅜ inch diameter. Padlocks must be protected with not less than ¼ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(10) *Ventilation.* Ventilation is to be provided to prevent dampness and heating of stored explosive materials. Ventilation openings must be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations must be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling must have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.

(11) *Exposed metal.* No sparking material is to be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and side walls, which might be exposed to contact with explosive materials, must be blind nailed, countersunk, or covered with a nonsparking lattice work or other nonsparking material.

(b) *Igloos, "Army-type structures", tunnels, and dugouts.* Igloo, "Army-type structure", tunnel, and dugout magazines are to be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They must have an earthmound covering of not less than 24 inches on the top, sides and rear unless the magazine meets the requirements of paragraph (a)(7) of this section. Interior walls and floors must be constructed of, or covered with, a nonsparking material. Magazines of this type are also to be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this section.

§ 55.208 Construction of type 2 magazines.

A type 2 magazine is a box, trailer, semitrailer, or other mobile facility.

(a) *Outdoor magazines.* (1) *General.* Outdoor magazines are to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. They are to be supported to prevent direct contact with the ground and, if less than one cubic yard in size, must be securely fastened to a fixed object. The ground around outdoor magazines must slope away for drainage or other adequate drainage provided. When unattended, vehicular magazines must have wheels removed or otherwise effectively immobiliized by kingpin locking devices or other methods approved by the Director.

(2) *Exterior construction.* The exterior and doors are to be constructed of not less than ¼-inch steel and lined with at least two inches of hardwood. Magazines with top openings will have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least ⅜-inch diameter. Padlocks must be protected with not less than ¼-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) *Indoor magazines.* (1) *General.* Indoor magazines are to be fire-resistant and theft-resistant. They need not be bullet-resistant and weather-resistant if the buildings in which they are stored provide protection from the weather and from bullet penetration. No indoor magazine is to be located in a residence or dwelling. The indoor storage of high explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators must be stored in a separate magazine (except as provided in § 55.213) and the total quantity of detonators must not exceed 5,000.

(2) *Exterior construction.* Indoor magazines are to be constructed of wood or metal according to one of the following specifications:

(i) Wood indoor magazines are to have sides, bottoms and doors constructed of at least two inches of hardwood and are to be well braced at the corners. They are to be covered with sheet metal of not less than number 26-gauge (.0179 inches). Nails exposed to the interior of magazines must be countersunk.

(ii) Metal indoor magazines are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and be lined inside with a nonsparking material. Edges of metal covers must overlap sides at least one inch.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least ⅜-inch diameter. Padlocks must be protected with not less than ¼-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least ⅜-inch diameter, if the door hinges and lock hasp are securely fastened to the magazine. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(c) *Detonator boxes.* Magazines for detonators in quantities of 100 or less are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and lined with a nonsparking material. Hinges and hasps must be attached so they cannot be removed from the outside. One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least ⅜-inch diameter is sufficient for locking purposes.

§ 55.209 Construction of type 3 magazines.

A type 3 magazine is a "day-box" or other portable magazine. It must be fire-resistant, weather-resistant, and theft-resistant. A type 3 magazine is to be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either ½-inch plywood or ½-inch Masonite-type hardboard. Doors must overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside). One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least ⅜-inch diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in type 3 magazines and must be removed to type 1 or 2 magazines for unattended storage.

§ 55.210 Construction of type 4 magazines.

A type 4 magazine is a building, igloo or "Army-type structure", tunnel, dugout, box, trailer, or a semitrailer or other mobile magazine.

(a) *Outdoor magazines.* (1) *General.* Outdoor magazines are to be fire-resistant, weather-resistant, and theft-resistant. The ground around outdoor magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) *Construction.* Outdoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Foundations are to be constructed of brick, concrete, cement block, stone, or metal or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the building is to be enclosed with fire-resistant material. The walls and floors are to be constructed of, or covered with, a nonsparking material or lattice work. The doors must be metal or solid wood covered with metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and case-hardened shackle of at least ⅜ inch diameter. Padlocks must be protected with not less than ¼ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) *Indoor magazine.* (1) *General.* Indoor magazines are to be fire-resistant and theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine is to be located in a residence or dwelling. The indoor storage of low explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators that will not mass detonate must be stored in a separate magazine and the total number of electric detonators must not exceed 5,000.

(2) *Construction.* Indoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors are to be constructed of, or covered with, a nonsparking material. The doors must be metal or solid wood covered with metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least ⅜ inch diameter. Padlocks must be protected with not less than ¼ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least ⅜ inch diameter, if the door hinges and lock hasp are securely fastened to the magazine. These requirements do not apply to magazine doors that are adequately secured on the inside by

means of a bolt, lock, or bar that cannot be actuated from the outside.

§ 55.211 Construction of type 5 magazines.

A type 5 magazine is a building, igloo or "Army-type structure", tunnel, dugout, bin, box, trailer, or a semitrailer or other mobile facility.

(a) *Outdoor magazines.* (1) *General.* Outdoor magazines are to be weather-resistant and theft-resistant. The ground around magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) *Construction.* The doors are to be constructed of solid wood or metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least ⅜ inch diameter. Padlocks must be protected with not less than ¼ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Trailers, semitrailers, and similar vehicular magazines may, for each door, be locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least ⅜ inch diameter, if the door hinges and lock hasp are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) *Indoor magazines.* (1) *General.* Indoor magazines are to be theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine is to be located in a residence or dwelling. Indoor magazines containing quantities of blasting agents in excess of 50 pounds are subject to the requirements of § 55.206 of this subpart.

(2) *Construction.* The doors are to be constructed of wood or metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least ⅜ inch diameter. Padlocks must be protected with not less than ¼ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least ⅜ inch diameter, if the door hinges and lock hasps are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

§ 55.212 Smoking and open flames.

Smoking, matches, open flames, and spark producing devices are not permitted—

(a) In any magazine;

(b) Within 50 feet of any outdoor magazine; or

(c) Within any room containing an indoor magazine.

§ 55.213 Quantity and storage restrictions.

(a) Explosive materials in excess of 300,000 pounds or detonators in excess of 20 million are not to be stored in one magazine unless approved by the Director.

(b) Detonators are not to be stored in the same magazine with other explosive materials, except under the following circumstances:

(1) In a type 4 magazine, detonators that will not mass detonate may be stored with electric squibs, safety fuse, igniters, and igniter cord.

(2) In a type 1 or type 2 magazine, detonators may be stored with delay devices and any of the items listed in paragraph (b)(1) of this section.

§ 55.214 Storage within types 1, 2, 3, and 4 magazines.

(a) Explosive materials within a magazine are not to be placed directly against interior walls and must be stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material may be used.

(b) Containers of explosive materials are to be stored so that marks are visible. Stocks of explosive materials are to be stored so they can be easily counted and checked upon inspection.

(c) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials are not to be unpacked or repacked inside a magazine or within 50 feet of a magazine, and must not be unpacked or repacked close to other explosive materials. Containers of explosive materials must be closed while being stored.

(d) Tools used for opening or closing containers of explosive materials are to be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet are to be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors are not to be stored in any magazine containing high explosives.

§ 55.215 Housekeeping.

Magazines are to be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors are to be regularly swept. Brooms and other utensils used in the cleaning and maintenance of magazines must have no spark-producing metal parts, and may be kept in magazines. Floors stained by leakage from explosive materials are to be cleaned according to instructions of the explosives manufacturer. When any explosive material has deteriorated it is to be destroyed in accordance with the advice or instructions of the manufacturer. The area surrounding magazines is to be kept clear of rubbish, brush, dry grass, or trees (except live trees more than 10 feet tall), for not less than 25 feet in all directions. Volatile materials are to be kept a distance of not less than 50 feet from outdoor magazines. Living foliage which is used to stabilize the earthen covering of a magazine need not be removed.

§ 55.216 Repair of magazines.

Before repairing the interior of magazines, all explosive materials are to be removed and the interior cleaned. Before repairing the exterior of magazines, all explosive materials must be removed if there exists any possibility that repairs may produce sparks or flame. Explosive materials removed from magazines under repair

must be (a) placed in other magazines appropriate for the storage of those explosive materials under this subpart, or (b) placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been completed.

§ 55.217 Lighting.

(a) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines.

(b) Electric lighting used in any explosives storage magazine must meet the standards prescribed by the "National Electrical Code," (National Fire Protection Association, NFPA 70–81), for the conditions present in the magazine at any time. All electrical switches are to be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

(c) Copies of invoices, work orders or similar documents which indicate the lighting complies with the National Electrical Code must be available for inspection by ATF officers.

§ 55.218 Table of distances for storage of explosive materials.

Quantity of explosives		Distances in feet							
		Inhabited buildings		Public highways glass A to D		Passenger railways—public highways with traffic volume of more than 3,000 vehicles bay		Separation of magazines	
Pounds over	Pounds not over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,028	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670

Quantity of explosives		Distances in feet							
		Inhabited buildings		Public highways class A to D		Passenger railways—public highways with traffic volume of more than 3,000 vehicles bay		Separation of magazines	
Pounds over	Pounds not over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Baricaded	Unbarricaded
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

Table: American Table of Distances for Storage of Explosives (December 1910), as revised and approved by The Institute of Makers of Explosives—November 5, 1971

Notes to the Table of Distances for Storage of Explosives

(1) Terms found in the table of distances for storage of explosive materials are defined in § 55.11.

(2) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

(3) All types of blasting caps in strengths through No. 8 cap should be rated at 1½ lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

(4) For quantity and distance purposes, detonating cord of 50 or 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

§ 55.219 Table of distances for storage of low explosives

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

Table: Department of Defense Ammunition and Explosives Standards, Table 5–4.1 extract; 4145.27 M, March 1969.

§ 55.220 Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents. (1)(6)

Donor weight (pounds)		Minimum separation distance of acceptor from donor when barricaded (ft.)		Minimum thickness of artificial barricades (in.)
Over	Not over	Ammonium nitrate	Blasting agent	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Table: National Fire Protection Association (NFPA) Official Standard No. 492, 1968.

Notes of Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents

(1) This table specifies separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate is to be included in the mass of the donor.

(2) When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table must be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where explosives storage is in bullet-resistant magazines or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the table in § 55.218 are not required.

(3) These distances apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer issued by the Fertilizer Institute.[1] Ammonium nitrate failing to pass the test must be stored at separation distances in accordance with the table in § 55.218.

(4) These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the U.S. Department of Transportation (49 CFR Part 173).

(5) Earth or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor"

[1] Definition and Test Procedures for Ammonium Nitrate Fertilizer. Fertilizer Institute 1015–18th St. N.W. Washington, D.C. 20036.

when the trees are bare of leaves, are also acceptable.

(6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the table in § 55.218.

Signed: May 12, 1981.

G. R. Dickerson,

Director.

Approved: June 9, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-22744 Filed 8-6-81; 8:45 am]

BILLING CODE 4810-31-M

federal register

Friday
August 7, 1981

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81-5124	May 29, 1981.
California:	
CA81-5128	July 6, 1981.
CA81-5129	Do.
Florida: FL81-1260	Do.
Idaho: ID81-5125	June 5, 1981.
Nevada:	
NV81-5103	Feb. 6, 1981.
NV81-5104	Feb. 20, 1981.
NV81-5111	May 1, 1981.
New Jersey: NJ79-3029	Jan. 4, 1980.
Oregon: OR81-5127	July 6, 1981.
Pennsylvania: PA81-3041	Do.
Utah: UT81-5117	May 8, 1981.
Virgina: VA81-3015	Mar. 6, 1981.
Washington: WA81-5126	July 6, 1981.
Wyoming: WY81-5123	May 22, 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.

Illinois:	
IL79-2075(IL81-2051)	Sept. 14, 1979.
IL79-2027 (IL81-2050)	May 4, 1979.
IL79-2029 (IL81-2050)	Do.
IL79-2031 (IL81-2050)	Do.
IL79-2032 (IL81-2050)	Do.
IL79-2033 (IL81-2050)	Do.
IL79-2054 (IL81-2050)	June 15, 1979.
Montana:	
MT81-5114 (MT81-5138)	May 8, 1981.
MT81-5115 (MT81-5139)	Do.
MT81-5116 (MT81-5140)	Do.
Pennsylvania: PA80-3010 (PA81-3044)	April 4, 1980.
Texas: TX80-4024 (TX81-4064)	Do.
Virginia: VA78-3062 (VA81-3055)	Sept. 22, 1978.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 31st day of July 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NUMBER AZ81-5124 Mod. # 5
(46 FR 29160 - May29, 1981)

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians					
Area 5					
Electricians	$16.44	$ .60	3%+8%		1/2%
Cable Splicers	16.69	.60	3%+8%		1/2%

DECISION NO. CA81-5128 - Mod. #1
(46 FR 34951 - July 6, 1981)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

Change:					
Carpenters:					
Area 2:					
Carpenters	$14.94	$1.63	$2.63	$1.50	.10
Saw Filers	15.02	1.63	2.63	1.50	.10
Table Power Saw Operators	13.91	1.63	2.63	1.50	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	15.07	1.63	2.63	1.50	.10
Hardwood Floorlayers	15.14	1.63	2.63	1.50	.10
Pneumatic Nailers	15.19	1.63	2.63	1.50	.10
Millwrights	15.44	1.63	2.63	1.50	.10
Divers:					
Diver, wet	35.14	1.63	2.63	1.50	.10
Diver, stand-by	17.57	1.63	2.63	1.50	.10
Diver, tender	16.57	1.63	2.63	1.50	.10

Modification Page 2

DECISION #CA81-5129-Mod. #1
(46 FR 34961 - July 6, 1981)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Carpenters	14.94	1.63	2.63	1.50	.10
Saw Filers	15.02	1.63	2.63	1.50	.10
Table Power Saw Operators	13.91	1.63	2.63	1.50	.10
Shinglers; Piledrivermen, Bridge or Dock Carpenters	15.07	1.63	2.63	1.50	.10
Hardwood Floorlayers	$15.14	$1.63	$2.63	$1.50	.10
Pneumatic Nailers	15.19	1.63	2.63	1.50	.10
Millwrights	15.44	1.63	2.63	1.50	.10
Divers:					
Diver, wet	35.14	1.63	2.63	1.50	.10
Diver, stand-by	17.57	1.63	2.63	1.50	.10
Diver, tender	16.57	1.63	2.63	1.50	.10

Modification Page 3

DECISION NUMBER FL81-1260-MOD. #2 (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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
POWER EQUIPMENT OPERATORS					
Group I	12.30	.55	.50		.06
Group II	11.70	.55	.50		.06
Group III	11.20	.55	.50		.06
Group IV	10.80	.55	.50		.06
Group V	10.00	.55	.50		.06

Modification Page 4

DECISION NO. ID81-5125 - Mod. #4 (46 FR 30250 - June 5, 1981) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS:					
Area 4	$16.11	.77	1.52		
ELECTRICIANS:					
Area 3:					
Cable Splicers	16.39	.75	3% + 1.00		1%
ELEVATOR CONSTRUCTORS:					
Area 1:					
Elevator Constructors	18.555	1.345	1.085	a	.035
Helpers	12.99	1.345	1.085	a	.035
Probationary Helpers	9.28	1.345	1.085	a	.035
IRONWORKERS:					
Ornamental; Reinforcing; Structural:					
Area 2	16.73	1.00	2.15		.15
Area 3	14.87	1.05	1.60		.02
PAINTERS:					
Area 2:					
Painters and Tapers	12.25	.78	.60		.03
ROOFERS:					
Area 2:					
Roofers; Kettlemen	13.40	.95	.45		.05
Roofers working with coal tar and pitch products	15.40	.95	.45	.05	
SOFT FLOOR LAYERS:					
Area 3	11.74	.69	.50		

DECISION NO. NV81-5103 - Mod. #5
(46 FR 11486-February 6, 1981)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Ornamental; Reinforcing; Structural	$16.56	$1.44	$3.77	.40	.12
Laborers:					
Group 1	11.80	1.06	1.73	1.25	
Group 2	11.85	1.06	1.73	1.25	
Group 3	11.88	1.06	1.73	1.25	
Group 4	11.90	1.06	1.73	1.25	
Group 5	11.92	1.06	1.73	1.25	
Group 6	11.93	1.06	1.73	1.25	
Group 7	11.95	1.06	1.73	1.25	
Group 8	11.98	1.06	1.73	1.25	
Group 9	11.99	1.06	1.73	1.25	
Group 10	12.01	1.06	1.73	1.25	
Group 11	12.06	1.06	1.73	1.25	
Group 12	12.09	1.06	1.73	1.25	
Group 13	12.11	1.06	1.73	1.25	
Group 14	12.14	1.06	1.73	1.25	
Group 15	12.16	1.06	1.73	1.25	
Group 16	12.23	1.06	1.73	1.25	
Group 17	12.25	1.06	1.73	1.25	
Group 18	12.32	1.06	1.73	1.25	
Power Equipment Operators: (Except Piledriving and Steel Erection):					
Group 1	14.48	1.25	2.80	.45	.14
Group 2	14.72	1.25	2.80	.45	.14
Group 3	14.96	1.25	2.80	.45	.14
Group 4	15.07	1.25	2.80	.45	.14
Group 5	15.26	1.25	2.80	.45	.14
Group 6	15.36	1.25	2.80	.45	.14
Roofers	19.30	1.00			

DECISION NO. NV81-5104 - Mod. #6
(46 FR 13482-February 20, 1981)
Washoe County, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers; Steamfitters	$17.04	$1.23	$1.25	$2.10	.05
Sheet Metal Workers:					
Residential construction not over 3 stories in height where each individual family apartment is individually conditioned by a separate and independent unit or system	12.50	1.30	2.36	1.56	.14
All other residential construction	15.63	1.30	2.35	1.56	.14

DECISION #NV81-5111-Mod. #6
(46 FR 24837-May 1, 1981)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers: Area 2	16.11	.77	1.52		
Plumbers; Steamfitters: Area 2	17.04	1.23	1.25	2.10	.20
Plumber (Utility): Area 1	17.04	1.23	1.25	2.10	.20
Roofers: Area 1	19.30	1.00			
Sheet Metal Workers: Area 2	15.63	1.30	2.36	1.56	.14

DECISION NO. NJ79-3029 - MOD. #9 (44 FR 1350 - January 4, 1980) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CEMENT MASONS & PLASTERERS:					
ZONE 1	13.71	1.00	2.00		.05
ZONE 3	13.13	1.57	2.37		.03
ZONE 6	13.70	1.10	1.15		.02
ZONE 7	14.25	.90	.70		.02
ZONE 8	13.81	.95	1.10		.04
ZONE 9	13.65	1.15	1.15		.02
ZONE 10	14.03	.85	1.15		.02
ZONE 11	13.92	.85	1.15		.02
ZONE 12	13.15	1.35	1.45		.02

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - East of Ridge Rd. and North to Rutherford Avenue and Barry's Creek West of the Hackensack River); Essex (Except Millburn Township); Hudson that portion West of the Hackensack River).

ZONE 6 - Essex (Millburn Township), Morris (Gillette & Stirling, Shore Hills Twps.), Union (New Providence Springfield, Summit & Union Twps).

ZONE 10 - Somerset (Remainder of County) Hunderdon Co. at Old Millend, Rt. 32 following Passaic River to Dead River to Brownmills at Pluckemin thence Oldwick to Fairmont, across county line to Long Valley in Morris County thence 3 miles North of Chester to Muskrat to Ralston in Morris to Mendham Twp. across Morris County Line to Somerset back to old Mill in Bernardsville Route 23 in Somerset County.

ZONE 11 - Union (Plainfield, Scotch Plains).

ZONE 12 - Union (Remainder of County).

DECISION NO. NJ79-3029 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 4					
Carpenters & Insulators	14.10	8%	7%		½%
Millwrights	14.60	8%	7%		½%
DOCK BUILDERS & PILEDRIVERMEN	13.25	1.85	1.78	1.01	.05
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	14.57	9%	17%		½%
ZONE 3	16.78	7%	3%+1.90		.015
ZONE 6					
Wireman	16.78	7%	10%+.50		
Cable Splicers	17.85	7%	10%+.50		
ZONE 7	16.94	8%	3%+1.20		
ZONE 8	16.45	7%	3%+1.90		.015
ZONE 9	16.41	7%	3%+2.25		.02
ZONE 10	16.73	7%	3%+1.90		.015
ZONE 12	14.25	7%	3%+1.00		.02
LABORERS, BUILDING CONSTRUCTION:					
ZONE 3					
Laborers	10.35	.70	.80		.10
Mortar Mixers, Scaffold Men, Pneumatic Hammer Ops., Bell Men & Carpenter Tenders	10.60	.70	.80		.10
ZONE 7					
Laborers	9.50	.90	.85		.10
ZONE 11					
Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	10.30	.75	.70		.10
ZONE 14					
Laborers	10.00	.85	.75		.10

DECISION NO. NJ79-3029 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP 1	10.30	1.25	1.15	d	.10
GROUP 2	10.50	1.25	1.15	d	.10
GROUP 3	10.80	1.25	1.15	d	.10
GROUP 4	11.00	1.25	1.15	d	.10
GROUP 5	11.25	1.25	1.15	d	.10
GROUP 6	11.80	1.25	1.15	d	.10
LINE CONSTRUCTION (EXCLUDING RAILROAD CONSTRUCTION):					
ZONE 1					
Line men, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen and Welders	15.13	9%	12%		3/4%
ZONE 2					
Linemen and Equipment Operators	16.78	7%	10%		3/4%
Cable Splicers	17.85	7%	10%		3/4%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	16.18	7%	6.5%+ 2.00		3/4%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	16.18	7%	6.5%+ 2.00		3/4%
ZONE 7					
Linemen and Equipment Operators	16.94	8%	3%+1.20		3/4%
Groundmen and Line Truck Operators	15.10	8%	3%+1.20		3/4%
ZONE 8					
Linemen and equipment Operators	16.45	7%	3%+1.90		3/4%
ZONE 10					
Linemen, Cable Splicers & Groundmen	16.73	7%	3%+1.90		3/4%
ZONE 11					
Linemen, Cable Splicers	16.41	7%	3%+2.25		3/4%
Groundmen	15.56	7%	3%+2.25		3/4%

DECISION NO. NJ79-3029 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Painters and Tapers	12.30	1.35	2.60		.06
Steeel outside	13.30	1.35	2.60		.06
Spray	13.85	1.35	2.60		.06
ZONE 2					
Brush and Roller	12.89	1.10	1.20	.55	.11
Spray	14.07	1.10	1.20	.55	.11
ZONE 3					
Painters on new construction and major alterations	12.40	.80	.90		.08
Painters on repaint work	11.40	.80	.90		.08
Spraying or application of hazardous or dangerous materials on repaint work	12.00	.80	.90		.08
Exterior work exceeding 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	12.55	.80	.90		.08
Repaint work as described above	11.55	.80	.90		.08
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steam-cleaning, spraying or application of hazardous materials	13.00	.80	.90		.08
PIPEFITTERS:					
ZONE 2	14.67	1.03	2.20	1.47	.10

DECISION NO. NJ79-3029 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLUMBERS:					
ZONE 1	15.78	1.00	2.15		.25
ZONE 2	15.425	1.60	2.15		.25
ROOFERS:					
ZONE 5					
Composition, damp and waterproofing	15.40	1.50	1.50		
Slate and Tile	15.525	1.50	1.50		
SOFT FLOOR LAYERS	12.73	7%	5%	4%	
DECISION NO. OR81-5127 - Mod. #1 (46 FR 35019 - July 6, 1981) Statewide Oregon					
CHANGE:					
Painters:					
Area 1:					
Painters and Tapers	$12.25	.78	.60		.03
Roofers:					
Area 4	13.40	.95	.45		
Soft Floor Layers:					
Area 2	11.74	.69	.50		

DECISION NO. PA81-3041 - MOD. #1 (46 FR 34934 - July 6, 1981) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
PILEDRIVERMEN - WELDER	14.34	6%	10%		
TRUCK DRIVERS:					
Class 4					
Zone 2	11.07	8.5%	9.5%		
ADD:					
To Class 7 (TRUCK DRIVER CLASSIFICATION DEFINITIONS):					
Mobile Mixer and Slurry Seal Truck					
DECISION NO. UT81-5117 - Mod. #3 (46 FR 25986 - May 8, 1981) Statewide, Utah					
Change:					
Asbestos Workers	$16.11	.77	$1.52		
Elevator Constructors	14.045	1.345	1.085	a	.035
Elevator Constructors' Helpers	9.83	1.345	1.085	a	.035
Elevator Constructors' Helpers (Prob.)	7.02				

DECISION NO. VA81-3015-Mod. #6 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS	$10.55	.50	.45		.02
LATHERS	10.55	.50	.45		.02
MILLWRIGHTS	13.40	.50	.45		.02
DECISION NO. WA81-5126 - Mod. #3 (46 FR 35029 - July 9, 1981) Statewide Washington					
CHANGE:					
Asbestos Workers: Area 3	$17.84	.78	1.45		.04
Bricklayers; Marble Setters: Area 5	17.11	1.10	1.50		.25
Elevator Constructors: Area 1	18.555	1.345	1.085	a	.035
Soft Floor Layers: Area 1	13.49	.69	.60		

DECISION NO. WY81-5123 - Mod. #1

(46 FR 28131 - May 22, 1981)
Statewide, Wyoming

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Line Construction:					
All work over 34.5 KV all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street, and highway lighting:					
Cable Splicer	$15.95	.45	3%+.50		3/4of1%
Linemen	14.50	.45	3%+.50		3/4of1%
Equipment Operators	13.04	.45	3%+.50		3/4of1%
Groundmen	10.60	.45	3%+.50		3/4of1%
All work 34.5 KV and under:					
Linemen	14.50	.45	3%+.50		3/4of1%
Line Equipment Operator	12.45	.45	3%+.50		3/4of1%
Groundman	10.60	.45	3%+.50		3/4of1%

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO: IL81-2051 DATE: Date of publication
Supersedes Decision No. IL79-2075, dated September 14, 1979 in 44 FR 53631
DESCRIPTION OF WORK: Heavy and Highway Construction Projects, Dredging

COUNTIES: Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell & Warren

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Western 2/3 of Hancock Co.:					
Carpenters	$12.85	1.00	1.00		.08
Piledrivermen	13.55	1.00	1.00		.08
McDonough County & Eastern 1/3 of Hancock Co.:					
Carpenters	14.51	.75	1.50		.07
Piledrivermen	15.01	.75	1.50		.07
Knox, Henderson & Warren Cos:					
Carpenters	14.50	.75	1.50		.07
Piledrivermen	15.00	.75	1.50		.07
Mercer County:					
Carpenters	13.135	.65	1.00		.04
Piledrivermen	13.56	.65	1.15		.08
Stark Co; Peoria Co., excluding area South of Rt. #116, West of US Rt. #34, & East Peoria in Tazewell County:					
Carpenters	14.51	.75	1.50		.07
Piledrivermen	15.01	.75	1.50		.07
Fulton County, & Peoria County South of Rt. #116 & West of US #24; Remainder of Tazewell County:					
Carpenters	14.51	.75	1.50		.07
Piledrivermen	15.01	.75	1.50		.07
CEMENT MASONS:					
Fulton, Peoria & Tazewell Counties	14.35	1.20	1.30		.05
Hancock & McDonough Cos.	13.70	.85			
Mercer Co.& Henderson Co.	12.57	.70	.60		
Knox & Warren Cos.	14.87	1.13	.63		.05
Stark County	13.95		1.00		
ELECTRICIANS:					
Peoria & Tazewell Cos; Twps. of Essex Valley & W.Jersey in Stark Co., Remainder of Fulton Co.	16.00	.55	3%+1.00		3/4%
Remainder of Stark Co.	13.30	.50	3%+ .50		%%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Knox, Warren & Henderson Cos., Twps. of Ohio Grove, Suez & N. Henderson in Mercer Co.;Twps.of Blandinsville, Prairie City, Emmet, Tennessee, Scotland, Sciota, Bushnell, Macomb, Colchester, New Salem, Walnut Grove, Hire, Mound & Chalmers in McDonough Co.,; Twps. of Union, Lee, Cass, Ellisville, Deerfield, Young, Hickory & Harris in Fulton County	$16.00	.55	3%+1.00		3/4%
Hancock Co.; & Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	16.00	.55	3%+1.00		3/4%
Remainder of Mercer County	16.34	.70	7.5%		.06
IRONWORKERS:					
Fulton Co., Vic.of Astoria, Marbletown & Summum	15.10	.55	1.05		.08
Knox Co., within Galesburg & all area North of City	16.60	.75	1.125		.30
Peoria, Stark & Tazewell Cos.: Remainder of Fulton & Knox Cos.	15.17	1.065	1.175		.025
Hancock, Henderson, McDonough, Mercer & Warren Cos.;all area W. & SW of Galesburg in Knox Co.	14.95	.80	1.05		.06
LABORERS:					
Henderson, Knox & Warren Cos:					
Unskilled	13.25	.65	.80		.05
Semi-Skilled	13.45	.65	.80		.05
Skilled	13.65	.65	.80		.05
Hancock & McDonough Cos.:					
Unskilled	13.45	.65	.60		.05
Semi-Skilled	13.65	.65	.60		.05
Skilled	13.85	.65	.60		.05
Stark (E. ½) Co.:					
Unskilled	13.00	.65	1.05		.05
Semi-Skilled	13.20	.65	1.05		.05
Skilled	13.40	.65	1.05		.05
Stark (W. ½) Co.:					
Unskilled	12.80	.65	1.25		.05
Semi-Skilled	13.00	.65	1.25		.05
Skilled	13.20	.65	1.25		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN:					
Peoria, Tazewell, Stark, Fulton, Hancock, Henderson, Knox, McDonough, Warren Cos. & Mercer Co. (N. Henderson & Suez Twps.)					
Linemen	$15.80	.45	3%		5/10%
Groundman Equip. Opr. Class 1	14.74	.45	3%		5/10%
Groundman Truck Driver:					
W/Winch	11.20	.45	3%		5/10%
WO/Winch	10.54	.45	3%		5/10%
Groundman	10.05	.45	3%		5/10%
Mercer (Remainder of Co.):					
Linemen: Hvy. Equip. Op.; & Technicians	14.07	.45	3%		½%
Cable Splicers	14.17	.45	3%		½%
Dynamiter	11.97	.45	3%		½%
Groundman Equip. Opr.	11.39	.45	3%		½%
Groundmen Truck Driver W/Winch	10.06	.45	3%		½%
Groundmen Truck Driver WO/Winch; Groundman	9.72	.45	3%		½%
PAINTERS:					
Peoria, Tazewell & Fulton Cos.:					
Brush	14.37	.70	.70		.03
Bridge Work, Spray & Structural Steel	15.22	.55	.30		.03
Warren & Mercer Cos.:					
Bruch & Roller	13.77	.70	1.50		.22
Structural Steel & Spray	14.27	.70	1.50		.22
Bridges	15.02	.70	1.50		.22
Knox, Henderson & Stark Cos.:					
Brush	11.70	.60	.20		
Structural Steel	11.95	.60	.20		
Spray	12.20	.60	.20		
McDonough & Hancock Cos.:					
Brush	13.25				
Spray-Bridge & Structural Steel	13.75				

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON COUNTY & THE REMAINDER OF TAZEWELL COUNTY					
UNSKILLED	$14.25	.75	.60		.05
SEMI-SKILLED	14.45	.75	.60		.05
SKILLED	14.65	.75	.60		.05

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oiling Machinery & Tools, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Wrecking Laborers, Fireproofing Laborers, Surveyors, Janitors, Unloading & Carrying of Rebars, Mason Tenders, Scaffold Workers, Laborers w/DeWatering Systems, Plaster Tenders & Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/Oil & Creosote, Asphalt and/or Foreign Material harmful to skin & clothing handled by any mode or method, Track Laborers, Cement Handlers, Signaling & Spotting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers, Batch Dumpers, Kettle & Tar Men, Tank Cleaner, Plastic Installer, Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials, Sewer Workers, Vibrator Operators, Mortar Mixer Opr., Cement Silicia, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men or Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen & Spotter where Grade is to be established, Power Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter, Digging Bell Holes, Driving or Stakes & Setting Stinglines for all Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Welders, Cutters, Burners, & Torchmen, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screenman on Asphalt Pavers, Front-End-Man on Chip Spreader, Laborers Tending Masons with hot Material or/where Foreign Matter of Materials are used, Multiple Concrete Duct-Leadman, Lutemen, Curb Asphalt Machine Operator, Ready Mix Scaleman, Permanent Portable or Temporary Plant, Laborers Handling Master-Plate or similar Materials, Laser Beam Opr., Concrete Burning Machine Opr., Coring Mach. Opr., Underpinning & Shoring of Buildings, Dynamite Shooter, Cribbing & Jackman in Trench & Hydaulic Jackman.

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LABORERS: PEORIA CO. & CITY OF EAST PEORIA IN TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROAD, DRIVEWAYS & ALLEY CONST.					
Bricklayer Tender, Carpenter Tender, Cement Mason Tender, Flagman, Concrete Form Dismantler, Piledriver Tender, Tool Cribmen, Water Carrier, Expansion Joint Assemblers, All other Excavating Work & Labor, Curing all Concrete by Hand Method; Drive Stakes; Stringlines for all Machinery; Waterproofing w/Cold Stuff; Landscape Work	$13.96	.65	1.00		.05
Stripping Concrete forms with Composite Crew of Carpenters and Laborers	14.11	.65	1.00		.05
All Power Operated Tool, Asphalt Kettlemen & Carries, Cement Men & Sack Shakers, Chipping Hammermen, Jackhammer & Drill Operator (open), Power Form Tampers, Power Concrete Saw, Rigmen, Signaling & Spotting Rigs & Equipment, Waterproofing w/Hot Stuff	14.085	.65	1.00		.05
Power Wheelbarrows or Buggies	14.235	.65	1.00		.05
Gunnite Pump Man, Puddlers, Vibrator Man, Wire Fabric Placer, Sandblasting Pump Man, Strike Off, Unloading, Handling & Carrying of any Creosoted Material Concrete Burning Bars	14.21	.65	1.00		.05

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LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker, Bricksetters, Cutting Torch, Setting lines to level forms, Form Setters, Gunnite Nozzleman, Sandblasting Nozzleman, Powderman, RipRapping, Cutting Torchman (elec. & acetylene)	$14.335	.65	1.00		.05
TUNNEL & SUBWAYS (FREE AIR):					
Top Laborer	13.96	.65	1.00		.05
Bell Men (Top & Bottom), All Laborers in Tunnel	14.085	.65	1.00		.05
Drill & Powder Men, Gunnite Operator (Tunnel), Operator Cement Placement	14.335	.65	1.00		.05
Muckers	14.335	.65	1.00		.05
Tunnel Miners	14.435	.65	1.00		.05
COFFERDAMS & CAISSON (FREE AIR):					
Caisson & Cofferdam Top Men	14.085	.65	1.00		.05
Caisson & Cofferdam Top Men Tenders	13.96	.65	1.00		.05
Caisson & Cofferdam Miner; Caisson & Cofferdam Muckers; & Any other Laborers Working in "said" Caisson or Cofferdam	14.435	.65	1.00		.05
OPEN SEWER OR TRENCHES:					
Top Man & All other Excavating	13.96	.65	1.00		.05
Men Working in Sewers 2 years old and older	14.01	.65	1.00		.05
Bottom Man who does immediate grading, Batter Board Men, Laser Beam Equipment	14.085	.65	1.00		.05
Tile Layer & Caulker	14.335	.65	1.00		.05
Cribbing, Jackman & Hydraulic Jackman in Trench	14.435	.65	1.00		.05
LEVEE & HEAVY GRADING:					
All other Laborers	13.96	.65	1.00		.05
Spotters, Dump Man & Cut Man	14.085	.65	1.00		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
PIPELINE:					
All other Laborers, Rollers, Scalers & Spotters	$13.96	.65	1.00		.05
Signal Men on Rigs, Rig Men, Kettlemen & Carries, Men handling hotstuff, Men who do immediate grading for laying of pipe or digging bells holes	14.085	.65	1.00		.05
Spacers	14.235	.65	1.00		.05

LABORERS: MERCER COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$11.27	.50	1.00		.035
CLASS 2	11.52	.50	1.00		.035
CLASS 3	11.77	.50	1.00		.035

CLASS 1 - Common Laborers, Carpenter Tender, Tool Cribman, Salamander Tenders, Flagman, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Wrecking Laborers, Unloading of Re-Bars, Scaffold Workers, Signal Man on Crane

CLASS 2 - Handling of Materials treated with creosote, Kettle Men, Prime Mover or motorized unit used for wet concrete or handling of building materials, Vibrator Operators, Mortar Mixer, Power Tools used under the jurisdiction of the laborer, Sand Points, Gunnite Nozzle Men, Welders, Cutters, Burners and Torchmen, Chain Saw Operator, Jackhammer and Drill Operators, Paving Breakers, Air Tamping Hammerman, Concrete Saw Operator, Concrete Burning Machine Operator, Coring Machine Operator, Hod Carriers and Plasterer Tenders

CLASS 3 - Caisson Workers after 6 ft. depth, Dynamite Man, Tunnel Miners, Mixerman (plaster only), Pump Man

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POWER EQUIPMENT OPERATORS: MERCER COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.80	1.00	.90		.08
CLASS 2	14.80	1.00	.90		.08
CLASS 3	13.40	1.00	.90		.08
CLASS 4	13.40	1.00	.90		.08
CLASS 5	12.35	1.00	.90		.08

CLASS 1 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 H.P.), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.

CLASS 2 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver) Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupul and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachment, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6,000 lb. cap. or working at heights above 28 ft.) Concrete Conveyors, Chip Spreader.

POWER EQUIPMENT OPERATORS: (Cont'd)

CLASS 3 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well-point pump) Portable Crusher Operator, Trench Machine (under 40 H.P.) Power Subgrader (on forms) or similar mahcines, Forklift (6,000 or less cap.) Gypsum Pump, Conveyor over 20 H.P., Fuller Kenyon Cement Pump or similar machines.

CLASS 4 - Air Compressor (275 c.f.m. or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (engineer or fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-Tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Machine.

CLASS 5 - Oiler, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boats (Safety Boat and Life Boat), Engine Driven Welding Machine, and Small Tractors (used to unroll or roll wire mesh).

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POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 15.92	.75	.80		.05
GROUP 2	15.72	.75	.80		.05
GROUP 3	14.77	.75	.80		.05
GROUP 4	14.50	.75	.80		.05
GROUP 5	13.06	.75	.80		.05

GROUP 1 - Cranes, Escalated Rate on Crane and Derrick Booms, $.01 per hr., per ft. over 80 ft. including jib $1.00 per hour over scale when Crane or Derrick Boom is positioned 50° or more above adjacent ground level or water level, Hydro Crane, Shovels, Crane Type Backfiller, Tower Cranes - Mobile & Crawler & Stationary, Derricks & Hoists (3 drum), Draglines, Drott Yumbo & similar types considered as Cranes, Backhoe, Derrick Boats, Pile Driver and Skid Rigs, Clam Shell, Locomotive - Cranes, Road Pavers - Single Drum - Dual Drum - Tri Batcher, Motor Patrols & Power Blades - Dumore - Elevating & similar types Machines, Central Concrete Mixing Plant Operator, Blacktop Plant Operators and Plant Engineers, Gradall, Caisson Rigs (require oiler), Skimmer Scoop - Koering Scooper, Dredges (all types), Hoptoe - Crane Type (requires oiler), All Cherry Pickers, Cherry Pickers (over 15 ton require Oiler), Work Boat - requires Oiler (over 100 hp), Ross Carrier, Helicopter, Dozer, Turnadozer, Tournapulls - all and similar types, Multiple Unit Earth Movers, $.25 per hr., for each scoop over one(1), Scoops (all sizes), Pushcats, Endloaders (all types), Asphalt Surfacing Machine, Slip Form Paver (require Oiler), Rock Crusher, Heavy Equipment Greaser (top greaser on spread), CMI, Auto Grade, CMI Belt Placer & 3 Track and similar types (require Oiler), Side Booms, Starting Engineer on Pipeline, Asphalt Heater & Planer Combination (used to plane streets), Wheel Tractors (with dozer, hoe or end-loader attachments), F.W.D. and similar types, Blaw Knox Spreader and similar types

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POWER EQUIPMENT OPERATORS: (Cont'd)

GROUP 2 - Trench Machines, Pump Crete - Belt Crete - Squeeze Crete - Screw type Pumps and Gypsum (operator will clean), Bulker & Pump, Power Launches, Boring Machine & Pipe Jacking Machine, Dinkeys, P-H One - Pass Soil Cement Machines and similar types, Wheel Tractors (industry or farm type - other), Back Fillers, Euclid Loader, Fork Lifts, Formless Finishing Machines, Jeep w/Ditching Machine or other attachments, Tuneluger, Automatic Cement & Gravel Batching Plants, Mobile Drills - Soil Testing and similar types, Pugmill with Pump, Flaherty Spreader or similar types (require Oiler), All (1) and (2) Drum Hoists, Dewatering System, Straw Blower, Hydro-Seeder, Boring Machine, Hydro-Boom, Bump Grinders (self-propelled), Assistant Heavy Equipment Greaser.

GROUP 3 - Apsco Spreader, Tractors (track-type) Without Power units Pulling Rollers, Rollers on Asphlat - Brick or Macadam, Concrete Breakers, Concrete Spreaders, Center Strippers, Cement Finishing Machines & CMI Texture & Reel Curing Machines, Vibro-Tampers (all similar types) Self-Propelled, Mechanical Bull Floats, Mixers - over three (3) bags to 27E, Winch and Boom Trucks, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Mule Pulling Rollers, Pugmill without Pump, Barber Greene or similar Loaders, Track Type Tractor w/Power Unit attached (minimum), Fireman, Screed Man on Laydown Machine, Spray Machine on Paving, Curb Machines, Paved Ditch Machine, Power Broom, Self-Propelled Conveyors

GROUP 4 - Power Subgrader, Oil Distributor, Straight Tractor, Tracair Machine (without attachments), Truck Crane Oiler, Truck Type Oilers, Shop Scale for Operators

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Slient Glo & similar types, One (1) Engineer will operate 1-5 & after 5 two (2) Operators required.

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TRUCK DRIVERS: Fulton, Hancock, Henderson, Knox, McDonough, Mercer & Warren Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.30	$1.00	$46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		
Peoria, Stark, & Tazewell Cos.					
GROUP I	13.65	1.00	46.00a		
GROUP II	14.05	1.00	46.00a		
GROUP III	14.25	1.00	46.00a		
GROUP IV	14.50	1.00	46.00a		

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; & 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; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

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DREDGING CONSTRUCTION Fulton, Hancock, Henderson, Knox, McDonough, Peoria, Stark, Tazewell & Warren Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.07	.45	.80		.05
GROUP 2	12.87	.45	.80		.05
GROUP 3	12.495	.45	.80		.05
GROUP 4	12.22	.45	.80		.05
GROUP 5	11.61	.45	.80		.05

GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges, Engineers and Repairmen, Operators on Work Boats

GROUP 2 - Power Winches 1-2-3 Drums

GROUP 3 - Security Engineer

GROUP 4 - Cranemen on Dipper Dredges, Operators on Launches or Power Boats

GROUP 5 - Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NO.: IL81-2050 DATE: Date of Publication
Supersedes Decision Nos. IL79-2027, dated May 4, 1979 in 44 FR 26413; IL79-2029, dated May 4, 1979 in 44 FR 26419; IL79-2031, dated May 4, 1979 in 44 FR 25424; IL79-2032, dated May 4, 1979 in 44 FR 26429; IL79-2033, dated May 4, 1979 in 44 FR 26432; & IL79-2054, dated June 15, 1979 in 44 FR 34741
DESCRIPTION OF WORK: Building Construction Projects (Not including Single Family Homes and Apartments up to and including 4 stories)

*Adams, Brown, Bureau, Fulton, Hancock, Henderson, Henry, Knox, LaSalle, Livingston, Logan, McDonough, McLean, Marshall, Mason, Menard, Mercer, Pike, Putnam, Rock Island, Schuyler, Stark, Warren & Woodford

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Adams, Brown, Fulton, Logan, Mason, Menard, Pike & Schuyler Cos.	$15.49	1.00	1.26		
Bureau, LaSalle, Livingston, McLean, Marshall, Putnam, Stark, & Woodford Cos.	17.00	1.145	1.645		.06
Hancock, Henderson, Henry, Knox, McDonough, Mercer, Rock Island, & Warren Cos.	14.66	.60	1.10		.20
BOILERMAKERS:					
Adams, Brown, Menard, & Pike Cos.	15.20	1.275	1.50		.03
Remaining Cos.	14.65	1.275	1.00		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Adams, Brown, & Pike Cos.	11.65		.20		
Bureau & Putnam Cos.	14.30	.70	.75		
Fulton, Henderson, Knox, Marshall, Warren, & Woodford Cos.	14.84	.80	1.65		.02
Hancock & McDonough Cos.	15.55				
Henry & Stark Cos.	14.15		1.10		
LaSalle Co.: LaSalle & Peru	13.60	.95	1.20		
LaSalle Co.: Ottawa & Vic.	13.55	.95	1.45		
LaSalle Co.: Streator & Vic.	13.80	.95	.60		
Livingston Co.	13.60	.95	.75		
Logan & Mason Cos.	15.30				
McLean Co.	14.71	.80	1.30		.01
Menard Co.	13.85	.95	1.15		.02
Mercer & Rock Island Cos.	15.06	.70	1.30		.07
Schuyler Co.	13.73	.85	.56		.05
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:					
Adams Co.:					
Carpenters; Soft Floor Layers	12.85	.75	.60		.08
Millwrights; Piledrivermen	13.35	.75	.60		.08
Brown, Pike, & Schuyler (Exclu. Part lying N. of Illinois State Hwy #101 to Federal Hwy #67, S. of Federal Hwy 67 1¼ mi. from this point to SW corner of Fulton Co.) Cos.:					
Carpenters; Soft Floor Layers	13.35	.75	.25		.08
Millwrights; Piledriverman	13.85	.75	.25		.08

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bureau (Exclu. W. of Hwy #88), LaSalle, Livingston (NW Corner of Co., Incl. Blackstone & Cornell), Marshall, Putnam, Stark, & Woodford Cos.:					
Carpenters; Piledrivermen; Soft Floor Layers	$14.78	1.00	1.15		.03
Millwrights	15.03	1.00	1.15		.03
Bureau (W. of Hwy #88), Henry, Mercer, & Rock Island Cos.:					
Carpenters; Soft Floor Layers	13.31	.65	1.15		.08
Millwrights	15.00	.65	1.30		.25
Piledrivermen	13.56	.65	1.15		.08
Fulton, Hancock (E 1/3 of Co.), Henderson, Knox, Livingston (Exclu. NW Corner), Logan, McDonough, McLean, Mason, Schuyler (N. of Illinois St. Hwy #101 to Federal Hwy #67, S. of Federal Hwy #67 1½ mi., from this point to SW Corner of Fulton Co.):					
Carpenters; Soft Floor Layers	14.56	.75	1.50		.07
Millwrights; Piledrivermen	15.06	.75	1.50		.07
Hancock (W 2/3 of Co.) Co.:					
Carpenters; Soft Floor Layers	12.85	1.00	1.00		.08
Millwrights; Piledrivermen	13.55	1.00	1.00		.08
Menard Co.:					
Carpenters; Soft Floor Layers	14.62	.75	.55		.08
Millwrights; Piledrivermen	15.12	.75	.55		.08
CEMENT MASONS; Plasterers:					
Adams, Brown, & Pike Cos.:					
Cement Masons	11.95		1.50		
Plasterers	12.55		1.50		.01
Bureau, LaSalle, Livingston (N. part, incl. Pontiac), Marshall (E. part, incl. Toluca), Putnam & Woodford (NW part, incl. Minonk) Cos.	15.60		1.00		
Fulton (NW part), Knox, Mercer (SE Corner), & Warren Cos.	$14.87	1.13	.63		.05
Fulton (Exclu. NW part), Marshall (W. part, exclu. Toluca), Mason, & Woodford (SW part., exclu. Minonk) Cos.:					
Cement Masons	14.31	1.20	1.20		.05
Fulton (Exclu. NW part), Marshall (W. part exclu. Toluca), Mason, Stark, & Woodford (SW part, exclu. Minonk) Cos.:					
Plasterers	14.46	1.20	1.30		
Hancock, McDonough, & Schuyler Cos.:					
Cement Masons	15.05	.85			
Plasterers	14.80	.85			
Henderson (N½), Henry (W½), Mercer (Exclu. SE part), & Rock Island Cos.:					
Cement Masons	12.92	.70	.60		
Henderson (N½), Henry, Mercer (Exclu. SE part), & Rock Island Cos.:					
Plasterers	15.40				
Henderson (S½) Co.:					
Cement Masons	11.15				
Plasterers	10.78				
Henry (E½), & Stark Cos.:					
Cement Masons	13.70		1.10		
Livingston (S. part, exclu. Pontiac), McLean, & Woodford (East part, exclu. Roanoke) Cos.:					
Cement Masons	15.49	.75			
Plasterers	16.86				
Logan Co.:					
Cement Masons	14.60				
Plasterers	15.30				
Menard Co.:					
Cement Masons	14.58		1.20		.05
Plasterers	16.26	1.00	1.00		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Adams, Brown, Hancock, McDonough (Lamoine, Bethel, Industry & Eldorado Twps.), Pike & Schuyler Cos.	$16.00	.55	3%+1.00		3/4%
Bureau (Arlington, Cherry, LaMoille, Malden, Ohio, Walnut, Clareton, Bureau, Dover, Berlin, & Westfield Twps.), & LaSalle (Ottawa & Seneca Twps.) Cos.:					
Electricians	17.40	.88	3%+.88		.6%
Cable Splicers	17.80	.88	3%+.88		.6%
Bureau (Rem. of Co.), Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Weller, & Wethersfield Twps.), LaSalle (Deer Park, Eden, LaSalle, Peru, Utica, & Vermilion Twps.), Putnam (Granville, Hennepin, & Senachwine Twps.), & Stark (Elmira, Goshen, Osceola, Penn, & Toulon Twps.) Cos.	15.80	.55	3%+.70		1%
Henry & Stark Cos. Twps. Contracts not exceeding $4,000.00)	15.30	.55	3%+.70		1%
Fulton (Cass, Deerfield, Ellisville, Harris, Lee, Union, Young, & Hickory Twps.), Henderson, Knox, McDonough (Blandinsville, Prairie City, Emmet, Tennessee, Scotland, Sciota, Bushnell, Macomb, Colechester, New Salem, Walnut Grove, Hire, Mound & Chalmers Twps.), Mercer (Ohio Grove, Suez, & N. Henderson Twps.), & Warren Cos.	16.00	.55	3%+1.00		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fulton (Rem. of Co.), Marshall (W. of Bell Plain & Roberts Twps.), Mason (Exclu. Bath, Crane Creek, Kilbourne, Lynchburg, Mason City, & Salt Creek Twps.), Stark (Essex, Valley & W. Jersey Twps.), & Woodford (W. of Kansas, Linn, Palestine, & Roanoke Twps.) Cos.	$16.00	.55	3%+1.00		1%
Henry (Rem. of Co.), Mercer (Rem. of Co.), & Rock Island Cos.:					
Electricians	16.34	.70	7.5%		.06
Cable Splicers	17.34	.70	7.5%		.06
LaSalle (Rem. of Co.), Livingston, McLean (Cropsey, Anchor, Chenez Grove, & Belleflower Twps.), Marshall (Roberts, Evans, Bell, Plaine, & Bennington Twps.), Putnam (Magnolia Twp.), & Woodford (Linn, Clayton, Minonk, Roanoke, Green, & Panola Twps.) Cos.	16.25	.55	3%+.60		.5%
Logan, Mason (Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason Twps.), & Menard Cos.:					
Electricians; Cable Splicers	15.92	.55	3%+.70		.1%
McLean (Rem. of Co.), & Woodford (Rem. of Co.) Cos.	15.40	.55	3%+.65		1%
ELEVATOR CONSTRUCTORS:					
Adams, Brown, McLean, & Menard Cos.:					
Mechanics	15.42	1.345	.95	a&b	.035
Helpers	70%JR	1.345	.95	a&b	.035
Helpers (Prob.)	50%JR				
Henry, Mercer, & Rock Island Cos.:					
Cos.:					
Mechanics	13.64	1.195	.95	a&b	.035
Helpers	70%JR	1.195	.95	a&b	.035
Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Adams, Brown, Logan, Mason, Menard, Pike, & Schuyler Cos.	$13.49	.45	.50		.02
Bureau (NW Corner of Co.), Hancock, Henderson, Henry, Knox, McDonough (N½), Mercer, Rock Island, & Warren Cos.	14.31	.75	1.00		.02
Bureau (Rem. of Co.), LaSalle, Marshall (E 1/3 of Co.), & Woodford Cos.	15.00	.60	.30	c	
Fulton, McLean, & Stark Cos.	15.14	.60	.60		.01
IRONWORKERS:					
Adams (SE Corner), Brown, Fulton (S. Tip, incl. Marbletown, Astoria, & Summun Twps.), Logan, Mason (Exclu. W. of Rte #136), Menard, Pike, & Schuyler (E½) Cos.	15.10	.55	1.05		.08
Adams (Exclu. SE corner), Hancock, Henderson, Knox (W. of Hwy #41), Mercer, Schuyler (W½), & Warren Cos.	14.95	.80	1.05		.06
Bureau, LaSalle, Marshall (Exclu. SW corner), & Putnam Cos.	16.58	.915	1.355		.02
Fulton (Exclu. S. tip), Knox (S. & E. of Galesburg), Livingston, McDonough, McLean (W. part), Marshall (SW Corner), Mason (W. of Rte #136), Stark, & Woodford Cos.	15.23	1.065	1.175		.025
Henry, Knox (Within Galesburg & all area N. of city), & Rock Island Cos.	16.60	.75	1.125		.30
McLean (E ½) Co.	14.55	.75	1.25		.06
LATHERS:					
Adams Co.	13.35	.75	.60		.06
Brown, Pike, & Schuyler (Exclu. part lying N. of Illinois St. Hwy #101 to Fed. Hwy #67, S. to Fed. Hwy #67 1½ mi., from this point to SW Corner of Fulton Co.) Cos.	13.35	.75	.25		.08

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fulton, McDonough, McLean, Marshall (SW ½), Schuyler (Rem. of Co.), & Stark Cos.	$12.67	.65	.50		.01
Henry, Mercer, & Rock Island Cos.	12.68		.20		.01
Knox Co.	12.50				.01
Menard Co.	14.62	.75	.55		.08
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:					
Adams, Brown, & Pike Cos.	11.65		.20		
Fulton, Henderson, Knox, Marshall, Warren, & Woodford Cos.	14.52	.80	1.65		.02
Hancock & McDonough Cos.:					
Terrazzo Workers	15.55				
Logan & Mason Cos.	15.30				
Mclean Co.	14.71	.80	1.30		.01
Menard Co.	13.85	.95	1.15		.02
Mercer & Rock Island Cos.	14.20	.55	1.30		
Schuyler Co.	13.73	.85	.56		.05
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
Adams, Brown, Logan, Mason, Menard, Pike, & Schuyler Cos.:					
Marble & Tile Finishers	14.50				
Terrazzo Finishers; Terrazzo Floor Machine Ops.	14.65				
Terrazzo Base Machine Ops.	15.05				
Fulton, Hancock, Henderson, Knox, Marshall, McDonough, McLean, Warren, & Woodford Cos.:					
Marble & Tile Finishers	13.60	.80	1.00		
Terrazzo Finishers	13.73	.80	1.00		
Base Machine Ops.	13.98	.80	1.00		
PAINTERS:					
Adams Co.:					
Brush	11.00				
Sand & Water Blasting; Spray; & Steam Cleaning	13.00				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brown, Logan, & Menard Cos.:					
Brush	$12.45	.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
Bureau, LaSalle (LaSalle, Mendota, Ogelsby, Utica, Peru, & Vic.), & Putnam Cos.:					
Brush; Rollers	10.00	.60	.45		
Spray; Taping	11.00	.60	.45		
Fulton, Marshall, Mason, Schuyler, & Woodford Cos.:					
Brush	14.37	.70	.70		.03
Paperhangers	14.97	.70	.70		.03
Pressure Rollers; Sandblasting; Spray; Striping Machine; & Structural Steel	15.22	.70	.70		.03
Hancock & McDonough Cos.:					
Brush; Drywall Taping & Finishing; & Wall Covering	13.25				
Pressure Roller; Sandblasting; Spray; & Structural Steel	13.75				
Henderson, Henry, Mercer, Rock Island, & Warren Cos.:					
Brush; Roller; & Sign	13.77	.70	1.50		.22
Drywall Tapers; Sandblasting; Spray; & Structural Steel	14.27	.70	1.50		.22
Knox & Stark Cos.:					
Brush; Paperhangers	11.70	.60	.20		
Structural Steel	11.95	.60	.20		
Spray	12.20	.60	.20		
LaSalle (Ottawa, Streator, & Marseilles & Vic.) Co.:					
Brush; Rollers	11.00	.75	.60		
Sandblasting; Spray	12.00	.75	.60		
Livingston Co.	12.00				
McLean Co.:					
Brush	14.63	.60			
Machine Tapers; Paper Steaming; Spray; & Structural Steel	15.13	.60			
Pike Co.:					
Brush	13.64	.60	.35		
Spray & Blast	14.64	.60	.35		

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Pipefitters; & Steamfitters:					
Adams, Brown, Hancock (Exclu. E½ of Co.), & Schuyler Cos.	$15.50	.70	1.20		.05
Bureau, LaSalle, Livingston (N. of Pontiac), & Putnam Cos.	16.72	.66	.75		.09
Fulton, Hancock (E½ of Co.), & McDonough Cos.	14.79	.60	.65	.60	
Henderson, Henry, Knox, Mercer, Rock Island, & Warren Cos.	15.65	.59	1.56		.20
Livingston (City of Pontiac & S. thereof), McLean, & Woodford (All territory S. of Rte. #116 to Rte #116A & E. of Rte. #116A to & inclu. Goodfield) Cos.	16.16	.80	1.25		.15
Livingston (Rem. of Co.) Co.	16.86	.70	1.10		.08
Logan, Mason (S. of St. Rte. #136, inclu. the town of Havana), Menard, & Pike Cos.	16.13	.70	1.43		.07
Marshall, Stark, & Woodford (Rem. of Co.) Cos.	16.23	.80	1.30		.15
ROOFERS:					
Adams Co.	11.00	.75		2.25	
Brown, Logan, Mason, Menard, Pike, & Schuyler Cos.	14.93	1.00			
Bureau, LaSalle, Livingston, Marshall (NE ½ of Co.) & Putnam Cos.	13.48	1.00	.40		
Fulton, Marshall (SW ½ of Co.), McDonough (E ½, exclu. Macomb), Stark, & Woodford Cos.	12.85	.70	.40		.025
Hancock, Henderson, Knox, McDonough (W ½ inclu. Macomb), & Warren Cos.	12.55		.40		
Henry, Mercer, & Rock Island Cos.	15.30	.90	1.20		.06
McLean Co.	11.90		.45		
SHEET METAL WORKERS:					
Adams, Hancock, & Pike Cos.	12.67	.75	1.25		.14
Brown, Logan, Mason, Menard, & Schuyler Cos.	15.84	.75+d	1.28		.04

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bureau, LaSalle, Livingston (S. part), Marshall, Putnam, & Stark Cos.	$14.93	.80+d	1.26		.07
Fulton, McLean, & Woodford Cos.	15.29	.80+d	1.26		.17
Henderson, Henry, Knox, McDonough, Mercer, Rock Island, & Warren Cos.	12.92	.75	1.25		.14
Livingston (N. part) Co.	15.17	.95	1.03		.09
SPRINKLER FITTERS	15.31	.95	1.40		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; & G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through G
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years; 6% for less than 5 years
c. 7 Paid Holidays: A through G
d. 3% of gross earnings to SASMI

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Adams Co.:					
Unskilled	$12.69	.55	.60		.05
Semi-Skilled	12.89	.55	.60		.05
Skilled	13.04	.55	.60		.05
Brown, Mason, Pike, & Schuyler Cos.:					
Unskilled	12.74	.65	.45		.05
Semi-Skilled	12.94	.65	.45		.05
Skilled	13.09	.65	.45		.05
Logan & Menard (N ½) Cos.:					
Unskilled	13.30	.65	.40		.05
Semi-Skilled	13.50	.65	.40		.05
Skilled	13.65	.65	.40		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Menard (S ½ inclu. city of Petersburg) Co.:					
Unskilled	$13.30	.65	.90		.05
Semi-Skilled	13.50	.65	.90		.05
Skilled	13.65	.65	.90		.05

CLASSIFICATIONS FOR Adams, Brown, Logan, Mason, Menard, Pike, & Schuyler Cos.

Unskilled Laborers: All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Cofferdam Workers, plus Depth Pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod & Chainmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings, Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers: Asphalt Workers with Machine; Asphalt Raker & Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Men on Concrete Paving, Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers: Air Tamping Hammerman; Caisson Workers, plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Gunnite Nozzle Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or Where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Lutemen; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screedman on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bureau Co.:					
Unskilled	$12.67	.65	1.20		.04
Semi-Skilled	12.87	.65	1.20		.04
Skilled	13.07	.65	1.20		.04
LaSalle (Streator & Vic.) Co.:					
Unskilled	12.77	.55	1.20		.04
Semi-Skilled	12.97	.55	1.20		.04
Skilled	13.17	.55	1.20		.04
LaSalle (Marseilles & Vic.) Co.:					
Unskilled	13.17	.55	.80		.04
Semi-Skilled	13.37	.55	.80		.04
Skilled	13.57	.55	.80		.04
LaSalle (Ottawa & Vic.) Co.:					
Unskilled	12.72	.55	1.25		.04
Semi-Skilled	12.92	.55	1.25		.04
Skilled	13.12	.55	1.25		.04
LaSalle (LaSalle & Vic.) Co.:					
Unskilled	12.17	.65	1.70		.04
Semi-Skilled	12.37	.65	1.70		.04
Skilled	12.57	.65	1.70		.04
Putnam Co.:					
Unskilled	12.42	.65	1.45		.04
Semi-Skilled	12.62	.65	1.45		.04
Skilled	12.82	.65	1.45		.04

CLASSIFICATIONS FOR Bureau, LaSalle, & Putnam Counties

Unskilled Laborers: Common; Carpenter Tenders; Tool Cribman; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting and Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Wrecking-Dismantling Buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for All Machinery

Semi-Skilled Laborers: Handling of Materials Treated with Oil, Creosote, Asphalt and/or other Foreign Material; Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/Steel Workers and Rebars; Concrete Workers (Wet); Tunnel Tenders in Free Air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners;

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Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for Wet Concrete or Handling of Building Materials; Laborers w/Dewatering Systems; All Sewer Workers, plus Depth; Rod and Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (Bulk or Bag); Cofferdam Workers, plus Depth (on Concrete Paving); Placing, Cutting and Tying or Reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Asphalt Raker; & Grade Checker

Skilled Laborers: Dynamite Man or Blasters; Caisson Workers, plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (Street and Highway); Air Tamping Hammerman; Signal Man on Crane; Concrete Saw Operator; Screedman on Asphalt Pavers; Laborers Tending Masons w/Hot Materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or Temporary Plant; Laborers Handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator; Concrete Burning Machine Operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fulton Co. (Projects $375,000.00 & Over):					
Unskilled	$13.94	.75	.60		.05
Semi-Skilled	14.14	.75	.60		.05
Skilled	14.34	.75	.60		.05
Fulton Co. (Projects under $375,000.00)					
Unskilled	13.54	.75	.60		.05
Semi-Skilled	13.74	.75	.60		.05
Skilled	13.94	.75	.60		.05
Hancock & McDonough Cos.:					
Unskilled	13.46	.65	.85		.05
Semi-Skilled	13.66	.65	.85		.05
Skilled	13.86	.65	.85		.05
Henderson, Knox, & Warren Cos.:					
Unskilled	13.26	.65	1.05		.05
Semi-Skilled	13.46	.65	1.05		.05
Skilled	13.66	.65	1.05		.05
Henry & Stark (W ½) Cos.:					
Unskilled	12.83	.65	1.25		.05
Semi-Skilled	13.03	.65	1.25		.05
Skilled	13.23	.65	1.25		.05
Livingston & Woodford Cos.:					
Unskilled	13.01	.65	1.05		.05
Semi-Skilled	13.21	.65	1.05		.05
Skilled	13.41	.65	1.05		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
McLean Co.:					
Unskilled	$13.01	.75	.95		.05
Semi-Skilled	13.21	.75	.95		.05
Skilled	13.41	.75	.95		.05
Marshall & Stark (E ½) Cos.:					
Unskilled	13.31	.55	.85		.05
Semi-Skilled	13.51	.55	.85		.05
Skilled	13.71	.55	.85		.05
Mercer & Rock Island Cos.:					
Unskilled	11.27	.50	1.00		.035
Semi-Skilled	11.52	.50	1.00		.035
Skilled	11.77	.50	1.00		.035
POWER EQUIPMENT OPERATORS: Adams, Brown, Logan, Menard, Pike, & Schuyler Counties					
CLASS I	14.75	.85	.95		.05
CLASS II	13.10	.85	.95		.05
CLASS III	11.50	.85	.95		.05

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; 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 Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & 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; Side boom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)

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; Gravel 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; Scraper Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hwy & Hwy only)

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POWER EQUIPMENT OPERATORS (CONT'D):

CLASS III: Air Compressor*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; 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 Pumps*; 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.

POWER EQUIPMENT OPERATORS:

Bureau (E. of Rte #26), LaSalle, Livingston, & Putnam (E. of Illinois River) Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	13.95	1.20	1.20	.70	.05
CLASS II	12.65	1.20	1.20	.70	.05
CLASS III	11.50	1.20	1.20	.70	.05
CLASS IV	10.25	1.20	1.20	.70	.05

CLASS I - Asphalt Plant, Asphalt Spreader, Auto-Grad, Batch Plant, Benoto (Requires two engineers), Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant, Combination Backhoe Front End Loader Machine Compressor & Throttle Valve, Concrete Breaker (Truck Mounted), Conveyor, Concrete Paver, Concrete Placer, Concrete Tower, Cranes (all), Derricks (all), Grader, Elevating, Grouting Machines, Highlift Shovels or Front End Loader 2¼ yd. & over, Hoists, One, Two & Three Drum Hoists, Two Tugger One Floor, Hydraulic Boom Truck, Locomotives (all), Motor Patrol, Pile Drivers & Skid Rig, Post-Hole Digger, Pre-Stress Machine, Pump Cretes Dual Ram (requiring frequent lubrication & water), Pumperetes, Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump, Rock Drill (Self-Propelled), Rock Drill (truck mounted), Scoops - Tractor Drawn, Slip Form Paver, Straddle Buggies, Tournapull, Tractor with Boom & Side Boom, Trenching Machines

CLASS II - Boilers, Bulldozers, Broom all Power Propelled, Concrete Mixer (2 bag & over), Conveyor Portable, Forklift Truck, Greaser Engineer, Highlift Shovels or Front End Loaders under 2¼ yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (All), Steam Generators, Stone Crushers, Tractors, (All), Winch Trucks with "A" Frame

CLASS III - Air Compressor - Small 125 & under (1 to 5 not exceed a total of 300 ft.), Air Compressor - large over 125, Combination - Small Equipment Opr., Generators under & over 50 KW, Heaters, Mechanical Pumps over 3" (1 to 3 not to exceed a total of 300 ft.), Pumps, Well Points, Welding Machine (2 through 5), Winches, 4 Small Electric Drill Winches

CLASS IV - Oilers

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POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bureau(W. of Rte #26), Fulton, Hancock, Henderson, Henry (E. ½ of Co.), Knox, McDonough, McLean, Marshall, Mason, Putnam (W. of Illinois River), Stark, Warren, & Woodford Counties					
Group 1	$15.82	.75	.80		.05
Group 2	15.62	.75	.80		.05
Group 3	15.245	.75	.80		.05
Group 4	14.97	.75	.80		.05
Group 5	14.36	.75	.80		.05

Group 1: Cranes, Escalated rate on Crane, Derricks, Booms, $.01 per hour per foot, After 80 feet or Boom including Jib, Overhead Cranes, Gradall, Cherry Pickers (and similar types, over 15 ton lifting capacity (require oiler), Mechanics, Central Concrete Mixing Plant Operator, Road Pavers (27E-dual drum-tri batchers), Blacktop Plant Operators and Plant Engineers, 3 Drum Hoist, Derricks, Hydro Cranes, Shovels Skimmer Scoops, Koehring Scoopers, Draglines, Backhoe, Hoptoes-Crane-Type that require Oilers, Derrick Boats, Pile Drivers and Skid Rigs, Clamshells, Locomotive Cranes, Dredge (all types), Motor Patrol, Power Blades Dumore-Elevating and similar types Tower Cranes (crawler mobile) and Stationary, Crane-Type Backfiller, Drott Yumbo and similar types Considered as Cranes, Caisson Rigs (require oilers) Dozer, Tourna-Dozer, Work Boats, Boss Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-Belt Crete-Squeeze Cretes-Screw-Type Pumps and Gypsum Bulker and Pump, Dinkeys, Power Launches, Tournapulls (all), Multiple Unit, Earth Movers, $.25 per hour for each Scoop over one, Scoops (all sizes), Push Cats, Endloaders (all types), Side Boom, P-H one pass Soil-Cement Machine (all similar types), Wheel Tractors (industrial) or Farm type w/dozer-Hoe-End-Loader or other attachments), Pugmill with Pump Backfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/Ditching Machine, or other attachments, Tune-Luger, Rock Crushers, Automatic Cement and Gravel Batching Plants, Mobile Drills (soil testing and similar types), (require oiler), Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Gurries and similar type), 1 and 2 Drum Hoists (buck Hoists and similar types Freight and Passenger Elevators Chicago Boom, Boring Machine and Pipe Jacking, Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types (require oiler) Straw Blower, Hydro Seeder and F.W.D. and similar types

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POWER EQUIPMENT OPERATORS (CONT'D)

Group 3: Tractor (track type) without power unit pulling rollers, Rollers on Asphlat, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule Pulling Rollers, Center Stripper, Cement Finishing Machines, Barber Greene or similar Loaders, Vibro Tamper (all similar types), Self-Propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 27E, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Pugmill (without pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, All Air and Steam Valves, Power Subgrader, Oil Distributor, Straight Tractor, Trac-Are without attachments, Curb Machine, Truck Cranes Oiler, and Truck type Hoptoe Oilers

Group 5: Herman Nelson Heater, Drovo, Warner, Silent Glo, & similar types, One Engineer will operate 1-5 and after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spreed, Roller, 5 tons and under on Earth or Gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity) Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

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POWER EQUIPMENT OPERATORS:

Henry (W ½ of Co.), Mercer, & Rock Island Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$14.80	1.00	.90		.08
CLASS 2	14.80	1.00	.90		.08
CLASS 3	13.40	1.00	.90		.08
CLASS 4	13.40	1.00	.90		.08
CLASS 5	12.35	1.00	.90		.08

Class 1: Cranes; Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual Drum Pavers; Concrete Spreaders (behind 2 pavers); Asphalt Spreaders; Asphalt Mixer Plant Engineers; Dipper Dredge Operator; Dipper Dredge Cranemen; Dual Purpose Trucks (Boom or Winch); Leverman or Engine Men (Hydraulic Dredge); Mechanics; Paving Mixers (16-E to 34-E); Paving Mixers with Tower attached (2 operators required); Pile Drivers; Boom Tractors; Stationary, Portable, or Floating Mixing Plants; Trenching Machines; Building Hoists (2-drums); Hot Paint Wrapping Machines; Cleaning and Priming Machines, on basement excavating work; Backfillers (throw bucket); Locomotive Engineers

Class 2: Athey, Barber Greene, Euclid or Haise Loaders; Asphalt Pug Mills; Firemen and Driers; Concrete Pumps; Concrete Spreaders (behind 1 paver); Bulldozers; End Loaders (other than mentioned above); Fork-Lifts; Elevating Graders; Group Equipment Greasers; LeTourneaupull and similar machines; Power Blades; Power Subgraders (on Forms and similar machines); Push Cats; Tractors pulling Elevating Graders or Power Blades; Tractors with power attachments; Rollers on Asphalt or Blacktop; Single drum Hoists; Jaeger Mix and Place Machines; Pipe Bending Machines; Welding Machines (3 to 4); Fuller Kenyon Cement Pumps or similar machines; Automatic cement and gravel Batch Plants (1 stop set-up)

Class 3: Asphalt Boosters; Firemen and Pump Operators at Asphalt Plants; Compressors (500 cu. ft. and over); Concrete Finishing Machines; Form Graders with Rollers on earth; Mixers (3 bag to 16-E); Power operating Bull Floats; Tractors without power attachment; Dope Pots (agitating motor); Dope Chop Machines; Distributors (Backend); Flex-planes; Boat Operator; Hydrohammers; Power Winch on paving work; Self-propelled earth Rollers or Compactors (other than paving work); Pump Operator (more than 1 well point pump); Portable Crusher Operator

Class 4: Air Compressors (275 C.F.M. or over); Drivers on Truck Cranes; Conveyors; Light Plants; Mixers (1 or 2 bag); Power Batching Machines (Cement Auger or Conveyor); Boilers Engineer or Firemen; Water Pumps; Welding Machines; Mechanical Brooms; Automatic cement and gravel Batch Plants (2 or 3 stop set-up); Small Rubber-tired Tractors

Class 5: Oilers; Mechanic Helpers; Water Pumps (pumping water to Paver); Mechanical Heaters (other than Steam Boiler)

DECISION NO. IL81-2050

TRUCK DRIVERS

Livingston (Exclu. SW. Corner), & Woodford (Exclu. NW. Corner) Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
2-3 Axles	$12.25	$29.00a	$33.00a		
4 Axles	12.40	29.00a	33.00a		
5 Axles	12.60	29.00a	33.00a		
6 Axles	12.80	29.00a	33.00a		
Marshall, Mason, Stark, & Woodford (NW Corner) Cos.					
GROUP I	13.65	1.00	46.00a		
GROUP II	14.05	1.00	46.00a		
GROUP III	14.25	1.00	46.00a		
GROUP IV	14.50	1.00	46.00a		
Remainder of Livingston & Woodford Cos. & Remaining Cos.					
GROUP I	13.30	1.00	46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		

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; & 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; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys 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)).

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT81-5138 DATE: Date of Publication
Supersedes Decision No. MT81-5114 dated May 8, 1981, in 46 FR 25925
DESCRIPTION OF WORK: Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
BOILERMAKERS	$14.97	$1.375	$1.15		.05
CARPENTERS:*					
Area 1:					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
CEMENT MASONS:					
Cement Masons	10.88	.85	.40		
Grinder, Bush Hammer and Clipping Fan preparing finished surface; Epoxy	11.03	.85	.40		
ELECTRICIANS:*					
Area 1	14.35	.70	3%+.50		1/2%
Area 2:					
Electricians	16.30	.70	3%+.75		1/2%
Cable Splicers	16.75	.70	3%+.75		1/2%
Area 3:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		1/2%
Cable Splicers	15.17	.70	3%+.75		1/2%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 4	14.95	.70	3%+.50		1/2%
Area 5:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 6	11.47		3%		1/2%
Area 7:					
Electricians	15.65	.70	3%+.50		1/2%
Cable Splicers	16.43	.70	3%+.50		1/2%
Area 8:					
Electricians	13.70	.70	3%+.50		1/2%
Cable Splicers	15.79	.70	3%+.50		1/2%
Area 9:					
Electricians	13.40	.70	3%+.50		1/2%
Cable Splicers	14.07	.70	3%+.50		1/2%
IRONWORKERS:*					
Area 1	13.21	.90	1.45		.15
Area 2	17.11	.93	1.90		.10
Area 3	13.21	.90	1.45		.15

*See AREA Descriptions - following Page

DECISION NO. MT81-5138

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Statewide excluding Beaverhead and Silver Bow Counties

ELECTRICIANS:
Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Power Counties

Area 2: Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 4: Broadwater, Lewis and Clark, and Meagher Counties

Area 5: Cascade County

Area 6: Custer and Garfield Counties

Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 8: Gallatin County

Area 9: Park and Sweet Grass Counties

IRONWORKERS:
Area 1: Beaverhead County, Broadwater County, Deer Lodge County, Gallatin County, Granite County, Jefferson County, Lewis and Clark County (southern half including Wolf Creek), Madison County, Park County, Powell County, Ravalli County, and Silver Bow County

Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 3: Remaining Counties (including northern half of Lewis and Clark County)

DECISION NO. MT81-5138

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush or Roller, Prep work, Pot Tender	$12.08	.59	.50		.03
Wet Sandblasting, Brush or Roller application of cold tar, epoxies and acid resistant materials	14.08	.59	.50		.03
Spray application of cold tar, epoxies and acid resistant materials	17.08	.59	.50		.03
Paper or Vinyl Hanger	12.08	.59	.50		.03
Structural Steel: Brush or Roller	14.08	.59	.50		.03
Perfa-taping	12.58	.59	.50		.03
Structural Steel: Spraying	15.08	.59	.50		.03
Airless Spraying	13.08	.59	.50		.03
Area 2:					
Brush; Roller; Floor Layers	11.56	.78	.50		.10
Brush, Roller on steel and roofs, Pot Tender, and Paperhanger	11.81	.78	.50		.10
Perfataper (hand tools)	11.66	.78	.50		.10
Spray (not steel)	12.54	.78	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	12.79	.78	.50		.10
Perfataper (machine tools)	12.06	.78	.50		.10
Area 3:					
Painter	10.02				
Paint Mitts	10.52				
Perfa-taping	10.27				

*See AREA Descriptions - Page 5

DECISION NO. MT81-5138

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3: (Cont'd)					
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water Sandblasting and Steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 ft.	$12.80				
Area 4:					
Painter, Brush, Preparatory work, Pot Tender, Roller up to 9 inches	12.42	.69	.40		1%
Paperhanger, Brush on steel	12.92	.69	.40		1%
Water and Sandblasting; Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	14.67	.69	.40		1%
Roller over 9" long	16.02	.69	.40		1%
Signwriter	12.78	.69	.40		1%
Spray and Roller (in shop)	12.78	.69	.40		1%
Spray and Roller (out shop)	14.18	.69	.40		1%
Hand Taper	12.82	.69	.40		1%
Machine Taper	14.07	.69	.40		1%
Area 5:	10.90				
Area 6	13.67	.69	.50		.04
Area 7:					
Highway parking and marking traffic surface applicator Operator; Material Mixer; Sandblaster; Striper	10.60	.56	.40		
The installation of plastic, metal or composition button, or lines used instead of paint.					

*See AREA Descriptions - Page 5

DECISION NO. MT81-5138

AREA DESCRIPTIONS

PAINTERS:

Area 1: The entire Counties of Beaverhead, Gallatin, Park and Silver Bow. The Northern portion of Jefferson County from a line running East and West (5) miles south of the southern City limits of Boulder, Montana; the south part of Jefferson County from a line running due west from the south limits of Tosten, Montana; the Southern portion of Lewis & Clark County from a line running east and west through the southern limits of Craig, Montana; the Southern portion of Powell County from a line running east and west through the Southern limits of Helmsville, Montana; the west part of Madison County from a line running north and south through the west limits of Harrison, Montana

Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, and Treasure Counties; Wheatland County (south of the City of Harlowton); Wibaux and Yellowstone Counties

Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg

Area 4: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels and Fergus Counties; Glacier County (including Glacier National Park); Garfield and Judith-Basin Counties; Lewis and Clark County (northern portion from a line running east and west through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and through the southern limits of Harlowtown)

Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)

Area 6: Flathead County; Granite County (northern area north of City limits of Phillipsburg); Lake County (southern area including the City of Ronan); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmsville); Ravalli and Sanders Counties

Area 7: Statewide

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:*					
Area 1	$15.78	.75	.70		.15
Area 2	16.20	.90	1.10		.17
Area 3	15.35	.70	.85		.10
Area 4	15.90	1.00	1.10		.20
SHEET METAL WORKERS:*					
Area 1	14.32	.73	.66		.24
Area 2	14.71	.73	.50		.24
Area 3	14.25	1.205	.805		.24
Area 4	14.04	.73	.75		.24
Area 5	14.09	.73	.73		.24

AREA DESCRIPTIONS

PLUMBERS:

Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties

SHEET METAL WORKERS:

Area 1: Broadwater County, Jefferson County (including the north half of the City of Boulder), Lewis and Clark County, and Meagher County

Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure, and Yellowstone Counties

Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton, and Toole Counties

Area 5: Beaverhead County, Deer Lodge County, Granite County, Jefferson County (southern half), Madison County, Powell County, and Silver Bow Counties

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.80	.75	.65	.30	.05
Group 4	11.50	.75	.65	.30	.05

Group 1: Axeman; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Stripper; General Laborer - Heavy Highway, Highway Bridge and Structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type of butane five, without blowers or fans - General Laborers scale); Landcape Laborer; Riprap Tender; Stake Jumper for Equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Mason Tender; Caisson Workers (free air); Cement Handlers; Choker Setter; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Curb Machine; Dumpman (Grade Man); Form Setter; Hand Faller; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper Vibrating Roller, hand steered and other power tools; Nozzleman - air water, Gunite and Placo Machine; Concrete or Asphalt Saws; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power auger); Power Saw (bucking); Powderman Tender; Power driven wheelbarrow; Rigger; Riprapper; Spiker Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (5" and over); Drills, Air Track, self-propelled, Cat and Truck mounted air operated Drills; Drills, Air Track with dual masts; Drills, Air Tract, self-propelled Mustang type and similar; Equipment Handler; High Scaler; High Pressure Machine Nozzleman; Power Saw (falling); Sandblaster

Group 4: Core Drill Operator; Grade Setter; Powderman; Cutting torch and air arc Operator

DECISION NO. MT81-5138

POWER EQUIPMENT OPERATORS: STATEWIDE	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gurries and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	13.21	.97	.85	.50	.10
Chain Bucket Loader	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	12.68	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	13.16	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.36	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	12.48	.97	.85	.50	.10
Concrete Batch Plant Oiler, three Mixers and over	12.79	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10

DECISION NO. MT81-5138

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finish Machine Paving	$12.96	.97	.85	.50	.10
Concrete Float-Spreader	12.96	.97	.85	.50	.10
Concrete Mixer, three bags and under	12.55	.97	.85	.50	.10
Concrete Mixer, four bags and over	12.72	.97	.85	.50	.10
Concrete Power Saw, self-propelled	12.96	.97	.85	.50	.10
Concrete Travel Batcher	12.96	.97	.85	.50	.10
Concrete Conveyor under 40 feet	12.54	.97	.85	.50	.10
Concrete Conveyor over 40 feet	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	12.54	.97	.85	.50	.10
Conveyor Loader Operator over 42' belt	12.66	.97	.85	.50	.10
Crane, to and including 80' boom	13.12	.97	.85	.50	.10
Crane, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane, 131' to 150' boom	13.32	.97	.85	.50	.10
Crane, 151' boom and over	13.37	.97	.85	.50	.10
Crane Oiler	12.53	.97	.85	.50	.10
Crane with jibs an additional $.15 per hour					
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.45	.97	.85	.50	.10
Crusher Conveyor, when required	12.42	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10
DW 10, 15, or 20 tractor pulling Roller	12.68	.97	.85	.50	.10
Electric Overhead Cranes	13.14	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	12.42	.97	.85	.50	.10

DECISION NO. MT81-5138

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Farm Type tractor, over 50 HP engine	$12.50	.97	.85	.50	.10
Field Equipment Servicemen	12.88	.97	.85	.50	.10
Fireman	12.55	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Herman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	12.45	.97	.85	.50	.10
Hydra Lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixermobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oiler-Driver, Rubber tired Cranes	12.53	.97	.85	.50	.10
Oilers, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oiler, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Emsco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Auger, large truck or tractor mounted and Punch	$12.96	.97	.85	.50	.10
Power Mixer, single or double drum	12.96	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	12.96	.97	.85	.50	.10
Pumpcrete or Grout Machine	12.96	.97	.85	.50	.10
Pumpman	12.49	.97	.85	.50	.10
Push Tractor	12.97	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Quad Loader and similar type	13.54	.97	.85	.50	.10
Radiator Repairman	12.77	.97	.85	.50	.10
Raygo Gaint	13.54	.97	.85	.50	.10
Refrigeration Plant Operator	12.96	.97	.85	.50	.10
Retort Operator	12.55	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	12.96	.97	.85	.50	.10
Roller, on other blade or hot mix paving	12.66	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Ross and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Rubber-tired Dozer	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	12.67	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	13.08	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.18	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	$13.28	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	13.38	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	12.96	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	13.34	.97	.85	.50	.10
Scraper, single engine	13.09	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	13.45	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	12.96	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	12.96	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.14	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	13.41	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	13.54	.97	.85	.50	.10
Shovel Oiler, 3 Cu. Yds.and under	12.45	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	$13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.50	.10
Track-type Tractor w/wo attachments	12.96	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	13.49	.97	.85	.50	.10
Whirley Crane Oiler	12.86	.97	.85	.50	.10
Water Pull when used for compaction	12.96	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.50	.10
Yo-Yo Cat, both ends	13.16	.97	.85	.50	.10

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TRUCK DRIVERS STATEWIDE	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	11.98	.82	.84		
Over 5 Batch to and including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84		

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds.	11.28	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$11.44	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.20	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84		
POWER BROOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additinal $.10 per hour each additinal 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Flathead, Lake, and Lincoln Counties:					
All work for power utilities, all highway lighting, street lighting and motor traffic controlling.					
Lineman	$13.92	.45	3%+.50		1/2%
Cable Splicers	15.49	.45	3%+.50		1/2%
Pole Sprayer	12.37	.45	3%+.50		1/2%
Line Equipment Operators	11.87	.45	3%+.50		1/2%
Powderman, Jackhammer, Compressorman	10.29	.45	3%+.50		1/2%
Groundman "A"	9.65	.45	3%+.50		1/2%
Tree Trimmer	12.83	.45	3%+.50		12/%
Head Groundman and Groundman "B" are not applicable					
Statewide, except Flathead, Lake, and Lincoln Counties:					
Lineman, Pole Sprayer	12.90	.45	3%+.50		1/4%
Cable Splicers	13.80	.45	3%+.50		1/4%
Line Equipment Operators' Powderman	11.40	.45	3%+.50		1/4%
Groundman	9.23	.45	3%+.50		1/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING: STATEWIDE					
Assistant Mate (Deckhand)	$15.02	$1.07	$ 1.50		.14
Fireman	15.12	1.07	1.50		.14
Oiler	15.12	1.07	1.50		.14
Assistant Engineer (electric, diesel, steam or booster Pump)	15.46	1.07	1.50		.14
Mates and Boatman	15.46	1.07	1.50		.14
Engineer Welder	15.51	1.07	1.50		.14
Craneman	15.51	1.07	1.50		.14
Assistant Engineer (electric, generator Operator for Primary Pump, power barge or dredge)	15.56	1.07	1.50		.14
Leverman, Dipper:					
(a) 5 yards and under	16.27	1.07	1.50		.14
(b) over 5 yards	16.82	1.07	1.50		.14
Leverman, Hydraulic	15.88	1.07	1.50		.14

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT81-5139 DATE: Date of Publication
Supersedes Decision No.MT81-5115 dated May 8, 1981, in 46 FR 25934
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.84	.78	$1.45		.04
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS; MARBLE MASONS:*					
Area 1	14.20		.55		
Area 2	14.60	1.15	.55		
Area 3	15.00		.75		
Area 4	12.55	.70	.60		
Area 5	14.15		.55		
Area 6	13.80	.85	.90		.035
Area 7	13.60	.90	.75		
Area 8	14.45	.90	.55		
Area 9	12.00				
CARPENTERS:*					
Area 1:					
Carpenters	11.55	.90	1.25	.50	.06
Piledrivermen	11.80	.90	1.25	.50	.06
Millwrights	12.55	.90	1.25	.50	.06
Area 2:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Millwrights	11.43	.90	1.25	.50	.06
Area 3:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Area 4:					
Carpenters	11.77	.90	1.25	.75	.06
Piledrivermen; Millwrights	12.02	.90	1.25	.75	.06
Area 5:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.73	.90	1.25	.50	.06
Millwrights	12.62	.90	1.25	.50	.06
Area 6:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Area 7:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06

*See AREA Descriptions - Page 2

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AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:

Area 1: Beaverhead County; Jefferson County (except northern tip of County); Madison County, and Silver Bow Counties

Area 2: Gallatin and Park Counties

Area 3: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 4: Broadwater, Lewis & Clark, and Meagher Counties

Area 5: Deer Lodge, Powell, and Granite Counties

Area 6: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

Area 7: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties

Area 8: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 9: Fergus, Garfield, Golden Valley, Judith-Basin, Musselshell, Petroleum, and Wheatland Counties

CARPENTERS:

Area 1: Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton, and Toole Counties

Area 2: Blaine and Hill Counties

Area 3: Broadwater, Lewis & Clark, and Jefferson Counties

Area 4: Deer Lodge County; Granite County (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County); Powell County (area lying south of the N.E. corner of Granite County)

Area 5: Granite County (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County); Lake County (southern area, south of and including the Town of Ravalli); Mineral County (area southeast of southeast city limits of the Town of Superior); Missoula County; Powell County (area lying north of the N.E. corner of Granite County); Ravalli County; Sanders County (southeastern portion)

Area 6: Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties; and Fort Peck Project

Area 7: Flathead and Lincoln Counties; Lake County (northern area including Town of Ravalli from a point where Highway #10A and Highway #93 intersect); Mineral County (northern area including the Town of Superior); Sanders County (except S.E. corner portion)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:* (Cont'd)					
Area 8:					
Carpenters	$12.08	.90	$1.25		.06
Piledrivermen	12.23	.90	1.25		.06
Millwrights	13.08	.90	1.25		.06
Area 9:					
Carpenters	12.98	.90	1.25		.04
Piledrivermen; Millwrights	13.48	.90	1.25		.04
Area 10:					
Carpenters	11.43	.90	1.25		.06
Piledrivermen	11.68	.90	1.25		.06
Millwrights	12.43	.90	1.25		.06
CEMENT MASONS:*					
Area 1	12.00	1.00	.50	1.00	
Area 2	11.95	.85	.40		
Area 3	11.35				
Area 4	10.00				
ELECTRICIANS:*					
Area 1	14.35	.70	3%+.50		1/2%
Area 2:					
Electricians	16.30	.70	3%+.75		1/2%
Cable Splicers	16.75	.70	3%+.75		1/2%
Area 3	11.45		3%		1/2%
Area 4:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		1/2%
Cable Splicers	15.17	.70	3%+.75		1/2%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 5:					
Electricians	14.95	.65	3%+.50		1/2%
Area 6:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 7:					
Electricians	15.65	.70	3%+.50		1/2%
Cable Splicers	16.43	.70	3%+.50		1/2%
Area 8:					
Electricians	13.70	.70	3%+.50		1/2%
Cable Splicers	15.79	.70	3%+.50		1/2%
Area 9:					
Electricians	13.40	.70	3%+.50		1/2%
Cable Splicers	14.07	.70	3%+.50		1/2%

*See AREA Descriptions - Page 4

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AREA DESCRIPTIONS

CARPENTERS: (Cont'd)
Area 8: Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland, and Yellowstone Counties

Area 9: Beaverhead and Silver Bow Counties

Area 10: Gallatin, Madison, Park, and Sweet Grass Counties

CEMENT MASONS:
Area 1: Beaverhead and Deer Lodge Counties; Granite County (southern half); Jefferson County (southern area including Town of Wickes); Madison County; Powell County (south portion including the Town of Deer Lodge); Silver Bow County

Area 2: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties

Area 3: Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton, and Toole Counties

Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Richland, and Wibaux Counties

ELECTRICIANS:
Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow, and Powell Counties

Area 2: Big Horn, Carbon, Carter, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Custer and Garfield Counties

Area 4: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 5: Broadwater, Lewis & Clark, and Meagher Counties

Area 6: Cascade County

Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 8: Gallatin County

Area 9: Park and Sweet Grass Counties

DECISION NO. MT81-5139

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator constructors	$13.635	$1.195	.95	a	.035
Helpers	9.54	1.195	.95	a	.035
Probationary Helpers	6.82				
IRONWORKERS:*					
Area 1	13.21	.90	1.45		.15
Area 2	17.11	.93	1.90		.10
Area 3	13.21	.90	1.45		.15
PAINTERS:*					
Area 1:					
Brush, Roller; Floor Layers	11.56	.78	.50		.10
Brush, Roller on steel and roofs, Pot Tender; Paperhanger	11.81	.78	.50		.10
Perfataper (hand tools)	11.66	.78	.50		.10
Spray (not steel)	12.54	.78	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	12.79	.78	.50		.10
Perfataper (machine tools)	12.06	.78	.50		.10
Area 2:					
Brush; Preparatory work; Pot Tender; Parking Lot Striping and related work; Roller up to 9"	12.52	.69	.40		1%
Paperhanger, Brush on Steel	12.92	.69	.40		1%
Water and Sandblasting; Application of cold tar products, epoxies and polyurethanes and acid resistant paints; Spraying and airless spray	14.67	.69	.40		1%
Roller over 9" long	16.02	.69	.40		1%
Signwritter	12.78	.96	.40		1%
Spray and Roller (in shop)	12.78	.69	.40		1%
Spray and Roller (out shop)	14.18	.69	.40		1%
Hand Taper	12.82	.69	.40		1%
Machine Taper	14.07	.69	.40		1%

*See AREA Descriptions - Page 7

DECISION NO. MT81-5139

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3:					
Painters	$10.02				
Perfataper	10.27				
Paint Mitts	10.52				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and Steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	12.80				
Area 4:					
Wet sandblasting, brush or roller; Application of cold tar epoxies, and acid resistant materials	14.08	.59	.50		.03
Brush or Roller; Prep work; Pot Tender	12.08	.59	.50		.03
Spray application of cold tar epoxies, and acid resistant materials	17.08	.59	.50		.03
Paper or Vinyl Hanger	12.08	.59	.50		.03
Structural steel; Brush or Roller	14.08	.59	.50		.03
Perfataping	12.58	.59	.50		.03
Structural Steel; Spraying	15.08	.59	.50		.03
Airless Spraying	13.08	.59	.50		.03
Area 5	10.90				
Area 6	13.67	.69	.50		.04

*See AREA Descriptions - Page 7

AREA DESCRIPTIONS

IRONWORKERS:
Area 1: Beaverhead, Broadwater, Dear Lodge, Gallatin, Granite, and Jefferson Counties; Lewis & Clark County (southern half including Wolf Creek); Madison, Park, Powell, Ravalli, and Silver Bow Counties

Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 3: Remaining Counties (including northern half of Lewis & Clark County)

PAINTERS:
Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux, and Yellowstone Counties

Area 2: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith-Basin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)

Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg

Area 4: The entire Counties of Beaverhead, Gallatin, Park, and Silver Bow. The Northern portion of Jefferson County from a line running east and west (5) miles south of the southern City limits of Boulder, Montana; The south part of Jefferson County from a line running due west from the south limits of Tosten, Montana; the southern portion of Lewis & Clark County from a line running east and west through the southern limits of Craig, Montana; the southern portion of Powell County from a line running east and west through the southern limits of Helmsville, Montana; the west part of Madison County from a line running north and south through the west limits of Harrison, Montana

Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)

Area 6: Flathead County; Granite County (northern area north limits of Phillipsburg); Lake County (southern area including the City of Ronan); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmsville); Ravalli and Sanders Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:*					
Area 1	$10.50	.75	.35		
Area 2	12.00	1.00	.50	1.00	
Area 3	10.95	.85	.40		
Area 4	10.00				
PLUMBERS:*					
Area 1	15.78	.75	.70		.15
Area 2	16.20	.90	1.10		.17
Area 3	15.35	.70	.85		.10
Area 4	15.90	1.00	1.10		.20
ROOFERS; Waterproofers:*					
Area 1	11.69		.25		
Area 2:					
Roofers	10.75	.85	.25		
Irritable bituminous Roofer, Waterproofer, Kettleman	12.25	.85	.25		
Area 3	11.32	.70	.60		
Area 4:					
Roofers	12.52	.85	.50		.10
Irritable bituminous Roofer, Waterproofer, Kettleman	14.52	.85	.50		.10
Area 5:					
Roofers	13.00	.85	.50		.10
Irritable bituminous Roofer, Waterproofer, Kettleman	15.00	.85	.50		.10
Area 6	12.00	.55			

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AREA DESCRIPTIONS

PLASTERERS:
Area 1: Granite County; Lake County (southern area, including the City of Pablo); Mineral and Missoula Counties; Powell County (northern area including the City of Helmsville); Ravalli County; Sanders County (south portion, including the City of Paradise)

Area 2: Beaverhead and Deer Lodge Counties; Jefferson County (southern area, including the Town of Wickes); Madison County; Powell County (south of a line running east-west north of the Town of Deer Lodge); Silver County

Area 3: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, and Wheatland Counties

Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties

PLUMBERS:
Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and ValleyCounties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow, and Sweet Grass Counties

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden valley, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux, and Yellowstone Counties

ROOFERS; Waterproofers:
Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Priarie, Richland, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 2: Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties

Area 3: Deer Lodge, Powell, and Silver Bow Counties

Area 4: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 5: Lewis and Clark Counties

Area 6: Beaverhead, Broadwater, Gallatin, Jefferson, Madison, Meagher, Park, Sweet Grass, and Wheatland Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKRERS:*					
Area 1	$14.32	.73	.66		.24
Area 2	14.71	.73	.50		.24
Area 3	14.25	1.20$	.70$		.24
Area 4	14.04	.73	.75		.24
Area 5	14.09	.73	.73		.24
SOFT FLOOR LAYERS:*					
Area 1	12.50				
SPRINKLER FITTERS	14.81	.95	1.40		.08
TERRAZZO WORKERS and TILE SETTERS:*					
Area 1	12.55		.60		
Area 2	15.00	.70	.75		
Area 3	14.45	.90	.55		
Area 4	12.75	.75	.75		
Area 5	11.70	.85	.90		
WELDERS: Receive rate for craft					

*See AREA Descriptions - Page 11

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS (Cont'd)

SHEET METAL WORKERS:
Area 1: Broadwater County; Jefferson County (including north half of the City of Boulder); Lewis & Clark and Meagher Counties

Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders

Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Rosebud, Roosevelt, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wibaux, Wheatland, and Yellowstone Counties

Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton, and Toole Counties

Area 5: Beaverhead, Deer Lodge, and Granite Counties; Jefferson County (southern half); Madison, Powell, and Silver Bow Counties

SOFT FLOOR LAYERS:
Area 1: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith-Basin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)

TERRAZZO WORKERS and TILE SETTERS:
Area 1: Broadwater, Lewis & Clark, and Meagher Counties; Jefferson County (northern area north of Boulder Hill)

Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders

Area 4: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties

Area 5: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2					
Group 1	$10.16	.75	.65	.30	.05
Group 2	10.36	.75	.65	.30	.05
Group 3	10.41	.75	.65	.30	.05
Group 4	10.66	.75	.65	.30	.05
Group 5	10.76	.75	.65	.30	.05
Broadwater, Lewis and Clark Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston					
Group 1	10.29	.75	.65	.30	.05
Group 2	10.45	.75	.65	.30	.05
Group 3	10.54	.75	.65	.30	.05
Group 4	10.79	.75	.65	.30	.05
Group 5	10.89	.75	.65	.30	.05
Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park, Sweet Grass and Wheatland Counties:					
Group 1	10.03	.75	.65	.30	.05
Group 2	10.19	.75	.65	.30	.05
Group 3	10.29	.75	.65	.30	.05
Group 4	10.53	.75	.65	.30	.05
Group 5	10.63	.75	.65	.30	.05

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LABORERS
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the Territorial limits of District No. 2

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzleman; Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Posthole Digger (power Auger); Power Saw (bucking); Powderman Tender; Rigger; Riprapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Laborer (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; High Scaler; High pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

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LABORERS (Cont'd)
Broadwater, Lewis and Clark, Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborer (wet or dry); Bucketman and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Housemen

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - Air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewrapper; Posthole Digger (power auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzlemen; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powdermen

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

LABORERS (Cont'd)

Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park and Wheatland Counties

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Housemen

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen;

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

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LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel:					
Group 1	$ 9.90	.70	.60	.20	.05
Group 2	10.05	.70	.60	.20	.05
Group 3	10.20	.70	.60	.20	.05
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Cos.:					
Group 1	9.45	.70	.60	.20	.05
Group 2	9.67	.70	.60	.20	.05
Group 3	9.70	.70	.60	.20	.05
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties:					
Group 1	9.60	.70	.60	.20	.05
Group 2	9.82	.70	.60	.20	.05
Group 3	9.85	.70	.60	.20	.05
Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties:					
Group 1	9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

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LABORERS (Cont'd)
Flathead, Glacier National Park, Lincoln, and that portion of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General Laborers; Form Strippers; Car and Truck Loaders

Group 2: Concrete Handlers, conveying and handling concrete; Nozzlemen (air or water); Sand Blast Tail Hose Man; Power driven Wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Small air tool Operators, including Blow Pipe and small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping; Pipe Wrapper; Pot Tender; Concrete Pumper Boseman; Jackhammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipe Layers (non-metallic); Metal Culvert Pipe Layer; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging open ditches; Powderman; Drills, Air-trac, Wagon Drill, cat or truck mounted air operated Drills, Sand Blaster (wet or dry); Gunite Nozzleman; Barco Tamper

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); Cosmoline, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handlers (truck, bobcats); Watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scissorman; Stake Jumper; Tool Checker; Toolhouse Man

Group 2: Applicator, hand or nozzle (applying hot protective material or oil or asphalt base); Asphalt Raker; Barco Tamper; Caulker, Collarman, Jointer, Mortarman, Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote Material Handler; Curb Machine; Dumpman, Graderman; Dumpman, Spotter; Form Setters; Gunite, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tampers; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool Operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven Wheelbarrow; Power Saw (bucking and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lagging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts for Masons and Plasterers)

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LABORERS (Cont'd)
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); Cosmoline, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handler (trucks, bobcats); Watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scissorman; Stake Jumper; Tool Checker; Toolhouseman

Group 2: Applicator, hand or nozzle (applying hot protective material of oil or asphalt base); Asphalt Raker; Barco Tamper; Caulker, Colarman, Jointer, Mortarman; Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote material Handler; Curb Machine; Dumpman, Grademan, Dumpman, Spotter; Form Setters; Gunite, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tampers; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool Operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven Wheelbarrow; Power Saw (bucking and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lagging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts, for Masons and Plasterers)

Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties

Group 1: General Building and Contruction Labor, Watchman, Form Strippers, Car and Truck Loaders, Carpenters Tenders

Group 2: Nozzleman (air or water); Sand Blast; Tailhoseman, Powderman Tender, Power driven wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Signlaman; Rigger; Small Air Tool Operators, including Blow Pipes, Small power tool Operators, Chuck Tenders, Asphalt Rakers, Dumpman, Rip Rapping, Pipe Wrapper, Pot Tenders; Concrete Pumper Hoseman, Cutting Torch; Jackhammer, Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert; Pipelayers, Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging Open Ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted air operated drills; Laser Equipment and Tool; Sand Blaster (wet or dry); Gunnitemen; Barco Tamper

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties:					
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.75	.75	.65	.30	.05
Group 4	11.00	.75	.65	.30	.05
Group 5	11.10	.75	.65	.30	.05
Blaine, Hill and Liberty Counties:					
Group 1	10.50	.75	.65	.30	.05
Group 2	10.75	.75	.65	.30	.05
Group 3	10.85	.75	.65	.30	.05
Group 4	10.90	.75	.65	.30	.05
Group 5	11.00	.75	.65	.30	.05
Group 6	11.22	.75	.65	.30	.05
Daniels, Garfield, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties:					
Group 1	10.50	.75	.65	.30	.05
Group 2	10.75	.75	.65	.30	.05
Group 3	10.85	.75	.65	.30	.05
Group 4	10.90	.75	.65	.30	.05
Group 5	11.00	.75	.65	.30	.05
Group 6	11.25	.75	.65	.30	.05

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LABORERS (Cont'd)
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman (air, water), Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

LABORERS (Cont'd)
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties

Group 1: General and Building Laborers and Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers includes installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or power driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Placo Operator, Jackhammer, Pavement Breaker, Vibrator (2½" and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailboseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders handling bricks and blocks only

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod, pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form setter (Slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Laser Tools and Equipment; Small Concrete Mixers; Concrete Saw

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Broadwater, Flathead, Lake, Lewis & Clark, Lincoln, Mineral, Missoula, Northern half of Powell, Ravalli and Sanders Counties:					
A-Frame Truck Crane, Winch Truck and similar	$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gurries and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	13.21	.97	.85	.50	.10
Chain Bucket Loader	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	12.68	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	13.16	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.36	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	12.48	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Batch Plant Oiler, three Mixers and over	$12.79	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10
Concrete Finish Machine Paving	12.96	.97	.85	.50	.10
Concrete Float-Spreader	12.96	.97	.85	.50	.10
Concrete Mixer, three bags and under	12.55	.97	.85	.50	.10
Concrete Mixer, four bags and over	12.72	.97	.85	.50	.10
Concrete Power Saw, self-propelled	12.96	.97	.85	.50	.10
Concrete Travel Batcher	12.96	.97	.85	.50	.10
Concrete Conveyor under 40 feet	12.54	.97	.85	.50	.10
Concrete Conveyor over 40 feet	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	12.54	.97	.85	.50	.10
Conveyor Loader Operator over 42' belt	12.66	.97	.85	.50	.10
Crane, to and including 80' boom	13.12	.97	.85	.50	.10
Crane, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane, 131' to 150' boom	13.32	.97	.85	.50	.10
Crane, 151' boom and over	13.37	.97	.85	.50	.10
Crane Oiler	12.53	.97	.85	.50	.10
Crane with jibs an additional $.15 per hour					
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.45	.97	.85	.50	.10
Crusher Conveyor, when required	12.42	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DW 10, 15, or 20 tractor pulling Roller	$12.68	.97	.85	.50	.10
Electric Overhead Cranes	13.14	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	12.42	.97	.85	.50	.10
Farm Type tractor, over 50 HP engine	12.50	.97	.85	.50	.10
Field Equipment Servicemen	12.88	.97	.85	.50	.10
Fireman	12.55	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Herman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	12.45	.97	.85	.50	.10
Hydra Lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixermobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Oiler-Driver, Rubber tired Cranes	$12.53	.97	.85	.50	.10
Oiler, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oiler, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Emsco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10
Power Auger, large truck or tractor mounted and Punch	12.96	.97	.85	.50	.10
Power Mixer, single or double drum	12.96	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	12.96	.97	.85	.50	.10
Pumpcrete or Grout Machine	12.96	.97	.85	.50	.10
Pumpman	12.49	.97	.85	.50	.10
Push Tractor	12.96	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Quad Loader and similar type	13.54	.97	.85	.50	.10
Radiator Repairman	12.77	.97	.85	.50	.10
Raygo Gsint	13.54	.97	.85	.50	.10
Refrigeration Plant Operator	12.96	.97	.85	.50	.10
Retort Operator	12.55	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	12.96	.97	.85	.50	.10
Roller, on other blade or hot mix paving	12.66	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Ross and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Rubber-tired Dozer	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	12.67	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	$13.08	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.18	.97	.85	.50	.10
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	13.28	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	13.38	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	12.96	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	13.34	.97	.85	.50	.10
Scraper, single engine	13.09	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	13.45	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	12.96	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	12.96	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.14	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	13.41	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	13.54	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovel Oiler, 3 cu. yds. and under	$12.45	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	12.96	.97	.85	.50	.10
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.50	.10
Track-type Tractor w/wo attachments	12.96	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	13.49	.97	.85	.50	.10
Whirley Crane Oiler	12.86	.97	.85	.50	.10
Water Pull when used for compaction	12.96	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.50	.10
Yo-Yo Cat, both ends	13.16	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties:					
A-Frame Truck Crane Operator	$12.71	.97	.85	.50	.10
Air Compressor Operator, single	12.45	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Belt Finishing Operator	12.63	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Operator	12.96	.97	.85	.50	.10
Bulldozer Operator	12.96	.97	.85	.50	.10
Boring Machine Operator, small	12.52	.97	.85	.50	.10
Boring Machine Operator, large	12.96	.97	.85	.50	.10
Cableway Operator	13.48	.97	.85	.50	.10
Cement Silo Operator	12.73	.97	.85	.50	.10
Concrete Batch Plant Operator	12.85	.97	.85	.50	.10
Concrete Finish Machine, paving	12.96	.97	.85	.50	.10
Concrete Float Operator and Spreader	12.96	.97	.85	.50	.10
Conveyor Operator	12.66	.97	.85	.50	.10
Chip and Gravel Spreader	12.66	.97	.85	.50	.10
Crane Operator, to and including 80' boom	13.12	.97	.85	.50	.10
Crane Operator, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane Operator, 131' to 150' boom	13.32	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Crane Operator, 151' to 170' boom (an additional $0.05 per hour is added for each 20' of boom) All Cranes with jibs, an additional $0.25 per hour is added to above Crane rates.	$13.37	.97	.85	.50	.10
Crane Oiler-Driver, rubber tired	12.51	.97	.85	.50	.10
Electric Overhead Crane Operator	13.15	.97	.85	.50	.10
Crusher and/or Screening Plant Operator, portable	12.96	.97	.85	.50	.10
Crusher and/or Screening Plant Tender, if over 2 units	12.45	.97	.85	.50	.10
Crusher and/or Screening Plant Operator, Stationary	12.85	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10
Drilling Machine Operator, does not include Jack-hammer, Wagon Driller, Waterliner	12.86	.97	.85	.50	.10
Euclid Loader and similar type	13.15	.97	.85	.50	.10
Tractor, rubber-tired, Industrial	12.40	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Field Equipment Serviceman	12.86	.97	.85	.50	.10
Fireman	12.52	.97	.85	.50	.10
Fork Lift on construction site	12.75	.97	.85	.50	.10
Front End Loader, rubber-tried, under 1 yard	12.65	.97	.85	.50	.10
Front End Loader, 1 yard and including 3 yards	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Front End Loader, rubber-tired, over 3 yards and including 5 yards	$13.09	.97	.85	.50	.10
Front End Loader, rubber-tired, over 5 yares and including 10 yards	13.19	.97	.85	.50	.10
Front End Loader, rubber-tired, over 10 yards and including 15 yards	13.29	.97	.85	.50	.10
Front End Loader, rubber-tired, over 15 yards (factory struck rating, not to include sideboards)	13.39	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills-Rotary-Quarry Master	12.96	.97	.85	.50	.10
Heavy Duty Rotary Drill Tender	12.41	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Herman Nelson Heaters and similar type	12.42	.97	.85	.50	.10
Hoist Operator, single drum	12.71	.97	.85	.50	.10
Hoist Operator, two or more drums	12.96	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman	12.96	.97	.85	.50	.10
Industrial Locomotive	12.96	.97	.85	.50	.10
LeTourneau Operator, single and similar type	13.09	.97	.85	.50	.10
LeTourneau Operator, Tandem and similar type	13.26	.97	.85	.50	.10
Loaders, Barber Green and similar types	12.60	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic and/or Welder Tender	12.41	.97	.85	.50	.10
Mixer Operator, Concrete, 3 bags or under	12.52	.97	.85	.50	.10
Mixer Operator, Concrete, 4 bags or over	12.77	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mixermobile	$13.05	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oiler	12.41	.97	.85	.50	.10
Pavement Breaker, Emsco and similar type	12.96	.97	.85	.50	.10
Paver Mixer Operator	12.96	.97	.85	.50	.10
Power Saw Operator, self-propelled, multiple cut	12.96	.97	.85	.50	.10
Pumpcrete or Grout Machine Operator	12.96	.97	.85	.50	.10
Pumpman	12.46	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Retort Operator	12.52	.97	.85	.50	.10
Roller Operator, grade or finish	12.65	.97	.85	.50	.10
Roller Operator, finish high type pavement	12.96	.97	.85	.50	.10
Ross and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Screed Operator	12.96	.97	.85	.50	.10
Shovels, including all attachments under 1 yard	12.96	.97	.85	.50	.10
Shovels, including all attachments 1 yard to and including 4 yards	13.15	.97	.85	.50	.10
Shovels, over 4 yards	13.45	.97	.85	.50	.10
Shovel Oiler for shovel over 4 yards ($.05 per hour under Shovel Operator)					
Stiff Leg and Guy Derrick Operator	13.45	.97	.85	.50	.10
Tournapull, DW 20, 21, and similar type	13.15	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, Tandem, 3 engine	13.45	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track type Tractor, with or without attachments including Track-type Loader, Front end up to and including 5 yards	$12.96	.97	.85	.50	.10
Track type Front End Loaders, over 5 yards to and including 10 yards	13.19	.97	.85	.50	.10
Track type Front End Loaders, over 10 yards to and including 15 yards	13.29	.97	.85	.50	.10
Track type Front End Loaders, over 15 yards	13.39	.97	.85	.50	.10
Traxcavator, and Athey type Loader	12.96	.97	.85	.50	.10
Trench Machine Operator	12.90	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Winch Truck Operator with Hydraulic Boom	12.86	.97	.85	.50	.10
Tower Crane	13.45	.97	.85	.50	.10
Automatic Finegrader, Gurries and similar type	13.09	.97	.85	.50	.10
Concrete Conveyor, under 40'	12.54	.97	.85	.50	.10
Concrete Conveyor, over 40'	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Raygo Giant	13.54	.97	.85	.50	.10
Quad Loader and similar type	13.54	.97	.85	.50	.10
Leadman: $0.25 per hour above highest paid Operator					

DECISION NO. MT81-5139

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Statewide, except Gallatin, Park, Sweet Grass, Broadwater (south of U.S. Highway #12) Counties:					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	11.98	.82	.84		
Over 5 Batch to and including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84		

DECISION NO. MT81-5139

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds.	11.28	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$11.44	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.44	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84		
POWER BROOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additinal $.10 per hour each additinal 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		

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TRUCK DRIVERS:* (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS:					
7 yards or less	$10.43	$1.23	.61		
Over 7 yards to and including 10 yards	10.68	1.23	.61		
Over 10 yards to and including 15 yards	10.84	1.23	.61		
Over 15 yards to and including 20 yards	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 and 4-WHEEL TRAILERS	10.68	1.23	.61		
SERVICE TRUCKS and A-FRAME TRAILERS	10.43	1.23	.61		
HOUSE MOVERS	10.52	1.23	.61		
*See Jurisdictional Areas - following Page					

DECISION NO. MT81-5139

JURISDICTIONAL AREAS

All of Gallatin, Park, and Sweet Grass Counties; that portion 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. Highway #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.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Flathead, Lake, and Lincoln Counties:					
Lineman	$13.92	.45	3%+.50		1/2%
Cable Splicer	15.49	.45	3%+.50		1/2%
Pole Sprayer	12.37	.45	3%+.50		1/2%
Line Equipment Operators	11.87	.45	3%+.50		1/2%
Powderman, Jackhammerman, Compressorman	10.29	.45	3%+.50		1/2%
Groundman "A	9.65	.45	3%+.50		1/2%
Tree Trimmer	12.83	.45	3%+.50		1/2%
Statewide, except Flathead, Lake, Lincoln Counties:					
Lineman, Pole Sprayer	12.90	.45	3%+.50		1/2%
Cable Splicer	13.80	.45	3%+.50		1/2%
Line Equipment Operator; Powderman	11.40	.45	3%+.50		1/2%
Groundman	9.23	.45	3%+.50		1/2%
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley

DECISION NUMBER: MT81-5140

DATE: Date of Publication

Supersedes Decision No. MT81-5116 dated May 8, 1981, in 46 FR 25953

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.84	.78	$1.45		.02
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS; MARBLE MASONS:*					
Area 1	13.80	.85	.90		
Area 2	14.15		.55		
Area 3	14.45	.90	.55		
Area 4	14.60	1.15	.55		
Area 5	13.60	.90	.75		
Area 6	14.20		.55		
CARPENTERS:*					
Area 1:					
Carpenters	11.55	.90	1.25	.50	.06
Piledrivermen; Saw Filers; Sawmen	11.80	.90	1.25	.50	.06
Millwrights	12.55	.90	1.25	.50	.06
Area 2:					
Carpenters	11.77	.90	1.25	.75	.06
Piledrivermen; Millwrights	12.02	.90	1.25	.75	.06
Area 3:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.73	.90	1.25	.50	.06
Millwrights	12.62	.90	1.25	.50	.06
Area 4:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Area 5:					
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Area 6:					
Carpenters	12.98	.90	1.25		.04
Millwrights	13.48	.90	1.25		.04
Piledrivermen	13.48	.90	1.25		.04
Area 7:					
Carpenters	11.43	.90	1.25	.50	.06
Piledrivermen	11.68	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:*					
Area 1	$10.60				
Area 2	12.00	1.00	.50	1.00	
Area 3	10.50	.75	.35		
ELECTRICIANS:*					
Area 1:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 2	14.35	.70	3%+.50		1/2%
Area 3:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		1/2%
Cable Splicers	15.17	.70	3%+.75		1/2%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 4:					
Electricians	15.65	.70	3%+.50		1/2%
Cable Splicers	16.43	.70	3%+.50		1/2%
Area 5:					
Electricians	13.70	.70	3%+.50		1%
Cable Splicers	15.79	.70	3%+.50		1/2%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.38	1.045	.82	a	.035
Helpers	9.54	1.045	.82	a	.035
Probationary Helpers	6.82				
IRONWORKERS:*					
Structural; Ornamental and Reinforcing:					
Area 1	17.11	.93	1.90		.10
Area 2	14.15	1.05	1.60		.15
Area 3	14.41	1.05	1.60		.15
PAINTERS:*					
Area 1:					
Brush	12.42	.69	.40		1%
Paperhanger	12.92	.69	.40		1%
Brush on Steel	12.92	.69	.40		1%
Spraying; Sandblasting	14.67	.69	.40		1%

*See AREA Descriptions - Page 3

AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:
Area 1: Cascade and Glacier Counties
Area 2: Deer Lodge County
Area 3: Missoula County
Area 4: Gallatin County
Area 5: Hill and Valley Counties
Area 6: Silver Bow County

CARPENTERS:
Area 1: Cascade and Glacier Counties
Area 2: Deer Lodge County
Area 3: Missoula County
Area 4: Gallatin County
Area 5: Hill County
Area 6: Silver Bow County
Area 7: Valley County

CEMENT MASONS:
Area 1: Cascade, Hill, and Valley Counties
Area 2: Deer Lodge and Silver Bow Counties
Area 3: Missoula County

ELECTRICIANS:
Area 1: Cascade County
Area 2: Deer Lodge and Silver Bow counties
Area 3: Glacier, Hill, and Valley Counties
Area 4: Missoula County
Area 5: Gallatin County

IRONWORKERS:
Area 1: Glacier and Missoula counties
Area 2: Deer Lodge, Gallatin, and Silver Bow Counties
Area 3: Cascade, Hill, and Valley Counties

PAINTERS:
Area 1: Cascade, Glacier, and Valley Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (cont'd)					
Area 2:					
Brush or Roller, Prep Work; Pot Tender; Paper or Vinyl Hanger	$12.08	.59	.50		.03
Wet Sandblasting, Brush or Roller application of cold tar epoxies, and acid resistant materials	14.08	.59	.50		.03
Spray application of cold tar epoxies, and acid resistant materials	17.08	.59	.50		.03
Perfataping	12.58	.59	.50		.03
Airless Spraying	13.08	.59	.50		.03
Structural Steel: Brush or Roller	14.08	.59	.50		.03
Structural Steel: Spraying	15.08	.59	.50		.03
Area 3	9.73	.69	.50		.04
Area 4	10.90				
Area 5	8.65				
PLASTERERS:*					
Area 1	12.00	1.00	.50	1.00	
Area 2	10.50	.75	.35		
PLUMBERS:*					
Area 1	16.20	.90	1.10		.17
Area 2	15.78	.75	.70		.15
Area 3	15.35	.70	.85		.10
ROOFERS:*					
Area 1	11.52	.85	.50		.10
Area 2	10.75	.85	.25		
Area 3	12.25	.75	.60		
Area 4	12.00	.55			
SHEET METAL WORKERS:*					
Area 1	14.04	.73	.75		.24
Area 2	14.09	.73	.73		.24
Area 3	14.71	.73	.50		.24
Area 4	14.25	1.205	.805		.24
SOFT FLOOR LAYERS:*					
Area 1	12.50				
SPRINKLER FITTERS	14.81	.95	1.40		.08

*See AREA Descriptions - Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO And TILE SETTERS:*					
Area 1	$14.45	.90	.55		
Area 2	11.70	.85	.90		
Area 3	12.75	.75	.75		
*See AREA Descriptions - below					

WELDERS: Receive rate for Craft

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

PAINTERS: (Cont'd)
Area 2: Gallatin and Silver Bow Counties
Area 3: Missoula County
Area 4: Hill County
Area 5: Deer Lodge County

PLASTERERS:
Area 1: Deer Lodge and Silver Bow Counties
Area 2: Missoula County

PLUMBERS:
Area 1: Cascade, Glacier, Hill, and Valley Counties
Area 2: Missoula County
Area 3: Remaining Counties

ROOFERS:
Area 1: Missoula County
Area 2: Cascade, Glacier, Hill, and Valley Counties
Area 3: Deer Lodge and Silver Bow Counties
Area 4: Gallatin County

SOFT FLOOR LAYERS:
Area 1: Cascade, Glacier, and Valley Counties

SHEET METAL WORKERS:
Area 1: Cascade, Glacier, and Hill Counties
Area 2: Deer Lodge and Silver Bow Counties
Area 3: Missoula County
Area 4: Glallatin and Valley Counties

TERRAZZO and TILE SETTERS:
Area 1: Missoula County
Area 2: Cascade and Glacier Counties
Area 3: Hill and Valley Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Hill and Valley Counties:					
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.75	.75	.65	.30	.05
Group 3	10.85	.75	.65	.30	.05
Group 4	10.90	.75	.65	.30	.05
Group 5	11.00	.75	.65	.30	.05
Group 6	11.22	.75	.65	.30	.05

Group 1: General and Building Laborers'; Form Striper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking or concrete requiring sledge hammer); Dumpmen (Spotter); Small Power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide post and right-of-way markers

Group 2: Dumpman (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster; Concrete Nozzleman, Placo Operator, Jackhammerman, Pavement Breaker; Vibrator (2½ inches and over); Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender, Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang; Pot Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling brick and block only)

Group 5: Hod Carriers and Plaster Tenders (men carrying mortor either by hod pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (Slab Steel Forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment; Small Concrete Mixers and Concrete Saws

LABORERS: (Cont'd) Missoula County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

Group 1: General Building and Construction Labor; Watchman; Form Strippers; Car and Truck Loaders; Carpenters Tenders; Concrete Handler, conveying and handling concrete, other than concrete classifications listed below

Group 2: Nozzleman (air or water); Sand Blast Tail, Hose Man; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping, Pipe Wrapper; Pot Tenders; Concrete Pumper Hoseman; Cutting Torch; Jack Hammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert Pipelayers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted Air operated Drills; Laser Equipment and Tools; Sandblaster (wet or dry); Gunnitemen; Barco Tamper

LABORERS: (Cont'd) Cascade and Glacier Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.75	.75	.65	.30	.05
Group 4	11.00	.75	.65	.30	.05
Group 5	11.10	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Pence Erector and Installer (includes the installation and erection of fences, guard rials, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, General Laborers scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblast Tail Hoseman, Pot Tender; Sod Cutter, hand operated (general Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman (air, water); Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

LABORERS: (Cont'd) Gallatin County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.03	.75	.65	.30	.05
Group 2	10.19	.75	.65	.30	.05
Group 3	10.29	.75	.65	.30	.05
Group 4	10.53	.75	.65	.30	.05
Group 5	10.63	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Boseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen;

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

LABORERS (Cont'd) Deer Lodge and Silver Bow Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.16	.75	.65	.30	.05
Group 2	10.36	.75	.65	.30	.05
Group 3	10.41	.75	.65	.30	.05
Group 4	10.66	.75	.65	.30	.05
Group 5	10.76	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Boseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzleman; Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Posthole Digger (power Auger); Power Saw (bucking); Powderman Tender; Rigger; Riprapper; Spike Driver, single or dual or hand; Switchman; Tat Pot Operator;

Group 3: Asphalt Raker; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; High Scaler; High pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

POWER EQUIPMENT OPERATORS: MISSOULA COUNTY:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gurries and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	13.21	.97	.85	.50	.10
Chain Bucket Loader	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	12.68	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	13.16	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.36	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	12.48	.97	.85	.50	.10
Concrete Batch Plant Oiler, three Mixers and over	12.79	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finish Machine Paving	$12.96	.97	.85	.50	.10
Concrete Float-Spreader	12.96	.97	.85	.50	.10
Concrete Mixer, three bags and under	12.55	.97	.85	.50	.10
Concrete Mixer, four bags and over	12.72	.97	.85	.50	.10
Concrete Power Saw, self-propelled	12.96	.97	.85	.50	.10
Concrete Travel Batcher	12.96	.97	.85	.50	.10
Concrete Conveyor under 40 feet	12.54	.97	.85	.50	.10
Concrete Conveyor over 40 feet	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	12.54	.97	.85	.50	.10
Conveyor Loader Operator over 42' belt	12.66	.97	.85	.50	.10
Crane, to and including 80' boom	13.12	.97	.85	.50	.10
Crane, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane, 131' to 150' boom	13.32	.97	.85	.50	.10
Crane, 151' boom and over	13.37	.97	.85	.50	.10
Crane Oiler	12.53	.97	.85	.50	.10
Crane with jibs an additional $.15 per hour					
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.45	.97	.85	.50	.10
Crusher Conveyor, when required	12.42	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10
DW 10, 15, or 20 tractor pulling Roller	12.68	.97	.85	.50	.10
Electric Overhead Cranes	13.14	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	12.42	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Farm Type tractor, over 50 HP engine	$12.50	.97	.85	.50	.10
Field Equipment Servicemen	12.88	.97	.85	.50	.10
Fireman	12.55	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Herman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	12.45	.97	.85	.50	.10
Hydra Lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixermobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oiler-Driver, Rubber tired Cranes	12.53	.97	.85	.50	.10
Oilers, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oiler, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Emsco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Auger, large truck or tractor mounted and Punch	$12.96	.97	.85	.50	.10
Power Mixer, single or double drum	12.96	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	12.96	.97	.85	.50	.10
Pumpcrete or Grout Machine	12.96	.97	.85	.50	.10
Pumpman	12.49	.97	.85	.50	.10
Push Tractor	12.96	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Quad Loader and similar type	13.54	.97	.85	.50	.10
Radiator Repairman	12.77	.97	.85	.50	.10
Raygo Gaint	13.54	.97	.85	.50	.10
Refrigeration Plant Operator	12.96	.97	.85	.50	.10
Retort Operator	12.55	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	12.96	.97	.85	.50	.10
Roller, on other blade or hot mix paving	12.66	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Ross and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Rubber-tired Dozer	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	12.67	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	13.08	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.18	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	$13.28	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	13.38	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	12.96	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	13.34	.97	.85	.50	.10
Scraper, single engine	13.09	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	13.45	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	12.96	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	12.96	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.14	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu.yds. to and including 5 cu. yds.	13.41	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	13.54	.97	.85	.50	.10
Shovel Oiler, 3 cu. yds. and under	12.45	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	$13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.50	.10
Track-type Tractor w/wo attachments	12.96	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	13.49	.97	.85	.50	.10
Whirley Crane Oiler	12.86	.97	.85	.50	.10
Water Pull when used for compaction	12.96	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.50	.10
Yo-Yo Cat, both ends	13.16	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Cascade, Deer Lodge, Glacier, Hill, Missoula, Silver Bow and Valley Counties:					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To 6 including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	11.98	.82	.84		
Over 5 Batch to anc including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds.	11.28	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$11.44	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.44	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84		
POWER BROOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additinal $.10 per hour each additinal 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		
TRUCKS with power equipment if under Teamster jurisdiction, such as: Winch, A-Frame Trucks, Swedish Crane, Hydralift, Groutcrete Truck and Combination Mulching, Seeding and Fertilizing Truck	10.34	.82	.84		

TRUCK DRIVERS: (Cont'd) Gallatin County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS:					
7 yards or less	$10.43	$1.23	.61		
Over 7 yards to and including 10 yards	10.68	1.23	.61		
Over 10 yards to and including 15 yards	10.84	1.23	.61		
Over 15 yards to and including 20 yards	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 and FOUR-WHEEL TRAILERS	10.68	1.23	.61		
SERVICE TRUCKS and A-FRAME TRAILERS	10.43	1.23	.61		
HOUSE MOVERS	10.52	1.23	.61		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA

COUNTIES: Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango

DECISION NO.: PA81-3044

DATE: Date of Publication

Supersedes Decision No. PA80-3010 dated, April 4, 1980, in 45 FR 23270.

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			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	14.12	.95	1.85		
ZONE 2	15.74	.55	1.75		.02

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson
ZONE 2 - Crawford and Venango

BOILERMAKERS					
ZONE 1	14.93	5%	7%+1.12		.02
ZONE 2	15.755	1.275	1.50		.03

AREA COVERED BY BOILERMAKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Venango
ZONE 2 - Crawford

BRICKLAYERS & STONEMASONS					
ZONE 1	12.05	.75	1.00		.01
ZONE 2	14.30	1.00	1.15		.05
ZONE 3	14.15	.75	.60	1.00	.02
ZONE 4	13.15	.80	1.10		
ZONE 5	11.35	.75	1.00		.01
ZONE 6	14.11	1.00	2.11		

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE 1 - Cambria
ZONE 2 - Clearfield, Jefferson, Venango, remainder of Clarion County
ZONE 3 - Crawford
ZONE 4 - Cameron
ZONE 5 - Bedford
ZONE 6 - Brady, Madison, Perry, Tobe, Porter, Redbank Twps. in Clarion County

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & SOFT FLOOR LAYERS					
ZONE 1	12.25	6½%	68%	10%	
ZONE 2	12.30	6½%	8%	10%	½%
ZONE 3	11.50	6%	8%	10%	1½%

AREA COVERED BY CARPENTER & SOPT FLOOR LAYERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Crawford, Counties
ZONE 2 - Venango County
ZONE 3 - Jefferson County

CEMENT MASONS					
ZONE 1	14.37	1.01	2.30		
ZONE 2	12.85	9%	7%		
ZONE 3	14.05	.80	.60		.02
ZONE 4	9.65	.45	.45		

AREA COVERED BY CEMENT MASONS

ZONE 1 - Clearfield, Jefferson
ZONE 2 - Bedford, Cameron, Cambria
ZONE 3 - Crawford
ZONE 4 - Clarion & Venango

ELECTRICIANS					
ZONE 1	14.95	1.55	3%+.50		.10
ZONE 2	11.25	.60	3%+.40		1%
ZONE 3	14.25	.75	3%+1.00		½ of 1%
ZONE 4	15.60	3½%	3%+1.30		½%

AREA COVERED ELECTRICIANS ZONES

ZONE 1 - Bedford, Cambria, Clearfield, Clarion & Jefferson
ZONE 2 - Cameron
ZONE 3 - Crawford
ZONE 4 - Venango

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	12.44	1.02	1.35	1.23	.02
ZONE 2	12.34	.60	.80		.01

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson Counties
ZONE 2 - Crawford & Venango Counties

IRONWORKERS					
ZONE 1	14.24	1.20	1.60		.07
ZONE 2	13.61	.75	1.55		
ZONE 3	14.50	1.86	1.56		.15
ZONE 4	15.26	1.00	1.30		.09
ZONE 5	13.59	1.22	1.67		.04

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Cambria & Clarion
ZONE 2 - Bedford County
ZONE 3 - Crawford County
ZONE 4 - Venango County
ZONE 5 - Cameron, Clearfield & Jefferson

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 1					
CLASS I	11.91	9%	9%		
CLASS II	12.05	9%	9%		
CLASS III	12.18	9%	9%		
CLASS IV	12.45	9%	9%		
CLASS V	12.63	9%	9%		
ZONE 2					
CLASS I	11.30	9%	9%		
CLASS II	11.375	9%	9%		
CLASS III	11.40	9%	9%		
CLASS IV	11.45	9%	9%		
CLASS V	11.55	9%	9%		
CLASS VI	11.80	9%	9%		
CLASS VII	11.85	9%	9%		
ZONE 3					
CLASS I	12.00	9%	8%		
CLASS II	12.25	9%	8%		
CLASS III	12.80	9%	8%		
ZONE 4					
CLASS I	11.78	9%	9%		
CLASS II	11.86	9%	9%		
CLASS III	12.17	9%	9%		
CLASS IV	12.25	9%	9%		
CLASS V	12.04	9%	9%		
CLASS VI	12.37	9%	9%		
CLASS VII	12.04	9%	9%		
CLASS VIII	12.25	9%	9%		
ZONE 5					
CLASS I	10.06	10%	9%		
CLASS II	10.56	10%	9%		
CLASS III	10.66	10%	9%		
CLASS IV	10.56	10%	9%		
CLASS V	10.11	10%	9%		
ZONE 6					
CLASS I	10.34	10%	9%		
CLASS II	10.84	10%	9%		
CLASS III	10.94	10%	9%		
CLASS IV	10.84	10%	9%		
CLASS V	10.39	10%	9%		

DECISION NO. PA81-3044

LABORERS CLASSIFICATION DEFINITIONS AND AREA COVERED CONT'D

ZONE 3 - Cameron County
CLASS I - Common laborer, carpenter tender, scaffold builder for mason, window cleaner, form stripper and mover, scaffold and runways, building material handlers (loading and unloading) concrete pitman, puddler, mason tender
CLASS II - Mechanical tampers (power), powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, bell bottom man on furnances and stacks, jackhammer man, concrete buster, wagon drill tender, concrete saw operator, blaster's tender, drill runner's tender (includes drill mounted trucks, tracks of similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner cutting torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators signal man, walk behind fork lift or similar, scaffold builder for plasterers; regardless of height, hod carrier, plasterers tender, form cleaning machine operator, plasterer application and/or pump machine operator, paving breaker asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool, dresser (cable tools)
CLASS III - Blasters, wagon drill operator, drill runner, gunnite nozzle man, groute machine operator, walk behind power roller and tamper, welder, drill (cable tools)
ZONE 4 - Crawford County
CLASS I - Common laborers
CLASS II - Mason tender, hod carriers, mortar mixers, scaffold builder
CLASS III - Pipelayers (concrete & clay)
CLASS IV - Blaster, mechanical tampers, powered wheel-barrow, wagon drill operators
CLASS V - Material, buggy handler, blaster tender, all power tool operators, wagon drill tenders & drill runner
CLASS VI - Burners
WHEN WORKING IN PIERS, TRENCHERS, OPEN COFFER DAMS & CAISSONS AT DEPTRS MORE THAN TEN (10) FEET BELOW THE LOWEST ADJACENT GRADE:
CLASS VII - Bottom man
CLASS VIII - All power operators, drill man

DECISION NO. PA81-3044

LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Carbon & Jefferson Counties
CLASS I - Laborers, carryable pumps, west brick buggy or similar (non-self-propelled) vibrator operators, walk behind forklift or similar, stripper & mover of forms, cement finisher, footers, window cleaner, all material conveyor (regardless of power used, incl. starting & stopping)
CLASS II - West brick buggy or similar (self-Propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill tender, drill mounted on truck, track or similar blaster's tenders, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster
CLASS III - Hod carrier, scaffold builder, bell & bottom man on furnances & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping) grout machine feeder & pump operator, wagon drill operator, concrete saw operator wagon
CLASS IV - Gunnite nozzleman
CLASS V - Blaster
ZONE 2 - Venango County
CLASS I - Building laborer, west brick buggy or similar, walk behind forklift or similar (non-self-propelled), stripper and mover of forms, window cleaner, cement finisher, footers
CLASS II - Powered wheelbarrows, buggies
CLASS III - Mason tender, pipe layer, bottom man (10' below grade)
CLASS IV - Mortar mixer, mason plasterer, hod carrier, scaffold builder, concrete buster-jackhammer (air tool, electric, other) other mechanical or power tools concrete saw, carryable pumps and operating all operators of compacting equipment, grout machine feeder and pump operator, all material conveyors (regardless of power used, including starting & stopping), bell and bottom man on furnaces & stacks
CLASS V - Burner (demolition) groundman, jackhammerman; drill man blaster tender, wagon drill tender
CLASS VI - High (climber)
CLASS VII - Blaster, wagon drill operator

DECISION NO. PA81-3044

LABORERS CLASSIFICATION DEFINITIONS AND AREA COVERED CONT'D

ZONE 5 - Bedford County
CLASS I - Unskilled laborers
CLASS II - Ditch, trench or sumpwork exceeding 10' in depth including caissons
CLASS III - Blasters
CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' inheight, suspension or workmen in swinging-cages, suspended scaffolds, swings, bosun's chair
CLASS V - Plasterer tenders
ZONE 6 - Cambria and Clearfield Counties
CLASS I - Unskilled laborers
CLASS II - Ditch, trench or sumpwork exceeding 10' depth including caissons
CLASS III - Blasters
CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, bosun's chair
CLASS V - Plasterer tenders

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LANDSCAPING:					
ZONE 1					
CLASS I	7.79	12%	10%		
CLASS II	8.21	12%	10%		
ZONE 2					
CLASS I	7.70	12%	10%		
CLASS II	8.12	12%	10%		
ZONE 3					
CLASS I	11.00	9%	8%		

LANDSCAPE LABORERS DEFINITION AND AREA COVERED

ZONE 1 - Clarion, Crawford, Jefferson & Venango Counties
CLASS I - Landscape laborer to include general landscaping work and the 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
CLASS II - 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
ZONE 2 - Cambria, Clearfield and Bedford Counties
CLASS I - Landscape Laborer to include general landscaping work and the 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
CLASS II - Landscape Laborer 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
ZONE 3 - Cameron County
Class I - Landscape Laborer to include general landscaping work and the 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

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	11.54		.30		.01
ZONE 2	12.50		.35		.01
ZONE 3	12.22	.90	1.30		.01

AREA COVERED BY LATHERS ZONE

ZONE 1 - Clearfield & Jefferson Counties
ZONE 2 - Bedford, Cameron & Cambria Counties
ZONE 3 - Clarion County

LEAD BURNERS	10.75	.40	.25	a	.01
LINE CONSTRUCTION					
ZONE 1					
CLASS I	15.65	.60	3%		3/8%
CLASS II	9.33	.60	3%		3/8%
CLASS III	10.91	.60	3%		3/8%
ZONE 2					
CLASS I	13.37	.55	3%		3/8%
CLASS II	9.38	.55	3%		3/8%
CLASS III	8.97	.55	3%		3/8%

LINE CONSTRUCTIONS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield & Jefferson Counties
CLASS I - Lineman
CLASS II - Groundman
CLASS III - Winch truck operator
ZONE 2 - Cameron, Crawford & Venango Counties
CLASS I - Linemen, dynamite man, heavy equipment operator
CLASS II - Winch truck operator
CLASS III - Groundman

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS					
ZONE 1	12.05	.75	1.00		.01
ZONE 2	14.15	.75	.60	1.00	.02
ZONE 3	14.30	1.00	1.15		.05
ZONE 4	13.41	1.00	2.00		.01
ZONE 5	12.05	.75	1.00		.01

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Cambria County
ZONE 2 - Crawford County
ZONE 3 - Venango County
ZONE 4 - Jefferson County
ZONE 5 - Bedford County

MARBLE FINISHER:					
Counties covered Bedford Cambria, Clarion and Jefferson	7.95		.10		
MILLWRIGHTS	13.16	6%	6%	25%	½%

DECISION NO. PA81-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE - 1					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, apartment buildings, commercial garage, office buildings					
Brush & Roller	11.74	1.10	1.10		.02
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior					
Brush	12.59	1.10	1.10		.02
Spray	13.09	1.10	1.10		.02
ZONE 2					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, apartment buildings, commercial garage, office buildings					
Brush & Roller	14.25	.75	1.50		
Spray	15.25	.75	1.50		

DECISION NO. PA81-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior					
Brush & Roller	14.75	.75	1.50		
Spray	15.75	.75	1.50		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bedford, Cambria Counties, Beaver, Ringgold, Porter, Perry, Young, Bell, Gaskill Twps., in Jefferson County; Remainder of Clearfield County

ZONE 2 - Cameron, Clarion, Crawford, Venango Counties, remainder of Jefferson County; Townships in Clearfield County - Bell, Burnside, Greenwood, Chester, Jordan, Beccaria, Knox, and Fergusen

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION					
CLASS 1	14.625	1.05	1.15		.09
CLASS 1-A	14.875	1.05	1.15		.09
CLASS 1-B	15.125	1.05	1.15		.09
CLASS 1-C	15.375	1.05	1.15		.09
CLASS 2	14.475	1.05	1.15		.09
CLASS 3	12.60	1.05	1.15		.09
CLASS 3-A	13.10	1.05	1.15		.09
CLASS 4	11.95	1.05	1.15		.09
CLASS 5	10.90	1.05	1.15		.09
CLASS 6	11.20	1.05	1.15		.09
CLASS 6-A	11.30	1.05	1.15		.09
CLASS 6-B	11.45	1.05	1.15		.09
CLASS 6-C	12.20	1.05	1.15		.09

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 (CMI or similar, backhoe, batch plant when conveyors are used for direct deedling or discharge, batch plant no conveyors for direct feeding or discharge cableway, caisson drill, central mix plant, crane (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type), 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), derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), hi-lift 4 yds or over, hoist-hod (2 cages up to 10 floors) Chicago Boom attached hoist (50 ft. or over) stacks, stoves or furances) hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) post driver-guard rail (truck mounted), post driver-guard rail (skid type), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

DECISION NO. PA81-3044

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 1-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 up & including 150 ft. +$.25)(truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. +$.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, athey loader, auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bull-dozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite 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 - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (the following machines shall be consider minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpkrete machine operator (stationary), tire repairman (when assigned job), welder (re-pairmen)

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compressors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1½"discharge or less (2 to 3), pumps (over 1½" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)
CLASS 3-A - Conveyors 4 units or more
CLASS 4 - Ballast regulator, boring machine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (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) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphone (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve
CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor 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 - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton
CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper
CLASS 6-A - Crane truck oiler & fireman
CLASS 6-B - Oiler - Truck crane 50 ton up to & incl. 100 ton
CLASS 6-C - Oiler - Truck crane 100 ton and over

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	15.18	5.5%	10%		½%
PLASTERERS					
ZONE 1	11.16	.70	.40		
ZONE 2	9.65	.45	.45		
ZONE 3	13.04	.85	1.55		
ZONE 4	13.10				.01

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Crawford County
ZONE 2 - Clarion, Venango Counties
ZONE 3 - Clearfield, Jefferson Counties
ZONE 4 - Bedford, Cambria Counties

PLUMBERS & STEAMFITTERS					
ZONE 1	15.33	.80	1.70		.08
ZONE 2	15.97	.60	1.05		.06
ZONE 3					
Contracts Under $10,000	9.15	.95	1.30		.15
Contracts Over $10,000	14.00	.95	1.30		.15
ZONE 4	13.36	1.07	1.22	.75	.27

AREA COVERED PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Clarion County
ZONE 2 - Twps. in Crawford County: Beaver, Spring, Cussawago, Cambridge Rockdale, Bloomfield and Sparta
ZONE 3 - Venango County & Remainder of Crawford County
ZONE 4 - Bedford, Cambria, Cameron, Clearfield, Jefferson

DECISION NO. PA81-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1	14.39	.60	.30		.02
ZONE 2	15.96	.77	1.50		.16

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Crawford, Venango Counties
ZONE 2 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson

SHEET METAL WORKERS					
ZONE 1	14.81	1.19	1.88		.25
ZONE 2	11.66	1.44	1.18		.14

AREA COVERED BY SHEET METAL ZONES

ZONE 1 - Cambria, Cameron, Clearfield, Clarion, Crawford, Jefferson, Venango
ZONE 2 - Bedford

SPRINKLER FITTERS	15.56	.95	1.40		.08

DECISION NO. PA81-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
ZONE 1					
CLASS I	8.42	c	d		
CLASS II	8.35	c	d		
CLASS III	8.42	c	d		
CLASS IV	8.17	c	d		
ZONE 2					
CLASS I	11.86	9.7%	7.1%	e	
CLASS II	11.91	9.7%	7.1%	e	
CLASS III	11.93	9.7%	7.1%	e	
CLASS IV	12.01	9.7%	7.1%	e	
CLASS V	12.20	9.7%	7.1%	e	
CLASS VI	12.03	9.7%	7.1%	e	
CLASS VII	12.18	9.7%	7.1%	e	
ZONE 3					
CLASS I	7.20	.20	.20		
CLASS II	7.30	.20	.20		
CLASS III	7.40	.20	.20		
CLASS IV	7.50	.20	.20		
CLASS V	7.35	.20	.20		
CLASS VI	7.45	.20	.20		
CLASS VII	7.40	.20	.20		
CLASS VIII	7.70	.20	.20		
CLASS IX	7.80	.20	.20		
CLASS X	7.45	.20	.20		
CLASS XI	7.70	.20	.20		
ZONE 4					
CLASS I	7.12	f	g	h	

DECISION NO. PA81-3044

TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clearfield & Jefferson Counties
CLASS I - Service, dump, flat top, jeep, fuel & water
CLASS II - Transit mix, dump trailer, winch truck
CLASS III - Euclids & tractor trailer
CLASS IV - Helper
ZONE 2 - Clarion & Venango Counties
CLASS I - Service Truck (pickup, Jeep, Buses, Station Wagon, Pane; truck escort vehicle, including fuel and water trucks)
CLASS II - 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, both
CLASS III - Transit mix, single axle
CLASS IV - Transit mix, single tandem axle
CLASS V - Heavy duty tractor and trailer with low bed, 6 to 16
CLASS VI - 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 power tailgate and scissor truck; euclids or equivalent, tri-axle including mixer, drivers towing equipment
CLASS VII - Winch truck and form truck
ZONE 3 - Cameron County
CLASS I - Trucks up to 30,000 lbs. includes pickups, fuel and water trucks)
CLASS II - Trucks over 30,000 lbs. (includes fuel and water trucks)
CLASS III - Tri-Axle Trucks over 30,000 (includes fuel and water trucks)
CLASS IV - Low boy
CLASS V - Concrete Mixer Trucks
CLASS VI - Concrete Mixer Truck (Tri-Axle)
CLASS VII - Semi-Trailer
CLASS VIII - Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
CLASS IX - Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
CLASS X - A-Frame and Winch Trucks (when used for hauling material on bed of truck)
CLASS XI - Distributor Truck (Oil, Tar, Asphalt, etc.)
ZONE 4
CLASS I - Truck Drivers

DECISION NO. PA81-3044

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. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

c. $59.90 per month

d. $14.00 per week

e. 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.

f. 1 week vacation after 1 year's work; two weeks vacation after five years of service.

g. $67.94 per month

h. Contributes $20.00 per week

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX81-4064 DATE: Date of Publication
Supersedes Decision No. TX80-4024, dated April 4, 1980, in 45 FR 23280.
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.76				
BRICKLAYERS	9.25	.77	.20		.05
CARPENTERS	7.33				
CEMENT MASONS	6.13				
ELECTRICIANS:					
Electricians	11.90	.60	3%		1/10%
Cable splicers	12.15	.60	3%		1/10%
GLAZIERS	6.24				
IRONWORKERS	10.75	.80	1.65		.15
LABORERS:					
Unskilled	4.49				
Mason tenders	6.61	.63	.40		
Lather & plaster tenders	5.25				
LATHERS	9.50				
PAINTERS, Brush	7.70	.68			.02
PLASTERERS	8.48	.77	.25		.01
PLUMBERS & PIPEFITTERS	11.99	.60	.75		.05
ROOFERS	6.51				
SHEET METAL WORKERS	7.64				
SOFT FLOOR LAYERS	7.73				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TAPERS	6.26				
TERRAZZO, MARBLE & TILE WORKERS	7.75				
TERRAZZO, MARBLE & TILE FINISHERS	4.90				
POWER EQUIPMENT OPERATORS:					
Backhoes	8.74	.70	.60		.15
Forklifts	8.17	.63	.40		
Foundation drills	9.71				
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)).

[FR Doc. 81-22840 Filed 8-6-81: 8:45 am]
BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: VIRGINIA COUNTIES: BLAND, BUCHANAN, DICKENSON, GRAYSON, LEE RUSSELL, SCOTT, SMYTH, TAZEWELL, WASHINGTON, WISE & WYTHE

DECISION NO.: VA81-3055
Supersedes Decision No. VA78-3062, dated September 22, 1978 in 43 FR 43244.
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	4.25				
Carpenter, Structure	5.61				
Carpenter Helper, Structure	4.48				
Concrete Finisher	4.93				
Concrete Finisher Helper	4.25				
Guardrail/Fence Erector	4.23				
Ironworker, Reinforcing	7.00				
Laborer, Unskilled	3.68				
Mechanic	6.00				
Mechanic Helper	3.75				
Painter, Bridge	6.00				
Pipe Layer	3.75				
Asphalt Distributor Operator	4.85				
Asphalt Paver Operator	4.50				
Backhoe Operator	6.50				
Bulldozer Operator	6.00				
Crane, Derrick, Dragline Operator (1 yd. & under)	6.25				
Crane, Derrick, Dragline Operator (Over 1 yd.)	6.26				
Drill Operator	5.51				
Loader Operator (2 yds. & under)	5.59				
Loader Operator (Over 2 yd)	5.59				
Motor Grader Operator (Fine Grade)	5.97				
Motor Grader Operator (Rough Grade)	5.97				
Roller Operator (Rough)	4.11				
Roller Operator (Finish)	4.58				
Scraper Pan Operator	5.50				
Shovel Operator (Over 1 yd.)	5.60				
Stone Spreader Operator	4.23				
Tractor Operator (Utility)	4.00				
Truck Driver, Heavy Duty (7 cy. & under)	4.50				
Truck Driver, Heavy Duty (Over 7 c.y.)	5.21				
Truck Driver (Multi-Rear Axle)	4.06				
Truck Driver (Single-Rear Axle)	4.06				

federal register

Friday
August 7, 1981

Part IV

Department of Labor

Occupational Safety and Health Administration

Access to Employee Exposure and Medical Records

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Access to Employee Exposure and Medical Records; Partial Stay; Interpretations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Partial stay; interpretation of standard.

SUMMARY: OSHA is hereby extending the partial administrative stay of the access to employee exposure and medical records, 29 CFR 1910.20, for the flavor and fragrance industries for six months, to February 15, 1982. In addition, OSHA is publishing interpretations of the records access standard concerning four issues which have been raised by interested persons as matters of continuing concern. These involve: (1) the 15-day rule for responses to access requests; (2) access to exposure records of "similarly situated" employees; (3) privileged records created solely in anticipation of litigation; and (4) employee breaches of trade secret confidentiality agreements.

DATE: The flavor and fragrance stay is extended to February 15, 1982.

FOR FURTHER INFORMATION CONTACT: John Martonik, Occupational Safety and Health Administration, Room N3608, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone (202) 523-8031.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Administration (OSHA) is today publishing also in this Part IV of the **Federal Register** (FR Doc. 81-23164) a notice of proposed interim modification of the trade secrets provision of the records access standard, 29 CFR 1910.20(f). The background and explanation for the proposed action is fully explained in that document.

As explained in that document, OSHA is also seeking a six-month deferral of the briefing schedule in the litigation which is pending on union and industry challenges to the standard, *Industrial Union Department, AFL-CIO* v. *Marshall*, No. 80-1550 and consolidated cases, in order to decide whether, and to what extent, to propose modification of the standard and to initiate new rulemaking. During this six-month period, OSHA wishes, with the possible exception of modifying the trade secrets provision, to maintain the *status quo* with respect to the standard. For this reason, OSHA is hereby extending the existing partial administrative stay for the flavor and fragrance industries until February 15, 1982 (see Appendix). This will enable OSHA to treat the issues presented by the flavor and fragrance industries as part of its overall review of the records access standard.

Concurrently, OSHA is hereby publishing the following interpretations with respect to four issues which have been raised by interested persons as matters of concern regarding the records access standard.

1. *The 15-day rule.* The standard requires that "* * * the employer shall assure that access is provided in a reasonable time, place, and manner, but in no event later than fifteen (15) days after the request for access is made." 29 CFR 1910.20(e)(1)(i). The use of the phrase "reasonable time, place, and manner" is intended to give employers some flexibility in responding to requests. For example, when a request is unusually broad or vague, the employer can ask for more detailed information in order to clarify the request. The preamble to the standard recognizes that what is a "reasonable" time will vary from situation to situation (45 FR 35272). Factors such as the location of requested records, the number of pending competing requests for records, the scope of a request and the availability of technical personnel necessary to process the request, are all relevant in determining what is a reasonable time. It is our expectation, however, that the vast majority of requests for records can be satisfied within 15 days, and the standard establishes this as a mandatory requirement.

Regardless of the literal wording of the standard, an employer cannot be compelled to perform an impossible task, and OSHA does not expect the impossible to be performed. Our field personnel have been instructed to enforce the "15 day" requirement of the standard as follows:

> There may be a few isolated circumstances where there may be justification for not meeting the 15 working days limit (e.g., a large number of records must be photocopied and mailed across the country). Do not cite where the employer has compelling justification (he is doing all that he can to assure access) and has kept the employee and/or employee representative abreast of the situation. (Draft instruction dated August 25, 1980, Appendix A, pg. 5.)

Thus, as long as an employer is making a diligent, good faith effort to provide requested records as soon as possible, and is keeping the employee or employee representative informed of any reasons for delay, OSHA will not cite for violations of the standard.

2. *Exposure records of "similarly situated" employees.* The standard requires that employees and designated representatives be provided access to "exposure records of other employees with past or present job duties or working conditions related to or similar to those of the employee," 29 CFR 1910.20(e)(2)(i)(B). The basic purpose of this requirement is to assure that an employee may obtain access to relevant exposure information of other employees in similar working conditions. Access to this information is necessary when monitoring has been conducted on a representative or sample basis where not all employees are personally monitored. See 45 FR 35272. The obligation on the employer is to conduct a good faith, diligent search for such records, but there is no intent that the search be "heroic" or unusually disruptive to the employer's operation. For example, if access to exposure records of other employees at the requesting employee's workplace adequately indicates the nature of the employee's exposure, access to records of other workplaces need not be provided. However, if adequate exposure records do not exist at the requesting employee's workplace, but are known to exist at some other workplace of the employer where similar work is performed, access to this information must be provided.

3. *Privileged records.* The question has been raised whether an employer must provide access to records which are created solely in anticipation of litigation and which are otherwise privileged from discovery under the prevailing rules of procedure or evidence. An example could be a medical opinion prepared for the employer for purposes of aiding the employer's case by a company physician after a workmen's compensation claim has been filed. It has been OSHA's interpretation that the standard does not contemplate coverage of such a record if the record would not otherwise be available to the employee or his attorney in the litigation. On the other hand, the mere fact that a medical record (see definition at 29 CFR 1910.20(c)(6)) not originally created in anticipation of specific litigation will ultimately be used as evidence in a private legal proceeding does not put it outside the scope of the standard.

4. *Employee breaches of confidentiality agreements.* The standard permits an employer to require, as a condition of access to trade secret information, that "The employee

* * * agree in writing not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor or potential competitor of the employer." 29 CFR 1910(f)(3). This provision is intended to assure that an employer's statutory or common law remedies are effectively brought to the requesting employer's attention and to preserve an employer's rights in the event that an employee attempts to misuse protected trade secret information. 45 FR 35275. The question has been raised whether an employer is entitled to discipline an employee, including dismissal, for breach of an agreement, or rather is limited simply to a legal action for the contractual violation. It is OSHA's interpretation that the standard does not so limit the permissible sanctions available to the employer, and that disciplinary actions for breach of a confidentiality agreement are solely a matter of labor-management relations about which OSHA is strictly neutral.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); sec. 4 of the Administrative Procedure Act (5 U.S.C. 553))

Signed at Washington, D.C., this 4th day of August 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

Appendix—Administrative Stay for Flavor and Fragrance Industries

The Occupational Safety and Health Administration hereby extends, to the extent provided below, the administrative stay for employers in the fragrance or flavor and extract manufacturing industries. The stay also applies to employers who are customers of the fragrance of flavor and extract manufacturing industries to the extent that they receive from these industries substances which are subject to this stay. Accordingly, the effective dates of paragraphs (e)(2) and (g) of 29 CFR 1910.20 are hereby extended for these employers until February 15, 1982, with respect to their compliance obligations to provide access to records which would disclose the identity of trade secret substances meeting the definition of "toxic substance or harmful physical agent," as defined in 29 CFR 1910.20(c)(11), unless such substance to which employees are "exposed," as defined in 29 CFR 1910.20(c)(8), comes within one of the following categories:

(1) highly toxic material;

(2) carcinogen; and

(3) reproductive toxin.

For the purposes of this administrative stay, the following definitions shall apply:

(1) "Carcinogen" means substance or mixture which is known to be a Potential Occupational Carcinogen as specified in 29 CFR 1990.103 and qualified in 29 CFR 1990.143–.144; (45 FR 5282, *et seq.*, January 22, 1980) or as identified in a previous Occupational Safety and Health Administration regulation as a carcinogen (29 CFR Part 1910, Subpart Z).

(2) "Highly toxic material" means a substance or mixture that is known to kill within 14 days:

(i) At least half of a group of 10 or more albino rats weighing between 200 and 300 grams each, when administered orally at a single dose of 50 milligrams or less per kilogram of body weight (LD50); or

(ii) At least half of a group of 10 or more albino rabbits weighing between 2 and 3 kilograms each, tested at a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours (LD50); or

(iii) At least half of a group of 10 or more albino rats weighing between 200 and 300 grams each, tested at a concentration in air of 200 parts per million or less by volume of gas or vapor, or 2 milligrams or less per liter of mist, fume, or dust when administered by continous inhalation at a steady concentration for one hour or for four hours when there is difficulty maintaining a steady concentration (LD50).

(3) "Reproductive toxin" means a substance or mixture which is known to cause fetal wastage or undergrowth, malformation, growth retardation, or functional disorders in the products of mammalian conception, or prematurity or diminished fertility in mammals. For the purposes of this stay, it is immaterial whether a specific locus of action has been identified, assignment to this category being based upon the enumerated end-results.

A substance which comes within one of the enumerated hazard categories shall be subject to the access to records requirements of 29 CFR 1910.20 if the employee (or his/her designated representative) requesting the record is or has been exposed to:

(1) any amount or concentration of a substance, whether in pure form or as a constituent in a mixture, if it is a carcinogen or reproductive toxin; and

(2) any amount of a substance, whether in pure form or as a constituent in a mixture, if it is a highly toxic material in concentrations greater than 1.0% (by weight).

Except as set forth above, 29 CFR 1910.20 shall be in effect in all other respects. This administrative stay is issued with the understanding that substances which are considered "toxic substances" under the standard but exempt from disclosure under the stay are intended as food ingredients or cosmetics, subject to extensive Food and Drug Administration regulation and under work practices designed to minimize employee exposure.

[FR Doc. 81-23103 Filed 8-5-81; 12:08 pm]

BILLING CODE 4510-26-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-112D]

Access to Employee Exposure and Medical Records; Proposed Interim Modification

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice and request for comments on proposed interim modification of standard.

SUMMARY: OSHA is hereby proposing to modify the trade secrets provision of the access to employee exposure and medical records standard, 29 CFR 1910.20(f), to permit employers to include liquidated damages clauses or the like in confidentiality agreements which they may require of employee designated representatives prior to disclosing toxic substance information which is a trade secret. This notice solicits comments on the proposed modification. The notice also announces that OSHA has requested a six-month deferral of the briefing schedule from the U.S. Court of Appeals for the District of Columbia in the consolidated challenges to the records access standard, *Industrial Union Department, AFL–CIO* v. *Marshall*, No. 80–1550 et al.; to permit the Agency an opportunity to decide whether, and to what extent, to repropose a modified records access standard.

DATES: All data and comments must be received by September 21, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. H–112D, Occupational Safety and Health Administration, Room S6212, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Telephone (202) 523–7894.

FOR FURTHER INFORMATION CONTACT: John Martonik, Occupational Safety and Health Administration, Room N3608, U.S. Department of Labor, Washington, D.C. 20210. Telephone (202) 523–8031.

SUPPLEMENTARY INFORMATION: On May 21, 1980, the Occupational Safety and Health Administration (OSHA) issued its standard on Access to Employee Exposure and Medical Records, 29 CFR 1910.20; 45 FR 35212 *et seq.* The standard imposes three major obligations on employers. First, employers are required to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances or harmful physical agents, 20 CFR 1910.20(d). Generally, employee exposure records and analyses based on exposure or medical records must be retained for thirty years. 29 CFR 1910.20(d)(1) (ii) and (iii). Employee medical records must be retained for the duration of employment plus thirty years. 29 CFR 1910.20(d)(1)(i).

Second, throughout these time period the employer must assure access to pertinent exposure records by the exposed employee, fellow employees exposed or potentially exposed to similar job hazards, designated employee representatives, and OSHA. 29 CFR 1910.20(e). Access to medical records must also be assured to the employee who is the subject of the records and to OSHA. Likewise, access to medical records must be assured to an employee's designated representative, such as the employee's collective bargaining agent, but, because of the privacy interests involved, only if the employee has provided specific written consent for suc access. 29 CFR 1910.20(e)(2)(ii)(B); *cf.* § 1910.20(c)(10). Employee and designated representative access must be provided at a reasonable time, place, and manner, but in no event later than fifteen (15) days after the request is made. 29 CFR 1910.20(e)(1). OSHA access must be provided immediately upon request, 29 CFR 1910.20(e)(3), but because of the personal privacy interests affected by access to medial records, OSHA's access to such records is further conditioned upon compliance with the procedures and protections which were simultaneously promulgated as 29 CFR Part 1913.

Third, upon entering into employment and annually thereafter, employees are entitled to be informed by their employers of their rights under the standard and of the requisite procedures for exercising those rights. 29 CFR 1910.20(g).

In issuing the standard, the Secretary considered its potential impact on trade secrets. 29 CFR 1910.20(f). Although identities of toxic substances, levels of exposure, and health status data may not be withheld, the employer may delete any other trade secret data which discloses manufacturing processes, of discloses the percentage of a chemical substance in a mixture. In addition, the provisions of the final standard permit employers to condition access to trade secrets upon basic written agreements not to misuse this information.

On May 21, 1980, the Industrial Union Department, AFL–CIO, petitioned the United States Court of Appeals for the District of Columbia Circuit to review the standard pursuant to Section 6(f) of the OSH Act, 29 U.S.C. 655(f), the statute's provision for exclusive court of appeals' preenforcement review of occupational safety and health standards. *Industrial Union Dep't, AFL–CIO* v. *Marshall*, No. 80–1550. The Chemical Manufacturers Association and the National Chamber of Commerce later intervened in that lawsuit.

On July 18 and 21, 1980, a number of individuals and two trade associations, the Association of Diving Contractors and the Louisiana Chemical Association, petitioned the Fifth Circuit Court of Appeals under the same section 6(f) review provision. These cases were transferred to the D.C. Circuit under 28 U.S.C. 2112(a) and consolidated with the pending *IUD* case. In addition, there is an appeal pending in the Fifth Circuit Court of Appeals of a challenge to the standard which was brought in the Western District Court of Louisiana, and which the District Court dismissed for lack of subject matter jurisdiction. *Louisiana Chemical Association* v. *Bingham*, *No. 80–3724.*

The records access standard expressed OSHA's policy, which became formalized after a full rulemaking proceeding, that employees, their representatives, and OSHA need access to employer-maintained exposure and medical information in order to protect employee health and safety, and that this need is a proper subject for OSHA regulation. However, since the particular standard raises complex policy and legal questions concerning issues which in some cases were resolved based on a limited rulemaking record and which have not yet been fully reviewed in light of the current administration's policies, OSHA has asked the D.C. Circuit to defer the briefing schedule for an additional six months. The purpose of this request is to permit the Agency adequate time to scrutinize all aspects of the standard, including current enforcement experience; the issues raised by the litigation; petitions for modification of the standard from trade associations representing the flavor, fragrance and food manufacturing industries; and other comments on the standard that have been received from numerous interested persons. After this review, the Agency will decide whether, and to what extent, to propose modification of the standard. Any reproposal of a modified records access standard will be subject to complete rulemaking procedures.

In seeking this six-month deferral, OSHA is cognizant of the fact that the records access standard has been in effect for nearly a year for most affected industries, and, with the one possible exception discussed below, wishes to maintain the *status quo* during this period of administrative review of the standard. This means (a) continuation of the standard in effect, except as noted

below, and (b) an extension of the existing partial administrative stay for the flavor and fragrance industries until February 15, 1982 (See FR Doc. 81-23163 published also in this Part IV of the **Federal Register**).

The one area where OSHA believes some basis may exist for an interim modification of the standard during this review period involves designated representative access to trade secret information. As stated, the standard requires disclosure to employees and their designated representatives of the chemical identity of toxic substances, even if trade secret, but permits the employer to condition access to the trade secret upon a written agreement "not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor or potential competitor of the employer." 29 CFR 1910.20(f)(3). In explaining this provision the preamble stated, "this provision is intended to enable employers to establish a basic contractual obligation not to misuse trade secret information, but may not be used as a pretext for more onerous requirements such as the posting of penalty bonds, liquidated or punitive damages clauses, or other preconditions." 45 FR 35275.

In its preliminary consideration of this matter, OSHA is satisfied that, with respect to employee access to trade secret information, no immediate change is necessary regarding the authorization of confidentiality agreements, as qualified by the preamble, to protect the employer's trade secret interests. This is so not only because breach of the agreement can lead to a judicial action resulting in monetary damages, but because such a breach can be treated as an internal disciplinary matter (see interpretation No. 4 in FR Doc. 81-23163 published also in this Part of the **Federal Register**). Disciplinary sanctions available to the employer should in almost all cases deter employees from misuse or negligent use of the information provided to them on a privileged basis. Furthermore, since many employees have access to trade secrets as part of their job, employers have considerable experience with the use of confidentiality agreements to protect trade secrets from unauthorized employee disclosure.

With respect to designated representative access to trade secret information, employers, unlike their relationship with employees, lack comparable disciplinary authority which can make basic confidentiality agreements, as contemplated by OSHA when it issued the standard, effective deterrents to wrongful behavior. In the absence of disciplinary power, any prohibition on the use of meaningful preconditions to access, such as liquidated damages clauses, does not simply leave employers to their common law or private remedies, but may in fact seriously restrict the available remedies. Moreover, reasonable preconditions such as liquidated damages clauses, which are consistent with current business practice, would not appear to pose the same barrier to use of the access right for a union that it would for an individual employee, whose financial resources are presumably much less. Thus, the symmetry which OSHA tried to maintain between individual employee and designated representative access to trade secret information may in fact have left the employer considerably more vulnerable to possible misuse of disclosed trade secret information when required to provide access to such information to a designated representative.

OSHA believes that this vulnerability to potential misuse of trade secret information may constitute irreparable harm to the employer, who may be faced with the choice of disclosing a valuable trade secret to a designated representative without adequate protection or subjecting itself to an OSHA enforcement action for noncompliance with the standard. Accordingly, OSHA hereby proposes an interim modification of the standard to permit an employer to condition designated representative access to trade secret information upon the entering of confidentiality agreements which may incorporate protective devices such as reasonable liquidated damage clauses and the like.

If adopted, the proposed interim modification will not go into effect until after the close of a public comment period, which shall be open until September 21, 1981. OSHA hereby invites all interested persons to submit written comments, views, and data relating to this issue to help it determine whether the proposed action is warranted and, if so, what its precise form should be. In particular, OSHA solicits comments with respects to the following questions:

(1) What has been the experience under the records access standard with designated representative requests for access to records containing trade secrets? Have employers complied with such requests, and if so, what kinds of agreements have been entered into? Has there been misuse of disclosed information, e.g., unauthorized redisclosure? How does this experience compare with employee access to such information? How effective is the sanction available under the National Labor Relations Act of depriving a union of access to future information for misuse of confidential business information, *NLRB* v. *Abell Co.*, 104 LRRM 2761, 2763 (4th Cir., July 2, 1980)?

(2) If additional conditions are permitted, how and by whom should disputes over the validity of a trade secret claim be resolved? Who or what body should resolve impasses over the terms of a confidentiality agreement and how formal or informal should such a mechanism be?

(3) What limitations, if any, should OSHA place upon the conditions available to an employer in order to keep them reasonable? Should distinctions be made between penalty bonds, which require an advance posting of money, and damage clauses, which do not; or between liquidated damages, which bear a relationship to anticipated losses, and punitive damages, which may go beyond such foreseeable losses? How readily could a union or other designated representative obtain a surety bond from a bondsman to assure against possible breach of a confidentiality agreement?

(4) Should OSHA specify what would consitute breach of a confidentiality agreement? For instance, should OSHA state that redisclosure by a local union to the international or to affected employees, under the same terms of the agreement, would be permitted, but that disclosure to a newspaper is not? Is it necessary to state that unauthorized negligent or intentional redisclosures would constitute a breach, but that a designated representative cannot be held to a standard of strict liability? How do other Federal agencies or state law address these matters in comparable situations?

All comments should be submitted in quadruplicate by September 21, 1981, to the OSHA Docket Officer, Docket No. H-112D, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210; telephone (202) 523-7894. All comments received in response to this notice will be available for inspection and copying at the Docket Office.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553).

Signed at Washington, D.C., this 4th day of August 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-23164 Filed 8-5-81; 12:08 pm]

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federal register

Friday
August 7, 1981

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

Mobile Home Construction and Safety Standards, Procedural and Enforcement Regulations and Consumer Manual Requirements

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

24 CFR Part 3282

[Docket No. R-81-926]

Mobile Home Procedural and Enforcement Regulations

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend the mobile home procedural and enforcement regulations, 24 CFR 3282, Subpart I, to permit manufactured housing manufactures to file with the Secretary requests for alternative construction in certain limited circumstances. The proposed rule would also allow manufacturers to build homes which, though not in technical compliance with the Standards contained in 24 CFR 3280, meet the same level of quality, durability and safety as required by the Standards.

DATE: Written comments due on or before September 8, 1981.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of HUD, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: John Opitz, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5737. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et seq.*, prohibits the sale, lease, or offering for sale or lease of any manufactured home which does not comply with any federal manufactured home construction or safety standard. However, the Department recognizes that, under certain limited circumstances, it may be beneficial to manufactured home purchasers to allow manufacturers to build and sell homes which, although not meeting the technical specifications of the Standards, meet an equivalent or higher standard of quality, durability, or safety. Futhermore, the Department wishes to encourage the use of innovative technology and construction methods in the manufactured housing industry, such as the use of solar energy or development of subdivisions utilizing manufactured homes.

The proposed rule provides manufacturers a means by which they can deal with special or unusual circumstances or develop new technologies and construction methods without being subjected to possible enforcement action by the Department for violation of the Standards. The proposed rule may be of special assistance to maufacturers of manufactured homes between 320 and 400 square feet. The rule would give a temporary means to seek deviations from the Standards while the Department is examining the appropriateness of special standards for small manufactured homes as prescribed in the Conference Report for the Housing and Community Development Act of 1980. The Department is simultaneously publishing with this proposed rule, a proposed rule implementing the 1980 legislative changes. So that the proposed rules can go into effect together and the alternative construction procedures will be available at the earliest possible time, the Department is shortening the usual comment period. Accordingly, the period available for public comment on this regulation has been set at 30 days.

Under the proposed rule, manufacturers could request the Department to issue a letter stating that the Department will refrain from taking enforcement action based upon certain failures to conform with the Standards. Such letters will be issued only under limited circumstances. These circumstances are limited to situations in which a manufacturer's proposed design or activity is necessary because of special or ususal circumstances or includes the use of new technology or innovative construction methods and in which such proposed design or activity will provide purchasers with units that meet the same level of performance, quality, durability, and safety as if the unit were built to comply with the Standards.

A request for alternative construction should not be confused with a request for the modification, addition, or deletion of a Standard. If a manufacturer believes a Standard should be changed, it should follow the rulemaking procedures listed at 24 CFR 3282.101.

Nor should the proposed rule be confused with 24 CFR 3280.1 of the Standards. Under that section, the Secretary may waive specifications set out in the Standards for a material, piece of equipment or system where it can be shown to the satisfaction of the Secretary that a substitute material, piece of equipment or system provides equivalent or superior performance. Such waivers would be applicable to all manufacturing operations and could be issued only after following the rulemaking procedures listed in 24 CFR 3282.101.

The proposed rule is an exercise of the Secretary's prosecutorial discretion and is available only in limited circumstances. The issuance of a letter to a manufacturer is not universal in its applicability, but limited to a particular manufacturing operation. The issuance of such a letter, unlike the issuance of a waiver under 24 CFR 3280.1, does not require rulemaking.

The Department is exploring the legality and administrative feasibility of implementing a procedure typically found in local or state building codes. Such a procedure would allow the Department to approve on an individual basis the use of any material or method of construction not specifically prescribed by the Federal standards, provided any alternate has been approved and its use authorized by the Department.

Under the proposed rule, manufacturers will be required to supply sufficient information from which the Department can determine whether it is appropriate to refrain from taking enforcement action.

Manufacturers will be required to supply:

1. An identification of the nonconforming activity or design they proposed undertaking;

2. An explanation of the manner in which the design fails to conform to the Standards, including a list of the specific Standards involved;

3. An explanation of how the design will result in consumers receiving homes which provide the same or higher level of performance, quality, durability, and safety as would be provided under the Standards;

4. A copy of data adequate to support the request, including applicable test data, engineering calculations and/or certification from nationally recognized laboratories;

5. A list containing the number of manufactured home units affected and the location to which the units will be shipped;

6. An indication of the period of time during which the manufacturer proposes to engage in the manufacture, sale or lease of the nonconforming homes;

7. An explanation of how the proposed design will promote the purposes of the National Manufactured Housing Construction and Safety Standards Act;

8. A copy of the notice prepared in accordance with subsection (c) of the proposed rule;

9. A list of the names and addresses of any dealers which would be selling the nonconforming homes;

10. A list of the serial numbers to be assigned to each home;

11. A letter from the manufacturer's DAPIA indicating that the proposed plans meet the Standards in all other respects, and a recommendation from the DAPIA on the merits of the request; and

12. Other information, data, or certifications the Secretary may deem to be appropriate.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

The rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The catalog of Federal Domestic Assistance program number is 14.804 Manufactured Housing.

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Accordingly, it is proposed that 24 CFR 3282 be amended by adding § 3282.417.

§ 3282.417 Request for alternative construction.

(a) *Policy: (1)* In some circumstances, the sale or lease of one or more nonconforming manufactured homes is such that no affirmative action is needed to protect the public interest and promote the purposes of the Act. The Department encourages innovation and the use of new technology in manufactured homes when such innovation or technology can provide equivalent or superior performance to that provided by the Standards or these regulations. Where a manufacturer demonstrates that its proposed nonconforming activity provides equivalent or superior performance to the Standards, and that the circumstances are such that compliance with the Standards would be unreasonable in a particular case, the Department will consider whether it is appropriate to refrain from taking enforcement action.

(2) If a request for alternative construction is submitted and the facts are consistent with the principles in paragraph (a)(1) of this section, the Secretary may issue a letter pursuant to paragraph (d) of this section stating that no action will be taken under the Act based upon specific failures to conform to the Standards and/or these regulations provided that certain conditions are met.

(3) The issuance of a letter pursuant to paragraph (d) of this section will not affect any right which any purchaser may have under the Act or other applicable law and it will not preclude any further agency action which may become necessary.

(b) *Request for alternative construction:* A manufacturer, distributor, dealer or other interested person may submit a request for alternative construction. The request should be sent to the U.S. Department of Housing and Urban Development, Office of Mobile Home Standards, 451 7th Street, SW., Washington, D.C. 20410. The request must include:

(1) A copy of the manufacturing design or plan for each nonconforming model which it plans to build;

(2) An explanation of the manner in which the design fails to conform to the Standards, including a list of the specific Standards involved;

(3) An explanation of how the design will result in consumers receiving homes which provide the same level of performance, quality, durability and safety, as would be provided under the Standards;

(4) A copy of data adequate to support the request, including applicable test data, engineering calculations and/or certification from nationally recognized laboratories;

(5) A list containing the number of manufactured home units affected and the location to which the units will be shipped;

(6) An indication of the period of time during which the manufacturer proposes to engage in the manufacture, sale or lease of the nonconforming homes;

(7) An explanation of how the proposed design will promote the purposes of the National Manufactured Housing Construction and Safety Standards Act;

(8) A copy of the proposed notice prepared in accordance with paragraph (c) of this section;

(9) A list of the names and addresses of any dealers which would be selling the nonconforming homes;

(10) A list of the serial numbers to be assigned to each home;

(11) A letter from the manufacturer's DAPIA indicating that the proposed plans meet the Standards in all other respects, and a recommendation from the DAPIA on the merits of the request; and

(12) Other information, data, or certifications the Secretary may deem appropriate.

(c) *Notice to prospective purchasers:* (1) Manufacturers receiving letters pursuant to paragraph (d) of this section will be required to provide notice to prospective purchasers that the home does not conform to the standards. Notice shall be given by posting a "Notice to Purchasers" as indicated in paragraph (c)(2) of this section and by making a copy of the Department's letter pursuant to paragraph (d) of this section available to all interested parties.

(2) The following notice shall be posted in a prominent location in each manufactured home sold subject to a letter pursuant to paragraph (d) of this section:

Notice to Purchasers

The Department of Housing and Urban Development has issued a letter to (Name of Manufacturer) concerning the homes in (location if known). As designed, the homes do not meet Federal manufactured housing construction and safety standards regarding (brief statement of manufacturers nonconformance).

HUD has evaluated the alternative construction and believes that it provides an equivalent level of quality, durability and safety to that provided by the standards.

For further information about the specific Federal standards involved, a copy of the letter issued pursuant to 24 CFR 3282.417(d) is available from this dealer or manufacturer upon request.

(d) *Issuance of the letter by the Secretary:* (1) If the Secretary issues a letter pursuant to a request for alternative construction, the letter shall include a thorough explanation of the proposed activity and/or design (including the items listed in paragraph

(b) of this section) and the reasons for issuing the letter. The letter will state that the Secretary will take no action based upon the failures to conform listed in the letter provided appropriate conditions are met and the letter shall state those conditions.

(2) The Secretary shall forward a copy of the letter to the manufacturers' IPIA and DAPIA along with a letter authorizing the IPIA and DAPIA to waive enforcement of the specific Standard(s) and/or regulation(s) listed in the letter provided the conditions set forth in the letter are met.

(3) The Secretary shall also forward a copy of the letter to the SAA in the state of manufacture.

(e) *Revocation:* The Secretary may revoke or amend a letter issued pursuant to paragraph (d) of this section at any time. However, such revocation or amendment will be prospective only.

(Section 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5424.)

Issued at Washington, D.C., July 17, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

[FR Doc. 81-23070 Filed 8-6-81; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Parts 3280, 3282 and 3283]

[Docket No. R-81-927]

Mobile Home Construction and Safety Standards, Procedural and Enforcement Regulations and Consumer Manual Requirements

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's mobile home construction and safety standards, procedural and enforcement regulations and consumer manual requirements. The changes are necessitated by amendments to the National Manufactured Housing Construction and Safety Standards Act of 1974. The amendments changed the definition of mobile home and changed references in the Act from "mobile home" to "manufactured home." This proposed rule makes conforming amendments to the rules.

DATE: Written comments due on or before September 8,

ADDRESSES: Comments must be sent to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Jeffrey Hammond, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410 (202) 755-7055. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: In the 1980 amendments to the Act, which are contained in Section 308 of the Housing and Community Development Act of 1980, Pub. L. 96-399, and its legislative history, all references to "mobile home" contained in the original Act were changed to read "manufactured homes" or "manufactured housing." The proposed rule extends this change in terminology to the regulations which implement the Act.

In this rule, the term "manufactured homes" is used only as defined in the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5402(6), (these structures were referred to as "mobile homes" prior to the amendment in October, 1980) and should not be confused with other types of factory-built housing. The proposed rule should not be interpreted to mean that a "manufactured home" meets any construction or safety standards other than those found at 24 CFR Part 3280. Specifically, a manufactured home does not necessarily comply with the Minimum Property Standards found in HUD Handbook 4900.1 nor the Department's "Technical Suitability of Products Program" (HUD Handbook 4950.1 Rev. 1). In addition, the mere fact that a manufactured home meets the construction and safety standards of the Act and its implementing regulations does not make it eligible for HUD-assisted financing under Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)), also known as Title II financing. Parties who wish to determine a unit's compliance with the Minimum Property Standards or a unit's eligibility for Title II financing should not rely on the unit's compliance with 24 CFR 3280 or this proposed rule to make those determinations.

The proposed rule changes the name of the HUD office which enforces the Act to "Office of Manufactured Housing Standards."

The proposed rule changes the definition of "mobile home" which is found at §§ 3280.2(a)(16), 3282.7(u), and 3283.2(k) to conform with the definition contained in the 1980 amendments. The new definition includes units which are over 320 square feet. The proposed rule requires that a unit's largest exterior dimensions, including all projections containing interior space, be used when calculating its total area. This requirement insures that all living space is included in the calculation of total area.

The proposed rule also changes the definitions of "length of a mobile home" and "width of a mobile home" which are found at §§ 3280.2(a) (13) and (22). The proposed definitions are consistent with the proposed definition of "manufactured home" in that length and width are to be measured while the unit is in the traveling mode. Measurements pursuant to the present definitions are made after erecton on site.

The proposed rule deletes § 3282.8(g) which exempted certain recreational vehicles from the requirements of the Act. In the past, HUD has received numerous comments from the manufactured housing industry and from the public criticizing this exemption, and especially the requirement that in order to be exempt, a vehicle's plumbing, heating and electrical systems must be self-contained. In practice this exemption has been difficult to apply, and on April 21, 1980 the Department published an interpretive bulletin in an attempt to more clearly draw the line between manufactured homes and recreational vehicles. Federal Register, Vol. 45, No. 78, p. 26906. Congress has now clearly drawn that line and, as a result, the exemption is no longer appropriate.

The proposed rule establishes a procedure under which manufacturers of units which meet all requirements of the definition of "manufactured home" except for the size requirements may bring their units under the jurisdiction of the Act. The amended definition of "manufactured home" provides for such certification. The procedure established in the proposed rule requires only a simple certification. The procedure is easy to comply with and places a minimal burden on the manufacturer.

A finding of No Significant Impact with respect to the environmental has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address listed above.

This proposed rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) have an annual effect on the economy of one hundred million

dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The catalog of Federal Domestic Assistance program number is 14.804 Manufactured Housing.

This regulation, in implementing the legislative changes, clarifies uncertainties in computing the size of manufactured homes and provides the required procedures for voluntary certifications. It is therefore appropriate to set the period for public comment for 30 days.

PART 3280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

PART 3283—MOBILE HOME CONSUMER REQUIREMENTS

Accordingly, it is proposed that 24 CFR Parts 3280, 3282 and 3283 be revised as follows:

1. By changing the title "National Mobile Home Construction and Safety Standards Act of 1974" wherever it appears in 24 CFR Parts 3280, 3282, and 3283, to read "National Manufactured Housing Construction and Safety Standards Act of 1974."

2. By changing the title "Office of Mobile Home Standards" Wherever it appears in 24 CFR Parts 3280, 3282, and 3283, to read "Office of Manufactured Housing Standards."

3. By changing the terms "Mobile Home(s)" and "mobile home(s)" wherever they appear in 24 CFR Parts 3280, 3282, and 3283 to read "Manufactured Home(s)" and "manufactured home(s)," respectively.

4. By revising 24 CFR 3280.2(a) (13), (16) and (22) to read as follows:

§ 3280.2 Definitions.

(a) * * *

(13) "Length of a Manufactured Home" means its largest overall length in the traveling mode, including bay windows, cabinets, and other projections which contain interior space. Length does not include roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings or hitches.

* * * * *

(16) "Manufactured Home" means a structure, transportable in one or more sections which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on site, is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, bay windows, cabinets, and other projections containing interior space. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to § 3282.13 of this chapter and complies with the standards set forth in Part 3280. Nothing in this subsection should be interpreted to mean that a "manufactured home" necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b).

* * * * *

(22) "Width of a Manufactured Home" means its largest overall width in the traveling mode, including bay windows, cabinets and other projections which contain interior space. Width does not include roof projections, overhangs, or eaves under which there is no interior space.

5. By revising § 3282.7(u) to read as follows:

§ 3282.7 Definitions.

* * * * *

(u) [same as § 3282.2(a)(16) of this chapter]

* * * * *

6. By revising § 3283.2(k) to read as follows:

§ 3283.2 Definitions.

* * * * *

(k) [same as § 3280.2(a)(16) of this chapter]

* * * * *

§ 3282.8 [Amended]

7. By removing 24 CFR 3282.8(g) and by redesignating § 3282.8(h) through (1) as § 3282.8(g) through (k).

8. By adding a new 24 CFR 3282.13 as follows:

§ 3282.13 Voluntary certification.

(a) The purpose of this section is to provided a procedure for voluntary certification of non-conforming manufactured homes as required by 42 U.S.C. 5402(6) as amended by Section 101(d) of the Housing and Community Development Act of 1980.

(b) Structures which meet all of the requirements of a "manufactured homes" as set out in § 3282.7(u) of this part, except the size requirements, shall be "manufactured homes" if the manufacturer files with the Secretary a certification in the following form:

[Name of manufacturer and address where structures are to be manufactured] certifies that it intends to manufacture structures that meet all of the requirements of manufactured homes set forth at 42 U.S.C. 5402(6) except the size requirements. Such structures are to be treated as manufactured homes for the purposes of the National Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto. Such structures will be built in conformance with the Standards. [Name of manufacturer] further certifies that if, at any time it manufactures structures which are not manufactured homes, it will identify each such structure by a permanent serial number placed on the structure during the first stage of production and that the series of serial numbers for such structures shall be distinguishable on the structures and in its records from the series of serial numbers used for manufactured homes.

(c) Whenever a manufacturer which has filed a certification pursuant to paragraph (b) of this section produces structure which are not manufactured homes, it must identify each such structure by placing a permanent serial number on the structure during the first stage of production. The series of serial numbers placed on these structures shall be distinguishable on the structure and in the manufacturer's records from the series of serial numbers used for manufactured homes.

(d) A manufacturer may certify a structure as a manufactured home after having applied a serial number identifying it as a structure which is not a manufactured home. To do so, the manufacturer must secure the written consent of the IPIA. This consent may

only be given after a DAPIA has approved the manufacturers' design and quality assistance manual in accordance with § 3282.361 of this part, and after the IPIA has thoroughly inspected the structure in at least one stage of production and after such removal of equipment, components or materials as the IPIA may require to assure that the structure conforms to the standards. After certification as a manufactured home has been approved, the manufacturer shall remove the original serial number and add the serial number required by § 3280.6 of this chapter.

(e) Once a manufacturer has certified under paragraph (b) of this section that it intends to build structures which are manufactured homes in all respects except size, the manufacturer must then, with respect to those structures, comply with all of the requirements of the Act and its regulations. The structures may not thereafter be exempted under any other section of these regulations.

(Sec. 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5424)

Issued at Washington, D.C., July 17, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

[FR Doc. 81-23071 Filed 8-6-81; 8:45 am]

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Federal Register
Vol. 46, No. 152
Friday, August 7, 1981

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

List of Public Laws

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H.J. Res. 84 / Pub. L. 97-27 Designating the week of October 4 through October 10, 1981, as "National Diabetes Week" Aug. 4, 1981; 95 Stat. 147) Price $1.50.

S.J. Res. 28 / Pub. L. 97-28 Designating the week of March 7, 1982, as "Women's History Week" Aug. 4, 1981; 95 Stat. 148) Price $1.50.



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