

# Federal Register

Friday  
November 6, 1981

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## Highlights

- 55081 Government Employees** OPM updates Displaced Employee Program regulations.
- 55119 Government Employee Wages** OPM proposes regulations on recovering erroneous payments by installment deductions.
- 55098 Veterans** VA permits discontinuance of pension and dependency and indemnity compensation (DIC) for failure to file income questionnaire.
- 55110 Hazardous Materials** EPA changes container and waste pile standards and associated permit regulations.
- 55220 Waste Treatment and Disposal** EPA proposes to alter grant regulations for construction of treatment works. (Part III of this issue)
- 55093 Alcohol and Alcoholic Beverages** Treasury/ATF rescinds ingredient labeling regulations for wine, distilled spirits, and malt beverages.
- 55151 Banks** FRS adopts coin and currency transportation fee schedules and policy for access to cash processing services.
- 55085, 55088 Banking—Farm Credit** FCA adopts regulations on funding and fiscal affairs, loan policies and operations and funding operations. (2 documents)

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

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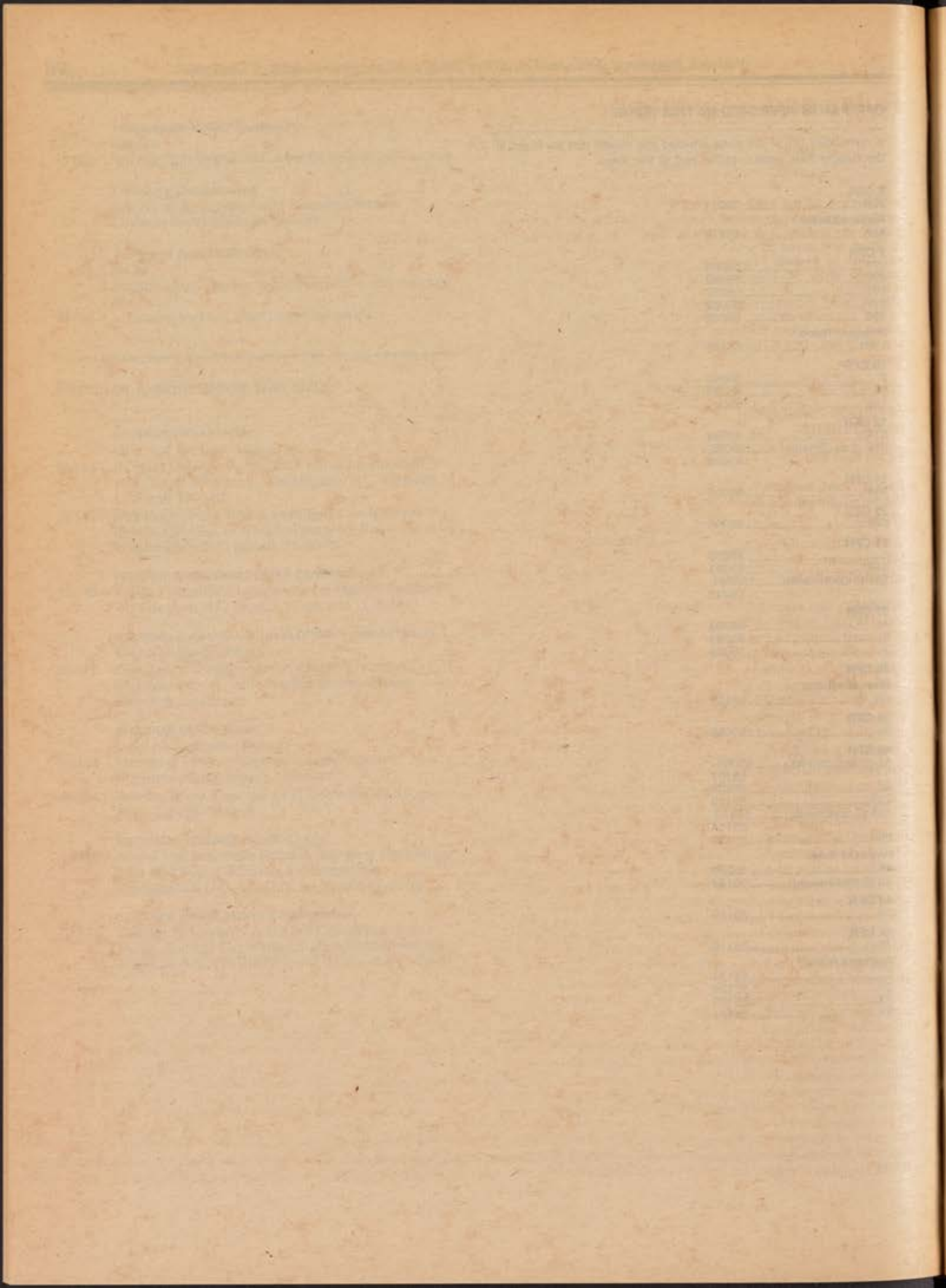


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# Rules and Regulations

Federal Register

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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.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 330

#### Recruitment, Selection, and Placement (General): Displaced Employee Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment revises and updates civil service regulations on the Displaced Employee Program to make them more responsive to current agency staffing needs and practices. The Displaced Employee Program acts to supplement the efforts of agencies in their obligation to provide placement assistance to displaced employees.

**EFFECTIVE DATE:** November 6, 1981.

**FOR FURTHER INFORMATION CONTACT:** William Bohling, 202-632-6000.

**SUPPLEMENTARY INFORMATION:** At 46 FR 20213 dated April 3, 1981, the Office of Personnel Management (formerly the Civil Service Commission) proposed this regulation, with a 60-day comment period. The regulation revises and updates the basic provisions of the Displaced Employee Program to make them more responsive to current agency staffing needs and practices.

The Director of the Office of Personnel Management has determined that good cause exists for the suspension of the 30-day delay of effectiveness provision for final rule required by 5 U.S.C. 553(d) because of the current needs of many agencies to utilize the Program.

Comments were received from employees, labor organizations, and Federal agencies. The following is a summary of those comments and the Office of Personnel Management (OPM's) action in regard to them.

Several commenters were not in favor of the inclusion in the Program of Federal employees whose Federally employed spouses made Government-requested, work-related geographic moves, along with delegation of authority to agencies to nonselect employees referred under this category. These comments included:

"We don't believe that the Displaced Employee Program should contain this provision \* \* \* the Displaced Employee Program should be focused on those employees who are involuntarily separated."

"The Displaced Employee Program is, and should remain, an effective means of insuring that displaced employees receive serious, extensive, mandatory consideration for appropriate vacancies as they occur. To use that program as an advertising device for a spouse would lessen the program's impact."

"To revise the Displaced Employee Program as proposed can only weaken the program \* \* \*"

"In our view, such inclusion (1) is unnecessary to provide 'visibility' to these candidates, (2) will require agency and OPM administrative processing which will not result in additional placements, and (3) diminishes from the intent of the program by including employees who are not 'displaced'."

"The change distorts the intent of the program beyond its basic purpose." OPM concurred.

Another commenter suggested that the terms "competitive area" and "commuting area" be referenced as to where their definitions may be found. OPM concurred.

Another commenter suggested that displaced employees who decline to transfer with their function or to accept assignment in another commuting area should only be entitled to placement assistance under the Displaced Employee Program in their current commuting area. OPM concurred.

Other comments were not appropriate for inclusion in the regulation but will be incorporated into instructional material issued through the Federal Personnel Manual system.

#### E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O.

12291, Federal Regulation, because it will not result in:

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

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

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

#### Regulatory Flexibility Act

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

Office of Personnel Management.

Donald J. Devine,

Director.

#### PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Accordingly, OPM amends 5 CFR Part 330 by revising Subpart C § 330.301 through § 330.306 to read as follows:

#### Subpart C—Displaced Employee Program

Authority: 5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.

##### § 330.301 Definition.

In this subpart, "displaced employee" means a present or former career or career-conditional employee, or excepted employee with competitive status and in tenure group I or II (except an employee occupying a Schedule C position as defined in Part 213 of this chapter—Schedule C employees are not entitled to placement assistance under the Displaced Employee Program) as defined in Part 351 of this chapter, who—

(a) Has received a reduction-in-force notice and whose employing agency has determined that he/she cannot be placed in another position in his/her competitive area (as defined in Part 351 of this chapter);

(b) Has declined to transfer with his/her function to another commuting area



or to accept a new assignment to another commuting area (as defined in Part 351 of this chapter), and whose employing agency has determined that he/she will not be placed in another position in his/her competitive area—in this instance, an employee would be entitled to assistance under the Displaced Employee Program for positions *only* within his/her current commuting area;

(c) Was separated or furloughed because of a compensable injury sustained under the provisions of subchapter I of chapter 81 of title 5, United States Code; or,

(d) Has been retired under section 8337 of title 5, United States Code.

#### § 330.302 Agency programs.

(a) Each agency has a primary obligation to assist, to the maximum extent practicable and in keeping with requirements set forth in (b) below, in the placement of its displaced employees. OPM's Displaced Employee Program acts only to supplement these efforts and is not intended to replace an agency's program or to relieve an agency of its responsibility to provide the maximum placement assistance possible.

(b) Each agency is required to operate a positive placement program for its own displaced employees. The program must, at a minimum, provide for establishment and maintenance of a reemployment priority list for the commuting area, as provided for in subpart B of Part 330 and subpart J of Part 351 of this chapter. Additionally, each agency is strongly encouraged to supplement this basic requirement with other forms of appropriate assistance. An agency's positive placement program should include, at a minimum, the following elements: (1) who is eligible for assistance, (2) the duration of eligibility, (3) the types of assistance provided, including counseling, job referral, and training, (4) referral procedures, including interagency referrals, and (5) consideration of the appropriateness of placing restrictions on filling vacancies by any means when qualified displaced persons are available.

#### § 330.303 OPM program.

Subject to the guidelines published by OPM in the Federal Personnel Manual, a displaced employee is eligible for placement assistance under OPM's Displaced Employee Program.

#### § 330.304 Priority referral.

(a) *When made.* OPM and agencies with delegated examining authority refer displaced employees for

consideration in filling positions at GS-15 and below, or the equivalent, which (1) are expected to last more than 1 year, (2) are at or below the grade of the positions from which the employees were or will be displaced, and (3) are either vacant or filled by tenure group III employees as defined in part 351 of this chapter other than status quo employees (as defined in part 210 of this chapter). Referrals are based on the qualifications of displaced employees and on the duties of the positions.

(b) *Selections.* When an agency selects a referred displaced employee, it employs him/her by reinstatement, transfer, position change, or new appointment as appropriate.

#### § 330.305 Restrictions.

(a) When a displaced employee receives priority referral under § 330.304(a) to a position for which he/she is qualified and available, the agency shall give him/her bona fide consideration for placement in the position. If there is no vacancy, but there is a position occupied by a tenure group III employee, other than a status quo employee, the agency shall establish a vacancy by separating a tenure group III employee under § 316.801 of this part.

(b) OPM or agencies with delegated examining authority will neither certify from a register of eligibles nor authorize appointment outside the register in the absence of eligibles to fill any position expected to last more than 1 year for which a displaced employee is eligible and available for priority referral.

#### § 330.306 Duration of eligibility.

A tenure group I displaced employee is eligible for placement assistance under the Displaced Employee Program for 2 years, and a tenure group II employee for 1 year, from the date he/she was separated or from the date he/she entered the program, whichever is later. Eligibility is terminated earlier, however, (a) at the employee's written request; (b) upon his/her acceptance of a nontemporary appointment in either the competitive or excepted service; or, (c) upon his/her declination of employment in the competitive or excepted service under conditions (i.e., at any grade, salary level, in any geographic location, or with any work schedule) which he/she previously indicated as acceptable, unless OPM determines that in the interest of equity an exception is warranted.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-32183 Filed 11-5-81; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 910

[Lemon Reg. 330, Amdt. 1; Lemon Reg. 332]

### Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period November 8-14, 1981, and increases the quantity of lemons that may be shipped during the period November 1-7, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

**DATES:** The regulation becomes effective November 8, 1981, and the amendment is effective for the period November 1-7, 1981.

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

#### SUPPLEMENTARY INFORMATION:

##### Finding

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

This action is consistent with the marketing policy for 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 November 3, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of



lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved.

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 become available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

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

1. Section 910.632 is added as follows:

**§ 910.632 Lemon Regulation 332.**

The quantity of lemons grown in California and Arizona which may be handled during the period November 8, 1981, through November 14, 1981, is established at 225,000 cartons.

2. Section 910.630 Lemon Regulations 330 (46 FR 53647) is revised to read as follows:

**§ 910.630 Lemon Regulation 330.**

The quantity of lemons grown in California and Arizona which may be handled during the period November 1, 1981, through November 7, 1981, is established at 235,000 cartons.

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

Dated: November 5, 1981.

D. S. Kuryloski,

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

(FR Doc. 81-42406 Filed 11-3-81; 1:15 pm)

BILLING CODE 3410-02-M

## Food and Nutrition Service

### 7 CFR Parts 271, 272, 275, and 277

[Amendment No. 169]

#### Food Stamp Program—Sanction/Incentive Systems

##### Correction

In FR Doc. 81-2555, appearing at page 7257, in the issue for Friday, January 23, 1981, please make the following correction:

On page 7264, in the first column, in the third paragraph (§ 275.25(c)(2)(ii)), in the fourth line, the words "of the national standard" should have read "or the national standard".

BILLING CODE 1505-01-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 2

#### Use of Administrative Law Judges in Antitrust Proceedings

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its regulations to provide specifically for the appointment of Administrative Law Judges to rule on requests for hearing and/or petitions to intervene and to preside in proceedings to consider the antitrust aspects of construction permit and license applications for nuclear power reactors and other production and utilization facilities. The Commission believes that the new hearing procedures will reduce the cost of conducting administrative antitrust proceedings and result in a more efficient use of personnel resources.

**EFFECTIVE DATE:** November 6, 1981.

**FOR FURTHER INFORMATION CONTACT:** B. Paul Cotter, Jr., Chief Administrative Judge, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555, Telephone: (301) 492-7814.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 105 of the Atomic Energy Act of 1954, as amended, the Commission must ensure that licenses it grants for nuclear power reactors and other production and utilization facilities do not create or maintain a situation inconsistent with the antitrust laws. Section 105 contemplates that a hearing on the antitrust aspects of a license application for a production or utilization facility, including a nuclear power reactor, may be necessary.

Pursuant to Section 105 of the Act, the Commission may hold antitrust proceedings when it finds that the public interest requires a hearing to consider the antitrust aspects of an application. A notice of hearing is issued pursuant to 10 CFR 2.104 of the Commission's rules of practice which specifies the kind of information which must be included in the notice. However, § 2.104(d) does not require the notice to state who will conduct the hearing on antitrust matters.

Frequently, antitrust proceedings result from requests for hearing filed by interested persons. The appointment of a presiding officer to rule on such requests and to conduct any subsequent proceedings is governed by 10 CFR 2.105(e) of the Commission's Rules. This provision now states that the Commission itself or a three-member atomic safety and licensing board appointed pursuant to section 191 of the Act will perform these functions.

The Commission believes that many antitrust proceedings can be conducted as well by a single Administrative Law Judge as by a three-member board. Because antitrust hearings are usually lengthy, substantial savings in personnel would result if a single hearing officer rather than a three-member board is assigned to conduct them. In its recent review of the hearing process, the Commission determined that the assignment of Administrative Law Judges to antitrust proceedings would free substantial resources of the Atomic Safety and Licensing Board Panel. Members of the Panel who thus become available can be assigned to operating license proceedings for nuclear power reactors which the Commission must complete without delay. See the Commission's Statement of Policy on the Conduct of Licensing Proceedings of May 20, 1981, 46 FR 28533, May 27, 1981. Consequently, the Commission is amending 10 CFR 2.104(d) and 2.105(e) and portions of section X of Appendix A to 10 CFR Part 2 to provide that antitrust matters may be assigned to an Administrative Law Judge instead of a three-member board.

Because the amendments relate solely to matters of internal agency procedure and do not change any substantive practice, notice of proposed rulemaking and public procedure thereon are not required by 5 U.S.C. 553, and, for the same reason, the Commission has found that good cause exists for making the amendments effective upon publication in the Federal Register.

#### Regulatory Flexibility Act Statement

This final rule is not subject to the provisions of the Regulatory Flexibility



Act, Pub. L. 96-354, 94 Stat. 1164. The Commission has determined pursuant to 5 U.S.C. 553 that a notice of proposed rulemaking need not be issued and that the rule may be promulgated in final form and become effective on the date of publication in the Federal Register.

#### Paperwork Reduction Act Statement

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 94 Stat. 2812, are not applicable to this final rule because the final rule does not contain any new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

### PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

For the reasons set out in the preamble and pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 2, are published as a document subject to codification.

1. The authority citation for 10 CFR Part 2 is revised to read as follows:

Authority:—Secs. 161p and 161, Pub. L. 83-703, 68 Stat. 950 and 953 (42 U.S.C. 2201(p) and 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, as amended, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C. 5841); 5 U.S.C. 552, unless otherwise noted. Sections 2.200-2.206 also issued under sec. 186, Pub. L. 83-703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93-438, 88 Stat. 1246 (42 U.S.C. 5846).

Sections 2.800-2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, as amended, Pub. L. 85-256, 71 Stat. 579, and Pub. L. 95-209, 91 Stat. 1483 (42 U.S.C. 2039).

2. Section 2.104(d) is revised to read as follows:

#### § 2.104 Notice of hearing.

(d) In an application for a construction permit or an operating license for a facility on which a hearing is required by the Act or this chapter, or in which the Commission finds that a hearing is required in the public interest to consider the antitrust aspects of the application, the notice of hearing will, unless the Commission determines otherwise, state:

(1) A time of the hearing, which will be as soon as practicable after the receipt of the Attorney General's advice and compliance with sections 105 and 189a of the Act and this part;<sup>4</sup>

(2) The presiding officer for the hearing who shall be either an administrative law judge or an atomic safety and licensing board established by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel;

(3) That the presiding officer will consider and decide whether the activities under the proposed license would create or maintain a situation inconsistent with the antitrust laws described in section 105a of the Act; and

(4) That matters of radiological health and safety and common defense and security, and matters raised under the National Environmental Policy Act of 1969, will be considered at another hearing for which a notice will be published pursuant to paragraphs (a) and (b) of this section, unless otherwise authorized by the Commission.

3. Section 2.105(e) is revised to read as follows:

#### § 2.105 Notice of proposed action.

(e)(1) If no request for a hearing or petition for leave to intervene is filed within the time prescribed in the notice, the Director of Nuclear Reactor Regulation or the Director of Nuclear Material Safety and Safeguards, as appropriate, may take the proposed action, inform the appropriate State and local officials, and publish in the Federal Register a notice of issuance of the license or other action.

(2) If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the presiding officer who shall be an Atomic Safety and Licensing Board established by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the presiding officer will issue a notice of hearing or an appropriate order. The presiding officer designated to rule on a request or petition concerning the

construction permit was filed prior to December 19, 1970, and proceedings in which a written request for antitrust review of an application for an operating license to be issued under section 104b has been made by a person who intervened or sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination within 25 days after the date of publication in the Federal Register or notice of filing of the application for an operating license or December 19, 1970, whichever is later, the Commission may issue a construction permit or operating license which contains the conditions specified in § 50.55b of this chapter before the antitrust aspects of the application are finally resolved.

antitrust aspects of an application may be either an Administrative Law Judge or an Atomic Safety and Licensing Board.

4. In Appendix A to 10 CFR Part 2, section X is amended by revising paragraphs (f), (h), (i) and (j) to read as follows:

Appendix A—Statement of General Policy and Procedure: Conduct of Proceedings for the Issuance of Construction Permits and Operating Licenses for Production and Utilization Facilities for Which a Hearing is Required Under Section 189A of the Atomic Energy Act of 1954, as Amended\*

#### X. Proceedings for the Consideration of Antitrust Aspect of Facility License Applications

(f) Hearings on antitrust aspects will be conducted by a presiding officer, either an Administrative Law Judge or an atomic safety and licensing board comprised of three members, one of whom will be qualified in the conduct of administrative proceedings and two of whom will have such technical or other qualifications as the Commission deems appropriate to the issues to be decided.

(h) At the hearing, the presiding officer will give due consideration to the advice received from the Attorney General and to evidence pertaining to antitrust aspects received at the hearing.

(i) The presiding officer will, in the initial decision, make a finding as to whether the activities under the proposed license would create or maintain a situation inconsistent with the antitrust laws as specified in section 105a of the Act. If the presiding officer finds that such a situation would be created or maintained, it will consider, in determining whether the permit or license should be issued or continued, such other factors as it deems necessary to protect the public interest, including the need for power in the affected area. The certainty of contravening the antitrust laws or the policies clearly underlying these laws is not intended to be implicit in this standard; nor is mere possibility of inconsistency. The finding will be based on reasonable probability of contravention of the antitrust laws or the policies clearly underlying these laws. The presiding officer will conclude whether, in its judgment, it is reasonably probable that the activities under the license would, when the license is issued or thereafter, be inconsistent with any of the antitrust laws or the policies clearly underlying these laws.

(j) On the basis of the findings in the proceeding on the antitrust aspect of the application, the presiding officer may (1) authorize the issuance of the permit or license after favorable consideration of matters of radiological health and safety and common defense and security, and matters raised under the National Environmental Policy Act of 1969, at the hearing described in

\* As permitted by subsection 105c of the Act, with respect to proceedings in which an application for a



sections I-VIII of this appendix; (ii) authorize the continuation of a permit or license already issued; (iii) direct the denial of the application for the permit or license, or the rescission of a permit or license already issued; or (iv) authorize the issuance of a permit or license subject to appropriate conditions, and subject to favorable consideration of matters of radiological health and safety and common defense matters raised under the National Environmental Policy Act of 1969 at the hearing described in sections I-VIII of this appendix.

Dated at Washington, D.C., this 3rd day of November 1981.

For the Nuclear Regulatory Commission,  
Samuel J. Chilk,

Secretary to the Commission.

[FR Doc. 81-32255 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

## 10 CFR Parts 30 and 150

### Removal of Certain Information Collection Requirements for Tritium

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations to remove two requirements for control and accounting procedures for tritium and two requirements for reporting transfers or receipts of tritium. The procedures and reports are no longer needed by the Commission to monitor inventory quantities of tritium at various locations in the U.S.

**EFFECTIVE DATE:** November 6, 1981.

**FOR FURTHER INFORMATION CONTACT:** James J. Henry, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5981.

**SUPPLEMENTARY INFORMATION:** The Commission is removing from its regulations the following recordkeeping and reporting requirements:

- (a) 10 CFR 30.54, Control and accounting procedures for tritium.
- (b) 10 CFR 30.55(a), Tritium reports.
- (c) 10 CFR 150.18, Control and accounting procedures for tritium.
- (d) 10 CFR 150.19(a), Submission to Commission of tritium reports.

Since the beginning of fiscal year 1976, more than 99 percent of tritium shipped has been transferred by Government-owned, contractor-operated national laboratories. Although Commission regulations require reports of transfers or receipts of large quantities of tritium be submitted to the Department of Energy, the Commission does not monitor, utilize, or evaluate the reports. Finally, current information

collection guidelines do not consider the collecting of data by one Federal agency for other Federal agencies to be sufficient reason for imposing an information collection requirement on the public.

Accordingly, the Commission has determined that the recordkeeping and reporting requirements set forth above are no longer needed to monitor inventory quantities of tritium at various locations in the U.S.

The Commission is also revising the center heading immediately preceding 10 CFR 30.51 to reflect the removal of the control and accounting procedures for tritium.

On November 30, 1980, the General Accounting Office's clearance of the information collection requirements in 10 CFR Part 30 expired. In the course of seeking a new expiration date for the clearance, the Commission informed GAO that it was not seeking clearance for 10 CFR 30.54 and 30.55(a) and would remove these requirements by means of rulemaking.

The Commission is now taking this rulemaking action along with removal of 10 CFR 150.18 and 150.19(a) which are conforming regulations containing recordkeeping and reporting requirements for Agreement State licensees authorized to possess, transfer, and receive large quantities of tritium.

Because the amendments set forth below relate to minor matters and are intended to provide relief from, rather than to impose, restrictions under regulations currently in effect, the Commission has found that good cause exists for omitting general notice of proposed rulemaking and public procedure thereon as unnecessary and for making the rule effective upon publication without the customary 30-day waiting period.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 30 and 150 are published as a document subject to codification.

### PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 is revised to read as follows:

**Authority:** Secs. 81, 82, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233); secs. 202, 206, 68 Stat. 1244, 1246 (42 U.S.C. 5842 and 5846), unless otherwise noted.

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 30.34(c) issued under sec. 161b., 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.51 and 30.52 issued under sec. 161a., 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Part 30 is amended by revising the center heading immediately preceding § 30.51 to read as follows:

### Records, Inspections, Tests, and Reports

#### § 30.54 [Removed]

3. Part 30 is amended by removing § 30.54.

#### § 30.55 [Amended]

4. In § 30.55, paragraph (a) is removed and reserved.

### PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

5. The authority citation for Part 150 is revised to read as follows:

**Authority:** Sec. 161b., 68 Stat. 948, sec. 274, 73 Stat. 688 (42 U.S.C. 2201(b), 2021); sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 150.17a issued under sec. 161b., 68 Stat. 950 (42 U.S.C. 2201(b)).

#### § 150.18 [Removed]

6. Part 150 is amended by removing § 150.18.

#### § 150.19 [Amended]

7. In § 150.19, paragraph (a) is removed and reserved.

Dated at Bethesda, Md., this 28th day of October, 1981.

For the Nuclear Regulatory Commission,  
William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-32276 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 614 and 615

### Loan Policies and Operations; Funding and Fiscal Affairs

**AGENCY:** Farm Credit Administration.

**ACTION:** Final rule.

**SUMMARY:** The Farm Credit Administration, by its Federal Farm Credit Board, adopts and publishes new and amended regulations to implement authorities conferred on institutions of the Farm Credit System by the Farm



Credit Act Amendments of 1980 (Pub. L. 96-592) relating to: (1) the lending authorities of Federal intermediate credit banks; (2) the loan terms and conditions of the banks for cooperatives; (3) the lending limits of the banks for cooperatives; (4) the development of debt maturity guidelines, priorities, and objectives for Farm Credit System banks; (5) the authority for banks for cooperatives to invest in foreign business entities; (6) the authority for banks for cooperatives to pay patronage refunds in participation certificates; and (7) the authority for banks for cooperatives to contribute more than 25 percent of earnings to allocated surplus.

**EFFECTIVE DATE:** December 7, 1981.

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

**SUPPLEMENTARY INFORMATION:** On August 6, 1981, the Farm Credit Administration noticed and published for public comment proposed new and amended regulations to 12 CFR Parts 614 and 615 (46 FR 40028-40031). The new regulation is § 615.5143 and the amended regulations are §§ 614.4100, 614.4210, 614.4354, 615.5103, 614.5330, and 615.5370. For the purposes of this supplementary information, certain terms are designated as follows: Farm Credit Administration (FCA); Federal Farm Credit Board (Federal Board); Farm Credit System (System); Federal Intermediate Credit Bank (FICB); Bank for Cooperatives (BC); Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et seq.* (Act).

Fourteen parties commented on the proposed regulations. These included 12 System banks, one trade association, and one Federal banking agency. The Federal Board considered each of the comments received and adopted final regulations in the course of its October 1981 meeting.

12 CFR 614.4100 is amended to define the eligibility requirements for institutions wanting to have their loans discounted or purchased by FICBs. The regulation also establishes the basis on which such activities of the FICB are to be conducted. All commentators were in favor of the proposed regulation.

12 CFR 614.4210 is amended to reflect the expanded authorities of BCs under section 3.7(b) of the Act. The regulation sets out the terms and conditions of term loans authorized under § 614.4120 by BCs to finance certain export or import transactions of eligible foreign or domestic parties. One commentator concurred with the proposal while five commentators suggested that loans by

BCs to finance international trade be denominated in a currency that would eliminate foreign exchange risk upon repayment. In addition, the commentators stated that such an approach would eliminate the foreign risk for the borrower. FCA studied the suggestion and agreed that this approach may help minimize or eliminate foreign exchange risk. The suggestion was incorporated under § 614.4210(c)(1).

12 CFR 614.4354 is amended to accommodate the new types of international trade financing and leveraged lease financing authorized under a number of provisions of Title III of the Act. The regulation also establishes the lending limits of the BCs for various transactions. Four of the five commentators endorsed the proposal. One commentator suggested limiting all third-party loans by BCs to 10 percent of net worth and limiting direct leases to eligible cooperatives to 25 percent of net worth. The Federal Board rejected the suggestion as too restrictive.

12 CFR 615.5103 is amended to require the finance committee of each group of System banks to develop debt maturity guidelines, priorities, and objectives to help guide the System's Fiscal Agency in the marketing of System securities. Eleven commentators endorsed the proposal. One commentator suggested that priorities and objectives of the debt marketing programs of the Fiscal Agency continue to provide flexibility for individual System banks to stay within their debt maturity policies. The language contained in the proposal and the final regulation reflects the suggestion.

12 CFR 615.5143 is a new regulation authorizing BCs to invest in foreign business entities for the purpose of providing credit information and servicing for members in connection with international activities. All parties commenting on the proposal were in favor of the new regulation.

12 CFR 615.5330 authorizes the BCs to pay patronage refunds in participation certificates as well as in stock or cash. The amended regulation also eliminates the 1½-percent allowance for loan losses, which is a requirement contrary to generally accepted accounting principles. One commentator suggested that the regulation should be withdrawn because: (1) the approval mechanism contained in the regulation is inconsistent with those required of other System institutions; (2) the 1½-percent requirement is a reasonable minimum allowance for loan losses; and (3) the requirement could be a point of negotiation with the Internal Revenue Service in the future. The Federal Board

did not accept the suggestion because it considers the requirement as having little, if any, effect on bank dealings with the Internal Revenue Service. In addition, the amended regulation does not prohibit a BC from maintaining an allowance for loan losses at any level that it believes reasonable. Different loan loss allowance requirements among System institutions are justifiable based on different treatment under the Act.

Finally, an amendment to 12 CFR 615.5370 authorizes the BCs to apply more than 25 percent of net earnings as determined by the bank board after payment of operating expenses, to restore or maintain an allocated surplus account. No comments were received on the proposal.

For the reasons set out in the preamble, Parts 614 and 615 of Chapter VI, Title 12 of the *Code of Federal Regulations* is amended as shown.

#### **PART 614—LOAN POLICIES AND OPERATIONS**

1. Section 614.4100 is amended by revising paragraphs (a) and (b) to read as follows:

##### **§ 614.4100 Federal intermediate credit banks.**

(a) The banks are authorized to make loans and extend other similar financial assistance to and discount for production credit associations, with their endorsement or guaranty, any note, draft, and other obligation presented by such association. In addition, the banks may participate in loans to eligible borrowers with such associations or other Federal intermediate credit banks.

(b) The banks are authorized to make loans and extend other similar financial assistance to, discount for, and purchase with recourse from any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products, notes, drafts, and other obligations for loans which have been made for eligible purposes in accordance with provisions of subpart P of Part 614 of these regulations. All such financial instruments shall bear the endorsement or guaranty of the originating lender.

2. Section 614.4210 is amended by revising paragraph (b) and adding new paragraph (c) to read as follows:



**§ 614.4210 Banks for cooperatives.**

(a) \* \* \*

(b) The document(s) evidencing a loan approval by a bank shall set out the terms and conditions under which a loan is approved. A loan agreement shall be executed between the borrower and the bank.

(c) Term loans authorized under § 614.4120 to finance a foreign or domestic party with respect to export or import transactions with an eligible cooperative and to finance such transactions of a foreign or domestic party in which an eligible cooperative has at least a minimum ownership interest shall be subject to the following conditions:

(1) The loan shall be denominated in a currency to eliminate foreign exchange risk on repayment.

(2) The borrower's obligation shall be guaranteed or insured against default under such policies as are available in the United States and other countries. Exceptions may be made where the prospective borrower has had a longstanding successful business relationship with an eligible cooperative borrower or an eligible cooperative which is not a borrower if the prospective borrower has a high credit rating as determined by the bank.

(3) For a borrower in which an eligible cooperative has a majority ownership interest, financing may be extended for the full value of the transaction; otherwise, financing may be extended only to approximate the percentage of ownership.

(4) Unless otherwise designated by the Farm Credit Administration, each loan shall be submitted to it for prior approval.

\* \* \*

Section 614.4354 is amended by revising paragraphs (a)(1)(i) through (v) and by adding paragraphs (a)(1)(vi) through (xi), and revising (a)(2), (a)(3), (a)(4); (b); (c)(1) and (2); (d)(1) and (d)(3); and (e) introductory text to read as follows:

**§ 614.4354 Banks for cooperatives.**

(a) \* \* \*

(1) \* \* \*

(i) Term loans to eligible cooperatives: 25 percent.

(ii) Term loans to foreign and domestic parties: 10 percent.

(iii) Lease loans qualifying under § 614.4120 and applying to the lessee: 25 percent.

(iv) Standby letters of credit qualifying under § 614.4810: 35 percent.

(v) Guarantees qualifying under § 614.4800: 35 percent.

(vi) Seasonal loans exclusive of seasonal loans qualifying under § 614.4260(c): 35 percent.

(vii) Foreign trade receivables qualifying under § 614.4700: 50 percent.

(viii) Bankers acceptances held qualifying under § 614.4710 and seasonal loans qualifying under § 614.4260(c): 50 percent.

(ix) Export and import letters of credit qualifying under § 614.4720: 50 percent.

(x) The sum of term and seasonal loans exclusive of seasonal loans qualifying under § 614.4260(c): 35 percent.

(xi) The sum of (i) through (ix): 50 percent.

(2) Loans to an eligible borrower secured by notes of individuals or business entities which are current and carry a full recourse endorsement or unconditional guarantee by the borrower, if the bank determines the financial condition, repayment capacity, and other factors of the original maker reasonably justify the credit granted by the endorser, qualify for the basic lending limits provided in paragraph (a)(1) which may be applied for each original notemaker, provided the following listed documents fully support such a determination and are in the files of the bank:

(i) \* \* \*

(ii) \* \* \*

(iii) \* \* \*

(3) Net worth for the calculation of lending limits at June 30 shall exclude 20 percent of the bank's undistributed earnings and shall not include any portion of Central Bank for Cooperatives' undistributed earnings.

(4) Loans made within the established lending limits that become excessive because of a subsequent decrease in the bank's net worth shall be reduced to the lending limits in an orderly manner over a reasonable period, in accordance with a plan submitted to the Farm Credit Administration.

(b) Total system. Loans outstanding at any one time to any one borrower from one or more district banks and the Central Bank for Cooperatives, exclusive of participations sold to institution(s) other than banks for cooperatives, shall not exceed the percentages specified in paragraph (a)(1) applied to the combined net worth of 13 banks for cooperatives as determined by the Farm Credit Administration. Loans made within previously established limits that become excessive because of changes in lending limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Administration.

(c) \* \* \*

(1) Direct loans outstanding at any one time to any one borrower as defined by these regulations, exclusive of participations sold to others, shall not exceed the lending limit percentages prescribed in paragraph (a)(1) of this section for district banks.

(2) Participations in loans at any one time to any one borrower as defined by these regulations, exclusive of participations resold to institutions other than banks for cooperatives, shall not exceed amounts greater than the lending limit described in paragraph (b) of this section less amounts held by the district banks.

(d) \* \* \*

(1) Determine its balance sheet net worth total as of the preceding June 30 or December 31, whichever is more recent, or at any interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

(2) \* \* \*

(3) Apply the lending limit percentages outlined in paragraph (a)((1) of this section.

(4) \* \* \*

(e) For purposes of this section, the term "one borrower" means a cooperative organization or foreign or domestic party, together with any other organization which is controlled by a common directorate or management or in which the primary organization owns more than 50 percent of the net worth or voting stock, provided that a bank for cooperatives may determine to consider such other organization as a separate borrower under certain circumstances subject to the approval of the Farm Credit Administration. Any determination to consider related organizations as separate borrowers shall be based primarily on the conclusion that one organization separately considered would be financially viable in the event of the demise of the other. Particular consideration should be given to, but not limited to, the following items:

\* \* \*

**PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS**

4. Section 615.5103 is revised to read as follows:

**§ 615.5103 Debt maturity program.**

The three Finance Committees directly or through their subcommittees shall develop and maintain Systemwide debt maturity guidelines based on individual bank maturity policies and



requirements of the market, and shall plan and set funding priorities and objectives for each banking system and for the 37 Farm Credit banks to be provided to the Fiscal Agency. These guidelines, priorities, and objectives shall be designed to ensure that the debt marketing responsibilities of the Fiscal Agency will continue to provide flexibility for the banks and are fiscally sound. These guidelines, priorities, and objectives shall be subject to the approval of the Farm Credit Administration.

5. Section 615.5143 is added to read as follows:

**§ 615.5143 Banks for cooperatives.**

As may be authorized by the banks for cooperatives' boards of directors and approved by the Farm Credit Administration, ownership investment may be made in foreign business entities solely for the purpose of obtaining credit information and other services needed to facilitate transactions which may be financed under section 3.7(b) of the Farm Credit Act Amendments of 1980. Such an investment shall not exceed the level required to access credit and other services of the entity and shall not be made for earnings purposes. The business entity shall be deemed to be principally engaged in providing credit information to and performing such servicing functions for its members where such activities constitute a materially important line of business to its members. Also, investments must be made by a bank for cooperatives for its own account and not on behalf of its members. The bank for cooperatives shall use only those services provided by the business entity as necessary to facilitate transactions authorized by section 3.7(b) of the Farm Credit Act Amendments of 1980.

6. Section 615.5330 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 615.5330 Banks for cooperatives.**

(a) For the purpose of this section, "surplus" means the net accumulation of net savings which has not been appropriated by the board of directors for a specific purpose and has not been distributed as a patronage dividend in the form of Class C stock, participation certificates, or cash. Amounts of surplus may be allocated to patrons or unallocated. Amounts of surplus not allocated shall not be distributed as patronage refunds. Each bank shall maintain in surplus an amount not less than 25 percent of all capital stock and participation certificates outstanding unless otherwise approved by the Farm Credit Administration.

(b) \* \* \*

(c) Allowance for loan losses. Each bank shall maintain an allowance for loan losses account sufficient to fairly present the realizable value of loans and loan-related assets on the bank's balance sheet. In determining the adequacy of the allowance for loan losses account, the banks should consider, at a minimum, the estimated potential losses in loans or loan-related assets, historical loan loss experience, the specialized agricultural enterprises being financed, the current economic environment, and the current phase of the industry's business cycle.

7. Section 615.5370 is amended by revising paragraph (a) as follows:

**§ 615.5370 Banks for cooperatives' earnings.**

(a) Whenever at the end of any fiscal year a bank shall have no outstanding capital stock held by the Governor, the net savings shall first be applied to the restoration of the amount of the impairment, if any, of capital stock, as determined by the bank board. Any remaining net savings or losses shall be distributed as authorized by the bank board. Twenty-five percent of such remaining net savings, or such other percentage as determined by the bank board, derived from business done with or for patrons may be used to maintain an allocated surplus account. Not more than 10 percent of the net savings derived from business done with or for patrons, plus the total amount of any net earnings derived from nonpatronage (including nonmember) sources, may be used to create or maintain an unallocated surplus or unallocated reserve account. The amount so determined shall be first reduced by related income taxes. For purposes of this regulation, all net savings shall be deemed to be from patronage sources unless otherwise determined by the bank. Cash patronage refunds shall not exceed 25 percent of the total amount of net savings allocated or paid to patrons except with Farm Credit Administration approval. Patronage refunds not paid in cash or allocated in surplus shall be paid in capital stock and participation certificates as determined by the bank board. A net loss in any fiscal year shall be absorbed on the basis determined by the bank board. Any costs or expenses attributable to a prior year shall not be charged to reserves, surplus, or patronage allocations without the approval of the Farm Credit Administration.

\* \* \*

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Kenneth J. Auberger,

Acting Governor.

[FR Doc. 81-32182 Filed 11-5-81; 8:45 am]

BILLING CODE 6705-01-M

**12 CFR Part 615**

**Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations**

**AGENCY:** Farm Credit Administration.

**ACTION:** Final rule.

**SUMMARY:** The Farm Credit Administration (FCA), by its Federal Farm Credit Board, adopts and publishes new and amended regulations to 12 CFR Part 615. Amended § 615.5210 provides criteria for long-range financial planning by banks of the Farm Credit System. New § 615.5215 provides an alternative to FCA approval of individual bank transactions and establishes the criteria for an alternate approval process which allows FCA to approve of bank transactions on an annual basis.

**EFFECTIVE DATE:** This final rule will be effective December 7, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578, (202-755-2181).

**SUPPLEMENTARY INFORMATION:** On June 23, 1981, the Farm Credit Administration noticed and published for public comment an amendment to 12 CFR 615.5210—Annual Budgets and Projections—and a new 12 CFR 615.5215—Approval Requirements (46 FR 32450). No comments were received from the public on the proposals. The Federal Farm Credit Board adopted the final regulations in the course of its October 1981 meeting.

**PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS**

For reasons set out in the preamble, Part 615 of Chapter VI, Title 12 of the *Code of Federal Regulations* is amended as shown.

**Subpart H—Net Worth Objectives**

\* \* \*

1. Section 615.5210 is revised to read as follows:



**§ 615.5210 Annual budgets and projections.**

(a) Each bank board shall approve for each bank an operating and financial budget for each fiscal year. Each budget shall contain sufficient background information to indicate the principal assumptions and considerations involved in its formulation, detailed pro forma balance sheets, income and expense statements, bank and association programs to achieve net worth objectives, and explanation of significant changes from the previous years.

(b) Each bank board shall also approve for each bank long-range financial plans on an annual basis. The long-range financial plan shall incorporate principal assumptions and long-term goals and objectives which are consistent with regulatory and System guidelines. The plan shall contain pro forma balance sheets and income statements, and the planning period should be a minimum of 3 years.

2. Section 615.5215 is added to Subpart H as follows:

**§ 615.5215 Approval requirements.**

(a) Farm Credit Administration approval is required for bank interest rate changes, banks for cooperatives' cash patronage refunds in excess of 25 per centum of net savings, equity retirements, and Farm Credit banks' dividends.

(b) The approval referenced in paragraph (a) of this section can be obtained for individual transactions or, alternately, the Farm Credit Administration may approve such transactions on an annual basis based on review of a bank's interest rate plan, long-range financial plan, and financial plan for the fiscal year.

(c) To receive FCA approval under this alternate procedure, a bank shall be required to:

(1) Have a bank board- and FCA-approved interest rate plan in accordance with regulation § 614.4280 if the bank board desires to provide bank management flexibility in setting interest rates.

(2) Have an adequate annual financial planning and long-range financial planning process.

(3) Notify the Farm Credit Administration of each change of interest rates established within an approved interest rate plan.

(4) Upon request, provide the Farm Credit Administration annually an updated interest rate plan, a financial plan, and a long-range forecast.

(d) The Farm Credit Administration may rescind this alternate approval procedure at any time and require

individual transactional approval for interest rate changes, stock retirements, dividends, and cash patronage refunds.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, (12 U.S.C. 2243, 2246 and 2252))

Kenneth J. Auberger.

Deputy Governor.

[FR Doc. 81-32277 Filed 11-5-81; 8:45 am]

BILLING CODE 6705-01-M

**CIVIL AERONAUTICS BOARD****14 CFR Part 300**

[Docket 38905; Reg. PR-231]

**Rules of Conduct in Board Proceedings**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB amends its rules of conduct to include a civil penalty for violation of those rules. It is also amending the authority line for its rules of conduct to include sections of Title IV omitted from the original issuance. These changes make clear the Board's authority to impose civil penalties for violation of those rules, and give the Board more flexibility in enforcement action against the party itself.

**DATES:** Adopted: October 22, 1981.

Effective: December 6, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Howard Schmeltzer, Chief, Legal Division, Bureau of Compliance and Consumer Protection, 202-673-5937, or Joseph A. Brooks, Office of the General Counsel, 202-673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

**SUPPLEMENTARY INFORMATION:** By notice of proposed rulemaking PDR-73 (45 FR 73087, November 4, 1980), the Board proposed a change to its rules of conduct. The change would allow the Board to impose a civil penalty for violation of those rules.

The rules of conduct governing Board proceedings (14 CFR Part 300) are designed to prevent improper influence and unethical behavior in the conduct of Board activities. Section 300.20 provides that the Board can deny to a party the privilege of appearing before it, or, if it is in the public interest, deny a proposal of a party before it after finding (following notice and hearing) that the party violated the provisions of Part 300. The section makes no reference to civil penalties.

Section 901 of the Federal Aviation Act of 1958, the civil penalty authority, applies only to violations of certain

sections of the Act<sup>1</sup> and associated regulations, including Title IV. When Part 300 was issued, the Title IV sections that are the basic authority for almost all of the Board's activities were omitted, probably inadvertently, from the "authority line," the list of statutory provisions that authorize the issuance of the part. It was therefore not clear whether the civil penalty authority under section 901 extended to violations of Part 300.

The Board promulgated the rules of conduct to ensure the proper conduct of Board proceedings that are required by various sections of Title IV. For example, section 401(e)(7)(B) of the Act directs the Board to conduct an oral evidentiary hearing or alternate simplified procedures to consider an air carrier's application to modify the terms of its certificate; and section 401(p) of the Act directs the Board to issue rules for processing applications for certification, including those governing oral evidentiary hearings. The Board's rules of conduct in Part 300 are an integral part of those proceedings.

As stated in PDR-73, the § 300.20 penalties mentioned above may be insufficient to prevent or deter improper conduct. In some cases, the Board may prefer to impose a civil penalty rather than deny the violator's proposal or prohibit the violator from practicing before it. This gives the Board added flexibility to enforce its rules of conduct without the action being detrimental to a party's substantive proposal or application. Such flexibility allows the Board to focus its enforcement on the parties, instead of having to invoke automatically the denial of an application or of the privilege to appear before the Board. In the past, the Board has had few problems with representatives of parties or their counsel. This amendment to our rules of conduct is primarily aimed at penalizing the party itself for its actions, yet allowing the substance of the proceeding to continue.

The Administrative Law Section of the American Bar Association filed the only comment. It asked that the Board consider the danger in subjecting a lawyer to the disciplinary jurisdiction of an administrative agency. It stated that such jurisdiction should be limited to that necessary to maintain order or the integrity of Board proceedings, and be

<sup>1</sup> . . . title III, IV, V, VI, or XII, or section 1114, of this Act, or any rule, regulation, or order issued thereunder, or under section 1002(i), or any term, condition or limitation of any permit or certificate issued under title IV, or any rule or regulation issued by the Postmaster General under this Act. . . .



exercised in a manner so as not to bias the substantive rights of the client. It also noted that the ABA's Standing Committee on Professional Discipline is in the process of developing a "model enforcement mechanism" on this subject. The Board disciplinary jurisdiction under Part 300 is limited in applicability and will be exercised as the ABA recommends. The added flexibility of being able to impose civil penalties rather than denying proposals or appearances before it will enable the Board to avoid bias concerning the substantive rights of the client. This amendment therefore does not appear to raise any of the "disciplinary jurisdiction" issues about which the ABA expressed concern. If that or any other group wishes to seek further amendments of Board rules in the area, however, the Board will be receptive to informal comments or petitions for rulemaking.

Editorial changes have been made in the proposal to make clear the authority of the Board to proceed in U.S. District Court if necessary.

Accordingly, the Board amends 14 CFR Part 300, *Rules of Conduct in Board Proceedings*, as follows:

#### **PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS**

1. The authority citation for Part 300 is:

Authority: Secs. 204, 401-419, 901, 903, 1001, 1002, and 1007, Pub. L. 85-726, as amended; 72 Stat. 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 783, 786, 788, 796; 76 Stat. 145; 91 Stat. 1284; 92 Stat. 1732 (49 U.S.C. 1324, 1371-1389, 1471, 1473, 1481, 1482, and 1487).

2. In § 300.20, a new paragraph (d) is added to read:

#### **§ 300.20 Violations.**

(d) In the case of any violation of the provisions of this part, the violator may be subject to civil penalties under the provisions of section 901 of the Act. The violator may also be subject to a proceeding brought under section 1002 before the Board and under sections 903 and 1007 of the Act before a U.S. district court to compel compliance with civil penalties which have been imposed.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-32254 Filed 11-5-81; 8:45 am]

BILLING CODE 6320-01-M

#### **DEPARTMENT OF LABOR**

##### **Employment and Training Administration**

#### **20 CFR Part 679**

##### **Comprehensive Employment and Training Act Regulations; Amendments to Title VII and PSE Base Average Annual Wage Provisions; Correction**

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule; correction.

**SUMMARY:** This document corrects the amendatory language in the final rule for programs under Title VII (Private Sector Initiative Programs) of the Comprehensive Employment and Training Act which appeared in the Federal Register on Friday, October 16, 1981 (46 FR 51216).

**EFFECTIVE DATE:** November 6, 1981.

##### **FOR FURTHER INFORMATION CONTACT:**

Mr. Jess C. Ramaker, Acting Administrator, Office of Comprehensive Employment Development, 601 D Street NW., Room 5010, Washington, D.C. 20213. Telephone: 202/376-6254.

##### **SUPPLEMENTARY INFORMATION:**

Inadvertently, the amendatory language of the above October 16, 1981 rulemaking document stated that Part 679 was being added to Title 20 of the Code of Federal Regulations. In fact, Part 679 is an existing Part of the Code and the document was intended to revise, not add, Part 679.

##### **Correction of Document**

##### **PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER TITLE VII OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

The following correction is made in FR Doc. 81-30082 appearing on page 51216 in the issue of October 16, 1981: On page 51217 the last sentence in column two is corrected to read "2. Part 679 is revised to read as follows:"

Signed at Washington, D.C. this 2nd day of November 1981.

Raymond J. Donovan,  
Secretary of Labor.

[FR Doc. 81-32252 Filed 11-5-81; 8:45 am]

BILLING CODE 4510-30-M

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Food and Drug Administration**

#### **21 CFR Part 5**

##### **Delegations of Authority and Organization; Certification of True Copies**

AGENCY: Food and Drug Administration, HHS

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding the Commissioner of Food and Drugs' authority to certify true copies of books, records, or other documents on file in the agency and use the Department seal. The Commissions' previous delegation of authority from the Assistant Secretary for Health was superseded by a new delegation from the Director, Office of Management, Public Health Service, Section 5.10(c) is amended to reflect this change.

**EFFECTIVE DATE:** November 6, 1981.

##### **FOR FURTHER INFORMATION CONTACT:**

Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

##### **SUPPLEMENTARY INFORMATION:**

##### **PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) 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 5 is amended by revising § 5.10(c) to read as follows:

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Service Officials.

(c) The Director, Office of Management, Public Health Service, has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority to certify true copies of any books, records, or other documents on file within the Food and Drug Administration or extracts from such; to certify that true copies are true copies of the entire file of the Administration; to certify the complete original record or to certify the nonexistence of records on file within the Administration; and to cause the Seal of the Department of be affixed to such certifications and to agreements,



awards, citations, diplomas, and similar documents.

Effective date: This regulation shall be effective November 6, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: November 2, 1981.

William F. Randolph,

Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 81-32172 Filed 11-5-81; 8:45 am]

BILLING CODE 4110-03-M

## 21 CFR Part 444

### Antibiotic Drugs; Neomycin Sulfate-Polymyxin B Sulfate-hydrocortisone Otic Solution; Correction

AGENCY: Food and Drug Administration, HHS

ACTION: Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that was published in the Federal Register of Friday, April 2, 1976. **EFFECTIVE DATE:** November 6, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

**SUPPLEMENTARY INFORMATION:** FDA is correcting two errors in § 444.442h(a)(1) in FR Doc. 76-9462 appearing at page 14186 in the Federal Register of Friday, April 2, 1976. In the third column, in line 13, "§ 444.42a(a)(1)" is corrected to read "§ 444.42(a)(1)," and in line 15, "§ 448.30a(a)(1)" is corrected to read "§ 448.30(a)(1)".

Dated: November 2, 1981.

William F. Randolph,

Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 81-32171 Filed 11-5-81; 8:45 am]

BILLING CODE 4110-03-M

## ENVIRONMENTAL PROTECTION AGENCY

### 21 CFR Part 561

[FAP 3E1367/R84; PH-FRL-1978-8]

### Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Captan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes a feed additive regulation for residues of the fungicide captan remaining in or on corn seed after detreatment for use as cattle and hog feed. The establishment of this rule allows the corn seed growers to sell

captan treated corn seed, after washing or roasting, as a cattle or swine feed. Previously such treated corn had to be disposed of by burying.

**EFFECTIVE DATE:** November 6, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460.

#### FOR FURTHER INFORMATION CONTACT:

Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

#### SUPPLEMENTARY INFORMATION:

EPA issued a notice of proposed rule published in the Federal Register of August 24, 1981 (46 FR 42683). This notice stated that the American Seed Trade Association, Inc. (ASTA), 1030 15th St., NW, Washington, DC 20005, submitted a petition (FAP 3E1367) to the EPA. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFD & C Act), propose that 40 CFR 180.103 be amended by establishing a tolerance of 100 parts per million (ppm) for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1, 2-dicarboximide) in or on the raw agricultural commodity detreated corn seed intended as feed for cattle and hogs and a tolerance of 0.05 ppm for negligible residues of captan in or on the fat, meat, and meat byproducts of cattle and hogs fed detreated corn seed. ASTA subsequently amended their petition by deleting the request for tolerances for cattle and hogs; however, this tolerance proposal was later reinstated by the petitioner. The agency has determined that corn seed treated with captan and then detreated does not meet the strict definition of a raw agricultural commodity. Therefore, this action is designated as a feed additive regulation and a proposed regulation to amend 21 CFR Part 561 by establishing § 561.65 according to section 409(c)(1) of the FFD & C Act.

In response to the proposed rule, the Friends of the Earth and the National Coalition Against Misuse of Pesticides submitted letters objecting to the establishment of this rule. Neither of these commentors submitted any new or substantive information.

In petitioning the agency, ASTA states that the establishment of the requested regulation will permit the use of 10 percent of the total corn seed supply (approximately 1,750,000 to 2,000,000 bushels) discarded by the seed corn

industry each year for cattle feed. Presently, much of the corn can only be disposed of through burying in an approved area. This practice consumes valuable disposal land and is wasteful. Consequently, ASTA feels there is an urgent need within the seed industry for a legal, practical, and economically sound method of disposing of this low quality surplus seed. A captan regulation for detreated corn seed would permit the surplus seed to be used as a high-quality feed for cattle and hogs.

The data submitted in the petition and other relevant material have been evaluated. All required testing has been performed with regard to this pesticide chemical and is adequate to support this regulation. The proposed regulation is adequate to cover residues in or on detreated corn intended for feed to cattle and hogs.

The sale of detreated corn seed is controlled by members of ASTA. As such, the company or individual who detreats the corn seed is obligated to notify all persons to whom he transfers possession or control of such seed that detreated corn seed (treated with captan only) can be used only for feed to cattle and hogs. The use of detreated corn seed for feed purposes must be discontinued at least 14 days prior to slaughter. Given these restrictions, it has been concluded that a tolerance of 0.05 ppm for residues of captan in the fat, meat, and meat byproducts of cattle and hogs (PP 3E1367/R357) which appears elsewhere in this issue of the Federal Register is appropriate and therefore 40 CFR 180.6(a)(2) applies. Since the corn will not be fed to dairy animals or poultry there will not be a problem of secondary residues in milk, poultry, and eggs.

The agency has issued a Rebuttable Presumption Against Registration (RPAR) for captan. The basis for this action was positive oncogenic and mutagenic effects demonstrated by captan in laboratory studies. Questions have also arisen concerning the toxicological significance of the metabolites of captan that might be present. The use of detreated corn seed with captan as cattle and hog feed will result in an increase of less than 0.07 percent in dietary exposure to the metabolites relative to the current dietary exposure calculated for existing tolerances of captan. Through the RPAR process, the agency will consider whether the use of captan poses unreasonable adverse effects on the environment. At that time, the agency will also make a determination on the inclusion of the captan metabolites in all the captan tolerances.



The data submitted in the petition and all other relevant material have been evaluated. Based on the information considered by the agency, it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the Federal Register, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this 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 food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a 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 24945).

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1)))

Dated: October 29, 1981.

James M. Conlon,  
Acting Director, Office of Pesticide Programs.

#### **PART 561—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

Therefore, 21 CFR Part 561 is amended by adding § 561.65 to read as follows:

##### **§ 561.65 Captan.**

A regulation permitting residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) at 100

ppm remaining on corn seed from its intended use as a seed protectant after detreatment is established. Detreated corn can be used only as feed for cattle and hogs up to 14 days prior to slaughter.

[FR Doc. 81-32203 Filed 11-5-81; 8:45 am]  
BILLING CODE 6560-32-M

#### **21 CFR Part 561**

[9H5207/R83A; PH-FRL-1979-2]

#### **Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Ethephon**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Rule; correction.

**SUMMARY:** This notice corrects certain information on a regulation permitting the residues of the plant regulator ethephon in or on the animal feed raisin waste published in the Federal Register of September 29, 1981 (46 FR 47535).

**FOR FURTHER INFORMATION CONTACT:** John A. Richards, Chief, Federal Register Staff (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-130, 401 M St., SW., Washington, D.C. 20460, (202-426-2690).

**SUPPLEMENTARY INFORMATION:** In the Federal Register of September 29, 1981 (46 FR 47535), EPA issued a regulation permitting residues of the plant regulator ethephon ((2-chloroethyl)phosphonic acid) in raisin waste at 85.0 parts per million (ppm) when ethephon is present as a result of its application to the growing of the agricultural commodity grapes.

In the FR Doc. 81-28203 of September 29, 1981 appearing at page 47536, first column, under the heading "Part 561—Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency," the section citations on lines 2 and 4 which read "§ 561.255" should read "§ 561.225."

Dated: October 29, 1981.

James M. Conlon,  
Director, Office of Pesticides Programs.

[FR Doc. 81-32207 Filed 11-5-81; 8:45 am]  
BILLING CODE 6560-32-M

#### **21 CFR Part 561**

[FAP 7H5165/T76; PH-FRL-1979-5]

#### **Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Tricyclazole**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule renews a feed additive regulation for the combined residues of the fungicide tricyclazole remaining in or on rice bran, rice hulls, and rice polishings at 30 parts per million. This regulation was requested by Elanco Products Co. This rule will permit the marketing of rice bran, rice hulls, and rice polishings while further data is being collected on the subject fungicide.

**EFFECTIVE DATE:** November 6, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the Federal Register of November 20, 1978 (43 FR 54088) that Elanco Products Co., PO Box 1750, Indianapolis, IN 46206 had submitted a feed additive petition (FAP 7H5165) to the EPA. The petition established a temporary feed additive regulation permitting the combined residues of the fungicide tricyclazole (5-methyl-1,2,4-triazolo[3,4-b]benzothiazole) and its metabolite (1,2,4-triazolo[3,4-b]benzothiazole-5-methanol) in or on rice bran, rice hulls, and rice polishings resulting from the application of the fungicide to growing rice in a proposed experimental use program with a tolerance limitation of 30 parts per million. This temporary feed additive regulation expired August 21, 1981.

Elanco Products Co., has requested a renewal of the temporary feed additive regulation to permit the continued marketing of rice bran, rice hulls, and rice polishings while further data is being collected on the subject fungicide.

The data submitted in the petition and all other relevant material have been evaluated. Based on the information



considered by the agency, in the original petition, it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*). Therefore, the feed additive regulation is renewed as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this 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 rule 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 food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a 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 24945). Effective on: November 6, 1981.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1)))

Dated: October 27, 1981.

James M. Conlon,

Acting Director, Office of Pesticides Program.

## PART 561—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Therefore, 21 CFR 561.395(a) is revised to read as follows:

### § 561.395 Tricyclazole.

(a) Tolerances are renewed for the combined residues of the fungicide tricyclazole (5-methyl-1,2,4-triazolo[3,4-b] benzothiazole) and its metabolite (1,2,4-triazolo[3,4-b] benzothiazole-5-methanol) in or on rice bran, rice hulls,

and rice polishings at 30 parts per million resulting from the application of the fungicide to growing rice in accordance with the provisions of an experimental use permit that expires December 31, 1983.

\* \* \* \* \*

[FR Doc. 81-32208 Filed 11-5-81; 8:45 am]  
BILLING CODE 6560-32-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Parts 4, 5, and 7

[T.D. ATF-94; Ref: Notice No. 372]

### Rescission of Ingredient Labeling Regulations for Wine, Distilled Spirits, and Malt Beverages

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule rescinds the ingredient labeling provisions for wine, distilled spirits, and malt beverages of T.D. ATF-66 (45 FR 40538, June 13, 1980), which were to become mandatory on January 1, 1983. The primary aspect of these regulations was to require ingredient disclosure either directly on the label or by providing a name and full mailing address in the United States where the ingredient information was available. This final rule does not rescind the metric type size requirements imposed on labels of distilled spirits and malt beverages made in T.D. ATF-66. This action makes these labeling requirements uniform with the wine labeling requirements.

The Department reviewed T.D. ATF-66 under the criteria of Executive Order 12291 and the comments received pursuant to Notice No. 314 (44 FR 6740, February 2, 1979). The Department concluded that the ingredient labeling regulations did not meet the criteria of this Order.

**EFFECTIVE DATE:** December 7, 1981.

**FOR FURTHER INFORMATION CONTACT:** Norman Blake or Roger Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Background

Treasury Decision ATF-66 required mandatory disclosure of ingredients used in the production of alcoholic

beverages. Disclosure could be accomplished in two ways:

- (a) By placing an ingredient list directly on the label; or
- (b) By providing on the label a name and full mailing address in the United States where the ingredient information was available (optional ingredient statement).

The ingredients that required disclosure were essential components and additives which color, flavor, preserve, or have a technical or functional effect on the finished product. If the ingredient list was not shown in order of predominance, a statement to that effect must have been shown on the label. However, regardless of whether the actual ingredient list or the optional ingredient statement was shown, the presence of FD&C Yellow No. 5 must have been indicated.

On imported products, the foreign producer must have submitted a list of ingredients with the initial label approval certified by an authorized government official that the ingredient list accurately reflected the contents of the product.

Furthermore, an ATF Form 1649 Supplemental was devised. This form provided for the listing of ingredients for a number of previously approved product labels, thus allowing the use of one form for the ingredient approval of many products.

In addition, T.D. ATF-66 amended the minimum type size requirements for distilled spirits and malt beverages mandatory information from 6 or 8 point Gothic cap to 1 or 2 millimeters. This change was not related to ingredient labeling, but merely brought uniformity to all alcoholic beverage type size requirements. Wine type size requirements were amended to metric in T.D. ATF-53 (43 FR 37671, 54624; August 23, 1978).

These regulations became effective on October 14, 1980, and would have become mandatory on January 1, 1983.

#### Review Under Executive Order No. 12291

On February 17, 1981, President Reagan issued Executive Order 12291, which was published in the *Federal Register* on February 19, 1981 (46 FR 13193). This order directs each Federal agency to establish a management system for Federal regulation that will improve the quality and lessen the burden of Federal regulation. Executive Order 12291 requires agencies, within their legal authority, to establish regulatory goals, set regulatory priorities, review existing regulations, and implement new regulations with the



aim throughout Government of maximizing the benefits to society while at the same time imposing the least burden to achieve those benefits.

With regard to reviewing existing regulations, Executive Order 12291 requires the Department to:

(a) Base administrative decisions on adequate information concerning the need for and consequences of proposed government action;

(b) Undertake regulatory action only when the potential benefits to society for the regulation outweigh the potential cost to society;

(c) Choose regulatory objectives to maximize the net benefits to society;

(d) Choose the alternative involving the least net cost to society among alternative approaches to any given regulatory objectives; and

(e) set forth regulatory priorities with the aim of maximizing the aggregate benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

The Department reviewed T.D. ATF-66 under the criteria of Executive Order 12291 and the comments received pursuant to Notice No. 314 (44 FR 6740, February 2, 1979). The Department concluded that the ingredient labeling regulations did not meet the criteria of this Order. Furthermore, the Department concluded that the regulations were not truly necessary, cost effective, beneficial, or in keeping with United States international commitments.

Based on these conclusions, the Department issued a notice of proposed rulemaking proposing the rescission of the ingredient labeling regulations.

#### Notice of Proposed Rulemaking

The Department published Notice No. 372, on May 4, 1981 (46 FR 24962). The closing date for submission of comments was to have been July 6, 1981. However, the Center For Science In The Public Interest petitioned for an extension. Due to the impact that any final regulations would have on industry and consumers, the extension was granted. The closing date was then extended to August 5, 1981, with a total of 8,068 comments containing 23,352 individual signatures being submitted.

The notice requested specific comment on:

(a) Whether the ingredient labeling regulations were consistent with Executive Order 12291;

(b) The impact on American and foreign producers;

(c) Whether the regulations conformed to United States international obligations;

(d) Consumer concerns; and

(e) The costs and benefits derived from these regulations.

#### Comment Analysis

Of all comments received, 4,909 comments representing 17,138 individuals supported the proposal to rescind the ingredient labeling regulations. Of these commenters, 693 were American alcoholic beverage industry members or related industries, 144 foreign producers/exporters, six (6) foreign governments, 33 Federal and State officials and organizations, and 4,033 consumers.

Commenters stated the following reasons in support of the proposal to rescind the ingredient labeling regulations:

(a) They were unnecessary in that labels currently contain sufficient information without listing the ingredients;

(b) The regulations were inflationary in that the increased costs would be passed through the marketing channels to the consumer;

(c) The regulations placed American industries at a trade disadvantage;

(d) The regulations were not consistent with Executive Order 12291;

(e) The commenters supported the President's mandate of less Government regulations, and further stated our proposal was consistent with this mandate;

(f) The health hazard issue was nonexistent.

We received 3,159 comments, representing 6,214 individuals, opposing the rescission of the ingredient labeling regulations. These comments expressed the opinion that it was the "consumers' right to know" what was contained in alcoholic beverages and the industry should be required to disclose the ingredients contained in their products.

#### Conclusions

The FAA Act does not require ingredient labeling of alcoholic beverages. Rather, the statute vests discretionary authority in the Secretary to prescribe regulations which will provide adequate information as to the identity and quality of the products. The Department has concluded, within this discretionary authority, that the ingredient labeling regulations would result in increased costs to consumers and burdens on industry which are not commensurate with the benefits which might flow from the additional label information. The Department has further concluded that ingredient labeling

would not result in an appreciable benefit to consumers when compared to the existing label information requirements and standards of identity. The statutory and regulatory provisions presently exercised by the Bureau were, and are, sufficient to protect the consumer and ensure product integrity through the establishment of "standards of identity." Under FAA Act regulations, a standard of identity generally identifies the basic agricultural ingredient, and further, sets forth parameters of production and alcoholic content. Standards of identity for wine and distilled spirits are published in ATF FAA Act regulations and are available to the public. Any product not having a standard of identity, must bear a statement of composition on the label. All substances used in the production of alcoholic beverages are required to be approved by the Food and Drug Administration (FDA). FDA and ATF also establish specifications and limitations for these substances.

In view of the above, the Department has decided to rescind the ingredient labeling requirements of T.D. ATF-66. This decision is consistent with Executive Order 12291, the President's mandate on less government regulation, and Treasury's statutory authority.

#### Regulatory Amendments

The following regulations and requirements issued under T.D. ATF-66 are rescinded:

(a) Label disclosure of all essential components, most flavorings and colorings, all preservatives, and certain other additives which have a technical or functional effect on the finished alcoholic beverage;

(b) As an alternative to label disclosure of ingredients, a name and address in the United States where the ingredient information may be obtained upon written request;

(c) If the ingredients are not listed in order of predominance, a statement to that effect must appear on the label;

(d) ATF Form 1649 Supplemental;

(e) Foreign certification by an authorized government official as to the accuracy of the ingredient list;

(f) The following terms and their definitions; additive and additive (adjunct), artificial flavor or artificial flavoring, essential component, incidental additive and incidental additive (incidental adjunct), ingredient, natural flavor or natural flavoring; and

(g) All other references made to ingredient lists placed in numerous sections of regulations.



The following regulations included in T.D. ATF-66 are not rescinded by this final rule:

(a) The metric type size requirements for distilled spirits and malt beverages. This made a conforming change between these two parts of 27 CFR to the wine labeling regulations amended in T.D. ATF-53 (43 FR 37671, 54624); and

(b) Editorial changes made to various regulatory sections. It is important to note that these editorial changes did not alter the intent or purpose of the regulations.

#### Executive Order 12291

It has been determined that these final regulations are not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not have an annual effect on the economy of \$100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Public Inspection and Disclosure

Copies of the final rule and all written comments will be available for public inspection under authority of 27 CFR 71.41(b) during normal business hours at: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW., Washington, D.C. 20226.

#### Drafting Information

The principal authors of this document are Norman P. Blake and Roger L. Bowling, Specialists, of the Research and Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms. However, other personnel in the Bureau and the Department participated in the development of this document, both in matters of substance and style.

#### Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Parts 4, 5, and 7 are amended as follows:

### PART 4—LABELING AND ADVERTISING OF WINE

Paragraph 1. The table of sections in 27 CFR Part 4 is amended to remove § 4.37a.

#### Subpart A—Scope

##### § 4.10 [Amended]

Paragraph 2. Section 4.10 is amended to remove, in alphabetical order, "Additive", "Artificial flavor or artificial flavoring", "Essential component", "Incidental additive", "Ingredient", and "Natural flavor or natural flavoring."

#### Subpart D—Labeling Requirements for Wine

Paragraph 3. Section 4.32 is amended by removing the reference to paragraph (d) in paragraph (a); removing paragraph (c) in its entirety; and by relettering paragraph (d) as (c). As revised, the introductory text of § 4.32(a) reads as follows:

##### § 4.32 Mandatory label information.

(a) Except as otherwise provided in paragraph (c) of this section, there shall be stated on the brand label:

##### § 4.37a [Removed]

Par. 4. Section 4.37a is removed in its entirety.

Par. 5. Section 4.38 is amended by removing paragraphs (b)(1)(ii) and (b)(2)(ii); removing references to the ingredient list in paragraphs (b)(1)(i) and (b)(2)(i); and by renumbering paragraphs (b)(1)(i) and (b)(2)(i) as paragraphs (b)(1) and (2), respectively. As revised, § 4.38(b)(1) and (2) as follows:

##### § 4.38 General requirements.

(b) *Size of type.* (1) Containers of more than 187 millimeters. All mandatory information required on labels by this part, except the alcoholic content statement, shall be in script, type, or printing not smaller than 2 millimeters; except that if contained among other descriptive or explanatory information, the script, type, or printing of the mandatory information shall be of a size substantially more conspicuous than that of the descriptive or explanatory information.

(2) Containers of 187 millimeters or less. All mandatory information required on labels by this part, except the alcoholic content statement, shall not be smaller than 1 millimeter, except that if contained among other descriptive or explanatory information, the script, type, or printing of the mandatory information shall be of a size substantially more conspicuous than that of the descriptive or explanatory information.

Par. 6. Section 4.39 is amended to remove the last sentence of, and make

editorial changes to paragraph (a)(7); and to change the reference to type size in paragraph (d) to read in metrics. As revised, § 4.39(a)(7) and the last sentence of paragraph (d) read as follows:

##### § 4.39 Prohibited practices.

(a) *Statements on labels.*

(7) Any statement, design, device, or representation (other than a statement of alcohol content in conformity with § 4.36), which tends to create the impression that a wine:

- (i) Contains distilled spirits;
- (ii) Is comparable to a distilled spirit; or
- (iii) Has intoxicating qualities.

However, if a statement of composition is required to appear as the designation of a product not defined in these regulations, such statement of composition may include a reference to the type of distilled spirits contained therein.

(d) *Statement of miscellaneous dates.*

\*\*\* If any such date refers to the date of establishment of any business or brand name, it shall not be stated, in the case of containers of a capacity of 5 liters or less, in any script, type, or printing larger than 2 millimeters, and shall be stated in direct conjunction with the name of the person, company, or brand name to which it refers if the Director finds that this is necessary in order to prevent confusion as to the person, company, or brand name to which the establishment date is applicable.

#### Subpart E—Requirements for Withdrawal of Wine From Customs Custody

Par. 7. Section 4.40 is amended by removing paragraphs (b) and (c) in their entirety; by removing paragraphs (d) (1) through (4); removing references to the Form 1649 Supplemental in paragraphs (d) and (e); and by redesignating paragraphs (d) and (e) as (b) and (c) respectively. As revised, § 4.40 (b) and (c) read as follows:

##### § 4.40 Label approval and release.

(b) If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported wine bearing labels identical with those shown thereon may be released from U.S. Customs custody.

(c) *Relabeling.* Imported wine in U.S. Customs custody which is not labeled in



conformity with certificates of label approval issued by the Director must be relabeled prior to release under the supervision and direction of Customs officers of the port at which the wine is located.

#### Subpart F—Requirements for Approval of Labels of Wine Domestically Bottled or Packed

Par. 8. Section 4.50 is amended to remove reference to the ingredient list in paragraph (a); remove paragraphs (b) and (c) in their entirety; and redesignate paragraph (d) as (b). As revised, the first sentence of paragraph (a) reads as follows:

##### § 4.50 Certificates of label approval.

(a) No person shall bottle or pack wine, other than wine bottled or packed in U.S. Customs custody, or remove such wine from the plant where bottled or packed, unless application is made to the Director and an approved certificate of label approval, Form 1649, is issued.

#### Subpart C—Advertising of Wine

Par. 9. Section 4.64 is amended to remove the last sentence in, and to make editorial changes to paragraph (a)(8). As revised, § 4.64(a)(8) reads as follows:

##### § 4.64 Prohibited statements.

###### (a) Restrictions.

(8) Any statement, design, device, or representation which relates to alcohol content or which tends to create the impression that a wine:

- (i) Contains distilled spirits;
- (ii) Is comparable to a distilled spirit; or
- (iii) Has intoxicating qualities.

However, if a statement of composition is required to appear as a designation of a product not defined in these regulations, such statement of composition may include a reference to the type of distilled spirits employed therein.

#### PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Par. 10. The table of sections in 27 CFR Part 5 is amended to remove § 5.39a.

#### Subpart A—Scope

##### § 5.11 [Amended]

Par. 11. Section 5.11 is amended to remove, in alphabetical order, the

definitions of "Additive", "Artificial flavor or artificial flavoring", "Essential component", "Incidental additive", "Ingredient", and "Natural flavor."

#### Subpart C—Standards of Identity

Par. 12. Section 5.22 is amended to remove the parenthetical explanation in the last sentence of paragraph (i). As revised, the last sentence of paragraph (i) reads as follows:

##### § 5.22 The standards of identity.

(i) *Class 9, flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whiskey.* \* \* \* If the finished product contains more than 2½ percent by volume of wine, the kinds and percentages by volume of wine must be stated as a part of the designation, except that a flavored brandy may contain an additional 12½ percent by volume of wine, without label disclosure, if the additional wine is derived from the particular fruit corresponding to the labeled flavor of the product.

#### Subpart D—Labeling Requirements for Distilled Spirits

Par. 13. Section 5.32 is amended by removing paragraphs (b), (c), and (d) which were to become effective January 1, 1983. As revised, § 5.32 (b) and (c) read as follows:

##### § 5.32 Mandatory label information.

(a) \* \* \*

(b) On the brand label or on a back label:

- (1) Name and address, in accordance with § 5.36.
- (2) In the case of imported spirits, the country of origin, in accordance with § 5.36.

(3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.47 or § 5.47a, net contents in accordance with §§ 5.38(a), 5.38a(a), or 5.38a (b)(1).

(4) Coloring or flavoring, in accordance with § 5.39.

(5) Percentage of neutral spirits and name of commodity from which distilled, or in the case of continuously distilled neutral spirits or gin, the name of the commodity only, in accordance with § 5.39.

(6) A statement of age or age and percentage, when required, in accordance with § 5.40.

(7) State of distillation of domestic types of whisky and straight whisky, except light whisky and blends, in accordance with § 5.36.

(c) In the case of a container which has been excepted by the Director under the provisions of § 5.48(a), the information required to appear on the "brand label," as defined, may appear elsewhere on such container if it can be demonstrated that the container cannot reasonably be so designed that the required brand label can be properly affixed.

Par. 14. Section 5.33 is amended by removing reference to ingredient information in paragraphs (b)(1), (2), (4), and (6); by removing paragraph (b)(5) in its entirety; and by redesignating paragraph (b)(6) as (b)(5). As revised, § 5.33(b)(1), (2), (4), and (5) read as follows:

##### § 5.33 Additional requirements.

(b) *Location of statements and size of type.*

(1) Statements required by this subpart, except brand names, shall appear generally parallel to the base on which the bottle rests as it is designed to be displayed or shall be otherwise equally conspicuous.

(2) Statements required by this subpart, except brand names, shall be separate and apart from any other descriptive or explanatory matter.

(4) Statements required by this subpart, except brand names, shall be in script, type, or printing not smaller than 2 millimeters (or 8-point gothic until January 1, 1983), except that, in the case of labels on bottles of 200 milliliters or less capacity, such script, type, or printing shall not be smaller than 1 millimeter (or 6-point gothic until January 1, 1983).

(5) When net contents are stated either in metric measures or in both metric and U.S. fluid measures, statements required by the subpart, except brand names, shall be in script, type, or printing not smaller than 2 millimeters (or 8-point gothic until January 1, 1983), except that, in the case of labels on bottles of 200 milliliters or less capacity such script, type, or printing shall not be smaller than 1 millimeter (or 6-point gothic until January 1, 1983).

Par. 15. Section 5.39 is amended by retaining paragraph (b) which was to be effective until January 1, 1983; and redesignating paragraph (b) which was to become effective January 1, 1983 as paragraph (c). As revised, § 5.39(b) and (c) read as follows:



**§ 5.39 Presence of neutral spirits and coloring, flavoring, and blending materials.**

(a) \* \* \*

(b) *Coloring materials.*

The words "artificially colored" shall be stated on the label of any distilled spirits containing synthetic or natural materials which primarily contribute color, or when the label conveys the impression that the color is derived from a source other than the actual source, except that:

(1) If no coloring material other than natural flavoring material has been added, there may be stated in lieu of the words "artificially colored" a truthful and adequate statement of the source of the color;

(2) If no coloring material other than those certified as suitable for use in foods by the Food and Drug Administration has been added, there may be stated in lieu of the words "artificially colored," the words "certified color added"; and

(3) If no coloring material other than caramel has been added, there may be stated in lieu of the words "artificially colored," the words "colored with caramel," or a substantially similar statement, but no such statement is required for the use of caramel in brandy, rum, or tequila, or in any type of whisky other than straight whisky.

(c) *Treatment with wood.* The words "colored and flavored with wood" (insert chips, slabs, etc., as appropriate) shall be stated as a part of the class and type designation for whisky and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation or storage, other than through contact with the oak container.

**§ 5.39 [Removed]**

Par. 16. Section 5.39a is removed in its entirety.

**Subpart F—Requirements for Withdrawal From Customs Custody of Bottled Imported Distilled Spirits**

Par. 17. Section 5.51 is amended by removing paragraphs (b) and (f) in their entirety; by removing paragraphs (c)(1) through (4) in their entirety; by removing references to the Form 1649 Supplemental in paragraphs (c) and (d); and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d) respectively. As revised, § 5.51 (b) and (c) read as follows:

**§ 5.51 Label approval and release.**

(b) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand

or lot of distilled spirits bearing labels identical with those shown thereon may be released from U.S. Customs custody.

(c) *Relabeling.* Imported distilled spirits in U.S. Customs custody which are not labeled in conformity with certificates of label approval issued by the Director must be relabeled prior to release under the supervision of the Customs officers of the port at which the spirits are located.

(d) *Statements of process.*

**Subpart G—Requirements for Approval of Labels of Domestically Bottled Distilled Spirits**

Par. 18. Section 5.55 is amended by revising paragraph (a); removing paragraphs (b) and (c) in their entirety; by redesignating paragraphs (d) and (e) as (b) and (c); and by deleting references to paragraphs (b) and (c). As revised, § 5.55 (a) and (b) read as follows:

**§ 5.55 Certificates of label approval.**

(a) *Requirement.* Distilled spirits shall not be bottled or removed from a plant, except as provided in paragraph (b) of this section, unless the proprietor possesses a certificate of label approval, Form 1649, covering the labels on the bottle, issued by the Director pursuant to application on such form: Application for certificates of label approval covering labels for imported gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement prepared by the manufacturer setting forth a step-by-step description of the manufacturing process.

(b) *Exemption.* Any bottler of distilled spirits shall be exempt from the requirements in paragraph (a) of this section and § 5.56 if the bottler possesses a certificate of exemption from label approval, Form 1650, issued by the Director pursuant to application on Form 1648 showing that the distilled spirits to be bottled are not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced into interstate or foreign commerce.

(c) *Miscellaneous.* \* \* \*

**PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES**

Par. 19. The table of sections to 27 CFR Part 7, Subpart C is revised to remove § 7.27a.

**Subpart A—Scope**

Par. 20. Section 7.10 is amended to remove, in alphabetical order, the definitions of "Additive (Adjunct)", "Artificial flavor or artificial flavoring", "Essential component", "Incidental

additive (Incidental adjunct)", "Ingredient", and "Natural flavor or natural flavoring".

**Subpart C—Labeling Requirements for Malt Beverages**

**§ 7.22 [Amended]**

Par. 21. Section 7.22 is amended by removing paragraph (c) in its entirety.

**§ 7.27a [Amended]**

Par. 22. Section 7.27a is removed in its entirety.

Par. 23. Section 7.28 is amended by removing the references to the ingredient list in paragraphs (b)(1)(i) and (b)(2)(i); and by removing paragraphs (b)(1)(iii) and (b)(2)(iii). As revised, § 7.28 (b)(1)(i) and (b)(2)(i) read as follows:

**§ 7.28 General requirements.**

(b) *Size of type.* \* \* \*

(1) \* \* \*

(i) All mandatory information required on labels by this part, except alcoholic content statements, shall be in script, type, or printing not smaller than 2 millimeter (or 8-point gothic until January 1, 1983); except that if contained among other descriptive or explanatory information, the script, type, or printing of all mandatory information shall be of a size substantially more conspicuous than that of the descriptive or explanatory information.

(2) \* \* \*

(i) All mandatory information required on labels by this part, except alcoholic content statements, shall be in script, type, or printing not smaller than 1 millimeter (or 6 point gothic until January 1, 1983); except that if contained among other descriptive or explanatory information, the script, type, or printing of all mandatory information shall be of a size substantially more conspicuous than that of the descriptive or explanatory information.

**Subpart E—Requirements for Withdrawal of Imported Malt Beverages from Customs Custody**

Par. 24. Section 7.31 is amended to remove references to the Form 1649 Supplemental in paragraphs (c) and (d); to remove paragraphs (b) and (e) in their entirety; to remove (c) (1) through (4) in their entirety; and to redesignate paragraphs (c) and (d) as (b) and (c). As revised, § 7.31 (b) and (c) read as follows:



**§ 7.31 Label approval and release.**

(b) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported malt beverages bearing labels identical with those shown thereon may be released from U.S. Customs custody.

(c) *Relabeling.* Imported malt beverages in U.S. Customs custody which are not labeled in conformity with certificates of label approval issued by the Director must be relabeled, prior to release, under the supervision and direction of the U.S. Customs officers of the port at which the malt beverages are located.

**Subpart E—Requirements for Approval of Labels of Malt Beverages Domestically Bottled or Packed**

Par. 25. Section 7.41 is revised by deleting references to the ingredient list in paragraph (a); and by deleting paragraph (b). As revised, § 7.41 reads as follows:

**§ 7.41 Certificates of label approval.**

No person shall bottle or pack malt beverages, or remove malt beverages from the plant where bottled or packed unless application is made to the Director, and an approved certificate of label approval, Form 1649, is issued by the Director.

Signed: October 8, 1981.

G. R. Dickerson,  
Director.

Approved: October 27, 1981.

John M. Walker, Jr.,  
Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-32316 Filed 11-5-81; 8:45 am]  
BILLING CODE 4810-31-M

**VETERANS ADMINISTRATION****38 CFR Part 3****Income and Net Worth Questionnaires**

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The Veterans Administration has amended its regulation governing discontinuance of improved pension and dependency and indemnity compensation (DIC) for failure to file an income questionnaire. This amendment permits the VA to discontinue these benefits for failure to file an income questionnaire on the first day of the year for which income was to be reported.

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

**FOR FURTHER INFORMATION CONTACT:**

T. H. Spindle, Jr. (202) 389-3005.

**SUPPLEMENTARY INFORMATION:** On July 28, 1981 the Veterans Administration published a proposed amendment to 38 CFR 3.661(b). See 46 FR 38539 (1981). Interested persons were invited to submit comments, suggestions or objections to the proposed amendment. We received none. The amendment to § 3.661(b) is adopted as proposed.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this regulation applies to individuals in receipt of pension or dependency and indemnity compensation. It will have no significant impact on small entities in terms of compliance costs, recordkeeping requirements, or effects on competition.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change, in itself, is nonmajor for the following reasons:

- (1) It will not have an effect on the economy of \$100 million or more.
- (2) It will not cause a major increase in costs or prices.
- (3) It will not have 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.

(The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105 and 64.110)

Approved: October 14, 1981.

Robert P. Nimmo,  
Administrator.

**PART 3—ADJUDICATION**

In § 3.661, paragraph (b) is revised to read as follows:

**§ 3.661 Income and net worth questionnaires.**

(b) *Failure to return questionnaire.* (1) *Section 306 and old-law pension—(i) Discontinuance.* Discontinuance of old-law or section 306 pension shall be effective the last day of the year for which income (and net worth in a section 306 pension case) was to be reported.

(ii) *Resumption of benefits.* Payment of old-law or section 306 pension may be

resumed, if otherwise in order, from the date of last payment if evidence of entitlement is received within the year following the year for which income (and net worth in a section 306 pension case) was to be reported; otherwise pension may not be paid for any period prior to the date of receipt of a new claim.

(2) *Improved pension and dependency and indemnity compensation—(i) Discontinuance.* Discontinuance of dependency and indemnity compensation (DIC) or improved pension shall be effective the first day of the year for which income (and net worth in an improved pension case) was to be reported or the effective date of the award, whichever is the later date.

(ii) *Adjustment of overpayment.* If evidence of entitlement to improved pension or DIC for any period for which payment of improved pension or DIC was discontinued for failure to file an income questionnaire is received at any time, payment of improved pension or DIC shall be awarded for the period of entitlement for which benefits were discontinued for failure to file an income questionnaire.

(iii) *Resumption of benefits.* Payment of improved pension and DIC may be resumed, if otherwise in order, from the date of last payment if evidence of entitlement is received within the year following the year for which income (and net worth in an improved pension case) was to be reported; otherwise pension or DIC may not be paid for any period prior to receipt of a new claim.

(38 U.S.C. 210(c))

[FR Doc. 81-32313 Filed 11-5-81; 8:45 am]

BILLING CODE 5320-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[A-4-FRL-1958-4]

**Approval and Promulgation of Implementation Plans; South Carolina: Alternative Emission Reduction Options**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** On June 17, 1981, the South Carolina Department of Health and Environmental Control (DHEC) submitted a State Implementation Plan (SIP) revision containing Air Pollution Control Standard No. 6—Alternative Emission Reduction Options, more commonly known as the "Bubble" concept. EPA has reviewed this submittal and found that it meets all applicable requirements. Therefore, the



Agency today announces its approval of South Carolina's "Bubble" standard. This standard clearly details the requirements for eligibility and the conditions that a source must meet in obtaining a bubble permit. The standard also stipulates that prior to becoming effective each application must be submitted to EPA for approval as a SIP revision. This action will be effective January 5, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**DATES:** This action is effective January 5, 1982.

**ADDRESSES:** Written comments should be addressed to Denise W. Pack of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit,  
Library Systems Branch,  
Environmental Protection Agency, 401  
M Street SW., Washington D.C. 20460  
Library, Office of the Federal Register,  
1100 L Street NW., Room 8401,  
Washington, D.C. 20005

Environmental Protection Agency,  
Region IV, Air Programs Branch, 345  
Courtland Street NE., Atlanta, Georgia  
30385

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

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

**SUPPLEMENTARY INFORMATION:** On  
December 11, 1979 (44 FR 71780), the  
Environmental Protection Agency  
published a policy statement entitled  
"Recommendations for Alternative  
Emission Reduction Options Within  
State Implementation Plans." This  
policy (1) outlines how states can revise  
their State Implementation Plans to  
permit sources to place a greater burden  
of control where the marginal cost of  
control is low and to reduce control  
requirements where cost is high and (2)  
encourages states to be receptive to  
proposals from sources seeking to  
employ a more economically efficient  
mix of controls. Complete details of EPA  
policy can be obtained in the Federal  
Register notice just mentioned and in  
subsequent notices published on  
November 24, 1980 (45 FR 77459) and  
April 6, 1981 (46 FR 20552).

On June 17, 1981, the South Carolina  
DHEC submitted a SIP revision  
containing alternative emission

reduction options. The State followed  
the outline set forth in the December 11,  
1979, Federal Register notice by  
including in Standard No. 6 provisions  
which ensure (1) the attainment and  
maintenance of ambient air quality  
standards as expeditiously as  
practicable, (2) reasonable further  
progress, (3) enforceability and (4)  
compliance with all other requirements  
of the Clean Air Act. The South Carolina  
submittal allows existing sources that  
are subject to emission limitations of  
criteria pollutants set forth in the South  
Carolina SIP the option of having  
multiple points of emission considered  
as having a single emission limit. The  
source can then opt to adjust the degree  
of control applied to each point as long  
as the net results meet the overall  
emission limitation requirements. The  
regulation clearly states that these  
options do not apply to nor supersede  
the requirements of the Prevention of  
Significant Deterioration regulations,  
New Source Performance Standards,  
National Emissions Standards for  
Hazardous Air Pollutants, or any other  
requirement which the Clean Air Act  
mandates. The regulation stipulates that,  
prior to becoming effective, each  
application must be submitted to EPA  
for approval as a SIP revision.

EPA has reviewed this submittal and  
found that it incorporates the  
requirements specified for bubble  
regulations. EPA is therefore today  
approving the South Carolina submittal.  
This action is being taken without prior  
proposal because the South Carolina  
regulation is noncontroversial and EPA  
anticipates no comments on it. The  
public should be advised that this action  
will be effective on or before January 5,  
1982. However, if notice is received  
within 30 days that someone wishes to  
submit adverse or critical comments,  
this action will be withdrawn and  
subsequent notices will be published  
before the effective date. The  
subsequent notices will withdraw the  
final action 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.  
605(b) I hereby certify that the present  
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  
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 EPA's  
approval of this revision is available  
only by the filing of a petition for review  
in the United States Court of Appeals  
for the appropriate circuit on or before  
January 5, 1982. 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.

**Note.** Incorporation by reference of the  
State Implementation Plan for the State of  
South Carolina was approved by the Director  
of the Federal Register on July 1, 1981.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: November 1, 1981.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart PP—South Carolina

Section 52.2120 is amended by adding  
paragraph (c)(17) as follows:

#### § 52.2120 Identification of plan.

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

(17) Standard No. 6, Alternative  
Emission Reduction Options, submitted  
on June 17, 1981, by the South Carolina  
Department of Health and  
Environmental Control.

[FR Doc. 81-32195 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

## 40 CFR Part 52

[EPA Docket No. AH011VA; A-3-FRL 1966-  
3]

### Commonwealth of Virginia; Approval of Revisions of the Virginia State Implementation Plan

**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Final rule.

**SUMMARY:** The Commonwealth of  
Virginia has submitted to the  
Environmental Protection Agency (EPA)  
amendments to its air pollution control  
regulations and has requested that they  
be reviewed and processed as revisions  
to the Virginia State Implementation



Plan (SIP). These amendments were submitted on October 20, 1976 and September 20, 1978 and relate to the continuous emission monitoring requirements for existing sources.

This notice summarizes the SIP revisions, EPA's findings, and, except where noted, approves the proposed revisions. This action will be effective on January 5, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**DATE:** This action is effective on January 5, 1982.

**ADDRESSES:** Copies of the proposed SIP revisions, as well as accompanying support documentation submitted by the Commonwealth, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency,  
Region III, Curtis Building, Tenth  
Floor, Sixth and Walnut Streets,  
Philadelphia, Pennsylvania 19106;  
Attn: Ms. Patricia Sheridan

Public Information Reference Unit, EPA  
Library, Room 2922, U.S.

Environmental Protection Agency, 401  
M Street SW., Washington, D.C. 20460  
Virginia State Air Pollution Control  
Board, Ninth Street Office Building,  
Room 1106, Richmond, Virginia 23219;  
Attn: Mr. John M. Daniel

Office of the Federal Register, 1100 L  
Street NW., Room 8401, Washington,  
D.C. 20408

**FOR FURTHER INFORMATION CONTACT:**  
Ms. Eileen M. Glen (3AH13), Air Media  
and Energy Branch, U.S. Environmental  
Protection Agency, Region III, Curtis  
Building, Sixth and Walnut Streets,  
Philadelphia, Pennsylvania 19106;  
Telephone 215/597-8187.

All comments should be submitted to  
Mr. James E. Sydnor, at the EPA, Region  
III address listed above. Please  
reference the EPA Docket number found  
in the heading of this Notice in any  
correspondence.

**SUPPLEMENTARY INFORMATION:** On  
August 14, 1975, October 20, 1976, and  
September 20, 1978, the Commonwealth  
of Virginia submitted to the  
Environmental Protection Agency  
amendments to its Regulations for the  
Control and Abatement of Air Pollution  
and requested that they be reviewed  
and processed as revisions of the  
Virginia State Implementation Plan  
(SIP).

The Commonwealth provided proof  
that, after adequate public notice, public  
hearings were held with regard to these  
amendments. The submittal dates of  
these amendments, as well as the dates  
and locations of the public hearings, are  
summarized below:

Submittal date	Public hearing date	Locations
Aug. 14, 1975	May 12, 1975	Abingdon, Radford, Lynchburg, Fredericksburg, Richmond, Virginia Beach, and Fairfax.
Oct. 20, 1976	July 23, 1976	Richmond, Roanoke, Lynchburg, and Fairfax.
	July 26, 1976	Abingdon, Fredericksburg, and Virginia Beach.
Sept. 20, 1978	July 14, 1978	Richmond, Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach and Fairfax.
	July 17, 1978	

In cases where the Commonwealth  
has submitted amendments to the same  
regulation at different times, only the  
most recent version has been reviewed  
as a SIP revision. The amendments  
being considered for final action at this  
time are shown below:

Regulation	Brief description
§ 1.02	Definition of Continuous Emission Monitoring.
§ 4.04 (a) and (b)	Addition of CEM regulations and minor administrative revisions to § 4.04(a)(1) and of the regulations.
§ 4.04 (c), (d), (e) and (f)	Addition of regulations requiring CEM and providing for alternate monitoring programs.
§ 4.05 (a) through (e)	Addition of notification, record-keeping and reporting requirements.
§ 4.24 (a), (b) and (c)	Addition of monitoring requirements.
Appendix J	CEM procedures.

#### EPA Evaluation

The definition of Continuous Emission Monitoring as submitted on October 20, 1976 is approved.

Sections 4.04 (a) and (b) were originally submitted on August 14, 1975 to replace the existing § 2.07. However, on October 20, 1976, entirely new §§ 4.04(a) and 4.04(b) were submitted. Minor administrative revisions to § 4.04 (a)(1) and (b) were submitted on September 20, 1978. Section 4.04(a)(1) requires owners of major steam generating stations to monitor for opacity only. However, 40 CFR Part 51, Appendix P requires these sources also monitor for nitrogen oxide, sulfur dioxide, and oxygen or carbon monoxide if the source has sulfur dioxide control systems or if it is located in nitrogen oxide nonattainment area. While these conditions do not currently exist in the Commonwealth of Virginia, it would save time and serve as advance notice to sources considering installation of flue gas desulfurization (FGD) systems if the regulations were

immediately revised to include these additional monitoring requirements. Because the above-mentioned conditions do not currently exist in the Commonwealth, omission of these monitoring requirements will not require EPA disapproval of the proposed SIP revision. However, EPA has recommended the Commonwealth revise its regulations as soon as possible to include the additional Appendix P monitoring requirements. In conclusion, § 4.04 (a) and (b), as submitted on October 20, 1976 and amended on September 20, 1978, are approved.

Section 4.04 (c), (d), (e) and (f) were submitted on October 20, 1976 and a minor administrative revision was made to § 4.04(e) on September 20, 1978. Although these sections are being approved by EPA, the reader should be aware that any exemption, variance or alternate monitoring program granted by the Commonwealth pursuant to Sections 4.04 (a), (d), (e) or (f) must be submitted to EPA and approved as a SIP revision before it becomes effective as part of the SIP.

Sections 4.05 (a), (b), (c), (d) and (e) were submitted on October 20, 1976 and pertain to the notification, recordkeeping and reporting requirements. These sections are also being approved by EPA.

Sections 4.24 (a), (b), and (c) were submitted on September 20, 1978 and pertain to the monitoring requirements for sources of visible emissions and fugitive dust. These sections are approved.

Appendix J was submitted on October 20, 1976 and modified on September 20, 1978; it sets forth the actual emission monitoring procedures for existing, new and modified sources. Appendix J is approved except for Part II, Sections a.2. and d.2. These sections specify certain periods of excess opacity emissions which must be reported, but these periods do not include all periods of opacity exceeding the opacity standards in §§ 4.22, 5.12, and other applicable portions of the Virginia SIP. Pursuant to 40 CFR Part 51, Appendix P § 4.2, all periods of opacity not allowed by the actual opacity standards contained in the SIP must be reported. Therefore, Appendix J, Part II, Sections a.2 and d.2 must be revised to require reporting of all periods of excess opacity emissions not allowed by §§ 4.22, 5.12 and other applicable Virginia SIP opacity standards. No further action will be taken by EPA on Appendix J, Part II, Sections a.2. and d.2. until a revision correcting this deficiency is submitted.



## Conclusion

The Administrator's decision to approve the proposed revision was based on a determination that 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.

The public should be advised that this action will be effective on or before January 5, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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 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 5 U.S.C. 605(b) I certify that the 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. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action 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.

(42 U.S.C. 7401-7642)

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1981.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart VV—Virginia

1. In § 52.2420, *Identification of Plan*, paragraph (c) is amended by adding subparagraphs (57) and (58) to read as follows:

#### § 52.2420 Identification of Plan.

• • • • •

(c) • • •  
(57) A revision submitted by the Commonwealth of Virginia on October 20, 1976 consisting of the addition of Sections 1.02, (Definition of Continuous Emission Monitoring); 4.04 (a) through (f); 4.05 (a) through (e); and Appendix J, except for Part II, Sections a.2. and d.2.

(58) A revision submitted by the Commonwealth of Virginia on September 20, 1978 consisting of amendments to Sections 4.04 (a)(1) and (b); 4.04(e); Appendix J; and, the addition of Sections 4.24 (a), (b) and (c).

[FR Doc. 81-32196 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

### 40 CFR Part 52

[A-10-FRL 1957-5]

### Approval and Promulgation of Implementation Plans; Revision to Oregon Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** By this Notice, EPA announces its approval of a number of revisions to the Oregon State Implementation Plan (SIP). These revisions have been submitted by the State of Oregon after adequate opportunity for public, private, and industry input. They include: (1) The addition of special rules for the Medford-Ashland Air Quality Maintenance Area (AQMA); (2) modifications to the Lane Regional Air Pollution Authority's rules; (3) modifications to the particulate emission limitations for certain hogged-fuel boilers; (4) modifications to the rules for control of agricultural open field burning; (5) modifications to the sulfite pulp mill rules; (6) modifications to the civil penalties rule; and (7) a modification to State's ambient air quality standard for ozone. This action will be effective on January 5, 1982, unless notice is received before December 7, 1981, that someone wishes

to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

**EFFECTIVE DATE:** January 5, 1982.

**ADDRESSES:** Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-81-1),  
West Tower Lobby, Gallery I,  
Environmental Protection Agency,  
401 M Street SW., Washington, D.C.  
20460

Air Programs Branch, Environmental  
Protection Agency, 1200 Sixth Avenue,  
Seattle, Washington 98101-3188  
State of Oregon, Department of  
Environmental Quality, 522 S.W. Fifth,  
Yeon Building, Portland, Oregon 97207  
The Office of the Federal Register,  
1100 L Street NW., Room 8401,  
Washington, D.C.

**COMMENTS SHOULD BE ADDRESSED TO:**  
Laurie M. Kral, Air Programs Branch,  
M/S 629, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101-3188.

**FOR FURTHER INFORMATION CONTACT:**  
George C. Hofer, Air Programs Branch,  
M/S 625, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101-3188; Telephone (206)  
442-1125 (FTS) 399-1125.

### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

Over the past several years the State of Oregon has submitted to EPA, as revisions to the Oregon SIP, a number of amendments to Department of Environmental Quality (DEQ) rules and permits and Lane Regional Air Pollution Authority (LRAPA) rules. Pursuant to Section 110 of the Clean Air Act (hereinafter, the Act), EPA is today approving these revisions in order to make the Federally-approved SIP consistent with the current State and local air pollution control programs. Section II describes each revision which EPA is approving and Section III summarizes EPA's action.



## II. Plan Revisions

### A. Medford-Ashland AQMA Rules—

On May 26, 1978, DEQ submitted specific air pollution control rules for the Medford-Ashland AQMA (Oregon Administrative Rules, Chapter 340, Division 30, Sections 005 through 070) as a revision to the Oregon SIP. These rules establish more stringent requirements for sources in the AQMA as an addition to the existing rules. The specific source categories covered are wood waste boilers, veneer dryers, air conveying systems, wood particle dryers at hardboard and particleboard plants, wigwam waste burners, charcoal producing plants, and open burning. The rules also establish new requirements for compliance schedules, continuous monitoring, and source testing. A public hearing was held in Medford on December 16, 1977 and the rules were adopted by the Environmental Quality Commission (EQC) on March 31, 1978.

On February 14, 1980, DEQ submitted an amendment to the Medford-Ashland rules for control of veneer dryers (Oregon Administrative Rules, Chapter 340, Division 30, Sections 010 and 020) as a revision to the Oregon SIP and thereby modifying the May 26, 1978 submittal. The rule changes establish specific opacity, fugitive emissions control and operation and maintenance requirements for veneer dryers. A public hearing was held on the amendment in Portland on December 17, 1979 and the rules were adopted by the EQC on January 18, 1980.

On October 29, 1980, DEQ submitted amendments to the Medford-Ashland rules for control of wood waste boilers, wigwam waste burners and wood particle dryers at hardboard and particleboard plants (Oregon Administrative Rules, Chapter 340, Division 30, Sections 016, 035 and 045). These amendments (1) add an opacity limitation for wood waste boilers; (2) ban the operation of any wigwam burner; and (3) extend the final compliance date for wood particle dryers from January 1, 1981 to January 1, 1982. A public hearing was held on these amendments in Medford on August 1, 1980 and the rules were adopted by the EQC on October 17, 1980.

On May 22, 1981, DEQ submitted an amendment to the Medford-Ashland rules for control of wood particle dryers at hardboard and particleboard plants (Oregon Administrative Rules, Chapter 340, Division 30, Sections 010, 030 and 045) as a revision to the Oregon SIP, again modifying the May 26, 1978 submittal. The rule changes establish different emission limitations for these plants and revise the compliance

schedules for each. A public hearing was held on this amendment in Medford on February 19, 1981 and the rules were adopted by the EQC on April 24, 1981.

On August 28, 1981, EQC revoked the rule for total plantsite emissions (Oregon Administrative Rules, Chapter 340, Division 30, Section 060). On September 9, 1981, DEQ submitted a state-wide plantsite emissions rule and withdrew this Medford-specific provision from consideration as a SIP submittal. A public hearing was held on this revocation in Portland on August 28, 1981.

Since these rule changes tighten the requirements of the current SIP, EPA is approving the rules, as amended, along with the associated compliance schedules.

### B. Lane Regional Air Pollution

**Authority Rules—**On March 14, 1977, DEQ submitted amendments to Sections 010, 020, and Table A of Title 22 Permits of the LRAPA rules as a revision to the Oregon SIP. These amendments (1) add provisions for a "minimal source" compliance determination fee; (2) change the maximum duration of a permit from five to ten years; (3) revise the list of air contaminant source categories covered; and (4) revise the application processing and annual compliance determination fees. A public hearing was held in Eugene on February 15, 1977 and the rule revisions were adopted by the LRAPA Board on the same date.

On June 29, 1979, DEQ submitted amendments to the LRAPA rules as a revision to the Oregon SIP, and thereby modifying the March 14, 1977 submittal. These amendments include revisions to:

- (1) Title 11 Policy and General Provisions, Section 015;
- (2) Title 12 General Duties and Powers of Board and Director, Sections 005 and 010;
- (3) Title 20 Indirect Sources, Sections 110, 115, 120, 125, 129 and 130;
- (4) Title 21 Registration, Reports and Test Procedures, Sections 010 and 030;
- (5) Title 32 Emissions Standards, Sections 005 and 010;
- (6) Title 42 Rules of Practice and Procedure—Hearing Procedure;
- (7) Title 44 Rules of Practice and Procedure; and
- (8) Title 45 Rules of Practice and Procedure—Decision and Appeal.

With the exception of Title 32, these revisions are all administrative in nature and do not affect the substantive requirements for any source. The revision to Title 32, Section 005 establishes a requirement for the highest and best practicable treatment and control of air contaminant emissions for

all sources. The revision to Title 32, Section 010 changes the opacity limitation for veneer dryers.

They also include the addition of:

- (1) Title 13 Civil Penalties;
- (2) Section 33-065 Charcoal Producing Plants; and
- (3) Title 36 Rules for Open Outdoor Burning.

Title 13 establishes a schedule of civil penalties. Section 33-065 establishes a new particulate emission limitation for charcoal producing plants of 10.0 pounds per ton of charcoal produced, and Title 36 replaces the existing rules in Section 33 pertaining to open outdoor fires.

Finally, they include the deletion of:

- (1) Section 33-005 Open Outdoor Fires—General;
- (2) Section 33-010 Open Outdoor Fires—Domestic;
- (3) Section 33-015 Open Outdoor Fires—Commercial, Governmental and Industrial; and
- (4) Title 43—Hearing Procedure.

The provisions of Section 33-005, 33-010, and 33-015 are contained in the new Title 36 and the provisions of Title 43 are contained in the revised Title 42. As such, LRAPA is only deleting duplicative and unnecessary regulations.

Public hearings were held on the amendments on September 12, 1978, October 17, 1978 and May 15, 1979. The rule changes were adopted by the LRAPA Board of Directors on October 17, 1978 and May 15, 1979.

On November 6, 1979, DEQ submitted amendments to Title 22 Permits of the LRAPA rules, thereby further modifying the March 14, 1977 submittal. This submittal revises the fee schedule in Section 22-020 and Table A. A public hearing was held on the revision on September 11, 1979 and the rules were adopted by the LRAPA Board of Directors on the same date.

On January 30, 1980, DEQ submitted amendments to Sections 005, 015 and 020 of Title 36 Rules for Open Outdoor Burning of the LRAPA rules as a revision to the Oregon SIP, thereby again modifying the March 14, 1977 submittal. These amendments revise the procedures for permitting open burning and the prohibitions by type of waste burned. Public hearings were held on September 11, 1979, October 9, 1979 and January 8, 1980. The LRAPA Board of Directors adopted the rules revisions on October 9, 1979 and January 8, 1980.

EPA is approving the rule revisions submitted on March 14, 1977 as amended by the June 29, 1979, November 6, 1979 and January 30, 1980 submittals. Specifically these include:

- (1) Revisions to Sections 11-015, 12-005, 12-010, 20-110, 20-115, 20-120, 20-



125, 20-129, 20-130, 21-010, 21-030, 22-010, 22-020, 32-005, 32-010 and Titles 42, 44, 45;

(2) Addition of Section 33-065 and Titles 13, 36; and

(3) Deletion of Section 33-005, 33-010, 33-015 and Title 43.

**C. Hogged-fuel Boiler Permits**—On February 3, 1981 and March 16, 1981, DEQ amended the Air Contaminant Discharge Permits (ACDP) for the Weyerhaeuser Company plants in Bly, Oregon (Permit Number: 18-0037) and North Bend, Oregon (Permit Number: 06-0007), respectively. A public hearing was held on the Weyerhaeuser-North Bend ACDP in Coos Bay, Oregon on November 19, 1980 and on the Weyerhaeuser-Bly ACDP in Portland, Oregon on December 15, 1980. Both ACDPs were approved by the EQC on January 30, 1981.

On March 24, 1981, DEQ submitted the Weyerhaeuser-Bly ACDP, specifically Conditions 5 and 6, as an amendment to the Oregon SIP. Similarly, on March 27, 1981, DEQ submitted the Weyerhaeuser-North Bend ACDP, specifically Conditions 4, 5, and 6, as an amendment to the Oregon SIP. Furthermore, on May 5, 1981, DEQ submitted additional technical information in support of the requested SIP revisions.

Both ACDPs provide variances to existing SIP emission limitations. The Weyerhaeuser-Bly ACDP replaces the existing SIP particulate emission limitation for the Sterling boiler, 0.10 grains per standard cubic foot (gr/scf), with a limit of 0.13 gr/scf. It also establishes an additional particulate limitation for the boiler of 86 tons per year.

The Weyerhaeuser-North Bend ACDP exempts the numbers 1, 2, and 3 boilers' salt emissions from the SIP opacity and particulate grain-loading emission limitations. Non-salt particulate emissions from the boilers must still comply with the SIP limitations and additional permit limits of 240 tons per year and 100 pounds per hour. Salt particulates from the boilers will be limited by the permit to 750 tons per year and 180 pounds per hour.

Since the boilers are located in areas which attain both primary and secondary National Ambient Air Quality Standards for total suspended particulates (TSP) and because the revised emission limitations will result in no increase in current particulate emissions or ambient TSP levels, EPA is approving the applicable conditions in the submitted ACDPs as revisions to the Oregon SIP. The particulate emission limitations in the ACDPs will, therefore, apply to the affected boilers rather than the general SIP emission limits.

**D. Agricultural Open Field Burning Rules**—Revisions to Oregon's agricultural open field burning rules (Oregon Administrative Rules, Chapter 340, Division 26, Sections 005 through 030) were made by the EQC on March 13, 1981. The rule revisions:

(1) Require graphic delineation of all acreage registered;

(2) Allow the DEQ to issue permits which are valid only for designated periods;

(3) Require the local fire permitting agency to maintain copies of registration map materials;

(4) Establish certain requirements for fire safety purposes;

(5) Revise requirements for use of into-the-wind striplighting burning techniques;

(6) Allow the DEQ to require mechanical fluffing of straw residues in certain situations; and

(7) Revise the civil penalty fee schedule.

A public hearing was held in Salem on March 13, 1981 and the adopted rule revisions were submitted to the EPA on April 23, 1981 as an amendment to the Oregon SIP. On July 8, 1981, DEQ submitted to EPA amended "Smoke Management Program Operational Guidelines" which incorporated the rule revisions.

All but one of the rule revisions result in tighter or more specific enforcement provisions. The exception is the revision to the requirement for use of into-the-wind striplighting. However, the change will not affect the SIPs ability to attain and maintain all requirements of the Act. EPA is therefore approving the submitted rule revisions and amended smoke management guidelines as revisions to the Oregon SIP.

**E. Sulfite Pulp Mill Rules**—On June 2, 1980, DEQ submitted amendments to the rules for sulfite pulp mills (Oregon Administrative Rules, Chapter 340, Division 25, Sections 350 through 390) as a revision to the Oregon SIP. These amendments: (1) Revise the conditions for exempting small mills from the specific sulfur dioxide emission standard; (2) delete obsolete compliance schedule provisions; (3) revise monitoring, reporting, and source test requirements; (4) delete obsolete requirements for special studies and public hearings; and (5) delete duplicative requirements for notice of construction and submission of plans and specification. A public hearing was held in Portland on April 21, 1980 and the rules were adopted by the EQC on May 16, 1980.

EPA is approving the submitted revisions, including the referenced source-test methods, as they affect only

obsolete provisions or state procedures and do not change the existing emission limitation.

**F. Civil Penalties Rule**—On February 14, 1980, DEQ submitted amendments to the Air Quality Schedule of Civil Penalties (Oregon Administrative Rules, Chapter 340, Division 12, Section 050) as a revision to the Oregon SIP. These amendments (1) revise the amounts which may be assessed; and (2) clarify the violations which are covered by the provisions. A public hearing was held in Portland on December 5 and 6, 1979 and the rules were adopted by the EQC on January 18, 1980.

EPA is approving these State procedures as a revision to the Oregon SIP as they are inconsistent with the requirements of Section 110 of the Act.

**G. Ambient Ozone Standard**—On June 20, 1979, DEQ submitted a modification to the State's ambient air quality standard for photochemical oxidants (Oregon Administrative Rules, Chapter 340, Division 31, Section 030) as a revision to the Oregon SIP. This modification changes the standard from a photochemical oxidant standard to an ozone standard and changes the method of determining attainment from a deterministic one to a probabilistic one consistent with the National Ambient Air Quality Standard (NAAQS) for ozone. The modification, however, did not change the ambient concentration from its existing level of 160 micrograms per cubic meter (0.08 parts per million). Public hearings were held in Medford on May 3, 1979 and in Portland, Oregon on May 7, 1979 and the rule revision was adopted by the EQC on June 8, 1979.

EPA is approving the modification since the State's standard is more stringent than the NAAQS.

### III. Summary of Action

The EPA views as noncontroversial and routine any revision to State and local emission limitations, developed for implementing the requirements of Section 110 of the Act, which are enforceable and allow no increase in either emissions or ambient air quality levels. EPA also views as noncontroversial and routine any revision to State and local procedures which do not conflict with the requirements of Federal law or regulation.

EPA today is therefore approving, without prior proposal, those amendments to DEQ and LRAPA rules and DEQ permits submitted on March 14, 1977; May 26, 1978; June 20, June 29, and November 6, 1979; January 30, February 14 (2 submittals) June 2, and October 29, 1980; and March 24, March



27, April 23, May 22, July 8, and September 9, 1981 as revisions to the Oregon SIP. The specific provisions and changes which are being approved are discussed above in Section II Plan Revisions. This approval is only for the purpose of satisfying the requirements of Section 110 of the Act with the exception of those provisions in Sections 110(a)(2)(D), 110(a)(2)(E), 110(a)(2)(I) and 110(a)(2)(J) relating to Part C and Part D requirements.

The public should be advised that this action will be effective on or before January 5, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action 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 the date of publication of this Notice. 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.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that the 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.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

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

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart MM—Oregon

1. Section 52.1970, paragraph (c) is amended by adding subparagraphs (37) through (44) as set forth below:

#### § 52.1970 Identification of plan.

(c) \* \* \*

(37) Specific air pollution control rules for the Medford AQMA (OAR 340-30-005 through 340-30-070) submitted by the Department of Environmental Quality on May 26, 1978 and revisions submitted by the Department of Environmental Quality on February 14, 1980 (OAR-340-010 and 340-30-020), October 29, 1980 (OAR 340-30-016, 340-30-035 and 340-30-045), May 22, 1981 (OAR 340-30-010, 340-30-030 and 340-30-045) and September 9, 1981 (OAR 340-30-060).

(38) Revisions to the Lane Regional Air Pollution Authority rules submitted by the Department of Environmental Quality on March 14, 1977 (Title 22, Sections 010 and 020 and Table A), June 29, 1979 (Title 11, Section 015; Title 12, Sections 005 and 010; Title 13; Title 20, Sections 110, 115, 120, 125, 129 and 130; Title 21, Sections 010 and 030; Title 32, Sections 005 and 010; Title 33, Sections 005, 010, 015 and 065; Title 36; Title 42; Title 43; Title 44; and Title 45), November 6, 1979 (Title 22, Section 020 and Table A), and January 30, 1980 (Title 36).

(39) Conditions 5 and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in Bly, Oregon (Permit Number: 18-0037) submitted by the Department of Environmental Quality on March 24, 1981.

(40) Condition 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06-0007) submitted by the Department of Environmental Quality on March 27, 1981.

(41) Revisions to the agricultural open field burning rules (OAR 340-26-005 through 340-26-030) submitted by the Department of Environmental Quality on April 23, 1981 and amended "Smoke Management Program Operational Guidelines" submitted by the Department of Environmental Quality on July 8, 1981.

(42) Revisions to the rules for sulfite pulp mills (OAR 340-25-350 through 340-25-390) submitted by the Department of Environmental Quality on June 2, 1980.

(43) Revisions to the Air Quality Schedule of Civil Penalties (OAR 340-12-050) submitted by the Department of

Environmental Quality on February 14, 1980.

(44) Revision to the ambient air quality standard for ozone (OAR 340-31-030) submitted by the Department of Environmental Quality on June 20, 1979.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of the Federal Register on July 1, 1981. (Secs. 110, 172, Clean Air Act [42 U.S.C. 7410(a) and 7502])

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-32197 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

## 40 CFR Part 52

[Docket No. AH035VA; A-3-FRL 1958-7]

### Approval of Revision of the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** The Commonwealth of Virginia has submitted to the Environmental Protection Agency (EPA) a variance to its Air Pollution Control Regulations as a revision to the Virginia State Implementation Plan (SIP). This revision was submitted to EPA on May 28, 1981 and August 5, 1981 and consists of a variance from Part IV, Sections 4.22 (Standard for Visible Emissions) and 4.31(a)(1)(ii) (Standard for Particulate Matter) of the Regulations for the Southside Mental Health and Mental Retardation Support Unit located in Petersburg, Virginia. This notice announces the Administrator's approval of the variance to the Virginia SIP. This action will be effective on January 5, 1982, unless notice is received by December 7, 1981, that someone wishes to submit adverse or critical comments.

**DATE:** This action is effective January 5, 1982.

**ADDRESSES:** Written comments should be addressed to Mr. James E. Sydnor of the EPA, Region III, Air Media & Energy Branch at the address shown below. Copies of the materials submitted by the Commonwealth may be examined during normal business hours at the following locations:

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460  
U.S. Environmental Protection Agency, Region III, Air Media and Energy



Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106; Attn: Patricia Sheridan (3AH11)  
 Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219; Attn: Mr. John M. Daniel, Jr.  
 Office of the Federal Register, 1100 L Street SW., Room 8401, Washington, D.C. 20408

**FOR FURTHER INFORMATION CONTACT:** Ms. Lillie Ellerbe at the EPA Region III address above or call 215/597-8170.

**SUPPLEMENTARY INFORMATION:** On May 28, 1981 the Commonwealth of Virginia submitted a variance which it had issued to the Southside Mental Health and Mental Retardation Support Unit on April 14, 1980 and requested EPA review and process the variance as a revision to the Virginia SIP. In addition to the variance, the Commonwealth also submitted its technical and modeling analyses. An amendment to the variance was submitted by the Commonwealth on August 5, 1981 providing additional information.

This revision consists of a variance from Part IV, Sections 4.22 (Standard for Visible Emissions) and 4.31(a)(1)(ii) (Standard for Particulate Matter) of the Regulations for the Control and Abatement of Air Pollution for the Southside Mental Health and Mental Retardation Support Unit.

The Commonwealth has provided proof that, after adequate public notice, a public hearing was held with regard to this variance. The dates of the public notice and hearing as well as the hearing location are shown below:

Date of public notice	Date of public hearing	Location
Feb. 11, 1980	Mar. 13, 1980	Petersburg, VA.

There was no opposition to the variance at the public hearing.

The Southside Mental Health and Mental Retardation Support Unit has requested a variance to allow for the operation of its three boilers while appropriate air pollution control devices are installed. This variance would terminate on June 30, 1982 or when the control equipment begins operation, whichever occurs first. For the duration of this variance, the emission limitations on boiler units 1, 2 and 3 are as follows:

(a) The particulate emissions from units 1 and 2 (combined) shall not exceed 163 lbs./hr.

(b) The particulate emissions from unit 3 shall not exceed 26 lbs./hr.

The reporting schedule contained in the variance and the required particulate emission testing after control equipment installation, shall be adhered

to by the Southside Mental Health and Mental Retardation Support Unit.

EPA has reviewed the Commonwealth's technical and modeling analyses and finds them acceptable. Furthermore, EPA conducted its own screening analysis and found that continued operation of the three boiler units would not cause or contribute to a violation of either the primary or secondary air quality standards. For particulate matter the maximum 24-hour ground level concentration due to the boilers' emissions is estimated to be in the range of about 7  $\mu\text{g}/\text{m}^3$ . The maximum measured 24-hour background particulate concentration in the area is 112  $\mu\text{g}/\text{m}^3$ . Adding the boilers' impact to that background yields a value of 119  $\mu\text{g}/\text{m}^3$ , which is well below the secondary particulate national ambient air quality standard (150  $\mu\text{g}/\text{m}^3$ ).

Based upon the above, EPA is today approving the revision to the Virginia SIP exempting the Southside Mental Health and Mental Retardation Support Unit from Sections 4.22 and 4.31(a)(1)(ii) of the Virginia Air Pollution Control Regulations without prior proposal. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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 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 5 U.S.C. 605(b) I certify that the SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action 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.

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

Dated: November 2, 1981.

Anne M. Gorsuch,  
 Administrator.

**Note.**—Incorporation by reference of the State Implementation Plan for the State of Virginia was approved by the Director of the Federal Register on July 1, 1981.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended by adding § 52.2420(c)(56) as follows:

### Subpart VV—Virginia

#### § 52.2420 Identification of Plan.

\* \* \*

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

(56) The variance issued to the Southside Mental Health and Mental Retardation Support Unit located in Petersburg, Virginia exempting the facility from Sections 4.22 and 4.31(a)(1)(ii) until June 30, 1982. It was submitted on May 28, 1981 and amended on August 5, 1981.

[FR Doc. 81-32190 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

## 40 CFR Part 52

### [A-4-FRL 1958-5]

## Approval and Promulgation of Implementation Plans; Alabama: 1979 Plan Revisions for SO<sub>2</sub> Nonattainment Areas

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA today announces its approval of the implementation plan revisions for sulfur dioxide nonattainment areas that Alabama submitted pursuant to Part D of Title I of the Clean Air Act as amended in 1977.

**DATE:** These actions are effective November 6, 1981.

**ADDRESSES:** Copies of the materials submitted by Alabama and the comments received in response to the proposal notice of January 18, 1980 (45 FR 3603), may be examined during



normal business hours at the following EPA offices:

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

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

In addition, the submittal may be  
examined at the following locations:

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

Alabama Division of Air Pollution  
Control, Air Pollution Control  
Commission, 645 South McDonough  
Street, Montgomery, Alabama 36104

**FOR FURTHER INFORMATION CONTACT:**  
Archie Lee of the EPA Region IV, Air  
Programs Branch at the above address,  
phone number 404/881-3286 or FTS 257-  
3286.

**SUPPLEMENTARY INFORMATION:** Under  
Section 172 of the Clean Air Act, as  
amended August 7, 1977, States were  
required to submit revisions in their  
implementation plans by January 1,  
1979, to provide for the attainment of the  
national ambient air quality standards  
in areas designated nonattainment. On  
March 3, 1978, (43 FR 8962), the  
Administrator designated a number of  
areas in Alabama as nonattainment for  
sulfur dioxide. The State responded by  
preparing implementation plan revisions  
as required by the Clean Air Act.

The areas designated nonattainment  
for the sulfur dioxide primary (P) and  
secondary (S) standards are:

A. Those portions of Colbert and  
Lauderdale Counties surrounding TVA's  
Colbert Plant (S).

B. That portion of Jackson County  
surrounding TVA's Widows Creek Plant  
(P) (S).

Implementation of plan revisions  
under Part D of Title I of the Clean Air  
Act were officially submitted to EPA by  
the State on September 6, 1979. The  
State also requested an eighteen-month  
extension of the January 1, 1979,  
statutory deadline for submittal of the  
plan for attainment of the secondary  
standard in the Jackson County  
nonattainment area. Plan revisions  
implementing permitting requirements in  
all nonattainment areas, including SO<sub>2</sub>  
nonattainment areas, were conditionally  
approved on November 26, 1979 (44 FR  
67375); full approval was given on June  
3, 1980 (45 FR 37430). The Alabama  
revisions were reviewed by EPA in light  
of the Clean Air Act Amendments of  
1977, EPA regulations, and additional  
guidance materials. The criteria utilized  
in this review were detailed in the  
Federal Register on April 4, July 2,  
August 28, September 17, and November

23, 1979, (44 FR 20372, 44 FR 38583, 33  
FR 50371, 44 FR 53761, and 44 FR  
67162) and need not be repeated in  
detail here. EPA has found that  
Alabama's SIP revision for SO<sub>2</sub> meets all  
applicable criteria.

In the January 18, 1980, Federal  
Register (45 FR 3603) EPA proposed  
approval of the Alabama SIP revisions  
for the above areas. In addition, EPA  
proposed to grant the State an eighteen-  
month extension for submittal of a plan  
for attainment of the secondary sulfur  
dioxide standard in Jackson County.

The control strategy demonstration  
for the Widows Creek Plant uses air  
quality diffusion modeling to show  
attainment of the 24-hour primary  
standard for sulfur dioxide by 1982.  
These results are based on an emission  
rate equal to the SIP limit of 1.2 lbs. of  
sulfur dioxide per million Btu of heat  
input (plant wide average). The same  
modeling demonstration indicates that  
the 3-hour secondary standard would  
not be attained at the above emission  
rate. The State has requested an 18-  
month extension in order to develop a  
plan for attainment of the secondary  
standard. EPA is formally granting that  
extension even though the State of  
Alabama has already submitted the  
revision to EPA; rulemaking action on  
Alabama's Part D submittal for sulfur  
dioxide, including the extension request,  
was delayed due to pending changes in  
EPA's stack height policy. For the  
Colbert plant, the control strategy  
demonstration considered only a  
reconfiguration of the plant layout. No  
relaxation of the current emission limit  
of 4 pounds of sulfur dioxide per million  
Btu heat input that could have resulted  
in increased SO<sub>2</sub> emissions was  
involved. The reconfiguration consisted  
of replacement of four individual stacks  
with a single stack with stack height  
credit allowed only up to Good  
Engineering Practice (GEP). In addition,  
the new single stack parameters are  
representative of GEP for units of  
similar size.

The revision submitted by the State  
contains information identifying the  
specific stack parameters including the  
height which reflects the GEP  
calculations. Modeling showed the  
reconfiguration and existing limit to be  
sufficient to attain the secondary  
standard in both Colbert and  
Lauderdale Counties. EPA will require  
completion of the new single stack by  
April 1, 1983. In the proposal, it was  
noted that this time frame also allowed  
for installation of a new electrostatic  
precipitator. TVA has now advised EPA  
that the precipitator will possibly not be  
installed (see Comments). However, the  
proposed deadline is necessary for  
installation of the stack alone, and

would not be affected by the deletion of  
plans for a precipitator. Also,  
installation of the precipitator is not  
necessary for approval of the plan  
revisions, since (1) the Colbert plant is  
in compliance with particulate limits,  
and (2) TVA may legally obtain credit  
for increased stack height at the plant to  
GEP without installation of control  
devices.

The compliance schedule for  
achieving attainment of the secondary  
sulfur dioxide standard at the TVA  
Colbert Steam Plant is considered to be  
as expeditious as practicable. The  
compliance schedule also represents  
Reasonable Further Progress toward  
attainment of the ambient standard by  
April 1983, as specified in the  
compliance schedule.

#### Public Comments

One comment was received from the  
Tennessee Valley Authority. TVA  
indicated that an ongoing evaluation of  
the present precipitators at the Colbert  
Plant may result in TVA's not installing  
new precipitators at that plant. TVA  
also indicated that the proposed final  
compliance date of April 1, 1983, should  
not be changed because the new stack,  
even without the new precipitators, will  
require that length of time to be  
installed. The comment supported the  
proposal.

EPA has evaluated TVA's comment  
and found that deletion of the new  
precipitators will not affect either the  
approval of the SO<sub>2</sub> control strategy or  
the final compliance date.

EPA has received comments from two  
commenters which apply to each 1979  
revision in each State, and were not  
submitted in response to the individual  
revision being submitted here. Those  
comments, as they apply to Alabama,  
were explained and responded to in the  
final rulemaking for Alabama's TSP and  
ozone SIP submittal, in the November  
26, 1979, Federal Register (44 FR 67375).  
Responses to national comments which  
apply to all SIP revisions for all states  
can also be found in that notice.

#### Final Action

EPA is taking final action to approve  
these revisions to the Alabama plan.  
This action is immediately effective in  
order to lift as quickly as possible the  
moratorium on new SO<sub>2</sub> source growth  
in the nonattainment areas.

Under Section 307(b)(1) of the Clean  
Air Act, judicial review of EPA's  
approval of this revision is available  
only by the filing of a petition for review  
in the United States Court of Appeals  
for the appropriate circuit on or before  
January 5, 1982. 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 imposes no new requirements on sources or on the public; it approves Part D implementation plan revisions, and lifts a growth moratorium now in effect under the Clean Air Act.

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

**Note.**—Incorporation by reference of the State Implementation Plan for the State of Alabama was approved by the Director of the Federal Register on July 1, 1981.

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

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart B—Alabama

1. In § 52.50 paragraph (c) is amended by adding subparagraphs (22) and (23) as follows:

#### § 52.50 Identification of plan.

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

(22) 1979 implementation plan revisions for sulfur dioxide nonattainment areas in Colbert, Lauderdale, and Jackson Counties, adopted on August 28, 1979, and submitted on September 6, 1979 by the Alabama Air Pollution Control Commission.

(23) Request for an 18-month extension of the statutory deadline for submitting a plan to attain and maintain the secondary standard for sulfur dioxide in the Jackson County nonattainment area, submitted on September 6, 1979, by the Alabama Air Pollution Control Commission.

2. A new § 52.52 is added as follows:

#### § 52.52 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory deadline for submittal of a plan to attain and maintain the

secondary sulfur dioxide standard in Jackson County.

#### § 52.54 [Amended]

3. Section 52.54, *Attainment dates for national standards*, is revised by changing the table's entry under the column headed "Sulfur oxides—Secondary" to "g" for Colbert County and Lauderdale County and to "h" for Jackson County; this section is amended by adding two lines to the table's legend, as follows:

g. April 1, 1983

h. 18-month extension granted

(FR Doc. 81-32196 Filed 11-5-81; 8:45 am)

BILLING CODE 6560-38-M

## 40 CFR Part 52

[A-5-FRL 1953-8]

### Approval and Promulgation of Implementation Plan; Ohio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final rulemaking.

**SUMMARY:** On June 18, 1981, (46 FR 31881) EPA proposed to approve as part of the Ohio State Implementation Plan (SIP) the State of Ohio's commitment to submit by January 8, 1982 the items required to satisfy the conditional approval of the Ohio vehicle inspection and maintenance (I/M) program. The public was invited to comment on the acceptability of the January 8, 1982 date and on EPA's proposed approval of that date. No comments were received. The purpose of today's action is to approve as part of the Ohio SIP the January 8, 1982 commitment date.

**EFFECTIVE DATE:** November 2, 1981.

**ADDRESSES:** Copies of this commitment are available for review at the following addresses:

U.S. Environmental Protection Agency,  
Region V, Air Programs Branch, 230  
South Dearborn Street, Chicago,  
Illinois 60604

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

Ohio Environmental Protection Agency,  
Office of Air Pollution Control, 361  
East Broad Street, Columbus, Ohio  
43215.

**FOR FURTHER INFORMATION CONTACT:**  
Richard Clarizio, Regulatory Analysis  
Section, Region V, Air Programs Branch,  
U.S. Environmental Protection Agency,  
230 South Dearborn Street, Chicago,  
Illinois 60604, (312) 886-6029.

**SUPPLEMENTARY INFORMATION:** On March 3, 1978, (43 FR 9362) and October 5, 1978, (43 FR 45933), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, that date may be extended to no later than December 31, 1987 for ozone and/or carbon monoxide.

The Ohio EPA demonstrated that attainment of the ozone and carbon monoxide standards would not be possible until after December 31, 1982 in the Ohio portion of Cincinnati and the Cleveland urban area. Pursuant to the requirements of Section 172(b)(11) of the Act, the State of Ohio developed and submitted to EPA a vehicle I/M program for these two areas. On November 7, 1980, (45 FR 73972) EPA proposed to conditionally approve the Ohio I/M program. The conditions of EPA's approval were that the State commit itself to submit by a negotiated date the following items:

(1) An identification of the staff and financial resources necessary to carry out the enforce the vehicle inspection and maintenance (I/M) program and a more specific commitment to obtain those resources.

(2) A detailed schedule which contains dates for all the milestones specified in July 17, 1978 I/M policy memorandum.

(3) Detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

A conditional approval requires the State to remedy identified deficiencies by specified deadlines. A discussion of conditional approval and its practical effects appears in the July 2, 1979 *Federal Register* (44 FR 67182).

Supplements to this notice were published on August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53701), and November 23, 1979 (44 FR 57182).

In correspondence dated December 5, 1980, from James F. McAvoy, Director of Ohio EPA, to Valdas V. Adamkus,



Acting Regional Administrator, the State of Ohio committed itself to submit the above listed items by no later than January 8, 1982. On June 18, 1981, (46 FR 31881) EPA conditionally approved the Ohio vehicle I/M program. EPA, in the same *Federal Register*, proposed to approve the January 8, 1982 date. EPA solicited public comment on the acceptability of the January 8, 1982 date and on EPA's proposed approval of that date. No comments were received. The purpose of today's action is to approve as part of the Ohio SIP the January 8, 1982 commitment date for submission of the above listed items.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. Today's action merely approves a commitment made by the State to submit certain information to EPA by a date negotiated between EPA and Ohio EPA.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it merely approves a commitment made by the State to submit additional information to satisfy the conditional approval of the Ohio vehicle I/M program. 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 this SIP action 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 USEPA to enforce these requirements.

**Note:** Incorporation by reference of the Ohio State Implementation Plan was approved by the Director of the *Federal Register* on July 1, 1981.

(Secs. 110 and 172 of the Act 42 U.S.C. 7410, 7502)

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Subpart KK—Ohio

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Section 52.1878 is amended by revising paragraph (h) to read as follows:

#### § 52.1878 Inspection and Maintenance Program.

(h) Part D—Conditional Approval—The Ohio vehicle inspection and maintenance program for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area is approved provided that the following conditions are met by January 8, 1982:

[FR Doc. 81-32206 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-35-M

### 40 CFR Part 81

[A-5-FRL 1954-5]

### Designation of Areas for Air Quality Planning Purposes; Michigan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** This rulemaking changes the air quality attainment designation relative to the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS) for Berrien, Genesee, Lapeer, Monroe, Saginaw and Washtenaw Counties and the carbon monoxide (CO) NAAQS for Wayne County in Michigan. On July 27, 1981 (46 FR 38387), the U.S. Environmental Protection Agency (EPA) proposed to change the designations for these counties. Public comments were solicited and none were received. This notice announces EPA's final rulemaking.

**EFFECTIVE DATE:** This final rulemaking becomes effective December 7, 1981.

**ADDRESSES:** Copies of the redesignation request, and the Notice of Proposed Rulemaking (46 FR 38387) are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:  
United States Environmental Protection Agency, Public Information Reference

Unit, 401 M Street SW., Washington, D.C. 20460.

Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909.

### FOR FURTHER INFORMATION CONTACT:

Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the *Federal Register* on March 3, 1978 (43 FR 8962), and made necessary amendments in the *Federal Register* on October 5, 1978 (43 FR 45993).

Pursuant to section 107(d) of the Act the designation for an area may be changed whenever sufficient data exist to warrant a redesignation. A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of the most recent quality assured, representative ambient air quality data which show no violation of the appropriate primary NAAQS. A change in the status from attainment to nonattainment can be approved whenever valid monitoring data indicates a violation of the NAAQS.

The State of Michigan on October 27, 1980 requested EPA to make the following changes.

1. Berrien County (TSP)—change from secondary nonattainment to attainment status.

2. Genesee County (TSP)—reduction in size of both primary and secondary nonattainment areas.

3. Lapeer County (TSP)—establishment of secondary nonattainment area in Imlay City.

4. Monroe County (TSP)—reduction in size of secondary nonattainment area and establishment of primary nonattainment area in the City of Monroe.

5. Saginaw County (TSP)—reduction in size of both primary and secondary nonattainment areas.

6. Washtenaw County (TSP)—change from secondary nonattainment to attainment status.



7. Wayne County (CO)—reduction in size of nonattainment area.

To support the above designations, the State submitted available TSP and CO ambient air monitoring data collected between 1977 and mid-1980 for all State and industrial monitors located within the present and proposed seven nonattainment areas. At EPA's request the State, on February 27, 1981, submitted additional data for the entire year of 1980 for these areas.

EPA reviewed the monitoring data and on July 27, 1981 (46 FR 38389) proposed to redesignate the above seven counties. Interested parties were given until August 26, 1981 to comment on the proposed redesignation. No public comments were received. Therefore, pursuant to section 107 of the Clean Air Act, EPA approves the redesignation as proposed in the July 27, 1981 Notice of Proposed Rulemaking. The redesignation is effective December 7, 1981.

Under section 307(b)(1) of the Clean Air Act, judicial review of this final action 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 date of final rulemaking. 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.

Pursuant to the provisions of 5 U.S.C. 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 imposes no regulatory requirements but only changes air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This Final Rulemaking is issued under the authority of section 107 of the Clean Air Act as amended (42 U.S.C. 7407).

Dated: October 30, 1981.

Anne M. Gorsuch,  
Administrator.

# PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

## Subpart C—Section 107 Attainment Status Designations

### Section 81.323 of Part 81 of Chapter 1.

#### MICHIGAN—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 82 (Michigan portion).....				X
AQCR 122—Except subareas defined.....				X
1. Bay County: R5E, T14N, Sections 14-16 & 21-23.....			X	
2. Genesee County:				
a. Starting on Industrial Avenue, north to Stewart Avenue, east to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.....		X		
b. Starting on Industrial Avenue, north to Pierson Road, east to Dort Highway, south to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.....		X		
3. Kent County: R11W, T7N, Sections 19, 30, 31, R12W, T7N, Sections 22-27 and 34-36.....		X		
4. Lapeer County: T7N-R12E, that portion of Section 17 which lies south of M-21 and east of Fairground Road.....	X			
5. Mason County: R18W, T18N, Sections 13, 14, 23 & 24.....		X		
6. Midland County: R2E, T14N, Sections 14-16, 21-23, 26-28, 33-35.....		X		
7. Muskegon County: R16W, T9N, Sections 5 & 6, R16W, T10N, Sections 21, 22 & 27-34.....		X		
8. Saginaw County:				
a. Starting at Tittabawassee Road, east to I-75, east and south to Washington Avenue, west to 6th Street, north to Carroll Street, northeast to Zilwaukee Street, north to Westervelt Street, north to Tittabawassee Road.....	X			
b. Northeast Section: Starting on Tittabawassee Road, east to I-75, south to Wadsworth Avenue, west to I-675, west and north to Tittabawassee Road. Southwest Section: T12N-R4E, the eastern half of Section 34 (that which is east of Maple Street) and Section 35.....		X		
AQCR 124 (Michigan portion) Except subareas defined.....				X
1. Monroe County:				
a. Starting where Sandy Creek empties into Lake Erie, northwest to Maple Avenue (extended NNE), southwest to Elm Avenue, west to Herr Road, south to Dunbar Road, and east to Plum Creek (which empties into Lake Erie).....	X			
b. T5S-R10E, Sections 8, 9, and 15-17.....		X		
AQCR 125—Except subareas defined.....				X
1. Calhoun County: R5W, T2S, Section 34.....	X			
2. Ingham County: R2W, T4N, Sections 2-11 & 14-23.....		X		

(2) In the table for "Michigan—CO" the entry for AQCR 123 should read as follows:

#### MICHIGAN—CO

Designated area	Does not meet primary standards	Cannot be classified or better than standards
AQCR 123—Except subareas defined.....		X

Title 40, Code of Federal Regulations is amended.

#### § 81.323 [Amended]

(1) In the table for "Michigan—TSP" the entries for AQCR's 82, 122, 124 and 125 should read as follows:



## MICHIGAN—CO—Continued

Designated area	Does not meet primary standards	Cannot be classified or better than standards
1. Macomb, Oakland, Wayne Counties, Starting at Base Line Road (extending east to Lake St. Clair) west to Inkster Road, south to Pennsylvania, extending east to the Detroit River.	X	

[FR Doc. 81-32140 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

## 40 CFR Parts 122 and 264

[SW-FRL-1939-1]

# Container and Waste Pile Standards for Owners and Operators of Hazardous Waste Facilities; Consolidated Permit Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Amendments to interim final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is today promulgating amendments to the hazardous waste management regulations regarding the management of hazardous waste in containers and piles and associated permit regulations (40 CFR Part 264, Subparts I and L, and Part 122, Subpart B).

These amendments better tailor the standards to the particular type of hazard posed by specific situations. The standards for containers are amended to waive the containment system requirements for wastes that do not contain free liquids, provided that the wastes are protected from contact with accumulated liquid. The standards for waste piles are amended to waive the containment system requirements for wastes that do not contain free liquids, provided that the pile is protected from precipitation by a structure and from surface water run-on and wind dispersal of the waste by the structure or some other means.

The Agency believes these amendments will not reduce the level of protection of human health and the environment.

**EFFECTIVE DATE:** November 6, 1981.

**DATES:** EPA will accept public comments on these amendments until December 7, 1981.

**ADDRESSES:** Comments should be addressed to Deneen Shrader, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Commenters should identify this rulemaking as follows: "Docket No.

3004, Subparts I and L of Part 264". The public docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., and is available for viewing from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** Stephen A. Lingle, Chief, Technology Branch, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-9200.

## SUPPLEMENTARY INFORMATION:

### I. Introduction

On January 12, 1981, EPA promulgated Phase II of the technical permitting standards for owners and operators of hazardous waste facilities that manage wastes in containers and waste piles (46 FR 2802; 40 CFR Part 264, Subparts I and L). The regulations were promulgated on an interim final basis and comments were requested. Many of these comments are still under review and will be addressed by the Agency at a later time. However, the Agency is today addressing three concerns raised by many commenters that the Agency has already determined require amendments to the existing regulations.

### II. Reason and Basis for Amendment

#### A. Amendments to Part 264, Subpart I—Use and Management of Containers

1. *Solids in Containers.* As originally promulgated, § 264.175 required that container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The standard also required that the capacity of the containment system be at least 10 percent of the total volume of container capacity or the largest container, whichever is greater. These requirements were based on the need to ensure that wastes are not discharged into the environment either through leaching into ground water or entering surface water.

Since the standard was promulgated on January 12, 1981, the Agency has

received numerous comments questioning the need for this containment system with respect to storage of solids in containers. Commenters argued that spilled solids have little potential for escape into the environment, and therefore: (1) An impervious base is not necessary if only solids are stored; and (2) for mixed storage, solids should not be included in the determination of the 10 percent capacity requirement.

In establishing the containment standard in § 264.175, the Agency had in mind the control of leaks or spills of liquids. In light of the comments received, the Agency has reviewed the basis for the containment standards with respect to wastes which do not contain free liquids. In so doing, the Agency has concluded that it is far less likely that solids, as compared to liquids, would leak or spill, and if they do leak or spill from their container, they have a low likelihood of escape into the land or water. For example, a small crack or hole in a container would not be likely to result in discharge of a solid. Similarly, dropping or overturning closed containers of solids would be less likely to result in a spill than similar events involving liquids. Finally, if a spill of a solid occurred, the solid would not rapidly leach into the ground or run off from the site of discharge, provided that the spill were promptly cleaned up prior to precipitation. Instead, solids would remain in the vicinity of the discharge. Given that a spill of a containerized solid would generally occur during operator handling (e.g., loading or unloading, on-site transport, recontainerizing), the operator would be immediately aware of the discharge and would be able to take immediate steps to comply with the emergency procedure requirements of § 264.56. Thus, the spill could be immediately cleaned up if the waste posed a possible hazard to human health or the environment.

One area of concern with respect to waiving the containment system for solids is that standing water in the storage area resulting from precipitation could accelerate corrosion of metal containers and accelerate deterioration of containers made of other materials. The base of the container could deteriorate so that liquids could enter the container and leach hazardous constituents out of the solids. The contaminated liquid could then migrate to ground or surface water. Consequently, the Agency has concluded that areas storing containers holding solids, like other container storage areas, must be sloped or otherwise designed and operated to



drain and remove liquids, or the containers must be elevated or otherwise protected from contact with accumulated liquid.

Based on the above considerations, the Agency is amending § 264.175, which requires containment systems for all container storage areas, to exclude those areas that store containers holding only solids, provided that the containers are protected from contact with accumulated liquid.

With respect to mixed storage of solids and liquids, commenters questioned the need for including solids in the determination of the 10%-capacity requirement for the containment system. In re-evaluating the containment capacity standard, the Agency considered the facts that spills of solids are less likely than spills of liquids and that spilled solids would not readily flow into containment systems such as trenches, sumps, and auxiliary holding tanks, etc. The Agency, therefore, sees little need to include containers holding solids in the calculation of containment capacity for those storage areas involving both liquids and solids. Consequently, the Agency is amending § 264.175(a)(3) to exclude containers holding solids.

A critical factor affecting the above actions is the definition of a solid. Rather than define "solid", today's amendments use the phrase "wastes that do not contain free liquids". In the May 19, 1980 (45 FR 3314) hazardous waste regulations, the Agency defined "free liquids" in § 260.10(25) and discussed in the preamble one available test for determining the presence or absence of free liquids in a material. The Agency is currently considering revising that test. A new test should be published in the *Federal Register* within the next few months. Until that time, the Agency expects the regulated community to apply reasonable judgment to determine whether a waste contains free liquids. The use of the test described in the May 19, 1980, preamble will be considered acceptable at present. However, the owner or operator may use any other test that he can justify as appropriate.

**2. Drainage of Storage Area.** As originally promulgated, § 264.175(a)(2) required that the container storage area be designed and operated to remove all standing liquid within one hour after a leakage or precipitation event unless the containers are protected from contact with the accumulated liquid. The purpose of this regulation is to eliminate, to the extent possible, any detrimental conditions which could lead to premature or accelerated corrosion or deterioration of containers in the storage

area. Standing liquids may accelerate corrosion of commonly used metal (steel) containers. Existing containment designs often include a sloped base to facilitate drainage to gutters or trenches which either hold the liquids or conduct them to a sump or tank where they are held until tested to determine if they are hazardous. The selection of a one-hour drain time represented the extent of sloping and drainage capacity which the Agency felt was acceptable. It was the Agency's feeling that virtually any reasonable sloping of containment bases would meet the one-hour drain time standard.

However, several commenters argued that a "one-hour liquid removal" standard is too inflexible or too stringent. Some argued that it would be unduly burdensome to determine compliance with this requirement, assuming that it would require an inspection after each precipitation event or each spill.

Such continual demonstration of compliance was certainly not the Agency's intent. To avoid any unintentional inflexibility, the Agency is amending § 262.175(a)(2) to delete reference to a "one-hour liquid removal" standard and to simply require that the storage area base be sloped or that the containment system be otherwise designed and operated to drain and remove liquids, unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

#### **B. Amendments to Part 264, Subpart L—Waste Piles**

Section 264.251, 264.252, 264.253, 264.254 and 264.255 require containment of leachate and run-off from waste piles to prevent discharge into the land, surface water, or ground water.

Several commenters questioned the need for a pile base and leachate and run-off collection and control if the pile contains only wastes that do not contain free liquids and is located inside a building. Commenters argued that a waste pile building can be easily constructed to provide effective protection from precipitation so that neither run-off nor leachate is generated.

In the preamble to the January 12, 1981 regulations for piles (46 FR 2839), the Agency pointed out that structures which might be legitimately defined as "buildings" may not be totally enclosed with sides. Such buildings may allow precipitation to reach the pile under windy conditions and run-off or leachate could be generated. Further, even a pile protected in an enclosed building can generate leachate from decomposition of the waste in the pile.

However, there are cases where locating a pile inside or under a structure provides effective protection from precipitation. While all piles inside or under all structures cannot be exempted, the owner or operator should have the opportunity to demonstrate that a particular structure in a particular location, considering rainfall and wind conditions, provides adequate protection from precipitation. For example, a structure that has a roof and that is totally enclosed with sides can provide adequate protection from precipitation. However, a structure with a roof and no sides will generally not provide adequate protection from precipitation because wind could blow precipitation onto the pile resulting in run-off or leachate generation.

Further, the Agency recognizes that many piles would not generate leachate from decomposition or other reactions, and the previous assumption that they would do so in all cases was overrestrictive.

Finally, the pile must also be protected from wind dispersal of the waste, where necessary, and from surface water run-on. This protection can be provided by the same structure that is used to protect the waste pile from precipitation, or by other means such as berms or dikes for run-on, and wind breaks or cover for wind dispersal. Where a pile does not have a containment system, wind dispersal cannot be controlled by wetting because run-off or leachate could be generated resulting in a discharge.

Therefore, the Agency is amending § 264.250 ("Applicability") to exempt piles that store or treat only wastes that do not contain free liquids from the containment system requirements, provided that the owner or operator demonstrates that the pile is inside or under a structure which effectively protects it from precipitation, is protected from surface water run-on and from wind dispersal of the waste by means other than wetting, and will not generate leachate through decomposition or other reactions.

#### **C. Amendments to Part 122, Subpart B—Additional Permit Requirements for Hazardous Waste Programs under the Resource Conservation and Recovery Act**

Part 122 establishes definitions and basic permit requirements for EPA-administered RCRA, UIC, and NPDES programs. Subpart B spells out in detail the permit requirements specific to RCRA programs. Section 122.25 establishes the information required to be included in Part B of the permit



application. That section is amended to require that owners and operators of hazardous waste facilities who apply for a permit to manage solids in containers and waste piles under the containment system waiver provided by these amendments demonstrate: (1) That the waste does not contain free liquids; and (2) that there is compliance with the conditions for the waiver of the containment system requirements.

### III. Economic and Regulatory Impact

EPA has determined, pursuant to Executive Order 12291, that the amendments promulgated here today do not constitute a major rule and, therefore, that no Regulatory Impact Analysis is required. These amendments result in a net reduction in regulatory burden and compliance costs to the regulated community. The effect of today's amendments is to either reduce the scope of applicability of the regulations, or to increase their flexibility.

In compliance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and Executive Order 12291, EPA submitted this notice to the Office of Management and Budget (OMB) for review.

The Regulatory Flexibility Act requires all Federal agencies to consider the effects of their regulations on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). As these amendments reduce the net regulatory burden on hazardous waste management facilities, regardless of size, they will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not necessary.

### IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient time to prepare to comply with major new regulatory requirements.

Because these amendments eliminate existing regulatory requirements for some facilities, EPA believes that a six month effective date would be contrary to the purpose of section 3010(b). Moreover, the Agency believes that an effective date six months after promulgation would defeat the purpose of these amendments. EPA is therefore making these amendments effective on November 6, 1981.

Dated: October 31, 1981.

Anne M. Gorsuch,  
Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for Part 264 reads as follows:

Authority: Sections 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. Section 264.175 is revised to read as follows:

##### § 264.175 Containment.

(a) Container storage areas must have a containment system that is designed and operated in accordance with paragraph (b) of this section, except as otherwise provided by paragraph (c) of this section.

(b) A containment system must be designed and operated as follows:

(1) A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

(2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(3) The containment system must have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

(4) Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in paragraph (b)(3) of this section to contain any run-on which might enter the system; and

(5) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

[Comment: If the collected material is a hazardous waste under Part 261 of this Chapter, it must be managed as a hazardous

waste in accordance with all applicable requirements of Parts 262-266 of this Chapter. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of Section 402 of the Clean Water Act, as amended.]

(c) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by paragraph (b) of this section, provided that:

(1) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or

(2) The containers are elevated or are otherwise protected from contact with accumulated liquid.

3. Section 264.250 is revised to read as follows:

##### § 264.250 Applicability.

(a) The regulations of this Subpart apply to owners and operators of facilities that store or treat hazardous waste in piles, except as § 264.1 provides otherwise.

[Comment: This Subpart currently applies only to waste piles that are used for storage or treatment of hazardous waste and are designed and operated to prevent discharge into the land, surface water, and ground water. The Agency intends to supplement this regulation to address other types of waste piles including piles that are not designed and operated to prevent discharge and piles that are closed with waste left in place. Until additional regulations are promulgated, all waste piles that are authorized by permit must comply with this Subpart.]

(b) Owners and operators of waste piles used to store or treat only hazardous wastes that do not contain free liquids are not subject to regulation under §§ 264.251, 264.252, 264.253, 264.254, and 264.255 of this Subpart with respect to those piles, provided that:

(1) Liquids or materials containing free liquids are not placed in the pile;

(2) The pile is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated;

(3) The pile is protected from surface water run-on by the structure or in some other manner;

(4) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and

(5) The pile will not generate leachate through decomposition or other reactions.



**PART 122—EPA ADMINISTERED  
PERMIT PROGRAMS: THE NATIONAL  
POLLUTANT DISCHARGE  
ELIMINATION SYSTEM; THE  
HAZARDOUS WASTE PERMIT  
PROGRAM; AND THE UNDERGROUND  
INJECTION CONTROL PROGRAM**

4. The authority citation for Part 122 reads as follows:

Authority: Sections 1006, 2002(a), and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6925).

5. In § 122.25, paragraph (b) is amended by: redesignating paragraphs (b)(1)(ii) and (b)(1)(iii) as (b)(1)(iii) and (b)(1)(iv); adding a new paragraph, (b)(1)(ii); and revising paragraph (b)(4) as follows:

**§ 122.25 Contents of Part B.**

(b) \* \* \*

(1) \* \* \*

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with § 264.175(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.

(iii) Sketches, drawings, or data demonstrating compliance with § 264.176 (location of buffer zone and containers holding ignitable or reactive wastes) and § 264.177(c) (location of incompatible wastes), where applicable.

(iv) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with §§ 264.177 (a) and (b), and 264.17 (b) and (c).

(4) For facilities that store or treat hazardous waste in waste piles, except as otherwise provided in § 264.250(a):

(i) For waste piles, except as otherwise provided by paragraph (b)(4)(ii) of this Section:

(A) A description of practices to control wind dispersal (e.g., cover or frequent wetting) of hazardous waste in piles so that the Director, where necessary, can specify appropriate control measures;

(B) A detailed engineering description of the facility design including:

(1) A description of measures to divert run-on away from the pile;

(2) A description of the leachate and run-off collection and control system;

(3) A description of the foundation supporting the base;

(4) Design specifications of the pile base and liner (or liners) including the estimated containment life of the base and the permeability of the liner(s);

(5) Estimated life of the hazardous waste pile; and

(6) If applicable under § 264.253(a)(3), a description of the leachate detection, collection, and removal system including the system's relation to the water table and a description of any efforts to control the water table; and

(C) A detailed description of the facility operating procedures which demonstrate compliance with §§ 264.252, 264.253, 264.256 (ignitable or reactive waste), and 264.257 (incompatible waste) including:

(1) A description of efforts to protect the containment system from plant growth which could puncture any component of the system;

(2) A description of design and operating procedures to properly manage and dispose of any leachate that is a hazardous waste;

(3) A description and listing of all equipment and procedures used to place the waste in or on the pile or to clean and expose the liner surface; and

(4) A description of efforts to separate hazardous waste that is incompatible with any waste or material stored nearby including the design specifications of any dike, berm, wall, or other device used to separate the materials.

(ii) For waste piles used to store or treat only hazardous wastes that do not contain free liquids under the special requirements of § 264.250(b), a demonstration of compliance with those special requirements including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids and that the wastes will not generate leachate during the time the waste is managed in the pile by decomposition or other reactions;

(B) A description of how the pile is protected from precipitation by a structure so that neither run-off nor leachate is generated, including a detailed description of the structure;

(C) A description of how the pile is protected from dispersal of the waste by wind, where necessary, and from surface water run-on; and

(D) A detailed engineering description of the facility design and a detailed description of the facility operating procedures which:

(1) Demonstrate compliance with §§ 264.256 (ignitable or reactive waste)

and 264.257 (incompatible waste), including the information required by paragraph (b)(4)(i)(C)(4) of this section; and

(2) Demonstrate that liquids or materials containing free liquids are not placed in the pile.

[FR Doc. 81-32200 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-30-M

**40 CFR Part 180**

[PP 3E1367/R357; PH-FRL-1978-7]

**Captan; Tolerances and Exemptions  
From Tolerances for Pesticide  
Chemicals in or on Raw Agricultural  
Commodities**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes tolerances for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) in or on the fat, meat, and meat byproducts of cattle and hogs at 0.05 part per million (ppm). This regulation was requested by the American Seed Trade Association, Inc. This regulation will establish the maximum permissible level for residues of the fungicide in or on the fat, meat, and meat byproducts of cattle and hogs.

**EFFECTIVE DATE:** Effective on November 6, 1981.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-787C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice of proposed rule published in the Federal Register of August 24, 1981 (46 FR 42685). This notice stated that the American Seed Trade Association, Inc. (ASTA), 1030 15th St., NW, Washington, DC 20005, submitted a petition (PP 3E1367) to the EPA. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.103 be amended by establishing a tolerance of 100 parts per million (ppm) for residues of the fungicide captan (*N*-trichloromethylthio-4-cyclohexene-1,2-



dicarboximide) in or on the raw agricultural commodity detreated corn seed intended as feed for cattle and hogs and a tolerance of 0.05 ppm for negligible residues of captan in or on the fat, meat, and meat byproducts of cattle and hogs fed detreated corn seed. ASTA subsequently amended their petition by deleting the request for tolerances for cattle and hogs; however, these tolerance proposals were later reinstated by the petition. The agency has determined that detreated corn seed is a feed item and a separate notice (FAP 3E1367/R84) establishing a feed additive regulation for captan in or on detreated corn seed appears elsewhere in this issue of the Federal Register. The reader is directed to review that notice for a discussion of the particulars in reaching this decision.

The tolerances are adequate to cover residues in or on the meat, fat, and meat byproducts of cattle, and hogs when feeding of detreated corn is discontinued 14 days before slaughter.

Based on the above information considered by the agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before December 7, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this 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 rule 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 a 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. 409(e) 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: October 29, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

# **PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

Therefore, 40 CFR 180.103 is revised to read as follows:

## **§ 180.103 Captan; tolerances for residues.**

(a) Tolerances are established for residues of the fungicide captan [N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide] from preharvest and postharvest uses or combinations of such uses in or on the following raw agricultural commodities:

Commodities	Parts per million
Apples	25
Apricots	50
Avocados	25
Beet, greens	100
Beet (roots)	2
Blackberries	25
Blueberries (huckleberries)	25
Broccoli	2
Brussels sprouts	2
Cabbage	2
Cantaloups	25
Carrots	2
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, mby	0.05
Cauliflower	2
Celery	50
Cherries	100
Collards	2
Corn, sweet (K + CWHR)	2
Cottonseed	2
Crabapples	25
Cranberries	25
Cucumbers	25
Dewberries	25
Eggplants	25
Grapes	50
Garlic	25
Hogs, fat	0.05
Hogs, meat	0.05
Hogs, mby	0.05
Honeydew melons	25
Kale	2
Leeks	50
Lettuce	100
Mangoes	50
Muskmelons	25
Mustard greens	2
Nectarines	50
Onions, dry bulb	25
Onions, green	50
Peaches	100
Pears	25
Peas, dry	2
Peas, succulent	2
Plums (fresh prunes)	100
Peppers	25
Pimientos	25
Pumpkins	25
Quinces	25
Raspberries	25
Rhubarb	25
Rutabagas (roots)	2
Shallots	50
Soybeans, dry	2
Soybeans, succulent	2
Spinach	100
Squash, summer	25
Squash, winter	25

Commodities	Parts per million
Strawberries	25
Taro (corm)	0.25
Tomatoes	25

(b) The following tolerances for residues of captan are established on an interim basis pending evaluation of captan under the Rebuttable Presumption Against Registration (RPAR) review on the transmission of residues to meat, milk, and eggs from feeding cattle or poultry with raw agricultural commodities or their byproducts when such commodities have been treated with captan:

Commodities	Parts per million
Almonds	2
Almond hulls	100
Beans, dry	25
Beans, succulent	25
Grapefruit	25
Lemons	25
Limes	25
Oranges	25
Pineapples	25
Potatoes	25
Tangerines	25

[FR Doc. 81-32209 Filed 11-5-81; 6:45 am]

**BILLING CODE 5560-32-M**

## **40 CFR Part 180**

[PP 0F2329/PP 1F2455/R363; PH-FRL-1979-4]

## **Glyphosate; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for the combined residues of the herbicide glyphosate [N-(phosphonomethyl)glycine] and its metabolite aminomethyl-phosphonic acid in or on certain raw agricultural commodities. This regulation was requested by Monsanto Co. This rule establishes the maximum permissible level for the combined residues of glyphosate and its metabolite in or on these commodities.

**EFFECTIVE DATE:** Effective on November 6, 1981.

**ADDRESS:** Written comments to: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C).



Office of Pesticide Programs,  
Environmental Protection Agency, Rm.  
245, CM#2, 1921 Jefferson Davis  
Highway, Arlington, VA 22202, (703-  
557-1800).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the Federal Register of September 25, 1981 (46 FR 47242) that Monsanto Co., 1101 17th St., NW., Washington, DC 20036, had filed pesticide petitions (PP OF2329 and PP 1F2455) proposing to amend 40 CFR 180.364 by establishing tolerances for the combined residues of the herbicide glyphosate [N-(phosphonomethyl)glycine] and its metabolite aminomethyl-phosphonic acid in or on certain raw agricultural commodities.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an oral LD<sub>50</sub> (rabbit) study with a LD<sub>50</sub> of 3.8 grams (g)/kilogram (kg); a 90-day feeding (dog) study with a no-observed-effect-level (NOEL) of 2,000 ppm; a 90-day feeding (rat) study with a NOEL of 2,000 ppm; teratology (2 rabbit studies) negative at 30 mg/kg/day (highest dose); teratology (rat) study negative at 3,500 mg/kg/day and fetotoxic NOEL is 1,000 mg/kg/day; teratology (rabbit) study negative at 350 mg/kg/day and the fetotoxic NOEL is 175 mg/kg/day; 2-year feeding (dog) study with a NOEL of 300 ppm; three generation reproduction (rat) study with a NOEL of 100 ppm; 18-month feeding (mouse) study—no carcinogenic potential at 300 ppm (highest dose); 2-year feeding (rat) study with a NOEL of 100 ppm; neurotoxicity (hen) negative at 7.5 kg (highest dose); Ames assay (negative); rec-assay (negative); rec-assay (*B. subtilis*)—not mutagenic up to 2,000 micrograms test material/disk; reverse mutation (not mutagenic); Ames test (*Salmonella*) not mutagenic; and dominant lethal assay (mouse)—negative at 2,000 mg/kg.

Desirable data that are currently lacking are oncogenicity studies with two species. Although the oncogenic potential of glyphosate is not fully elucidated, the life-time rat and mouse studies provide assurance that glyphosate has a relatively low oncogenic potential. Further assurance of low risk with glyphosate is found in the fact that on a theoretical basis the exposure via the diet is about one-fifth of the ADI. The company has been

notified of the deficiencies and has agreed to perform the above studies and to remove the use from the label should the results of the above studies exceed the risk criteria from chronic toxicity as stated in 40 CFR 182.11 of the regulations.

Tolerances have previously been established on a variety of commodities at levels from 0.1 ppm to 18.0 parts per million. The tolerances on peanuts (0.1 ppm) and cottonseed (15.0 ppm) contribute 0.02097 mg/day/1.5 kg to the current theoretical maximal contribution (TMRC) or 0.3284 mg/day/1.5 kg or 11.63 percent of the allowable daily intake (ADI). Other tolerances for this herbicide have been approved for guava and papayas (0.2 ppm) and will contribute 0.00018 mg/day (1.5 kg) to the newly established TMRC for a total of 0.3494 mg/day (1.5 kg). This value will occupy 11.64 percent of the ADI. The ADI is based on a NOEL of 100 ppm (2-year rat feeding study) with a 100-fold safety factor.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residue in plants and animals is adequately understood. Adequate analytical methods (gas chromatography using a phosphorous-specific flame photometric detector and liquid chromatography) are available for enforcement purposes. Secondary residues of glyphosate and/or its metabolite which may occur in liver and kidney of livestock will be covered under the tolerance of 0.5 part per million. There is no reasonable expectation of finite residues in meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep, eggs, and milk from the tolerances (180.6(a)(3)). It is concluded that these tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before December 7, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this 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 regulation from the OMB review requirements 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 a 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).

Effective on: November 6, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: October 27, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.364 is amended by alphabetically inserting the following raw agricultural commodities:

##### § 180.364 Glyphosate; tolerances for residues.

Commodities	Part per million
Cattle, kidney	0.5
Cattle, liver	0.5
Cottonseed	15
Cotton, forage	15
Cotton, hay	15
Goats, kidney	0.5
Goats, liver	0.5
Hogs, kidney	0.5
Hogs, liver	0.5
Horses, kidney	0.5
Horses, liver	0.5
Peanuts	0.1
Peanut, hay	0.5
Peanut, forage	0.5
Peanut, hulls	0.5
Poultry, kidney	0.5
Poultry, liver	0.5
Sheep, liver	0.5
Sheep, kidney	0.5

[FR Doc. 81-32204 Filed 11-5-81; 8:45 am]

BILLING CODE 5560-32-M



# FEDERAL EMERGENCY MANAGEMENT AGENCY

## 44 CFR Part 10

[Docket No. FEMA-GEN-10]

### Environmental Considerations

#### Correction

In FR Doc. 81-31709 appearing on page 54346 in the issue of Monday, November 2, 1981, make the following correction:

In the third column of page 54346,

#### "PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION"

should have read

#### "PART 10—ENVIRONMENTAL CONSIDERATIONS"

BILLING CODE: 1505-01-M

# FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

[BC Docket No. 80-253; RM-2898; FCC 81-447]

### Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; modification.

**SUMMARY:** Henry Geller filed a petition for reconsideration of the decision in BC Docket 80-253, *Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM and Television Licensees*, 46 FR 26236, published May 11, 1981. Reconsideration is denied as unwarranted. Also, on its own motion, the Commission modifies language of the final rule in order to clarify it.

**DATE:** Effective December 7, 1981.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Israel Teitelbaum, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:** In the matter of revision of applications for renewal of license of commercial and noncommercial AM, FM, and Television licensees; *memorandum opinion and order*.

Adopted: September 30, 1981.

Released: October 9, 1981.

1. On March 26, 1981, the Commission adopted dramatically new renewal procedures for broadcast licensees. *Memorandum Opinion and Order*, 46 FR 26236, published May 11, 1981. The existing procedure, involving a detailed review of each application at renewal time, was replaced by a five-question simplified renewal application (SRA) used in conjunction with field audits of randomly selected licensees. Reconsideration of that decision (hereinafter "SRA Order") has been requested by Henry Geller.<sup>1</sup> Oppositions to the request for reconsideration have been filed by the National Association of Broadcasters and the American Legal Foundation.<sup>2</sup> In this *Memorandum Opinion and Order* we will consider the petition for reconsideration and will, on our own motion, clarify some of the changes adopted in this proceeding.

#### Reconsideration

2. Geller contends that the Simplified Renewal Application procedure is defective because the Communications Act of 1934, as amended, requires us to review the programming practices of each applicant before granting an application for renewal of license. Also, he is concerned that most licensees are no longer required to tabulate the composite week data from their program logs. Only those commercial television licensees which are selected for audit must now tabulate their composite week data. He urges us to reimpose this burden on all licensees and not to leave this chore to local citizens who may desire this information.

3. The petition for reconsideration does not contain any arguments not already considered by us. Concerning the adequacy of the SRA as a basis for renewal of license, it was determined that " \* \* \*, the SRA provides us with adequate information to make a determination that a licensee is not in violation of statutory requirements, has filed certain required reports with the Commission and has provided for the local public availability of certain required information. The Commission's mandate to regulate the broadcast industry was broadly conceived to afford this Commission the flexibility it would need to meet new technology and changes in the public need. The Communications Act "leaves it within

<sup>1</sup>The SRA Order has also been appealed to the U.S. Court of Appeals for the District of Columbia. *Black Citizens For a Fair Media v. FCC*, D.C. Cir. 81-1710.

<sup>2</sup>The American Legal Foundation requested an extension of time to respond to the petition for reconsideration. That request is granted for good cause shown.

the discretion of the Commission to decide which facts \* \* \* it wishes to have set forth in applications." *National Association of Regulatory Utility Commissioners v. FCC*, 525 F. 2d 630, 645 (D.C. Cir. 1976). The Commission, therefore, has substantial discretion to reconsider and review the appropriateness of our regulations including the continued need for particular information in connection with renewal applications. We determined that in the absence of any indications to the contrary, the information supplied by the SRA is sufficient to make the statutory finding that grant of the subject renewal application would serve the public interest. *SRA Order*, at 26240, para. 29. Concerning tabulation of log entries, we found that the burden on licensees in compiling this data is unwarranted. *Id.*, at 26244, para. 53. We believe that our initial decisions on these matters were correct and consistent with the public interest. Therefore, the petition for reconsideration is denied.

#### Clarification

4. Implementation of these new renewal procedures has generated numerous inquiries from licensees and members of the public. We issued Public Notices on May 4, and June 29, 1981, to clarify concerns that required immediate attention. At this time we will clarify a number of other significant questions.

#### Section 73.3526(a)(8) of the Rules

5. In this proceeding the annual composite week for commercial television licensees was abolished and replaced by a triennial composite week.<sup>3</sup> We also required these licensees to maintain their current program promises in their public files. As amended in this proceeding, § 73.3526(a)(8) of the Rules requires placement in the public files:

(8) For TV stations, the licensee's or permittee's program logs for the composite week and a statement of TV program service placed in the public file on the date that the licensee's renewal application is due to be filed at the FCC.

The "Statement of TV Program Service" is Section 3, Question 9 of the television audit form,<sup>4</sup> and the requirement that a current copy of this statement be in the public file was propounded in an effort

<sup>3</sup>The recent adoption of Pub. L. 35, which changed the license terms for television and radio to 5 and 7 years, respectively, will require a number of changes in our rules and policies. These changes in the composite week rules, for example, will be made in a later proceeding.

<sup>4</sup>It is the same as Section IV, page 9 of FCC Form 303, which will be replaced by the SRA and TV audit form. A copy of the Section 3, Question 9 form is attached. Appendix B.



to assure that all licensees have a written record of their current programming promises available for local inspection. Licensees do not have to place a new statement in the public file at renewal time if the statement on file remains current. Finally, we required all licensees to notify us of changes in their programming promises. 46 FR 26236, 26244, para. 53. To clarify this we will change that rule to read:

(8) For TV stations, the licensee's or permittee's program logs for the composite week placed in the public file on the date that the licensee's renewal application is due to be filed at the FCC. Also, TV stations are to maintain in their public files current promises concerning the presentation of news, public affairs and all other nonentertainment programming. Substantial changes<sup>3</sup> shall be compiled on a Statement of TV Program Service, found as Section 3, Question 9, of the Television Audit Form, FCC Form 303-C. All substantial changes in programming promises should be entered on a new Statement of TV Program Service and a copy forwarded to the FCC.

#### Ownership Reports

6. Licensees with current and unamended ownership reports on file were exempted from the obligation of filing a new ownership report with their renewal applications. Therefore, if the ownership report filed with the station's last renewal application is "up to date" and has not been amended, a new ownership report should not be filed with the current renewal application. Also, if in its last renewal application an applicant referred the Commission to an ownership report filed for another of its stations and that ownership report remains up to date and unamended, a

<sup>3</sup>A substantial change is defined as a proposed decrease of 15 percent in any of the three non-entertainment program categories or a 20 percent decrease overall in the categories found on the Statement of Television Program Service. See *Revision of FCC Form 303*, 37 FR 2d 1, 26, *recon. denied*, 38 FR 2d 755 (1976).

new ownership report should not be filed. An "up to date" ownership report is one that is current for each question on that report. Applicants with 50 or more shareholders are not affected by this policy modification and must continue to file annual ownership reports.

#### Public Inspection File

7. Attached to the *SRA Order* were copies of the inventory forms to be used by our Field Operations Bureau personnel during their on-site inspections of licensee public inspection files.<sup>6</sup> The elements included on these forms were not intended to replace existing public file requirements, only to allow us to check and assure that particularly important documents are being kept. In this respect we believe that for our purposes the most recent copy of a particular form or application is sufficient. In addition we have important elements to speed the FOB review process.<sup>7</sup> See Appendices C, D and E.

8. Therefore, it is ordered, That the petition for reconsideration filed by Henry Geller, is denied.

9. It is further ordered, That § 73.3526(a)(8) of the rules is amended, as set forth in Appendix A, to be effective on December 7, 1981.

(Secs. 4, 303, 307, 48 Stat., as amended, 1000, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix A

#### PART 73—RADIO BROADCAST SERVICES

##### 1. 47 CFR Part 73 is amended by

<sup>6</sup>*SRA Order*, Appendices C, D and E.

<sup>7</sup>The Broadcast Bureau may make additional changes to these forms in the future, to reflect pertinent changes in our rules and policies.

revising § 73.3526(a)(8) to read as follows:

#### § 73.3526 Local public inspection file of commercial stations.

(a) \* \* \*

(8) For TV stations, the licensee's or permittee's program logs for the composite week placed in the public file on the date that the licensee's renewal application is due to be filed at the FCC. Also, TV stations are to maintain in their public files current promises concerning the presentation of news, public affairs and all other nonentertainment programming. Substantial changes shall be compiled on a Statement of TV Program Service, found as Section III, question 9 of the Television Audit Form, FCC Form 303-C. All substantial changes in programming promises should be entered on a new Statement of Television Program Service and a copy forwarded to the FCC.

#### § 73.3610 [Removed]

2. 47 CFR Part 73 is amended by removing § 73.3610.

3. 47 CFR Part 73 is amended in § 73.3500 in the table by removing reference to 303-A, 342, 313-R and 303, and adding:

#### § 73.3500 Application and report forms.

Form No.	Title
303-C	Renewal Application Audit Form for Commercial TV Broadcast Stations.
303-N	Renewal Application Audit Form for Noncommercial Educational AM, FM and TV Broadcast Stations.
303-S	Standard Application for Renewal of License for Commercial Broadcast Stations.

#### APPENDIX B.—SECTION IV, PAGE 9—STATEMENT OF TV PROGRAM SERVICE

11. Indicate the minimum amount of time the applicant proposes to devote normally each week to the categories below. Commercial time should be excluded in all computations except for the entries in columns 2, 6 and 10 of the total time operating line (line a).

Anticipated typical week data	From 6 a.m. to midnight				From 6 p.m. to 11 p.m. (5 p.m. to 10 p.m. central and mountain time)				From midnight to 6 a.m.			
	All programs		Local programs only		All programs		Local programs only		All programs		Local programs only	
	Minutes of operation	Percentage of total time operating	Minutes of operation	Percentage of total time operating	Minutes of operation	Percentage of total time operating	Minutes of operation	Percentage of total time operating	Minutes of operation	Percentage of total time operating	Minutes of operation	Percentage of total time operating
(1)	(2)	(3) <sup>1</sup> 100	(4) <sup>1</sup>	(5) <sup>1</sup>	(6)	(7) <sup>2</sup> 100	(8) <sup>1</sup>	(9) <sup>2</sup>	(10)	(11) <sup>3</sup> 100	(12) <sup>1</sup>	(13) <sup>4</sup>
a. Total Time Operating												
b. News <sup>1</sup>												
c. Public affairs <sup>1</sup>												
d. All others (Exclusive of entertainment and sports) <sup>1</sup>												

<sup>1</sup> Excluding Commercials.

<sup>2</sup> Percentages are of the total minutes of operation reported at the top of column 2.

<sup>3</sup> Percentages are of the total minutes of operation reported at the top of column 6.

<sup>4</sup> Percentages are of the total minutes of operation reported at the top of column 10.



**Appendix C—Public Inspection File Inventory—Noncommercial AM, FM and TV**

This inventory list is to be used by Field Operations Bureau personnel to verify the contents of the public inspection files of noncommercial AM, FM or TV licensees.

Licensee: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Call letters: \_\_\_\_\_

Are the following documents in the public inspection file:

Yes No

1. Most recent ownership report.
2. Annual employment reports filed with the Commission after the date that station's license was last renewed.
3. Most recent equal employment opportunity model program.
4. The Public and Broadcasting—A Procedure Manual.
5. Most recent renewal application.
6. A file for requests for time by candidates for public office (may be empty).

**Ascertainment Documentation**

7. Annual problems-programs lists compiled after the date that the station was last renewed.
8. Explanation of methodology employed to obtain input from the public.
9. Community composition documentation.

**Appendix D—Public Inspection File Inventory—Commercial TV**

This inventory list is to be used by Field Operations Bureau personnel to verify the contents of the public inspection file of commercial television licensees.

Licensee: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Call letters: \_\_\_\_\_

Are the following documents in the public inspection file:

Yes No

1. Most recent renewal application.
2. Most recent Ownership report.
3. Annual Employment Reports filed with the Commission after the date that the station's license was last renewed.
4. Most recent equal employment opportunity model program.
5. The Public and Broadcasting—A Procedure Manual.
6. A letter file for letters received from members of the public.
7. Composite week logs reflecting the period after the date that the station's license was last renewed.
8. Statement of TV Program Service.
9. A file for requests for time by candidates for public office (may be empty).
10. Annual problems-programs lists for the period after the date that the station's license was last renewed.

11. Leader interview documentation for the period after the date that the station's license was last renewed.

12. Most recent general public survey documentation.

**Appendix E—Public Inspection File Inventory—Commercial Radio**

This inventory list is to be used by Field Operations Bureau personnel to verify the contents of the public inspection files of commercial AM and FM licensees.

Licensee: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Call letters: \_\_\_\_\_

Are the following documents in the public inspection file:

Yes No

1. Most recent renewal application.
2. Most recent ownership report.
3. Annual Employment Reports filed with the Commission after the date that the station's license was last renewed.
4. Most recent Equal Employment Opportunity Model Program.
5. The Public and Broadcasting—A Procedure Manual.
6. A letter file for letters received from members of the public.
7. A file for requests for time by candidates for public office (may be empty).
8. Issues-programs lists.

[FR Doc. 81-32275 Filed 11-5-81; 8:45 am]

BILLING CODE 6712-01-M



# Proposed Rules

Federal Register

Vol. 46, No. 215

Friday, November 6, 1981

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

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 550

#### Pay Administration (General)

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) is proposing regulations to guide agencies in their administration of the statutory authority for recovering an erroneous payment of pay by installment deduction, unless some other method of recovery is agreed upon. This regulation is necessary to implement section 8(1) of Executive Order 11609, "Delegating Certain Functions Vested in the President to Other Officers of the Government"—redesignated by Executive Order 12107, "Relating to the Civil Service Commission and Labor-Management in the Federal Service"—which delegated to OPM authority to approve agency regulations governing installment deductions for recovery of erroneous payments of pay. The proposed regulations should facilitate recovery of erroneous payments and will provide the standards to be used by OPM in reviewing and approving agency regulations submitted for recovering erroneous payments of pay by installment deductions.

**DATE:** Comments must be received on or before January 5, 1982.

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

**FOR FURTHER INFORMATION CONTACT:** Patricia Rochester, (202) 632-4634.

**SUPPLEMENTARY INFORMATION:** Section 5514(b) of title 5, United States Code, gives the President authority to approve regulations prescribed by the head of each agency to carry out § 5514 of title 5 and § 581(d) of title 31, United States

Code. The President's authority under § 5514(b) was delegated under section 8(1) of Executive Order 11609, "Delegating Certain Functions Vested in the President to Other Officers of the Government," dated July 22, 1971, to the Civil Service Commission. On December 28, 1978, Executive Order 12107, "Relating to the Civil Service Commission and Labor-Management in the Federal Service," redesignated this authority to the Office of Personnel Management.

In order to carry out our responsibilities in this area, OPM proposes a new Subpart K to Part 550, Title 5, Code of Federal Regulations. It sets forth the criteria to be used by the agencies in establishing installment deductions for indebtedness because of erroneous payments of pay. The criteria proposed are intended to facilitate collection of debts by establishing a procedure which conforms with the recent court decisions emphasizing the debtor's right to due process protection prior to the initiation of an action to recover the indebtedness from an employee's basic pay. (See *Shannon v. U.S.C.S.C.*, 444 F. Supp. 354 (N.D. CA. 1977) and *Rhinehart v. Seneca, et. al.*, CA No. 78-2472 (D. D.C. filed Dec. 28, 1978).)

While some agencies may have regulations which would partially satisfy the requirements of the proposed regulations, there are several provisions which may require the preparation of amendments. First, § 550.1104(d)(2) provides for either a 25 percent or a 50 percent general policy restriction on deductions from an employee's basic pay each pay period. Second, §§ 550.1104(d)(5) and (7) provide certain due process procedures (i.e., notice of (1) the erroneous payment of pay, (2) an opportunity to request reconsideration and waiver, and (3) the standards which will be applied to determine the employee's eligibility for waiver). Third, if the debtor requests reconsideration or waiver, § 550.1104(d)(9) provides for a final written decision on the reconsideration/waiver issue and for an oral hearing if the waiver decision is unfavorable or there are issues of credibility or veracity in the determination that the debt actually exists which cannot be determined based solely on the written record. (See proposed amendment to 4 CFR, Part 102 published in the Federal Register on

April 29, 1981 [46 FR 23939-23940].) Finally, the provisions of § 550.1104(d)(10) exclude individuals covered by a collective bargaining agreement. These individuals may seek review of a final decision only in accordance with the terms of the collective bargaining agreement.

The regulations also propose that the agency either submit its regulations to OPM for approval or notify OPM of its adoption of the model agency regulation (Appendix A of Subpart K), which in effect constitutes an approved agency regulation, no later than December 31, 1982.

#### E.O. 12291, Federal Regulation

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

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

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

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to add to Part 550 a new Subpart K with Appendix A to read as follows:

#### PART 550—PAY ADMINISTRATION (GENERAL)

##### Subpart K—Installment Deductions for Indebtedness Because of Erroneous Payment

Sec.	
550.1101	Purpose.
550.1102	Scope.
550.1103	Definitions.
550.1104	Agency responsibilities.



## Sec.

- 550.1105 Approval of agency regulations.  
550.1106 Implementation.

**Appendix A—Installment Deductions  
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- 101 Purpose.  
102 Authority.  
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108 Hearing.  
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**Subpart K—Installment Deductions for  
Indebtedness Because of Erroneous  
Payment**

Authority: 5 U.S.C. 5514; sec. 8(1), E.O. 11609, 3 CFR, 1971-1975 Comp., 586; redesignated in sec. 2-1, E.O. 12107, 3 CFR, 1978 Comp., 264.

**§ 550.1101 Purpose.**

The purpose of this subpart is to provide the standards to be used by OPM to review and approve agency regulations submitted to implement § 5514 of title 5, United States Code, which authorizes the head of an agency, or his/her designee, to recover, by installment deductions, erroneous payments of pay made to agency employees.

**§ 550.1102 Scope.**

(a) *Coverage.* This subpart applies to:  
(1) Agencies defined by § 550.1103,  
and

(2) Employees as defined by  
§ 550.1103.

(b) *Applicability.*

(1) This subpart and 5514 of title 5, United States Code, apply in recovering an indebtedness to the agency because of an erroneous payment made by the agency to or on behalf of an employee, including erroneous payments due to agency failure to withhold health or life insurance premiums, when the indebtedness is not waived under the provisions of 5584 of title 5, United States Code as implemented by 4 CFR Chapter 1, Subchapter G.

(2) This subpart does not preclude an employee from requesting a waiver of an erroneous payment of pay under § 5584 of title 5, United States Code, or in any way questioning the validity of his/her indebtedness by submitting a subsequent claim for pay to the General Accounting Office.

(3) Nothing in this subpart precludes the compromise, suspension or termination of collection actions where appropriate under the Federal Claims Collection Act of 1966 as implemented by 4 CFR Chapter II or under other existing laws.

**§ 550.1103 Definitions.**

"Agency" means (a) an Executive Agency as defined by 105 of title 5, United States Code; and (b) a Military Department as defined by 102 of title 5, United States Code.

"Employee" means an employee of an agency, including a member of the armed forces, or a Reserve of the armed forces.

"Executive Order" means Executive Order 11609, "Delegating Certain Functions Vested in the President to Other Officers of the Government," as it was redesignated by Executive Order 12107, "Relating to the Civil Service Commission and Labor-Management in the Federal Service," issued July 22, 1971 and December 28, 1978, respectively.

**§ 550.1104 Agency responsibility.**

(a) *Regulations for installment collection from pay.* Under authority of this subpart and 5514 of title 5, United States Code, an agency shall issue regulations, subject to approval by the Office of Personnel Management (OPM), governing the collection of an employee's indebtedness to the agency for an erroneous payment of pay.

(b) *Method of collection.* The agency shall provide for the liquidation of the indebtedness by payments in a lump sum, in monthly installments or at officially established regular pay periods, or by deduction in reasonable amounts from the pay of the employee. If the employee-debtor wishes, and the agency agrees, he/she may make alternative arrangements for repayment and the agency shall document the new agreement in its files.

(c) *Source of deductions.* The agency shall make deductions only from basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an individual not entitled to basic pay, other authorized pay.

(d) *Minimum regulatory requirements.* Agency regulations issued under authority of this subpart and 5514 of title 5, United States Code, shall provide, at a minimum, for—

(1) *Duration of deductions.* Deductions shall be made over a period not greater than the anticipated period of active duty or employment, as the case may be.

(2) *Limitation on amount of deductions.* The amount deducted for any period shall not exceed two-thirds of the basic pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated active duty or employment; but deductions should also be reasonable in terms of the employee's ability to pay after considering

necessary living expenses including recurring legal debts and deductions being made from the employee's check at the time the error is found. A reasonable deduction will generally be equal to or less than 25 percent of the net pay due, excluding current existing deductions from pay, for a civilian employee or a military member who is not entitled to Government quarters or a quarters allowance, or 50 percent of the net pay of a civilian or military member who is entitled to quarters allowance; however, the employee may request a higher rate of deduction if he/she wishes.

(3) *Liquidation from final check.* If the employee retires or resigns, or if his/her employment or period of active duty ends before collection of the indebtedness is completed, any final payment (i.e., final salary payment, lump sum leave, etc.) due the employee on the date of separation shall be set off to the extent necessary to liquidate this indebtedness.

(4) *Recovery from other payments due the separated employee or military member.* If the indebtedness cannot be liquidated by applying any final payment due the employee or military member on the date of separation, the agency shall attempt to liquidate the indebtedness by requesting that deductions be made from later payments of any kind due the former employee except when it is otherwise precluded by law.

(5) *No deduction before decision.* Deductions shall not be made without first notifying the employee in writing of (i) the determination that he/she has received an erroneous payment of pay, (ii) the agency's intention to collect (by setoff, monthly payments, etc.), and providing a reasonable period in which the employee may request reconsideration, and where authorized, waiver, of the action.

(6) *Subject of reconsideration process.* In the reconsideration process, the employee may contest the validity of the indebtedness, the proposed method of collection, or the proposed amount of the installment deduction, and may make alternative arrangements in the amount or method of collection which shall be documented by the agency.

(7) *Notice of possible waiver entitlement.* The employee shall also be informed of the right to request a waiver under the provision of § 5584 of title 5, United States Code and the standards which will be applied to determine his/her eligibility for waiver.

(8) *When collection will begin.* Collection will begin by the method and



in the amount stated if no reply is received in the time period allotted.

(9) *Final written decision.* If the employee requests reconsideration or waiver, the agency shall notify him/her in writing of the final decision and of his/her right to a hearing if the head of the agency or his/her designee determines that the question of the indebtedness cannot be resolved by reviewing the documentary evidence, for example, when the validity of the debt turns on an issue of credibility or veracity.

(10) *Employees covered by collective bargaining agreements.* An employee covered by a collective bargaining agreement may seek review of a final decision only in accordance with the terms of the agreement.

#### § 550.1105 Approval of agency regulations.

(a) *Advance approval.* The OPM has prescribed and published in Appendix B of this part, a model agency regulation for adoption by an agency. When the head of an agency proposes to exercise the authority given him/her under 5514, he/she may adopt this model regulation. When the model regulation is adopted by an agency without change and published in the Code of Federal Regulations, regulations so adopted have the prior approval of OPM as required by section 8(1) of the Executive Order. If an agency adopts the model regulation, it shall notify OPM of the date of adoption.

(b) *Request for prior approval.* When an agency proposes to issue regulations which deviate from the model regulation published in Appendix A of this part, the agency shall obtain prior approval, as required by section 8(1) of the Executive Order, from OPM before the agency may implement regulation.

(c) *Revision of agency regulations.* If OPM revises the model regulation provided for in paragraph (a) of this section, agencies which have previously adopted the model regulation shall adopt the model regulations or, within 90 days, obtain approval from OPM for any regulation that deviates from the model regulation.

(d) *Supplemental regulations.* When an agency has regulations which have been approved under paragraph (a) or (b) of this section, the agency may issue any supplemental regulations or instructions, consistent with its approved regulations, which are necessary for internal operations, without prior OPM approval.

#### § 550.1106 Implementation.

Each agency shall submit its proposed regulations for prior OPM approval or

notify OPM of its adoption of the model regulation no later than December 31, 1982.

### Appendix A—Installment Deductions Because of Erroneous Payment—Model Agency Regulation

#### Sec. 101 Purpose.

(a) This regulation prescribes the procedures for determining and recovering an indebtedness to the agency because of an erroneous payment made by the agency to or on behalf of the employee, including erroneous payments due to agency failure to withhold health or life insurance premiums, when the indebtedness is not waived under the provisions of 5584 of title 5, United States Code as implemented by 4 CFR Chapter I, Subchapter G.

(b) This regulation does not preclude an employee from requesting a waiver of an erroneous payment of pay under 5584 of title 5 United States Code, or in any way questioning the validity of his/her indebtedness by submitting a subsequent claim for pay to the General Accounting Office.

(c) Nothing in this regulation precludes the compromise, suspension or termination of collection action where appropriate under the Federal Claims Collection Act of 1966 as implemented by 4 CFR Chapter II or under other existing laws.

#### Sec. 102 Authority.

These regulations are issued under the authority contained in:

- (a) Section 5514 of title 5, United States Code;
- (b) Section 8(1) of Executive Order 11609 as redesignated by section 2-1 of Executive Order 12107;
- (c) 4 CFR Chapter II, Part 102; and
- (d) Regulations of the United States Office of Personnel Management (5 CFR Part 550, Subpart K).

#### Sec. 103 Determination of indebtedness.

When an agency determines that an erroneous payment has been made to an employee, the certifying officer concerned shall prepare a statement of facts regarding the erroneous payment, the period covered by the erroneous payment, and the amount of the erroneous payment. The certifying officer shall forward the statement to <sup>1</sup> for consideration.

#### Sec. 104 Notification to the employee.

If <sup>1</sup> determines that an employee is indebted to the agency because of an erroneous payment, he/she shall notify the employee concerned, in writing, regarding the indebtedness. The notification shall precede any attempt to recover the indebtedness and shall contain the following:

(a) A complete statement of facts showing the amount of the erroneous payment and the basis upon which the determination was made;

(b) A statement that the employee may elect to have the indebtedness liquidated by

withholding from his/her basic pay either in a lump-sum, or, if justified by the amount and the circumstances in the particular case, in installments of not less than a specified amount each pay period, or that he/she may make alternative arrangements for liquidating the indebtedness which shall be documented by the agency.

(c) A statement that if the employee wishes to request reconsideration, he/she may submit a written request for reconsideration in accordance with § 106 of this regulation;

(d) A statement that the employee may request waiver under § 5584 of title 5, United States Code, as implemented by 4 CFR Chapter I, Subpart G, and he/she may submit a written request for waiver in accordance with sec. 106 of this regulation;

(e) The standards which the agency will apply to determine the employee's eligibility for waiver; and

(f) The standards which the agency will apply to determine the employee's eligibility for waiver; and

(g) A statement that the employee may reply within [a reasonable period of time, for example, 15 calendar days] from the date of the notice and that deduction(s) will begin in [for example, the next ensuing pay period] if he/she fails to respond within that time period.

#### Sec. 105 Collection of indebtedness.

(a) If the employee does not desire to make a lump-sum repayment, the agency and employee shall arrange for repayment on a cash installment basis or by regular payroll deduction in determined amounts. The method of repayment, whether by cash, by payroll deduction from the employee's pay, or other mutually agreeable method shall be established and documented by the agency.

(b) The amount deducted for any period may not exceed two-thirds of the basic pay from which the deduction is made, unless the deduction of a greater amount is necessary to make the collection within the period of anticipated active duty or employment. Deductions should be reasonable in terms of the employee's ability to pay after considering necessary living expenses, including recurring legal debts and deductions being made from basic pay at the time the erroneous payment is discovered. A reasonable deduction will generally be equal to or less than 25 percent of the net pay due, excluding deductions from basic pay at the time the erroneous payment is discovered, for a civilian employee or a military member who is not entitled to Government quarters or a quarters allowance, or 50 percent of the net pay of a civilian or military member who is entitled to quarters allowance; however, the employee or military members may request a higher rate of deduction if he/she wishes.

(c) Collections shall be made over a period not greater than the anticipated period of active duty or employment, as the case may be.

(d) Compensation available for deduction under these regulations is the gross basic pay, special pay, incentive pay, retired pay, retainer pay or other authorized pay in the case of an individual not entitled to basic

<sup>1</sup> Insert the title of the head of the agency or authorized designee.



pay, for any pay period less the mandatory deductions provided by statute.

(e) The agency shall apply any final payment amount due the employee upon separation or retirement in whole, or as necessary, to effect collection of the employee's indebtedness.

(f) If the amount collected from the employee on separation or retirement is insufficient to completely liquidate his/her indebtedness, the agency shall make further collection by requesting deductions be made from any subsequent payment, of whatever nature, that is due the employee, for application against the debt(s), unless otherwise prohibited by law.

#### Sec. 106 Request for reconsideration/waiver.

(a) If the employee desires to question that there was, in fact, any erroneous payment, or that the amount of the acknowledged erroneous payment was properly determined, or that the repayment schedule is fair and reasonable, he/she may address a written request for reconsideration to \_\_\_\_\_<sup>2</sup> stating the reasons why he/she believes that the determination is incorrect, or that the method of repayment is not proper, etc.

(b) An employee may also address his/her written request for waiver under 5584 of title 5, United States Code to \_\_\_\_\_<sup>2</sup> for consideration. The request should state the reasons why he/she should receive a waiver under the standards cited in the notice.

(c) To be considered, the employee's request for reconsideration/waiver must be received within the time limit prescribed by § 104(f) of this regulation.

(d) While a request for reconsideration/waiver is pending, the agency shall not make deductions from the pay of an employee.

#### Sec. 107 Reconsideration/Waiver Decision.

(a) The agency shall notify the employee of \_\_\_\_\_<sup>2</sup> final decision in writing and of his/her right to an oral hearing under 4 CFR Chapter II, Part 102, if the waiver decision is unfavorable or if there are issues of credibility or veracity in the determination that the debt actually exists which cannot be determined based solely on the written record.

(b) If the employee does not request a hearing, \_\_\_\_\_<sup>2</sup> determination in the matter, including the schedule of repayment, shall be final and conclusive as far as \_\_\_\_\_<sup>3</sup> is concerned. Unless the employee makes direct payment of the amount due, salary deductions shall begin in [a reasonable time, for example, the next pay period].

(c) The \_\_\_\_\_<sup>3</sup> determination that a payment was erroneous in no way restricts the employee from disputing the validity of the administrative determination and asserting a subsequent claim against the Government either to the General Accounting Office or in the courts.

<sup>2</sup> Insert the title of the head of the agency or authorized designee. When practicable, the official reviewing the contested indebtedness shall be at a level or in an office above that of the official who made the original determination and notified the employee of the indebtedness.

<sup>3</sup> Insert the name of the agency.

(d) If the employee is covered by a collective bargaining agreement, he/she may seek review of a final decision only in accordance with the terms of the collective bargaining agreement.

#### Sec. 108 Hearing.

(a) *Address.* An employee may request a hearing as provided by 4 CFR Chapter II, Part 102. His/her written request shall be addressed to \_\_\_\_\_<sup>4</sup> stating the reasons why he/she disagrees with \_\_\_\_\_<sup>2</sup> decision that the indebtedness exists, that the installments are reasonable, that waiver may not be granted under his/her circumstances, or whatever else may be the case.

(b) *Time limit.* To be considered, the employee's request must be submitted within [a reasonable period of time].

(c) *Salary deductions suspended.* If the employee does request a hearing, the agency shall make no deductions from the pay of the employee while the hearing request is pending.

#### Sec. 109 Hearing decision.

(a) The agency shall notify the employee of \_\_\_\_\_<sup>4</sup> final decision in writing.

(b) \_\_\_\_\_<sup>4</sup> decision in the matter, including the schedule of repayment, shall be final and conclusive as far as \_\_\_\_\_<sup>3</sup> is concerned.

(c) If the waiver decision or the reconsideration decision is unfavorable, deductions shall begin [within a reasonable period of time].

(d) \_\_\_\_\_<sup>4</sup> decision in the matter in no way restricts the employee from disputing the validity of the administrative determination and asserting a subsequent claim against the Government either to the General Accounting Office or in the courts.

[FR Doc. 81-32184 Filed 11-5-81; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

#### 7 CFR Part 1701

#### Advance Notice of Proposed Rulemaking; Appendix A—REA Bulletin 112-3, Area Coverage Service

**AGENCY:** Rural Electrification Administration.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** Increased attention is being given in various sections of the country to area coverage and line extension policies (i.e. terms and conditions under which the borrowers will provide facilities). Concerns are being expressed by the electric utility industry, borrowers, some regulatory commissions, and others. Responding to these expressed concerns, REA

<sup>4</sup> Insert the agency official who will be handling the hearing.

proposes to review its area coverage policies.

**DATE:** Public comments must be received by REA no later than: December 7, 1981.

**ADDRESS:** Persons interested in the proposed bulletin changes are invited to submit written comments to Charles R. Weaver, Director, Electric Loans and Management Division, Rural Electrification Administration, Room 3342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** David J. Lessels, Chief, Electric Rates Branch, Electric Loans and Management Division, Rural Electrification Administration, Room 3338, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 382-1929.

**SUPPLEMENTARY INFORMATION:** The Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) authorizes loans to be made for the purpose of financing construction for furnishing of electric energy to persons in rural areas who are not receiving central station service. The REA loan contracts provide that: "The Borrower shall make diligent effort to extend electric service to all unserved persons within the service area of the Borrower who (a) desire such service and (b) meet all reasonable requirements established by the Borrower as a condition of such service." REA Bulletin 112-3, dated September 23, 1958, discusses various considerations relating to area coverage service. A variety of views and opinions on the economics of line extensions has resulted in substantially different borrower policies. Therefore REA proposes to undertake a comprehensive study of line extension policies and the recommendations in REA Bulletin 112-3.

Further public comments will be solicited when the proposed rule is published.

Dated: October 30, 1981.

Harold V. Hunter,  
Administrator.

[FR Doc. 81-32136 Filed 11-5-81; 8:45 am]

BILLING CODE 3410-15-M

## DEPARTMENT OF LABOR

### 29 CFR Ch. V

#### Improving Government Regulations; Semiannual Agenda

##### Correction

In FR Doc. 81-31281 appearing at page 53958 in the issue for Friday, October 30, 1981, make the following change to page 53961, the middle column, the first



complete paragraph, the second sentence. The dates within the sentence were incorrectly printed. As corrected, the sentence should read: "A final regulation was published on October 9, 1981 (46 FR 50348), removing the restrictions on the employment of homeworkers in the knitted outerwear industry effective November 9, 1981, and retaining the restrictions in the other six industries affected by this regulation."

BILLING CODE 1505-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-7-FRL-1959-1]

#### Approval and Promulgation of Implementation Plans: Iowa

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rulemaking.

**SUMMARY:** This document proposes to approve as part of the Iowa State Implementation Plan (SIP), the state's schedule for conducting studies of sources of particulate matter that have not traditionally been controlled and for implementing the results of those studies as control strategies. The schedule was required by a conditional approval of the Iowa SIP. The purpose of this document is to advise the public of EPA's preliminary finding and to invite comments on EPA's proposed approval. **DATE:** Comments should be received by January 5, 1982.

**ADDRESSES:** Comments should be sent to Daniel J. Wheeler, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The state submission is available at the above address and at the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa; and the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C.

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

**SUPPLEMENTARY INFORMATION:** On August 7, 1981, (46 FR 40218) EPA announced receipt of material intended to satisfy a condition of approval of the Iowa SIP. EPA also announced that the conditional approval is being continued until a final decision is made on the approvability of this submission.

The condition required a commitment and schedule for completing studies and developing control strategies to attain the secondary standard in areas

designated nonattainment for the primary and secondary total suspended particulate (TSP) ambient air quality standards. When this condition was promulgated (see 46 FR 22369, April 17, 1981), EPA also approved similar schedules for areas exceeding only secondary standards. Previously, EPA had approved schedules to develop strategies to attain the primary standards in primary nonattainment areas (see 45 FR 14561, March 6, 1980).

On June 26, 1981, the Executive Director of the Iowa Department of Environmental Quality submitted the following schedule:

August 1981—Completion of studies of nontraditional fugitive dust sources (Paved and unpaved roads);

December 1981—Completion of microscopic and statistical analyses of air monitoring samples;

December 1982—Completion of studies of nontraditional fugitive dust sources (Agricultural tilling and rural unpaved roads);

April 1983—Propose control strategies (assuming reasonable control measures are identified by the fugitive dust studies);

June 1983—Approve control strategies;

December 1983—Control strategy effective.

The attainment date for the secondary TSP standard is 1995. This date was approved by EPA on April 17, 1981 (46 FR 22368), on the condition that the state reassess whether the date is as expeditious as practicable, as required by Section 110(a) and 172 of the Clean Air Act. Thus, although the schedule calls for implementation of the control strategy long before the attainment date, it may be necessary to revise the attainment date (either as a result of the state's reassessment or implementation of the control strategy in accordance with the subject schedule) to ensure that the date is as expeditious as practicable. Any change in the attainment date will be discussed in a future notice in the **Federal Register**.

EPA proposes to approve the schedule as satisfying the requirements of the conditional approval and of Section 172 of the Act.

This schedule constitutes a proposed nonregulatory revision to the Iowa SIP. The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether or not the revision meets the requirements of Sections 110 and 172 of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not

have a significant economic impact on a substantial number of small entities. (See 46 FR 8709, January 27, 1981). This rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action would only approve 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 rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of \$100 million or more, or to have other significant adverse impacts on the national economy.

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

This notice of proposed rulemaking is issued under the authority of Sections 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601).

Dated: August 28, 1981.

William Rice,

Acting Regional Administrator.

[FR Doc. 81-32193 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

### 40 CFR Part 52

[AH300gWV; A-3-FRL-1957-6]

#### State of West Virginia; Proposed Revision to the State Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed Rule.

**SUMMARY:** West Virginia has submitted plans for attaining secondary total suspended particulate (TSP) standards to EPA for incorporation in the West Virginia State Implementation Plan (SIP). EPA is proposing approval of these plans.

**DATE:** EPA will consider all comments submitted on or before December 7, 1981.

**ADDRESS:** Copies of West Virginia's plans for attaining secondary TSP standards, as well as accompanying documents, are available for public inspection at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch (3AH13), Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Mr. Raymond D. Chalmers



West Virginia Air Pollution Control Commission, 1558 Washington Street, East Charleston, West Virginia 25311, Attn: Mr. Carl Beard

Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

All comments should be submitted to Mr. James E. Sydnor at the EPA Region III address listed above. Please reference the EPA docket number found in the heading of this notice.

**FOR FURTHER INFORMATION CONTACT:** Contact Mr. Raymond D. Chalmers, who can be reached at the EPA Region III address given above or by telephone at 215/597-8309.

**SUPPLEMENTARY INFORMATION:**

Governor John D. Rockefeller IV of West Virginia submitted plans for attaining secondary TSP standards to EPA on November 14, 1980 and requested that EPA approve the incorporation of these plans into the West Virginia SIP. The plans provide for attaining secondary TSP standards in the Steubenville-Weirton-Wheeling Interstate Air Quality Control Region (AQCR), the Tygart Magisterial District located in Parkersburg and in Kanawha County and Valley Magisterial District in Fayette County.

West Virginia's plans for these areas are similar in several respects. West Virginia states in all three plans that it believes it is not yet appropriate to include in its SIP new regulations for bringing about attainment of the secondary TSP standard. The State believes it must do additional studies to identify the sources causing its nonattainment problems and to establish what control measures these sources should be required to implement. West Virginia states that the need for further study has arisen because its nonattainment problems appear to be caused mainly by fugitive sources, sources for which little data is now available.

West Virginia now has a regulation in effect, Regulation XVII, which permits the State to selectively control fugitive sources. West Virginia intends to use Regulation XVII as its authority for controlling fugitive sources that its studies indicate are contributing to the State's TSP nonattainment problems. However, West Virginia has not submitted Regulation XVII to EPA for inclusion in the West Virginia SIP. At this time, West Virginia intends to use this regulation only for experimental purposes in conjunction with the overall TSP study.

West Virginia states in its plan for the Steubenville-Weirton-Wheeling AQCR

that it will bring the AQCR into attainment with secondary TSP standards by December 31, 1986, by requiring additional control of fugitive emissions. The State says that it will determine what new control measures are needed using the findings of a recently completed report entitled, *Interregional TSP Study for the Steubenville-Weirton-Wheeling Interstate Air Quality Control Region*. EPA Region III can supply copies of this report.

West Virginia's plan for attaining secondary TSP standards in the Steubenville-Weirton-Wheeling AQCR is actually an expanded version of its plan for attaining primary standards. West Virginia modified some of the data contained in its primary plan when it submitted its secondary plan. The modified data consists of information on TSP concentrations and emissions. West Virginia modified this data to correct certain errors. EPA has noted that West Virginia corrected this data on TSP air quality and emissions in the main text of its plan but not in its appendices. West Virginia has agreed to review and submit revised appendices.

West Virginia states in its plans for the Tygart Magisterial District and for Kanawha County and Valley Magisterial District in Fayette County that it will bring these areas into attainment with secondary TSP standards by December 31, 1985. The State says that it will adopt and implement by July 1, 1984 all new requirements needed to bring about attainment. The State commits to carry out studies to determine what additional emission controls are needed.

When EPA approved West Virginia's plans for attaining primary TSP standards at 45 FR 54042, August 14, 1980, EPA established certain conditions West Virginia had to meet in order to keep the approval of its primary TSP plans in effect. Those conditions remain in effect and are unchanged by this proposed rulemaking action.

EPA proposes to approve West Virginia's plans for attaining secondary TSP standards, and solicits comments on whether such approval is warranted. EPA especially solicits comments on the question of whether the deadlines West Virginia has chosen for meeting secondary standards meet the requirement of Section 172 of the Clean Air Act that they be as expeditious as practicable.

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 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 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.

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

Dated: August 28, 1981.

Stephen R. Wassersug,  
Acting Regional Administrator.

[FR Doc. 81-32194 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-38-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 21, and 94

[Gen. Docket No. 79-188; RM-3247; RM-3497]

### Digital Termination Systems; Order Extending Time for Filing Comments and Reply Comments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment/reply comment period.

**SUMMARY:** In response to a petition filed by M/A-COM Incorporated, the Commission extends the date for filing comments to the Further Notice of Proposed Rulemaking in Docket 79-188 regarding digital termination systems. The Further Notice proposed rules for the operation of digital termination systems in a new, higher frequency band than the one recently authorized for common carriers. The proposed rules also provide for private radio use in both of these frequency bands.

**DATES:** Comments to the Further Notice of Proposed Rulemaking shall be filed on or before January 14, 1982. Reply comments shall be filed on or before March 1, 1982.

**ADDRESS:** Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Ken Nichols, Spectrum Management Division, Office of Science and



Technology, 2025 M Street, N.W., Room 7218, Washington, D.C. 20554, (202) 632-7025.

#### SUPPLEMENTARY INFORMATION:

Adopted: October 30, 1981.

Released: October 30, 1981.

In the matter of amendment of Parts 2, 21, and 94 of the Commission's rules to allocate spectrum at 18 GHz for, and to establish other rules and policies pertaining to, the use of radio in Digital Termination Systems and in Point-to-Point Microwave Radio Systems for the provision of digital electronic message services, and for other common carrier, private radio, and broadcast auxiliary services; and to establish rules and policies for the private radio use of Digital Termination Systems at 10.6 GHz. (See 46 FR 45635, 9-14-81.)

1. On October 23, 1981 M/A-COM Incorporated (M/A-COM) submitted a Request for Extension of Time for the filing of comments to the Further Notice of Proposed Rulemaking (FCC 81-388, released September 2, 1981) in the above-captioned proceeding. M/A-COM requests an extension of 60 days. Tymnet, Inc. filed comments on October 26, 1981 in support of M/A-COM's request for extension of time. Comments are currently due on November 2, 1981.

2. M/A-COM cites the complexity of the technical issues that are raised by the Further Notice as the primary reason for its request for additional time to prepare comments. M/A-COM argues that particularly since the technical and, more importantly, the economic feasibility of our proposed technical standards have not been proven by experience, additional time is needed to properly conduct analyses of the Commission's proposals. M/A-COM also suggests that our decision to simultaneously propose standards for operation of point-to-point and point-to-multipoint operations adds to the complexity of the issues to be addressed.

3. We recognize that a number of the technical proposals in the Further Notice raise complex issues. Of particular concern to us are the proposed technical standards for out-of-band emissions, interstitial channelization, cross-polarized operation, and their impact on electromagnetic compatibility and spectral efficiency. Final incorporation of such standards into our Rules is dependent on a full analysis of these proposed standards and their impact on the economic feasibility of operations we propose at 18 GHz. Time for additional consideration of our proposals is particularly important, for example, for entities licensed in and eligible in the private operational-fixed

microwave services in the 12.2-12.7 GHz band. The viability of their operation according to any new technical standards is crucial, should some of those operations be required to relocate to 18 GHz because of the proposed broadcasting-satellite operation at 12 GHz. While these concerns and others will surely be expressed in the comments to the Further Notice, we believe the public interest would be better served by the commenters providing the Commission with supporting analyses of their positions on technical concerns. Additional time will allow such support to be developed. Furthermore, the Commission would be benefitted by having more substantial comments from M/A-COM and Tymnet. M/A-COM and Tymnet have participated in operational test of DTS technologies, while M/A-COM also manufactures DTS (at 10.6 GHz) and other microwave equipment, including that for 18 GHz point-to-point operations. We fully expect that any comments from these two parties and others would be more meaningful by their having a longer period to analyze the technical issues posed by the Further Notice.

4. Our primary concern in this proceeding is to solicit the most informed and incisive comments to our proposals in the interest of maximizing spectral efficiency. Any delay occasioned in accomplishing this goal is far outweighed by the more in-depth technical analysis that would be permitted by an extended comment period. Resolving any uncertainty as to technical feasibility, and consequently economic viability, would serve to expedite the fuller use of 18 GHz and aid us in developing appropriate operational standards therefor. Consequently we perceive that no party would be adversely impacted by such an extension. Therefore, the request for extension of time from November 2, 1981 is granted. In consideration of the Christmas holiday period, we extend the time by which comments must be filed to January 14, 1982.

5. Therefore, it is ordered, under § 0.241(d) of the Commission's rules and regulations, That the date by which comments must be filed in the above-captioned proceeding is extended for a period of 73 days from November 2, 1981; the reply comment period is extended to 45 days from 30 days. Therefore, comments must now be filed on or before January 14, 1982. Reply comments must be filed on or before March 1, 1982.

Federal Communications Commission,  
S. J. Lukasik,  
Chief Scientist.

[FR Doc. 81-32250 Filed 11-5-81; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[BC Docket No. 81-496]

#### Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees; Order Extending Time for Filing Comments and Reply Comments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule; Extension of comment/reply comment period.

**SUMMARY:** In response to a motion, action taken herein extends the time for filing comments and reply comments to the Commission's Notice of Proposed Rule Making, adopted July 30, 1981, in BC Docket No. 81-496, involving revision of programming policies and reporting requirements for public broadcasting licensees. The extension will facilitate the compilation of a complete public record on the matter.

**DATE:** Comments must be filed on or before November 16, 1981; reply comments on or before December 16, 1981.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** John Kamp, Broadcast Bureau, (202) 632-6302.

#### SUPPLEMENTARY INFORMATION:

Adopted: October 28, 1981.

Released: October 30, 1981.

In the Matter of Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees.

1. The Commission has before it a Motion of Extension of Time filed in response to its action in the *Notice of Proposed Rule Making*, adopted on July 30, 1981, (See 46 FR 43190; 8-27-81) in BC Docket No. 81-496, concerning revision of programming policies and reporting requirements related to public broadcasting licensees. The motion, filed by the National Association of Educational Broadcasters (NAEB), requests a two week extension of time to file comments in the proceeding. The comment deadline is now November 2, 1981.

2. NAEB makes this request in order to allow its comments to reflect information gained during its annual conference that will be held November 1



to November 4, 1981. NAEB expects to gather considerable data and information at that conference from its member stations that it believes will be of special value in this proceeding. In particular, NAEB expects station members to submit considerable evidence related to a cost/benefit analysis of the rules and policies involved in this proceeding.

3. The Commission desires to gather as thorough and meaningful a record as practicable on these issues and appreciates the difficulties some commenters may have in gathering the relevant data. At the same time, we perceive no harm to any party and believe it to be in the public interest to extend the comment date here. Also, to facilitate the submission of reply comments and avoid any further extensions of time, we will also extend the reply comment date for two weeks at this time.

4. Accordingly, it is ordered that the Motion for Extension of Time filed by NAEB is hereby granted. The deadline for filing comments in the above-captioned proceeding is extended to and including November 18, 1981. It is further ordered that the deadline for filing reply comments in this proceeding is extended to December 18, 1981.

5. These actions are taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Commission's rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division,  
Broadcast Bureau.

[FR Doc. 81-32248 Filed 11-5-81; 8:45 am]

BILLING CODE 6712-01-M



## Notices

Federal Register

Vol. 46, No. 215

Friday, November 6, 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

#### Rural Electrification Administration

##### Chugach Electric Association, Inc., Anchorage, Alaska; 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 \$9,400,000 Chugach Electric Association, Inc., Alaska. These loan funds will be used to finance a combustion turbine generation facility having a nameplate rating of 26,000 kW for the Bernice Lake power plant and for two 54,800 barrel fuel oil tanks for the Beluga plant.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. L. J. Schultz, Manager, Chugach Electric Association, Inc., Box 3581, Anchorage, Alaska 99501.

In order to be considered, proposals must be submitted on or before December 7, 1981 to Mr. Schultz. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Chugach Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under

a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 30th day of October, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-32045 Filed 11-5-81; 8:45 am]

BILLING CODE 3410-15-M

#### Soil Conservation Service

##### Cartwheel Community Watershed, South Carolina

**AGENCY:** Soil Conservation Service, Department of Agriculture.

**ACTION:** Notice of a Finding of No Significant Impact.

#### FOR FURTHER INFORMATION CONTACT:

George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Columbia, South Carolina 29201, telephone 803-765-5681.

**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 Cartwheel Community Watershed, Horry County, South Carolina.

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, George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for improving flow conditions on about 21.5 miles of streams to reduce floodwater damages and improve drainage outlets.

The existing stream channels will be enlarged. Spoil will be placed and shaped along one side of the channel to form a travelway for maintenance. All areas disturbed will be revegetated.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting George E. Huey. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until December 7, 1981.

(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.)

October 30, 1981.

G. E. Huey,

State Conservationist.

[FR Doc. 81-32069 Filed 11-5-81; 8:45 am]

BILLING CODE 3410-16-M

##### Brush Creek Watershed, West Virginia; Availability of Record of Decision

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of availability of a record of decision.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone number 304-599-7151.

**NOTICE:** Mr. Craig M. Right, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of West Virginia, is hereby providing notification that a record of decision to proceed with installation of the Brush Creek Watershed project is available. Single copies of this record of decision may be obtained from Mr. Craig M. Right.



(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: October 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-33046 Filed 11-5-81; 8:45 am]

BILLING CODE 3410-16-M

## CIVIL AERONAUTICS BOARD

[Order 81-9-97]

### Air Transport Association of America; Order Denying Petition

AGENCY: Civil Aeronautics Board.

ACTION: Order 81-9-97, Order denying petition.

SUMMARY: The Board is denying the petition of the Air Transport Association of America in Docket 39497 for

additional domestic and international fare flexibility. The complete text of this order is available, as noted below.

**SUPPLEMENTARY INFORMATION:** Copies of this order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-33227 Filed 11-5-81; 8:45 am]

BILLING CODE 6320-01-M

## Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Week Ended October 30, 1981

### Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
October 26, 1981	40184	<p>Tyee Airlines, Inc., c/o Kirk Thomas, P.O. Box 8331, Ketchikan, Alaska 99901.</p> <p>Application of Tyee Airlines, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity for an indefinite period to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Craig, the intermediate points Hyaburg, Ketchikan, Klawock and the terminal point Metlakatla (Annette Island).</p> <p>Conforming Applications, motions to modify scope, and Answers may be filed by November 23, 1981.</p>
October 27, 1981	40190	<p>Aer Turas Teoranta, c/o Jerry W. Ryan, Crowell &amp; Moring, Suite 1200, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.</p> <p>Application of Aer Turas Teoranta pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to engage in air transportation of property, mail, and persons (limited to persons accompanying property) between any point in Ireland, on the one hand, and any point in the United States, its territories and possessions, on the other hand. Answers may be filed by November 24, 1981.</p>
October 27, 1981	40188	<p>Arrow Airways, Inc., P.O. Box 52-2230, General Airport Facility, Miami, Florida 33152.</p> <p>Application of Arrow Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authorization to provide scheduled air transportation of persons, property and mail:</p> <p>"Between the coterminal points Miami, Florida; New York, New York and San Juan, Puerto Rico; and</p> <p>Coterminal points within the countries of Guyana, Chile, the Bahamas, Jamaica, Haiti, Dominican Republic, St. Maarten, St. Kitts, Antigua, Guadeloupe, Martinique, Barbados, Grenada, Trinidad and Tobago, Curacao, Aruba, Belize, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Switzerland and Ireland."</p> <p>subject to such terms, conditions and limitations as the Board may find required by the Public Convenience and Necessity. Answers to Conforming Applications may be filed by November 10, 1981.</p>
October 28, 1981	40191	<p>Harold's Air Service, Inc., P.O. Box 168, Galena, Alaska 99741.</p> <p>Application of Harold's Air Service, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Aniak, the intermediate points Anvik, Bethel, Crooked Creek, Galena, Grayling, Holy Cross, Hughes, Huslia, Kalskag, Kaltag, Koyukuk, Nulato, Nyac, Red Devil, Ruby, Shageluk, Sleetmute, Stony River and the terminal point Utopia.</p> <p>Conforming Applications, motions to modify scope, and Answers may be filed by November 25, 1981.</p>
October 30, 1981	40193	<p>Hermen's Air, Inc., P.O. Box 88, St. Mary's, Alaska 99658.</p> <p>Application of Hermen's Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Alakanuk, the intermediate points Emmonak, Kotik, Mountain Village, Pilot Station, St. Mary's and the terminal point Sheldon Point.</p> <p>Conforming Applications, motions to modify scope, and Answers may be filed by November 27, 1981.</p>
October 30, 1981	40194	<p>Cape Smythe Air Service, Inc., P.O. Box 549, Barrow, Alaska 99723.</p> <p>Application of Cape Smythe Air Service, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Barrow, the intermediate point Nuqsut, and the terminal point Wainwright.</p> <p>Conforming Applications, motions to modify scope, and Answers may be filed by November 27, 1981.</p>
October 30, 1981	40200	<p>Channel Flying, Inc., 2601 Channel Drive, Juneau, Alaska 99801.</p> <p>Application of Channel Flying, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Angoon, the intermediate points Chatham, Elin Cove, Hawk Inlet, Juneau, Pelican and the terminal point Tenakee.</p> <p>Conforming Applications, motions to modify scope, and Answers may be filed by November 25, 1981.</p>
October 30, 1981	40204	<p>World Airways, Inc., Oakland International Airport, Oakland, California 94614.</p> <p>Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a renewal and amendment of its Certificate of Public Convenience and Necessity for overseas and foreign charter air transportation of persons, property and mail as follows:</p> <ol style="list-style-type: none"> <li>Between any point in any State of the United States and the District of Columbia and any point in any territory or possession of the United States;</li> <li>Between any point in any territory or possession of the United States and any other point in any territory or possession of the United States;</li> <li>Between any point in any State of the United States, the District of Columbia, and any territory or possession of the United States and <ol style="list-style-type: none"> <li>Any point in Canada;</li> <li>Any point in Mexico;</li> <li>Any point in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands and any other foreign place in the Gulf of Mexico or the Caribbean Sea;</li> </ol> </li> </ol>



Date Filed	Docket No.	Description
		<p>d. Any point in Central or South America;</p> <p>e. Any point in Australia, Indonesia, and Europe, Africa and Asia as far east as (and including) India.</p> <p>4. Between or among any points pursuant to contracts with the Department of Defense.</p> <p>In the alternative, and to avoid the necessity of separately naming all of these foreign and overseas points, paragraph 3 above could be reissued as follows:</p> <p>"Between any point in any State of the United States, the District of Columbia and any territory or possession of the United States and any foreign point in any other part of the World."</p> <p>Conforming Applications, motions to modify scope, and Answers may be filed by November 27, 1981.</p>

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-32223 Filed 11-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-11-13]

**Application of Freedom Airlines for Certificate**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Order 81-11-13, application of Freedom Airlines, Inc., under Subpart Q, for a certificate of public convenience and necessity for certain points listed in its application, Docket 39892.

**SUMMARY:** The Board is proposing to grant a certificate of public convenience and necessity to Freedom to authorize it to provide service to the points listed in its application, and is tentatively determining that it is fit, willing, and able to provide this service.

**DATES:** Objections: All interested persons having objections to the Board's issuing the proposed authority or its tentative finding of fitness shall file, and serve upon all persons listed below no later than November 23, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

**ADDRESSES:** Objections should be filed in Docket 39892, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** Thomas Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5333.

**SUPPLEMENTARY INFORMATION:** Objections should be served upon the persons listed in paragraph 5 of Order 81-11-13. The complete text of Order 81-11-13 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81-11-13 to the Distribution Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

By the Civil Aeronautics Board: November 3, 1981.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-32224 Filed 11-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39595]

**Complaint of Japan Air Lines Company, Ltd. Against Northwest Airlines, Inc., "Export Inland Contract" Rates; Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 16, 1981 at 10:00 a.m. (local time) in Room 1003, Rm. "B", Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 2, 1981.

John M. Vittone,  
Administrative Law Judge.

[FR Doc. 81-32225 Filed 11-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40161]

**Jetwest International Fitness Investigation; Postponement of Prehearing Conference**

At the request of the Bureau of Domestic Aviation and the applicant the prehearing conference in the above-titled proceeding set for November 5, 1981 (46 FR 54395, November 2, 1981) is postponed.

The conference will be held on November 9, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW, Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 2, 1981.

William A. Kane, Jr.,  
Administrative Law Judge.

[FR Doc. 81-32226 Filed 11-5-81; 8:45 am]

BILLING CODE 6320-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Issuance of Permit Modification; Hubbs-Sea World Research Institute**

On September 30, 1981, Notice was published in the *Federal Register* (46 FR 47809), that a request had been filed with the National Marine Fisheries Service, by Mr. Brent S. Stewart, Field Biologist, Hubbs-Sea World Research Institute, 1700 South Shores Road, Mission Bay, San Diego, California 92109, for a modification to Permit No. 341.

Notice is hereby given that on November 2, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S. 1361-1407), the National Marine Fisheries Service modified Permit No. 341 issued to Mr. Brent S. Stewart, as follows:

Section A-1 is modified to read:  
"1. The following numbers of Northern elephant seals (*Mirounga angustirostris*) may be taken by double-tagging with Roto and/or Reise tags, and re-tagged one time if necessary:

a. A total of 4,300 seals may be taken on San Miguel Island, of which 500 may also be marked with paint or bleach.

b. A total of 4,300 seals may be taken on San Nicolas Island, of which 500 may also be marked with paint or bleach.

c. A total of 800 seals may be taken on San Clemente, Santa Rosa, Santa Cruz, and Santa Barbara Islands."

The Modification and Permit are available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional



Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Richard B. Roe,

*Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.*

Dated: November 2, 1981.

[FR Doc. 81-32244 Filed 11-5-81; 8:45 am]

BILLING CODE 3510-22-M

#### Issuance of Permit; Physiological Research Lab

On September 29, 1981, Notice was published in the *Federal Register* (46 FR 47649), that an application had been filed with the National Marine Fisheries Service by Dr. Daniel P. Costa, Physiological Research Laboratory, Scripps Institution of Oceanography, La Jolla, California 92093, for a permit to take sixty (60) Northern elephant seals (*Mirounga angustirostris*) for the purpose of scientific research.

Notice is hereby given that on November 3, 1981, and as authorized by the provisions of the Marine mammal Protection Act of 1972 (16 U.S.C 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to conduct physiological studies on 60 Northern elephant seals subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 3, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 81-32245 Filed 11-5-81; 8:45 am]

BILLING CODE 3510-22-M

#### Modification of Permit; Marine Animal Productions

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 274 issued to Marine Animal Productions, 150 Debuys Road, Biloxi, Mississippi 39531 on October 17, 1979 (44 FR 61079) is modified in the following manner:

To Section B-3 add:

"This Permit is valid for an unspecified period with respect to the transportation activities authorized."

This modification is effective November 6, 1981.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California; and

Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: October 30, 1981.

Robert K. Crowell,

*Deputy Executive Director, National Marine Fisheries Service.*

[FR Doc. 81-32243 Filed 11-5-81; 8:45 am]

BILLING CODE 3510-22-M

#### Modification to Permit; Dr. Kenneth S. Norris

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 269 issued to Dr. Kenneth S. Norris, University of California, Santa Cruz, California 95064 on June 19, 1979, (44 FR 37025) and as modified on October 19, 1979 (44 FR 60351), is further modified as follows:

1. Special Condition B-7 is modified to read:

"7. The Holder shall submit a report by December 31 of each year the permit is valid summarizing activities conducted under this permit. This report shall include the number of dolphins observed, a description of any incident of inadvertent harassment, and the effects on the animals' behavior."

2. Special Condition B-9 is modified to read:

"9. This permit is valid with respect to the capture and tagging activities authorized in Section A-1 until December 31, 1981, and is valid with respect to the activities authorized in A-2 and A-3 until December 31, 1984."

This modification is effective November 6, 1981.

The modification and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service,

3300 Whitehaven Street, NW., Washington, D.C.; and  
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 29, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 81-32242 Filed 11-5-81; 8:45 am]

BILLING CODE 3510-22-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Adjusting Import Restraint Levels for Certain Cotton, Wool, and Manmade Fiber Textile Products from the Republic of Korea

November 3, 1981.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Granting increases, variously, for swing, carryover and carryforward for cotton, wool and man-made fiber textile products in Categories 333/334, 338/339, 340, 341, 347/348, 440, 445/446, 633/634/635, 638/639, 640pt., 643, and 659pt., produced or manufactured in the Republic of Korea and exported during the agreement year which began on January 1, 1981.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121) and October 5, 1981 (46 FR 48963)].

**SUMMARY:** The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea provides for the carryover of shortfalls from the previous agreement year in certain categories (carryover), for percentage increases in certain specific category ceilings during an agreement year (swing), and for the borrowing of yardage from the following year's level (carryforward) with the amount used deducted from that level in the following year. Pursuant to the terms of the bilateral agreement, as amended, and at the request of the Government of the Republic of Korea, the import restraint levels established for Categories 333/334, 338/339, 340, 341, 347/348, 440, 445/446, 633/634/635, 638/639, 640pt., 643



and 659pt. are being increased for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

**EFFECTIVE DATE:** November 4, 1981.

**FOR FURTHER INFORMATION CONTACT:** William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On December 30, 1980, a letter dated December 23, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the Federal Register (45 FR 85811), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 333/334, 338/339, 340, 341, 347/348, 440, 445/446, 633/634/635, 638/639, 640pt., 643, and 659pt., produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1981. In accordance with the terms of the bilateral agreement and at the request of the Government of the Republic of Korea, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the foregoing categories in excess of the adjusted levels of restraint.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

November 3, 1981.

Commissioner of Customs,

*Department of the Treasury, Washington, D.C.*

Dear Mr. Commissioner: On December 23, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on November 4, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, the levels of restraint established for cotton, wool and man-made fiber textile products in Categories 333/334, 338/339, 340, 341, 347/348, 440, 445/446, 633/634/635, 638/639, 640pt., 643, and 659pt. to the following:

Category	Amended 12-Mo. level of restraint <sup>1</sup>
333/334	55,775 dozen.
338/339	534,345 dozen.
340	173,020 dozen.
341	107,790 dozen.
347/348	257,928 dozen of which not more than 182,135 dozen shall be in Cat. 347 and not more than 140,276 dozen shall be in Cat. 348.
440	234,907 dozen.
445/446	56,539 dozen.
633/634/635	1,415,105 dozen of which not more than 178,750 dozen shall be in Cat. 633; not more than 823,431 dozen shall be in Cat. 634; and not more than 625,189 dozen shall be in Cat. 635.
638/639	5,636,017 dozen.
640pt. <sup>2</sup>	4,376,939 dozen.
643	81,848 dozen.
659pt. <sup>3</sup>	2,284,413 pounds.

<sup>1</sup> The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

<sup>2</sup> In Category 640, only T.S.U.S.A. numbers 369.0455, 380.8431 and 380.8433.

<sup>3</sup> In Category 659, only T.S.U.S.A. numbers 703.0500, 703.1000 and 703.1515.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 81-32229 Filed 11-5-81; 8:45 am]

**BILLING CODE 3510-25-M**

exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

## Adjusting the Import Restraint Levels for Certain Wool Apparel Products From the Republic of Korea

November 3, 1981.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** (1) Increasing the sublimits for men's and boys' wool suit-type coats in Category 433 to 12,743 dozen and for men's boys' wool coats, other than suit-type coats, in Category 434 to 6,535 dozen within the combined level of restraint for Category 433/434, produced or manufactured in the Republic of Korea and exported during the 1981 agreement year, pursuant to an amendment to the bilateral agreement; and

(2) Applying swing and carryover to the amended sublimits for Categories 433 and 434, increasing those levels to 14,291 dozen and 7,581 dozen, respectively, and to the overall level for Category 433/434, raising that level from 16,691 dozen to 19,362 dozen during the same agreement period.

**SUMMARY:** The Governments of the United States and the Republic of Korea have exchanged notes further amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement between the two governments to increase, among other things, the sublimits established for wool textile products in Categories 433 and 434 within the overall level of restraint for Category 433/434 during the agreement year which began on January 1, 1981. The agreement, as amended, also includes provision for the carryover of shortfalls in certain categories from the previous agreement year (carryover) and for percentage increases in certain specific category ceilings during an agreement year (swing). Increases for swing and carryover are also being applied to the adjusted base levels for the two sublimits for the agreement year which began on January 1, 1981.

**EFFECTIVE DATE:** November 4, 1981.

**FOR FURTHER INFORMATION CONTACT:**

William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On December 30, 1980, a letter dated December 23, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the Federal Register (45 FR 85811), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, including Category 433/434, produced or manufactured in the



Republic of Korea and exported to the United States during the twelve-month period which began on January 1, 1981. In accordance with the terms of the bilateral agreement, as amended, and at the request of the Government of the Republic of Korea, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in the letter published below, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Category 433/434 and its sublimits in excess of the adjusted levels of restraint.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

November 3, 1981.

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C.

Dear Mr. Commissioner: On December 23, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on November 4, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 the levels of restraint established for wool textile products in Category 433/434 to the following:

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Category	Amended 12-mo level of restraint <sup>1</sup>
433/434	19,362 dozen of which not more than 14,291 dozen shall be in Cat. 433 and not more than 7,581 dozen shall be in Cat. 434.

<sup>1</sup> The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 81-32228 Filed 11-5-81; 8:45 am]

BILLING CODE 3510-25-M

### Adjusting the Import Levels for Certain Cotton, Wool, and Manmade Fiber Apparel Products from Taiwan

November 3, 1981.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** (1) Increasing by the application of swing the levels of restraint established for cotton, wool and man-made fiber apparel products in Categories 333/334/335, 340, 341, 347/348, 445/446, 633/634/635, 641, 645/646, 648 and 656 pt., produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1981.

(2) Deducting carryforward used in the 1980 agreement year from the levels of restraint for wool and man-made fiber textile products in Categories 445/446, 638 and 648 during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), and October 5, 1981 (46 FR 48963)).

**SUMMARY:** The bilateral agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products exported from Taiwan provides that within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages (swing). It further provides for the borrowing of

yardage from the succeeding agreement's year's level (carryforward) with the amount used being deducted from that level in the succeeding year. Under the terms of the amended agreement the levels of restraint for cotton, wool and man-made fiber apparel products in Categories 333/334/335, 340, 341, 347/348, 445/446, 633/634/635, 638, 641, 645/646, 648 and 659 pt. are being adjusted for the agreement period which began on January 1, 1981 and extends through December 31, 1981.

**EFFECTIVE DATE:** November 4, 1981.

### FOR FURTHER INFORMATION CONTACT:

Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

### SUPPLEMENTARY INFORMATION:

On December 29, 1980, there was published in the Federal Register (45 FR 85497) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 333/334/335, 340, 341, 347/348, 445/446, 633/634/635, 638, 641, 648 and 659 pt., produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981. On August 6, 1981 a further letter dated August 3, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the Federal Register (46 FR 40065), which established a level of restraint for man-made fiber textile products in Category 645/646 during the same twelve-month period. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 333/334/335, 340, 341, 347/348, 445/446, 633/634/635, 638, 641, 645/646, 648 and 659 pt. in excess of the adjusted levels of restraint.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

November 3, 1981.

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C.

Dear Mr. Commissioner: On December 19,



1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Taiwan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the bilateral agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products exported from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977; you are directed, effective on November 4, 1981, to amend the twelve-month levels of restraint established for cotton, wool and man-made fiber textile products in Categories 333/334/335, 340, 341, 347/348, 445/446, 633/634/635, 638, 641, 645/646, 648 and 659pt. to the following:

Category	Amended 12-month level of restraint <sup>1</sup>
333/334/335	113,051 dozen of which not more than 59,206 dozen shall be in Cat. 333/334 and not more than 70,803 dozen shall be in Cat. 335.
340	676,439 dozen.
341	384,446 dozen.
347/348	935,359 dozen of which not more than 459,395 dozen shall be in Cat. 347 and not more than 696,421 dozen shall be in Cat. 348.
445/446	126,321 dozen.
633/634/635	1,490,308 dozen of which not more than 982,882 dozen shall be in Cat. 633/634 and not more than 730,971 dozen shall be in Cat. 635.
638	1,580,112 dozen.
641	731,578 dozen.
645/646	3,947,022 dozen.
648	3,129,023 dozen.
659pt. <sup>2</sup>	3,214,801 pounds.

<sup>1</sup> The levels of restraint have not been adjusted to reflect any imports after December 30, 1980.

<sup>2</sup> In Category 659, only T.S.U.A. numbers 703.0500 and 703.1000.

The actions taken with respect to the authorities in Taiwan and with respect to imports of cotton, wool and man-made fiber textile products from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such

<sup>1</sup> The term "adjustment" refers to those provisions of the bilateral agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products exported from Taiwan, which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-32230 Filed 11-5-81; 8:45 am]

BILLING CODE 3510-25-M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1981; Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** November 6, 1981.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

**FOR FURTHER INFORMATION CONTACT:** C. W. Fletcher (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On July 31, 1981 and August 28, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 39196 and 46 FR 43483) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1981:

#### Class 8465

Strap, Webbing, Waist, LC-1  
8465-00-269-0481

#### SIC 0782

Grounds Maintenance, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 81-32210 Filed 11-5-81; 8:45 am]

BILLING CODE 6820-33-M

## Procurement List 1981; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Additions to and Deletions from Procurement List.

**SUMMARY:** The Committee has received proposals to add to and delete from Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** December 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 actions.

### Additions

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 7349

Custodial Service, Forest Service Building,  
507 25th Street, Ogden, Utah

#### SIC 7399

Packaging Service, Defense Construction  
Supply Center, Columbus, Ohio Depot only

### Deletions

It is proposed to delete the following commodities and services from Procurement List 1981, November 12, 1980 (45 FR 74836):

#### Class 7430

Cover, Typewriter  
7430-00-823-8080  
7430-00-823-8081  
7430-00-823-8082  
7430-00-823-8083  
7430-00-823-8084  
7430-00-823-8085  
7430-00-823-8090  
7430-00-823-8086  
7430-00-823-8087

#### Class 7510

Binder, Looseleaf  
7510-00-782-2664



**Class 8315**

Buckle, Belt, Trousers  
8315-00-543-3724

**Class 9905**

Sign (U.S. Property—No Trespassing)  
9905-00-559-2971

**SIC 7399**

Affix Labels—U.S. Patent Documents, U.S.  
Department of Commerce, Patent and  
Trademark Office, Crystal City, Arlington,  
Virginia

**SIC 7641**

Furniture Rehabilitation, Cleveland, Ohio,  
plus 25-mile radius

C. W. Fletcher,

Executive Director.

[FR Doc. 81-32211 Filed 11-5-81; 8:45 am]

BILLING CODE 6820-33-M

**DEPARTMENT OF DEFENSE****Department of the Army****Privacy Act of 1974; Amendments to Systems of Records**

**AGENCY:** Department of the Army.

**ACTION:** Proposed addition, deletions,  
and amendments of systems of records.

**SUMMARY:** The Department of the Army inventory of system notices is herein amended to delete 9, amend 3, and technically "add" 1 which consolidates information in 6 of the notices being deleted. Following those which are amended, the notices are printed in their entirety.

**DATE:** Action shall be effective as proposed on December 7, 1981 unless comments are received which would result in a contrary determination and require republication for further comments.

**ADDRESS:** Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331 prior to December 7, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Dorothy Karkanen, Office of the Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone (703) 325-6163.

**SUPPLEMENTARY INFORMATION:** Department of the Army systems of records appear in the following editions of the Federal Register:

FR Doc. 79-37052 (44 FR 73729),

December 17, 1979

FR Doc. 81-85 (46 FR 1002), January 5, 1981

FR Doc. 81-897 (46 FR 6460), January 21, 1981

FR Doc. 81-3374 (46 FR 9692), January 29, 1981

FR Doc. 81-5883 (46 FR 13544), February 23, 1981

FR Doc. 81-7250 (46 FR 15531), March 6, 1981

FR Doc. 81-7621 (46 FR 16111), March 11, 1981

FR Doc. 81-10724 (46 FR 21220), April 9, 1981

FR Doc. 81-10791 (46 FR 21221), April 9, 1981

FR Doc. 81-12660 (46 FR 23523), April 27, 1981

FR Doc. 81-15109 (46 FR 27518), May 20, 1981

FR Doc. 81-16678 (46 FR 29981), June 4, 1981

FR Doc. 81-19043 (46 FR 33069), June 26, 1981

FR Doc. 81-25194 (46 FR 43231), August 27, 1981

FR Doc. 81-26729 (46 FR 45793),  
September 15, 1981

Systems being amended do not fall within the criteria of 5 U.S.C. 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A-108.

M. S. Healy,

OSD Federal Register Liaison Officer.

Washington Headquarters Services,

Department of Defense.

November 3 1981.

**ADDED**

A1014.01DAAG

**SYSTEM NAME:**

Army Continuing Education System

**SYSTEM LOCATION:**

Education Centers at Army installations; addresses are in the appendix to the Army's inventory of system notices.

Decentralized segment of the college transcript registry is being developed and will be maintained at a DOD Data Processing Installation (DPI).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Active duty military personnel, including the Army reserves and National Guard.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents reflecting name, rank, social security number (SSN), MOS, and educational level of the individual, to include student transcripts, grade slips, course attendance records, tuition assistance and independent study enrollment applications, records of counseling, academic and diagnostic tests including results of Armed Forces Vocational Aptitude Battery and other tests designed to measure educational levels.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 10 U.S.C., Section 4302; Pub. L. 96-154, 89-358, and 94-502.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information is used by the Army to (1) determine academic/vocational level of education and provide appropriate counseling and educational instruction to raise soldier's competency to a higher level of job performance, military skills, and career growth; (2) to accure statistical data and produce related management reports.

Disclosed to the Department of Labor, Bureau of Apprenticeship and Training for individuals enrolled in an Army Apprenticeship Program.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and computer printouts in file cabinets; disks and tapes. Computer stored data are erased after managerial reports are compiled and individually identifiable course data and scores are transferred to DA Form 669.

**RETRIEVABILITY:**

By individual's surname or SSN.

**SAFEGUARDS:**

Records are protected from unauthorized disclosure by their storage in areas accessible only to authorized personnel within buildings secured by locks. Automation is done in on-line equipment; physical safeguards of the computer site meet security classification requirements up to and including secret; a site risk analysis was performed. Terminals are supported by remote and dedicated lines. Each terminal has a physical key lock; each terminal is identified by its own physical profile containing user ID, user password; passwords are confidential. Software prohibits entry to files by other than authorized personnel. Remote sites have been appraised for physical security.

**RETENTION AND DISPOSAL:**

Automated data are erased after selected information is captured for managerial reports and course/score data transferred to individual's DA Form 669 which becomes part of the Military Personnel Records Jacket (a permanent document).



**SYSTEM MANAGER(S) AND ADDRESS:**

The Adjutant General, Headquarters,  
Department of the Army (Education  
Directorate), Alexandria, VA 22331.

**NOTIFICATION PROCEDURES:**

Individuals desiring to know whether  
this system of records contains  
information about them may contact  
either the System Manager or the  
installation Education Services Officer/  
Counselor.

**RECORD ACCESS PROCEDURE:**

Individuals may obtain their records  
by contacting the appropriate Education  
Services Officer or Counselor by  
presenting identification such as  
military ID card, official building pass,  
or current driver's license.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records  
and for contesting contents and  
appealing initial determinations are  
contained in Army Regulations 340-21  
(32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

School transcripts, Education Services  
Officer/Counselor, the individual, test  
results, SIDPERS.

**SYSTEMS EXEMPTED FROM CERTAIN  
PROVISIONS OF THE ACT:**

None.

**Deletions****A0906.03DASG****System name:**

Medical Classification Files (44 FR  
73922), December 17, 1979.

**Reason:**

Records are covered by system notice  
A0917.01aDASG Health Care and  
Medical Treatment Records Files, as  
revised and appearing in this Federal  
Register.

**A1014.06aDAAG****System name:**

College Equivalency Evaluation (44 FR  
73971), December 17, 1979.

**Reason:**

Records are contained in proposed  
added system notice A1014.01DAAG  
Army Continuing Education System,  
appearing in this Federal Register.

**A1014.07aDAAG****System name:**

Enrollment Application Files (44 FR  
73971), December 17, 1979.

**Reason:**

Records are contained in proposed  
added system notice A1014.01DAAG

Army Continuing Education System,  
appearing in this Federal Register.

**A1014.08aDAAG****System name:**

General Educational Development  
(GED) Individual Record (44 FR 73972),  
December 17, 1979.

**Reason:**

Records are contained in proposed  
added system notice A1014.01DAAG  
Army Continuing Education System,  
appearing in this Federal Register.

**A1014.08bDAAG****System name:**

GED Reference Papers/Participation  
Education Program (44 FR 73973),  
December 17, 1979.

**Reason:**

Records are contained in proposed  
added system notice A1014.01DAAG  
Army Continuing Education System,  
appearing in this Federal Register.

**A1014.08cDAAG****System name:**

College Transcript Registry System  
(44 FR 73973), December 17, 1979.

**Reason:**

Records are contained in proposed  
added system notice A1014.01DAAG  
Army Continuing Education System,  
appearing in this Federal Register.

**A1014.10aDAAG****System name:**

Army Apprenticeship Program  
Participation Files (44 FR 73974),  
December 17, 1979.

**Reason:**

Records are contained in proposed  
added system notice A1014.01DAAG  
Army Continuing Education System,  
appearing in this Federal Register.

**A1111.02DAMO****System name:**

Flight Examination Files (44 FR 73982),  
December 17, 1979.

**Reason:**

Records are contained in proposed  
amended system notice  
A1111.01aDAPC, Individual Flight  
Record Files, appearing in this Federal  
Register.

**A1111.14aUSACC****System name:**

Flight Regulation Violation Files (44  
FR 73982), December 17, 1979.

**Reason:**

Records are contained in proposed  
amended system notice  
A1111.01aDAPC, Individual Flight  
Record Files, appearing in this Federal  
Register.

**Amendments****A0917.01aDASG****System name:**

Health Care and Medical Treatment  
Record System (46 FR 6478), January 21,  
1981.

**Changes:****Categories of records in the system:**

In the last sentence after "social work  
case files" insert: ", inquiries/  
complaints about medical treatment or  
services rendered by the medical  
treatment facility," before "and patient  
\* \* \* files."

**A1012.03dTRADOC****System name:**

TRADOC Educational Data Systems  
(TREDs-ARS).

**Changes:****System name:**

Delete acronym in parenthesis.

**Categories of individuals covered by the  
system:**

After " \* \* \* entrolled in a resident",  
add: "/non-resident \* \* \* school."

**Routine uses of records maintained in  
the system, including categories of users  
and the purposes of such uses:**

Add: "For non-resident applicants,  
records are used to produce course  
completion certificates and reflect credit  
hours earned."

**Policies and practices for storing,  
retrieving, accessing, retaining, and  
disposing of records in the system:****Retention and disposal:**

Following the second sentence, insert:  
"Non-resident students are assigned a 6  
month enrollment period or, if in  
multiple subcourses, an enrollment  
period of 1 year." Delete: "Also upon  
graduation" immediately following.  
Next sentence begins: "A hard copy  
\* \* \* produced."

**A1111.01aDAPC****System name:**

Individual Flights Record Files (44 FR  
73981), December 17, 1979.



*Changes:**System location:*

Delete entry and substitute therefor: "Primary System: United States Army Military Personnel Center (DAPC-OPA-J), 200 Stovall Street, Alexandria, VA 22332. Decentralized Segments: Each command/organization/element of the United States Army in which an aviator pilot, aircraft observer, technical observer, flight engineer, crew chief, aircraft mechanic, flight surgeon, flight medical attendant, aerial photographer, gunner, student pilot, co-pilot, or instructor pilot is assigned."

*Categories of individuals covered by the system:*

Delete entry and substitute therefor: "US Army personnel in aviation service who are prohibited by statute from participating in aerial flight; foreign students; flight crews; observers; technicians; flight medical personnel; photographers; gunners; mechanics; National Guard aviators; US Army Reserve aviators; student pilots; other personnel authorized to take part in aerial flights and for whom the Army has responsibility for certifying and keeping flight record files."

*Categories of records in the system:*

Delete entry and substitute therefor: "Files contain flight record and certificates (DA Form 759 and 759-1); medical clearance for flying; physical examination; documentation of medical suspension/restriction/waivers; orders relating to flying status, aeronautical designation, instructor and instructor standardization; suspension non-medical records, forms, papers relating to the issue; renewal/invalidation of instrument qualification; documents relating to orientation, qualification and proficiency to include annual examination results."

*Authority for maintenance of the system:*

After "Title 10 U.S.C." add "Section 3012".

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Delete entry and substitute therefor: "Used by the Department of the Army to document qualifications, aviation service, medical condition of aviators, aircraft accidents, flight violations, aviation training, examination results, improvement of subsequent examinations, to provide recommendations for appropriate changes in US Army aviation training, to support courts martial actions, claims

against the government, or accident investigation reports, and to Federal Aviation Agency to maintain file of violations."

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:*

After "magnetic tape" add ", and aperture cards".

*Retrievability:*

Delete entry and substitute therefor: "Records accessed by name, social security number (SSN), and/or branch of Army."

*Safeguards:*

After "authorized", delete "personnel" and add "... flight operations personnel who are cleared, screened, and trained".

*Retention and disposal:*

Delete entry and substitute therefor: "Documents relating to flight examinations will be destroyed after 2 years."

"Documents relating to flight regulation violations will be destroyed 1 year after case is closed."

"All other documentation will be forwarded with individual personnel records to gaining installation or when individual is retired, discharged, resigned, inactive, deceased or suspended (for longer than 6 months), records will be forwarded to Commander, US Army Reserve Components Personnel and Administration Center (RCPAC), 9700 Page Boulevard, St. Louis, MO 63132."

*Notification procedure:*

After "Information may be obtained from:", delete "United States Army agency for Aviation Safety, Ft. Rucker, AL 36303" and substitute: "Individual's command/organization/element of the United States Army \* \* \*".

*Record access procedures:*

Delete entry and substitute therefor: "Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain full name, SSN, grade, branch of service, and current address."

"For personal visits, persons should be able to provide acceptable official military/civilian identification."

*Contesting record procedures:*

Delete entry and substitute therefor: "The Army's rules for contesting contents and appealing initial

determinations are contained in Army Regulation 340-21 (32 CFR Part 505)."

*Record source categories:*

Change period to comma and add: ", and investigative reports of alleged flight violations."

**A0917.01ADASG**

*System name:*

**917.01 Health Care and Medical Treatment Record System**

*System location:*

Army Medical Department facilities/activities at addresses listed in the Directory of the United States Army Addresses following the annual compilation of Army system notices published in the Federal Register.

*Categories of individuals covered by the system:*

Military members of the Armed Forces (both active and inactive); dependents; civilian employees of the Department of Defense; members of the United States Coast Guard, Public Health Service, and Coast and Geodetic Survey; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

*Categories of records in the system:*

Medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical condition provided an eligible individual on an inpatient and/or outpatient status to include but not limited to: clinical (inpatient), outpatient, dental, consultation, and procurement and separation x-ray record files. Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: social work case files, inquiries/complaints about medical treatment or services rendered by the medical treatment facility, and patient treatment x-ray and index files.

*Authority for maintenance of the system:*

Title 5 U.S.C. 301; Title 10 U.S.C. 1071-1085; Title 44 U.S.C. 3101; and Title 50 U.S.C., Supplement IV, Appendix 454, as amended.



*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

**Department of the Army:** To provide health care and medical treatment of individuals identified in the Individual-Category of this system of records. Information may also be used for research studies; compilation of statistical data and management reports; implementing preventive medicine, dentistry, and communicable disease control programs; adjudicating claims and determining benefits; evaluating care rendered; determining professional certification and hospital accreditation; and determining suitability of persons for service or assignment.

*Department of Defense:*

To provide medical care to those categories of individuals covered by this record system; and to conduct analyses and research studies.

*Veterans Administration:*

To adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institute of Health, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such research organizations and an accounting disclosure of records released thereto.

Local and state government and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C. 1175 and Title 42 U.S.C. 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to

the individual to whom the record pertains. Blanket 'routine uses' identified in 44 FR 73728 do not apply to these records.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

*Storage:*

Paper records in file folders, visible card files, microfiche, cassettes, punch cards, computer printouts and magnetic tapes and disks, and X-ray film preservers.

*Retrievability:*

By last name or social security number (SSN) of patient or sponsor.

*Safeguards:*

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated segments are protected by controlled system passwords governing access to data.

*Retention and disposal:*

Medical records of a permanent nature (as defined in Record-Category) are retained as follows:

Military Health/Dental and Procurement/Separation X-ray Records: Permanent: Clinical (inpatient), Outpatient, Dental, and Consultation Record Files—Military members: Destroyed after 50 years (Records pertaining to United States Military Academy (USMA) cadets are withdrawn and retired to the Surgeon, USMA, West Point, NY 10996); Civilians and Foreign National: Destroyed after 25 years; American Red Cross personnel: Withdrawn and forwarded to the American National Red Cross.

All medical records (except the Military Health/Dental Records which are active while individual is on active duty then retired with individual's Military Personnel Records jacket and the Procurement/Separation X-ray Records which are forwarded to the National Personnel Records Center (NPRC) on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of one to five years following treatment before being retired to the NPRC.

Subsidiary medical records, of a temporary nature (as defined in Record-Category), are normally not retained long beyond termination of treatment; however, supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

*System manager(s) and address:*

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

*Notification procedure:*

Information may be obtained from the medical facility where treatment was provided (for military and civilian records); Medical Officer, American National Red Cross, 18th and D Streets, NW, Washington, DC 20006 (for American National Red Cross employees).

*Record access procedures:*

Written requests should contain requester's full name, SSN, and current address/telephone number. Requests for information concerning inpatient treatment, furnish the name of the hospital and year of treatment.

Personal visits may be made to the medical facility where treatment was provided or to the American National Red Cross (whichever is appropriate). Individuals must provide personal identification such as a valid driver's license or military/civilian identification card.

*Contesting record procedures:*

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

*Record source categories:*

Personal interviews and history statements form the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health care and medical treatment, and similar or related documents.

*Systems exempted from certain provisions of the act:*

None.

**A1012.03dTRADOC**

*System name:*

TRADOC Educational Data Systems

*System location:*

Central computer facility located at United States Army Management Systems Support Agency (USAMSSA), Headquarters, Department of the Army.



Input-output terminals located at US Army Armor School, Ft Knox, KY; US Army Quartermaster School, Ft Lee, VA; US Army Engineer School, Ft Belvoir, VA; US Army Transportation School, Ft Eustis, VA; US Army Air Defense School, Ft Bliss, TX; US Army Field Artillery School, Ft Sill, OK; US Army Intelligence Center and School, Ft Huachuca, AZ; US Army Ordnance Center and School, Aberdeen Proving Ground, MD; US Army Institute for Military Assistance, Ft Bragg, NC; US Army Missile and Munitions Center and School, Redstone Arsenal, AL; US Army Chaplain Center and School, Ft Monmouth, NJ; US Army Signal School, Ft Gordon, GA; US Army Military Police School, Ft McClellan, AL; US Army Infantry School, Ft Benning, GA; US Army Soldier Support Center, Ft Benjamin Harrison, IN.

*Categories of individuals covered by the system:*

Members of the Army, Navy, Marine Corps, and Air Force, Reserve Officer Training Corps and National Defense Cadet Corps students, Department of Defense civilian employees, and approved foreign military personnel enrolled in a resident/non-resident course at a US Army service school.

*Categories of records in the system:*

Files contain name, grade, social security number (SSN), address, component, branch personnel classifications, military occupational specialty (MOS), credit hours accumulated, examination and lesson grades, student academic status, student curricula, course description.

*Authority for maintenance of the system:*

Title 10 U.S.C., Section 3012 (B) and (G).

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Designated administrative and academic personnel at US Army Training and Doctrine Command (TRADOC) headquarters and service schools use student records to record lessons and/or exam grades, maintain student academic status, maintain course and subcourse descriptions, produce management summary reports. For non-resident applicants, records are used to produce course completion certificates and reflect credit hours earned.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

*Storage:*

Computer magnetic tapes or disks and computer paper printouts.

*Retrievability:*

Individual records may be retrieved by SSN.

*Safeguards:*

Random number sign on authentication for each inquiry made to the system is required. SIGNON decks to enable such access are updated weekly, safeguarded under Army Regulation (AR) 380-5 due to their Confidential classification and are unique to one TREDS terminal only. Access is granted only designated personnel at Headquarters TRADOC and Army Service Schools responsible for the administration and processing of students.

*Retention and disposal:*

Machine records are retained during student's entire enrollment, which can vary from a few weeks to a year, depending on the course length. After a course has been completed, the student's records are transferred to the Academic Records System History File where student's records are maintained indefinitely. Non-resident students are assigned a 6 month enrollment period or, if in multiple subcourses, an enrollment period of 1 year. A hard copy transcript reflecting the student's personal and academic data is produced. The hard copy is retained by the service school for 4 years, then it is transferred to a records holding area on the installation housing the service school and retained for 2 years. It is then transferred to the National Personnel Records Center, St. Louis, MO, where it is retained for 34 years, then destroyed.

*System manager(s) and address:*

Deputy Chief of Staff for Individual Training, Headquarters, US Army Training and Doctrine Command, Ft Monroe, VA 23651.

*Notification procedure:*

Information may be obtained from the Commandant of the US Army Service School where student is enrolled. Written requests must contain notarized signature for identification. Individual making request in person must provide acceptable identification (driver's license, military identification).

*Record access procedures:*

Request from an individual for stored data concerning himself/herself may be made in writing or in person to the Commandant of the school in which he/she is enrolled.

*Contesting record procedures:*

The Army's rules for access to records and for contesting content and appealing initial determinations are contained in AR 340-21 (32 CFR Part 505).

*Record source categories:*

Information is collected from individuals upon enrollment, from class records and instructors, from student's personnel records, and from graded examinations.

*Systems exempted from certain provisions of the act:*

None.

**A1111.01aDAPC**

*System name:*

1111.01 Individual Flight Record File

*System location:*

Primary System: United States Army Military Personnel Center (DAPC-OPA-J), 200 Stovall Street, Alexandria, VA 22332.

Decentralized Segments: Each command/organization/element of the United States Army in which an aviator pilot, aircraft observer, technical observer, flight engineer, crew chief, aircraft mechanic, flight surgeon, flight medical attendant, aerial photographer, gunner, student pilot, co-pilot, or instructor pilot is assigned.

*Categories of individuals covered by the system:*

US Army personnel in aviation service, who are prohibited by statute from participating in aerial flight; foreign students; flight crews; observers; technicians; flight medical personnel; photographers; gunners; mechanics; National Guard aviators; US Army Reserve Aviators; student pilots; other personnel authorized to take part in aerial flights and for whom the Army has responsibility for certifying and keeping flight record files.

*Categories of records in the system:*

Files contain flight record and certificates (DA Form 759 and 759-1); medical clearance for flying; physical examination; documentation of medical suspension/restriction/waivers; orders relating to flying status, aeronautical designation, instructor and instructor standardization; suspension non-



medical records, forms, papers relating to the issue; renewal/invalidation of instrument qualification; documents relating to orientation, qualification and proficiency to include annual examination results.

*Authority for maintenance of the system:*

Title 5 U.S.C. 301; Title 10 U.S.C. 3012.

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Used by the Department of the Army to document qualifications, aviation service, medical condition of aviators, aircraft accidents, flight violations, aviation training, examination results, improvement of subsequent examinations, to provide recommendations for appropriate changes in US Army aviation training, to support courts-martial actions, claims against the government, or accident investigation reports. Disclosed to Federal Aviation Agency to maintain file of violations.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

*Storage:*

Paper records in file folders; on microfilm, microfiche and magnetic tape and aperture cards.

*Retrievability:*

Records accessed by name, social security number (SSN) and/or branch of Army.

*Safeguards:*

Records maintained in areas accessible only to authorized flight operations personnel who are cleared, screened, and trained.

*Retention and disposal:*

Documents relating to flight examinations will be destroyed after 2 years.

Documents relating to flight regulation violations will be destroyed 1 year after the case is closed.

All other documentation will be forwarded with individual personnel records to gaining installation or when individual is retired, discharged, resigned, inactive, deceased or suspended (for longer than 6 months), records will be forwarded to Commander, US Army Reserve Components Personnel and Administrative Center (RCPAC), 9700 Page Boulevard, St. Louis, MO 63132.

*System manager(s) and address:*  
Commander, US Army Military Personnel Center, 200 Stovall Street, Alexander, VA 22332.

*Notification procedure:*

Information may be obtained from: Individual's command/organization/element of the United States Army for all active Army, National Guard, and Army Reserve flying status personnel. RCPAC, 9700 Page Boulevard, St. Louis, MO 63132 for all separated, retired, and deceased flying status personnel.

*Record access procedures:*

Individuals may submit written requests for information to either the SYSMANAGER or appropriate decentralized record custodian and should contain full name, SSN, grade, branch of service, and current address. For personal visits, persons should be able to provide acceptable official military/civilian identification.

*Contesting record procedures:*

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulations 340-21 (32 CFR Part 505).

*Record source categories:*

Training and qualification records initiated by the individual or training agency. Certificates/documents/records/papers/forms originated by commands/organizations/Army elements relating to aviation activities. Examinations/statements/records/reports initiated by medical examining facilities; Instrument Flight Examiners; and investigative reports of alleged flight violations.

*Systems exempted from certain provisions of the act:*

None.

[FR Doc. 81-32240 Filed 11-5-81; 8:43 am]  
BILLING CODE 3710-08-M

**Office of the Secretary**

**Privacy Act of 1974; Amendments and Deletions of System Notices**

**AGENCY:** Office of the Secretary of Defense (OSD).

**ACTION:** Notice of amendments and deletion of system notices.

**SUMMARY:** The Office of the Secretary of Defense proposes to delete the notice for one system of records and combine it with another existing system which is subject to the Privacy Act of 1974. The

specific amendments to this system notice are set forth below followed by the amended system notice in its entirety.

**DATES:** These shall be effective without further notice on December 7, 1981, unless comments are received which would result in a contrary determination.

**ADDRESSES:** Send any comments to the System Managers identified in the system notices.

**FOR FURTHER INFORMATION CONTACT:** Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: 202-695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81-697 [46 FR 6427] January 21, 1981  
FR Doc. 81-5568 [46 FR 12772] February 18, 1981  
FR Doc. 81-6246 [46 FR 14031] February 25, 1981  
FR Doc. 81-6491 [46 FR 14154] February 26, 1981  
FR Doc. 81-7597 [46 FR 16114] March 11, 1981  
FR Doc. 81-8041 [46 FR 16826] March 16, 1981  
FR Doc. 81-8127 [46 FR 17074] March 17, 1981  
FR Doc. 81-8281 [46 FR 17243] March 18, 1981  
FR Doc. 81-8282 [46 FR 17243] March 18, 1981  
FR Doc. 81-10201 [46 FR 20280] April 3, 1981  
FR Doc. 81-10722 [46 FR 21228] April 9, 1981  
FR Doc. 81-11473 [46 FR 22257] April 16, 1981  
FR Doc. 81-11785 [46 FR 22832] April 20, 1981  
FR Doc. 81-12892 [46 FR 23967] April 29, 1981  
FR Doc. 81-13225 [46 FR 24620] May 1, 1981  
FR Doc. 81-14226 [46 FR 26365] May 12, 1981  
FR Doc. 81-14406 [46 FR 26676] May 14, 1981  
FR Doc. 81-14909 [46 FR 27373] May 19, 1981  
FR Doc. 81-14975 [46 FR 27373] May 19, 1981  
FR Doc. 81-15770 [46 FR 28470] May 27, 1981  
FR Doc. 81-17763 [46 FR 31306] June 15, 1981  
FR Doc. 81-19042 [46 FR 33074] June 26, 1981  
FR Doc. 81-20404 [46 FR 35963] July 13, 1981  
FR Doc. 81-21228 [46 FR 37306] July 20, 1981  
FR Doc. 81-21498 [46 FR 37751] July 22, 1981  
FR Doc. 81-23482 [46 FR 40788] August 12, 1981  
FR Doc. 81-25853 [46 FR 44494] September 4, 1981  
FR Doc. 81-28992 [46 FR 49177] October 6, 1981

These proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

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



November 3, 1981.

#### Deletion

#### DCOMP MS04.

#### System name:

Civilian Pay Time and Attendance Report.

#### Reason:

Combined with system DCOMP MS06, entitled: "Civilian Pay Time and Attendance Report," as amended.

#### DCOMP MS06

#### System name:

Time and Attendance Report (46 FR 6427, January 21, 1981).

#### Changes:

#### System name:

Insert the words "Civilian Pay" before the word "Time".

#### Categories of records in the system:

Delete the entry under the above heading, and insert:

"Contains employee's name, organization code, employee's number, social security number, pay period, hours worked this pay period (regular, night differential and overtime, holiday and compensatory by day and pay period), leave taken this pay period (annual, sick, compensatory, AWOL, LWOP/SUSP and other by day and pay period), time of absence each day, remarks, employee certification of sick leave, employee initials for leave taken, supervisors' signature and extension for certification."

**Authority for maintenance of the system:** Delete the entry under the above heading, and insert:

"10 U.S.C. 136, and Section 112A of Budget and Accounting Procedures Act of 1950."

**Routine uses of records maintained in the system including categories of users, and the purposes of such uses:**

#### Internal users, uses, and purposes:

Delete the period at the end of the line, and insert: "Also used by the Department of the Air Force, Bolling Air Force Base Accounting and Finance Office, Civilian Pay Branch, to prepare payrolls, employee checks, and earning and leave statements."

#### Storage:

Delete the first word under the above heading, and insert: "Maintained in a notebook. Also cards".

#### Retrievability:

Delete the second sentence under the above heading, and insert: "in sequence by employee's last name. Employee card is selected to post hours of leave taken and hours worked each pay period."

#### Safeguards:

Delete the entry under the above heading, and insert:

"Notebooks and cards are maintained and used by officially authorized personnel and are kept in secured filing facilities."

#### Retention and disposal:

Delete the entry under the above heading, and insert:

"Exception data is posted as it occurs and the complete posting and certification is accomplished at the end of the pay period. Completed certified cards are hand carried by each timekeeper to ODASD(MS) office. The cards are then forwarded to the Personnel Data Branch. Notebooks are maintained for the leave year. Disposition of the yearly records is made at the beginning of each new leave year."

#### Notification procedure:

Insert the words "Washington, D.C. 20301." after the word "Pentagon,".

#### Contesting record procedures:

In the fifth line, delete the words "CFR 286b" and insert: "C.F.R., Part 286b,".

#### Record source categories:

Add the following sentence at the beginning of the entry:

"Employees' presence on the job; leave approval (verbal or documented); overtime approval memoranda; physician certificate; and official holidays."

#### DCOMP MS06

#### SYSTEM NAME:

Civilian Pay Time and Attendance Report.

#### SYSTEM LOCATION:

Primary System-Office of the Deputy Assistant Secretary of Defense (Management Systems) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

Decentralized Segments-Four Management Systems Directorates.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel in ODASD(MS).

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Contain employee's name, organization code, employee's number, social security number, pay period, hours worked this pay period (regular, night differential and overtime, holiday and compensatory by day and pay period), leave taken this pay period (annual, sick, compensatory, AWOL, LWOP/SUSP and other by day and pay period), time of absence each day, remarks, employee certification of sick leave, employee initials for leave taken, supervisors' signature and extension for certification.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, and Section 112A of Budget and Accounting Procedures Act of 1950.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

#### Internal users, uses, and purposes:

Used as an office record of employees time and attendance. Also used by the Department of the Air Force, Bolling Air Force Base Accounting and Finance Office, Civilian Pay Branch, to prepare payrolls, employee checks, and earning and leave statements.

#### External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Maintained in a notebook. Also cards maintained in envelopes/file folders are stored in timekeeper's official file cabinets.

#### RETRIEVABILITY:

Filed by pay period in sequence by employee's last name. Employee card is selected to post hours of leave taken and hours worked each pay period.

#### SAFEGUARDS:

Notebooks and cards are maintained and used by officially authorized personnel and are kept in secured filing facilities.

#### RETENTION AND DISPOSAL:

Exception data is posted as it occurs and the complete posting and certification is accomplished at the end of the pay period. Completed certified cards are hand carried by each timekeeper to ODASD(MS) office. The



cards are then forwarded to the Personnel Data Branch. Notebooks are maintained for the leave year. Disposition of the yearly records is made at the beginning of each new leave year.

#### SYSTEM MANAGER(S) AND ADDRESS:

DASD (Management Systems), Room 3E831, Pentagon, Washington, D.C. 20301.

#### NOTIFICATION PROCEDURE:

Information may be obtained from: DASD(MS), Room 3E831, Pentagon, Washington, D.C. 20301. Telephone: 202-695-3424.

#### RECORD ACCESS PROCEDURE:

Requests from personnel should include personal identification and be addressed to: Office of the Deputy Assistant Secretary of Defense (Management Systems) (ODASD(MS)), Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)), Pentagon, Washington, D.C. 20301.

#### CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting and appealing initial determinations by individuals concerned are contained in 32 CFR, Part 286b, and OSD Administrative Instruction No. 81.

#### RECORD SOURCE CATEGORIES:

Employees' presence on the job; leave approval (verbal or documented); overtime approval memoranda; physician certificate; and official holidays. The Time and Attendance Report is posted from Civilian Pay Time and Attendance Report, AF Form 1278.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-32239 Filed 11-5-81; 8:45 am]

BILLING CODE 3810-01-M

#### Defense Science Board Task Force on Forward Area Laser Weapons; Meeting

The Defense Science Board Task Force on Forward Area Laser Weapons will meet in closed session on 3-4 December 1981 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 3-4 December 1981, the Task Force will continue its review of the status of our understanding of the potential effectiveness of such forward

area laser weapons on the battlefield, from the perspective of both U.S. and enemy nation deployment.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

Dated: November 2, 1981

M. S. Healy,

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

[FR Doc. 81-32188 Filed 11-5-81; 8:45 am]

BILLING CODE 3810-01-M

#### Defense Science Board Task Force on University Responsiveness to National Security Requirements; Meeting

The Defense Science Board Task Force on University Responsiveness to National Security Requirements will meet in open session on November 30, 1981 at the Pentagon, Room 1E801, Washington, D.C. at 0830 hours.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 30 November, the Task Force will review, using the guidelines established in its Terms of Reference, the capacity of the national asset represented by the nation's universities to support national security requirements. Meeting space is limited; therefore, persons interested in attending should contact Dr. Samuel Musa, Task Force Executive Secretary, (202) 697-4197. Space will be awarded on a first come first served basis.

Dated: November 3, 1981.

M. S. Healy,

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

[FR Doc. 81-32189 Filed 11-5-81; 8:45 am]

BILLING CODE 3810-01-M

#### DEPARTMENT OF ENERGY

##### Office of Assistant Secretary for International Affairs

##### Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement 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, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of 18 irradiated fuel rods from Sweden to the Federal Republic of Germany for post-irradiation examination and subsequent disposal. The fuel rods contain 3.757 kilograms of uranium, containing 31 grams of U-235 (0.825% enrichment) and 34 grams of produced plutonium.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that approval of this retransfer designated as RTD/EU(SW)-62 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: November 2, 1981.

Harold D. Bengelsdorf,  
Director for Nuclear Affairs, International Programs.

[FR Doc. 81-32251 Filed 11-5-81; 8:45 am]

BILLING CODE 6450-01-M

#### Economic Regulatory Administration

##### InterNorth, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: October 8, 1981.

##### FOR FURTHER INFORMATION CONTACT:

Thomas A. Elliott, Acting District Manager for Enforcement, United States Department of Energy, Office of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106-2466. Phone (816) 374-5936.

SUPPLEMENTARY INFORMATION: On September 1, 1981, Vol. 46 No. 169 FR page 43872 1981, the Office of Enforcement of the ERA published notification in the Federal Register that it had executed a Consent Order with



InterNorth, Inc. on August 12, 1981, which would not become effective sooner than 30 days after publication. Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the proposed Consent Order.

Two comments were received. Both dealt with notifications of potential claims. As the comments had no effects on the terms and conditions of the Consent Order, no modification of the Consent Order was made to incorporate them.

Issued in Kansas City, Missouri on the 30th day of October 1981.

**Thomas A. Elliott,**  
*Acting District Manager, Economic  
Regulatory Administration.*

Concurrence:  
**David H. Jackson,**  
*Chief Enforcement Counsel, Central  
Enforcement District.*

[FR Doc. 81-32179 Filed 11-5-81; 8:45 am]  
BILLING CODE 6450-01-M

#### **Plateau, Inc.; Action Taken on Consent Order**

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of action taken on Consent Order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a Consent Order issued as signed.

**EFFECTIVE DATE:** July 29, 1981.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Elliott, Acting District Manager for Enforcement, United States Department of Energy, Office of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106-2466. Phone (816) 374-5936.

**SUPPLEMENTARY INFORMATION:** On August 14, 1981, Vol. 46 No. 157 FR page 41133 1981, the Office of Enforcement of the ERA published notification in the Federal Register that it had executed a Consent Order with Plateau, Inc. on July 29, 1981, which was made effective immediately because the Office of Enforcement of the ERA deemed it necessary in the public interest under the provisions of 10 CFR 205.199(b). Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Five comments were received. Two comments dealt with notification of potential claims. One comment

suggested that funds could be forwarded to OHA by the Office of Enforcement, as permitted under Subpart V, due to the admitted inability to ascertain overcharged customers. Once a substantial amount had been accumulated, a disbursement, based on volumetric purchases by all consuming groups could be made. Another comment stated that it would make more sense to distribute refunds in line with the recent Chevron Consent Order. The last comment stated that no claims from intermediate purchasers should be granted, and all of the funds should be allocated on a state-by-state basis, and distributed through state mechanisms to ultimate oil product consumers. After considering these comments, it was determined that it was not practical to implement them and the Consent Order was not modified to incorporate them.

Issued in Kansas City, Missouri, on the 30th day of October 1981.

**Thomas A. Elliott,**  
*Acting District Manager, Economic  
Regulatory Administration.*

Concurrence:  
**David H. Jackson,**  
*Chief Enforcement Counsel, Central  
Enforcement District.*

[FR Doc. 81-32177 Filed 11-5-81; 8:45 am]  
BILLING CODE 6450-01-M

#### **Lampton-Love, Inc.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Lampton-Love, Incorporated, 134 South Lamar Street, Jackson, Mississippi 39201. This Proposed Remedial Order charges Lampton-Love with pricing violations in the amount of \$284,984.46, connected with sales of propane during the period November 1, 1973 through April 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mr. James C. Easterday, District Manager, Office of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881-2396. On or before November 23, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 29th day of October 1981.

**James C. Easterday,**  
*District Manager.*

Concurrence:  
**Leonard F. Bittner,**  
*Chief Enforcement Counsel.*

[FR Doc. 81-32210 Filed 11-5-81; 8:45 am]  
BILLING CODE 6450-01-M

#### **R. W. Tyson Producing Co., Inc., Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to R. W. Tyson Producing Company, Incorporated, P.O. Box 16448, Jackson, Mississippi 39201. This Proposed Remedial Order charges R. W. Tyson Producing Company, Incorporated (working interest owners) with pricing violations in the amount of \$247,206 connected with production and sales of crude oil during the period September 1, 1973 through July 31, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained, from Mr. James C. Easterday, District Manager of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881-2396. On or before November 23, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia, on the 29th day of October 1981.

**James C. Easterday,**  
*District Manager.*

Concurrence:  
**Leonard F. Bittner,**  
*Chief Enforcement Counsel.*

[FR Doc. 81-32215 Filed 11-5-81; 8:45 am]  
BILLING CODE 6450-01-M

#### **Issuance of Decisions and Orders; Week of September 28 Through October 2, 1981**

##### **Office of Hearings and Appeals**

During the week of September 28 through October 2, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a



list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 30, 1981.

#### Appeal

Placid Refining Co., 9/30/81, BEA-0457, BEA-0471

Placid Refining Co. filed Appeals from the July and August 1980 Entitlements Notices. In its Appeals, the firm maintained that the notices were issued pursuant to amendments to the Entitlements Program that constituted illegal retroactive rulemaking, rendering the notices invalid as applied to Placid. In considering the Appeals, the DOE found that the amendments in question, which concerned Alaska North Slope (ANS) crude oil under the Entitlements Program, were valid. Accordingly, the DOE denied Placid's Appeals. The DOE further found that Placid was not suffering a gross inequity or unfair distribution of burdens as a result of the application of the ANS amendments to the firm, and therefore also denied the firm's alternative request for exception relief.

#### Remedial Orders

Katherine Bell d/b/a Bell's Texaco Service Garage, 9/30/81, BRO-1087

Katherine Bell d/b/a Bell's Texaco Service Garage objected to a Proposed Remedial Order which the Western District of the ERA Office of Enforcement issued to her on January 21, 1980. In the Proposed Remedial Order, the Office of Enforcement found that Bell had sold motor gasoline to her retail customers at prices in excess of the maximum lawful selling prices, in violation of 10 C.F.R. § 212.93(a)(2), and that she charged for services by means of a fee computed on a cents per gallon basis in violation of 10 C.F.R. § 210.62(d)(1). The Office of Enforcement also found that Bell refused to make records available for inspection upon the request of the DOE in violation of 10 C.F.R. § 212.92(b). After considering Bell's objections, the DOE found that Bell had violated 10 C.F.R. §§ 212.93(a)(2) and 210.62(d)(1), and that the Proposed Remedial Order should be issued as a final Remedial Order. The important issues discussed in this Decision include: (i) whether the charging of a cents per gallon fee for services that results in a total price in excess of the maximum lawful selling price violated 10 C.F.R. § 212.93(a)(2); and (ii) whether 10 C.F.R. § 210.62(d)(1) was promulgated in violation of the procedural requirements of the DOE Organization Act and the Administrative Procedure Act.

Ed Forrester d/b/a Ed's Exxon, 9/30/81, BRO-1029

Ed Forrester d/b/a Ed's Exxon objected to a Proposed Remedial Order which the Western District of the ERA Office of Enforcement issued to him on January 25, 1980. In the Proposed Remedial Order, the Office of Enforcement found that Forrester had sold motor gasoline to his retail customers at prices in excess of the maximum lawful selling prices, in violation of 10 C.F.R. § 212.93(a)(2). The Office of Enforcement also found that Forrester refused to make records available for inspection upon the request of the DOE, in violation of 10 C.F.R. § 210.92(b). After considering Forrester's objections, the DOE found that Forrester had violated 10 C.F.R. §§ 212.93(a)(2) and 210.62(d)(1), and that the Proposed Remedial Order should be issued as a final Remedial Order. The important issues discussed in the Decision include: (i) whether the charging of a cents per gallon fee for services that results in a total price in excess of the maximum lawful selling price violated 10 C.F.R. § 212.93(a)(2); and (ii) whether 10 C.F.R. § 210.62(d)(1) was promulgated in violation of the procedural requirements of the DOE Organization Act and the Administrative Procedure Act.

Garrett Production Company, 9/28/81, DRO-0184

Garrett Production Company objected to a Proposed Remedial Order which the Office of Enforcement issued to the firm on December 18, 1978. In the Proposed Remedial order, the Office of Enforcement found that Garrett had improperly certified the Woodlawn Hill Unit as a stripper well property. After considering Garrett's objections, the OHA affirmed the Office of Enforcement's determination, and therefore concluded that the proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include: (i) whether injection wells should be included in the calculation of average daily production, and whether the decision of the United States District Court for the District of Kansas in *In re Department of Energy Stripper Well Litigation* should be followed; (ii) whether for purposes of the DOE audit each of the tracts forming the Woodlawn Hill Unit should be regarded as separate properties; and (iii) whether the PRO was properly issued to Garrett, as operator of the Woodlawn Hill Unit.

Koch Industries, Inc., 10/1/81, BRO-1341

Koch Industries, Inc. filed a Statement of Objections to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on October 15, 1980. In the PRO, the Special Counsel found that during the period February-April 1979, Koch failed to fulfill its motor gasoline supply obligation to West Side Distributing Company. The PRO would have required Koch to supply West Side's February-April 1979 motor gasoline allocation at the prices in effect during that period. In considering the Statement of Objections, the DOE rejected Koch's arguments that: (1) Getty Refining and Marketing Company was West Side's base period supplier and Koch was only a collection agent for Getty; (2) it is

inappropriate to require Koch to supply this gasoline absent a showing that West Side has a current need for the product; and (3) Koch should be permitted to offset West Side's February-April 1979 allocation by the amount overfilled by the firm during 1978. The DOE also rejected Koch's argument that it should be permitted to charge its current market prices for this gasoline since such a remedy would provide no compensation to West Side under current market conditions. However, the DOE also found that requiring Koch to supply the gasoline at 1979 prices, as contemplated by the PRO, was not appropriate since gasoline prices have risen dramatically since early 1979, and the proposed remedy would likely penalize Koch and result in a windfall to West Side. Accordingly, the DOE remanded the PRO to the Special Counsel with directions to calculate the financial loss actually sustained by West Side as a result of Koch's failure to supply it during 1979, and to formulate a remedy that would compensate for this loss. In addition, the DOE found that Koch's failure to purchase gasoline from Getty during the February-April 1979 period was a result of Koch's discretionary business decisions rather than any unlawful conduct on Getty's part. Accordingly, Koch's request that Getty be required to supply it with gasoline was denied.

#### Requests for Modification and/or Rescission

Atlantic Richfield Company, 9/30/81, BRR-0127

Atlantic Richfield Company (Arco) filed a Motion for Reconsideration of a Decision and Order issued by the Office of Hearings and Appeals which denied the Motion for Discovery and Evidentiary Hearing which the firm had filed in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm by the Office of Special Counsel. See *Atlantic Richfield Co.*, 7 DOE ¶ 82,548 (1981). In considering the present Motion, the DOE determined that Arco had simply reiterated the arguments made in support of its previously denied Motions, and had not presented compelling reasons to reverse the prior determination. Accordingly, Arco's Motion for Reconsideration was denied.

Industrial Fuel and Asphalt of Indiana, Inc., 9/28/81, BRR-0151

Industrial Fuel and Asphalt of Indiana, Inc. (IFAI) sought the rescission of an Order issued by the Office of Hearings and Appeals on July 14, 1981, in which the OHA denied a Petition for Special Redress filed by the firm, and the referral of its Petition to the Secretary of Energy for his personal consideration of the matter. In support of its position, IFAI contended that the OHA lacked the authority to issue orders disposing of Petitions for Special Redress "regarding the DOE." The OHA denied IFAI's request, finding that it had ample regulatory authority to issue an order disposing of IFAI's Petition, which involved no allegations of unlawful conduct by the DOE and therefore was not a petition "regarding the DOE" as that term is used in the applicable regulations.

Spruce Oil Company, 9/30/81, DMR-0064



On August 3, 1979 Spruce Oil Company filed an Application for Modification or Rescission in which the firm sought to rescind certain provisions of a Decision and Order issued on June 18, 1979. See *Diamond Shamrock Corp.*, 4 DOE ¶ 80,112(1979). In considering the request, the DOE found that although the firm has not met the requirements for granting a motion for modification or rescission set forth at 10 C.F.R. § 205.135(b)(2), certain provisions of the June 18, 1979 Decision and Order should be deleted. Accordingly, the motion for modification or rescission was denied, but the provisions of the June 18 Decision at issue were rescinded.

#### Request for Exception

*Northland Oil & Refining Co.*, 9/30/81, DEE-0934, DEE-1892, DXE-2539

Northland Oil & Refining Company filed Applications for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm requested that it be excused from fulfilling its obligations under the Entitlements Program beginning in January 1978. In considering the request, the DOE found that Northland had received excessive stay relief from its entitlement purchase obligations during the period under consideration. Thus, the DOE denied the firm's request for additional relief pertaining to its operations during 1978. However, in view of the firm's poor financial condition and the substantial amount of time which elapsed between Northland's initial filing and the issuance of a Decision, the DOE permanently relieved the firm of the purchase obligations which were previously stayed. Accordingly, Northland's Application for Exception was granted in part.

#### Request for Temporary Exception

*Plateau, Inc.*, 9/28/81, BEL-0079

On August 18, 1981, Plateau, Inc. filed an Application for Temporary Exception with the Office of Hearings and Appeals of the Department of Energy. In its submission, the firm sought the issuance of an order which would have provided it with entitlement benefits of \$9,022,000 pending the outcome of its Petition for Review before the Federal Energy Regulatory Commission. In denying the firm's temporary exception request, the DOE concluded that Plateau has failed to demonstrate either irreparable injury or the likelihood of success on the merits. The DOE also concluded that in view of public policy considerations the firm request should be denied.

#### Motion for Discovery

*Okmar Oil Company*, 10/1/81, BRD-0119

Okmar Oil Company filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm on September 28, 1979. In considering the Motion, the DOE determined that Okmar had failed to establish why the discovery which it sought was necessary to obtain relevant and material evidence. The Motion for Discovery was accordingly denied.

#### Motion for Evidentiary Hearing

*Mid-Atlantic Legal Foundation*, 10/2/81, BEH-0214

On April 3, 1980, the DOE Office of Hearings and Appeals (OHA) issued a Decision denying a Freedom of Information Act Appeal filed by the Mid-Atlantic Legal Foundation (Mid-Atlantic). Mid-Atlantic subsequently sought judicial review of that Decision in the United States District Court for the Eastern District of Pennsylvania. On April 29, 1981, the Court remanded the case to the OHA for further proceedings. On August 19, 1981, Mid-Atlantic completed the filing of a Motion for Evidentiary Hearing with the OHA. In considering Mid-Atlantic's Motion, the OHA noted that the Court, in remanding the case, had intended that an evidentiary hearing be convened. Accordingly, the OHA determined that Mid-Atlantic's Motion should be granted.

The following submissions were dismissed without prejudice:

#### Name and Case No.

Air-Conditioning and Refrigeration Institute, BEE-1691, BES-1691  
McCormick Oil and Gas Corporation, DRO-0188  
Petroleum Wholesale, Inc., BEE-1692  
Placid Refining Co., BES-0457  
Simons Oil Company, DST-4497

[FR Doc. 81-32180 Filed 11-5-81; 8:45 am]

BILLING CODE 6450-01-M

#### Issuance of Decisions and Orders; Week of October 12 Through October 16, 1981

During the week of October 12 through October 16, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals. Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 30, 1981.

George B. Breznay,  
Director, Office of Hearings and Appeals.

#### APPEALS

*Bracewell & Patterson*, 10/16/81, BFA-0727

Bracewell & Patterson filed an Appeal from a partial denial by the Economic Regulatory Administration of a request for information that the firm had submitted under the

Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that all of the documents, which were initially withheld under Exemption 5 to the FOIA, were properly withheld.

*Locus Corporation*, 10/16/81, BFA-0743

Locus Corporation filed an Appeal from a partial denial by the Director, Special Investigations Division, Office of General Counsel (SID) of a request for information which the firm had submitted under the Freedom of Information Act (FOIA). SID had determined that certain information which had been submitted by another firm to the DOE should be withheld from Locus pursuant to Exemption 4. In considering the Appeal, the DOE found that, since the submitter of the information did not object to its release, the material should be disclosed.

*Stephoe & Johnson*, 10/16/81, BFA-0704

Stephoe & Johnson filed an Appeal from a partial denial by the Assistant Disclosure Officer of the Office of Special Consent for Compliance of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the documents involved were properly withheld under exemptions 2 and 5.

#### MOTIONS FOR DISCOVERY

*Mobil Oil Corporation; Office of Special Counsel*, 10/16/81, BRD-1148, BRD-0118

Mobil Oil Corporation filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Order of Disallowance (POD) issued to the firm by the Office of Special Counsel (OSC). OSC, in turn, filed its own Motion for Discovery in connection with its Response to Mobil's Statement of Objections. In considering the requests, the DOE found that both Motions sought material that is relevant to the issues raised in the POD. Accordingly, both Motions were granted in part.

#### Dismissals

The following submissions were dismissed without prejudice:

#### Name and Case No.

Ann Arbor Road 1-275 Shell, BEE-1710  
Avis Rent-a-Car Systems, Inc., BEE-1712  
(formerly BEE-06-0167)  
Blivins' Quickie & Exxon, BEE-1711 (formerly BEE-06-0201)  
Gulf Oil Corp., DEA-0613  
Honeywell, Inc., BFA-0744  
Key Oil Company, BRO-1444  
Herbert A. Martin, BEE-1708 (formerly BEE-06-0879)  
Petroleum Products Sales Co., BEE-1709  
(formerly BEE-06-0388)  
Taverna Fuel Co., Inc., BRO-1406, BRD-1406, BRH-1406

[FR Doc. 81-32178 Filed 11-5-81; 8:45 am]

BILLING CODE 6450-01-M

#### Cases Filed; Week of October 16 through October 23, 1981

During the week of October 16 through October 23, 1981, the appeals



and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in

these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual

notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

**George B. Breznay,**  
Director, Office of Hearings and Appeals.  
October 30, 1981.

# LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Oct. 16 through Oct. 23, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 16, 1981	Amoco Oil Company, Chicago, Illinois	HEE-0002	Exception from the Entitlements Program. If granted: Amoco Oil Company would receive an exception from the provisions of 10 CFR §211.69 with regard to the filing of an amended Form ERA-49 ("Domestic Crude Oil Entitlements Program Refiners Monthly Report") for the preparation of the "clean-up" entitlements list.
Oct. 16, 1981	OSC/Charter Company, Washington, D.C.	HEF-0005	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the January 16, 1981 Consent Order entered into by Charter Company.
Oct. 16, 1981	Shepherd Oil Company, Washington, D.C.	HFA-0005	Appeal of Information Request Denial. If granted: The September 16, 1981 Information Request Denial issued by the Southwest District Office of Enforcement of the Economic Regulatory Administration would be rescinded, and Shepherd Oil Company would receive access to information regarding the DOE's issuance of a subpoena to the firm on June 19, 1981.
Oct. 20, 1981	Standard Oil Company of Ohio, Cleveland, Ohio	HFA-0006	Appeal of Information Request Denial. If granted: The September 3, 1981 Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded and Standard Oil Company of Ohio would receive access to certain information pertaining to the DOE's audit of the firm for the period 1974 through 1977.
Oct. 20, 1981	Stanley R. Steinberg, Newport Beach, California	HFA-0004	Appeal of Information Request Denial. If granted: The September 9, 1981 Information Request Denial issued by the Office of International Affairs would be rescinded and Stanley R. Steinberg would receive access to certain DOE information regarding an accident at a crude oil refinery in Saudi Arabia.
Oct. 21, 1981	True Oil Company, Casper, Wyoming	HRS-0003	Request for Stay. If granted: True Oil Company would receive a provisional stay of its obligation to file a Statement of Objections to an August 6, 1981 Proposed Remedial Order issued to the firm by the Central Enforcement District of the Economic Regulatory Administration (Case No. BRO-1464).
Oct. 22, 1981	Washington Service Bureau, Inc., Washington, D.C.	HFA-0007	Appeal of Information Request Denial. If granted: Washington Service Bureau, Inc. would receive access to information contained in copies of Form ERA-69 submitted to the DOE.
Oct. 23, 1981	MAPCO, Inc., Tulsa, Oklahoma	BRD-1457	Motion for Discovery. If granted: Discovery would be granted to MAPCO, Inc. in connection with the Statement of Objections submitted by the firm in response to the June 24, 1981 Proposed Remedial Order issued to the firm by the Southwest District Office of Enforcement of the Economic Regulatory Administration (Case No. BRO-1457).
Oct. 23, 1981	OSC/Texaco, Inc., Washington, D.C.	HRZ-0001	Interlocutory Order. If granted: Texaco, Inc.'s October 21, 1981 submission ("Part A" Legal Analysis for Texaco's Statement of Factual Objections") would be stricken from the record of the remedial order proceeding in Case No. DRO-0199.
Oct. 23, 1981	OSC/Texaco, Inc., Washington, D.C.	HRZ-0002	Interlocutory Order. If granted: Texaco, Inc. would be deemed to have admitted to certain factual findings contained in the May 1, 1979 Proposed Remedial Order issued to the firm (Case No. DRO-0199).
Oct. 23, 1981	Sunbelt Energy Systems, Inc., Atlanta, Georgia	HFA-0008	Appeal of Information Request Denial. If granted: The September 21, 1981 Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Sunbelt Energy Systems, Inc. would receive access to information regarding the computer systems contract bid submitted by Energy Management Service (RFQ/DE-RQ79-81BP28250).

[FR Doc. 81-32028 Filed 11-5-81; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51344; TSH-FRL-1978-6]

### 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 five PMNs and provides a summary of each.

**DATES:** PMN 81-557, 81-558, 81-559, 81-560, & 81-561; written comments by: December 28, 1981.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51344]" 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:

David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

**SUPPLEMENTARY INFORMATION:** The following are summaries of information



provided by the manufacturer on the PMNs received by EPA:

#### PMN 81-557

*Close of Review Period.* January 27, 1982.

*Manufacturer's Identity.* Claimed confidential business information.

*Organization information provided:*

Annual sales—Between \$100 and \$500 million.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—286.

*Specific Chemical Identity.* Claimed confidential business information.

Generic name provided: Substituted alkenyl alkanate.

*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.* No data were submitted.

*Toxicity Data.* No data were submitted.

*Exposure.* The manufacturer states that during manufacture, processing, use and disposal workers may experience dermal, inhalation and ocular exposure during transfer and washing of the crude product and blending and packaging of products.

*Environmental Release/Disposal.* The manufacturer states that less than 10 kg/yr will be released to the air, land and water. Disposal is to an on-site effluent treatment plant.

#### PMN 81-558

*Close of Review Period.* January 27, 1982.

*Importer's Identity.* Claimed confidential business information.

*Specific Chemical Identity.* 4-Hydroxy-3-[5-(2-hydroxysulfonyloxy)ethylsulfonyl]-2-methoxyphenylazo-7-succinylamino-2-naphthalenesulfonic acid disodium salt.

*Use.* The importer states that the PMN substance will be used as an industrial dyestuff.

#### IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	1,000	3,000
2d year.....	3,000	8,000
3d year.....	8,000	15,000

#### Physical/Chemical Properties

Appearance—Reddish Orange powder.

pH—4-6.

Solubility: water—Over 10 (g/solvent 100 g).

#### Toxicity Data

Acute oral toxicity LD<sub>50</sub> (rat)—>5,000 mg/kg.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Mildly irritating.

*Exposure.* No data were submitted.

*Environmental Release/Disposal.* No data were submitted.

#### PMN 81-559

*Close of Review Period.* January 27, 1982.

*Importer's Identity.* Claimed confidential business information.

*Specific Chemical Identity.* 5-Acetyl-amino-4-hydroxy-3-[2-hydroxy-4-(2-hydroxysulfonyloxy)ethylsulfonyl]-5-methylphenylazo]-2,7-naphthalenedisulfonic acid trisodium salt copper complex.

*Use.* The importer states that the PMN substance will be used as an industrial dyestuff.

#### IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	1,000	3,000
2d year.....	3,000	5,000
3d year.....	5,000	10,000

#### Physical/Chemical Properties

Appearance—Light black powder.

pH—4-6.

Solubility: water—Over 15 (g/solvent 100 g).

#### Toxicity Data

Acute oral toxicity LD<sub>50</sub> (rat)—>5,000 mg/kg.

Skin irritation (rabbit)—Non-irritating.

Eye irritation (rabbit)—Mildly irritating.

*Exposure.* No data were submitted.

*Environmental Release/Disposal.* No data were submitted.

#### PMN 81-560

*Close of Review Period.* January 27, 1982.

*Importer's Identity.* Claimed confidential business information.

*Specific Chemical Identity.* 3-carboxy-4-[4-(2-hydroxysulfonyloxy)ethylsulfonyl]phenylazo-1-(3-sulfonylphenyl)-5-pyrazolone disodium salt.

*Use.* The importer states that the PMN substance will be used in dyestuffs.

#### IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	1,000	3,000
2d year.....	3,000	8,000
3d year.....	8,000	15,000

#### Physical/Chemical Properties

Appearance—Orange powder.

pH—4-6.

Solubility: water—Over 15 (g/solvent 100 g).

#### Toxicity Data

Acute oral toxicity LD<sub>50</sub> (rat)—>5,000 mg/kg.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Mildly irritating.

*Exposure.* No data were submitted.

*Environmental Release/Disposal.* No data were submitted.

#### PMN 81-561

*Close of Review Period.* January 27, 1982.

*Importer's Identity.* Claimed confidential business information.

*Specific Chemical Identity.* 4-[4-[2-(hydroxysulfonyloxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfonylphenyl)-5-pyrazolone disodium salt.

*Use.* The importer states that the PMN substance will be used in dyestuffs.

#### IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	1,000	3,000
2d year.....	3,000	8,000
3d year.....	8,000	15,000

#### Physical/Chemical Properties

Appearance—Orange powder.

pH—4-6.

Solubility: water—Over 15 (g/solvent 100 g).

#### Toxicity Data

Acute oral toxicity LD<sub>50</sub> (rat)—>5,000 mg/kg.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Mildly irritating.

*Exposure.* No data were submitted.

*Environmental Release/Disposal.* No data were submitted.



Dated: November 2, 1981.

Woodson W. Bercaw,  
Acting Director, Management Support  
Division.

[FR Doc. 81-32193 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51345; TSH-FRL-1978-5]

### 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 of each.

**DATES:** PMN 81-562 & 81-563; written comments by: December 29, 1981.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51345]" 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:** David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

**SUPPLEMENTARY INFORMATION:** The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

#### PMN 81-562

**Close of Review Board.** January 28, 1982.

**Manufacturer's Identity.** W. R. Grace and Company, 62 Whitmore Avenue, Cambridge, MA 02140.

**Specific Chemical Identity.** Mono, di, and triethanolamine salts of benzoic and phthalic acids.

**Use.** The manufacturer states that the PMN substance will be used as a cement grinding aid.

**Production Estimates.** Claimed confidential business information.

### Physical/Chemical Properties

**Appearance—Aqueous solution.**

**pH—7.8**

**Specific gravity—1.205.**

**Viscosity—150 cps at 21° C.**

**Color—Golden yellow.**

**Odor—Slight naphthalene-like odor.**

**Concentration—75 percent w/w.**

### Toxicity Data

**Skin irritation (rabbit)—Non-irritating.**

**Exposure.** The manufacturer states that during manufacture, processing and use 2 workers may experience dermal and inhalation exposure up to 16 hrs/day, up to 40 days/yr during mixing, transfer and packaging.

**Environmental Release/Disposal.** The manufacturer states that no release to the environment is anticipated. Disposal is to an onsite waste water treatment facility.

#### PMN 81-563

**Close of Review Period.** January 28, 1982.

**Importer's Identity.** Claimed confidential business information.

**Organization information provided:**

**Annual sales—Between \$1,000,000 and \$9,999,999.**

**Manufacturing site—East North Central region.**

**Specific Chemical Identity.** Claimed confidential business information.

**Generic name provided:** N,N-disubstituted hetero monocyclic derivative.

**Use.** Claimed confidential business information.

### IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	20,000	50,000
2d year	50,000	100,000
3d year	100,000	150,000

### Physical/Chemical Properties.

Claimed confidential business information.

**Toxicity Data.** No data were submitted.

**Exposure.** The importer states that during manufacture 4 workers may experience dermal and inhalation exposure 8 hrs/day, 300 days/yr during packaging.

**Environmental Release/Disposal.** The importer states that 10-100 kg/yr will be released to water, 1 hr/day, 300 day/yr. Disposal is to a publicly owned treatment works (POTW).

Dated: November 2, 1981.

Woodson W. Bercaw,  
Acting Director, Management Support  
Division.

[FR Doc. 81-32191 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-140004; TSH-FRL-1979-1]

### Export Notification; Disclosure of Confidential Business Information to Congress

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Notice.

**SUMMARY:** The Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations of the House of Representatives has requested information from EPA concerning notification of the export of unregistered pesticides under section 17(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and notification of the export of certain regulated chemical substances under section 12(b) of the Toxic Substances Control Act (TSCA). To comply with this request, EPA will provide copies of the following documents: (1) Purchaser acknowledgment statements submitted under section 17(a) of FIFRA, (2) exporter certification statements that shipment did not occur prior to receipt of the acknowledgment, and (3) notices sent to foreign governments under section 12(b) of TSCA. Some of the information contained in these documents has been claimed as confidential by the exporters.

**DATE:** These documents will be provided to the subcommittee no sooner than November 16, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Cathleen McInerney, Office of International Activities (A-106), Environmental Protection Agency, Rm. W-815, 401 M St., SW., Washington, D.C. 20460. In Washington: (202-755-0533). Outside the USA: (Operator—202-755-0533).

**SUPPLEMENTARY INFORMATION:** In a September 25, 1981 letter to EPA, the Chairman of the Commerce, Consumer, and Monetary Affairs Subcommittee of the House Committee on Government Operations stated that the subcommittee is conducting an inquiry into the effectiveness of federal programs designed to control the export of hazardous products. As part of the inquiry, the Chairman requested information and documents concerning EPA's implementation of section 17 of



FIFRA and section 12 of TSCA. The documents requested include copies of purchaser acknowledgment statements and certifications submitted by exporters of pesticides under section 17(a) of FIFRA and copies of notices sent to foreign governments under section 12(b) of TSCA.

Under section 17(a) of FIFRA, exporters of unregistered pesticides are required to obtain a statement by the foreign purchaser acknowledging that the pesticide in question is not registered for use in the United States and cannot be sold in the United States. Under EPA's policy statement implementing the requirements of section 17(a), the exporter is required to submit the acknowledgment statement to EPA together with a certification that shipment did not occur prior to receipt of the acknowledgment statement. EPA then provides a copy of the acknowledgment statement to the government of the importing country.

Under section 12(b) of TSCA, exporters of chemical substances which have been subjected to certain regulations under TSCA must submit a notice to EPA prior to the first export to any individual country each year identifying the chemical substance, the regulation in question, and the country of import. EPA then provides a notice to the government of the importing country identifying the substance and the nature of the EPA regulatory action with respect to the substance.

The documents which EPA will be providing the subcommittee may contain confidential business information. Exporters have been given the opportunity to claim information confidential in the notices submitted to EPA under both section 17(a) of FIFRA and section 12(b) of TSCA and have made such claims. Pursuant to 40 CFR 2.029(b), which applies to information submitted under FIFRA by 40 CFR 2.307(h) and under TSCA by 40 CFR 2.306(h), EPA must provide confidential business information to a Congressional subcommittee in response to a written request by the chairman. Before providing the information, EPA is required by 40 CFR 2.209(b) to notify the submitters of the information at least ten days in advance of disclosure.

This is a notice under 40 CFR 2.209(b) to all exporters who have submitted notices under either section 17(a) of FIFRA or section 12(b) of TSCA that EPA will provide the requested information to the subcommittee no sooner than ten days after publication of this notice. The Agency will identify any information that is subject to a confidentiality claim and will inform the subcommittee of the provisions of

section 10(f) of FIFRA and section 14(d) of TSCA which set criminal penalties for unlawful disclosure of confidential business information under FIFRA and TSCA.

Dated: October 28, 1981.

Edwin H. Clark,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-32190 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-50556; PH-FRL-1979-3]

#### Monsanto Co.; Extension of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit to Monsanto Company. This permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in the experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permit:

524-EUP-41. Monsanto Company, 1101 17th St., NW., Washington, DC 20036. This experimental use permit allows the use of 1,855 pounds (2,163 pounds originally authorized) of the remaining supply of the herbicide glyphosate on silvicultural site preparation areas and conifer release situations to evaluate the control of weeds. Approximately 1,550 acres are involved. The program is authorized in the States of Alabama, Arkansas, California, Florida, Georgia, Idaho, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from April 10, 1981 to April 10, 1983. (Robert J. Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

Persons wishing to review this experimental use permit are referred to the designated product manager. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call

before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-32205 Filed 11-5-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL-1980-3]

#### Availability of Environmental Impact Statements Filed Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, EPA.

Information Contact: Ms. Kathi Wilson (202) 245-3006.

EIS's Filed: October 26-30, 1981.

Comment Due Dates: Drafts—December 21, 1981; Final—December 7, 1981.

Army Corps of Engineers (COE): Draft—Richland Creek Reservoir/Pumping Station, Permit, Navarro, Freestone and Tarrant Counties, Texas (EPA EIS #810903).

COE: Draft—Norfolk Disposal Site, Atlantic Ocean, Virginia (EPA EIS #810895).

DOC: Economic Development Administration: Final—International Trade Center Complex, Harlem, New York City, New York, (EPA EIS #810896).

Department of Energy: Draft—Northeastern Regional Powerplant Conversion; Extended Review: 1/5/82 (EPA EIS #810908).

DOT: Federal Highway Administration (FHWA): Draft—MD-26 Widening and Reconstruction, Carroll and Baltimore Counties, Maryland; Extended Review 12/30/81 (EPA EIS #810893).

DOT: FHWA: Draft Supplement—NB-63/Ashland Bypass Improvement, Saunders County, Nebraska (EPA EIS #810891).

Environmental Protection Agency (EPA): Region 3: Draft—City of Lewes Wastewater Management Facilities, Grant, Sussex County, Delaware; Extended Review 12/24/81 (EPA EIS #810902).

EPA: Region 3: Draft—Little Patuxent Wastewater Treatment Facilities, Grant, Howard County, Maryland (EPA EIS #810900).

EPA: Region 3: Draft—Leola Wastewater Treatment Facilities Plan, Lancaster County, Pennsylvania (EPA EIS #810892).



General Services Administration:  
Final—Otay Mesa/Mesa De Otay  
Second Border Crossing, San Diego  
County, California (EPA EIS #810898).

Department of Housing and Urban  
Development: Final Supplement—  
Harbison New Community, Richland  
and Lexington Counties, South Carolina  
(EPA EIS #810904).

Nuclear Regulatory Commission:  
Draft—Palo Verde Nuclear Generating  
Station, Licenses, Maricopa County,  
Arizona (EPA EIS #810907).

Department of the Air Force: Final—  
Rickenbacker ANGB Joint Use and  
Disposition, Franklin and Pickaway  
Counties, Ohio (EPA EIS #810906).

Department of Agriculture (USDA):  
Revised Draft—Soil and Water  
Resources Conservation Act, 1981  
Program; Extended Review: 1/15/82  
(EPA EIS #810909).

USDA: Forest Service: Draft—Uinta  
National Forest Land and Resource  
Management Plan, Utah; Extended  
Review: 1/29/82 (EPA EIS #810894).

USDA: Soil Conservation Service  
(SCS): Final—Indian Creek-Van Buren  
Watershed, Van Buren County, Iowa  
and Clark County, Missouri (EPA EIS  
#810899).

USDA: SCS: Final—San Bois  
Watershed Flood Protection, Pittsburg,  
Latimer and Haskell Counties,  
Oklahoma (EPA EIS #810897).

USDA: SCS: Final—Los Olmos Creek  
Watershed Flood Prevention, Jim Hogg  
and Starr Counties, Texas (EPA EIS  
#810901).

USDA: Rural Electrification  
Administration: Final—Guthrie County  
Generating Station and Associated  
Transmission Facilities, Iowa; Extended  
Review: 12/21/81 (EPA EIS #810905).

Dated: November 3, 1981.  
Paul C. Cahill,  
Director, Office of Federal Activities.  
[FR Doc. 81-32268 Filed 11-5-81; 8:45 am]  
BILLING CODE 6560-37-M

[ER-FRL-1980-3]

#### Intent To Prepare an Environmental Impact Statement

Pursuant to EPA regulations for the  
preparation of EISs (40 CFR Part 6), EPA  
is preparing a Draft EIS for the proposed  
approval of monies to amend the 201  
construction grant to include long term  
facilities for disposal of sludge for the  
Municipality of Metropolitan Seattle. A  
detailed Notice of Intent that describes  
the project and identifies potential  
environmental impacts can be obtained  
from the person identified above. EPA  
will hold a series of meetings to  
determine the scope of the Draft EIS.

The first meeting will be on December 9,  
1981 at 7:00 p.m. at the American Legion  
Hall, 113 Van Scoyoe, Orting,  
Washington.

Contact: Ms. Kathryn M. Davidson,  
Environmental Evaluation Branch (M/S  
429), U.S. Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle,  
Washington 98101-3188, Tele: (206) 442-  
1266 or (FTS) 399-1266.

Dated: November 3, 1981.  
Paul C. Cahill,  
Director, Office of Federal Activities.  
[FR Doc. 81-32269 Filed 11-5-81; 8:45 am]  
BILLING CODE 6560-37-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### Radio Technical Commission for Marine Services; Meeting

In accordance with Pub. L. 92-463,  
"Federal Advisory Committee Act," the  
schedule of future Radio Technical  
Commission for Marine Services  
(RTCM) meetings is as follows:  
Special Committee No. 79  
"Universal Marine Radiotelephone  
Compatibility"

Notice of 3rd Meeting  
Wednesday, November 18, 1981—9:30  
a.m.

Conference Room A-106  
FCC Annex  
1229 20th Street, N.W.  
Washington, D.C.

##### Agenda

1. Administrative matters.
2. Discussion concerning tasks and  
organization.
3. Report of Working Groups.

T. B. Miller, Chairman SC-79  
WJG Telephone Company  
P.O. Box 9383  
Memphis, TN 38109  
Phone: (901) 789-3800

Special Committee No. 81  
"Review of FCC Rules Applicable to  
VHF-FM Maritime Frequencies"

Notice of 2nd Meeting  
Wednesday, November 18, 1981—1:00  
p.m.

Conference Room A-106  
FCC Annex  
1229 20th Street, N.W.  
Washington, D.C.

##### Agenda

1. Administrative matters.
2. Review of FCC Rules, Parts 81 and  
83.

Carl Gray, Chairman SC-81  
Consultant, American Waterways  
Operators, Inc.  
1055 Dalebrook Drive

Alexandria, VA 22308  
Phone: (703) 360-4625

Executive Committee Meeting  
Notice of November Meeting  
Thursday, November 19, 1981—1:00 p.m.  
Conference Room A-110  
1229 20th Street, N.W.  
Washington, D.C.

##### Agenda

1. Administrative Matters.
2. Consideration of Special Committee  
No. 75 Report. (Minimum Performance  
Standards (MPS)—Automatic  
Coordinate Conversion Systems)
3. Consideration of Terms of  
Reference for new Special Committee:  
Minimum Performance Standards (MPS)  
for Automated Vessel Reporting  
Systems.

The RTCM has acted as a coordinator  
for maritime telecommunications since  
its establishment in 1947. All RTCM  
meetings are open to the public. Written  
statements are preferred, but by  
previous arrangement, oral  
presentations will be permitted within  
time and space limitations.

Those desiring additional information  
concerning the above meeting(s) may  
contact either the designated chairman  
or the RTCM Secretariat (phone: (202)  
632-6490).

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[FR Doc. 81-32266 Filed 11-5-81; 8:45 am]  
BILLING CODE 6712-01-M

[Report No. 1316]

#### Petitions for Reconsideration of Actions in Rulemaking Proceedings

October 30, 1981.

The following listings of petitions for  
reconsideration and applications for  
review filed in Commission rulemaking  
proceedings is published pursuant to 47  
CFR 1.429(e). Oppositions to such  
petitions for reconsideration and  
applications for review must be filed on  
or before November 23, 1981. Replies to  
an opposition must be filed within 10  
days after the time for filing oppositions  
has expired.

Subject: Amendment of § 73.202(b),  
Table of Assignments, FM Broadcast  
Stations, (Coeur D'Alene, Idaho) (BC  
Docket No. 80-50, RM-3183)  
Filed by: Howard J. Braun & Heidi P.  
Sanchez, Attorneys for Idaho  
Broadcasting Co., (KIOB-FM) on 10-  
26-81.

Subject: Amendment of § 73.202(b),  
Table of Assignments, FM Broadcast  
Stations, (Columbia, Jamestown, and



Smiths Grove, Kentucky) (BC Docket No 80-75, RM-3298)  
Filed by: Charles M. Anderson & J. Barry Williams on 10-19-81. (Applications for Review)

William J. Tricarico,  
*Secretary, Federal Communications Commission.*

[FR Doc. 81-32185 Filed 11-5-81; 8:45 am]  
BILLING CODE 6712-01-M

#### FEDERAL HOME LOAN BANK BOARD

[No. AC-134]

##### City Federal Savings and Loan Association, Oakland, California; Final Action; Approval of Conversion Applications

November 3, 1981.

Notice is hereby given that on August 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-456 approved the application of City Federal Savings and Loan Association, Oakland, California for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board,  
J. J. Finn,  
*Secretary.*

[FR Doc. 81-32258 Filed 11-5-81; 8:45 am]  
BILLING CODE 6720-01-M

[No. AC-138]

##### Fidelity Federal Savings and Loan Association, Glendale, California; Final Action Approval of Conversion Applications

November 3, 1981.

Notice is hereby given that on September 11, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-538 approved the application of Fidelity Federal Savings and Loan Association, Glendale, California for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600

California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

J. J. Finn,  
*Secretary.*

[FR Doc. 81-32262 Filed 11-5-81; 8:45 am]  
BILLING CODE 6720-01-M

[No. AC-141]

##### First Federal Savings and Loan Association, Paragould, Arkansas; Final Action Approval of Conversion Applications

November 3, 1981.

Notice is hereby given that on October 7, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-604 approved the application of First Federal Savings and Loan Association of Paragould, Paragould, Arkansas for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas, 72201.

By the Federal Home Loan Bank Board,  
J. J. Finn,  
*Secretary.*

[FR Doc. 81-32265 Filed 11-5-81; 8:45 am]  
BILLING CODE 6720-01-M

[No. AC-137]

##### First Federal Savings and Loan Association, Petersburg, Virginia; Final Action Approval of Conversion Applications

November 3, 1981.

Notice is hereby given that on September 9, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-529 approved the application of First Federal Savings and Loan Association, Petersburg, Virginia for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, NW, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,  
*Secretary.*

[FR Doc. 81-32261 Filed 11-5-81; 8:45 am]  
BILLING CODE 6720-01-M

[No. AC-140]

##### International Savings and Loan Association, Limited, Honolulu, Hawaii; Final Action Approval of Conversion Applications

November 3, 1981.

Notice is hereby given that on October 7, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-601 approved the application of International Savings and Loan Association, Limited, Honolulu, Hawaii for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW, Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

By the Federal Home Loan Bank Board,  
J. J. Finn,  
*Secretary.*

[FR Doc. 81-32264 Filed 11-5-81; 8:45 am]  
BILLING CODE 6720-01-M

[No. AC-136]

##### Sooner Federal Savings and Loan Association, Tulsa, Oklahoma; Final Action Approval of Conversion Applications

November 3, 1981.

Notice is hereby given that on August 28, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-493 approved the application of Sooner Federal Savings and Loan Association, Tulsa, Oklahoma for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 120 East 6th Street, Topeka, Kansas 66601.



By the Federal Home Loan Bank Board.

J. J. Finn,  
Secretary.

[FR Doc. 81-32260 Filed 11-5-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-139]

**University Federal Savings and Loan Association, Seattle, Washington; Final Action Approval of Conversion Applications**

November 3, 1981.

Notice is hereby given that on September 29, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-575 approved the application of City Federal Savings and Loan Association, Seattle, Washington for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW, Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street Seattle, Washington, 98101.

By the Federal Home Loan Bank Board.

J. J. Finn,  
Secretary.

[FR Doc. 81-32263 Filed 11-5-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-135]

**United Federal Savings and Loan Association, Sarasota, Florida; Final Action Approval of Conversion Applications**

November 3, 1981.

Notice is hereby given that on August 12, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 81-458 approved the application of United Federal Savings and Loan Association, Sarasota, Florida for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,  
Secretary.

[FR Doc. 81-32259 Filed 11-5-81; 8:45 am]

BILLING CODE 6720-01-M

**FEDERAL RESERVE SYSTEM**

[Docket No. R-0324]

**Fee Schedules for Federal Reserve Bank Services**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Fee Schedules for Coin and Currency Transportation and policy for access to Federal Reserve cash processing services.

**SUMMARY:** The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) requires that a schedule of fees be established for Federal Reserve Bank services. The Board has previously adopted a set of pricing principles for Federal Reserve Bank services and has established implementation dates on which fee schedules for each of the services will become effective. The Board has now adopted coin and currency transportation fee schedules and a policy for access to cash processing services.

**EFFECTIVE DATE:** January 28, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Lorin S. Meeder, Associate Director for Federal Reserve Bank Operations (202/452-2738); Merphil S. Kondo, Senior Economist (202/452-3875); Earl G. Hamilton, Manager, Service Pricing (202/452-3879); Steven O. App, Manager, Cash Services, (202/452-2705); Gilbert T. Schwartz, Associate General Counsel (202/452-3625); Daniel L. Rhoads, Attorney (202/452-3711).

**SUPPLEMENTARY INFORMATION:** The Monetary Control Act of 1980 requires that fee schedules be developed for Federal Reserve Bank services based on pricing principles established by the Board. The Act provides that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981, and that services covered by the fee schedule are to be made available to all depository institutions. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689). On December 30, 1980, after considering the comments received from the public, the Board took the following actions: adopted revised pricing principles; approved the fee schedules for several services, and established implementation dates on which fee schedules for each service will become

effective. The Board has now adopted a policy for access to cash processing services and fee schedules for coin and currency transportation.

**1982 Fee Schedule**

The Monetary Control Act of 1980 requires that "[o]ver the long run fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced \* \* \* except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide." The Act also requires that fees for Federal Reserve services take into account "the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm." This markup is referred to as the private sector adjustment factor (PSAF).

The fees for armored carrier service are based on the estimated full 1982 costs of providing the service and existing usage patterns. A private sector adjustment factor of 16 percent has been applied to the administrative costs of cash transportation incurred by the Reserve Banks but not to payments to armored carriers, since the cost of capital and taxes is already included in the System's payments to private carriers.

As in the July 1981 proposal, the revised fee schedule for armored carrier service has two elements: a volume (per bag) charge and a per stop charge.<sup>1</sup> In the adopted fee schedule, the volume charge is \$0.50 nationwide per bag of currency or coin for both deliveries and deposits. The uniform bag charge simplifies the fee schedule and provides for more appropriate allocation of costs between high volume and low volume endpoints.

The schedule of stop charges shows fees by zones serviced by each Federal Reserve office. These zones include city and suburban endpoints, and are similar to the numbered zones published in July 1981. The zone identifications reflect Reserve Bank groupings of endpoints that have a common per stop charge, and are intended to improve the allocation of costs among endpoints. Disparities among fees for endpoints located equidistant from a Federal Reserve office have not been eliminated completely. Since armored carrier service costs are not simply a function of distance, but also reflect the frequency of stops along a route and the

<sup>1</sup> The fee structures for some routes in the Cleveland, St. Louis, and Dallas Districts include charges based on mileage or value. The fee structures reflect tariff rates in those areas.



extent of competition in the areas serviced, such disparities may be expected to continue.

A temporary fee ceiling of \$75 is adopted on the per-stop portion of the charge for 1982. The Board has determined that this ceiling is necessary in order to assure the provision of an adequate level of cash transportation nationwide. The ceiling is projected to result in costs exceeding revenues by approximately \$2.8 million (about 7.3 percent of 1982 armored carrier service costs), will remain for a period no longer than two years (1982 and 1983), and will be reviewed by the Board after one year and may be adjusted. By the end of the two-year period, the System intends to recover all costs of armored carrier service within 48 contiguous States. During the two-year interim, a variety of methods of reducing transportation costs to high-cost locations will be explored by the Reserve Banks.

The Federal Reserve Banks also accept and deliver coin and currency shipped by registered mail. This service is provided generally to depository institutions at remote locations without armored carrier service available. Because of operational considerations involved in transporting coin and currency by registered mail, the use of registered mail shipments will be limited to those endpoints where armored carrier service is unavailable or other special circumstances prevail. Reserve Banks will make determinations on the use of registered mail on a case by case basis. For endpoints served by registered mail, charges will be based on actual Reserve bank expenses insured for postage and full insurance. Consistent with the 1982 ceiling on per stop charges for currency and coin transportation service by means of armored carrier, a ceiling of \$37.50 per shipment has been established on the 1982 charge for one-way delivery either to or from a Reserve Bank. The need and appropriateness of continuing the ceiling on registered mail charges in 1983 will be evaluated at the end of 1982.

The Board has also established separate fees for certain unique situations that arise in the cash transportation service. These specialized services and the corresponding fee structure are as follows:

- No fees will be imposed for cost-justified direct shipments to depository institutions from the United States Mint or from the Bureau of Engraving and Printing.
- Separate fees not subject to the temporary \$75 per stop charge ceiling may be established by Reserve Banks for special situations arising with

service to large volume endpoints, so long as the fees cover costs of such service.

- A \$75 ceiling for cash transportation service to institutions in the noncontiguous United States (Alaska, Hawaii) or its territories (Guam and Puerto Rico), consistent with the \$75 per stop charge ceiling for armored carrier service in the continental United States, and

- Negotiated fees for high volume customers for delivery of trunks or boxes of currency and palletized coin and for special packaging of currency for high speed processing and, where cost justified, encouragement of currency and coin exchanges among depository institutions by absorbing transportation costs.

Two Reserve Banks will offer a coin wrapping service and are developing schedules for the services effective January 28, 1982. The fees for this service will be based on the 1982 costs of Reserve Banks in providing the services. Not all Reserve Banks will be offering a coin wrapping service; those Banks offering the service will announce the fee schedule to institutions in their districts when fee schedules have been adopted.

#### Access Policy

In connection with the fee schedule for cash transportation services, the Board has adopted a policy regarding access to the Federal Reserve's coin and currency processing services. Under the policy, by the end of 1983, all Federal Reserve offices will offer access to, at minimum,

- One office per depository institution if that suits the structure in the territory served; or
- One office of a depository institution per municipality, subject to adjustment where special circumstances (such as the size of the municipality) require a modified policy.

The policy provides, after a transition period, for uniform, access nationwide to every depository institution that seeks coin and currency directly from the Federal Reserve. This standard for access to Federal Reserve cash processing service applies to all depository institutions independent of the method of delivery—via Federal Reserve armored carrier, via registered mail or at the Federal Reserve dock.

The Federal Reserve intends to offer access to cash services on the same terms (such as frequency, quality and operating requirements) to both existing and prospective customers. The System does not anticipate any difficulties in providing uniform access to registered mail service and to Federal Reserve

docks for pickups and deliveries of cash by depository institutions that arrange their own transportation. Depository institutions may pick up and deliver currency and coin without charge at Federal Reserve docks, since the provision of coin and currency itself is regarded as a governmental function. However, Reserve Banks may impose reasonable restrictions on scheduling of pickups and deliveries at the docks to facilitate nondiscriminatory access to Federal Reserve cash processing services.

Because the contractual arrangements between the Federal Reserve and armored carrier firms restrict the latitude for immediate accommodation by the System to changes in requests for armored carrier service, and in view of the short-term constraints of dock capacity and processing equipment, the access policy provides for an interim adjustment period. On the effective date of cash transportation pricing, January 28, 1982, Reserve Banks will extend access to existing levels of cash service to new customers to the extent feasible. Due to the uncertainties surrounding the response of armored carrier firms and depository institutions to cash transportation pricing, Reserve Banks will continue to impose reasonable limitations on all users regarding the frequency of service,<sup>2</sup> the number of offices serviced and the size of orders/deposits. The purpose of such limitations is to achieve an orderly transition to uniform direct access to coin and currency for both the private sector and the Reserve Banks. During the transition period, Federal Reserve offices may reduce access to service to existing customers as service to new customers is accommodated. Reserve Banks may also ask depository institutions to enter into agreements for regularly scheduled armored carrier service over a period of time, with advance notice for termination of the agreement.

The access policy permits a Federal Reserve office to serve additional offices of depository institutions where feasible, but only if greater access to cash processing service is offered on a nondiscriminatory basis to all depository institutions via all delivery methods. At the same time, the access policy recognizes the geographic and structural differences among territories served such as terrain, size of political jurisdictions and extent of branching.

The 1982 fee schedules for cash transportation are shown in the

<sup>2</sup> Generally, armored carrier service can be arranged on a weekly or alternate week basis.



Appendix. Detailed information on the endpoints contained within each zone will be made available by the Federal Reserve Banks.

By order of the Board of Governors of the Federal Reserve System, October 30, 1981.

William W. Wiles,  
Secretary of the Board.

#### Appendix I.—Fee Schedule, Armored Carrier Cash Transportation Service

[Effective: January 1982]

**Volume charge:** \$0.50 per bag for each bag of coin and currency. The fee will be assessed for both deliveries and deposits of cash.

**Per stop charge:** Shown below.

**Total charge:** For a single incidence of armored carrier service, the total charge will be the sum of the volume charge and per stop charge. The minimum total charge will be \$10 per incidence for endpoints covered by the stop/volume charge structure.

**Note.**—There are exceptions to the \$0.50 per bag charge in the Dallas District, and at the Pittsburgh and Nashville offices, where tariff rates apply.

Contact Your Federal Reserve office for information about the institutions served within each zone.

Federal Reserve office	Armored carrier per stop charge (in dollars)				
<b>Boston:</b>					
Zones 1-5	29	40	62	190	53
Zone 6	107				
<b>New York:</b>					
Zones 1-5	35	34	33	42	42
Zones 6-10	17	30	53	37	30
Zones 11-14	35	43	28	32	
<b>Buffalo:</b>					
Zones 1-5	33	35	36	38	40
Zone 6	30				
<b>Philadelphia:</b>					
Zones 1-5	(*)	18	22	(*)	25
Zones 6-10	29	33	30	44	43
Zones 11-13	51	69	136		
<b>Cleveland:</b>					
Zones 1-5	29	15	40	40	37
Zones 6-7	46	41			
<b>Cincinnati:</b>					
Zones 1-5	64	24	31	25	61
Zones 6-10	84	56	47	65	37
<b>Pittsburgh:</b>					
Zones 1-5	16	19	27	18	42
Zones 6-10	21	61	19	24	19
<b>Pittsburgh common carrier:</b>					
Zones 1-5	28	31	29	32	36
Zones 6-10	21	16	43	20	21
Zones 11-13	18	22	48		
<b>Richmond:</b> Zones 1-5	22	22	22	41	54
<b>Charlotte:</b> Zones 1-4	14	34	40	48	
<b>Baltimore:</b>					
Zones 1-5	1	27	47	25	28
Zones 6-7	180	118			
<b>Atlanta:</b> Zones 1-4	(*)	34	41	47	
<b>New Orleans:</b> Zones 1-5	19	49	56	63	67
<b>Nashville:</b> Zones 1-3	(*)	25	30		
<b>Birmingham:</b> Zones 1-2	12	30			
<b>Jacksonville:</b> Zones 1-3	24	34	53		
<b>Miami:</b> Zones 1-4	16	30	40	50	
<b>Chicago:</b>					
Zones 1-5	(*)	(*)	29	56	93
Zones 6-9	129	105	1201	1238	

Federal Reserve office	Armored carrier per stop charge (in dollars)				
<b>Detroit:</b>					
Zones 1-5	(*)	23	45	74	103
Zones 6-7	132	161			
<b>St. Louis:</b>					
Little Rock					
<b>Memphis:</b>					
<b>Louisville:</b> Zones 1-5	9	9	27	28	1225
<b>Minneapolis:</b>					
Zones 1-5	14	17	23	29	35
Zones 6-10	42	48	55	62	68
Zones 11-15	75	81	87	93	100
Zone 16	107				
<b>Helena:</b>					
Zones 1-5	10	0	18	40	55
Zones 6-10	71	88	102	117	133
<b>Kansas City:</b>					
Zones 1-5	17	7	66	178	73
Zones 6-7	60	50			
<b>Denver:</b>					
Zones 1-5	0	4	65	198	64
Zones 6-10	10	29	10	30	50
Zones 11-15	65	25	40	50	60
Zones 16-20	30	45	60	60	91
Zones 21-24	30	60	77	113	
<b>Oklahoma City:</b>					
Zones 1-5	1	10	6	24	9
Zones 6-10	10	23	39	47	65
Zones 11-15	15	25	26	80	64
Zones 16-18	50	86	69		
<b>Omaha:</b>					
Zones 1-5	6	28	47	34	46
Zones 6-8	34	41	42		
<b>Dallas:</b> * Zones 1-2	8	26			
<b>Houston:</b> * Zone 1	16				
<b>El Paso:</b> * Zones 1-5	6	69	72	73	63
<b>San Antonio:</b> * Zone 1	6				
<b>San Francisco:</b>					
Zones 1-5	(*)	11	176	24	14
Zones 6-10	9	11	9	23	16
Zone 11	12				
<b>Los Angeles:</b>					
Zones 1-5	(*)	29	20	18	14
Zones 6-10	14	26	15	13	16
Zones 11-15	11	16	11	11	14
Zones 16-20	20	77	138	10	26
Zone 21	24				
<b>Salt Lake City:</b>					
Zones 1-5	(*)	20	8	13	47
Zones 6-8	33	28	65		
<b>Portland:</b>					
Zones 1-5	(*)	26	31	12	42
Zones 6-8	40	10	48		
<b>Seattle:</b>					
Zones 1-5	(*)	22	34	13	8
Zones 6-9	10	23	12	35	

\* The maximum 1982 per stop charge is \$75, nationwide. Thus, the per stop fee charged would be \$75 instead of the figure shown, which is based on full cost of service to endpoints in that zone.

\* Specific fees will apply to each institution, and a single all-inclusive fee may be charged (instead of separate per stop and bag charges).

\* Special tariff rates apply. Contact your Federal Reserve office for information.

\* In Texas, Oklahoma and Louisiana, armored carrier service subject to tariff rates is offered to over-the-road endpoints that are not included among the zones listed. Contact your local Federal Reserve office for more information.

#### Fee Schedule—Cash Transportation by Registered Mail

[Effective January 28, 1982]

The fee for cash delivery to or from a Federal Reserve office via registered mail will be the actual cost of postage and insurance, up to a maximum. The maximum charge for registered mail delivery, one way either to or from a Federal Reserve office, will be \$37.50 per shipment.

[FR Doc. 81-32015 Filed 11-5-81; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Health Care Financing Administration

##### Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Health Care Financing Administration (HCFA), (42 FR 57351, dated November 2, 1977) is amended to reflect a change in Part F.30, as a result of passage of section 966 of Pub. L. 96-499, Omnibus Reconciliation Act of 1980, and the Secretary's delegation of authority under that section to the Administrator, HCFA. The necessary revision is enumerated below:

Add: Section F.30.T. The authority to conduct demonstration projects for the training and employment of eligible AFDC participants as homemakers or home health aides in accordance with Pub. L. 96-499, Omnibus Reconciliation Act of 1980, section 966.

Dated: October 30, 1981.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 81-32015 Filed 11-5-81; 8:45 am]

BILLING CODE 4110-35-M

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

##### Management Framework Planning; Initiation of Planning Activity in Challis/Mackay Resource Area, Salmon District, Idaho

In accordance with 32 CFR 1601.3(g), notice is hereby given of resource planning activity now underway.

(1) Description of the Proposed Planning Action: The Salmon District is initiating a management framework plan (MFP) for the Mackay Planning Unit. This MFP will be based upon existing statutory requirements and policies and will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The planning will serve as the basis for preparing a grazing environmental impact statement. The Planning, including the grazing EIS, is scheduled for completion by October 1984.

(2) Identification of the geographic area to be planned: The planning area is located in Custer County of Southcentral Idaho. The Big Lost River Valley bounded by Chilly and Houston, Idaho, and the Challis National Forest roughly outline the planning area.



(3) The general types of issues anticipated: The completed plan will make allocation of the various land and resource use, including (but not limited to) vegetation allocation to domestic livestock, watershed and wildlife. The anticipated issues involve grazing management, wildlife, wilderness, right-of-way, and disposal of public land.

(4) The disciplines to be represented on the interdisciplinary planning team: include range manager, wildlife biologists, soil scientist, archaeologist, recreation planners, forester, realty specialists, economists, and social scientist.

(5) The kind and extent of public participation activities to be provided: Public participation process will be carried out in several ways. The public will be asked to be formally involved in the public meeting to be held in July 1982. A mailing will be used to solicit comments and information to be used in the planning. The District Advisory Council and the District Grazing Advisory Board will be involved in the process. Arrangements will be made to involve local planning agencies, State and Federal agencies to assure coordination and cooperation.

(6) The name, title, address, and telephone number of the Bureau of Land Management official who may be contacted for further information is: Don Smith, Challis-Mackay Area Manager, Post Office Box 430, Salmon, Idaho 83467, (208) 756-2201.

(7) The location and availability of documents relevant to the planning process: Documents will be available for public review at the Salmon District Office, Salmon, Idaho.

Dated: October 29, 1981.

Harry R. Finlayson,  
District Manager.

[FR Doc. 81-32173 Filed 11-5-81; 8:45 am]  
BILLING CODE 4310-84-M

#### Montrose District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Montrose District Grazing Advisory Board will be held on December 10, 1981. The meeting will convene at 10:00 a.m. in the conference room of the Bureau of Land Management Office, 2465 South Townsend, Montrose, Colorado.

The agenda for the meeting will include: (1) update on the implementation of the Range Management Program in the Uncompahgre Basin Resource Area; (2) update on the status of the Gunnison Basin Range Management Program; (3) a

status report on the planning schedule in the San Juan Resource Area; (4) a review of range improvement projects being constructed in FY 82; (5) the expenditures of advisory board funds for range improvements; (6) a discussion on Range Improvement, Monitoring and Strategy policies that are being considered and/or implemented; and (7) arrangements of the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 a.m. on December 10, 1981, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81402, by December 8, 1981. Depending on the number of persons wishing to make oral statements, a person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

R. S. Schmidt,  
Acting District Manager.

[FR Doc. 81-32108 Filed 11-5-81; 8:45 am]  
BILLING CODE 4310-84-M

#### Public Land in San Diego County, Calif.

October 28, 1981.

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C. 1713, at no less than the fair market value shown. Legal description: Lot 9 in Sec. 22, T. 11 S., R. 3 E., San Bernardino Meridian, California, containing 5.59 acres; value, \$6,500. The sale will not be held until 60 days after the date of this notice. There are three privately owned homes built directly to the northeast and east of the subject land which were thought to be immediately to the east and south, respectively, based upon the local residents' understanding of the property boundary locations. As a result, there are clouds on the title held by the adjacent property owners to the east and south. Physical access to the land is by Hacienda Lane (origin unknown) which crosses the northerly boundary of the subject land. There are no other improvements on the subject land. Donald E. Viol and Miriam T. Viol, adjacent property owners, have expressed a desire to purchase said Lot 9 to resolve their own boundary problem and in turn to provide some adjustments to the other adjacent property owners in

the NW ¼ Sec. 22 who have title problems. Therefore, it has been determined that a direct sale to the Viols rather than a competitive sale would be the most equitable way to resolve the boundary problems of all the adjacent property owners. The subject land is surrounded by private land and is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal agency. The sale is consistent with the Bureau's planning for the land involved, and the public interest would be served by offering this land for sale. The land is not required for any Federal purpose. The patent when issued will contain the following reservations to the United States: (1) A right-of-way thereon for ditches or canals constructed by the authority of the United States, 43 U.S.C. 945; and (2) All minerals in the land so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe. Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the California State Office, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director 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 a final determination.

Dated: October 28, 1981.

Joan B. Russell,  
Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-32175 Filed 11-5-81; 8:45 am]  
BILLING CODE 4310-84-M

#### Western Powder River Basin Management Framework Plan Amendment

The Casper, Wyoming, District Office of the Bureau of Land Management (BLM) has reviewed and made final decisions regarding the amendment of portions of the Western Powder River Basin Management Framework Plan (MFP). The reason for the amendment was to make certain the MFP reflects, as completely as possible, current statutory requirements and policies, and to carry



out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977.

Background standards and procedures for this MFP review and amendment are contained in Title 43 of the Code of Federal Regulations, Subpart 3400 (43 CFR Part 3400). The standards are also discussed in a final environmental statement describing the Secretary of the Interior's preferred coal program and alternatives, released in April 1979.

The Western Powder River review area is part of the Powder River Coal Region and includes: An area 6 to 18 miles wide along the western edge of Campbell County; most of Sheridan County, both north and east of the City of Sheridan; and, the northeast one-third of Johnson County, and some small areas in southern Johnson County northeast of the town of Kaycee, and east and south of the town of Sussex. This area includes numerous coal seams in the Wasatch Formation and Ft. Union Formation which have high and moderate development potential.

Public participation during the planning process included: (1) Public notice of the amendment issued in May of 1980; (2) a proposed decision brochure issued on May 4, 1981; and, (3) a public meeting and hearing conducted in Sheridan, Wyoming on June 4, 1981 to present the proposed decisions and receive oral comments. Public comments were considered in preparation of the final amendment.

The review area contains approximately 518,200 acres and 16.9 billion tons of high and moderate development potential coal zones and Preference Right Lease Application areas. Non-federal and committed federal coal lands containing 195,500 acres and 7.6 billion tons of coal were excluded from the planning process.

Coal unsuitability criteria were applied to 322,700 acres containing 9.3 billion tons of high and moderate coal. These figures include approximately 53,300 acres and 0.3 billion tons of coal within Preference Right Lease Applications. Approximately 319,000 acres containing 9.2 billion tons of coal were found acceptable or acceptable pending study. Approximately 3,700 acres containing 0.1 billion tons of coal were found unsuitable.

A multiple use planning analysis was applied to 319,000 acres containing 9.2 billion tons of coal. The planning analysis was not applied to coal lands inside Preference Right Lease Applications. The planning analysis removed about 3,800 acres and 0.13 billion tons of coal from further leasing consideration. Planning constraints which removed coal from further

consideration were: postponing further leasing consideration in producing oil and gas areas (2,100 acres and .08 billion tons); removing, until 1985, potential recreation and public purpose tracts for Sheridan County (500 acres and .01 billion tons); and community buffers for Sheridan and Buffalo (1,200 acres and .04 billion tons).

A 30-day protest period begins from the date of this notice. During that time, any person who participated in the planning process and has an interest which may be adversely affected by the decision may protest the approval of the amendment. Once approved, areas found acceptable and acceptable pending study can be further considered for leasing through noncompetitive (Ref: 43 CFR Part 3430) and competitive (Ref: 43 CFR Part 3420) leasing programs.

For further information contact Don Whyde at the Bureau of Land Management, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601, phone (307) 265-5550, Ext. 5101. Documents relevant to the planning process are also available at the above address.

Leslie A. Oliver,  
Acting District Manager.

[FR Doc. 81-32174 Filed 11-5-81; 8:45 am]

BILLING CODE 4310-84-M

### Wyoming and Montana; Powder River Regional Coal Team Meeting

October 27, 1981.

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Powder River Regional Coal Team (RCT) will meet December 1, 1981, in Casper, Wyoming. Items to be discussed by the regional coal team will include: Update on the AMAX Coal Company Northern Cheyenne exchange; use of intertract bidding; Hampshire Energy Project on the Timber Creek tract; proposed exchange involving the Spring Draw tract; finalize lease sale schedules; review of draft Project Management Plan; review of final environmental impact statement; final lease recommendation from RCT; and update on land use planning efforts leading to the second round of coal leasing in the region.

Public attendance at the regional coal team meeting is welcome and encouraged. The opportunity for the public to address the regional coal team will be provided during the meeting.

**DATES:** The regional coal team meeting will be held December 1, 1981, in

Casper, Wyoming. The meeting is expected to last one day and will begin at 8 a.m.

**ADDRESSES:** The meeting will be held at the Hilton Inn Casper, I-25 and Rancho Road, Casper, Wyoming.

### FOR FURTHER INFORMATION CONTACT:

Robert O. Buffington, Regional Coal Team Chairperson, 208-324-1401, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724, or J. Stan McKee, Project Manager, 307-778-2220, extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,  
State Director.

[FR Doc. 81-32176 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

### National Park Service

#### Great Smoky Mountains National Park; Intention To Extend Concession Contract to LeConte Lodge, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice (December 7, 1981), the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to extend the concession contract with LeConte Lodge, Inc., authorizing it to continue to provide lodging accommodations and food and beverage services for the public at Great Smoky Mountains National Park for a period of one (1) year from January 1, 1982, through December 31, 1982.

This contract extension has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligation to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants LeConte Lodge, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed



new contract and a preference in the award of the contract, if, thereafter, the proposal of LeConte Lodge, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of LeConte Lodge, Inc., (as determined by the Secretary) is submitted, LeConte Lodge, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with LeConte Lodge, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: October 27, 1981.

C. W. Ogle,

*Acting Regional Director, Southeast Region,  
National Park Service.*

[FR Doc. 81-32170 Filed 11-5-81; 8:45 am]

BILLING CODE 4310-70-M

## INTERNATIONAL COMMUNICATION AGENCY

### Privacy Act of 1974; Report of New System

**AGENCY:** International Communication Agency.

**ACTION:** Notice of new system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records. The system will be an automated public affairs contact system. It will be used by the Director and Deputy Director to contact persons interested in public diplomacy or the work of the Agency to provide them with information on current developments, to solicit their views on new program initiatives or to obtain participation of the private sector in Agency programs.

**DATE:** Comments are due by December 7, 1981.

**ADDRESS:** The public should address comments to: Chief, Public Liaison, International Communication Agency, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547.

**FOR FURTHER INFORMATION CONTACT:** Chief, Public Liaison, International Communication Agency, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547.

#### SYSTEM NAME:

Public Affairs Contact System

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Office of the Director, International Communication Agency, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547.

#### CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

U.S. private sector leaders; key overseas contacts (non-Americans); legislative and executive branch personnel who deal with the International Communication Agency and U.S. Foreign policy; private citizens and corporations interested in the International Communication Agency and American public diplomacy; U.S. businessmen overseas.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data (name, occupation, organization, substantive interests in foreign policy, mailing address); telephone number; records of participation in the International Communication Agency program overseas and formal or informal events in the United States.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Records Act, 44 USC 3101.

#### PURPOSE OF THE SYSTEM:

The International Communication Agency intends to establish a public affairs contact system for use by the Director, Deputy Director and their staffs. The system is intended to provide names, telephone numbers and mailing addresses of persons or institutions interested in public diplomacy and the mission of the International Communication Agency in international affairs. Individuals and institutions so identified may be contacted to provide them with information on current developments, to solicit their views on new program initiatives or to obtain support for participation of the private sector in Agency programs.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification of persons or organizations who may have interest in American public diplomacy initiatives and developments for distribution of

information about International Communication Agency programming and trends in public diplomacy, identification and distribution of information to individuals with an interest in supporting Agency efforts to encourage participation of the private sector in Agency programs at least cost to the American public.

Information is made available on a need-to-know basis to personnel of the International Communication Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the International Communication Agency, but records may be release to other government agencies who have statutory or other lawful authority to maintain such information.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

All information will be maintained on an automated system—on a magnetic disk for active use and on magnetic tape for system backup.

##### RETRIEVABILITY:

Records are retrieved by name, contact identification number, institutional affiliation, geographic location, occupation, interests, language ability, year of birth, sex, marital status, invitation lists, Agency publications received, contact history, invitation history, distribution lists, telephone number, and exchange program record.

##### SAFEGUARDS:

Files are to be called up by designated persons only with preassigned passwords on a terminal in the Office of the Director.

##### RETENTION AND DISPOSAL:

Files will be reviewed annually and retained, retired or destroyed as appropriate.

##### SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant to the Director, International Communication Agency, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547.

##### NOTIFICATION PROCEDURE:

Chief, Office of Public Liaison, International Communication Agency, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547.

##### RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to: Chief, Public Liaison,



International Communication Agency,  
1750 Pennsylvania Ave., NW.,  
Washington, D.C. 20547.

#### CONTESTING RECORD PROCEDURES:

The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned are published in Part 505 of Title 22, Code of Federal Regulations.

#### RECORD SOURCE CATEGORY:

Information is provided by the individual concerned or from published sources.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Date: October 29, 1981.

Charles Z. Wick,

Director, International Communication Agency.

[FR Doc. 81-32221 Filed 11-5-81; 8:45 am]

BILLING CODE 8230-01-M

#### INTERSTATE COMMERCE COMMISSION

##### Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: October 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the formal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.  
Agatha L. Mergenovich,  
Secretary.

MC 58923 (Sub-79)X, filed October 16, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, GA 30315. Representative: William W. West (same as applicant). Lead and Subs 3, 4, 14, 15, 18, 19, 21, 22, 24, 27, 28, 30, 35, 38, 45, 51, 56, and 70. Broaden (1) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" (lead and all Subs), (2) remove restrictions against intermediate points service (Subs-18, 19, 28, 35, and 56); (3) (a) Chambers County for Riverview, AL; Coweta County for Sargent, GA; Hamilton County, TN, and Catoosa, Dade, and Walker Counties, GA, for points within five miles of Chattahoochee, TN; Knox County for points within five miles of Knoxville, TN; Douglas, Fulton, Clayton, Henry, DeKalb, and Cobb Counties, GA, for points within five miles of Atlanta; Floyd County, GA, for points within five miles of Rome; Harris, Talbot, Marion, Chattahoochee, and Muscogee Counties, GA, and Lee and Russell Counties, AL, for points within five miles of Columbus, GA; Bibb, Monroe, Crawford, and Jones Counties, GA, for points within five miles of Macon; and Brooks and Lowndes Counties, GA, for points within five miles of Valdosta, (lead); (b) Houston County, GA, for points within two miles of facility near Wellston, GA; and Bibb County, GA, for points within two miles of facility near Avondale, GA, (Sub-3); (c) Lanier and Lowndes Counties, GA, for points within three miles of named facility, (Sub-4); (d) Anderson County, TN, for plantsite and point of Oak Ridge, TN, (Sub-14); (e) Floyd County, GA, for plantsites near Coosa, GA, (Sub-21); (f) Gordon County, GA, for Sugar Valley, GA, (Sub-22); (g) Lee and Dougherty Counties, GA, for points within five miles of Albany, GA, (Sub-24); (h) Harris, Talbot, Marion, Chattahoochee, and Muscogee Counties, GA, for points in Georgia within five miles of Columbus, GA, (Sub-27); (i) Walker County, GA, for plantsite near LaFayette, GA, (Sub-30); (j) Tattal County, GA, for Manassas and Mendes, GA, (Sub-35); (k) Dade and Monroe Counties, GA, for points within ten miles of U.S. Hwy 1 between Miami and Key West, FL, (Sub-51); (3) remove restriction against serving points in South Carolina within Savannah, GA, commercial zone (Sub-35).

MC 93147 (Sub-28)X, filed October 8, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., W.

Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Sub-10F, broaden (1) to "rubber and plastic products pulp, paper and related products and chemicals and related products" from plastic, plastic articles, paper articles and chemicals in part (1) and (2) remove in bulk, in tank vehicle restriction in its nationwide authority, which is limited to traffic originating at or destined to facilities of named shippers.

MC 115200 (Sub-3)X, filed October 22, 1981. Applicant: WILLIAM S. SCULLION, d.b.a. SCULLION TRUCKING COMPANY, Shenango Road, Route 16, Beaver Falls, PA 15010. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Sub 2F permit, remove all exceptions but classes A and B explosives from general commodities authority; and broaden sand, in bulk, to "clay, concrete, glass or stone products", and to "between points in U.S." under continuing contract(s) with named shipper, and remove prior rail movement restriction.

MC 123272 (Sub-55)X, filed October 22, 1981. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Ave., Chicago, IL 60617. Representative: James C. Hardman, 33-N. LaSalle St., Chicago, IL 60602. Sub 49: (1) Broaden sugar to "food and related products"; (2) change city-wide to county-wide authority; Chaska, Crookston, East Grand Forks, Moorehead and Renville, MN (Carver, Polk, Clay and Renville Counties) and Drayton, ND (Pembina County); and (3) change one-way to radial authority.

MC 127022 (Sub-6)X, filed October 21, 1981. Applicant: SECO TRUCKING CO., P.O. Box 887, Mason City, IA 50421. Representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, D.C. 20036. MC-105678 (Sub 1) permit. Broaden: explosives, classes A and B explosives (and explosives supplies), and dynamite and blasting supplies, to "explosives, and materials, supplies and equipment used in the manufacture, sale, and distribution of explosives"; and to between points in U.S., under continuing contract(s) with unnamed shippers.

MC 138308 (Sub-146)X, filed October 19, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Sub Nos. 2, 3, 6, 10, 11, 13, 14, 15, 16, 18, 20, 21, 25, 29, 31, 32, 33, 37, 39, 42F, 52F, 53F, 55F, 57F, 58F, 63F, 70F, 71F, 73F, 76F, 80F, 81F, 88F, 90F, 94F, 95F, 99F, 101F, 102F, 106F, 115F, 116F, 118F, 119F, 126F, 128F, and 129: (1) broaden (a) gift-wrapped and packaged



foods and food products to "food and related products"; commodities dealt in by retail gift shops to "such commodities as are dealt in by retail gift shop"; and plants and bulbs to "forest products and farms products" in Sub 2; (b) fluorescent lighting fixtures and parts to "electrical machinery or equipment" in Subs 3, 21, and 25; (c) covered copper wire, fluorescent lamp ballasts, and materials, equipment and supplies used or useful in the sale, manufacture and installation thereof to "meal products, and electrical machinery or equipment" in Subs 6 and 102F; (d) tile to "building materials" in Subs 10, 11, 53F, and 80F; (e) wiring devices and electrical and lighting equipment to "rubber and plastic products and metal products" in Subs 13 and 16; (f) agricultural implements to "lumber and wood products and metal products" in Sub 14; (g) rubber tire tubes to "rubber and plastic products" in Subs 15 and 116F; (h) plastic articles to rubber and plastic products" in Subs 18 and 70F; (i) crushed glass to "clay, concrete, glass, or stone products" in Sub 20; (j) hand implements to "lumber and wood products and metal products" in Sub 29; (k) pole and transmission line construction materials to "metal products" in Subs 31, 58F, and 90F; (l) water closet seats and accessories to "rubber and plastic products and metal products" in Sub 32; (m) electrical supplies and equipment to "rubber and plastic products and metal products" in Sub 33; (n) new furniture in Sub 37, and new furniture parts to "furniture parts to furniture and fixtures" in Subs 37, 52F, and 73F; (o) rubber and plastic battery boxes to "rubber and plastic products" in Sub 39; (p) telephone housings to "rubber and plastic products, telephones, telephones parts, telephone switchboards and switchboard parts, tele-typewriters, and parts for tele-typewriters to "machinery"; electric cable or wire and cable racks to "metal products," and printed paper forms to "pulp, paper and related products" in Subs 42F and 81F; (q) plastic film to "rubber and plastic products" in Subs 55F and 94F; (r) television sets, radio sets, phonograph sets, recording sets, loud speakers and sound systems to "machinery," stands and accessories for the commodities above to "rubber and plastic products and metal products," in Sub-No. 57; (s) composition flooring tile and composition facing tile to "building materials," adhesives to "chemicals and related products" in Sub 63F; (t) petroleum and petroleum products to "petroleum, natural gas, and their products," vehicle body sealer and sound deadener compounds to "chemicals and related products," and

filters to "machinery" in Sub 71F; (u) battery boxes to "rubber and plastic products" in Sub 76F; (v) paint rollers to "rubber and plastic products" and metal stampings to "metal products" in Sub 88F; (w) transformers and parts for transformers to "machinery," lightning arresters to "clay, concrete, glass, or stone products," and electrical cut-outs to "metal products" in Sub 90F; (x) carpet to "textile mill products" and carpet cushions and carpet underlay to "rubber and plastic products" in Sub 95F; (y) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Subs 99F, 101F, and 118F; (z) floor coverings to "building materials" in Sub 108F; (aa) petroleum products to "petroleum, natural gas and their products" in Sub 115F; (bb) pneumatic rubber tires to "rubber and plastic products" in Sub 116F; (cc) clay and clay products to "clay, concrete, glass, or stone products" in Sub 119F; (dd) fertilizer compounds to "chemicals and related products" in Sub 129F; (2) remove facilities restrictions and expand to city or countywide authority (a) Florence to Lauderdale County, AL, in Subs 11, 53F, and 63F; (b) Huntsville to Madison County, AL, in Subs 42F, 81F, and 94F; (c) facilities at Texarkana to Texarkana, AR, in Sub 116F; (d) Blytheville to Mississippi County, AR, in Sub 102F; (e) Fremont to Alameda County, CA, in Sub 37; (f) Inglewood and Pomona to Los Angeles County, CA, in Subs 37, 42F, and 81; (g) Mira Loma to Riverside County, CA, in Sub 42F; (h) San Bernadino to San Bernadino County, CA, in Subs 37, and 73F; (i) Visalia, CA, to Tulare County, CA in Sub 31; (j) facilities at City of Industry to City of Industry, CA, in Subs 39 and 76F; (k) facilities at Los Angeles to Los Angeles, CA, in Sub 57F; (l) Bridgeport to Fairfield County, CT, in Sub 102F; (m) Wallingford to New Haven County, CT, in Sub 70F; (n) facilities at Atlanta to Atlanta, GA, in Sub 57F; (o) Northlake and Elk Grove Village to Cook County, IL, in Subs 42F, 57F, and 81F; (p) Genoa to Dekalb County, IL, in Sub 81F; (q) Kankakee to Kankakee County, IL, in Subs 73F and 80F; (r) facilities at Indianapolis to Indianapolis, IN, in Subs 39 and 76F; (s) Shreveport to Caddo Parish, LA, in Subs 37, 52F, and 115F; (t) Florence to Hampshire County, MA, in Sub 70F; (u) Cleveland to Bolivar County, MS, in Sub 10; (v) Port Gibson to Claiborne County, MS, in Sub 70F; (w) Clarksdale to Coahoma County, MS, in Subs 15 and 116F; (x) Meridian to Lauderdale County, MS, in Subs 37 and 52F; (y) Columbus, MS to Lowndes County, MS, in Sub 32; (y) Philadelphia

to Neshoba County, MS, in Subs 39 and 76F; (z) Pontotoc to Pontotoc County, MS, in Sub 73F; (aa) Mendenhall to Simpson County, MS, in Subs 6 and 102F; (bb) Sparks, to Washoe County, NV, in Subs 13 and 57F; (cc) Paterson to Passaic County, NJ, in Sub 102F; (dd) Binghamton to Broome County, NY, in Subs 52F and 73F; (ee) Olean to Cattaraugus County, NY, in Sub 90F; (ff) Welcome to Davidson County, NC, in Sub 37; (gg) Smithville to Johnston County, NC, in Sub 57F; (hh) Charlotte to Mecklenburg County, NC, in Sub-73F; (ii) Urbana to Champaign County, OH, in Sub 18; (jj) Zanesville to Muskingum County, OH, in Sub 90F; (kk) Aurora to Portage County, OH, in Sub 55F; (ll) Lake Oswego to Clackamas County, OR, in Sub 31; (mm) Medford to Jackson County, OR, in Sub 2; (nn) East Stroudsburg to Monroe County, PA, in Subs 58F and 90F; (oo) Shelbyville, to Bedford County, TN, in Sub 95F; (pp) Garland to Dallas County, TX, in Subs 42F and 81F; (qq) El Paso to El Paso County, TX, in Sub 57F; (rr) Marshall to Harrison County, TX, in Sub 11; (ss) San Angelo to Tom Green County, TX, in Sub 11; (tt) facilities at Dallas to Dallas, TX, in Subs 73F and 95F; (uu) facilities at Salt Lake City to Salt Lake City, UT, in 81F; (vv) Everett to Snohomish County, WA, in Subs 42F and 81F; (ww) facilities at Spokane to Spokane, WA, in Sub 21; (xx) Parkersburg to Wood County, WV, in Subs 13, 14, 16, 29, and 33; (yy) Cedars, and Vicksburg, MS to Warren County, MS, in Subs 3, 25, 58, 90; (3) expand International boundary point from Sweetgrass to the International Boundary Line between Canada and the United States in MT in Subs 42F and 81F; (4) authorize 2-way authority in Subs 2, 3, 10, 11, 13, 14, 15, 16, 18, 20, 21, 25, 29, 31, 32, 33, 37, 39, 42F, 52F, 53F, 55F, 57F, 58F, 63F, 70F, 71F, 73F, 80F, 81F, 88F, 90F, 94F, 102F, 115F, and 116F; (5) remove restrictions: originating at and/or destined to in Subs 2, 6, 11, 14, 15, 18, 37, 52F, 57F, 58F, 71F, 73F, 90F, 95F, 99F, and 108F; (6) against commodities in bulk in Subs 6, 53F, 57F, 70F, 71F, 76F, 95F, 102F, 108F, 115F, 119F, 126F, 128F, and 129F; (7) against size and weight commodities in Subs 13, 16, 31, 33, 58F, and 90; (8) to transporting commodities when moving at the same time and in the same vehicle and frozen restriction in Sub 2; (9) against tank vehicles in Subs 70F, 71F, and 76F; (10) against expanded plastic articles in Sub 70F; (11) to vehicles equipped with mechanical refrigeration in Sub 94F, and 55.

MC 141108 (Sub-16)X, filed October 14, 1981. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilton, IA 52778.



Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Subs 4, 10, 12 and 14. Broaden: to "general commodities (except classes A and B explosives)" from general commodities with exceptions in Sub 4; to "metal products and materials, equipment and supplies" from iron and steel articles and materials, equipment and supplies used in the manufacture, processing, sale and distribution of iron and steel articles in Sub 10; to "metal products and machinery from part (1) shaftings, bearings, bushings, crusher equipment and conveyor belt pulleys in Sub 14; Subs 4 and 12 to Muscatine CO, IA from Muscatine, IA; Sub 4, remove prior/subsequent rail/water movement restriction; Sub 10, to Muscatine CO, IA, from Wilton and remove originating/destined to facilities restriction, and to radial authority in Subs 10 and 12.

MC 141388 (Sub-1)X, filed September 8, 1981. Applicant: NORTH WAY PETROLEUM TRANSPORT, INC., 200 Lafayette Avenue, Chatham, NJ 07928. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. Sub-No. MC-60428 permit, acquired in docket MC-FC-79031, broaden (1) to "petroleum, natural gas and their products, and chemicals and related products" from liquid petroleum products, alcohol, and acids; and (2) to "between points in the U.S.," under continuing contract(s) with unspecified shippers.

MC 146621 (Sub-6)X, filed October 19, 1981. Applicant: EUGENE GEORGE, d.b.a. EUGENE GEORGE TRUCKING SERVICE, Route 1, Box 14A, Oswego, KS 67356. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Subs 2F and 4F (1) Broaden steel buildings to "construction materials" (Sub-2F); steel tanks to "metal products" (Sub-4F); (2) Chetopa to Labette and Cherokee Counties, KS; and Waukesha to Waukesha County, KS.

MC 149324 (Sub-2)X, filed September 15, 1981. Applicant: BLACK ARROW TRANSPORT, INC., 200 Chestnut Street, P.O. Box 1924, Springfield, MA 01101. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Lead: (1) Broaden paper and paper products to "pulp, paper, and related products", and general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)", and (2) remove restriction limiting service to traffic moving on bills of lading of freight forwarders.

MC 150973 (Sub-4)X, filed October 9, 1981, previously noticed in the Federal Register of October 21, 1981. Applicant:

HERBERT R. SHIPLEY, INC., 3304 Sykesville Road, Westminster, MD 21157. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. Lead and Sub-No. 1F permits: broaden (1) latex, in bulk, in tank vehicles to "chemicals and related products and forest products" (2) to between all points in the U.S., under continuing contract(s) with a named shipper, in both permits. The purpose of the republication is to correct the proposed commodity description.

[FR Doc. 81-32232 Filed 11-5-81; 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 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 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. OPI-298

Decided: October 31, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 148910 (Sub-6), filed October 22, 1981. Applicant: MOTOR CARGO TRANSPORT CORP., 21 D'Shipe Terrace, Vineland, NJ 08360. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836-1144. 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 158901, filed October 20, 1981. Applicant: KELLY B. AND VERLA LEWIS, d.b.a. LEWIS TRUCKING, RFD 1, Box 20A, Genola, UT 84655. Representative: Kelly B. Lewis (same address as applicant), (801) 754-3788. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor



vehicle in such vehicle, between points in the U.S.

MC 158920, filed October 21, 1981. Applicant: NEIL C. YOUNG, d.b.a. DSC COURIER & AIR FREIGHT, 178 Province Street, Laconia, NH 03246. Representative: Neil C. Young (same address as applicant), 1-603-524-1237. 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.

#### Volume No. OPY-2-211

Decided: October 29, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 158913, filed October 21, 1981. Applicant: LOUIS F. KOBOW, 335 Hwy 197, Sp. W4, The Dalles, OR 97058. Representative: Louis F. Kobow, P.O. Box 760, Hood River, OR 97031-0024. (503) 296-4727. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 130592 (Sub-1), filed October 16, 1981. Applicant: EXPERT FREIGHT BROKERAGE, INC., 1695 Woodward Ave., Bloomfield Hills, MI 48013. Representative: Steven J. Kalish, 1750 Pennsylvania Ave. NW., Washington, DC 20006, (202) 393-5710. As a *broker of general commodities* (except household goods) between points in the U.S.

#### Volume No. OPY-3-205

Decided: October 30, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 158865, filed October 23, 1981. Applicant: PINKERTON'S, INC., 100 Church St., New York, NY 10007. Representative: Jerome W. Pope, One First National Plaza, Suite 5000, Chicago, IL 60603, (312) 558-5600. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 158924, filed October 22, 1981. Applicant: B.A.E., INC., 108 Alexander Ave., Belmont, MA 02178. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158934, filed October 22, 1981. Applicant: JAMES M. BASHORE, JR., d.b.a. J & B LEASING, INC., 6131 N.

Detroit Ave., Toledo, OH 43612. Representative: James M. Bashore, Jr. (same address as applicant), (419) 476-0877. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158935, filed October 22, 1981. Applicant: GILBERT W. FETTY, d.b.a. BOZEL-FETTY ASSOCIATES, 4500 Hollins Ferry Rd., Baltimore, MD 21227. Representative: Gilbert W. Fetty (same address as applicant), (301) 247-3966. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158944, filed October 22, 1981. Applicant: SHERMAN TRANSPORTATION SYSTEM, INC., 3415 N.E. Broadway St., Portland, OR 97232. Representative: Howard S. Sherman (same address as applicant), (503) 287-8421. 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.

#### Volume No. OPY-4-426

Decided: October 28, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Fisher not participating.

MC 158907, filed October 21, 1981. Applicant: U.S. COMEX CORPORATION, P.O. Box 130, Geismar, LA 70734. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265-2634. As a *broker of general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158697 (Sub-1), filed October 16, 1981. Applicant: SELECTED TRUCKING, INC., 1116 W. Jefferson St., Plymouth, IN 46563. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

#### Volume No. OPY-5-193

Decided: October 30, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 158889, filed October 19, 1981. Applicant: W. L. SNOW d.b.a. SNOW MOVING & STORAGE CO., 402 Blue Smoke Court West, Fort Worth, TX 76105. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 158899, filed October 20, 1981. Applicant: AIR PARCEL DELIVERY SERVICE, INC., 429 Moon & Clinton Road, Coraopolis, PA 15108. Representative: Elmer S. Beatty, Jr. (same address as applicant), (412) 264-8850. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-32234 Filed 11-5-81; 8:45 am]  
BILLING CODE 7035-01-M

#### [Volume No. OPY-5-191]

#### Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the *Federal Register*.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this *Federal Register* notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicating as the purpose for republication.

Agatha L. Mergenovich,  
Secretary.

MC 155478 (Republication), filed May 4, 1981, published in the *Federal Register* issue of May 29, 1981, and republished this issue. Applicant: R. A. MONCADA d.b.a. LOS ANGELES-TIJUANA EXPRESS, 421 South Mesita Avenue, West Covina, CA 91791. Representative: Willima J. Nonheim, P.O. Box 1756, Whittier, CA 90609. A decision of the Commission, Review Board 3, decided



September 1, 1981, and served September 22, 1981, finds that the present and future public convenience and necessity require operations by application in foreign commerce only as a *common carrier*, by motor vehicle, over irregular routes, transporting *passengers and their baggage*, in the same vehicles with passengers, in special operations, between Los Angeles, CA, on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Mexico at or near San Ysidro, CA, limited to transportation in vehicles with a seating capacity not to exceed 15 passengers, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 155759 (Republication), filed May 6, 1981, published in the Federal Register issue of May 22, 1981, and republished this issue. Applicant: BOWSER REGAL, INC., d.b.a. REGAL SERVICES, INC., P.O. Box 509, North East, PA 16428. Representative: Richard L. Bowser (Same address as applicant). An Order of the Commission, Division 1, decided October 16, 1981, and served October 26, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *food and related products*, between points in New York, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia and (2) *internal combustion engines and parts*, between points in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-32236 Filed 11-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29728]

**Skaneateles Short Line Railroad Corp.; Abandonment of Entire Line Between Skaneateles Junction and Mottville (Skaneateles Falls), Onondaga County, N.Y.; Exemption**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The abandonment by Skaneateles Short Line Railroad Corporation (SSL) of its entire line of railroad (2.75 miles in NY) is exempted from the requirements of prior approval under 49 U.S.C. 10903. Labor protective conditions are not imposed.

**DATES:** The exemption is effective 30 days after this publication. Petitions to stay the effective date of this decision must be filed within 10 days and petitions for reconsideration must be filed within 20 days.

**ADDRESSES:** Send pleadings to

- (1) Section of Finance, Room 5414, 12th Street and Constitution Avenue, NW., Washington, DC 20423, and
- (2) Petitioners Representatives: J. Marshall Hamilton, Esq., Stauffer Chemical Company, Westport, CT 06881, and Fritz R. Kahn and John Osborne, Esqs., Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, NW., Washington, DC 20036.

Pleadings should refer to Finance Docket No. 29728.

**FOR FURTHER INFORMATION CONTACT:** Ellen D. Hanson, 202-275-7245.

**SUPPLEMENTARY INFORMATION:** The full decision in Finance Docket 29728 is being served concurrently with this decision but not published in the Federal Register. Copies of that decision are available by calling, toll-free, 800-424-5403, or from Room 2227 at the Interstate Commerce Commission Building at 12th and Constitution Ave., NW., Washington, DC 20423.

Decided: October 29, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-32235 Filed 11-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 67)]

**Southern Pacific Transportation Co.; Abandonment of Line in Polk County, OR; Findings**

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission,

Review Board Number 3, has issued a certificate authorizing the Southern Pacific Transportation Company to abandon its rail line between railroad milepost 720.50 to milepost 721.41 near West Salem, a distance of 0.91 miles in Polk County, OR, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on 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. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32233 Filed 11-5-81; 8:45 am]

BILLING CODE 7035-01-M

**Intent To Engage in Compensated Intercompany 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 intercompany hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Combustion Engineering, Inc., 900 Long Ridge Road, Stamford, Ct. 06902.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of Incorporation.

1. American Pole Structures Corp., Texas.

2. Combustion Engineering Americans Inc., Delaware.

3. Combustion Engineering Overseas Inc., Delaware.



4. Combustion Publishing Company Inc., New York.
  5. Electro Mechanics, Inc., Connecticut.
  6. C-E Morgan, Inc., Delaware.
  7. Ken Thelen Co., Inc., Wisconsin.
  8. C-E Minerals, Inc., Pennsylvania.
  9. Combustion Chemicals Inc., Delaware.
  10. CENAR, Inc., Pennsylvania.
  11. International Power Systems, Ltd., Delaware.
  12. Mullite Company of America, Georgia.
  13. Cermatec, Ltd., Delaware.
  14. Globe Refractories, Inc., Delaware.
  15. Thermotect Company Inc., Pennsylvania.
  16. Basic Incorporated, Delaware.
  17. Basic Chemicals, Ohio.
  18. Industrial Magnesia Corp., Florida.
  19. B.R.I. Service Company, Ohio.
  20. W. S. Tyler, Inc., Ohio.
  21. Georgia Kaolin Company, Inc., New Jersey.
  22. Inner-Tite Corp., New Jersey.
  23. Kaopolite, Inc., New Jersey.
  24. Baltusrol Corp., New Jersey.
  25. Mountain Properties, Inc., New Jersey.
  26. C-E Natco International, Ltd., Delaware.
  27. Crest Engineering, Inc., Oklahoma.
  28. Crest Venezuela, Inc., Delaware.
  29. Crest Middle East, Inc., Delaware.
  30. Crest Engineering Overseas, Inc., Delaware.
  31. Crest Engineering (U.K.) Inc., Delaware.
  32. The Lummus Company, Delaware.
  33. Lummus Construction Equipment International, Inc., Delaware.
  34. The Randall Corp., Texas.
  35. Lummus Construction Company, Delaware.
  36. Lummus Overseas Corp., Delaware.
  37. Lummus Operating Associates, Delaware.
  38. Lummus International, Inc., Delaware.
  39. Lummus Group Inc., Delaware.
  40. Lummus Cardon, Inc., Delaware.
  41. Construction Equipment International Inc., Delaware.
  42. Natco U.K. Ltd., Delaware.
  43. C-E Natco Oilfield Construction, Inc., California.
  44. Oil Field Construction Co., Inc., California.
  45. The Air Preheater Co., Inc., Delaware.
  46. The Bauer Bros. Co., Ohio.
  47. Bauer International, Inc., Ohio.
  48. The Ehrsam Company, Delaware.
  49. Ehrsam Transport, Inc., Kansas.
  50. C-E Natco Chemicals, Inc., Texas.
  51. Gray Tool International Inc., Texas.
  52. Gray Tool Trading Co., Inc., Texas.
  53. Beaumont Well Works, Inc., Texas.
  54. Vetco Inc., California.
  55. Vetco Disc. Inc., California.
  56. Vetco Offshore, Inc., Delaware.
  57. Vetco International Inc., California.
  58. Electric Lighting, Inc., California.
  59. C-E International Sales, Inc., Delaware.
  60. C-E Trading Corp., Delaware.
  61. CEY, Inc., Delaware.
  62. Royal Tubular Service, Texas.
  63. Combustion Engineering-Superheater Ltd., Canada.
  64. CESO International Ltd., Canada.
  65. Optimum Controls of Canada Limited, Canada.
  66. Upper Canada Manufacturing Limited, Canada.
  67. Ceramtec GmbH, West Germany.
  68. C-E Refractories, Limited, England.
  69. C-E Refractories S.A., Belgium.
  70. R&I-Ramite (Canada) Limited, Canada.
  71. The W. S. Tyler Company of Canada Limited, Canada.
  72. C-E Refractories S.A., France.
  73. C-E Brazil Comercio E. Industria Ltda., Brazil.
  74. Lummus Constructors (U.K.) Limited, England.
  75. Lummus Construction Co., C.A., Venezuela.
  76. Lummus International Constructors, Limited, Bahamas.
  77. Lummus De Mexico, S.A., Mexico.
  78. Lummus Japan Company, Ltd., Japan.
  79. Lummus Nederland B.V., Netherlands.
  80. Lummus Operating Associates, Ltd. (U.K.), England.
  81. Societe Francaise des Techniques Lummus, France.
  82. The Lummus Company Canada Limited, Canada.
  83. The Lummus Company Limited, England.
  84. The Lummus Company Venezuela, C.A., Venezuela.
  85. Crest Engineering Ltd., Canada.
  86. L.N.V. Equipamentoe e Servicos Limitad, Brazil.
  87. Lummus Construction (Cyprus) Limited, Cyprus.
  88. Lummus Engineering Services (Cyprus) Limited, Cyprus.
  89. Conequip-Equipamentos e Servicos Limitada, Brazil.
  90. C-E Crest Engineering SDN. BHB, Malaysia.
  91. C-E Natco Netherlands, B.V., The Netherlands.
  92. C-E Natco Limited, Canada.
  93. C-E Natco France, France.
  94. The Bauer Bros. Co. (Canada) Limited, Canada.
  95. C-E Europe, France.
  96. C-E Brazil, Brazil.
  97. Inspection Services Co., Ltd. Canada, Canada.
  98. Vetco Offshore Pvt. Ltd., Australia.
  99. Vetco International AG, Switzerland.
  100. Vetco Offshore Ltd., England.
  101. Vetco Singapore Ltd., Singapore.
  102. Vetco Inspection GmbH, West Germany.
  103. Vetco Japan Ltd., Japan.
  104. Service and Supply Co. of West Africa, Ltd., Nigeria.
  105. Vetco London Ltd., England.
  106. Gray Tool—Bahamas, Ltd., Bahamas.
  107. Gray Tool Company de Venezuela C.A., Venezuela.
  108. Gray Service (Norway) A/S, Norway.
  109. Gray Service A/G, Norway.
  110. Rector-Gray, Ltd., Canada.
  111. Gray Tool Co. (Europe) Ltd., England.
  112. Gray Service Company AG, Switzerland.
  113. Combustion Engineering, Ltd., England.
1. Parent corporation and address of principal office: The Clorox Company, 1221 Broadway, Oakland, CA 94612.
  2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:
    - (a) Carver Tripp Finishing Company, 3444 Tripp Court, San Diego, CA 92121.
    - (b) Food Service Products Company, 801 Rockwell Avenue, Ft. Atkinson, WI 53538.
    - (c) Grocery Store Products, Union and Adams Streets, West Chester, PA 91380.
    - (d) The HVR Company, 1685 Industrial Way, Sparks, NV 98431.
    - (e) The Kingsford Company, 1221 Broadway, Oakland, CA 94612.
    - (f) Monitor Molded Products, Lakewood-Tacoma Industrial Park—Building 5, Tacoma, WA 98499.
    - (g) Monitor Products, 3000 S. Alaska Street, Tacoma, WA 98409.
    - (h) Olympic Stain, 2233 112th Avenue, Bellevue, WA 98004.
  1. Parent corporation and address of principal office: Greif Bros. Corporation, 621 Pennsylvania Avenue, Delaware, Ohio.
  2. Wholly owned subsidiaries which will participate in the operations and State(s) of incorporation:
    - Down River International Inc.—Incorporated in Illinois.
    - Down River Forest Products, Inc.—Incorporated in Michigan.
  1. Parent corporation and address of principal office: Jefferson Smurfit Incorporated, 400 George Street, P.O.



Box 189, Alton, Illinois 62002—  
Incorporated in the State of Delaware.

2. Wholly owned subsidiaries which will participate in the operating and address of their respective principal offices:

(a) Smurfit Industries, Inc., 400 George Street, P.O. Box 189, Alton, Illinois 62002—Incorporated in the State of Delaware.

(a-1) Time Container, 1151 West Elm Avenue, Monroe, Michigan 48161.

(a-2) Austill Packaging, 3401 Powers Avenue, P.O. Box 2710F, Jacksonville, Florida 32231.

(a-3) Foil Laminations, 45 N. Church Street, Addison, Illinois 60101.

(a-4) Laminating & Coating Corporation, 1228 East Tower Road, Schaumburg, Illinois 60195.

(a-5) Per Pak Corporation, Brook, Indiana 47922.

(b) Alton Packaging Corporation, 401 Alton Street, Alton, Illinois 62002—Incorporated in the State of Delaware.

1. Parent corporation and address of principal office: Martin Scrap Recycling, 440 Highway 29, Concord, North Carolina 28025.

2. Wholly owned subsidiaries which will participate in the operations, and State of incorporation: MSR Trucking, Inc., 440 Highway 29, Concord, North Carolina 28025—Incorporated in the State of North Carolina.

1. Parent corporation and address of principal office: Noel Canning Corporation, d.b.a. "Noel Canning Corp.", "Modern Mill Work", "Noel Investments" and "Noel Warehouse, Inc." 1001 South 1st Street, Yakima, Washington 98901.

2. Wholly owned subsidiaries which will participate in the operations and address of their principal offices:

(a) Noel Transport, Inc. (MC-143158), same address as parent corporation.

(b) Noel Foods, Inc., 20 East King, Yakima, Washington 98901.

(c) Pepsi-Cola Bottling Co. of Yakima, same address as parent corporation.

(d) Moultray's, Ltd., same address as parent corporation.

(e) M & M Catering Services, Inc., same address as parent corporation.

(f) Holiday Motor Hotel and Restaurant, Inc., same address as parent corporation.

(g) Towne Plaza Hotel, Inc., same address as parent corporation.

(h) Morco Co., same address as parent corporation.

(i) Northwest Produce Co., Inc., 2803 Fruitvale Blvd., Yakima, Washington 98902.

(j) G & L Transport, Inc. (MC-147371), 2803 Fruitvale Blvd., Yakima, Washington 98902.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-32310 Filed 11-5-81; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-103]

**Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units; Grant of Leave To Review Order No. 7 and of Affirmance of Order No. 7**

**AGENCY:** International Trade Commission.

**ACTION:** Grant of application for review of Order No. 7 and affirmance of Order No. 7.

**SUMMARY:** Notice is hereby given that on the basis of an application for interlocutory review filed by respondents Furuno U.S.A. and Furuno Electric Co. Ltd. of Japan, the Commission has granted the application for review of and affirmed the presiding officer's denial of a motion by those respondents to suspend the above-captioned investigation.

**AUTHORITY:** The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.60(b) (19 CFR 210.60(b)) of the Commission's rules of practice and procedure.

**SUPPLEMENTARY INFORMATION:** Upon receipt of a complaint filed by Western Marine Electronics Inc. (WESMAR), the Commission voted to institute investigation No. 337-TA-103 on June 1, 1981, in order to determine whether there is a violation of section 337 of the Tariff Act of 1930 by reason of the importation into and sale in the United States of certain stabilized hull units and components thereof and sonar units utilizing said stabilized hull units. Complainant WESMAR alleges that the accused stabilized hull units and components thereof infringe claims 1, 11, 12, and 14 of U.S. Letters Patent 3,553,638 and that the components of the allegedly infringing devices contribute to the infringement of said claims. Notice of the Commission's investigation was published in the Federal Register on June 10, 1981 (46 FR 30737).

On July 13, 1981, the Furuno respondents moved (Motions 103-2 and 103-3) to stay this investigation pending the outcome of a reexamination proceeding initiated by Furuno U.S.A. at

the U.S. Patent and Trademark Office, pursuant to 35 U.S.C. 302-307, of certain claims of the patent at issue. Complainant and the Commission investigative attorney opposed the motions.

On August 13, 1981, the presiding officer denied the motions (Order No. 7) to suspend the proceedings and granted leave to file an application for interlocutory review of her ruling.

**FOR FURTHER INFORMATION CONTACT:** William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1693.

Issued: October 30, 1981.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 81-32246 Filed 11-5-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-203-10]

## Report to the President; Porcelain-on-Steel Cooking Ware

October 28, 1981.

To the President:

In accordance with section 203(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)), the United States International Trade Commission herein reports the results of an investigation concerning porcelain-on-steel cooking ware.

The Commission unanimously<sup>1</sup> advises, on the basis of information obtained in the investigation, that termination or reduction of import relief presently in effect with respect to imports of cooking ware (except teakettles) of steel, not having self-contained electrical heating elements, enameled or glazed with vitreous glasses, and valued not over \$2.25 per pound, provided for in item 654.02 of the Tariff Schedules of the United States, would have an adverse economic effect on the domestic industry concerned.

The Commission instituted this investigation on June 26, 1981, following receipt, on June 16, 1981, of a request by the United States Trade Representative (USTR) for the Commission's advice on the probable economic effect of termination of import relief. The USTR had been directed by President Carter to request such advice following his Proclamation of import relief in January 1980. Public notice of the investigation

<sup>1</sup> Commissioner Stern notes that modification of import relief to exclude high-priced, high-fashion cooking ware is desirable; however such an exclusion does not appear to be feasible. Commissioner Eckes did not participate.



and hearing was given by posting copies of the notice at the office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* of July 8, 1981 (46 FR 35395). A public hearing was held in connection with this investigation on September 14, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information in this report was obtained from field work, questionnaires sent to the domestic producer and importers, the Commission's files, other Government agencies, briefs filed by interested parties, and other sources.

#### Statement of the commission

On the basis of the information before the commission in this investigation, it is our judgment that reduction or termination of the import relief currently in effect will have an adverse economic effect on the domestic industry producing porcelain-on-steel cooking ware.<sup>2</sup> We therefore advise that relief should be continued at the currently scheduled levels.<sup>3</sup>

During the course of the investigation, several importers urged that certain porcelain-on-steel cooking ware articles be excluded from the relief. They suggested that exclusions could be accomplished by reducing the present breakpoint price (\$2.25 per pound), or by basing the relief on the metal thickness of the products, or by excluding articles on an individual basis. We have considered all of these suggestions and are of the view that such changes would be either administratively infeasible or would have the effect of undercutting the relief program.

The above advice is based on our assessment of all relevant economic factors, including the considerations set forth in section 202(c) and the progress and specific efforts made by the industry during the relief period to adjust to import competition.<sup>4</sup> In determining what advice to provide, we have focused on developments in the U.S. market for porcelain-on-steel cooking ware since the imposition of importer relief and efforts which the industry has made since that time in adjusting to import competition.<sup>5</sup>

#### The product

The product covered in this investigation is cooking ware of steel, except teakettles, not having self-contained heating elements, and enameled or glazed with vitreous glasses. Such articles are referred to as porcelain-on-steel cooking ware.

Porcelain-on-steel cooking ware can be divided into three groups of products—utility, special-purpose, and fashion.<sup>6</sup> Each group can be distinguished by its physical characteristic. Utility cooking ware consists of skillets, saucepans, and other assorted pots made of thin-gauge steel and offered in basic colors. Special-purpose cooking ware consists of roasters, stock pots, canners, and other unique types of cooking ware. This product group is characterized by slightly thicker gauges of steel and is generally offered with a speckled white and blue coating. Finally, the fashion cooking ware group usually consists of seven-piece sets. It is made of heavy-gauge steel and is highly decorative. All three groups of cooking ware are produced by General Housewares Corp. (GHC), the sole domestic producer, and also are imported from a number of foreign sources; however, GHC does not currently produce for the high-end of the fashion cooking ware market. For tariff purposes porcelain-on-steel cooking ware imports are classified as those valued not over \$2.25 per pound and those valued over \$2.25 per pound. Only imports in the not over \$2.25 category are covered by import relief.<sup>7</sup>

#### The U.S. market for porcelain-on-steel cooking ware

Apparent U.S. consumption of all types of porcelain-on-steel cooking ware (including teakettles and cooking ware valued over \$2.25 per pound) declined sharply from 1979 to 1980 and continued to decline in 1981.<sup>8</sup> Consumption of porcelain-on-steel cooking ware covered by import relief also declined during this period. The results of a Commission survey of buyers and merchandise managers for retail outlets show that the decline in sales of porcelain-on-steel cooking ware in the U.S. market can be attributed to such factors as (1) a general decline in the U.S. economy; (2) a decline in purchases by groups that have traditionally purchased this type of cooking ware; (3) an increase in the price of porcelain-on-steel; and (4) the

statistical data regarding its financial and market performance must be held confidential and will be discussed only in general terms.

<sup>2</sup>Report, p. A-2.

<sup>3</sup>Id., p. A-3.

<sup>4</sup>Id., p. A-7.

introduction of Silverstone-coated cooking ware.<sup>9</sup>

The decline in consumption of porcelain-on-steel cooking ware also parallels the downward trend in sales of all metal cooking ware between 1979 and 1980. Consumption of all nonelectric metal cooking ware declined from 281 million units in 1979 to 254 million units, representing a decrease of 10 percent.<sup>10</sup>

#### Efforts of U.S. producer to adjust to import competition

In his letter to the Commission requesting this investigation, the United States Trade Representative specifically requested a review of the progress and efforts made by GHC to adjust to import competition during the relief period. GHC's efforts to date can be grouped into three broad categories—(1) production process, (2) marketing, and (3) rationalization of production capacity.<sup>11</sup>

Production-related efforts were centered in machinery acquisition. GHC purchased and installed in its Terre Haute, Ind., plant a new type of furnace intended to reduce consumption, reduce product defects, and improve the quality of the finished product in terms of appearance and durability. This furnace represents the initial step in a conversion process which will completely replace the conventional muffle-type furnace now being used.

In response to changing consumer demand in late 1978, foreign suppliers of porcelain-on-steel cooking ware began to offer cooking ware items with bulged or curved sides in contrast to the straight-sided cooking ware which was then prevalent in the market. During the relief period, GHC has developed a method of producing this popular bulge shape without the costly labor inputs used by foreign producers. GHC began commercial shipments of this new product in August 1981.

In addition to these major projects, GHC also undertook a number of other production-related projects to increase the efficiency of its operations and the quality of its products.<sup>12</sup> Included were two projects that, while not related directly to the type of cooking ware under relief, reflected efforts to expand the firm's product offerings and to find additional applications for its enameling operations.

Adjustment efforts to improve marketing ranged from development of new product lines to new promotional and merchandising programs. The goal

<sup>9</sup>Id., p. A-9.

<sup>10</sup>Id.

<sup>11</sup>Id., pp. A-16-A-20.

<sup>12</sup>Id., pp. A-17-A-18.

<sup>2</sup>Section 303(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)).

<sup>3</sup>Relief in the form of duty increases on imported porcelain-on-steel cooking ware classified under item 654.02 of the Tariff Schedules of the United States and valued not over \$2.25 per pound net weight is scheduled to terminate in January 1984.

<sup>4</sup>Section 203(i)(4) of the Trade Act of 1974 (19 U.S.C. 2253(i)(4)).

<sup>5</sup>GHC is the sole domestic firm producing porcelain-on-steel cooking ware; therefore, the



of these efforts is to broaden the distribution of GHC products and at the same time to develop a brand name recognition of GHC as a producer of high quality cooking ware.

GHC's efforts in the production process and marketing areas are only beginning, and their success cannot be fully measured in the short period of time relief has been in effect.

The final area of adjustment for GHC, rationalization of production, has yet to begin. In presentations to the Commission during investigation No. TA-201-39, *Nonelectric Cooking Ware*,<sup>13</sup> GHC proposed to acquire and reopen the porcelain-on-steel production facility in Moundsville, W. Va., formerly owned by the U.S. Stamping Co. This acquisition would allow for the eventual transfer of decorated fashion cooking ware operations to the Moundsville facility resulting in more efficient utilization of the Terre Haute facility. In subsequent testimony before the Commission in this investigation, GHC has shown how economic conditions, including declines in consumption, high interest rates, and lower than anticipated capacity utilization of present production facilities, changed in such a way as to make the reopening of the Moundsville facility impossible.<sup>14</sup> Local officials from Moundsville as well as State officials from West Virginia have testified that they occur with GHC's assessment of the Moundsville situation and believe the firm has acted in "good faith" in its efforts to reopen the plant.<sup>15</sup> We agree with GHC's assessment that economic conditions prevented a decision to reopen the Moundsville facility during this initial period of relief.<sup>16</sup> The information presented to the Commission convincingly demonstrates that GHC is making significant adjustment efforts in appropriate areas.

#### Termination of Import Relief

The Commission has been requested to advise the President of the probable economic effect on the domestic porcelain-on-steel industry of the

termination of import relief after 2 years of a scheduled 4-year relief program.<sup>17</sup> In its section 201 investigation on this subject the Commission determined that porcelain-on-steel cooking ware imports were a substantial cause of serious injury, or the threat thereof, to the domestic industry. In reaching our determination, the Commission cited downturns in sale and employment, underutilization of production capacity, and a resultant decline in profitability.

During the first 18-months of the relief period, imports of porcelain-on-steel cooking ware valued not over \$2.25 per pound have declined significantly,<sup>18</sup> import prices have generally risen,<sup>19</sup> and the share of the market accounted for by imports has significantly declined.<sup>20</sup> In contrast, GHC's domestic shipments have stabilized after a sharp decline from 1979 to 1980, employment has gradually returned to 1979 levels, prices have risen, and profitability has improved.<sup>21</sup> GHC's share of the U.S. market has increased, but it is here that the underlying weakness of the firm's position in the market is evident. Although GHC's share of the market has increased, the market is smaller than that in the preresult period. The gain in market share was actually the result of GHC's sales declining at a slower rate than the rate of decline in imports. Utilization of capacity has not improved, and, although the firm's profitability has improved, increases in profit were primarily the result of price increases rather than sales increases. Moreover profits were primarily derived from one product group which is highly price sensitive.

GHC has made some efforts toward adjustment, but these efforts are only just beginning to provide real benefits to the firm. Many of these efforts are the initial stages of programs that are based on 4 years of import relief. Although partial implementation of these programs would have some positive impact, the full benefits cannot be realized without implementing all the stages.

Termination of import relief at this time would result in increased price competition in the constricted market for porcelain-on-steel cooking ware.

<sup>13</sup> *Nonelectric Cooking Ware: Report to the President on Investigation No. TA-201-39* \* \* \* , USITC Pub. No. 1008, November 1979.

<sup>14</sup> The domestic industry's prehearing brief, pp. 17-20.

<sup>15</sup> Transcript of the hearing, pp. 71-86.

<sup>16</sup> Commissioner Frank notes that this investigation was initiated pursuant to the Presidential proclamation of 1980. The fact that GHC has benefited from only 18 months of the scheduled relief may have constrained them, without assurance of continued relief after this investigation, from undertaking the sizable capital investment and other allocation of resources required to acquire and reactivate the facility in Moundsville, W. Va.

<sup>17</sup> This "interim review" of a 4-year relief package requires the Commission to assess changes and adjustment efforts based on only 18 months of data. Adjustment efforts are merely beginning as one would expect in so short a period and analyzing changed conditions is hampered by so little data. In the future, it would be preferable to avoid interim reviews where they are likely to be both costly and unproductive for all parties concerned.

<sup>18</sup> Report, p. A-7.

<sup>19</sup> Id., pp. A-33-40.

<sup>20</sup> Id., p. A-7.

<sup>21</sup> Id., pp. A-7 and A-20-40.



Lower prices, without increased sales volume, especially in the highly price sensitive product group, would adversely affect GHC's profitability which would in turn adversely affect its adjustment efforts already underway.

#### *Reduction or Modification of Relief*

Representatives of importers of porcelain-on-steel cooking ware have proposed changes to the current import relief program. These changes can be characterized as (1) exclusion of products by modifying the price breakpoint which determines the coverage of import relief, (2) exclusion of products through item-by-item classification, and (3) reductions in the level of relief.

Importers offered two proposals to exclude products by modifying the price breakpoint. These proposals were intended to rectify the situation in which, due to exchange rate fluctuations, certain high-priced, high-fashion cooking ware imports have become subject to the additional duties provided by import relief even though they were not subject to the relief as initially implemented. These proposals are not practical solutions to the problem. The first proposal, modification of the breakpoint price to \$1.50, would have the immediate effect of excluding from relief a substantial volume of imports which are clearly competitive with GHC-produced articles. Moreover, it risks further erosion of relief should a subsequent depreciation of the U.S. dollar relative to foreign currencies increase the value of competing imports above the new breakpoint. The second proposal, changing the breakpoint to a thickness criteria (not over 1 mm in thickness) would also result in excluding competitive imports from relief. Further, we understand from conversations with customs officials that the burden of administering a remedy based on thickness of finished products such as cooking ware would be so great as to be infeasible. Other methods for excluding high-priced, high-fashion cooking ware present similar problems. The Commission considered requests for a modification to exclude high-priced, high-fashion cooking ware. However, we were precluded from doing so by technical problems discussed herein.<sup>22</sup>

<sup>22</sup> Commissioner Stern believes that reduction of relief to fully exclude high-priced, high-fashion cooking ware (particularly Dansk Kobenstyle cookware and the Pointerware Imperial Collection) is clearly desirable but appears to be technically infeasible without adversely affecting the domestic

Exclusion of products on an individual basis would require a determination that each product did not have a domestically produced equivalent. Data provided during the course of this investigation indicate that most of the items proposed for exclusion do have domestic equivalents. Further, the implementation of such a procedure would require precise definitions of products to be excluded. Claims for exclusion based on differences of design, size, or use would make it extremely difficult to determine whether competitive products existed.

The final proposal offered to the Commission dealt with reducing the level of import relief by eliminating the specific rate of duty on imports valued not over \$2.25 per pound and replacing it with an additional ad valorem duty of 5 percent or reducing the specific rates of duty for the third and fourth years of relief to 10 cents per pound and 5 cents per pound, respectively. These proposals would sharply reduce the level of import relief to a point where its effectiveness would be questionable.

GHC has asked that the relief be modified by delaying the reduction scheduled to take effect in January 1982 until January 1983. Should the President decide that such a change is not an increase in the level of relief, it is our view such a delay is not needed.<sup>23</sup>

#### *Conclusion*

GHC has made significant efforts to adjust to import competition, but it is just beginning to realize the benefits of these efforts. The market for porcelain-on-steel cooking ware has contracted since the imposition of import relief. The firm's economic health has improved but is highly dependent on a segment of its product line which is especially price-sensitive. Termination of relief at this time would have an adverse economic effect on GHC. Any reduction of or

industry. Both the importers and the domestic producers testified that Dansk Kobenstyle and the Pointerware Imperial Collection are not directly competitive with domestic products. (Transcript of the Hearing, pp. 88, 155, 173, 200-201.) Moreover, relief as proposed by the Commission in the sec. 201 investigation was specifically designed to exclude such types of high-priced, high-fashion cooking ware.

Pointerware's Cuisine and La Chef lines also have become subject to relief as a result of exchange rate fluctuations. GHC alleges that these imports do compete directly with its new Chateau line. If the President devises a means to exclude high-priced, high-fashion cooking ware, I suggest that he consider whether protection of the Chateau line would be appropriate in light of sec. 203(h)(2) of the Trade Act of 1974.

<sup>23</sup> Section 203(i)(2) of Trade Act of 1974 (19 U.S.C. 2253(i)(2)).



modification in the relief program would either be technically infeasible or would severely undercut the import relief program. We therefore advise that the current import relief be continued as originally proclaimed.

Issued: October 28, 1981.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 81-32241 Filed 11-5-81; 8:45 am]

BILLING CODE 7020-02-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 81-16]

#### Final Order Denial of Application; Elvin Edward Walker, D. O.

On July 10, 1981, the Administrator of the Drug Enforcement Administration [DEA] directed an Order to Show Cause to Elvin Edward Walker, D.O., 422 Holly Lane, Wynnwood, Pennsylvania [Respondent] seeking to deny the application Respondent executed on April 24, 1981, to possess, dispense, administer and prescribe controlled substances in Schedules III, IIIN, IV and V under 21 U.S.C. 823. The statutory predicate for the Order was Respondent's conviction on July 18, 1980, in the Superior Court of New Jersey, Camden County, of four (4) counts of unlawfully, knowingly and intentionally distributing controlled substances not in good faith in the course of Respondent's professional practice, in violation of N.J.S. 24:21-19 (a)(1) and (b)(3), and N.J.S. 24:21-15 and N.J.S. 24:21-9. These are convictions for controlled substance-related felonies.

Respondent, Proceeding *pro se*, requested in a letter dated July 15, 1981, a hearing on the issues raised by the Order. The matter was placed on the docket of the Honorable Francis L. Young, Administrative Law Judge. By Order dated August 3, 1981, Judge Young ordered both sides to provide him, and each other, a Prehearing Statement of issues perceived and evidence to be presented. The Government complied with Judge Young's Order.

Respondent initially responded by sending Judge Young a copy of a letter addressed to the Pennsylvania State Board of Osteopathic Medical Examiners. Respondent then sent a letter to the Deputy Chief Counsel of DEA stating he would file prehearing statements by the date set by Judge

Young, September 3, 1981. When Respondent sent no prehearing statements, the Government moved on September 11, 1981, to strike Respondent's request for a hearing, and for imposition of sanctions. Judge Young ordered Respondent to respond to this motion by September 23, 1981. In the interim, Respondent wrote to Government counsel, stating he saw no purpose in having a hearing. Respondent then opposed the motion to strike. Judge Young ordered Respondent to submit Prehearing Statements by October 3, 1981, which he did. The hearing in this matter was set for November 5 and 6, 1981, in Philadelphia, Pennsylvania. By letter to Judge Young dated October 13, 1981, Respondent requested a cancellation of the hearing. Judge Young granted Respondent's request. The Acting Administrator finds that Dr. Walker waived his right to a hearing, and enters this Final Order on the record as it appears, as he is permitted to do by 21 CFR 1301.54 (d) and (e).

The Acting Administrator has examined the record in this matter. The Acting Administrator finds that Respondent maintained an osteopathic medical practice in Clementon, New Jersey. The Acting Administrator further finds that between 1975 and 1978 Respondent sold over one hundred (100) prescriptions for Dexamy, Quaalude, Ritalin, Eskatrol, Preludin and Seconal to six undercover investigators of the New Jersey State Police, New Jersey Division of Criminal Justice, and New Jersey Professional Boards. An examination of the record shows that Respondent prescribed these substances without any medical examination. The investigators did not manifest any symptoms requiring the prescription of these controlled substances. One investigator received thirteen (13) Quaalude prescriptions for "a friend" who was absent. Another investigator received a prescription for an absent investigator who had previously obtained prescriptions for Preludin from Respondent. A third investigator obtained forty-one (41) prescriptions for Ritalin and Seconal from Respondent. The Acting Administrator finds that Dr. Walker wrote this investigator prescriptions for fifty (50) Ritalin, to be taken once or twice daily, at intervals of approximately ten (10) to fourteen (14) days. The Acting Administrator finds that each and every prescription written by Respondent for these investigators was without medical necessity or justification.

The Acting Administrator has read

each piece of correspondence submitted by Respondent. By way of mitigation, Respondent states that he was suffering from cancer of the colon during some time of the events at issue and was undergoing chemotherapy affecting his judgment. In his letter requesting a cancellation, Respondent stated he is suffering from residual cancer of the colon. The Acting Administrator has considered these facts. The Acting Administrator concludes that, while his medical difficulties may earn Respondent a degree of sympathy, they cannot excuse his prescribing practices. Quite simply, Respondent cannot be trusted with controlled substances in any schedule.

Having examined the record, and having concluded there is sufficient statutory ground for the denial of Respondent's application under 21 U.S.C. 824, it is the decision of the Acting Administrator to deny application for DEA registration executed by Respondent Elvin Edward Walker, D.O., on April 24, 1981. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, U.S.C., and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby denies the application filed April 24, 1981, by Respondent Elvin Edward Walker, D.O., for reason that on July 18, 1980, Respondent was convicted in the Superior Court of New Jersey, Camden County, of a felony relating to controlled substances, effective December 7, 1981.

October 30, 1981.

Marion W. Hambrick,  
Acting Administrator, Drug Enforcement  
Administration.

[FR Doc. 81-32266 Filed 11-5-81; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-10,365]

#### Sporting Side Ltd., New York, N.Y.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 25, 1980 in response to a petition received on August 13, 1980 which was filed on behalf of workers at Sporting Side Ltd., New York, New York. The workers produced dresses and sportswear.



The Department of Labor has been unsuccessful in locating any officials of Sporting Side Ltd. The company closed in July 1980. It has not been possible to contact any company officials or to gain access to records, ledgers or documents necessary for a determination to be made. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 20th day of October 1981.

**Marvin M. Fooks,**  
*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 81-32219 Filed 11-5-81; 8:45 am]

BILLING CODE 4510-30-M

## Office of the Secretary

### Certification of States to the Secretary of the Treasury

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the following named States to the Secretary of the Treasury for the 12-month period ending October 31, 1981, in regard to the unemployment compensation laws of those States which heretofore have been approved under the Federal Unemployment Tax Act: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Virgin Islands, Washington, West Virginia, Wisconsin, Wyoming.

Signed at Washington, D.C. this 31st day of October, 1981.

**Raymond J. Donovan,**  
*Secretary of Labor.*

[FR Doc. 81-32217 Filed 11-5-81; 8:45 am]

BILLING CODE 4510-30-M

### Certification of State Unemployment Compensation Laws to the Secretary of the Treasury Pursuant to Section 3303(b)(1) of the Internal Revenue Code of 1954

In accordance with the provisions of paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), I hereby certify the unemployment compensation laws of the following named States, which heretofore have been certified pursuant to Paragraph (3) of section 3303(b) of the

Code, to the Secretary of the Treasury for the 12-month period ending October 31, 1981: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Signed at Washington, D.C. this 31st day of October, 1981.

**Raymond J. Donovan,**  
*Secretary of Labor.*

[FR Doc. 81-32218 Filed 11-5-81; 8:45 am]

BILLING CODE 4510-30-M

### Pension and Welfare Benefit Programs Office

[Application No. D-2767]

#### Involving Crocker National Bank, San Francisco, Calif.

**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 use of assets of multiemployer pension plans (the Plans) or group trusts (the Group Trusts) consisting of multiemployer pension plans for permanent loans to persons (the Borrowers) who will use the loan proceeds to pay off construction loans originated by Crocker National Bank (Crocker), which serves as corporate co-trustee (Corporate Co-Trustee) or as trustee (Trustee) for such Plans and Group Trusts. The proposed exemption, if granted, would affect Crocker, the Plans, the Group Trusts and their participants and beneficiaries.

**DATES:** Written comments and requests for a public hearing must be received by the Department on or before December 7, 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-2767. 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. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed by Crocker, 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. Crocker serves as Trustee or Corporate Co-Trustee for the Plans and Group Trusts. Crocker's services as Trustee or corporate Co-Trustee consist solely of holding, receiving, handling and disbursing funds as instructed by an independent third party fiduciary. Crocker represents that it would have no discretionary authority with regard to the management of assets of the Plans and Group Trusts and that it is not and would not become a fiduciary with respect to the Plans and Group Trusts.

2. In the ordinary course of its lending activities, Crocker makes construction loans to the Borrowers, who are developers of real property for projects such as office buildings, shopping centers, apartment houses, single family dwellings or condominium



developments. The Borrower, without the assistance of Crocker, obtains a commitment for a permanent loan to pay off the construction loan at such time as the construction of the project is completed. The Borrower may obtain a permanent loan commitment from one of the Plans or Group Trusts either at a time prior to or after Crocker's construction loan commitment.

3. A prohibited transaction may arise from the fact that the Plan and Group Trust fiduciaries would be entering into permanent loan commitments with the knowledge that the permanent loan proceeds would be utilized to pay off Crocker's construction loan. It is emphasized that Crocker would play no role in securing permanent loans for its construction loan customers; nor would it play any role in the decisions of the Plans and Group Trusts to issue permanent loans. It is further represented that there is no scheme or arrangement between the Borrowers, Crocker, the Plans or the Group Trusts regarding construction and permanent loan financing.

4. The applicant represents that investment by employee benefit plans in real estate ventures as permanent lenders is common in the current real estate financing market. The applicant also asserts that an exemption is appropriate for the transactions described herein because of the lack of potential for abuse and because a denial would unduly restrict a Plan or Group Trust's choice of potential Borrowers to those who have not secured a construction loan from Crocker, which is merely a custodian for the Plans and Group Trusts.

5. In summary, it is represented that the proposed transactions satisfy the statutory criteria of section 408(a) for the following reasons:

a. Crocker would have no discretionary authority regarding the management or disposition of the assets of the Plans or Group Trusts;

b. The fiduciaries of the Plans and Group Trusts, who are independent of Crocker, would make all investment decisions for the Plans and Group Trusts, including all decisions relating to the proposed transactions;

c. Crocker would play no role in securing permanent loans for its construction loan customers; and

d. It is represented that there would be no scheme or arrangement between the Borrowers, Crocker, the Plans or the Group Trusts regarding construction and permanent loan financing.

#### 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 sections 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 408(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administratively or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

#### Written Comments

All interested persons are invited to submit written comments on the ending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments 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 408(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (d) of the Code shall not apply to the use of the assets of the Plans and the Group Trusts for permanent loans to the Borrowers, who will use the loan proceeds to pay off construction loans originated by Crocker.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 28th day of October, 1981.

Ian D. Lanoff,

*Administrator, Pension and Welfare Benefit Programs Labor-Management Services, Administration, Department of Labor.*

[FR Doc. 81-32237 Filed 11-5-81; 8:45 am]

BILLING CODE 4510-29-M

## NATIONAL SCIENCE FOUNDATION

### Subcommittee for Law and Social Sciences of the Advisory Committee for Social and Economic Science, Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Law and Social Sciences of the Advisory Committee for Social and Economic Science

Date and time: November 20 and 21, 1981, 9:00 am to 5:00 pm, each day

Place: Room 523, National Science Foundation, 1800 G Street NW., Washington, DC 20550

Type of meeting: Closed 9:00 am to 5:00 pm, November 20 and 21, 1981

Contact person: Dr. Felice J. Levine, Program Director, Law and Social Sciences, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9567

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Law and Social Sciences

Agenda: Closed—to review and evaluate research proposals as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial



data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Reason for late notice: Because of current budget restraints, the decision to hold this meeting was not made until November 2, November 3, 1981.

M. Rebecca Winkler,  
Committee Management Coordinator.

[FR Doc. 81-32167 Filed 11-5-81; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50-483 OL]

### Union Electric Co. Callaway Plant, Unit 1; Memorandum and Order on Prehearing Conference; Change of Hearing Place

November 2, 1981.

The hearing place on construction issues has been changed for all dates to Stouffer's Riverfront, 200 S. 4th Street in St. Louis, Missouri 63102.

For the Atomic Safety and Licensing Board,  
In Bethesda, Maryland November 2, 1981.

James P. Gleason,  
Administrative Judge.

[FR Doc. 81-32257 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-528/529/530]

### Arizona Public Service Co., et al.; Availability of Draft Environmental Statement for Palo Verde Nuclear Generating Station, Units 1, 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0841) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Palo Verde Nuclear Generating Station, Units 1, 2 and 3, located in Maricopa County, Arizona. The owners of Palo Verde 1, 2 and 3 are Arizona Public Service Company, Salt River Project Agricultural Improvement

and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences. Finally, the statement presents an updated discussion of need for the facility based on information available in 1981.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona. The DES is also being made available at the State Clearinghouse, Office of Economic Planning and Development, State of Arizona, 1700 West Washington Street, Room 505, Phoenix, Arizona 85007, and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Arizona 85007. Request for copies of the DES should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Phoenix Public Library. Comments are due by December 21, 1981. After consideration of the comments submitted on the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the Federal Register.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of October, 1981.

For the Nuclear Regulatory Commission,  
Frank J. Miraglia,  
Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-32270 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-483]

### Callaway Plant, Unit 1; Clarification of Notice of Availability of Draft Environmental Statement

On October 16, 1981, a notice was published in the Federal Register (46 FR 51098) under the heading "Availability of Draft Environmental Statement for Callaway Plant, Unit 1." The notice stated comments on the report were due by November 23, 1981. The notice should have said comments on the report are due November 30, 1981.

The notice now reads: Notice is hereby given that a Draft Environmental Statement (NUREG-0813) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Callaway Plant, Unit 1, by the Union Electric Company. The plant is located in Callaway County, approximately 25 miles east-northeast of Jefferson City, Missouri.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economical costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence or their consequences. Finally, the statement presents an updated discussion of a need for the facility since the construction permit application.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20555 and in the Fulton City Library, 709 Market Street, Fulton, Missouri and the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis Missouri. The Draft Environmental Statement is also being made available at the Office of Administration, Division of Budget & Planning, P.O. Box 809, State Capitol Building, Jefferson City, Missouri and at the Mid-Missouri Council of Governments, 830 E. High Street, Jefferson City, Missouri. Requests for copies of the DES (NUREG-0813) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the



Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., the Fulton City Library, Fulton, Missouri and in the Library of Washington University, St. Louis, Missouri. After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the Federal Register. Comments are due by November 30, 1981.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of October 1981.

For the Nuclear Regulatory Commission.

**B. J. Youngblood,**  
Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-32274 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-249]

#### **Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License and Negative Declaration**

Pursuant to the Atomic Safety and Licensing Board's (ASLB) "Partial Initial Decision Modifying Operating License to Permit Installation of Five High-Density Spent Fuel Storage Racks at Dresden Unit 3", dated September 24, 1981, the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company (the licensee), which revised the license and its appended Technical Specifications for operation of the Dresden Nuclear Power Station, Unit No. 3, located in Grundy County, Illinois.

The amendment authorizes a Technical Specification change which requires the effective subcritical multiplication factor ( $K_{eff}$ ) in the spent fuel pool be maintained below 0.95 and incorporates a new License Condition 3.M which (1) approves the installation and use of five high-density storage racks in the spent fuel storage pool for Dresden Station Unit 3, (2) requires fuel

stored in the spent fuel pool to have a U-235 loading less than or equal to 14.8 grams per axial centimeter, and (3) requires no loads heavier than the weight of a single fuel assembly and handling tool to be carried over fuel stored in the spent fuel pool. The license amendment also incorporates the requirement that the FSAR be updated to reflect the four commitments relied upon by the ASLB in reaching its decision.

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. This action is a part of the action covered by the Notice of Proposed Issuance of Amendment to Facility Operating License which was published in the Federal Register on August 11, 1978 (43 FR 35763). In a Notice of Hearing dated March 29, 1979, the ASLB granted the State of Illinois' petition to intervene.

The Commission has issued an Environmental Impact Appraisal for this action and has concluded that the action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated May 11, 1978 and a related request for Dresden Station Unit 3 only dated August 10, 1981; also see licensee letters dated January 12 and 24, 1979, May 30, 1979, June 12, 1979, August 17, 1979, October 19 and 29, 1979, December 2, 1980, January 29, 1981, and June 8, 1981, (2) the Commission's related Safety Evaluation and Environmental Impact Appraisal, dated June 5, 1980, (3) Amendment No. 56 to License No. DPR-25, including the Commission's letter of transmittal, and (4) the ASLB's Partial Initial Decision, dated September 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1981.

For the Nuclear Regulatory Commission.

**Thomas A. Ippolito,**  
Chief, Operating Reactors Branch No. 2,  
Division of Licensing.

[FR Doc. 81-32273 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

#### **Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-39, and Amendment No. 65 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to add requirements to maintain the water level 22 feet above the reactor vessel flange and 23 feet above the top of the spent fuel assemblies in the spent fuel pool during movement of fuel in those areas.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in these license amendments. Prior notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 23, 1981, (2) Amendment Nos. 71 and 65 to License Nos. DPR-39 and DPR-48, 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 30th day of October 1981.

For the Nuclear Regulatory Commission,  
Steven A. Varga,  
Chief, Operating Reactors Branch No. 1,  
Division of Licensing.

[FR Doc. 81-32272 Filed 11-5-81; 8:45 am]  
BILLING CODE 7590-01-M

**[Byproduct Material License No. 08-18308-01MD EA 81-59]**

**Pharmatopes, Inc.; Order Imposing a Civil Penalty**

**I**

Pharmatopes, Incorporated, Washington, D.C. (the "licensee"), 4545 43rd Street N.W., Washington, D.C. 20016, is the holder of Byproduct Material License No. 08-18308-01MD (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to possess and distribute byproduct material to persons licensed pursuant to §§ 35.14 and 35.100 of 10 CFR Part 35 or under equivalent licenses of Agreement States in accordance with the conditions specified therein. The license was issued on December 12, 1978, and has an expiration date of December 31, 1983.

**II**

Following a report dated February 24, 1981 by the licensee of an overexposure to one of its employees, a special inspection was conducted of activities under the license on March 10 and 11, 1981. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of the license and with the requirements of the Nuclear Regulatory Commission's "Standards for Protection Against Radiation", Part 20, Title 10, Code of Federal Regulations.

A written Notice of Violation and Proposed Imposition of a Civil Penalty was served upon the licensee by letter dated August 6, 1981. This Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalty proposed for Item I. An answer dated September 4, 1981, to the Notice of Violation and Proposed Imposition of a Civil Penalty was received from the licensee.

**III**

Upon consideration of the answers

received and the statements of fact, explanation, and argument for remission, mitigation or cancellation contained therein, as set forth in the Evaluations and Conclusions of this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for Item 1 designated in the Notice of Violation and Proposed Imposition of a Civil Penalty should be imposed.

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Five Thousand Dollars within thirty days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

**IV**

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

**V**

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

a. Whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of a Civil Penalty referenced in Sections II and III above; and

b. Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 29th day of October 1981.

For the Nuclear Regulatory Commission,  
R. C. De Young,  
Director, Office of Inspection and Enforcement.

**Evaluations and Conclusions**

For each violation identified in the Notice of Violation and Proposed Imposition of a Civil Penalty ("Notice"), the original violation in contention is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to each item contained in Exhibit A to Pharmatopes, Inc. letter dated September 4, 1981 is presented.

1. *Statement of Noncompliance for Item 1.* 10 CFR 20.101(a) limits dose to hands and forearms, feet and ankles of an individual working in a restricted area to 18.75 rems per calendar quarter.

Contrary to the above, an individual working in a restricted area received a dose of approximately 19.9 rems to the right hand during the fourth calendar quarter of 1980.

This is a Severity Level III Violation (Supplement IV) (Civil Penalty \$5000).

**Evaluation and Conclusion**

The licensee admits the violation. The individual's increased exposure was the result of the fact that the employee, new to the facility, worked long hours in an unfamiliar setting. Despite this fact, the licensee submits that corrective action to prevent the overexposure could have been taken but for the slow response time of the dosimetry service. The first dosimetry report for the quarter beginning in October 1980 was not received until there were only two weeks remaining in the quarter. By then, the licensee asserts, the overexposure had already occurred.

It is a fundamental responsibility of a licensee to ensure that its licensed materials are not used in such a way as to cause radiation exposures to its employees in excess of regulatory limits. The licensee is expected to use all the methods at its disposal to monitor and control these exposures on a continuous basis. These methods include, among others, selection and training of personnel, use of proper equipment and procedures, surveys and monitoring of personnel, and management surveillance of the functioning of the radiation protection program. The licensee is afforded considerable latitude in the selection of its particular mix of methods of controlling radiation exposure so long as the result is the adequate protection of its workers against excessive exposure. A breakdown in one part of the program, such as delayed reporting of personnel monitor data, neither abrogates the licensee's responsibility to protect its workers nor takes away its ability to effectively control radiation exposure. A properly functioning program will promptly detect such a breakdown and take appropriate compensatory measures.

In September 1980, the NRC held an enforcement conference with this licensee in which weaknesses in various aspects of its radiation protection program were identified. Consequently, the licensee should have been aware of the need to take actions to evaluate the potential for exposure of an individual as the quarter progressed using the various methods at its disposal, including, but not limited to, evaluation of dosimetry reports. The unusual circumstances surrounding the



work of the employee in question, i.e., long work hours in an unfamiliar setting, should have alerted the licensee to the need to evaluate the potential for an overexposure in his case. This should have been particularly evident to the licensee because of the overexposure which had occurred to a new employee performing similar work during the fourth quarter of 1979 while working long hours in an unfamiliar setting. The licensee should thus have been aware of the high potential for individuals performing this task to receive elevated extremity doses and should have been attempting to determine and control the rate of progressively accumulated radiation dose.

Consequently, in mid-November 1980 when the licensee became aware of the slow response of the dosimetry service, it should have taken steps to limit the exposure of the employee until it could be sure what exposure he had actually received. Several approaches for dose evaluation were possible including reviewing workload and providing supplementary dosimetry. Similarly, when the licensee finally received the dosimetry report in mid-December and became aware of the abnormally high exposure in October with the likelihood of a similar exposure in November (because work conditions had not changed), more drastic action, such as removing the employee from or severely limiting his activities with radioactive material for the rest of the quarter, could have been taken. The licensee has given no indication that such actions were taken or contemplated.

Since the licensee relied primarily on the use of dosimetry reports in evaluating personnel exposure, the delay in receipt of dosimetry reports may have been contributory to the licensee's lack of real time knowledge of the rate of accumulated dose. In this case, however, it was not the primary cause of the exposure in excess of limits. The licensee's assertion that its "ability to monitor or control radiation exposure in this instance was beyond the control of Phmatopes" is incorrect. The responsibility for evaluating and controlling employee exposure cannot be delegated to the licensee's dosimetry supplier. Various measures such as those described above could and should have been taken. Reliance on the after-the-fact report of an exposure which has occurred to control radiation exposures rather than a continuing evaluation of the working conditions and exposure potential of an employee is inappropriate and represents a serious weakness in the licensee's radiation safety protection program. That is the reason a civil penalty has been imposed in this case.

The item, as stated, is a violation. The information presented by the licensee does not provide a basis for modification of this enforcement action.

**2. Statement of Noncompliance for Item II.** 10 CFR 19.12 requires that the licensee instruct all individuals working in restricted areas in the precautions and procedures to minimize exposure to radioactive materials, in the purpose and functions of protective devices employed, and in the applicable provisions of the Commission's regulations and licenses. Also, Condition 20 of License No. 08-18308-01MD requires that licensed

materials be possessed and used in accordance with the statements, representations and procedures contained in the license application dated October 5, 1978.

"Personnel Training Program and Frequency," attached as Item No. 12 to the license application specifies, among other things, that the training program will be of sufficient scope to ensure that all personnel receive proper instruction in the items specified in § 19.12 of 10 CFR Part 19, including radiological safety procedures appropriate to their respective duties.

"Laboratory Rules for the use of Radioactive Material" attached as Item No. 15 to the license application requires, among other things, the wearing of disposable gloves at all times while handling radioactive materials and personnel monitoring of hands for contamination after completing each procedure or before leaving the area.

Contrary to the above on March 11, 1981, the inspectors observed that at least two drivers who loaded attaché cases with radiopharmaceuticals, and the individuals who cleaned shields that had been returned, did not wear gloves. In addition, an individual stated that he did not routinely survey his fingers for radioactive contamination. Moreover, as of March 11, 1981, at least two individuals were not given the required instruction in that they were not aware of the requirements to wear gloves while handling radioactive materials and to monitor their hands for contamination after such handling.

This is a Severity Level IV Violation (Supplement VII).

#### Evaluation and Conclusion

The licensee denies the violation, but admits that the drivers failed to wear gloves and monitor their hands as required. The licensee states that all employees sign a statement which acknowledges that they have received required instruction prior to employment. In addition, the licensee states that these employees have been reinstructed in these requirements.

Although some training was given to these employees, the fact that an employee acknowledges that he has been instructed is not controlling. The issue is the substance and effectiveness of the training. An adequate training program must assure that employees understand, as well as receive required instructions regarding radiological safety and that employees apply these understandings in the performance of licensed activities. In this case the training was not adequate because the employees involved were not aware of the requirements referenced in the citation.

The item, as stated, is a violation. No civil penalty was proposed for this item.

[FR Doc. 81-32273 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Palo Verde Nuclear Generating Station; Notice of Meeting

The ACRS Subcommittee on Palo Verde Nuclear Generating Station will

hold a meeting on November 23, and 24, 1981 at the Holiday Inn-Metro Center, 2532 West Peoria Street, Phoenix, AZ. The Subcommittee will discuss the application of Arizona Public Service Company for an operating license for the Palo Verde Units 1, 2 and 3.

In accordance with the procedures outlined in the Federal Register on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

**Monday November 23, 1981—1:00 p.m.** until the conclusion of business.

**Tuesday November 24, 1981—8:00 a.m.** until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Arizona Public Service Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or Mr. Stuart K. Beal, Staff Engineer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with subsection 10(d) of the Federal Advisory



Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: November 2, 1981.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-32236 Filed 11-5-81; 8:45 am]

BILLING CODE 7590-01-M

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2015]

### Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Cooke, Parker, Stephens and Taylor Counties and the following adjacent counties: Callahan, Coleman, Shackelford, Hood, Jack, Wise, Montague, and Eastland, within the State of Texas constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about October 12, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 24, 1981, and for economic injury until close of business on July 23, 1982, at:

Small Business Administration, District Office, 1100 Commerce Street, Room 3C36, Dallas, Texas 75242, or

Small Business Administration, District Office, 712 Federal Office Bldg. of U.S. Court House, 1205 Texas Avenue, Lubbock, Texas 79401.

or other locally announced locations. Information on recent regulatory changes (P.L. 97-35, approved August 13, 1981) is available at the above mentioned office(s).

Dated: October 30, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-32253 Filed 11-5-81; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 81-279]

### Andrade and Tecate, Calif., Customs Ports of Entry; Change in Hours of Service

AGENCY: Customs Service, Treasury.

**ACTION:** Notice of change in hours of service.

**SUMMARY:** This notice announces a change in the hours of service at the Customs ports of entry at Andrade and Tecate, California. Currently, the hours of operation are 6:00 a.m. to midnight at Andrade and 7:00 a.m. to midnight at Tecate. The new hours of service at both ports will be 6:00 a.m. to 10:00 p.m. daily. The change will enable Customs to obtain more efficient use of its personnel, facilities and resources in the area.

**EFFECTIVE DATE:** The new hours of service will become effective on December 7, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Joseph E. O'Gorman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8157).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101.6, Customs Regulations (19 CFR 101.6), provides that each Customs office shall be open for the transaction of Customs business between the hours of 8:30 a.m. and 5:00 p.m. on all days of the year except Saturdays, Sundays, and national holidays. It also provides that services performed outside a Customs office generally shall be furnished between the hours of 8:00 a.m. and 5:00 p.m. Many offices provide service during hours in addition to those specified in the regulations.

The Customs ports of entry at Andrade and Tecate, California, located on the U.S.-Mexican border, in the San Diego Customs district (Region VII), are open from 6:00 a.m. to midnight and 7:00 a.m. to midnight, respectively. However, because the volume of traffic passing through each port between the hours of 10:00 p.m. and midnight (an average of 12 vehicles) does not warrant providing regular service during these hours, district and regional Customs officials have recommended that the hours of service at these ports be changed so that both are open from 6:00 a.m. to 10:00 p.m. Closing both ports at 10:00 p.m. will permit better use of Customs manpower and reduce administrative expenses.

Because opening Tecate at 6:00 a.m. will provide additional service for approximately 100 local commuter vehicles it also has been recommended that that port be opened one hour earlier.

It is anticipated that Governmental savings will outweigh any public inconvenience resulting from the

change. Both ports will remain open beyond the normal business hours set forth in the regulations and area businesses requiring port services after hours may contact local Customs officials for service which would be provided on a reimbursable basis.

Accordingly, effective December 7, 1981 the hours of service at the Customs ports of entry at Andrade and Tecate, California, will be from 6:00 to 10:00 p.m. daily.

Dated: September 29, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-32231 Filed 11-5-81; 8:45 am]

BILLING CODE 4810-22-M

## Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 10]

### Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$295,000 has been established for the company.

*Name of Company:* Universal Security

Insurance Company

*Business Address:* 5454 Fargo Avenue, Skokie, Illinois 60077

*State of Incorporation:* Tennessee.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33975 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: November 2, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-32267 Filed 11-5-81; 8:45 am]

BILLING CODE 4810-35-M



[Order No. 106-3]

**Issue of United States Securities Bearing Facsimile Signatures of Former Secretaries of the Treasury**

October 27, 1981.

Pursuant to the provisions of 5 U.S.C. 301, and pursuant to the authority vested in me as Fiscal Assistant Secretary by Department of the Treasury Order No. 101-5, the use of all stock of United States securities heretofore or hereafter issued under the Second Liberty Bond Act, as amended (31 U.S.C. 752, *et seq.*), which bear facsimile signatures of former Secretaries of the Treasury, is authorized in any case where—

(1) Such securities are issued as an additional issue of an outstanding loan, or under a continuing offer, or

(2) Such securities are issued pursuant to a new offer hereafter made and stocks therefor bearing the signature of the then incumbent Secretary are not available for timely delivery, or

(3) Such securities are issued in substitution of, or replacement for, other securities in any authorized transaction.

The term "stocks" means stocks on order, as well as all stocks on hand at the Department of the Treasury, Federal Reserve Banks and Branches, acting as fiscal agents of the United States, and at all issuing agents of United States securities.

This Order supersedes and rescinds any and all Treasury Orders previously issued relating to this subject.

Paul H. Taylor,

*Fiscal Assistant Secretary.*

[FR Doc. 81-32238 Filed 11-5-81; 8:45 am]

BILLING CODE 4810-25-M

**TENNESSEE VALLEY AUTHORITY****Privacy Act of 1974; Annual Notice of Systems of Records and Proposed Revision of Systems of Records**

AGENCY: Tennessee Valley Authority.

**ACTION:** Annual publication of systems of records and proposed revision of routine uses for some of the agency's systems of records.

**SUMMARY:** The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)(1976)) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The Tennessee Valley Authority (TVA) last published the full text of its systems of records at 45 FR 9,427, February 12, 1980. No changes have occurred; therefore, the systems of records remain in effect as published.

By this publication TVA gives notice of its intention to establish new or revised routine uses of systems of

records. This notice is required by 5 U.S.C. 552a(e)(11) (1976). TVA proposes to establish a new routine use for some of its systems of records to provide for necessary disclosures of information to officials of other agencies in connection with their statutory or regulatory oversight review responsibilities or authorized law enforcement activities. The language of the proposed routine use and the names of the systems of records to which it shall apply are described below under the heading, "Supplementary Information."

**DATES:** Written comments must be received by December 7, 1981.

**ADDRESS:** Send comments to Privacy Act Coordinator, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902. All comments received will be available for public inspection at the TVA Technical Library, 400 Commerce Avenue, E2B7, Knoxville, Tennessee 37902, during normal business hours.

**FOR FURTHER INFORMATION:**

Thomas E. Cressler II, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902, (615) 632-2170.

**SUPPLEMENTARY INFORMATION:** To provide for the necessary disclosures of information to agencies in connection with their statutory law enforcement regulatory oversight review responsibilities, TVA proposes to establish a new routine use. The new routine use would permit disclosure, "To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities." This would apply to agencies administering Federal or State programs, to agencies charged with the enforcement of civil or criminal statutes, or to agencies, commissions, or other regulatory bodies authorized to coordinate law enforcement activities. Such activities would include, but would not be limited to, certain computer matching programs designed to identify or locate unauthorized recipients under Government entitlement and other programs or persons otherwise in violation of Federal or State law.

Those systems of records to which the proposed routine use would apply are:

- TVA-2 Personnel Files
- TVA-3 Cooperative Training Program for Construction Craftsmen
- TVA-5 Discrimination Complaint Files
- TVA-6 Employee Accident Information System
- TVA-7 Employee Accounts Receivable
- TVA-8 Employee Alleged Misconduct Investigatory Files
- TVA-9 Medical Record System
- TVA-10 Employee Statements of Employment and Financial Interests.

- TVA-11 Payroll Records
- TVA-12 Employee Travel Advance Records
- TVA-13 Employment Applicant Files
- TVA-14 Grievance Records
- TVA-15 Land Between The Lakes Register of Hunter Applications
- TVA-16 Land Between The Lakes Register of Law Violations
- TVA-19 Consultant and Personal Services Contractor Records
- TVA-21 OEDC Quality Assurance Personnel Records
- TVA-23 Radiation Dosimetry Personnel Monitoring Records
- TVA-24 Reforestation, Erosion Control, and Plantation Case History Record
- TVA-25 Rehabilitation and Career Planning Records
- TVA-26 Retirement System Records
- TVA-27 Test Demonstration Farm Records
- TVA-28 Wildland Owner Survey Records
- TVA-29 Electricity Use, Rate, and Service Study Records

All comments received by the end of the above comment period will be considered in the final adoption of this proposal.

Dated: November 2, 1981.

W. F. Willis,  
*General Manager.*

[FR Doc. 81-32220 Filed 11-5-81; 8:45 am]

BILLING CODE 8120-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Secretary**

[Docket No. N-81-1097]

**President's Commission on Housing: Schedule of Meetings**

The President's Commission on Housing announces a new tentative schedule of meetings of the Commission and its Committees, through February 16, 1982 (Appendix A). A revised schedule will be published monthly but because of the possibility of changes between publications, members of the public should call the Commission offices to confirm the date, location and time for each meeting. Additional information on Committee meetings scheduled in December, January and February will be published as soon as it is available. All Commission and Committee meetings are open to the public.

Further information may be obtained by calling Jean M. Freeze, President's Commission on Housing, 730 Jackson Place, N.W., Washington, D.C. 20503 (202) 395-5832.

[Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I)]

Issued at Washington, D.C., November 4, 1981.

Samuel R. Pierce, Jr.,  
*Secretary, Department of Housing and Urban Development.*

BILLING CODE 4210-01-M





Appendix I

# THE PRESIDENT'S COMMISSION ON HOUSING

TENTATIVE SCHEDULE OF MEETINGS THRU FEBRUARY 16, 1982

Date	Commission/Committee	Place	Time
Fri. Nov. 6	Task Force on Restructuring Thrift Institutions - Hearings	NEOB, Room 2008 Washington, D.C.	9:00 a.m.
Fri. Nov. 6	Taxation Task Force	Conference Call	3:00 p.m.
Thurs. Nov. 12	Taxation Task Force	NEOB, Room 9104 Washington, D.C.	4:00 p.m.
Thurs. Nov. 12	Federal Credit Programs Task Force	NEOB, Room 8103 Washington, D.C.	9:30 a.m.
Fri. Nov. 13	Economics Committee	NEOB, Room 2008 Washington, D.C.	10:00 a.m.
Tues. Nov. 17	Housing Programs Committee	NEOB, Room 2010 Washington, D.C.	9:00 a.m.
Mon. Nov. 30 and Tues. Dec. 1	Committee on Government Regulation and the Cost of Housing - Hearings	County Council Chambers - First Floor St. Louis County Govern- ment Center, Plaza Level 41 S. Central Avenue Clayton, Missouri 63105	9:00 a.m. - 4:00 p.m. 9:00 a.m. - 4:00 p.m.
Wed. Dec. 2 and Thurs. Dec. 3	Committee on Government Regulation and the Cost of Housing - Hearings	Association of the Bar 42 W. 44th Street, Room 10 New York, New York	9:00 a.m. 9:00 a.m.
Fri. Dec. 4	Full Commission Meeting	NEOB, Room 2010 Washington, D.C.	9:00 a.m.
Mon. Dec. 14 and Tues. Dec. 15	Committee on Government Regulation and the Cost of Housing - Hearings	Conf. Rm. - Fourth Floor City Hall Annex 900 Bagby Street Houston, Texas	9:00 a.m. 9:00 a.m.
Thurs. Jan. 7	Full Commission Meeting	NEOB, Room 2010 Washington, D.C.	9:00 a.m.
Tues. Feb. 16	Full Commission Meeting	NEOB, Room 2010 Washington, D.C.	9:00 a.m.

[FR Doc. 81-35478 Filed 11-5-81; 8:48 am]

BILLING CODE 4210-01-C



# Sunshine Act Meetings

Federal Register

Vol. 46, No. 215

Friday, November 6, 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 RESERVE SYSTEM

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Notice forwarded to Federal Register on October 30, 1981.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10 a.m., Monday, November 9, 1981.

**CHANGES IN THE MEETING:** Addition of the following closed item(s) to the meeting:

Federal Reserve Bank and Branch director appointments.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: November 3, 1981.

James McAfee,

*Assistant Secretary of the Board.*

[S-1678-81 Filed 11-3-81; 4:17 p.m.]

BILLING CODE 6210-01-M

### 2

#### PAROLE COMMISSION

**TIME AND DATE:** 9:30 a.m., Tuesday, November 10, 1981.

**PLACE:** Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional commissioners of approximately 13 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSON FOR MORE INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5926.

[S-1680-81 Filed 11-4-81; 2:48 p.m.]

BILLING CODE 4410-01-M





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Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610

Subscription prices: Single copies, 15¢; 12 issues, \$1.50; 24 issues, \$2.85; 36 issues, \$4.20; 48 issues, \$5.55; 60 issues, \$6.90; 72 issues, \$8.25; 84 issues, \$9.60; 96 issues, \$10.95; 108 issues, \$12.30; 120 issues, \$13.65; 132 issues, \$15.00; 144 issues, \$16.35; 156 issues, \$17.70; 168 issues, \$19.05; 180 issues, \$20.40; 192 issues, \$21.75; 204 issues, \$23.10; 216 issues, \$24.45; 228 issues, \$25.80; 240 issues, \$27.15; 252 issues, \$28.50; 264 issues, \$29.85; 276 issues, \$31.20; 288 issues, \$32.55; 300 issues, \$33.90; 312 issues, \$35.25; 324 issues, \$36.60; 336 issues, \$37.95; 348 issues, \$39.30; 360 issues, \$40.65; 372 issues, \$42.00; 384 issues, \$43.35; 396 issues, \$44.70; 408 issues, \$46.05; 420 issues, \$47.40; 432 issues, \$48.75; 444 issues, \$50.10; 456 issues, \$51.45; 468 issues, \$52.80; 480 issues, \$54.15; 492 issues, \$55.50; 504 issues, \$56.85; 516 issues, \$58.20; 528 issues, \$59.55; 540 issues, \$60.90; 552 issues, \$62.25; 564 issues, \$63.60; 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5892 issues, \$663.00; 5904 issues, \$664.35; 5916 issues, \$665.70; 5928 issues, \$667.05; 5940 issues, \$668.40; 5952 issues, \$669.75; 5964 issues, \$671.10; 5976 issues, \$672.45; 5988 issues, \$673.80; 6000 issues, \$675.15; 6012 issues, \$676.50; 6024 issues, \$677.85; 6036 issues, \$679.20; 6048 issues, \$680.55; 6060 issues, \$681.90; 6072 issues, \$683.25; 6084 issues, \$684.60; 6096 issues, \$685.95; 6108 issues, \$687.30; 6120 issues, \$688.65; 6132 issues, \$690.00; 6144 issues, \$691.35; 6156 issues, \$692.70; 6168 issues, \$694.05; 6180 issues, \$695.40; 6192 issues, \$696.75; 6204 issues, \$698.10; 6216 issues, \$699.45; 6228 issues, \$700.80; 6240 issues, \$702.15; 6252 issues, \$703.50; 6264 issues, \$704.85; 6276 issues, \$706.20; 6288 issues, \$707.55; 6300 issues, \$708.90; 6312 issues, \$710.25; 6324 issues, \$711.60; 6336 issues, \$712.95; 6348 issues, \$714.30; 6360 issues, \$715.65; 6372 issues, \$717.00; 6384 issues, \$718.35; 6396 issues, \$719.70; 6408 issues, \$721.05; 6420 issues, \$722.40; 6432 issues, \$723.75; 6444 issues, \$725.10; 6456 issues, \$726.45; 6468 issues, \$727.80; 6480 issues, \$729.15; 6492 issues, \$730.50; 6504 issues, \$731.85; 6516 issues, \$733.20; 6528 issues, \$734.55; 6540 issues, \$735.90; 6552 issues, \$737.25; 6564 issues, \$738.60; 6576 issues, \$739.95; 6588 issues, \$741.30; 6600 issues, \$742.65; 6612 issues, \$744.00; 6624 issues, \$745.35; 6636 issues, \$746.70; 6648 issues, \$748.05; 6660 issues, \$749.40; 6672 issues, \$750.75; 6684 issues, \$752.10; 6696 issues, \$753.45; 6708 issues, \$754.80; 6720 issues, \$756.15; 6732 issues, \$757.50; 6744 issues, \$758.85; 6756 issues, \$760.20; 6768 issues, \$761.55; 6780 issues, \$762.90; 6792 issues, \$764.25; 6804 issues, \$765.60; 6816 issues, \$766.95; 6828 issues, \$768.30; 6840 issues, \$769.65; 6852 issues, \$771.00; 6864 issues, \$772.35; 6876 issues, \$773.70; 6888 issues, \$775.05; 6900 issues, \$776.40; 6912 issues, \$777.75; 6924 issues, \$779.10; 6936 issues, \$780.45; 6948 issues, \$781.80; 6960 issues, \$783.15; 6972 issues, \$784.50; 6984 issues, \$785.85; 6996 issues, \$787.20; 7008 issues, \$788.55; 7020 issues, \$789.90; 7032 issues, \$791.25; 7044 issues, \$792.60; 7056 issues, \$793.95; 7068 issues, \$795.30; 7080 issues, \$796.65; 7092 issues, \$798.00; 7104 issues, \$799.35; 7116 issues, \$800.70; 7128 issues, \$802.05; 7140 issues, \$803.40; 7152 issues, \$804.75; 7164 issues, \$806.10; 7176 issues, \$807.45; 7188 issues, \$808.80; 7200 issues, \$810.15; 7212 issues, \$811.50; 7224 issues, \$812.85; 7236 issues, \$814.20; 7248 issues, \$815.55; 7260 issues, \$816.90; 7272 issues, \$818.25; 7284 issues, \$819.60; 7296 issues, \$820.95; 7308 issues, \$822.30; 7320 issues, \$823.65; 7332 issues, \$825.00; 7344 issues, \$826.35; 7356 issues, \$827.70; 7368 issues, \$829.05; 7380 issues, \$830.40; 7392 issues, \$831.75; 7404 issues, \$833.10; 7416 issues, \$834.45; 7428 issues, \$835.80; 7440 issues, \$837.15; 7452 issues, \$838.50; 7464 issues, \$839.85; 7476 issues, \$841.20; 7488 issues, \$842.55; 7500 issues, \$843.90; 7512 issues, \$845.25; 7524 issues, \$846.60; 7536 issues, \$847.95; 7548 issues, \$849.30; 7560 issues, \$850.65; 7572 issues, \$852.00; 7584 issues, \$853.35; 7596 issues, \$854.70; 7608 issues, \$856.05; 7620 issues, \$857.40; 7632 issues, \$858.75; 7644 issues, \$860.10; 7656 issues, \$861.45; 7668 issues, \$862.80; 7680 issues, \$864.15; 7692 issues, \$865.50; 7704 issues, \$866.85; 7716 issues, \$868.20; 7728 issues, \$869.55; 7740 issues, \$870.90; 7752 issues, \$872.25; 7764 issues, \$873.60; 7776 issues, \$874.95; 7788 issues, \$876.30; 7800 issues, \$877.65; 7812 issues, \$879.00; 7824 issues, \$880.35; 7836 issues, \$881.70; 7848 issues, \$883.05; 7860 issues, \$884.40; 7872 issues, \$885.75; 7884 issues, \$887.10; 7896 issues, \$888.45; 7908 issues, \$889.80; 7920 issues, \$891.15; 7932 issues, \$892.50; 7944 issues, \$893.85; 7956 issues, \$895.20; 7968 issues, \$896.55; 7980 issues, \$897.90; 7992 issues, \$899.25; 8004 issues, \$900.60; 8016 issues, \$901.95; 8028 issues, \$903.30; 8040 issues, \$904.65; 8052 issues, \$906.00; 8064 issues, \$907.35; 8076 issues, \$908.70; 8088 issues, \$910.05; 8100 issues, \$911.40; 8112 issues, \$912.75; 8124 issues, \$914.10; 8136 issues, \$915.45; 8148 issues, \$916.80; 8160 issues, \$918.15; 8172 issues, \$919.50; 8184 issues, \$920.85; 8196 issues, \$922.20; 8208 issues, \$923.55; 8220 issues, \$924.90; 8232 issues, \$926.25; 8244 issues, \$927.60; 8256 issues, \$928.95; 8268 issues, \$930.30; 8280 issues, \$931.65; 8292 issues, \$933.00; 8304 issues, \$934.35; 8316 issues, \$935.70; 8328 issues, \$937.05; 8340 issues, \$938.40; 8352 issues, \$939.75; 8364 issues, \$941.10; 8376 issues, \$942.45; 8388 issues, \$943.80; 8400 issues, \$945.15; 8412 issues, \$946



# Federal Register

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Friday  
November 6, 1981

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## Part II

## Department of Labor

Employment Standards Administration,  
Wage and Hour Division

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Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions



## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the *Federal Register*

without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas  
Decisions to General Wage  
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate

information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

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.

California: CA81-5143	Aug. 21, 1981.
Colorado:	
CO81-5145	Sept. 4, 1981.
CO81-5146	Sept. 4, 1981.
CO81-5147	Sept. 4, 1981.
CO81-5184	Sept. 4, 1981.
Connecticut: CT81-3032	May 15, 1981.
Hawaii: HI81-5153	Sept. 25, 1981.
Utah: UT81-5156	Oct. 2, 1981.
Massachusetts:	
MA81-3071	Oct. 16, 1981.
MA81-3054	Sept. 4, 1981.
Missouri: MO81-4034	May 22, 1981.
Pennsylvania:	
PA81-3041	July 6, 1981.
PA81-3056	Aug. 28, 1981.
Texas:	
TX81-4030	May 8, 1981.
TX81-4074	Oct. 2, 1981.
Wisconsin: WI80-2013	Apr. 2, 1980.
Washington: WA81-5126	July 6, 1981.

Supersedeas Decisions to General Wage  
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the *Federal Register* are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Louisiana:	
LA81-4024(LA81-4086)	May 1, 1981.
LA81-4027(LA81-4084)	May 1, 1981.
LA81-4048(LA81-4085)	July 6, 1981.
Nevada: NV81-5103(NV81-5161)	Feb. 6, 1981.
Texas: TX81-4038(TX81-4083)	June 5, 1981.
Virginia: VA81-3035(VA81-3063)	June 12, 1981.

Cancellation of General Wage Determination  
Decisions

None.

Signed at Washington, D.C. this 30th day of October 1981.

Dorothy P. Come,  
Assistant Administrator, Wage and Hour  
Division.

BILLING CODE 4510-27-M



## Modification Page 2

DECISION NO. C081-5145 - Mod. #2  
(46 FR 44602 - September 4, 1981)

Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado

## Change:

Bricklayers; Stonemason  
Elbert, Lake, and  
Park Counties  
Power Equipment  
Operators:  
Zones 1 and 2 - See  
ATTACHED

DECISION NO. C081-5146-Mod. #2  
(46 FR 44607-September 4, 1981)

El Paso County, Colorado

## Change:

Bricklayers; Stonemason  
Power Equipment  
Operators:  
Zones 1 and 2 - See  
ATTACHED

DECISION NO. C081-5147-Mod. #2  
(46 FR 44611-September 4, 1981)

Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

## Change:

Electricians:  
Electricians  
Cable Splicers  
Power Equipment  
Operators:  
Zones 1 and 2 - See  
ATTACHED  
Plumbers

Basic Monthly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$16.56	.91	\$1.55			.07
16.91	.91	1.55			.07
18.67	1.345	1.085	a		.035
18.20	.91	1.55			.10
16.74	1.23	1.78	.75		.07
16.99	1.23	1.78	.75		.07
17.24	1.23	1.78	.75		.07
17.49	1.23	1.78	.75		.07
17.49	1.23	1.78	.75		.07
18.39	1.23	1.78	.75		.07
15.89	1.00	1.80	.30		.30
15.63	1.15	2.80	1.17		.14

## Change:

Carpenters:  
Piledrivers  
Millwrights, Pneumatic  
Nailer; Hardwood  
Floorlayers  
Elevator Constructors  
Lathers  
Painters:  
Brush, Paint Burner  
Brush (Swing stage),  
Spray  
Paperhanger, Spray  
(Swing Stage)  
Sandblaster (swing  
stage); Iron, steel  
and bridge painters  
(swing stage); Iron,  
steel and bridge  
painter, Spray (swing  
stage)  
Sandblaster: Iron,  
steel and bridge  
painter (groundwork);  
Iron, steel and  
bridge painters, Spray  
(groundwork); Riggers,  
climbing steel; Brush,  
climbing steel; and  
bridge; Spray.  
climbing steel and  
bridge  
Steeplejack  
Terrazzo Workers  
Tile Setters  
Power Equipment  
Operators:  
Group 2

## Modification Page 1

DECISION NO. C081-5143 - Mod. #1  
(46 FR 42591 - August 21, 1981)

San Diego County,  
California



## DECISION NO. C081-5148 - Mod. #2

(46 FR 44616-September 4, 1981)

Las Animas, Otero, and Pueblo Counties, Colorado

## Change:

Bricklayers

Power Equipment

Operators:

Zones 1 and 2 - See

ATTACHED

DECISION NUMBERS C081-5145, C081-5146, C081-5147, and C081-5148 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.97	.85	\$1.10		.07

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1	ZONE 2				
Group 1	\$11.60	\$11.80	\$1.03	.60	.12
Group 2	11.95	12.70	1.03	.60	.12
Group 3	12.30	13.05	1.03	.60	.12
Group 4	12.45	13.20	1.03	.60	.12
Group 5	12.60	13.35	1.03	.60	.12
Group 6	12.75	13.50	1.03	.60	.12
(For work in Tunnels, Shafts, and Raises):					
Group 1	11.75	12.50	1.03	.60	.12
Group 2	12.10	12.85	1.03	.60	.12
Group 3	12.20	12.95	1.03	.60	.12
Group 4	12.45	13.20	1.03	.60	.12
Group 5	12.60	13.35	1.03	.60	.12
Group 6	13.00	13.75	1.03	.60	.12
Group 7	12.75	13.50	1.03	.60	.12

DECISION NO. CT81-3032 - MOD. #5 (46 FR 27040 - MAY 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLARD COUNTIES, CONNECTICUT	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: ASBESTOS WORKERS: Area 1	16.04	.90	1.64		.01
Area 2	15.21	1.04	1.50		
BRICKLAYERS; CEMENT MASONS; FINISHERS; GABLE MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS and TILE SETTERS: Building Construction: Area 2	13.25	.75	1.00		
PAINTERS: (BRIDGE) Structural Steel Sandblasting or power tools	20.20				
Spray	21.20				
ROOFERS: Area 1	23.70				
STEAMFITTERS: Area 1	14.90	1.35	.45		
LABORERS (Heavy and High- way Construction): Laborers	14.08	1.16	2.00		.13
Acetylene burners; Asphalt raker; chain saw operat- or; Concrete & power buggy operators; Concrete saw operators; fence & guard rail erectors; form setters; hand operated concrete vibra- tor operators; hand operated vibratory com- pactor operators; Mason tenders; pipelayers; pneumatic gas & electric drill operators; powder- men & wagon drill operators	10.05	.80	1.20	.15	
	10.30	.80	1.20		.15



## Modification Page 5

DECISION NO. CT81-3012 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Heavy and High- way Construction): CONT'D Air track operators; block paver; curb sett- ers Blasters	10.55 10.80	.80 .80	1.20 1.20		.15 .15
DECISION NO. H181-5113 - Mod #2 (46 FR 47394 - Sept. 23, 1981 Statewide Hawaii					
CHANGE: SHEET METAL WORKERS	\$14.72	1.96	3.01		.44
DECISION NO. UT81-5156 - Mod. #2 (46 FR 42870 - October 2, 1981) Statewide, Utah					
Change: Power Equipment Operators: Heavy and Highway Construction: (Change Fringe Benefits Only - Groups 1 thru 11) Power Equipment Operators: Group 2 - Area 1 Group 7A - Area 1 Group 7A - Area 2	\$12.86 14.23 16.23	1.48 1.48 1.48	2.40 2.40 2.40	\$1.48 \$1.32	.17 .17 .17

## Modification Page 6

DECISION NO. MA81-3071 - MCO. #1 (45 FR 51163 - October 16, 1981) BERKSHIRE, FRANKLIN, HAMPSHIRE AND HAMPSHIRE COUNTIES, MASSACHUSETTS	Basic Monthly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocational	Education and In- Apprent. Tr.
CHANCE: ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS, HELPERS ELEVATOR CONSTRUCTORS, PROBATIONARY HELPERS LINE CONSTRUCTION:	13.45 9.415 6.725	1.345 1.345	1.085 1.085	a+b a+b	.035 .035
Linemen Equipment Operator Groundman Driver Groundman	15.15 13.01 10.34 11.69	.70 .70 .70 .70	34+1.00 34+1.00 34+1.00 34+1.00	C C C C	
LABORERS: (HEAVY & HIGHWAY) BERKSHIRE; FRANKLIN (Except Orange and Worwick); HAMPSHIRE AND HAMPSHIRE	10.55 10.80 11.30 11.55	.80 .80 .80 .80	1.10 1.10 1.10 1.10		.10 .10 .10 .10
FRANKLIN (Orange and Worwick)	10.80 11.05 11.55 11.80	.80 .80 .80 .80	1.10 1.10 1.10 1.10		.10 .10 .10 .10
PLUMBERS AND STEAMFITTERS: FRANKLIN COUNTY (Orange) FRANKLIN COUNTY (Monroe, Towe, and western part of Charlemont); BERKSHIRE COUNTY (Remainder of County)	12.91	.90	.90	44	.05
BERKSHIRE COUNTY (Otis, Becket, New Boston, Sandisfield); FRANKLIN COUNTY (Remainder of County); HAMPSHIRE COUNTY; HAMPSHIRE COUNTY TRUCK DRIVERS:	14.40	1.15	1.50		.05
Class I Class II Class III Class IV Class V Class VI Class VII	14.42 10.86 11.03 11.10 11.22 11.61 11.90	1.01 1.10 1.10 1.10 1.10 1.10 1.10	1.75 1.20 1.20 1.20 1.20 1.20 1.20		1.10 a+b a+b a+b a+b a+b a+b



DECISION NO. MAB1-3054 - MOD. #1 (46 FR 44631 - September 4, 1981) BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH AND SUFFOLK COUNTIES, MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: CARPENTERS AND SOFT FLOOR LAYERS: MIDDLESEX (Ashby, Ayer, Lunenburg, Shirley, Lancaster, Harvard, Groton, Peppersell, Town- send, W. Groton, and W. Townsend ESSEX (Ipswich, Essex, Gloucester, Rockport, Topsfield, Hamilton, Wenham, Middleton, Danvers, Beverly, Manchester, Peabody, Salem, Marblehead) SUFFOLK, MIDDLESEX (Re- mainder of County); Norfolk (all except Avon, Holbrook, Randolph and Stoughton); ESSEX (Remainder of County); PLYMOUTH (Duxbury, Hanover, Hing- ham, Hull, Marshfield, Norwell, Pembroke, Rock- land and Scituate); Bristol (Attleboro, N. Attleboro, & Seekonk) ELECTRICIANS: BRISTOL (Fall River, Preston, Seekonk, Somerset, Swansea, Westport	13.86	1.00	1.15		.12
	12.60	1.05	1.15		.03
	13.86	1.00	1.15		.12
	12.40	.78	1.00+.34	.63	.12

DECISION NO. MAB1-3054 - (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.	
		H & W	Pensions	Vacation		
ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS' HELPERS ELEVATOR CONSTRUCTORS' PROGATIONARY HELPERS IRONWORKERS: SUFFOLK; NORFOLK (Re- mainder of Co.); ESSEX (Manchester, Beverly, Peabody, Salem, Lynn, Lynnfield, Saugus, Swampscott, Marblehead, Mabank); PLYMOUTH (Remainder of County); BRISTOL (Easton, N. Easton); MIDDLESEX (Sherborn, Natick, Framingham, Weston, Newton, Arlington, Belmont, Cambridge, Somerville, Waltham, Medford, Malden, Stoneham, Woburn, Win- chester, Burlington, Bedford, Lincoln, Lexington, Sudbury, Maynard, Concord, Everett MIDDLESEX (Ashby, Shirley Ayer, Boxboro, Stow, Hudson, Marlboro, Ash- land, Hopkinton, Holliston) LABORERS (BUILDING): CLASS I CLASS II CLASS III CLASS IV CLASS V	15.705 10.99 7.85	1.345 1.345	1.085 1.085	a+b a+b	.035 .035	
	14.55	1.15	2.25		.10	
	14.55	1.15	2.05		.10	
	11.05	.90	1.20		.15	
	11.30	.90	1.20		.15	
	12.30	.90	1.20		.15	
	12.05	.90	1.20		.15	
	11.55	.90	1.20		.15	



Modification Page 9

DECISION NO. MA81-3054 -  
(CONT'D)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
LABORERS (HEAVY AND HIGH- WAY):					
CLASS I	.80	1.10			.10
CLASS II	.80	1.10			.10
CLASS III	.80	1.10			.10
CLASS IV	.80	1.10			.10
LINE CONSTRUCTION:					
Linean	.70	.50+3%	d		3/8 offls
Driver Groundman	.70	.50+3%	d		3/8 offls
Groundman	.70	.50+3%	d		3/8 offls
Equipment Operators	.70	.50+3%	d		3/8 offls
PAINTERS:					
MIDDLESEX (Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington)	12.75				
Brush/Taper/Paper- Banging	13.56	1.18	1.70		.04
Spray/Steel/Sandblast	15.06	1.18	1.70		.04
Repaint	11.53	1.18	1.70		.04
PLASTERERS:					
SUFFOLK, MIDDLESEX (Arlington, Cambridge, Everett, Malden, Mel- ford, Melrose, Somer- ville); NORFOLK (Brookline, Milton); PLYMOUTH (Norwell only)	11.87	2.46	.75		.02
PLASTERERS TENDERS	11.30	.90	1.20		.15
PLUMBERS AND STEAMFITTERS:					
MIDDLESEX (Ashby, Town- send, Groton, Shirley, Ft. Devens, Ayer-Nest of Greenville Branch of the Boston and Maine RR)	12.91	.90	.90	48	.05

Modification Page 10

DECISION NO. MA81-3054 -  
(CONT'D)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
PLUMBERS AND STEAMFITTERS					
CONT'D:					
MIDDLESEX (Ashland, Belmont, Concord, Framington, Holliston, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Sud- bury, Stow, Waltham, Weyland, Weston, Hudson)	14.67	1.55	2.93		.05
NORFOLK (Medway, Med- field, Dover, Wellesley)					
SUFFOLK, MIDDLESEX (Re- mainder of Co.); NORFOLK (except Avon, Holbrook, Randolph, Stoughton, Dover, Medfield, Medway, Wellesley); ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); PLYMOUTH (Bingham, Hull, Scituate, PLUMBERS	16.20	1.02	2.73		.10
ROOFERS:					
BARNSTABLE CO., PLYMOUTH (Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham and Hingham); BRISTOL (Seekonk, Beho- both, Dighton, Berkley, Swansea, Somerset, Fall River, Freetown, West- port, Dartmouth, New Bedford, Acushnet, Fairham); DUKES; NANTUCKET	10.70	1.00	.55		
SHEET METAL WORKERS:					
BARNSTABLE, PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BRISTOL (Acushnet, Dart- mouth, Dighton, Fair- haven, Fall River, Free- town, Rehoboth, Seekonk, Somerset, Swansea, West- port, & New Bedford);					



DECISION NO. MAB1-3054 -  
(Cont'd)

SHEET METAL WORKERS:

(CONT'D)

DUKES; NANTUCKET

TILE AND MARBLE FINISHERS

TRUCK DRIVERS:

CLASS I

CLASS II

CLASS III

CLASS IV

CLASS V

CLASS VI

CLASS VII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
12.49	1.05	1.54		.04
10.24	.90	.85		
10.86	1.10	1.20	a+b	
11.03	1.10	1.20	a+b	
11.10	1.10	1.20	a+b	
11.22	1.10	1.20	a+b	
11.32	1.10	1.20	a+b	
11.61	1.10	1.20	a+b	
11.90	1.10	1.20	a+b	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
\$14.54	.94	3%	11.5%	.12
12.40	.94	3%	11.5%	.12
16.18	.69	3%+1.00	7%	.12
15.18	.69	3%+1.00	7%	.12
16.18	.69	3%+1.00	7%	.12
15.18	.69	3%+1.00	7%	.12
16.18	.69	3%+1.00	7%	.12
14.58	.69	3%+1.00	7%	.12
16.18	.69	3%+1.00	7%	.12
14.00	.80	1.50	1.00	.10
13.885	.80	1.50	1.00	.10
13.35	.80	1.15		.12
13.05	.80	1.05		.06
12.80	.80	1.05		.06
12.20		.20		
12.70		.20		

DECISION #MOS1-4034 - Mod. #3  
(46 FR 28102 - May 21, 1981)  
STATEWIDE, MISSOURI

Change:

Electricians:

Zone 1

Electrical contract over

\$30,000.00

Electrical contracts

\$30,000.00 & under

Zone 2

Zone 3

Electrical contracts not

to exceed 2000 man hours

Electrical contracts 2000

man hours and over

Zone 4

Electrical contracts not

to exceed 2000 man hours

Electrical contracts 2000

man hour and over

Zone 5

Electrical contract not to

exceed 2000 man hours

Electrical contracts 1000

man hours and over

Ironworkers:

Zone 2

Zone 3

Zone 4

Zone 5

Zone 6

Painters:

Zone 8

Brush

Spray & structural steel



## Modification Page 13

DECISION NO. NC81-4034 (Contd.)

Add:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		M & W	Pensions	Vacation	
Cement masons:					
Zone 11	\$12.85	1.50	1.10		
Zone 12	12.15	1.50	1.10		
(a)	12.85	1.50	1.10		
(b)					
AREAS COVERED BY CEMENT MASONS ZONES					
Zone 11 - Jefferson, St. Charles, and St. Louis Counties.					
Zone 12 - Franklin, Lincoln, Iron, Reynolds, Madison, St. Francis, Ste. Genevieve, Warren and Washington Counties.					
(a) Projects less than \$70,000.00					
(b) Projects \$70,000.00 and over					

## Modification Page 14

DECISION NO. P81-3041

MOD. NO. 3

(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, Mercer, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pennsylvania

AND:  
 LINE CONSTRUCTION:  
 (RAILROAD ONLY)

Armstrong, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington, Westmoreland Counties:  
 Linemen  
 "A" Equipment Operator  
 "B" Equipment Operator

\$12.34	.60	3%	#	3%
12.34	.60	3%	#	3%
10.78	.60	3%	#	3%

## FOOTNOTES:

a. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

"A" Equipment Operators:  
 1. Hoisting equipment - when erecting complete towers, erecting framed structures, erecting steel transmission poles, erecting railroad pole extensions and crossbeams and when operating personnel lift baskets.

2. Tension pulling equipment under energized conditions - parallel with other energized circuits or above energized circuits on the same structure, not to include crossovers, bundled conductor stringing, including static conductors on bundled conductor lines.

3. Excavating augures 36" inches in diameter or larger, 5/8 cubic yard backhoe and larger, trencher over four feet in depth, bulldozer D-5 (caterpillar) or larger, and blade on finish grade work

"B" Equipment Operators:  
 Operators of all other equipment



## DECISION NO. PA81-5058

MOD. NO. 5

(46 FR 43596 - August 28, 1981)

Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania

## ADD:

## LINE CONSTRUCTION:

(RAILROAD ONLY)

Adams, Berks, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Lehigh, Northampton, Perry

Licenses

"A" Equipment Operator

"B" Equipment Operator

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.34	.60	3%	b	3%
12.34	.60	3%	b	3%
10.78	.60	3%	b	3%

## FOOTNOTE:

b. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

## CLASSIFICATION DEFINITION FOR LINE CONSTRUCTION (RAILROAD ONLY)

## "A" Equipment Operators:

1. Hoisting equipment - when erecting complete towers, erecting framed structures, erecting steel transmission poles, erecting railroad pole extensions and crossbeams and when operating personnel lift baskets.

2. Tension pulling equipment under energized conditions - parallel with other energized circuits or above energized circuits on same structure, not to include crossovers. Bundled conductor stringing, including static conductors on bundled conductor lines.

3. Excavating augurs 36" inches in diameter or larger, 5/8 cubic yard backhoe and larger, trencher over four feet in depth, bulldozer B-6 (caterpillar) or larger, and blade on finish grade work

## "B" Equipment Operators:

Operators of all other equipment

## DECISION NO. TX81-4030 -

MOD. #1

(46 FR 25984 - May 8, 1981)  
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas

## CHANGE:

Bricklayers &amp; stonemasons

Carpenters:

Zone 1 - Carpenters

Millwrights

Ironworkers - Zone 1

Laborers:

Group 1

Group 2

Marble masons (exterior)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.80		.80		
13.45		.60		.01
13.80		.60		.01
13.20	.65	1.65		.10
7.52	.63	.40		
7.67	.63	.40		
12.80		.80		

## DECISION NO. TX81-4074 -

MOD. #2

(46 FR 48861 - October 2, 1981)  
Travis County, Texas

## CHANGE:

Plumbers &amp; pipefitters

Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
15.40	.50	.50		.07

## DECISION NO. WI80-2013 -

MOD. #5

(45 FR 32382 - April 2, 1980)  
Milwaukee, Ozaukee, Washington and Waukesha Counties, Wisconsin

## Change:

Plumbers

Steamfitters

Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 15.19	1.20	1.55	1.02	.10
15.05	1.57	1.35	1.00	.09



## SUPERSEDES DECISION

STATE: Louisiana  
 DECISION NO.: LA81-4086  
 SUPERSEDES DECISION NO. LA81-4024, dated May 1, 1981 in 46 FR 24810.  
 DESCRIPTION OF WORK: Building projects (does not include single family homes & apartments up to and including 4 stories.)

PARISH: Statewide

DATE: Date of Publication

## CHANGE:

TRUCK DRIVERS (AREA 3)  
 CLARK, COULITZ, KLUCKITT, SAVANNAH, AND WARRIACON  
 COUNTIES, AND THE SOUTHERN PORTION OF PACIFIC COUNTY

GROUP	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	\$13.80	14.40	14.85	15.35	16.30	17.05
2	13.85	14.45	14.90	15.40	16.35	17.10
3	13.90	14.50	14.95	15.45	16.40	17.15
4	13.95	14.55	15.00	15.50	16.45	17.20
5	14.00	14.60	15.05	15.55	16.50	17.25
6	14.10	14.70	15.15	15.65	16.60	17.35
7	14.20	14.80	15.25	15.75	16.70	17.45
8	14.30	14.90	15.35	15.85	16.80	17.55
9	14.40	15.00	15.45	15.95	16.90	17.65
10	14.50	15.10	15.55	16.05	17.00	17.75
11	14.60	15.20	15.65	16.15	17.10	17.85
12	14.70	15.30	15.75	16.25	17.20	17.95
13	14.80	15.40	15.85	16.35	17.30	18.05
14	14.90	15.50	15.95	16.45	17.40	18.15

## FRINGE BENEFITS:

Health and Welfare 1.18  
 Pension 1.26  
 Vacation 1.00  
 Apprenticeship Training .08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
ASBESTOS WORKERS - ZONE 1	\$15.36	.825	1.23		.05
ZONE 2	15.105	.835	1.20		.045
ZONE 3	13.00	.75	1.40		.07
ZONE 4	12.79	.64	.50		.02

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes  
 ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Matchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes  
 ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Latourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes  
 ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Par.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS					
ZONE 1	14.55	.80	1.15		.31
ZONE 2	12.06	.53	.67		.05
ZONE 3	14.80	.68	1.00		.10
ZONE 4	13.95	.95	.585		
ZONE 5	12.25		.75		
ZONE 6	12.30	.70	.30		
ZONE 7	12.30		.75		
ZONE 8	13.30				
ZONE 9	13.50				



	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 9 - Carpenters & Soft floor layers	\$11.65	.80	.70		.10
Millwrights	12.55	.80	.70		.10
Piledrivermen	12.15	.80	.70		.10

ZONE 9 - Carpenters & Soft  
floor layers  
Millwrights  
Piledrivermen

ZONE 1 - All of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of the Atchafalaya River)  
 ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from The Mississippi State line to the western boundary of Tangipahoa Par.) & Washington Parishes  
 ZONE 4 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Miss. River), West Baton Rouge & West Feliciana Parishes  
 ZONE 5 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles & St. John the Baptist Parishes; Parts of St. Tammany & Tangipahoa (south of I-12 from the Miss. State line to the western boundary of Tangipahoa Par.) Parishes  
 ZONE 6 - Assumption, Iberia (east of the Atchafalaya River), Lafourche, St. James (south of the Miss. River), St. Martin (eastern segment of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Terrebonne Parishes  
 ZONE 7 - Ayoelles, Grant, LaSalle, Natchitoches, Rapides & Sabine Parishes  
 ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 9 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge, & West Feliciana Parishes  
 ZONE 2 - Ayoelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides & St. Landry Parishes  
 ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. on the west along U. S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State line) & Terrebonne Parishes  
 ZONE 5 - St. Tammany (north half including Covington north of Hwy. 190) & Washington Parishes  
 ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 7 - Natchitoches & Sabine Parishes  
 ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary, & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS					
ZONE 1 - Carpenters	\$12.05	.55			.05
Millwrights	12.77	.55			.05
Piledrivermen	12.95	.55			.05
ZONE 2 - Carpenters, pile- drivermen & soft floor layers	13.81	.85	.48		.07
Millwrights	15.91				.07
Carpenters	12.65	.90	.90		
Millwrights	13.29	.90	.90		
Piledrivermen	13.00	.90	.90		
ZONE 4 - Carpenters & Piledrivermen	14.30	.65	.70		.11
Millwrights	14.275				7/10
ZONE 5 - Carpenters & Soft floor layers	13.45	.90	.90		.06
Millwrights	13.84	.90	.90		.06
Piledrivermen	13.55	.90	.90		.06
ZONE 6 - Carpenters & soft floor layers	13.285	.90	.90		.06
Millwrights	13.84	.90	.90		.06
Piledrivermen	13.55	.90	.90		.06
ZONE 7 - Carpenters & Soft floor layers	12.00				
Millwrights	12.75				
Piledrivermen	12.50				
ZONE 8 - Carpenters & soft floor layers	11.00	.65	.50		.04
Millwrights	11.75	.65	.50		.04
Piledrivermen	11.25	.65	.50		.04



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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<b>ELECTRICIANS</b>						
<u>ZONE 1 -</u>	\$15.97	5%	8%			3/108
Cable splicers	16.12	5%	8%			3/108
<u>ZONE 2 -</u>	14.00	.60	3%			.02
Cable splicers	14.50	.60	3%			.02
<u>ZONE 3 -</u>	16.75	.55	3%+.40			5/108
Cable splicers	17.25	.55	3%+.40			5/108
<u>ZONE 4 -</u>	15.35	.70	3%			2/108
Cable splicers	15.60	.70	3%			2/108
<u>ZONE 5 -</u>	15.15	.60	3%+.50			.05
Cable splicers	15.15	.60	3%+.50			.05
<u>ZONE 6 -</u>	13.75	1.05	3%			1/28
Cable splicers	14.25	1.05	3%			1/28
<u>ZONE 7 -</u>	14.30	2.20	3%			1%
Cable splicers	14.80	2.20	3%			1%
<u>ZONE 8 -</u>	14.19	.60	3%			1/28
Cable splicers	14.44	.60	3%			1/28

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes  
 ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes  
 ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes  
 ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes  
 ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes  
 ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes  
 ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes  
 ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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DECISION NO. LA81-4086

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<b>CEMENT MASONS</b>						
ZONE 1	\$13.11					.05
ZONE 2	13.93					
ZONE 3	11.80	.55	.75			.05
ZONE 4	13.55	.79	.60			.09
ZONE 5	11.35					
ZONE 6	9.70					
ZONE 7	11.25	.70				
ZONE 8	11.80		.75			
ZONE 9	10.80		.30			

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes  
 ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes  
 ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (north to Interstate Hwy. 12) & Terrebonne Parishes  
 ZONE 5 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes  
 ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes  
 ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 9 - Natchitoches & Sabine Parishes



ZONE 1 - Allen (except northeast corner), Beaugard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermillion, West Baton Rouge & West Feliciana Parishes.

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Jefferson, Lafourche, Livingston (south of Hwy. 22), Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes  
 ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes  
 ZONE 5 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winfield, excluding Winfield) Parishes  
 ZONE 6 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Pochatoula) & Washington Parishes

Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	M & W	Pensions	Vacation	
\$14.02	.93	.65		.08
14.69	.60	1.75		.04
12.90				.11
13.85	.60	1.35		.06
10.70	.45	.85		.04
14.41	.60	.90		.05

FROMWORKERS

ZONE 1  
 ZONE 2  
 ZONE 3  
 ZONE 4  
 ZONE 5  
 ZONE 6

	Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
		M & W	Pensions	Vacation	
ELEVATOR CONSTRUCTORS ZONE 1 - Mechanics Helpers	\$12.14	1.195	.95	a+b	.035
	704JR	1.195	.95	a+b	.035
	508JR				
ZONE 2 - Mechanics Helpers (Prob.)	12.36	1.345	.95	a+b	.035
	704JR	1.345	.95	a+b	.035
	508JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

- a. - 1st 6 mos. - none; 6 mos. to 5 yrs. - 64 over 5 yrs. - 84 of basic hourly rate
- b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the Friday after Thanksgiving Day; Christmas Day

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beaugard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemine, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermillion, Washington, West Baton Rouge & West Feliciana Parishes.

ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

GLAZIERS - ZONE 1	\$13.45			c+d	.02
ZONE 2	10.75				.01
ZONE 3	13.05	.32	.35		.01
ZONE 4	9.88		.30		.04
ZONE 5	6.80				
ZONE 6	10.99				

FOOTNOTES FOR GLAZIERS:

- c - 5 days paid vacation
- d - 6 Paid Holidays: New Year's Day; Good Friday; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day



ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parss.; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parss. (west of a straight line drawn from the La-Miss. border, east of the city limits of Warrington, southwest through Hammond to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parss.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parss. (east of a line drawn from the meeting point of the boundaries of the Parss. of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parss. (west of a straight line drawn from the La-Miss. border, west of the city limits of Warrington, southwest through Hammond to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Parss. (south of a line drawn from Natchez through the city of Cottonport to the Rapides Parss. Line, then west along the southern border of Rapides Par.)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parss.; Parts of Bienville, Claiborne, Natchitoches & Winn Parss. (west of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Sabine Par. (north of a line drawn from the Natchitoches par. boundary west through the city of Pason to the Tex.-La. border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Texas, Union & West Carroll Parss.; Parts of Bienville, Claiborne, Natchitoches & Winn Parss. (east of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Madison Par. (except the cities of Mound, Delta & Adjacent Areas); Parts of Catahoula, Concordia & LaSalle Parss. (north of a line drawn from Natchez through the city of Cottonport to the Rapides Par. Line)

ZONE 5 - That part of Madison par. (including the cities of Mound, Delta & adjacent areas)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parss.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parss. (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline Parss.)

	Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS					
ZONE 1 - Group 1	\$ 7.20	.30			
Group 2	7.40	.30			.05
Group 3	7.45	.30			.05
Group 4	7.55	.25	.27		.05
Group 5	7.55	.25	.27		.05
Group 6	8.88	.25	.27		.05
Group 7	8.98	.25	.27		.05
Group 8	9.03	.25	.27		.05
Group 9	9.84	.25	.27		.05
Group 10	9.40	.25	.27		.05
Group 11	9.24	.25	.27		.05
Group 12	8.53	.25	.27		.05
Group 13	9.13	.25	.27		.05
Group 14	8.20	.30	.27		.05
Group 15	8.30	.30	.27		.05
Group 16	8.35	.30	.27		.05
Group 17	7.60	.30	.27		.05
Group 18	7.90	.30	.27		.05
Group 19	7.95	.30	.27		.05
Group 20	10.55	.30	.27		.05
Group 21	10.65	.30	.27		.05
Group 22	10.80	.30	.27		.05
Group 23	8.075	.25	.27		.05
Group 24	8.225	.25	.27		.05
Group 25	8.275	.25	.27		.05
Group 26	6.69	.25	.27		.05
Group 27	7.09	.25	.27		.05
Group 28	7.14	.25	.27		.05
Group 29	7.19	.25	.27		.05
Group 30	7.54	.25	.27		.05
Group 31	7.53	.25	.27		.05
Group 32	7.63	.25	.27		.05
Group 33	7.68	.25	.27		.05
Group 34	7.73	.25	.27		.05
Group 35	7.28	.25	.27		.05
Group 36	7.38	.25	.27		.05
Group 37	7.53	.25	.27		.05



## LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)

GROUP 1 - Building and labor construction  
 GROUP 2 - Stone mason tenders, mechanical tool operators; sewer men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over; tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers  
 GROUP 3 - Gunite tool operators

## LABORERS - ZONE 2

GROUP 1 - Building laborers; rotary drill laborers; foundation drill crewman  
 GROUP 2 - Mason mixer; plaster mixer; mechanical tool op.; sandblaster; laying concrete, clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers hot pot & pipe layers); gas & oil pipeline laborers wrappers & dopers

## LABORERS - ZONE 3

GROUP 1 - Building & general laborers; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners  
 GROUP 2 - Air tool op. (except jackhammer); interior of closed tanks & vessels power equipped  
 GROUP 3 - Mortar mixers

## GROUP 4 - Blasters

GROUP 5 - Blaster tenders; concrete cutters behind paving machine & puddlers; form setters; liner asphalt worker

## GROUP 6 - Rigging joints, laying pipe &amp; tile from pumpcrete

GROUP 7 - Interior of closed tanks & vessels manually

## GROUP 8 - Jackhammer operators

## LABORERS - ZONE 4 &amp; 5

GROUP 1 - Building and general laborers, carpenters tenders  
 GROUP 2 - Power tool ops. (hammer men, tamper, vibrators, power huggies, concrete chippers & cutters, chain saw ops., etc); pipe layers (non-metallic)  
 GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

## LABORERS - ZONE 6

GROUP 1 - Laborers  
 GROUP 2 - Laborers handling steel pans, stone mason tenders, mechanical tool ops., sewer men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over, sandblaster (nozzlemen & pot tender); laying non-metallic pipe over 4 ft. deep, septic diggers & installers over 4 ft. deep, gas & oil pipeline laborers & wrappers  
 GROUP 3 - Gunite tool operators

## LABORERS - ZONE 7

GROUP 1 - Common laborers  
 GROUP 2 - Jackhammer men, sewer men, mason tenders, plaster tenders, stone mason tenders, vibrators  
 GROUP 3 - Mortar mixers

## LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter tenders; mason tenders (other than cement); plasterers tenders; stone mason tenders; concrete workers; scaffold builders

GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setters; concrete cutters; hod carriers; creosote materials handler; acid workers; mason tenders (cement); mortar mixer (wet or dry); motorized buggy op.; water proofers (mastic); form setters (steel paving forms)

## GROUP 3 - Chain saw operator

GROUP 4 - Asphalt raker, tamper, smoother & shovelers; sewer

pipelayers; blaster tenders

## GROUP 5 - Powderman

LABORERS - ZONE 9

GROUP 1 - Laborers

GROUP 2 - Mason tenders, plaster tenders, asphalt rakers, asphalt

smoothers

GROUP 3 - Mortar mixers

GROUP 4 - Air jack op.; vibrator ops.; sewer pipelayers, sewer pipe

wrappers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement

masons, carpenters, plasterers), stripping & dismantling;

concrete form work; loading, unloading, carrying & handling steel

& steel mesh; assisting to the setting of cut stone, granite or

artificial stone; building scaffolds; shoring

GROUP 2 - Mechanical tool op. (air, electric, motor, engine, etc);

sewer pipelayers; mortar mixers (hand or machine); gunite opr.,

tile, terrazzo & marble setters finisher

GROUP 3 - Pipe dopers & burners

ZONE 1 - St. Tammany (as far south as Bayou LaCombe & east to the

Miss. State Line at Pearlinton), Tangipahoa (all but southwestern

corner) & Washington Parishes

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St.

Mary (excluding that part of Parish to the Calumet Locks west)

& Vermilion Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis

& Vernon Parishes

ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana,

Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Par.

Parts of Assumption, St. James, St. John the Baptist Par. (north

of a line drawn from the southern limits of the town of St. James

in St. James Par. to the northern limits of the town of

Napoleonville in Assumption Par. & then directly west to the Par.

Line, all of St. James Par. except that part which is east of a

line drawn from Lusher to U. S. Hwy 61 (Airline Hwy) then west

on U. S. 61 to Blind River & on a direct line to Manchac)

ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a

line running from the western Par. line to a point directly east

then directly south to Lake Pontchartrain) Parishes

ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St.

Bernard, St. Charles, St. John the Baptist (on the west bank of

the Miss. River & the portion of St. John the Baptist on the east

bank of the Miss. River as far as the Sycamore Inn at Lusher &

north to Blind River & Manchac) & St. Tammany (north of as far as

Bayou LaCombe, east to the Miss. State Line at Pearlinton) Par.

ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand

Isle), Lafourche, St. James (on the west bank & including the

town of Vacherie), St. Mary (that part of Parish to the Calumet

Locks west) & Terrebonne Parishes



ZONE 3 - Abbeville, Evangeline, Grant, LaSalle, Matchitoches, Rapides & Winn Parishes  
 ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes  
 ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	\$11.93	.55	.40		.05
ZONE 2	12.08	.55	.40		.05
ZONE 3	12.33	.55	.40		.05
ZONE 4	12.68	.55	.40		.05
ZONE 5	14.30	.65	.70		.10
ZONE 6	11.40				.01
ZONE 7	13.485	.55			.01
ZONE 8	12.85				
ZONE 9	9.40				.01

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes, which are 12.5 miles from center of New Orleans  
 ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes, which are within a 22.5 mile radius of New Orleans center.

ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Parishes, which are within a 32.5 mile radius of New Orleans center

ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lusher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Parishes, outside 12.5 mile radius of New Orleans Center

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville (except lower Grand River), Livingston (western part), Pointe Coupee, St. Helena, St. James (only towns of Union, Hymel, Convent & Lusher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite), Hammond & Pontchartroula, Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Parishes

ZONE 6 - Acadia, Evangeline (northward to Rt. 10 including Ville Platte and Mamou), Iberia, Iberville (eastward to lower Grand River), Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick), Vermilion Parishes

ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (excluding Ville Platte & Mamou), Jefferson Davis & Vernon (west to Rt. 117 & north of Rt. 8) Parishes

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes

ZONE 9 - Abbeville, Caldwell, Catahoula, Concordia, Franklin, Grant, LaSalle, Morehouse, Ouachita, Rapides, Richland, Vernon (except west of Rt. 117 & north of Rt. 8) & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
ZONE 1 - GROUP 1	\$15.15	.60	34+.50		.05
GROUP 2	754JR	.60	34+.50		.05
GROUP 3	654JR	.60	34+.50		.05
GROUP 4	454JR	.60	34+.50		.05
GROUP 5	504JR	.60	34+.50		.05

GROUP 1 - Linemen

GROUP 2 - Op. hole digging equip.; op. tractor with winch & derrick; op. line truck with winch & derrick working hot lines

GROUP 3 - Op. using hole truck & trailer or pole hauling & setting truck (not in energized lines)

GROUP 4 - Op. using truck without winch

GROUP 5 - Groundmen

ZONE 2

Linemen

Cable splicers

Equipment operators

Truck drivers & groundmen

ZONE 3

Linemen, equipment op.

Cable splicers

Groundmen

ZONE 4

Linemen, equipment ops.

Cable splicers

Groundmen

ZONE 5

Linemen, equipment ops.

Cable splicers

Groundmen

ZONE 6

Linemen, equipment ops.

Cable splicers

Groundman

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
Linemen	15.87	.54	84		3/104
Cable splicers	16.12	.54	84		3/104
Equipment operators	11.90	.54	84		3/104
Truck drivers & groundmen	7.14	.54	84		3/104
ZONE 3					
Linemen, equipment op.	16.75	.55	34+.40		1/104
Cable splicers	17.25	.55	34+.40		1/104
Groundmen	14.75	.55	34+.40		1/104
ZONE 4					
Linemen, equipment ops.	14.60	.70	34		1/24
Cable splicers	14.85	.70	34		1/24
Groundmen	504JR		34		1/24
ZONE 5					
Linemen, equipment ops.	14.81		34		1/24
Cable splicers	15.06		34		1/24
Groundmen	404JR		34		1/24
ZONE 6					
Linemen, equipment ops.	13.75	1.05	34		1/24
Cable splicers	14.25	1.05	34		1/24
Groundman	4.19	1.05	34		1/24



ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U. S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Talishek & on a line due east from Talishek to the Miss. State Line) & Terrebonne Parishes

ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermillion Parishes

ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 7 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes

	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
ZONE 7 - Linemen, Operators	\$14.30	2.20	3%	3/4%
Cable splicers	14.80	2.20	3%	3/4%
Groundmen	12.30	2.20	3%	3/4%

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes

ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes

ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermillion Parishes

ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Matchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE, TILE & TERRAZZO WORKERS & FINISHERS		Fringe Benefits Payments			
		Basic Hourly Rates	M & W	Pensions	Vacation
ZONE 1 - Marble setters		13.95	.95	.585	.10
Tile & terrazzo workers		13.55	.40		.10
Marble, tile & terrazzo finishers		9.75	.40	.30	
ZONE 2 - Marble & terrazzo workers		14.80	.68	1.00	.05
Tile setters		9.60	.48	.67	.02
Marble setters		13.50			
Terazzo workers		10.85			
Marble, tile & terrazzo workers		12.00		.75	
ZONE 3 - Marble, tile & terrazzo workers		10.95	.70		
Marble, tile & terrazzo workers		15.75			
Marble, tile & terrazzo finisher		9.75	.40	.30	
Tile setters		12.25			
Tile finishers		9.75	.40	.30	

	Fringe Benefits Payments			
	Basic Hourly Rates	M & W	Pensions	Vacation
PAINTERS				
ZONE 1 - GROUP 1	\$14.145		.30	
GROUP 2	14.345		.30	
GROUP 3	14.49		.30	
GROUP 4	15.935		.30	
GROUP 1	11.50		.75	.08
GROUP 2	12.92		.75	.08
GROUP 3	10.875	.875	.70	.10
GROUP 4	11.25	.875	.70	.10
GROUP 5	12.475	.875	.70	.10
GROUP 6	10.99			
GROUP 7	11.43			
GROUP 8	11.12			
GROUP 9	12.25			
GROUP 10	12.59			
GROUP 11	11.09			
GROUP 12	11.33			
GROUP 13	10.35			
GROUP 14	10.85			
GROUP 15	11.35			
ZONE 6 - Painters, tape & float, vinyl & paperhangers	11.15	.60	.30	.05
GROUP 1	8.05			
GROUP 2	8.55			
GROUP 3	9.05			
GROUP 4	10.85		.75	.08
GROUP 5	12.92		.75	.08



ZONE 5 - Allen (northeastern most corner, north of Rt. 10), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (southern half, everything south of Rt. 6 including City of Natchitoches), Rapides, St. Landry (northern portion) & Winn (southern half from a line running east & west through the intersection of Rts. 84 & 71., including the town of Winnfield at that intersection) Parishes.

ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster Parishes.

ZONE 7 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union West Carroll & Winn (northern half, everything north of a line running east & west through Winnfield excluding Winnfield) Parishes.

ZONE 8 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes.

	Basic Hourly Rates	Fringe Benefits Payments			Education and App. Tr.
		H & W	Pension	Vacation	
PLASTERERS					
ZONE 1	\$11.70				
ZONE 2	11.75				.01
ZONE 3	14.75				
ZONE 4	13.90				.01
ZONE 5	11.48	.60	.55		
ZONE 6	8.00				.01
ZONE 7	12.10		.75	1.00	
ZONE 8	13.30				
ZONE 9	12.30		.30		

ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.

ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.

ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (par. line on the west along U. S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy. 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Pars.

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Pars.

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, & Webster Pars.

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Pars.

ZONE 9 - Natchitoches & Sabine Pars.

ZONE 1 - GROUP 1 - Painters brush, roller & buffer  
GROUP 2 - Paperhanging, taping & floating  
GROUP 3 - Spray, sandblasting, hydroblasting, spider op., rubberizing & pyroflexing, steam jennies, taping & floating machine

ZONE 2 - GROUP 1 - Water towers, radio & TV towers  
GROUP 1 - Brush; taping, floating & texture  
GROUP 2 - Sandblasting, industrial & steel floaters

ZONE 3 - GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters  
GROUP 2 - Structural steel painters of new building under construction; the following overall of 30 ft.: tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter

ZONE 4 - GROUP 1 - Industrial  
GROUP 1 - Brush  
GROUP 2 - Brush swing stage  
GROUP 3 - Brush industrial  
GROUP 4 - Spray; spray steel, sandblasting  
GROUP 5 - Spray swing stage  
GROUP 6 - Paperhanger  
GROUP 7 - Sheetrock finishers

ZONE 5 - GROUP 1 - Painters, paperhangers, tapers, floaters, commercial steel, such as churches or any commercial building with closed roof deck or walls  
GROUP 2 - Other commercial work brush spray, stage, window jacks flagpoles & steeple work  
GROUP 3 - All industrial work including sandblasting or power tools of any kind

ZONE 7 - GROUP 1 - Painters, paperhangers, tapers, floaters  
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack sign, tank painting, steeple jack

GROUP 3 - Structural steel brush

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberville, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, Tangipahoa (west of Hwy. 51), West Baton Rouge & West Feliciana Pars.

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Lafourche, Livingston (south of Hwy. 22) Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - St. Tammany (northern 2/3, everything north of & straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes



DECISION NO. LA21-4086

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DECISION NO. LA21-4086

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLUMBERS & PIPEFITTERS					
ZONE 1	\$13.70	.75	1.00		.10
ZONE 2	14.395	1.26	.955		.09
ZONE 3	13.10	1.05	1.20		.10
ZONE 4	12.69	.80	1.10	1.00	.09
ZONE 5	15.48	.92	1.00		.08

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Par.), St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Par.

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Par.), Iberville, Livingston, Pointe Coupee, St. Helena, St. James (western 1/3 of Par.), St. Martin (southern part of eastern 1/2 of Par.), St. Mary, West Baton Rouge & West Feliciana

ZONE 3 - Acyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Hwy. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vermilion (northeast of Hwy. 10), West Carroll & Winn Parishes

ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Par.); Parts of Natchitoches & Vernon Par. (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Hwy. 111 between Anacoco & Haddens)

ZONE 5 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia (western 1/2 of Par.), Jefferson Davis, Lafayette, St. Landry, St. Martin (west of Hwy. 31) & Vermilion Parishes

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 1 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 2, 3 & 4 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 5 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 6 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 7 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 8 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 9 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE 10 - GROUP 1	9.37	.65	1.20		.10
GROUP 2	10.11	.65	1.20		.10
GROUP 3	10.20	.65	1.20		.10
GROUP 4	10.37	.65	1.20		.10
GROUP 5	12.20	.65	1.20		.10
GROUP 6	11.65	.65	1.20		.10
GROUP 7	9.08	.65	1.20		.10
GROUP 8	10.03	.65	1.20		.10
GROUP 9	10.13	.65	1.20		.10
GROUP 10	10.56	.65	1.20		.10
GROUP 11	12.57	.65	1.20		.10
GROUP 12	12.07	.65	1.20		.10
GROUP 13	10.61	.65	1.20		.10
GROUP 14	10.23	.65	1.20		.10
GROUP 15	10.08	.65	1.20		.10
GROUP 16	10.89	.65	1.20		.10
GROUP 17	14.01	.65	1.20		.10
GROUP 18	11.50	.65	1.20		.10
GROUP 19	12.38	.65	1.20		.10
GROUP 20	11.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS

POWER EQUIPMENT OPERATORS																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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## POWER EQUIPMENT OPERATORS - ZONE 2 - CLASSIFICATION DEFINITIONS

- GROUP 1 - Oiler  
 GROUP 2 - Oiler-Driver  
 GROUP 3 - Scaleman  
 GROUP 4 - Air compressor; Asphalt plant op.; Bulldozers, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)  
 GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydraulic lifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)  
 GROUP 6 - Well point system & unit operator  
 POWER EQUIPMENT OPERATORS - ZONE 3 - CLASSIFICATION DEFINITIONS  
 GROUP 1 - Oiler  
 GROUP 2 - Oiler-Driver  
 GROUP 3 - Scaleman  
 GROUP 4 - Air compressor; Asphalt plant; Bulldozers, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)  
 GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydraulic lifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)  
 GROUP 6 - Well point system & unit operator  
 POWER EQUIPMENT OPERATORS - ZONE 4 - CLASSIFICATION DEFINITIONS  
 GROUP 1 - Oiler  
 GROUP 2 - Oiler-Driver  
 GROUP 3 - Scaleman  
 GROUP 4 - Air compressor; Asphalt plant; Bulldozers, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)  
 GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydraulic lifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)  
 GROUP 6 - Well point system & unit operator  
 POWER EQUIPMENT OPERATORS - ZONE 5 - CLASSIFICATION DEFINITIONS  
 GROUP 1 - Oiler  
 GROUP 2 - Oiler-Driver  
 GROUP 3 - Scaleman  
 GROUP 4 - Air compressor; Asphalt plant; Bulldozers, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)  
 GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydraulic lifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)  
 GROUP 6 - Well point system & unit operator  
 POWER EQUIPMENT OPERATORS - ZONE 6 - CLASSIFICATION DEFINITIONS  
 GROUP 1 - Oiler  
 GROUP 2 - Oiler-Driver  
 GROUP 3 - Scaleman

- POWER EQUIPMENT OPERATORS - ZONE 4 (CONT'D) CLASSIFICATION DEFINITION  
 GROUP 4 - Air compressor; Asphalt plant; Bulldozers, D-4 & equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)  
 GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydraulic lifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)  
 GROUP 6 - Unit operator  
 POWER EQUIPMENT OPERATORS - ZONE 5 - CLASSIFICATION DEFINITIONS  
 GROUP 1 - Scale op.; Oiler driver on motor crane; Batch plant  
 GROUP 2 - Pumps under 3 inch suction  
 GROUP 3 - Oiler  
 GROUP 4 - Fireman  
 GROUP 5 - Combination oiler-compressor; Combination oiler-fireman; Asphalt spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry pickers (all types); Concrete mixers (over 1 sack); Cranes; Deck winch (2 drums or over); Derricks; Ditching or trenching machines (riding types); Draglines; Dredges; Fork lifts (other than farm type); Outside warehouses; Foundation drill; Front end loaders (except farm type); Grease serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 ft. on structures other than buildings); Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer plant-central mix; Motor patrols; Piledrivers; Pull cats; Pump cret-6" & over discharge; Push cat; Road pavers; Rollers (plant mix asphalt); Scrapers; Shovels; Sidebooms; Welder, journeyman; Well point system; Whirlleys; Winch cats (Cat D-4 & over); Winch truck with A-frame (5 tons & over); Work boats-requiring licensed op.  
 GROUP 6 - Bush hog; Compressor; Concrete pump-under 6" discharge; Concrete saw; Deck winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowell bar machine; Farm-type tractors (when used to pull discs, grasscutters, etc.); hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum buff machines; Mixers (1 sack & under); Motorized street sweepers (self-propelled); Pump (3 inch & over); Test pump-internal combustion engine powered; Water blast pump  
 GROUP 7 - Asphalt plant; Boom trucks; Bullfloats; Concrete spreader; Farm-type front end loaders; Finishing machines (roadway, riding type); Roller (other than plant mix asphalt); Straddle buggies; Winch truck with A-frame (under 5 tons); Workboats-not requiring licensed operator  
 GROUP 8 - Unit operator  
 POWER EQUIPMENT OPERATORS - ZONE 6 - CLASSIFICATION DEFINITIONS  
 GROUP 1 - Crane op. 60 tons & over; Crane op. boom 100 ft. & over; But less than 150 ft.; Piledriver op. leads 100 ft. & over but less than 150 ft.



POWER EQUIPMENT OPERATORS - ZONE 7 (CONT'D) CLASSIFICATION DEFINITIONS

GROUP 3 - Unit and well point operator

GROUP 4 - Outside electric elevator operator

GROUP 5 - Batch plant operator. Oilers (Driver)

GROUP 6 - Oiler

GROUP 7 - Crane op. 60 tons & above; Crane op. boom 100 ft. & over but less than 150 ft.; Tower crane op. boom height 100 ft. & over but less than 150 ft.

GROUP 8 - Crane op. 100 tons & up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Tower crane op. boom height 150 ft. & over but less than 225 ft.

GROUP 9 - Crane op. 125 tons & up to 200 tons

GROUP 10 - Crane op. 200 tons & up to 300 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower crane op. boom height 225 ft. & over up to 30 floors

GROUP 11 - Crane op. 300 tons & up to 400 tons; Crane op. boom 300 ft. & over but less than 400 ft.; Tower cranes over 30 floors

GROUP 12 - Crane op. over 400 tons; Crane op. boom 400 ft. & over

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Matchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the Junction of Iberville-St. Landry Pkwy. border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Pkws.; Parts of Assumption & St. James Pkws. (northwest of a straight line drawn from the city of Berwick to the city of Lusher); Parts of Iberia & southern & northern St. Martin Pkws. (east & west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Pkws. (west of a line drawn north from the city of Lusher to the east side of the city of Hammond to the Louisiana-Mississippi border)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. James, St. Martin, St. Mary, Tangipahoa & Washington Pkws. (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi & the Mississippi Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Pk., due north of the town of Hackley, then southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lusher (including Gramercy in the area), thence in a more southeasterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to the Atchafalaya Bay & in a line due south to the Gulf of Mexico

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D) CLASSIFICATION DEFINITIONS

GROUP 2 - Crane op. 100 tons up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Piledriver op. leads 150 ft. & over but less than 225 ft.

GROUP 3 - Crane op. 125 tons up to 200 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Piledriver op. leads 225 ft. & over but less than 300 ft.

GROUP 4 - Crane op. 200 tons up to 300 tons

GROUP 5 - Crane op. 300 tons

GROUP 6 - Crane op. boom 300 ft. & over

GROUP 7 - Crane: Backhoe; Cableway; Concrete mixer, 16S & up; Derrick; Dragline; Dredge; Hoist-2 drums; Locomotive crane; Paving mixer; Piledriver; Road paver; Roller on asphalt or brick (5 tons or over); Shovel; Sideboom cat; Bulldozer; Motor patrol; Scraper; Hydraulic crane; Hydraulic truck, yard crane, cherry picker, etc.; Foundation, boring & reaming machine; Cement stabilizer; Trenching machine; Asphalt spreader; Tractor; Tractor & similar front end loading equipment with scoop or bucket of 1 cu. yd. or more capacity; Tug boat op.; Turnapull, euclid, DW-10 & other similar self-loading earth moving equipment; Concrete pump (not pumpcrete)

GROUP 8 - A-frame truck; Crew boat op.; Fireman; Fork lift; Straddle buggy; Tractor, scooper, mobile & similar front end loading equipment with scoop or bucket under 1 cu. yd. capacity; Locomotive; Well point system; Unit operator; Hoist-1 drum, 4 stories & over

GROUP 9 - Air compressor; Asphalt plant engineer; Grader; Grader; Dis-tributor (bitum surface); Finishing machine (concrete, paving); Hoist-1 drum, less than 4 stories; Concrete mixer under 16-S; Oiler driver; Pump crane; Street & road sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated bush hog & similar grass or brush cutting equipment

GROUP 10 - Batch plant operator

GROUP 11 - Oiler

GROUP 12 - Pumps, over 3 inch suction; Snatch cat

POWER EQUIPMENT OPERATORS - ZONE 7 - CLASSIFICATION DEFINITIONS

GROUP 1 - A-frame truck when working with ironworkers, pipefitters, boiler-makers & electricians; Bulldozers & tractors; Cableways; Concrete mixer (over 16S) paving machines, cranes, derricks, draglines & clamshells; Concrete pump/boom combinations; Deck winches (2); Econobile model #6208 or equivalent or heavier equipment; Gratealls; Hi-Bo & similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanics; Motor patrols; Piledrivers; Rollers on brick & asphalt; Rubber-tired front end loader, with or without blade attachment, 1 cu. yd. capacity or more; Scraper; Shovels, Sackhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Tractor; Tractor; Trenching machines; Welder, journey-man; Work boats requiring licensed ops.

GROUP 2 - A-frame truck except when working with ironworkers or pipefitters; Air compressor; Asphalt plant engineer; Asphalt finisher, screed men; Blade graders; Small boat op.; Bullfloats; Concrete joining machines; Concrete mixer, 16S & under; Concrete spreader; Crusher op.; Deck winch (1); Distributors, asphalt; "Pitch Witch" & similar equipment; Electric elevator (inside); Finishing machine; Fireman; Form graders; Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pug mill; Pull tractors; Pump; Pump crane; Rollers except on brick & asphalt; Rubber-tired front end loader (with or without attachments) less than 1 cu. yd. capacity; Scale op.; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddle buggy; Track machines & equivalent machines



Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$14.75	34+.70	.84		.20
14.25	34+.85	1.31		.16
14.12	.55	.80		.16
13.04	34+.80	.60		.22

SHEET METAL WORKERS

ZONE 1  
ZONE 2  
ZONE 3  
ZONE 4

ZONE 1 - Calcasieu Parish  
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes  
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes  
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13.69	.95	1.40		.08
11.31	.70			
11.79	.70			
12.02	.70			
11.81	.70			
11.91	.70			
11.83	.70			
12.25	.70			

SPRINKLER FITTERS  
TRUCK DRIVERS

ZONE 1 - GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5  
GROUP 6  
GROUP 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.13		.20		
10.36	.85	.85	.50	.70
4.90	.55			
10.48	.75	.85		.04
5.00				
10.00		.30		
8.60		.30		.04
12.37		.20		.04
8.56		.20		

ROOFERS:

ZONE 1 - Roofers

ZONE 2 - Roofers

Preparers remove old roofing, place, stock or move materials, tools or equipment for the journeyman

ZONE 3:

Roofers  
Preparers remove old roofing, place, stock or move material, tools or equipment for the journeyman

ZONE 4 - Roofers

Kettlemen

ZONE 5 - Roofers

Kettlemen

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes  
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes

ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes



## TRUCK DRIVERS CLASSIFICATION DEFINITIONS

## ZONE 1 - GROUP 1 - Teamsters, pick-up drivers

GROUP 2 - Stake bodies (all sizes)  
 GROUP 3 - Trucks trailer & dumps over 8 yds.; mixers on trucks over 3 yds; Miss. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)

GROUP 4 - Mixers on trucks up to including 3 yds.

GROUP 5 - Winch trucks

GROUP 6 - Trucks, dump

GROUP 7 - Miss. wagons & Koehring dumpsters & similar

dirt moving equip. over 8 yds.

## ZONE 2 - GROUP 1 - Teamsters, pick-up drivers

GROUP 2 - Stake bodies (all sizes); platform dump

GROUP 3 - Truck & trailer; dump

GROUP 4 - Mixers on trucks, up to and including 3 yds.

GROUP 5 - Mixers over 3 yds.

GROUP 6 - Winch trucks

GROUP 7 - Miss. wagons & Koehring dumpster, tandem dumps

& similar dirt moving equipment, up to and including

8 yds.

GROUP 8 - Miss. wagons, Koehring dumpsters, tandem dumps

& similar dirt moving equipment, over 8 yds.

ZONE 3 - GROUP 1 - Pick-up drivers, spotters & dumpers of dirt,

gravel, asphalt & rock

GROUP 2 - Stake bodies; flat beds (all sizes)

GROUP 3 - Single axle dumps & water trucks; transit mix,

up to & including 3 yds.

GROUP 4 - Tandem axle dump, batch & water trucks over

3 tons, pickups with trailer

GROUP 5 - Miss. wagons, floats, tractor trailers;

rubber tired tractors & wobble wheels

GROUP 6 - Euclids, lowboys, deepsey dumpster, Koehring

dumps, 5 axle trucks, transit mix over 3 yds.

GROUP 7 - Fork lift

ZONE 4 - GROUP 1 - Pick-ups

GROUP 2 - Over 1 tons, up to but not including 3 tons

GROUP 3 - 3 tons up to but not including 5 tons

GROUP 4 - 5 tons & over including but not limited to:

winch, deepsey dumpster, lowboy, semi-trailer, euclid,

tournapull & similar equipment when used for transporting

material

GROUP 5 - Larger trucks, carrying capacity rear axles

50,000 lbs. & over

GROUP 6 - Winch truck with A-frame when used for

transporting material

ZONE 5 - GROUP 1 - Truck drivers, up to but not including 1½ tons

GROUP 2 - Truck drivers, 1½ tons up to but not including

3 tons

GROUP 3 - Truck drivers, 3 tons up to but not including

5 tons

GROUP 4 - Truck drivers, 5 tons & over

TRUCK DRIVERS (CONT'D)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and or Appr. Tr.
ZONE 2 - GROUP 1	\$8.35	.55		
GROUP 2	8.60	.55		
GROUP 3	9.15	.55		
GROUP 4	9.00	.55		
GROUP 5	9.45	.55		
GROUP 6	9.55	.55		
GROUP 7	9.85	.55		
GROUP 8	10.00	.55		
ZONE 3 - GROUP 1	9.07			
GROUP 2	9.15			
GROUP 3	9.40			
GROUP 4	9.55			
GROUP 5	9.70			
GROUP 6	9.90			
GROUP 7	10.25			
ZONE 4 - GROUP 1	10.43			
GROUP 2	10.73			
GROUP 3	10.88			
GROUP 4	11.08			
GROUP 5	11.23			
GROUP 6	11.03			
ZONE 5 - GROUP 1	10.59	.70		
GROUP 2	11.20	.70		
GROUP 3	11.23	.70		
GROUP 4	11.51	.70		



ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes.  
 ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes.  
 ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes.  
 ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, Washington, West Baton Rouge & West Feliciana Parishes.  
 ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes.

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)).

## SUPERSEDES DECISION

STATE: Louisiana

PARISHES: Bossier, Caddo &amp; Calcasieu

DECISION NO. LA81-4084 DATE: Date of Publication  
 Supersedes Decision NO. LA81-4027, dated May 1, 1981 in 46 FR 24834.

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS:					
Bossier & Caddo Parishes	\$15.105	.835	1.20		.045
Calcasieu Parish	15.36	.825	1.23		.05
BRICKLAYERS & STONEMASONS:					
Bossier & Caddo Parishes	12.30	.70	.75		.05
Calcasieu Parish	14.80	.68	1.00		.05
CARPENTERS:					
Bossier & Caddo Parishes:					
Carpenters	11.00	.65	.50		.04
Millwrights	11.75	.65	.50		.04
Piledrivers	11.25	.65	.50		.04
Calcasieu Parish:					
Carpenters & piledrivers	13.81	.85	.48		.07
Millwrights	15.31				.07
CEMENT MASONS:					
Bossier & Caddo Parishes	11.25	.70			
Calcasieu Parish	13.93				
ELECTRICIANS:					
Bossier & Caddo Parishes:					
Electricians	14.30	2.20	34		18
Cable splicers	14.80	2.20	34		18
Calcasieu Parish:					
New & old single or multiple family residence & apt. complex not to exceed 12 units, 2-story walk-ups	11.45	.55	34+.40		3/104
Other electricians:					
Electricians	16.75	.55	34+.40		5/104
Cable splicers	17.25	.55	34+.40		5/104
ELEVATOR CONSTRUCTORS:					
Bossier & Caddo Parishes:					
Mechanics	12.56	1.345	.95	a+b	.035
Helpers	704JR	1.345	.95	a+b	.035
Calcasieu Parish:					
Mechanics	12.14	1.195	.95	a+b	.035
Helpers	504JR	1.195	.95	a+b	.035
GLAZIERS:					
Bossier & Caddo Parishes	9.89		.30	c+d	.04
Calcasieu Parish	13.45				.02
IRONWORKERS:					
Bossier & Caddo Parishes	12.90	.60	1.65		.11
Calcasieu Parish	14.41	.60	.90		.05



DECISION NO. LAB1-4084

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS (CONT'D):				
Calcasieu Parish:				
GROUP 1 - Brush, roller, buffer	\$14.145	.30		
GROUP 2 - Paperhangers, taping & floating	14.345	.30		
GROUP 3 - Spray, sandblast	14.49	.30		
PLASTERERS:			1.00	
Bossier & Caddo Parishes	12.10			
Calcasieu Parish	14.75			
PLUMBERS & PIPEFITTERS:				
Bossier & Caddo Parishes	12.69	.80	1.00	.09
Calcasieu Parish	15.48	.92	1.00	.08
POOFERS:				
Bossier & Caddo Parishes:				
Roofers	12.37	.20		.04
Kettlemen	8.56	.20		.04
Calcasieu Parish:				
Roofers	11.13	.20		
SHEET METAL WORKERS:				
Bossier & Caddo Parishes	8.35	38+.67		.15
Calcasieu Parish	14.75	38+.70		.20
SOFT FLOOR LAYERS:				
Bossier & Caddo Parishes	11.00	.65		.04
Calcasieu Parish	13.81	.85		.07
SPRINKLER FITTERS	13.69	.95	1.40	.08
TERRAZZO WORKERS:				
Bossier & Caddo Parishes	10.95	.70	1.00	.05
Calcasieu Parish	14.80	.68		
TIME SETTERS:				
Bossier & Caddo Parish	10.95	.70		.02
Calcasieu Parish	9.60	.48		
TRUCK DRIVERS:				
Bossier & Caddo Parishes:				
GROUP 1 - Pick-ups, spotters & dumpers	9.07			
GROUP 2 - Stake bodies; flat beds (all sizes)	9.15			
GROUP 3 - Single axle dump & water trucks; transit mix up to & including 3 yds.				
GROUP 4 - Tandem axle dump, batch & water truck over 3 tons, pick-ups with trailer	9.40			
	9.55			

DECISION NO. LAB1-4084

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS:				
Bossier & Caddo Parishes:				
GROUP 1 - Laborers	\$ 7.53	.25	.27	.05
GROUP 2 - Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers	7.63	.25	.27	.05
GROUP 3 - Mortar mixers	7.68	.25	.27	.05
GROUP 4 - Air jacks, vibrators; sewer pipe layer & wipers	7.73	.25	.27	.05
Calcasieu Parish:				
GROUP 1 - Building & general laborers; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners	8.88	.25	.27	.05
GROUP 2 - Air tool op. (except jackhammer); interior of closed tanks & vessels power equipment	8.98	.25	.27	.05
GROUP 3 - Mortar mixers	9.03	.25	.27	.05
GROUP 4 - Jackhammer ops.	9.13	.25	.27	.05
GROUP 5 - Blaster tenders; concrete cutters behind paving machines & puddlers; form setters & lines	9.40	.25	.27	.05
asphalt worker				
GROUP 7 - Wipe joints, laying pipe & tile from pumpcrete	9.24	.25	.27	.05
GROUP 8 - Interior of closed tanks & vessels manually	8.93	.25	.27	.05
LATERS:				
Bossier & Caddo Parishes	12.85	.55		.01
Calcasieu Parish	13.485	.70		
MARBLE SETTERS:				
Bossier & Caddo Parishes	10.95	.68	1.00	.05
Calcasieu Parish	14.80	.68		
PAINTERS:				
Bossier & Caddo Parishes:				
Painters, tape & float, vinyl & paperhangers	11.15	.60	.30	.05



## TRUCK DRIVERS (CONT'D):

Bossier &amp; Caddo Parishes (Cont'd):

GROUP 5 - Mississippi

wagons, floats, tractor

trailers, rubber-tired

tractors &amp; wobble wheels

GROUP 6 - Euclids, lowboy,

Dempsey dumpsters, Koeh-

ring dumps, 5 axle truck,

transit mix over 3 yds.

Calcasieu Parish:

GROUP 1 - Pick-ups

GROUP 2 - Stake bodies

(all sizes)

GROUP 3 - Truck trailer &amp;

dump over 8 yds.; mixers

on trucks over 3 yds.;

Mississippi wagon &amp;

Koehring dumpsters &amp;

similar dirt moving equip-

ment (up to &amp; including

8 yds.

GROUP 4 - Mixers on trucks

up to &amp; including 3 yds.

GROUP 5 - Winch trucks

GROUP 6 - Dump trucks

GROUP 7 - Mississippi

wagons &amp; Koehring dump-

sters &amp; similar dirt mov-

ing equipment over 8 yds.

WELDERS - receive rate pre-

scribed for craft perform-

ing operation to which

welding is incidental

## PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS &amp; GLAZIERS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas

Day

## FOOTNOTES FOR ELEVATOR CONSTRUCTORS &amp; GLAZIERS

a- 1st 6 mos. - none; 6 mos. to 5 years - 8¢ over 5 years - 8¢ of

basic hourly rate

b - Paid Holidays - A thru G

c - 5 days paid vacation

d - Paid Holidays, A,C,D,E,G, &amp; Good Friday

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)).

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Penalties	Vacation	
9.70				
9.90				
11.31	.70			
11.79	.70			
12.02	.70			
11.81	.70			
11.91	.70			
11.83	.70			
12.25	.70			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Penalties	Vacation	
\$10.61	.65	1.20		.10
10.29	.65	1.20		.10
10.08	.65	1.20		.10
10.89	.65	1.20		.10
14.01	.65	1.20		.10
11.50	.65	1.20		.10
12.38	.65	1.20		.10
12.38	.65	1.20		.10

## POWER EQUIPMENT OPERATORS:

Calcasieu Parish:

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

## GROUP 1 - Scale operators; oiler-driver on motor crane; batch plant operator

GROUP 2 - Pumps under 3 inch section

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination oiler-compressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozer; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drum or over); derricks; ditching or trenching machines (riding type); draglines; dredges; fork lifts (other than farm type) outside warehouses; foundation drill; front end loaders (except farm types); grease servicer; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 ft. on structures other than buildings); hoist (2 drums or over); locomotive (all types); mechanic; mixer plant operator-central mix; motor patrols; pile-drivers; pull cat; pump-crete-6" and over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; welder, journeyman; well point system; whirleys; winch cats (cat D-4 & over); winch truck with A-frame (5 tons & over); work boats - requiring licensed operator

GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw; deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dowel bar machine; farm-type tractors (when used to pull discs, grass cutters, etc.); hoist-1 drum (under 4 stories on buildings); hoist-1 drum (40 ft. or under on structures other than buildings); Kolon buff machines; mixers (1 sack & under); motorized street sweepers, self-propelled; pump (3" & over); test pump-internal combustion engine powered; water blast pumps

GROUP 7 - Asphalt plant operator; boom trucks; bull floats; concrete spreader; farm type front end loaders; finishing machines (roadway, riding type); roller (other than plant mix asphalt); straddle buggies; winch truck with A-frame (under 5 tons); work boats - not requiring licensed operator

GROUP 8 - Unit operators



DECISION NO. LA81-4085

## SUPERSEDES DECISION

PARISHES: Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles

DECISION NO.: LA81-4085 DATE: Date of Publication  
Supersedes Decision No. LA81-4046, dated July 6, 1981 in 46 FR 34974.  
DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects & airports in Bossier, Caddo, Calcasieu, Jefferson & Orleans Parishes).

STATE: Louisiana

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
<b>BRICKLAYERS &amp; STONEMASONS</b>				
ZONE 1 - Allen, Beauregard Calcasieu, Cameron & Jefferson Davis Parishes	\$14.80	.68	1.00	.05
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	13.95	.95	.585	.10
ZONE 3 - Bossier & Caddo Parishes	12.30	.70	.75	
<b>CARPENTERS &amp; PILEDRIEVERMEN</b>				
ZONE 1 - Bossier & Caddo Parishes	11.07	.55	.50	.04
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	12.65	.80	.80	.06
ZONE 3 - Calcasieu Parish	12.43	.85	.38	.07
ZONE 4 - Cameron & Jefferson Davis Parishes	9.90	.85	.38	.07
ZONE 5 - Allen & Beauregard Parishes	9.40	.85	.38	.07
<b>CEMENT MASONS</b>				
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	11.82	.79	.60	.09
ZONE 2 - Bossier & Caddo Parishes	11.05	.45		
ZONE 3 - Calcasieu Parish	12.65			
ZONE 4 - Cameron & Jefferson Davis Parishes	11.20			
ZONE 5 - Allen & Beauregard Parishes	10.70			

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
<b>ELECTRICIANS</b>				
ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, & Jefferson Davis Parishes: Electricians	\$16.75	.55	34+.40	5/10%
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes: Electricians	15.15	.60	34+.50	.05
ZONE 3 - Bossier & Caddo Parishes: Cable Splicers	15.15	.60	34+.50	.05
ZONE 4 - Cameron & Jefferson Davis Parishes: Cable Splicers	14.30	2.20	38	1%
ZONE 5 - Allen & Beauregard Parishes: Cable Splicers	14.80	2.20	38	1%
<b>IRONWORKERS</b>				
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	12.81	.93	.65	.08
ZONE 2 - Calcasieu Parish	12.75	.60	.65	.05
ZONE 3 - Bossier & Caddo Parishes	10.65	.60	1.45	.06
ZONE 4 - Cameron & Jefferson Davis Parishes	9.90	.60	.65	.05
ZONE 5 - Allen & Beauregard Parishes	9.40	.60	.65	.05
<b>LABORERS</b>				
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes: GROUP 1	8.68	.30	.27	.05
GROUP 2	8.78	.30	.27	.05
GROUP 3	9.23	.30	.27	.05
GROUP 4	9.48	.30	.27	.05
ZONE 2 - Bossier & Caddo Parishes: GROUP 1	7.18	.25	.27	.05
GROUP 2	7.28	.25	.27	.05
GROUP 3	7.73	.25	.27	.05
GROUP 4	7.98	.25	.27	.05



	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
ZONE 3 - Calcasieu Parish:						
GROUP 1	\$ 8.73	.25	.27			.05
GROUP 2	8.83	.25	.27			.05
GROUP 3	9.28	.25	.27			.05
GROUP 4	9.53	.25	.27			.05
ZONE 4 - Cameron & Jefferson Davis Parishes:						
GROUP 1	7.08	.25	.27			.05
GROUP 2	7.18	.25	.27			.05
GROUP 3	7.63	.25	.27			.05
GROUP 4	7.83	.25	.27			.05
ZONE 5 - Allen & Beauregard Parishes:						
GROUP 1	6.88	.25	.27			.05
GROUP 2	6.98	.25	.27			.05
GROUP 3	7.43	.25	.27			.05
GROUP 4	7.63	.25	.27			.05

## LABORERS CLASSIFICATIONS DEFINITIONS

GROUP 1 - Laborers, including but not limited to foundation driller & demolishing & dismantling man  
 GROUP 2 - Raker, concrete spreader, carpenter tenders, distributor man, finisher tenders, formsetter tenders, jackhammer operator, jetting laborer, painter tenders, pit man, pipelayer or tile layer, power monkey tender, tamper, tree pruner, stonemason tenders, stoker, asphalt raker, concrete shovelers, power tool operator & motorized buggy operator  
 GROUP 3 - Formsetter, head or master-high type pavement  
 GROUP 4 - Powderman

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION						
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes:						
GROUP 1 - Lineman digging equipment; operator tractor with winch & derrick operator; operator line truck with winch & derrick working hot lines	\$15.15	.60	38+.50			.05
GROUP 2 - Operator using hole truck & trailer or pole hauling & setting truck (not in energized lines)	75JR	.60	38+.50			.05
GROUP 3 - Operator using truck without winch	65JR	.60	38+.50			.05
GROUP 4 - Operator using truck without winch	45JR	.60	38+.50			.05
GROUP 5 - Groundmen	50JR	.60	38+.50			.05
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes:						
GROUP 1 - Linemen, equipment operators	16.75	.55	38+.40			1/108
GROUP 2 - Cable splicers	17.25	.55	38+.40			1/108
GROUP 3 - Groundmen	14.75	.55	38+.40			1/108
ZONE 3 - Bossier & Caddo Parishes:						
GROUP 1 - Linemen; operators	14.30	2.20	38			3/48
GROUP 2 - Cable splicers	14.80	2.20	38			3/48
GROUP 3 - Groundmen	12.30	2.20	38			3/48
PAINTERS						
ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes:						
GROUP 1 - Brush	14.145		.30			
GROUP 2 - Spray, sandblasting, hydroblasting, splicing operator, rubberizing & pyroflexing, steam jennies	14.49		.30			



DECISION NO. LA81-4085

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
PAINTERS (CONT'D)					
GROUP 3 - Bridge work	\$15.935		.30		
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard, & St. Charles Parishes:					.10
GROUP 1 - Painters	10.875	.875	.70		
GROUP 2 - Spray, Swing stage					
GROUP 3 - Industrial	11.25	.875	.70		.10
ZONE 3 - Allen (north-eastern most corner, north of St. 10) Parish	12.475	.875	.70		
GROUP 1 Painters	10.35				
GROUP 2 Spray, stage, steeple work	10.85				
GROUP 3 - All Industrial work including sandblasting or power tools of any kind	11.35				
ZONE 4 - Bossier & Caddo Parishes	11.15	.60	.30		.05
PLUMBERS & PIPEFITTERS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	13.70	.75	1.00		.10
ZONE 2 - Bossier & Caddo Parishes	12.69	.80	1.10	1.00	.09
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes	15.48	.92	1.00		.08
POWER EQUIPMENT OPERATORS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	12.71	.65	1.10		.10
GROUP 1	12.96	.65	1.10		.10
GROUP 2	12.45	.65	1.10		.10
GROUP 3	10.97	.65	1.10		.10
GROUP 4	10.54	.65	1.10		.10
GROUP 5	9.31	.65	1.10		.10
GROUP 6	8.16	.65	1.10		.10
GROUP 7	10.59	.65	1.10		.10
GROUP 8	10.84	.65	1.10		.10
GROUP 9	8.41	.65	1.10		.10
GROUP 10					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (CONT'D)					
ZONE 2 - Bossier & Caddo Parishes	\$11.03	.65	1.10		.10
GROUP 1	11.28	.65	1.10		.10
GROUP 2	10.78	.65	1.10		.10
GROUP 3	9.61	.65	1.10		.10
GROUP 4	8.98	.65	1.10		.10
GROUP 5	7.83	.65	1.10		.10
GROUP 6	7.23	.65	1.10		.10
GROUP 7	9.27	.65	1.10		.10
GROUP 8	9.52	.65	1.10		.10
GROUP 9	7.48	.65	1.10		.10
GROUP 10					
ZONE 3 - Calcasieu Parish	12.36	.65	1.10		.10
GROUP 1	12.61	.65	1.10		.10
GROUP 2	12.11	.65	1.10		.10
GROUP 3	10.65	.65	1.10		.10
GROUP 4	9.96	.65	1.10		.10
GROUP 5	8.73	.65	1.10		.10
GROUP 6	7.55	.65	1.10		.10
GROUP 7	10.27	.65	1.10		.10
GROUP 8	10.52	.65	1.10		.10
GROUP 9	7.80	.65	1.10		.10
GROUP 10					
ZONE 4 - Cameron & Jefferson Davis Parishes	9.45	.65	1.10		.10
GROUP 1	9.70	.65	1.10		.10
GROUP 2	9.20	.65	1.10		.10
GROUP 3	8.08	.65	1.10		.10
GROUP 4	7.52	.65	1.10		.10
GROUP 5	6.42	.65	1.10		.10
GROUP 6	5.99	.65	1.10		.10
GROUP 7	7.79	.65	1.10		.10
GROUP 8	8.04	.65	1.10		.10
GROUP 9	6.24	.65	1.10		.10
GROUP 10					
ZONE 5 - Allen & Beauregard Parishes	8.95	.65	1.10		.10
GROUP 1	9.20	.65	1.10		.10
GROUP 2	8.70	.65	1.10		.10
GROUP 3	7.58	.65	1.10		.10
GROUP 4	7.02	.65	1.10		.10
GROUP 5					



POWER EQUIPMENT OPERATORS  
(ZONE 5 CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 6	\$ 5.92	.65	1.10		.10
GROUP 7	5.49	.65	1.10		.10
GROUP 8	7.29	.65	1.10		.10
GROUP 9	7.54	.65	1.10		.10
GROUP 10	5.74	.65	1.10		.10

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

- GROUP 1 - 60 ton crane & over; crane with 125 ft. boom
- GROUP 2 - Crane with 175 ft. boom
- GROUP 3 - Crane all types derricks; deck winches (2); hi-bo & similar type equipment; 3 drums (or more) stabilizers; pulls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; well point system; hoist, 2 drums or more; hoist, 1 drum, 40 vertical ft. or more; scrapers, bulldozers, rubber-tired or track other than farm-type; scoommobiles; motor patrol; gradall; rollers on bot type, 1 cu. yd. or over; shovels & backhoes, all types, & equivalent equipment; piledrivers; sideboom cats; a-frame trucks when handling steel or pipe; work boats requiring license ops.; tugboats; fork lifts over 10 ton capacity; foundation drilling machines
- GROUP 4 - 2 drums stabilizers; front end loaders under 1 cu. yd. A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; two tractor (crawler type); 1 drum hoist under 40 vertical ft.; firemen; concrete spreader; pugmill; bituminous distributor on surface treatment & equivalent equipment; bullfloats & equivalent equipment; job grease man; unit op.; work boats not requiring licensed ops.; inboard motored crew boats
- GROUP 5 - Single drum stabilizers; concrete mixer under 1 yd.; spray curing machines; rollers on subgrader; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher screed man; pump over 4"; scale op.; crusher ops.; concrete jointing machines; concrete saw; tack machines & equivalent equipment; pump creter; electric elevator (inside); oiler-driver; farm-type rubber tired tractor, with attachments, except backhoes; kolon buff & similar equipment, fork lifts, 10 ton capacity & under; outboard crew boats
- GROUP 6 - Batch plant operator
- GROUP 7 - Oiler
- GROUP 8 - Fireman
- GROUP 9 - Fireman operating steam valve
- GROUP 10 - Oiler on crane using air to drive piles

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
SHEET METAL WORKERS					
ZONE 1 - Calcasieu Parish	\$14.75	38+.70	.84		.20
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes	14.25	38+.85	1.31		.16
ZONE 3 - Allen, Beauregard, Cameron & Jefferson Davis Parishes	14.12	.55	.80		.16
ZONE 4 - Bossier & Caddo Parishes	13.04	38+.80	.60		.22
TRUCK DRIVERS					
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes:					
GROUP 1	8.78	.70			
GROUP 2	8.91	.70			
GROUP 3	8.97	.70			
GROUP 4	9.05	.70			
GROUP 5	9.24	.70			
ZONE 2 - Bossier & Caddo Parishes:					
GROUP 1	8.36				
GROUP 2	8.46				
GROUP 3	8.69				
GROUP 4	8.90				
GROUP 5	9.32				
ZONE 3 - Calcasieu Parish:					
GROUP 1	8.94	.70			
GROUP 2	9.07	.70			
GROUP 3	9.13	.70			
GROUP 4	9.20	.70			
GROUP 5	9.39	.70			
ZONE 4 - Allen & Beauregard Parish:					
GROUP 1	6.87	.70			
GROUP 2	7.00	.70			
GROUP 3	7.06	.70			
GROUP 4	7.13	.70			
GROUP 5	7.33	.70			



## SUPERSEDED DECISION

STATE: Nevada

COUNTIES: Nevada Test Site including Topopah Test Range in Clark, Lincoln, and Nye Counties  
DATE: Date of Publication

DECISION NUMBER: NV81-5161

Supersedes Decision No. NV81-5103 dated February 6, 1981, in 46 FR 11486

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

TRUCK DRIVERS (CONT'D)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ZONE 5 - Cameron & Jefferson Davis Parishes:					
GROUP 1	\$ 6.97	.70			
GROUP 2	7.10	.70			
GROUP 3	7.16	.70			
GROUP 4	7.23	.70			
GROUP 5	7.42	.70			

## TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 1 ton & under: warehouseman, material checker, receiving clerk, spotter & dumper  
GROUP 2 - 1 1/2 tons to 5 including 2 tons (exclusive of dump trucks)  
GROUP 3 - Single axle dump trucks, single axle water trucks  
GROUP 4 - Heavy equipment, tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, 4 axle trailers & truck mechanic  
GROUP 5 - Special equipment, euclids & 5 axle moving equipment

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 as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ASBESTOS WORKERS	18.52	1.28	1.52		
BOILERMAKERS	19.61	1.30	1.25	1.00	.04
BRICKLAYERS	16.89	.90	.60		.06
CARPENTERS:					
Carpenters: Saw Piler:	16.41	1.05	1.60		.10
Power actuated tool:	16.435	1.05	1.60		.10
Pneumatic Nailer	17.41	1.05	1.60		.10
Floor Layers: Shingler	16.81	1.05	1.60		.10
Millwrights	16.56	1.05	1.60		.10
Piledrivers	11.80	1.50	1.50	2.75	.13
Power Saw Operator	12.15	1.50	1.50	2.75	.13
CEMENT MASONS:					
Cement Masons	18.07	.98	3 1/2 55		.08
Floor Finishing Machine	18.40	.98	3 1/2 55		.08
ELECTRICIANS:					
Electricians: Equipment	14.81	.98	3 1/2 55		.08
Operators: Linemen	18.67	1.345	1.085	8	.035
Cable Splicers	13.07	1.345	1.085	8	.035
Groundman	9.335	.80	1.00	1.50	.06
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	16.56	1.44	3.77	.40	.12
Helpers	16.89	.90	.60		.06
Probationary Helpers	13.87	1.08	1.50		.06
GLAZIERS	14.82	.80	1.00	1.50	.06
IRONWORKERS:					
Ornamental: Reinforcing:	15.71	.80	1.00	1.50	.06
Structural					
MARBLE SETTERS	16.06	.80	1.00	1.50	.06
MASON TENDERS	16.32	.80	1.00	1.50	.06
PAINTERS:					
Brush: Roller	19.35	1.25	2.50		.08
Papethangers: Spray: Steel:	19.30	1.00	1.92		.10
Sandblasters: Swing Stage:	16.65	1.20	1.40		.08
Tapers	19.56	.95	1.40		.08
Buffing steel: Sand-	16.89	.90	.60		.06
blasters: Steel					
PLUMBERS: Steamfitters					
ROOFERS					
SHEET METAL WORKERS					
SPRINKLER FITTERS					
TERRAZZO WORKERS, TILE					
SETTERS					



DECISION NO. NV81-5161

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WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

## FOOTNOTE:

3. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through G

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Friday after  
Thanksgiving; G-Christmas Day

## LABORERS

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation and/or App. Tr.
Group 1	\$11.80	\$1.06	\$1.73	\$1.25
Group 2	11.85	1.05	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	1.05	1.73	1.25
Group 7	11.95	1.05	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	1.05	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

Group 1: Laborer - general; Laborer - demolition (cleaning of bricks, lumber, etc.); Dry Picking of concrete and filling of Form-bolt Holes; Spotter, Debris Handler and Dumpster; Fence Builder; Tool attendant (jobsite only); Gas and oil Pipeline Laborer

Group 2: Cutting Torch Operator (demolition); Tarmen and Mortarman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport runways and similar work; Landscape Gardener, Nurseryman and Grounds Keeper

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## LABORERS (Cont'd)

Group 5: Laborer - pecking rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers (except tunnels)

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer - Impervious Membrane and Oiler of all materials and Form Oiler; Riprap Stonepaver; Sandblaster (Pot Tender); Making and caulking of all non-metallic pipe joints

Group 10: Operators and Tenders of pneumatic and electric tools, Vibrating Machines and similar mechanical tools not separately classified herein, including Hand Guided Ditch Witch and Hand type Roller; Asphalt Paver, Ironer, Spreader; Baggy Mobile Man; Cement Dumper (On 1 yard or larger mixers and handling bulk cement); Concrete Saw Man excluding tractor type; Concrete Core Cutter; Gas and oil Pipeline Wrapper - Pot Tender and Form Man; Operator of Cement Grinding Machines; Roto-Scraper; Tree Climber, Faller, Chain Saw Operator; Pittsburgh Chiffer and similar type Brush Shredders

Group 11: Rock Slinger; Scaler (using Bos'n's Chair or Safety belt or power tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all nonmetallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and oil Pipeline Wrappers - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon), Joy Driller Model TW-N-2A, Gardner-Denver Model DM 143 and similar type drills; Sandblaster (Nozzleman)

Group 18: Head Rock Slinger



**POWER EQUIPMENT OPERATORS:**  
(Except Pile-driving and Steel Erection)

	Basic Monthly Rates	Fringe Benefits Payments			
		M & W	Pensions	Vacancies	Education and/or Appt. Tr.
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

Group 1: Air Compressor, Pump or generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Tender; Rotary Drill Tender (Rotary and Core); Switchman or Brakeman

Group 2: Concrete Mixer, skip type; Conveyor and Beltman; Fireman; Generator, pump or compressor (2-5 units inclusive, over 5 units, \$0.10 per hour for each additional unit up to 10 units, portable units); Generator, pump or compressor plant; Hydrostatic Pump; Motorman (Rotary and Core); Skiploader, wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yard or less (without drag-type attachments); Temporary Heating Plant; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Derrickman (Rotary and Core); Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Boss Carrier; Self-propelled tar Paving Machine; Stationary Pipe Wrapping and Cleaning Machine; Towlode Operator

**POWER EQUIPMENT OPERATORS (Cont'd)**  
(Except Pile-driving and Steel Erection)

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Fishing Tool Engineer; Highline Cableway Signalman; Locomotive Engineer; Mud Plant Operator; Power Sweeper; Roller, Compacting Screed; Trenching Machine (up to 6 ft. depth capacity, manufacturer's rating)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), soil, cement, asphalt - finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Pavement Breaker; Pneumatic Heading Shield - tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber-tired, heavy duty equipment (Oshkosh, DW, Euclid, Lefournau, Lapiant-Choate or similar type equipment with any type attachments); Skiploader, wheeltype, over 3/4 yds., up to and including 1 1/2 yds.; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tractor Operator - Drag-type Shovel, Bulldozer, Taper, Scraper and Push Tractor

Group 6: Combination Heavy-duty Repairman and Welder (additional \$0.10 per hour Premium, \$0.05 per hour tool allowance); Concrete Mixer, paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Driller (Rotary and Core); Elevating Grader; Forklift, over 5 tons; Grader; all; Heavy-duty Repairman (\$0.05 per hour tool allowance); Heavy-duty Welder; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader Operator - Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple-engine earthmoving machinery; Pneumatic Concrete Placing Machine - Hackley-Presswell or similar type; Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane Pile-driver and Mucking Machine; Skiploader, wheeltype, over 1 1/2 yds.; Surface Heater and Planer; Tractor Loader - Crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 ft. depth capacity, manufacturer's rating)



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## SUPERSEDES DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX81-4083 DATE: Date Of Publication  
Supersedes Decision No. TX81-4038, dated June 5, 1981 in 46 FR 30287.

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving Incidental to Building Construction in Tarrant Co. and for Paving & Utilities Incidental to Building Construction in remaining Cos.)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pension	Vacation	
Group 1	\$14.08	.92	\$1.47		
Group 2	14.19	.92	1.47		
Group 3	14.24	.92	1.47		
Group 4	14.40	.92	1.47		
Group 5	14.58	.92	1.47		

Group 1: Light Duty Driver

Group 2: Bootman; Truck Greaser

Group 3: Tireman

Group 4: Heavy Duty Driver; Forklift Driver

Group 5: Extra Heavy Duty Driver

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pension	Vacation	
ASBESTOS WORKERS					
BOILERMAKERS	\$15.105	.835	1.20		.045
BRICKLAYERS & STONEMASONS:	14.80	1.275	1.00		.04
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.					
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	13.67	.67	.70		.07
CARPENTERS:					
ZONE 1 - Grayson Co.:	15.23	.67	.50		.04
Carpenters					
Millerwrights	12.29	.80	.75		.005
Piledrivers	12.69	.80	.75		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.:	12.79	.80	.75		.005
Carpenters					
Millerwrights	14.44	.85	.80		.08
CEMENT MASONS:	15.86	.85			.08
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.					
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	13.95	.40	.80		
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.:	14.45	.65	.75		.02
Electricians					
Cable splicers	13.80	.60	.78		.18
ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.:	14.05	.60	.78		.18
Electricians					
Cable splicers	14.20	.60	.88		.18
	15.62	.60	.88		.18

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)).



## LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking & razing of buildings & all structures; cleaning & clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds; tool house men; landscaper; asphalt ironer & raker; waterproofing & laying; carpenter tender

GROUP 2 - All power tool & equipment operators (gas, electric or air); cutting torch man; concrete grader; power buggy operator; wagon drill operator; well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers; scale men on batch plants

GROUP 3 - Concrete & clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carrier mortar mixers; lather tenders, plaster tenders; water pump operators up to 4 inches; cement masons tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe dopping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines; grout machines, pumpcrete machines, gunite mixing machine, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stock-pile; screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brickmasons, lathers, cement finisher, plasterers; ditch work over 6 ft. & cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; gunite worker; gunite nozzleman & terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation	Education and/or App. Tr.	
ELEVATOR CONSTRUCTORS:						
Mechanics	\$12.87	1.345	.95	a+b	.035	
Helpers	708JR	1.345	.95	a+b	.035	
GLAZIERS:						
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	13.905	.40	.75		.025	
IRONWORKERS:						
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto (excluding northwest corner), Rockwall, Tarrant & Wise (excluding northwest 1/2) Cos.	13.63	.80	1.70		.07	
ZONE 2 - Palo Pinto (northwest corner) & Wise (northwest 1/2) Cos.	11.825	.55	1.70		.10	
LABORERS:						
ZONE 1 - Grayson Co.:						
GROUP 1 - Unskilled labor	7.145	.30	.40		.02	
GROUP 2 - Air tool op. (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	7.395	.30	.40		.02	
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.:						
GROUP 1	7.83	.30	.40		.02	
GROUP 2	7.98	.30	.40		.02	
GROUP 3	8.08	.30	.40		.02	
GROUP 4	8.23	.30	.40		.02	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation	Education and/or App. Tr.	
LATHERS	\$15.25				.04	
LINE CONSTRUCTION:						
Linemen	14.20	.60	.84		1/24	
Cable splicers	15.62	.60	.84		1/24	
Operators	14.91	.60	.84		1/24	
Groundmen	9.94	.60	.84		1/24	
MARBLE, TILE & TERRAZZO WORKERS:						
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise	11.86		.30			
MARBLE & TILE FINISHERS:						
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise	8.99					



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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation		
<b>PAINTERS:</b>					
<b>ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman &amp; Rockwall Cos.:</b>					
GROUP 1 - Brush	\$12.495	.55	.75		.07
GROUP 2 - All wall covering work: paper, fabric sheeting, flexwood, etc.	12.745	.55	.75		.07
GROUP 3 - Ames tools op.	12.62	.55	.75		.07
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sand-blasting & window jacks & fire escapes	12.87	.55	.75		.07
<b>ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant &amp; Wise:</b>					
GROUP 1	14.60		.40		.12
GROUP 2	14.85		.40		.12
GROUP 3	15.85		.40		.12
GROUP 4	14.975		.40		.12
GROUP 1 - Brush					
GROUP 2 - Wallcovering: pressure roller; sandblasting; structural steel; bosun chair, window jack & window sill; stage, fire escape; steel storage tank; stilts; mittens; Ames tools, drywall finishing					
GROUP 3 - Steeple jack (radio & TV towers, smoke stacks, chimneys & water towers & similar facilities & flag poles atop buildings located closer to the edge of the building than the height of the pole); toxic material rate (creosote, coal tar products or similar materials injurious to the skin)					
GROUP 4 - Spray					
<b>PLASTERERS:</b>					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	14.30	.45	1.00		.04
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	15.78				.01

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
<b>PLUMBERS &amp; PIPEFITTERS:</b>					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hood, Hunt, Kaufman & Rockwall Cos.	\$15.15	.43	1.00		.10
ZONE 2 - Denton, Johnson, Palo Pinto, Tarrant & Wise	14.92	.54	1.00		.12
<b>ROOFERS:</b>					
GROUP 1 - Slate & tile	12.845				
GROUP 2 - Composition & built-up roofing, damp-proofing & bituminous water proofing	12.695				
<b>SHEET METAL WORKERS:</b>					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Cos.	12.645	.70	.84		.145
ZONE 2 - Palo Pinto Co.	12.84				.09
SOFT FLOOR LAYERS	10.65	.40			.03
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing					

## FOOTNOTES FOR ELEVATOR CONSTRUCTORS:

- a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate  
 b - Paid Holidays A thru G

## PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

- A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G Christmas Day



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Basic Hourly Rates	Fringe Benefits Payments			Education and Appl. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (CONT'D):				
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.:				
GROUP 1	\$ 7.765	.65	1.00	.15
GROUP 2	13.82	.65	1.00	.15
GROUP 3	14.22	.65	1.00	.15

## POWER EQUIPMENT OPERATORS:

ZONE 1 - Dallas County

GROUP 1

GROUP 2

GROUP 3

Basic Hourly Rates	Fringe Benefits Payments			Education and Appl. Tr.
	H & W	Pensions	Vacation	
\$ 7.89	.65	.90		.125
12.615	.65	.90		.125
13.015	.65	.90		.125

## GROUP 1 - Oilers

GROUP 2 - Air compressor, water pumps, welding machines (2 to 6 machines) & generators; Blade grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Pulsometer; Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Bob cat with loader

GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted or crawler requires oiler including groves (hydraulic) or similar type over 12 1/2 ton capacity; Escalated rate on crane and derricks booms; .01¢ per hour, per foot over 90' including jib; Draglines; derricks, power operated (all types); DW-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machines (all); Forklifts used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Piledriver; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pump; Welding machines (7 to 13 machines)

## GROUP 1 - Oiler-Fireman

GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill; Elevators Building; Form Graders; Hoist, Single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck, six wheel truck, when used continuously for 5 days; Mixmobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes - power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

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)).

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## SUPERSEDES DECISION

STATE: Virginia

LOCATION: The Cities of  
Chesapeake, Portsmouth  
and Virginia BeachDECISION NO.: VA81-3083  
Supersedes Decision No. VA81-3035 dated June 12, 1981 in 46 FR  
31200DESCRIPTION OF WORK: Building Construction (does not include  
single family homes and apartments up to and including 4 stories).

DECISION NO. VA81-3083

Basic Hourly Rates	H & W	Fringe Benefits Payments	Education and/or Appr. Tr.
		Pensions	Vacation
12.35	.60	.84	.14
9.85	.50	.20	
13.00	.65	.65	.01
10.55		.60	
11.05		.60	
10.90		.60	
11.85		.60	
12.20		.60	
10.80		.60	
11.05		.60	
11.15		.60	
11.30		.60	
11.10	.65	.65	
12.51	.40		
12.05	.80	1.10	.12
7.75			
5.85	.45	.55	.005
10.05			
6.00	.85	1.20	.08
11.79	.60	.20	
9.85			

## LINE CONSTRUCTION:

Linemen and Cable Splicers  
MARBLE SETTERS  
MILLWRIGHTS  
PAINTERS:  
Brush and Roller  
Structural Steel from  
Ground to 74 feet  
Spray, Paperhangers and  
Tapers  
Any Work Over 74 feet  
from the Ground  
Bituminous Coating and  
Hot Creosote  
Swing Stage Under 40  
Feet, Rollers With 6  
Feet Handles and Over,  
Epoxy Brushed or Rolled  
Swing Stage Over 40 feet  
Epoxy, Sprayed  
Sandblasting  
PILEDRIVMEN AND DOCK-  
BUILDERS  
PLASTERERS  
PLUMBERS AND STEAMPITTERS  
ROOFERS COMPOSITION  
ROOFERS HELPERS (Tearing  
off old roofing, carrying  
materials & clean-up)  
SHEET METAL WORKERS  
SOUND AND SIGNAL INSTALLER  
SPRINKLER FITTERS  
TERRAZZO AND TILE WORKERS

Basic Hourly Rates	H & W	Fringe Benefits Payments	Education and/or Appr. Tr.
		Pensions	Vacation
12.05	.90	.90	.01
13.70	1.375	1.30	.04
12.38	1.00	.20	.03
11.25	.75	.65	.06
9.95	.40		
10.05	.40		
12.35	.60	.84	.14
10.33	1.195	.95	.035
7.23	1.195	.95	.035
5.165		.40	.02
11.10	.70		
12.40	.75	1.40	.08
7.25	.25	.35	.06
7.35	.25	.35	.06
7.50	.25	.35	.06
7.60	.25	.35	.06
7.65	.25	.35	.06
7.75	.25	.35	.06
8.00	.25	.35	.06
10.75	.25	.25	
10.75	.40	.25	.01

## ASBESTOS WORKERS

BOILERMAKERS  
BRICKLAYERS AND STONE MASONS  
CARPENTERS AND SOFT FLOOR  
LAYERS  
CEMENT MASONS:  
Cement Masons  
Machine and Scaffold Men  
ELECTRICIANS AND CABLE  
SPLICERS  
ELEVATOR CONSTRUCTORS  
ELEVATOR CONSTRUCTORS  
HELPERS  
ELEVATOR CONSTRUCTORS  
HELPERS PROBATIONARY  
GLAZIERS  
IRONWORKERS:  
Reinforcing, Ornamental,  
Structural, Riggers,  
Fence Erectors, Machinery  
Movers  
LABORERS:  
Unskilled  
Tenders, Motorized Georgia  
Buggy Operators, Nozzle-  
men (gunite or sandblast-  
ing), Concrete Saw Opera-  
tors, Air Tool and Vibra-  
tor Operators  
Mortar Mixers, Rod  
Carriers, Pipelayers,  
Caulkers, Marble, Tile  
and Terrazzo Workers  
Helpers  
Burners (wrecking)  
Floor, Base and Terrazzo  
Grinders  
Wagon Drill and Air Trac  
Powdermen  
LATHERS  
LEAD BURNERS



DECISION NO. VA81-3083

WELDERS-receive rate prescribed for craft performing operation for 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. Workmen shall be allowed 2 hours with pay at the start or at the end of the work day on State and National Election days; Tuesday following the first Monday in November, provided they are qualified to and vote.
- b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years service as vacation pay credit.
- c. Holidays: A through F, Day after Thanksgiving.
- d. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

DECISION NO. VA81-3083

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
GROUP 1	11.95	.725	.80		.10
GROUP 2	9.55	.725	.80		.10
GROUP 3	7.70	.725	.80		.10
GROUP 4	7.50	.725	.80		.10
GROUP 5	7.31	.725	.80		.10

CLASSIFICATIONS

- GROUP 1 - Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad
- GROUP 2 - Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pumpcrete, trenching machine, mixer larger than 16S, fork lift
- GROUP 3 - Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4 - Firemen

GROUP 5 - 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)).



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## Part III

### Environmental Protection Agency

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Grants for Construction of Treatment  
Works



# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 35

[WH-FRL 1947-4]

### Grants for Construction of Treatment Works

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** This document proposes changes to the regulation governing grants for construction of treatment works. The proposed regulation includes only those items called for by the Clean Water Act and amendments as well as the minimum requirements necessary for effective program management. The changes are designed to clarify and simplify the regulation and reduce project costs.

**DATES:** Comments must be received on or before January 8, 1982.

**ADDRESSES:** Comments should be addressed to: Central Docket Section [A130], Attention: Docket No. G-81-5, Environmental Protection Agency, Washington, D.C. 20460.

The public may inspect the comments received on the proposed rules at: Central Docket Section, Gallery 1 West Tower Lobby, Environmental Protection Agency, 401 M Street SW., Washington, D.C., between 8 a.m. and 4:00 p.m., business days.

**FOR FURTHER INFORMATION CONTACT:** Jane Magee, Office of Water Program Operations (WH-546), Environmental Protection Agency, Washington, D.C. 20460 (202) 755-8253.

**SUPPLEMENTARY INFORMATION:** In keeping with the President's mandate to reduce the burden of government regulation, EPA has undertaken a comprehensive review of the construction grants regulation. This proposed regulation reflects extensive experience with the program and comments received over the years from a broad spectrum of the program's constituents. In addition, numerous comments were received on a draft regulation circulated in August to a range of constituent groups, including many who responded to a notice of availability published in the *Federal Register* on August 21. This input has been coupled with the Administration's commitment to reduce regulatory burdens to a minimum while maintaining the program's environmental and financial integrity. EPA's view is that regulations should include only requirements which are

mandated by law or necessary for effective program management. To this end, this regulation includes items required by statute—free of detailed procedures to be followed in carrying out the process—as well as those additional minimum requirements that EPA considers necessary for effective program management. The three step process (planning, design and construction) is retained.

In conjunction with this effort to reduce regulatory requirements to a minimum, EPA will issue appropriate guidance documents. These guidance documents will not be regulations in disguise. The guidance materials will contain information which is helpful to States and grantees in managing and carrying out the construction grants program. Use of the information in the guidance documents is to be discretionary. That is, other procedures adopted by the State or grantee, as appropriate, which are sufficient to meet the requirements of this regulation will be acceptable.

The first major guidance document, *Facilities Planning 81 (FP 81)*, has already been published. Its successor, *FP 82*, reflects this new emphasis on increased flexibility. Guidance publications in the areas of operation and maintenance and financial planning and development of user charge systems, are being developed. By linking these two efforts—reducing mandatory requirements and providing guidance—it is hoped that the greatest possible flexibility is provided to States and local governments to effectively carry out the construction grants program. EPA is committed to issuing additional necessary guidance as soon as possible. Suggestions are invited on priority areas for which other guidance materials should be developed.

In the existing regulation, §§35.936 through 35.939 set forth policies and minimum standards for procurement of architectural or engineering services and construction contracts by grantees under all steps of grants for construction of treatment works. Those sections are not included in this proposed subpart. EPA is also revising that regulation and it will be part of an agency-wide regulation covering procurement of goods and services.

Although this subpart is the primary regulation governing the construction grants program, it is not the only one. In addition to the procurement regulation discussed above, other portions of the Agency's regulation such as the general grant regulation (Part 30), NEPA regulation (Part 6), public participation regulation (Part 25) and pretreatment regulation (Part 403) are also important.

Rather than repeat verbatim selected portions of these Parts in the construction grant regulation, this regulation will rely on the others and, where appropriate, those requirements are indicated by a simple cross reference. It is felt that this is a simpler approach and, more helpful to the States and grantees. Requirements of these other parts of regulation still apply to the construction grants program.

On May 18, 1981, EPA published a proposed regulation implementing the 1980 Clean Water Act Amendments along with some technical changes. Comments were received and considered on those proposals, and the proposals underwent the additional regulatory scrutiny described earlier. As appropriate, those proposals with revisions are included in this regulation.

EPA is committed to publishing requirements only one time each year, as close as possible to the beginning of each fiscal year. This regulation, when effective, will apply to any grant awarded on or after the effective date. EPA will leave the existing regulation in the Code of Federal Regulations as 40 CFR Part 35 Subpart E (§§ 35.900 et seq.). EPA is publishing this proposed regulation as 40 CFR Part 35 Subpart I (§§ 35.2000 et seq.).

Following is a table showing the relationship of Subpart I to Subpart E.

CONSTRUCTION GRANT REGULATION—40 CFR  
PART 35

Subpart I		Subpart E
35.2000	Purpose and policy	35.900, .901, .903 and .912.
35.2005	Definitions	35.905.
35.2010	Allotment; reallocation	35.910 et seq.
35.2015	State priority system and project priority list	35.915.
35.2020	Reserves	35.915-1.
35.2025	Eligible applicants	35.919.
35.2030	Facilities planning requirements (Step 1).	35.917 et seq.
35.2032	Innovative and alternative technologies.	35.908.
35.2034	Individual systems	35.918.
35.2040	Grant application	35.920 et seq.
35.2050	Approval of facilities plans and construction plans and specifications.	
35.2100	Limitations on awards	35.925.
35.2102	Water quality management plans.	35.925-2.
35.2104	Priority determination	35.925-3.
35.2106	Funding and other capabilities.	35.925-5.
35.2107	Intermunicipal service agreements.	35.920-3.
35.2108	Step 2 + 3	35.909.
35.2110	Design	35.925-7.
35.2112	Environmental review	35.925-8.
35.2114	Operation and maintenance program.	35.925-10.
35.2116	Sewage collection system	35.925-13.
35.2118	Pretreatment costs	35.925-18.
35.2120	Infiltration/inflow	35.927 et seq.
35.2122	Approval of user charge system and proposed sewer use ordinance.	35.929-1, 935-13 and .927-4.
35.2130	Sewer use ordinance	35.927-4.
35.2140	User charge system	35.929-1.
35.2145	Grantee certification	



CONSTRUCTION GRANT REGULATION—40 CFR  
PART 35—Continued

Subpart I		Subpart E
35.2150	Project scope	35.930-4.
35.2152	Federal share	35.930-5.
35.2154	Limitation on Federal share	35.930-2.
35.2200	Grant conditions	35.935 et seq.
35.2202	Step 2 + 3 projects	35.935-4.
35.2204	Project changes	35.935-11.
35.2206	Operation and maintenance	35.935-12.
35.2208	Adoption of sewer use ordinance and user charge ordinance and rates	35.935-4.
35.2210	Value engineering	35.926.
35.2212	Project initiation and completion	35.935-9.
35.2214	Supervision	35.935-8.
35.2216	Final inspection	35.935-14.
35.2218	Grantee responsibility	35.935-1.
35.2250	Determination of allowable costs	35.940.
35.2300	Grant payments	35.945.
35.2350	Contract enforcement	35.970.
Appendix A.	Determination of allowable costs	

**Description of Major Issues***Delegation*

For the sake of simplicity, the regulation refers to the role of the Regional Administrators. Delegation to State agencies remains an integral part of construction grants program management. As stated in § 35.2000(c), to the extent that the Regional Administrator delegates responsibility to a State agency under a delegation agreement, the term Regional Administrator is to be read State agency.

*Definitions*

Previously definitions were scattered throughout the regulation. For organizational purposes all definitions are now consolidated into § 35.2005. The reader should notice new or revised definitions such as "best practicable waste treatment technology", "industrial source", "industrial user", "interceptor sewer", and "project".

*Priorities*

The revised section on priorities is designed to place additional emphasis on the development of a State priority system that emphasizes water quality improvements. It lists three criteria which each system shall include for rating projects: (1) the severity of the existing pollution problem and the existing or potential water uses affected; (2) the potential improvements of existing surface or ground water quality and water uses; and (3) the need for preservation of high quality waters. The revised regulation removes the previously mandatory consideration of population.

The proposed regulation is based on the present practice of establishing project priority lists. Another approach

to establishing priorities would be to establish priorities by facilities rather than projects. This would clearly identify the facilities that need to be upgraded and leave discretion to the State as to which projects should be funded based on the above criteria and funding limitation. Comments on this approach to priorities are invited.

*Reserves*

The section on reserves (§ 35.2020) now requires only those reserves mandated by the Clean Water Act. States may establish other reserves and EPA recommends that States consider set asides for grant increases and a general reserve for projects selected after final submission of the project priority list.

*Facilities Planning*

In the past, this section (new § 35.2030) was used as an exhaustive facility planning guide. The regulation is refocused on mandatory requirements only. Discretionary guidance will be available in *FP 82*. In developing a facilities plan it is particularly important to read not only the available guidance and Part 35 regulation but to review requirements contained in other EPA regulations as well (see, for example, 40 CFR Parts 6, 25, and 30).

*User Charge System/Sewer Use Ordinance*

The present regulation does not explicitly require grantees to develop a sewer use ordinance prior to the award of a Step 3 grant, but the regulation does require the approval of a user charge system prior to the award of a step 3 grant. Because it is important that both these tools be developed early in the planning and design process this regulation requires both prior to the award of a Step 3 grant.

*Allowable Costs: Appendix A*

A new Appendix A has been developed to consolidate all information on allowable and unallowable costs. Although the Appendix contains primarily existing agency policy found in 40 CFR Part 35, The Handbook of Procedures and Program Requirement Memoranda, it also reflects new policies designed to reduce allowability necessitated by limited program funds. To simplify use of Appendix A it has been organized by type of cost, i.e., travel, subagreement costs, facilities planning, small systems, equipment, etc.

*Reconstruction Costs*

Present Agency policy not to provide federal funds a second time for a failed project is stated in this regulation as an

unallowable cost. (See Appendix A). This does not represent a new policy, but it has never been included in the regulation before. In response to the comments received on the first draft of this provision it has been revised to incorporate more flexibility.

*Grantee Certification*

This provision (§ 35.2145) would allow delegated States and Regional Administrators to enter into an agreement with major grantees to allow these grantees to certify that their projects meet grant award requirements. Grantees with a certification system agreement must be judged by the delegated State or Regional Administrator to have adequate technical and management ability. Upon certification, these grantees would be allowed to proceed with some Step 2 and 3 work without further review by the State or EPA, but could perform only those activities that can be delegated to a State. For example, a certified grantee could not carry out NEPA responsibilities that are non-delegable. Certified grantees would also be able to incur pre-award costs.

Although this concept has been widely discussed it has never been incorporated in regulation. Therefore, we urge your comment, both on the concept of certification and the specific language in this section of the regulation.

*Innovative and Alternative*

Because the legislative authority for increasing the federal share on projects using innovative and alternative technologies has expired, those provisions are not included in the proposed regulations. At present there are legislative proposals pending that would reinstitute the innovative and alternative program with modifications to the present program. If this legislation is passed, the agency will act expeditiously to adopt a regulation to implement it. Interested persons may obtain copies of a draft concept paper on innovative and alternative regulation by contacting Jane Magee, (WH-546) Environmental Protection Agency, Washington, D.C. 20460.

*Miscellaneous*

Existing regulatory Appendixes A through E are no longer included in this new subpart I. The information in existing Appendix A (Cost-Effectiveness Analysis) and Appendix B (User Charges) will be published as guidance documents. The information in Appendixes C-1 and C-2 applies to procurement procedures and therefore



will be incorporated in the revisions to that regulation described above. Appendix D will be deleted. Some information from Appendix E (Innovative and Alternative Technology) will be published as guidance.

This program is listed in the Catalog of Federal Domestic Assistance as number 66.418—Construction Grants for Wastewater Treatment Works. Applicants must comply with all applicable requirements of the Office of Management and Budget (OMB) Circular A-95.

#### Regulation Development Process

Under Executive Order 12291 EPA is required to judge whether a regulation is "major" and therefore subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. We are proposing some of these changes to implement Pub. L. 96-483, the October 21, 1980, amendments to the Clean Water Act and others to reduce the complexity of the regulation. These changes will not have a substantial impact on the economy. Therefore, I have determined this regulation is not a major regulation, and thus it is not subject to the impact analysis requirements of Executive Order 12291. However, the Agency has prepared a brief analysis of the anticipated effects of implementing the proposed regulation. That analysis is available for inspection at the Agency.

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

Dated: November 2, 1981.

Anne M. Gorsuch,  
Administrator.

For the reasons set out in the preamble, Part 35 of Title 40, *Code of Federal Regulations*, is amended as set forth below.

40 CFR Part 35 is amended by adding a new subpart I, to read as follows:

#### PART 35—STATE AND LOCAL ASSISTANCE

##### Subpart I—Grants for Construction of Treatment Works

- Sec.
- 35.2000 Purpose and policy.
  - 35.2005 Definitions.
  - 35.2010 Allotment; reallocation.
  - 35.2015 State priority system and project priority list.
  - 35.2020 Reserves.
  - 35.2025 Eligible applicants.
  - 35.2030 Facilities planning requirements (Step 1).
  - 35.2032 Innovative and alternative technologies.

- Sec.
- 35.2034 Individual systems.
  - 35.2040 Grant application.
  - 35.2050 Approval of facilities plans and construction plans and specifications.
  - 35.2100 Limitations on award.
  - 35.2102 Water quality management plans.
  - 35.2104 Priority determination.
  - 35.2106 Funding and other capabilities.
  - 35.2107 Intermunicipal service agreements.
  - 35.2108 Step 2 + 3.
  - 35.2110 Design.
  - 35.2112 Environmental review.
  - 35.2114 Operation and maintenance program.
  - 35.2116 Sewage collection system.
  - 35.2118 Preaward costs.
  - 35.2120 Infiltration/inflow.
  - 35.2122 Approval of user charge system and proposed sewer use ordinance.
  - 35.2130 Sewer use ordinance.
  - 35.2140 User charge system.
  - 35.2145 Grantee certification.
  - 35.2150 Project scope.
  - 35.2152 Federal share.
  - 35.2154 Limitation on federal share.
  - 35.2200 Grant conditions.
  - 35.2202 Step 2 + 3 Projects.
  - 35.2204 Project changes.
  - 35.2206 Operation & maintenance.
  - 35.2208 Adoption of sewer use ordinance and user charge system ordinance and rates.
  - 35.2210 Value engineering (VE).
  - 35.2212 Project initiation and completion.
  - 35.2214 Supervision.
  - 35.2216 Final inspection.
  - 35.2218 Grantee responsibility.
  - 35.2250 Determination of allowable costs.
  - 35.2300 Grant payments.
  - 35.2350 Contract enforcement.
- Appendix A—Determination of allowable costs.

##### Subpart I—Grants For Construction of Treatment Works

Authority: Sections 101(e), 109(b), 201 through 205, 207, 208(d), 210 through 212, 215 through 217, 304(d)(3), 313, 501, 502, 511, and 516(b) of the C.W.A., as amended, 33 U.S.C. 1251 et seq.

##### § 35.2000 Purpose and policy.

(a) The primary purpose of Federal grant assistance available under this subpart is to assist municipalities in meeting enforceable requirements of the Clean Water Act, particularly, applicable National Pollution Discharge Elimination System (NPDES) permit requirements.

(b) This subpart supplements EPA's general grant regulations (Part 30 of this subchapter) and EPA's public participation regulations (Part 25 of this chapter) and establishes requirements for Federal grant assistance for the construction of wastewater treatment works. From time to time EPA may also find it necessary to publish other requirements applicable to the construction grants program in response to Congressional action.

(c) EPA's policy is to delegate determinations on individual projects to State agencies to the maximum extent possible (see Subpart F). Throughout this subpart we have used the term Regional Administrator. To the extent that the Regional Administrator delegates responsibility for determining compliance with the requirements of this subpart to a State agency under a delegation agreement (§ 35.1030), the term Regional Administrator may be read State agency.

(d) In accordance with the Federal Grant and Cooperative Agreement Act (Pub. L. 95-224) EPA will, when substantial Federal involvement is anticipated, award assistance under cooperative agreements. Throughout this subpart we have used the terms grant and grantee but those terms may be read cooperative agreement and recipient if appropriate.

(e) EPA publishes technical and guidance materials on various topics relevant to the construction grants program. Grantees may find this information useful in meeting requirements in this subpart. These publications (including the MCD and FRD series) may be ordered from: General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, Colorado, 80225. In order to expedite processing of requests, persons desiring to obtain these publications should request a copy of EPA form 7500-21 (the order form listing all available publications), from EPA Headquarters, Municipal Construction Division (WH-547) or from any Regional Office of EPA.

##### § 35.2005 Definitions.

As used in this subpart, the following words and terms mean:

- (a) "Act." The Clean Water Act (33 U.S.C. 1251 et seq., as amended).
- (b) "Ad valorem tax." A tax based upon the value of real property.
- (c) "Best Practicable Waste Treatment Technology (BPWTT)". The cost-effective technology that can reliably treat wastewater, nonexcessive infiltration and inflow and residuals in publicly owned or individual wastewater treatment works, to meet the applicable provisions of:
  - (1) 40 CFR Part 133—secondary treatment of wastewater;
  - (2) 40 CFR Part 125, Subpart M—marine discharge waivers;
  - (3) 40 CFR 122.62(d)—more stringent water quality standards and State standards; or
  - (4) 41 FR 6190—Alternative Waste Management Techniques for Best



Practicable Waste Treatment (treatment and discharge, land application techniques and utilization practices, and reuse).

(d) "Collector sewer." See "sewage collection system."

(e) "Combined sewer." A sewer that functions as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

(f) "Construction." Any one or more of the following: Preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

(g) "Conventional system." A collection and treatment system consisting of minimum size (6 or 8 inch) gravity collector sewers normally with manholes, force mains, pumping and lift stations, interceptors and a central treatment plant.

(h) "Domestic user." Any governmental (non-Federal), residential or nonindustrial wastewater source.

(i) "Enforceable requirements of the Act." Those conditions or limitations of Sections 402 or 404 permits which, if violated, could result in the issuance of a compliance order or initiation of a civil or criminal action under section 309 of the Act. If a permit has not been issued, the term shall include any requirement which, in the Regional Administrator's judgment, would be included in the permit when issued. Where no permit applies, the term shall include any requirement which the Regional Administrator determines is necessary to meet applicable criteria for best practicable waste treatment technology (BPWTT).

(j) "Excessive infiltration/inflow." The quantities of infiltration/inflow which can be economically eliminated from a sewerage system as determined in a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions to the total costs for transportation and treatment of the infiltration/inflow.

(k) "Individual systems." Privately owned alternative wastewater treatment works (including dual waterless/gray water systems) serving one or more principal residences or small commercial establishments. Normally these are onsite systems with localized treatment and disposal of wastewater, but may be systems utilizing small diameter gravity, pressure

or vacuum sewers conveying treated or partially treated wastewater. These systems can also include small diameter gravity sewers carrying raw wastewater to cluster systems.

(1) "Industrial source." Any nongovernmental, nondomestic user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

Division A—Agriculture, Forestry, and Fishing  
Division B—Mining  
Division D—Manufacturing  
Division E—Transportation, Communications, Electric, Gas, and Sanitary Services  
Division I—Services

(m) "Industrial user." For the purposes of Industrial Cost Exclusion in Appendix A any industrial source discharging to a publicly owned treatment works in excess of a flow per day equivalent to 50,000 gallons per day (gpd) of sanitary waste excluding wastewater from sanitary conveniences. Sanitary wastes are the wastes discharged from domestic users.

(n) "Infiltration." Water other than wastewater that enters a sewerage system (including waste sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(o) "Inflow." Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(p) "Interceptor sewer." A sewer whose primary purpose is to transport wastewaters from the end of collector sewers to a treatment facility.

(q) "Interstate agency." An agency of two or more States established under an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of water pollution.

(r) "Municipality." A city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities)

created under State law, or an Indian tribe or an authorized Indian tribal organization, having jurisdiction over disposal of sewage, industrial wastes, or other waste, or a designated and approved management agency under section 208 of the Act.

(1) This definition includes a special district created under State law such as a water district, sewer district, sanitary district, utility district, drainage district or similar entity or an integrated waste management facility, as defined in section 201(e) of the Act, which has as one of its principal responsibilities the treatment, transport, or disposal of liquid wastes of the general public in a particular geographic area.

(2) This definition excludes the following:

(i) Any revenue producing entity which has as its principal responsibility an activity other than providing wastewater treatment services to the general public, such as an airport, turnpike, port facility or other municipal utility.

(ii) Any special district (such as school district or a park district) which has the responsibility to provide wastewater treatment services in support of its principal activity at specific facilities, unless the special district has the responsibility under State law to provide wastewater treatment services to the community surrounding the special district's facility and no other municipality, with concurrent jurisdiction to serve the community, serves or intends to serve the special district's facility or the surrounding community.

(s) "Operable treatment works." A treatment works that, upon completion, will meet the enforceable requirements of the Act.

(t) "Principal residence." The habitation of the family or household which occupies the space for at least 51 percent of the time annually. Second homes, vacation or recreation residences are not included in this definition.

(u) "Project." The scope of work for which a grant or grant amendment is awarded under this subpart. The scope of work is any Step 1, Step 2, Step 3 or Step 2+3 of treatment works construction or segments (see definition of "treatment works segment" and § 35.2152). The project must be part of an operable treatment works. The principal purpose of both the project and the operable treatment works must be for the treatment of domestic users' discharges of the community, area, region or the district concerned.



(v) "Replacement." Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(w) "Sanitary sewer." A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial sources, and institutions.

(x) "Sewage collection system." (1) The common lateral sewers, within a publicly owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection fittings designed for connection with those facilities including:

(i) Crossover sewers connecting more than one property on one side of a major street, road, or highway to a lateral sewer on the other side when more cost-effective than parallel sewers; and

(ii) Pumping units and pressurized lines serving individual structures or groups of structures when such units are cost-effective and are owned and maintained by the grantee.

(2) This definition excludes other facilities which convey wastewater from individual structures, from private property to the public lateral sewer, or its equivalent and also excludes facilities associated with alternatives to conventional treatment works in small communities.

(y) "Small commercial establishments." For purposes of § 35.2034 private establishments such as restaurants, hotels, stores, filling stations, or recreational facilities with dry weather wastewater flows less than 25,000 gallons per day. Private, nonprofit entities such as churches, schools, hospitals, or charitable organizations are considered small commercial establishments.

(z) "Small community." Any municipality with a population of 3,500 or less, or highly dispersed sections of large municipalities, as determined by the Regional Administrator.

(aa) "State." A State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

(bb) "State agency." The State water pollution control agency designated by the Governor having responsibility for

enforcing State laws relating to the abatement of water pollution.

(cc) "Storm sewer." A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.

(dd) "Treatment works." Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes used to implement section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the useful life of the works. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions, and alternations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

(ee) "Treatment works segment." A treatment works segment may be any portion of an operable treatment works described in an approved facilities plan under § 35.2030, which can be identified as a contract or discrete subitem or subcontract for Step 1, Step 2, or Step 3 work. Completion of construction of a treatment works segment may, but need not, result in an operable treatment works.

(ff) "Useful life." Estimated period during which a treatment works will be operated.

(gg) "User charge." A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works under sections 204(b)(1)(A) and 201(h)(2) of the Act and this subpart.

#### § 35.2010 Allotment; reallocation.

(a) Allotments are made on a formula or other basis which Congress specifies for each fiscal year. The allotment for each State and the availability period shall be announced each fiscal year in the Federal Register.

(b) Unless otherwise provided by Congress, all sums allocated to a State under Section 205 of the Act shall remain available for obligation until the end of one year after the close of the fiscal year for which the sums were authorized. Except as provided in § 35.2020(a), sums not obligated at the end of that period shall be immediately reallocated on the basis of the same ratio as applicable to sums allotted for the then-current fiscal year, but none of the funds reallocated shall be made available to any State which failed to obligate any of the funds being reallocated. Any sum made available to a State by reallocation under this section shall be in addition to any funds otherwise allotted to such State for grant under this subpart during any fiscal year and those funds shall be treated in the same manner as the most recent allotment.

(c) Sums which are deobligated after the reallocation date for those funds shall be treated in the same manner as the most recent allotment before the deobligation.

#### § 35.2015 State priority system and project priority list.

(a) General. (1) The Regional Administrator will award construction grants from annual allotments to projects on a State priority list developed in accordance with an approved State priority system. The system shall include at least the following criteria for rating projects:

- (i) The severity of the existing pollution problem and the existing or potential water uses affected;
- (ii) The potential improvements of existing surface or ground water quality and water uses; and
- (iii) The need for preservation of high quality waters.

(2) States will have sole authority to determine the priority for each category of need. These categories shall include, at least the following:

- (i) Secondary treatment;
- (ii) More stringent treatment;
- (iii) Infiltration-inflow correction;
- (iv) Major sewer system rehabilitation;
- (v) New collector sewers and appurtenances;
- (vi) New interceptors and appurtenances; and
- (vii) Correction of combined sewer overflows.

(3) States may give higher priority to facilities which will use innovative and/or alternative technology.

(4) States may exempt grants for training facilities under section 109(b)(1) of the Act from these requirements.



(b) *Review, approval and acceptance.* The Regional Administrator will review the State priority system and project priority list to insure compliance with legislative and regulatory requirements. Upon determining compliance the Regional Administrator will approve the State priority system and accept the project priority list.

(c) *Compliance with the enforceable requirements of the Act.* (1) Except as limited under paragraph (c)(2) of this section, the Regional Administrator, after a public hearing, shall require the removal of a specific project or portion thereof from the State priority list based on a determination that it will not contribute to compliance with the enforceable requirements of the Act.

(2) The Regional Administrator shall not require removal of projects in categories under paragraphs (a)(2)(iv) through (a)(2)(vii) of this section which do not meet the enforceable requirements of the Act unless the Federal share of such projects would exceed 25 percent of the State's allotment.

#### § 35.2020 Reserves.

In developing its priority list the State shall provide for the establishment of the several reserves required or authorized under this section. The amount of each mandatory reserve shall be based on the allotment to each State from the annual appropriation under § 35.2010. The State may also establish other reserves which it determines appropriate.

(a) *Reserve for State management assistance grants.* Each State may propose that the Regional Administrator reserve, from the State's actual allotment, up to 2 percent of the State's allotment based on the amount authorized to be appropriated, or \$400,000, whichever is greater, for State management assistance grants under Subpart F of this part. Grants may be made from these funds to cover the costs of administering activities delegated or scheduled to be delegated to a State. Funds reserved for this purpose that are not obligated by the end of the allotment period will be added to the amounts last allotted to a State. These funds shall be immediately available for obligation to projects in the same manner and to the same extent as the last allotment.

(b) *Reserve for alternative systems for small communities.* Each State with 25 percent or more rural population (as determined by population estimates of the Bureau of Census) shall set aside 4 percent of the State's annual allotment for alternatives to conventional treatment works for small communities.

The Governor of any non-rural State may reserve up to 4 percent of that State's allotment for the same purpose. In States where the reserve is mandatory, these funds will be reallocated if not obligated during the allotment period. In States where the reserve is optional, these funds may be released for funding projects at any time before the reallocation date.

#### § 35.2025 Eligible applicants.

Municipalities, States, or interstate agencies are eligible for grant assistance.

#### § 35.2030 Facilities planning requirements (Step 1).

(a) *General.* (1) Facilities planning consists of those necessary plans and studies which directly relate to the construction of treatment works needed to comply with Sections 301 and 302 of the Act. As applicable, facilities planning must comply with Parts 6, 25, 30, (see particularly § 30.400 et seq., and Part 403 of this chapter). Facilities planning will demonstrate the need for the proposed facilities. Through a systematic evaluation of feasible alternatives, it will also demonstrate that, except as provided in § 35.2032, the selected alternative is cost-effective, i.e., is the most economical means of meeting established effluent limitations and deriving maximum water quality benefits while recognizing environmental and other non-monetary considerations and is implementable from legal, institutional, financial and management standpoints.

(2) Grant assistance for Step 2 or Step 3 may be awarded before approval of the facilities plan if:

(i) The Regional Administrator determines that applicable statutory requirements have been met; that the facilities planning related to the proposed Step 2 or Step 3 project has been substantially completed; and that the Step 2 or Step 3 project for which grant assistance is made will not be significantly affected by the completion of the facilities plan and will be a component part of the complete system; and

(ii) The applicant agrees to complete the facilities plan on a schedule the State accepts (subject to the Regional Administrator's approval); and such schedule is inserted as a special condition in the grant agreement.

(b) *Facilities plan contents.* A completed facilities plan must include:

(1) A description of the Best Practicable Wastewater Treatment Technology (BPWTT). (See § 35.2005(d).)

(2) A cost-effectiveness analysis of the feasible conventional, innovative and

alternative wastewater treatment works, processes and techniques capable of meeting the applicable Federal, State and local water quality criteria and standards. A cost effective analysis must include:

(i) Consideration of systems with revenue generating applications;

(ii) Description of the relationship between the size and capacity of alternatives, and the needs to be served, including capacity for future growth expected after the treatment works become operational;

(iii) Evaluation of opportunities to reduce use of, or recover energy;

(iv) Evaluation of improved effluent quality attainable by upgrading the operation and maintenance and efficiency of existing facilities as an alternative or supplement to construction of new facilities;

(v) Description of open space and recreation opportunities; and

(vi) Evaluation of alternative flow reduction methods. (If the grantee demonstrates that the existing average daily base flow (ADBF) from the area is less than 70 gallons per capita per day (gpcd), or the current population is under 10,000, or if the Regional Administrator determines the area has an effective existing flow reduction program, additional flow reduction evaluation is not required.)

(vii) Preliminary cost information on total capital costs, local financing, and annual or monthly operating and debt service costs, including estimated costs to domestic and industrial users.

(viii) An evaluation of the alternative methods for the ultimate disposal of treated wastewater and sludge material resulting from the treatment process.

(3) A demonstration of the non-existence of possible existence of excessive infiltration/inflow in the sewer system.

(4) A description of the environmental impacts of the principal and selected alternatives under Part 6 of this chapter.

(5) For the preferred alternative, a concise description at an appropriate level of detail, of at least the following:

(i) Estimated capital construction and operation and maintenance costs (identifying the Federal, State and local shares), and a description of the manner in which local costs will be financed;

(ii) Cost impacts on wastewater system users; and

(iii) Institutional and management arrangements necessary for successful implementation.

(c) *Submission and approval of facilities plan.* (1) Each facilities plan must be submitted to the State agency for review and certification.



(2) The State agency must submit the completed facilities plan for the Regional Administrator's approval. Within 60 days of the submittal the Regional Administrator shall notify the State and the grantee or applicant in writing whether the facilities plan is accepted or rejected. If the plan is rejected, the written notification must identify the deficiencies in it and recommend a course of action to correct such deficiencies. Approval of a facilities plan will not constitute an obligation of the United States for any Step 2, Step 3 or Step 2+3 project.

**§ 35.2032 Modification or replacement of innovative and alternative projects.**

The Regional Administrator may award grant assistance to fund 100 percent of the eligible costs of the modification or replacement of any treatment works which received increased grant assistance under section 205(i) of the Act if he determines that:

(a) The facilities have not met design performance specifications (unless such failure is due to any person's negligence);

(b) Correction of the failure requires significantly increased capital or operating and maintenance expenditures; and

(c) Such failure has occurred within the two year period following final inspection.

**§ 35.2034 Individual systems.**

(a) An eligible applicant may apply for a grant to construct privately owned treatment works serving one or more principal residences or small commercial establishments.

(b) In addition to those limitations set forth in § 35.2100 through § 35.2122 the grant applicant shall:

(1) Demonstrate the the total costs and environmental impact of constructing the individual system will be less than the cost of a conventional system;

(2) Certify that the principal residence or small commercial establishment was constructed before December 27, 1977, and inhabited or in use on or before that date;

(3) Apply on behalf of individual units to be served in the facility planning area;

(4) Certify that public ownership of such works is not feasible and list the reasons;

(5) Certify that such treatment works will be properly operated and maintained and will comply with all other requirements of section 204 of the Act; and

(6) Obtain assurance before initiation of Step 3 construction, of unlimited

access to each individual system at all reasonable times for such purposes as inspection, monitoring, construction, maintenance, operation, rehabilitation and replacement.

**§ 35.2040 Grant application.**

Grant applications will be submitted to the State agency and evaluated in accordance with Part 30, subpart B of this subchapter. In addition to the information required in Part 30, applications for construction assistance shall provide the following information as appropriate:

(a) *Step 1: Facilities plan and related Step 1 elements.* An application for Step 1 assistance shall include:

(1) A plan of study which shall, to the extent practicable, reflect the unique physical, social, environmental, institutional, and legal characteristics of the facility planning area including:

(i) A description of the work tasks to be performed by the grantee (or his representative or both) that shall result in the completion of an approvable facility plan as set forth in § 35.2015(b);

(ii) A schedule for completion of work tasks and outputs;

(iii) An estimate of man hours and costs to complete work tasks.

(2) Comments of appropriate clearinghouses in accordance with the Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter); and

(b) *Step 2: Preparation of construction drawings and specifications.* An application for Step 2 grant assistance shall include:

(1) An approved facilities plan prepared in accordance with § 35.2030, except as provided under § 35.2030(a)(2);

(2) Comments of appropriate clearinghouses in accordance with the Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter); and

(3) If a project requires Value Engineering (VE) studies under § 35.2210, a VE proposal containing enough information to determine the adequacy of the VE effort and the justification of the proposed VE fee.

(c) *Step 3: Building and erection of a treatment works.* An application for Step 3 assistance shall include:

(1) The information required under paragraph (b) of this section;

(2) Construction drawings and specifications suitable for bidding purposes; and

(3) In the case of an application for Step 3 assistance that includes the acquisition of eligible land, a plat which shows the legal description of the property to be acquired, a preliminary layout of the distribution and drainage

systems, and an explanation of the intended method of acquiring the property.

(d) *Step 2+3: Combined design and construction of a treatment works.* An application for Step 2+3 grant assistance shall include:

(1) An approved facilities plan in accordance with § 35.2030 except as provided under § 35.2030(a)(2); and

(2) Comments of appropriate clearinghouses in accordance with the Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter).

(e) *Training facility project.* An application for a grant for construction and support of a training facility, facilities or training programs under Section 109(a) of the Act shall include:

(1) A written commitment from the State agency to carry out at such facility a program of training;

(2) Comments of appropriate clearinghouses in accordance with the Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter); and

(3) If a facility is to be constructed, an engineering report including facility design data and cost estimates for design and construction.

**§ 35.2050 Approval of facilities plans and construction plans and specifications.**

Review or approval of facilities plans, construction plans and specifications or other documents by or for EPA is for administrative purposes only and does not relieve the grantee of its responsibility to plan, design, construct, operate, and maintain the treatment works described in the grant application and agreement. Increased costs caused by inadequacies or defects in those facilities plans, construction plans and specifications or other documents shall be the responsibility of the grantee without additional Federal assistance.

**§ 35.2100 Limitations on award.**

Before awarding grant assistance for any project for a treatment works, the Regional Administrator shall determine that the applicant or the applicant's project has met all of the applicable requirements of §§ 35.2100 through 35.2122.

**§ 35.2102 Water quality management plans.**

The project shall be consistent with any applicable water quality management (WQM) plan approved under Section 208 or Section 303(e) of the Act; and the applicant shall be the wastewater management agency designated in any WQM plan certified



by the Governor and approved by the Regional Administrator.

**§ 35.2104 Priority determination.**

The project shall be entitled to priority in accordance with § 35.2015, and the award of grant assistance for the project shall not jeopardize the funding of any treatment works of higher priority.

**§ 35.2106 Funding and other capabilities.**

The applicant shall:

- (a) Agree to pay the non-Federal project costs, and
- (b) Demonstrate the legal, institutional, managerial, and financial capability to ensure adequate construction and operation and maintenance of the treatment works throughout the applicant's jurisdiction including the ability to comply with § 30.340-2 of this subchapter.

**§ 35.2107 Intermunicipal service agreements.**

(a) If the project is for Step 3 grant assistance or before initiation of Step 3 construction on a Step 2+3 grant and will serve two or more municipalities, the applicant shall submit for the Regional Administrator's approval the executed intermunicipal agreements, contracts or other legally binding instruments necessary for the construction and operation of the proposed treatment works.

**§ 35.2108 Step 2+3.**

The Regional Administrator may award a single (Step 2+3) grant for the combined Federal share of the cost of design (Step 2) and construction (Step 3) only if he determines that:

- (a) The population of the applicant municipality is 25,000 or less (according to the most recent U.S. Census); and
- (b) The total allowable Step 3 cost of the project is \$4 million or less, or for any State that the Assistant Administrator for Water determines to have unusually high costs of construction, the total allowable Step 3 cost of the project is \$5 million or less. The project must consist of all associated step 2 and step 3 work; segmenting is not permitted.

**§ 35.2110 Design.**

If the project is for Step 2, Step 3 or Step 2+3 assistance the project design shall be based on the information in an approved facilities plan under § 35.2030.

**§ 35.2112 Environmental review.**

(a) If the project is for Step 2, Step 3 or Step 2+3 grant assistance, the applicant must meet the requirements of Part 6 of this chapter. The Regional Administrator must issue an

environmental impact statement or a finding of no significant impact in accordance with Part 6 of this chapter.

(b) If the project is for Step 2, Step 3 or Step 2+3 grant assistance, the grantee shall make pertinent changes in the project, in accordance with determinations made in a finding of no significant impact or environmental impact statement.

**§ 35.2114 Operation and maintenance program.**

If the project is for Step 3 or Step 2+3 grant assistance, the applicant shall assure proper and efficient operation and maintenance (including replacement) of the treatment works.

**§ 35.2116 Sewage collection system.**

If the project is for Step 2, Step 3 or Step 2+3 grant assistance involving sewage collection system work, such work:

(a) Shall be for the replacement or major rehabilitation of an existing sewer system which was not built with Federal funds awarded on or after October 18, 1972, and shall be necessary to the total integrity and performance of the waste treatment works serving the community; or

(b) Shall be for a new cost-effective sewer system in a community in existence on October 18, 1972, which has sufficient existing or planned capacity to adequately treat such collected sewage. For purposes of this section, a community would include any area with substantial human habitation on October 18, 1972, where the bulk (generally two-thirds) of the expected flow (flow from existing plus projected future habitations) from the collection system will be from the habitations in existence on October 18, 1972.

**§ 35.2118 Preaward costs.**

(a) No grant assistance is authorized for project work performed before award of grant assistance for that project, except as permitted under paragraph (b) and (c) of this section and under § 35.2145.

(b) The Regional Administrator may award grant assistance for Step 1 work performed before award of a Step 1 grant if the State requests and the Regional Administrator reserves funds for the Step 1 grant. The Step 1 grant must be applied for the awarded within the allotment period of the reserved funds.

(c) In emergencies or instances where delay could result in significant cost increases, the Regional Administrator may approve preliminary Step 3 work, (such as advance acquisition of major equipment items requiring long lead

times, acquisition of eligible land or of an option for the purchase of eligible land, or advance construction of minor portions of treatment works, including associated engineering costs) after completion of the environmental review as required by § 35.2112.

(d) If the Regional Administrator approved advance Step 1 work under paragraph (b) of this section or advance preliminary Step 3 work under paragraph (c) of this section, the applicant proceeds at its own risk since payment for such costs cannot be made unless grant assistance for the project is awarded.

**§ 35.2120 Infiltration/inflow.**

If the project is for Step 2, Step 3, or Step 2+3, the applicant shall demonstrate to the Regional Administrator's satisfaction that each sewer system discharging into the proposed treatment works project is not or will not be subject to excessive infiltration/inflow.

**§ 35.2122 Approval of user charge system and proposed sewer use ordinance.**

If the project is for Step 3 grant assistance, or before issuance of a notice to proceed with Step 3 construction on a Step 2+3 grant, the applicant must obtain the Regional Administrator's approval of its user charge system (§ 35.2140) and proposed (or existing) sewer use ordinance (§ 35.2130). If the applicant has an existing sewer use ordinance or user charge system already in effect, the applicant shall demonstrate to the Regional Administrator's satisfaction that they are being enforced adequately.

**§ 35.2130 Sewer use ordinance.**

The sewer use ordinance (see §§ 35.2122 and 35.2208) or other legally binding instrument shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewer system and requires that new sewers and connections to the sewer system are properly designed and constructed. The ordinance shall also require that all wastewater introduced into the treatment works does not contain pollutants in excess amount or concentration that endangers public safety and physical integrity of the treatment works; or cause violation of effluent or water quality limitations; or preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.

**§ 35.2140 User charge system.**

The user charge system (see §§ 35.2122 and 35.2208) shall be based on either actual use under paragraph (a)



of this section or ad valorem taxes under paragraph (b) of this section.

(a) *User charge system based on actual use.* A grantee's user charge system based on actual use (or estimated use) of wastewater treatment services shall provide that each user (or user class) pays its proportionate share of operations and maintenance (including replacement) costs of treatment works within the grantee's service area, based on the user's proportionate contribution to the total wastewater loading from all users (or user classes).

(b) *User charge system based on ad valorem taxes.* A grantee's user charge system which is based on ad valorem taxes may be approved if:

(1) On December 27, 1977, the grantee had in existence a system of dedicated ad valorem taxes which collected revenues to pay the cost of operation and maintenance of wastewater treatment works within the grantee's service area and the grantee has continued to use that system;

(2) The ad valorem user charge system distributes the operation and maintenance (including replacement) costs for all treatment works in the grantee's jurisdiction to the residential and small non-residential user class, in proportion to the use of the treatment works by this class; and

(3) Each member of the industrial source and commercial user class pays its share of the costs of operation and maintenance (including replacement) of the treatment works based upon charges for actual use.

(c) *Notification.* Each user charge system must provide that each user be notified, at least annually, in conjunction with a regular bill (or other means acceptable to the Regional Administrator), of the rate and that portion of the user charges or ad valorem taxes which are attributable to wastewater treatment services.

(d) *Charges for operation and maintenance for extraneous flows.* The user charge system shall provide that the costs of operation and maintenance for all flow not directly attributable to users (i.e., infiltration/inflow) be distributed among all users based upon either of the following:

(1) In the same manner that it distributes the costs for their actual use, or

(2) Under a system which uses one or any combination of the following factors on a reasonable basis:

- (i) Flow volume of the users;
- (ii) Land area of the users;
- (iii) Number of hookups or discharges of the users;

(iv) Property valuation of the users, if the grantee has an approved user charge system based on ad valorem taxes.

(e) *Adoption of system.* One or more municipal legislative enactments or other appropriate authority must incorporate the user charge system. If the project is a treatment system accepting wastewaters from other municipalities, the subscribers receiving waste treatment services from the grantee shall adopt user charge systems in accordance with section 204(b)(1)(A) of the Act and this section. These user charge systems shall also be incorporated in appropriate municipal legislative enactments or other appropriate authority of all municipalities contributing wastes to the treatment works.

(f) *Inconsistent agreements.* The user charge system shall take precedence over any terms or conditions of agreements or contracts between the grantee and any users which are inconsistent with the requirements of section 204(b)(1)(A) of the Act and this section.

#### § 35.2145 Grantee certification.

Grantees which have substantial needs for EPA funds may request the delegated State's (or Regional Administrator's in non-delegated States) approval to certify that their Step 2 and Step 3 projects meet the grant award requirements of this subpart. If the delegated State (or Regional Administrator) determines that the grantee meets the requirements of paragraph (a) of the section, the grantee and the State (or Regional Administrator) may sign a certification system agreement which establishes grantee's authorities and responsibilities. The agreement should be similar to a delegation agreement under Subpart F and grantees can perform any activities which can be delegated under Subpart F of this part. After signing the grantee certification system agreements, the delegated State (or Regional Administrator) will not review grantee certified activities before award of grant assistance.

(a) Before signing a grantee certification system, the delegated State (or Regional Administrator) shall determine that:

- (1) The grantee has adequate capability to assure the technical and fiscal integrity of its projects;
- (2) The grantee is likely to have a significant continuing need (generally \$50 million on the current Needs Survey) for EPA construction grant assistance; and
- (3) In non-delegated States, the State concurs.

(b) Grantees with signed grantee certification system agreements may incur Step 2 or Step 3 costs before award of Step 2 or Step 3 grant assistance if:

(1) The appropriate facilities plan is approved;

(2) The project is on the current State project priority list; and

(3) Such action is permitted under the certification system agreement.

(c) EPA may participate in the costs of carrying out the activities under a grantee certification system agreement if the grantee accounts for and charges those costs on a project-by-project basis.

(d) The State or the Regional Administrator shall periodically, but at least every two years, review the grantee's performance under the grantee certification agreement. If that performance is unsatisfactory, the grantee shall make necessary corrections or the agreement shall be terminated.

#### § 35.2150 Project scope.

The grant agreement must define the scope of the project for which Federal assistance is awarded. The project scope must include a step or an identified segment. Grant assistance may be awarded for a segment of Step 3 treatment works construction, when that segment does not provide for achievement of applicable effluent discharge limitations, if:

(a) The segment is to be a component of an operable treatment works which will achieve the applicable effluent discharge limitations; and

(b) The applicant submits to the Regional Administrator a commitment for completion of the entire treatment works within a reasonable period of time. This commitment shall be made a special condition in the grant agreement.

#### § 35.2152 Federal share.

(a) *General.* The grant shall be 75 percent of the estimated total cost of construction approved by the Regional Administrator in the grant agreement, except as otherwise provided in this section.

(b) *Modification and replacement of innovative and alternative projects.* In accordance with § 35.2032 and procedures published by EPA, the Regional Administrator may award grant assistance to fund 100 percent of the eligible costs of the modification or replacement of any treatment works constructed with grant assistance under section 205(i) of the Act.

(c) *Uniform lower federal share.* (1) Except as provided in paragraph (b) of



this section, the Governor of a State may request the Regional Administrator's approval to revise uniformly throughout the State the Federal share of grant assistance for all projects. The uniform lower Federal share must apply to all steps (Steps 1, 2, 3 and 2+3) and all needs categories (see § 35.2015(a)(2)).

(2) After EPA awards grant assistance for a project, the Federal share shall be the same for any grant increase for that project.

(d) **Training Facilities.** The Regional Administrator may award Federal assistance by a grant or grant amendment from any allotment or reallocation available to a State under § 35.2010 for payment of 100 percent of the cost of construction of treatment works required to train and upgrade waste treatment works operations and maintenance personnel and for the costs of other operator training programs.

(1) Where a grant is made to serve two or more States, the Administrator is authorized to make an additional grant for a supplemental facility in each State. The Federal funds awarded to any State under section 109(b) for all training facilities or programs shall not exceed \$500,000.

(2) Any grantee who received a grant under section 109(b) before December 27, 1977, is eligible to have the grant increased up to \$500,000 by funds made available under the Act, not to exceed 100 percent of eligible costs.

#### § 35.2154 Limitation on Federal share.

The United States shall not be obligated to pay for costs incurred in excess of the approved grant amount of any amendment to it unless the grantee has given written notice before the costs are incurred to the Regional Administrator, the State has approved an increase in the amount from available allotments and the Regional Administrator has approved the increase by issuing a grant amendment.

#### § 35.2200 Grant conditions.

In addition to the EPA General Grant Conditions (Subpart C and Appendix A to Part 30 of this subchapter), each treatment works grant shall be subject to the conditions under §§ 35.2202 through 35.2214.

#### § 35.2202 Step 2+3 projects.

A grantee which has received Step 2+3 grant assistance must comply with § 35.2122 and submit the information required under § 35.2040 and the Regional Administrator must approve that information before the grantee advertises for bids on the Step 3 construction portion of the project. The cost of Step 3 work initiated before the

Regional Administrator's approval of the submittals is not allowable.

#### § 35.2204 Project changes.

(a) In addition to the notification of project changes required under § 30.900-1 of this subchapter, the Regional Administrator's prior written approval is required for project changes which may:

(1) Substantially alter the design and scope of the project;

(2) Alter the type of treatment to be provided; or

(3) Substantially alter the location, size, capacity, or quality of any major item of equipment.

(b) Prior EPA approval is not required for changes to correct minor errors, or to make minor or emergency changes.

#### § 35.2206 Operation and maintenance.

(a) The grantee must make provision satisfactory to the Regional Administrator for assuring economic and effective operation and maintenance (including replacement) of the treatment works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency.

(b) Except as provided in paragraphs (c) and (d) of this section, the Regional Administrator shall not pay more than 90 percent of the Federal share of any Step 3 project unless the grantee has furnished a satisfactory plan of operation.

(c) In projects where segmenting of an operable treatment works has occurred, the Regional Administrator shall not pay more than 90 percent of the Federal share of the total of all interdependent Step 3 segments until the grantee has furnished a satisfactory final plan of operation.

(d) In multiple facility projects where an element or elements of the treatment works are operable components and have been completely constructed and placed in operation by the grantee, the Regional Administrator shall not make any additional Step 3 payment until the grantee has furnished a final plan of operation or those portions of the plan associated with the operating elements of the treatment works.

#### § 35.2208 Adoption of sewer use ordinance and user charge system ordinance and rates.

If the project is for Step 3 or Step 2+3, the grantee shall adopt ordinances and user rates to implement its sewer use ordinance and user charge system developed under §§ 35.2130 and 35.2140 before the treatment works is placed in operation.

#### § 35.2210 Value engineering (VE).

(a) If the project is for Step 3 and the estimated cost is \$10 million or more, the grantee must perform VE studies. The Regional Administrator may require VE studies on any projects with estimated Step 3 costs of less than \$10 million where he determines it is appropriate. Grantees are encouraged to voluntarily perform VE analyses on all other projects where savings might be expected.

(b) The grantee shall implement VE recommendations to the maximum extent as determined feasible by the grantee, subject to the approval of the Regional Administrator.

#### § 35.2212 Project initiation and completion.

(a) The grantee shall expeditiously initiate and complete the project, in accordance with the grant agreement and application. Failure to promptly initiate and complete a project may result in annulment or termination of the grant.

(b) The grantee shall issue an invitation for bids for Step 3 project work promptly after grant award. Generally this action should occur within 120 days after award unless compliance with State or local laws requires a longer period of time. The Regional Administrator shall annul or terminate the grant if the grantee has not advertised for bids for all significant elements of Step 3 construction within six months of the award for the Step 3 project (or approval of plans and specifications, in the case of a Step 2+3 project). However, the Regional Administrator may defer (in writing) the annulment or termination for not more than three additional months if there is good cause for delay.

#### § 35.2214 Supervision.

If the project is for Step 3, the grantee will provide and maintain competent and adequate engineering supervision and inspection of the project to ensure that the construction conforms with the approved plans and specifications.

#### § 35.2216 Final inspection.

The grantee shall notify the Regional Administrator through the State agency of the completion of Step 3 project construction. Final inspection shall be completed within 60 days of the receipt of the notice. When final inspection is completed and the Regional Administrator determines that the treatment works have been satisfactorily constructed in accordance with the grant agreement, the grantee



may request final payment under § 35.2300.

#### § 35.2218 Grantee responsibility.

By accepting the grant, the grantee agrees to complete the treatment works in accordance with the facilities plan, plans and specifications, and related grant documents approved by the Regional Administrator, and to maintain and operate the treatment works to meet the enforceable requirements of the Act for the design life of the treatment works. The Regional Administrator may seek enforcement or recovery of funds from the grantee, or take other appropriate action, if he determines that the grantee has failed to meet its obligations under the grant.

#### § 35.2250 Determination of allowable costs.

The Regional Administrator will determine the allowable costs of the project based on the scope of the approved project, § 30.705 of this subchapter, and Appendix A of this subpart.

#### § 35.2300 Grant payments.

The Regional Administrator shall pay from available appropriated funds such amounts as are necessary so that the total amount of Federal payments to the grantee for the project is equal to the Federal share of the allowable project costs incurred to date and is currently due and payable from the grantee, as certified by the grantee in its most recent request for payment.

(a) *Adjustment.* In addition to adjustments as a result of final settlement under § 30.815 of this subchapter, the Regional Administrator may cause any request(s) for payment to be reviewed or audited. Based on such review or audit, any payment may be revised as appropriate.

(b) *Refunds, rebates, credits, etc.* The Federal share of any refunds, rebates, credits, or other amounts (including any interest) that accrue to or are received by the grantee for the project, and that are properly allocable to costs for which the grantee has been paid under a grant, must be credited to the current State allotment or paid to the United States. Reasonable expenses incurred by the grantee securing such refunds, rebates, credits, or other amounts shall be allowable under the grant when approved by the Regional Administrator.

(c) *Final payment.* The Regional Administrator shall pay to the grantee any balance of the Federal share of allowable project costs which has not already been paid after completion of final inspection under § 35.2214,

approval of the request for payment which the grantee designates as the "final payment request," and the grantee has complied with all applicable requirements of this subchapter and the grant agreement.

(d) *Assignment and release.* By its acceptance of final payment, the grantee agrees to assign to the United States the Federal share of refunds, rebates, credits or other amounts (including any interest) properly allocable to costs for which the grantee has been paid by the Government under the grant. The grantee thereby also releases and discharges the United States, its officers, agents, and employees from all liabilities, obligations, and claims arising out of the project work or under the grant, subject only to exceptions previously specified in writing between the Regional Administrator and the grantee.

(e) *Payment of costs incurred under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.* Notwithstanding the provisions of paragraph (a) of this section, if the Regional Administrator determines it is necessary for the expeditious completion of a project, he may make advance payment after grant award under § 4.502(c) of this chapter for the EPA share of the cost of any payment of relocation assistance by the grantee. The requirements in §§ 30.615-1 (b) and (d) of this subchapter apply to any advances of funds for assistance payments.

#### § 35.2350 Contract enforcement.

(a) *Regional Administrator authority.* At the grantee's request the Regional Administrator may provide technical and legal assistance in the administration and enforcement of any contract related to treatment works for which an EPA grant was made and to intervene in any civil action involving the enforcement of such contracts, including contract disputes which are the subject of either arbitration or court action.

(b) *Privity of contract.* The Regional Administrator's technical or legal involvement in any contract dispute will not make EPA a party to any contract entered into by the grantee.

#### Appendix A—Determination of Allowable Costs

(a) *Purpose.* The information in this Appendix represents Agency policies and procedures for determining the allowability of project costs based on the Clean Water Act, EPA policy, appropriate federal cost principles under § 30.710 of this subchapter and reasonableness. This appendix supplements the requirements contained in § 30.705 of this subchapter.

(b) *Applicability.* This cost information applies to grant assistance awarded after November, 1981. Project cost determinations under this subpart are not limited to the items listed in this appendix. Additional cost determinations based on applicable law and regulations must of course be made on a project-by-project basis.

#### General Costs

1. Allowable costs include:
    - a. The costs of salaries, benefits and expendable materials the grantee incurs for the project;
    - b. Unless otherwise specified in this appendix, the costs of meeting specific Federal statutory requirements;
    - c. Costs of complying with the National Environmental Policy Act, including costs of public notices and hearings; and
    - d. Costs to mitigate only direct, adverse impacts resulting from construction of the treatment works. Mitigative measures should be reasonable in cost and duration and should relate to the resource affected.
  2. Unallowable costs include:
    - a. Ordinary operating expenses of the grantee including salaries and expenses of elected and appointed officials and preparation of routine financial reports and studies;
    - b. Preparation of applications and permits required by Federal, State or local regulations or procedures;
    - c. Administrative, engineering and legal activities associated with the establishment of special departments, agencies, commissions, regions, districts or other units of government;
    - d. Approval, preparation, issuance and sale of bonds or other forms of indebtedness required to finance the project and the interest on them;
    - e. The costs of replacing wastewater treatment works after start-up and acceptance that were constructed with Federal assistance awarded after October 18, 1972, and that fail during the useful life for which such works are designed and constructed, except as provided in § 35.2152.
    - f. Personal injury compensation or damages arising out of the project;
    - g. Fines and penalties due to violations of, or failure to comply with, Federal, State or local laws, regulations or procedures;
    - h. Costs outside the scope of the approved project;
    - i. Costs for which grant payment has been or will be received from another Federal agency unless specifically authorized by statute;
    - j. Costs of treatment works for control of pollutant discharges from a separate storm sewer system;
    - k. Costs for necessary travel directly related to accomplishment of project objectives. (Travel not directly related to a specific project, such as travel to professional meetings, symposia, technology transfer seminars, lectures, etc., must be recovered under an indirect cost agreement.);
- #### Costs Related to Subagreements
1. Allowable costs related to subagreements include:



a. The costs of complying with the procurement requirements of 40 CFR 35.936 through 35.939, even if those costs are incurred before grant award;

b. The costs for establishing or using MBE/WBE liaison services;

c. The costs under construction and personal and professional services subagreements within the scope of the approved project;

d. The costs of contractor claims and change orders, provided they are not the result of the grantee's mismanagement or the grantee's liability for inappropriate actions of others. The following are examples of allowable claims:

(1) The costs of contractor claims based on defective specifications only to the extent that the costs would have been allowable if the work had been included in the initial plans, specifications and drawings;

(2) The costs of delay and acceleration of construction resulting from problems like differing site conditions provided they (a) were incurred in the best interest of the grantee and EPA, and (b) were not caused by events within the control of the grantee, its engineers or its contractors or by events within risks properly assigned to contractors;

(3) The cost of rework due to minor errors and omissions from the plans and specifications.

e. The grantee's costs of assessing and defending a claim (including legal, technical, and administrative costs) provided the claim is related to the grant eligible portion of the work and such costs are approved in advance by the Regional Administrator. The Regional Administrator must assure that the claim can not be reasonably settled without litigation.

f. Costs of royalties for the use of or rights in a patented process or product with the prior approval of the Regional Administrator;

2. Unallowable costs related to subagreements include the cost claimed by a contractor for rework, delay or disruption caused by defective specifications.

#### Facilities Planning

1. Allowable facilities planning costs include:

a. The cost of facilities planning directly related to the treatment works, including costs necessary to comply with § 35.2030;

b. The costs to revise wastewater allocations in the facility planning area, if approved by the Regional Administrator;

c. The cost of replanning if a grantee's completed or partially completed planning is rendered invalid or unacceptable by changes in Federal requirements.

d. The costs of public participation approved by the Regional Administrator or under a public participation work plan;

e. The costs, of field surveys to identify historical, architectural, archaeological and cultural resources in the primary impact area of the project, if approved in advance by the Regional Administrator;

f. The cost of sewer system studies necessary to determine whether excessive infiltration/inflow exists and to develop a recommended rehabilitation program;

g. The cost of financial reports related to, for example, the tax base, structure, etc., to determine the financial capabilities of the

grantee or the financial feasibility of the proposed treatment works;

h. The cost of rate studies and related financial reports required for the establishment of user charge systems (including legal, CPA and related engineering studies) if approved in advance by the Regional Administrator.

#### Small and on-site systems

1. Allowable costs for small and on-site systems include:

a. The cost of major rehabilitation, upgrading, enlarging and installing small and on-site systems serving principal residences;

b. Conveyance pipes from property line to off-site treatment unit which serves a cluster of buildings;

c. Treatment and treatment residue disposal portions of toilets with composting tanks, oil flush mechanisms, or similar in-house devices;

2. Unallowable costs for small and on-site systems include:

a. Modification to physical structure of homes or commercial establishments;

b. Conveyance pipes from the house to the treatment unit located on user's property;

c. Wastewater generating fixtures such as commodes, sinks, tubs, and drains.

#### Land and Rights-Of-Way

1. Allowable costs for land and rights-of-way include:

a. The cost (including associated legal, administrative and engineering costs) of land acquired in fee simple or by lease or easement after October 17, 1972, that will be an integral part of the treatment process or that will be used for the ultimate residues resulting from such treatment provided the Regional Administrator approves it in the grant agreement, including:

(1) The cost of a reasonable amount of land considering irregularities in application patterns, and the need for buffer areas, berms, and dikes;

(2) The cost of land for sludge disposal with application at the maximum rate possible (generally five dry tons per acre per year);

(3) The cost of land for disposal of municipal wastewater residues and other solid wastes, provided the dry weight of the wastewater residues comprise over 25% of the total combined dry weight of the wastes to be disposed;

(4) The cost of land acquired in fee simple for soil absorption system for a group of two or more homes;

(5) After December 26, 1977, the cost of land acquired in fee simple for composting or temporary storage of compost residues which result from wastewater treatment;

(6) After December 26, 1977, the cost of land acquired in fee simple for storage of treated wastewater in land treatment systems before land application. The total land area for construction of a pond for both treatment and storage of wastewater is allowable if the volume necessary for storage is greater than the volume necessary for treatment. Otherwise the allowable cost will be determined by the ratio of the storage volume to the total volume of the pond.

b. The cost of complying with the requirements of the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621 et seq., 4651 et seq.), under Part 4 of this chapter;

c. The cost associated with the preparation of the treatment works site before, during and, to the extent agreed on in the grant agreement, after construction. These costs include:

(1) The cost of grade and construction staking surveys, alignment and slope, surveys preparation of working drawings and plans dealing with site preparation, including locations, grades, slopes, distances and depth alignments;

(2) The cost of demolition of existing structures on the treatment works site (including rights-of-way) if construction cannot be undertaken without such demolition;

(3) The cost of removal, relocation or replacement of utilities, provided the grantee is legally obligated to pay under state or local law; considering such factors as betterment, cost of contracting and useful life;

(4) The cost of restoring streets, rights-of-way and individual system construction sites to their original condition. The need for such restoration must result directly from the construction;

(5) The costs of site screening necessary to comply with NEPA related studies and approved facility plans, or necessary to screen adjacent properties, if approved in advance by the Regional Administrator.

2. Unallowable costs for land and rights-of-way include:

a. The costs of acquisition (including associated legal, administrative and engineering etc.) of sewer rights-of-way, waste treatment plant sites (including small system sites), sanitary landfill sites and sludge disposal areas) except as provided in paragraph 1.a. of this section;

b. Removal, relocation or replacement of utilities located on land by privilege, such as franchise.

#### Design and Construction

1. Allowable costs related to the design and construction of a treatment works include:

a. Preparation of construction drawings, specifications, estimates, construction contract documents and value engineering studies;

b. The cost of redesign of any portion of project rendered invalid or unacceptable by changes in Federal requirements.

c. Preparation and erection of EPA required project identification signs;

d. The cost of construction of groundwater monitoring facilities necessary to determine the possibility of groundwater deterioration, depletion or modification exists as a result of project construction if approved in advance by the Regional Administrator.

e. Engineering supervision and inspection of construction of the eligible project during the approved construction period that are not incident to a general contractual obligation.

2. Unallowable costs related to the design and construction of a treatment works include:



a. Bonus payments, not legally required, for completion of construction before a contractual completion date;

b. Operation, surveillance or analyses of groundwater monitoring equipment or facilities.

#### *Equipment, Materials and Supplies*

1. Allowable costs of equipment, materials and supplies include:

a. The cost of a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations and laboratory items identified by the grantee and approved prior to procurement by the Regional Administrator as necessary to conduct tests as may be required for plant operation;

b. The costs for purchase and/or transportation of biological seeding materials required for expeditiously initiating the treatment process operation if approved in advance by the Regional Administrator;

c. Cost of shop equipment installed at the treatment works and necessary to the operation of the works, approved in advance by the Regional Administrator;

d. The costs of necessary equipment, provided the equipment meets applicable Federal, State, local or industry safety requirements;

e. A portion of the costs of collection system maintenance equipment. The cost of the equipment shall be based on: (1) the portion of the total collection system paid for by the grant, (2) a demonstrable frequency of need, and (3) when the equipment is necessary to preclude the discharge or bypassing of raw sewage;

f. The cost of mobile equipment necessary for the operation of the overall wastewater treatment facility, transmission of wastewater or sludge, or for the maintenance of equipment, approved in advance by the Regional Administrator; these items include:

(1) Portable stand-by generators;

(2) Large portable emergency pumps to provide "pump-around" capability in the event of pump station failure or pipeline breaks; and

(3) Sludge tanks, trailers, and other vehicles having as their sole purpose the transportation of liquid or dewatered wastes from the collector point to the treatment facility or disposal site.

g. The Cost of acquiring all or part of an existing publicly or privately owned wastewater treatment works provided all the following criteria are met:

(1) The acquisition provides new pollution control benefits;

(2) The facility was not acquired with previous Federal or State financial assistance;

(3) The primary purpose of the acquisition is not the reduction, elimination, or redistribution of public or private debt; and

(4) The acquisition is not being used as a means to circumvent the requirements of the Act, the construction grants regulations, or other Federal, State or local requirements.

2. Unallowable costs of equipment, materials and supplies include the costs of equipment or material procured in violation of the procurement requirements of § 35.936 through 35.939.

#### *Operation and Maintenance*

1. Allowable operation and maintenance costs include:

a. The cost of development of a plan of operation including an operation and maintenance manual;

b. The cost of development of a maintenance management system, i.e., services to assure effective implementation of the maintenance items as outlined in the facility's operation and maintenance manual;

c. The cost of development of a records management system, i.e., a system to (1) inventory supplies, chemicals, equipment, etc; (2) track monitoring reports for regulatory agencies.

2. All costs not specifically listed in paragraph 1 of this section are not allowable.

#### *Training*

1. Allowable training costs include:

a. Costs of grantee employees attending at training workshops/seminars that are necessary to provide instruction in administrative, fiscal or contracting procedures required to complete the construction of the treatment works, if approved in advance by the Regional Administrator;

#### *Industrial and Federal Facilities*

1. Allowable costs for industrial and Federal facilities include:

a. The cost of facilities planning associated with the treatment of waste from a Federal facility;

b. Development of a municipal pretreatment program approvable under Part 403 of this chapter, and purchase of monitoring equipment and construction of facilities to be used by the municipal treatment works in the pretreatment program.

2. Unallowable costs for industrial and Federal facilities include:

a. Costs allocable to the treatment for control or removal of pollutants in wastewater introduced into the treatment works by industrial sources, unless the applicant is required to remove such

pollutants introduced from nonindustrial sources;

b. Step 2, Step 3, or Step 2+3 cost for the proportional cost allocable to the treatment of wastes from major activities of the Federal Government, except that cost of Step 2 work is allowable if the Step 2 grant was certified for funding to EPA before December 29, 1975. A "major activity" includes any Federal facility which contributes either (a) 250,000 gallons or more per day or (b) 5 percent or more of the total design flow of waste treatment works, whichever is less;

c. The cost of interceptor or collector lines constructed exclusively, or almost exclusively, to serve industrial sources;

d. The cost of developing an approvable municipal pretreatment program when performed solely for the purpose of seeking an allowance for removal of pollutants under Part 403 of this chapter;

e. The cost of monitoring equipment used by industry for sampling and analysis of industrial discharges to municipal treatment works.

f. For the purposes of industrial cost exclusion Step 3 or the Step 3 portion of a Step 2+3 project used to treat, store or convey the flow of any industrial user. This industrial cost exclusion applies to Step 3 grant assistance awarded after November 15, 1981, if Step 2 grant assistance for the treatment works was awarded after May 14, 1980, and to the Step 3 portion of all Step 2+3 grant assistance awarded after November 15, 1981. Reserve capacity for future industrial use in excess of a flow per day equivalent to 50,000 gpd of sanitary waste shall also be excluded. Other exceptions to the industrial cost exclusion are as follows:

(1) If construction of a treatment works is segmented and EPA awarded either the grant for the first Step 2 segment before May 15, 1980, or the grant for the first Step 3 before November 16, 1981, future segments of the same treatment works necessary to complete the entire treatment works under § 35.930-1(b) will not be subject to this industrial cost exclusion limitation. The Regional Administrator shall define the scope of the future works exempt from the industrial cost exclusion provision in the appropriate grant agreement;

(2) Combined sewer overflow and infiltration/inflow projects. The industrial cost exclusion provisions do not apply to combined sewer overflow or infiltration/inflow correction projects.

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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

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

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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