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# federal register

Friday
June 18, 1982

## Selected Subjects

**Administrative Practice and Procedure**
Federal Communications Commission
Food and Drug Administration
Land Management Bureau

**Air Pollution Control**
Environmental Protection Agency

**Animal Drugs**
Food and Drug Administration

**Food Additives**
Food Safety and Inspection Service

**Food Labeling**
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**Grant Programs—Environmental Protection**
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**Marketing Agreements**
Agricultural Marketing Service

**Milk Marketing Orders**
Agricultural Marketing Service

**Coal Mining**
Surface Mining Reclamation and Enforcement Office

**Railroads**
Interstate Commerce Commission

**Wine**
Alcohol, Tobacco and Firearms Bureau

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# Rules and Regulations

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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.

## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Parts 1260 and 1261

### Freedom of Information Act and Privacy Act Fees and Appeals

**AGENCY:** Office of the Special Counsel, MSPB.

**ACTION:** Final rule.

**SUMMARY:** These amendments to regulations of the Office of the Special Counsel set forth realistic charges for photocopy and search fees incurred in granting Freedom of Information Act requests and for photocopy fees incurred in granting Privacy Act requests, limit the time period within which an initial denial may be appealed, refer to addresses of field offices and make other technical changes.

**EFFECTIVE DATE:** June 15, 1982.

**FOR FURTHER INFORMATION:** Carolyn E. Galbreath, Office of the Special Counsel (202–653–7305).

**SUPPLEMENTARY INFORMATION:** Proposed amendments to the regulations of the Special Counsel concerning charges for photocopy and search fees incurred in granting Freedom of Information Act requests and for photocopy fees incurred in granting Privacy Act requests, limiting the time period within which an initial denial may be appealed and making other technical changes were published in the **Federal Register** on February 26, 1982, (47 FR 8367).

Comments were received from one federal employee union. The union objected to the $0.50 per page photocopying charge "where copies of records have already been available to an individual in the course of agency proceedings or from any other source." We have concluded that such additional charge where copies have previously been provided is unnecessary. Accordingly, we have deleted the $0.50 per page photocopying charge from these final regulations.

The federal employee union also expressed concern that no records were to be released prior to payment of fees on the basis that some requesters can guarantee payment but must follow time-consuming administrative procedures to pay such fees. This concern is met by a new provision for delayed payment of fees and waiver of fees in § 1260.4(d).

The union further objected to the imposition of a 30-day time limit for filing an appeal from an initial denial on the basis that a time limit would not enable an individual to fully exercise his rights. Many agencies have a similar time limit for filing an appeal. Such a time limit is fair, reasonable, efficient and administratively necessary. Further, we believe setting a time limit for filing an appeal will encourage the prompt exercise of individual rights by discouraging procrastination. The 30-day time limit for filing an appeal has been retained. However, these rules require advising the requester of his right to appeal a denial.

Additional technical changes have been made. The authority citation in Part 1260 has been corrected to reflect the Freedom of Information Act, 5 U.S.C. 552, as the authority for issuance of the regulations in Part 1260. The procedures for filing FOIA requests have been refined by adding the position of the person to whom such requests should be addressed in writing and referring to the office addresses listed in § 1253.1.

### Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Special Counsel certifies that he has determined that regulations of the Office of the Special Counsel do not have a significant impact on a substantial number of small entities, including small businesses, small organizations and small governmental jurisdictions.

Accordingly, Parts 1260 and 1261 of Subchapter B of Chapter II of Title 5, Code of Federal Regulations, are amended as follows:

## PART 1260—PUBLIC INFORMATION

1. The authority citation for Part 1260 is revised to read as follows:

**Authority:** 5 U.S.C. 552.

2. Section 1260.3 of Part 1260 is revised to read as follows:

**§ 1260.3 Procedures for obtaining records.**

Requests for records shall be made in writing. Except in unusual circumstances, a determination shall be made on a request within 10 working days. Requests should be addressed to Office of the Special Counsel at the appropriate address as listed in § 1253.1. Requests must be clearly and prominently marked "Freedom of Information Act Request" on both the envelope and the letter.

3. Paragraphs (a) and (c) of § 1260.4 of Part 1260 are revised and a new paragraph (d) is added to read as follows:

**§ 1260.4 Service charge for information.**

(a) Requests for records of the Office of the Special Counsel are subject to the following fees for search and duplication:

Photocopies per page, $0.25. Manual record search: $2.50 per quarter hour if conducted by a clerical employee; $5.00 per quarter hour if conducted by a professional or managerial employee.

* * * * *

(c) Records will not be released until the fees have been received unless delayed payment or waiver of fees is authorized in accordance with paragraph (d) of this section.

(d) The Associate or Assistant Special Counsel, Prosecution Division, or the Associate or Assistant Special Counsel in a field office may permit delayed payment of fees or waiver of fees in exceptional circumstances when he determines good cause exists for delaying payment or that a waiver of fees will primarily benefit the general public.

4. Section 1260.5 of Part 1260, relating to appeals under the Freedom of Information Act, is revised to read as follows:

**§ 1260.5 Appeals.**

Any denial, in whole or in part, of a request for records of the Office of the Special Counsel shall advise the requester of his right to appeal the denial to the Special Counsel or his designee. The requester shall submit his appeal in writing within 30 days of the denial. The appeal shall be addressed to the Special Counsel at 1120 Vermont Avenue, NW., Washington, D.C. 20419. Except in unusual circumstances, the Special Counsel or his designee shall

make a determination on the appeal within 20 working days after it is received. When a request is denied on appeal, the requester shall be advised of his right to seek judicial review.

## PART 1261—PRIVACY

5. Section 1261.5 of Part 1261, relating to appeals under the Privacy Act, is revised to read as follows:

**§ 1261.5 Appeals.**

When a request for access or amendment has been denied, in whole or in part, the requester shall be advised of his right to appeal to the Special Counsel or his designee. The requester shall submit his appeal in writing within 30 days of the denial. A final determination on the appeal shall be issued within 30 days (excluding Saturdays, Sundays and legal holidays) after receipt. Where unusual circumstances prevent a determination within that time period, the time for a determination may be extended an additional 30 working days after the requesting individual has been advised in writing of the reasons for the extension and the estimated date a determination will be made. Where the final determination denies a request for amendment, the requesting individual shall be notified of his right to file a concise statement of reasons for disagreeing with the final determination. A copy of the statement shall be appended to the disputed record and provided to persons to whom the record is disclosed and to prior known recipients of the record. The Office of the Special Counsel may also attach to the statement a concise account of its reasons for not making the amendments requested. The final determination shall contain a notice of the right to judicial review.

Dated: June 14, 1982

Alex Kozinski,

*Special Counsel.*

[FR Doc. 82-16415 Filed 6-17-82; 8:45 am]

BILLING CODE 7400-02-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 910

**[Lemon Reg. 364]**

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

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 20–26, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

**EFFECTIVE DATE:** June 20, 1982.

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

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

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on June 15, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is moderate.

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

**List of Subjects in 7 CFR Part 910**

Agricultural Marketing Service, Marketing Agreements and Orders, California, Arizona, Lemons.

Section 910.664 is added as follows:

**§ 910.664 Lemon Regulation 364.**

The quantity of lemons grown in California and Arizona which may be handled during the period June 20, 1982, through June 26, 1982, is established at 260,000 cartons.

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

Dated: June 17, 1982.

**D. S. Kuryloski,**

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

[FR Doc. 82-16756 Filed 6-17-82; 11:39 am]

BILLING CODE 3410-02-M

### 7 CFR Part 1040

### Milk in the Southern Michigan Marketing Area; Order Suspending Certain Provisions

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

**ACTION:** Suspension of rules.

**SUMMARY:** This action suspends for the months of June through August 1982 the requirement in the Southern Michigan milk order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as pool plants under the order. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The action is needed to ensure that dairy farmers who have been historically associated with the Southern Michigan market will continue to share in the market's Class I milk sales.

**EFFECTIVE DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202–447–7311).

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding: Notice of proposed suspension: Issued May 25, 1982; published May 28, 1982 (47 FR 23462).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order

12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on the timely basis that is necessary to make the suspension effective for the month of June 1982. The initial request for the action was received on May 17, 1982. A notice of proposed suspension was issued on May 25, 1982, inviting interested parties to comment on the proposed action by June 4, 1982.

It has been determined that this action will not have a major economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Michigan marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (47 FR 23462) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. All comments received favored the suspension of the provisions.

After consideration of all relevant information, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of June through August 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:"

2. In § 1040.7(b)(2), subdivisions (i) and (ii).

### Statement of Consideration

This action makes inoperative for June through August 1982 the provisions requiring a cooperative association to deliver at least 50 percent of its members' producer milk to pool distributing plants, either through its supply plants or directly from farms, in order to qualify the supply plants as pool plants. The suspension was requested by Michigan Milk Producers Association and was supported by two other cooperative associations and by a proprietary handler. In total, the suspension was supported by a substantial proportion of the producers who supply milk to the market.

This action is needed because of increased deliveries of producer milk in the Southern Michigan market at a time when Class I use is declining. April 1982, the most recent month for which data are available, was the 36th consecutive month of increased milk production in the market and also was the 18th consecutive month of declining Class I sales.

For the first four months of 1982, producer receipts for the market increased 2.3 percent from a year ago, while Class I sales decreased 5.2 percent. The increase in milk production has resulted from increased cow numbers and greater production per cow, and the declining sales are attributable to the depressed economy in Michigan.

The suspension is needed also to accommodate petitioner's recent loss of milk sales to a major distributor in the market.

If the provisions cited are not suspended for the months of June through August 1982, Michigan Milk Producers Association expects to encounter considerable difficulty in pooling certain supply plants and the milk of producers who have had a long history of association with the Southern Michigan fluid market. This could be expected to disrupt the orderly marketing of milk in the Southern Michigan marketing area.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies. This action will eliminate the possibility that producers who are regular suppliers of milk for the fluid market would lose their producer status because of the present pooling provisions and thus not have their milk priced under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise could be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning the suspension. There were no comments filed in opposition to the proposed suspension.

Therefore good cause exists for making this order effective upon publication in the **Federal Register**.

### List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the months of June through August 1982.

Effective date: June 18, 1982.

(Secs. 1–29, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on June 14, 1982.

**C. W. McMillan,**

*Assistant Secretary, Marketing and Inspection Service.*

[FR Doc. 82-16623 Filed 6-17-82; 8:45 am]

BILLING CODE 3410-02-M

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## Food Safety and Inspection Service

## 9 CFR Parts 317, 318, and 319

**[Docket No. 82-006F]**

## Approval of Use of Whey and Whey Products in Sausages, Bockwurst, Chili Con Carne, and Pork and Beef With Barbecue Sauce

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Federal meat inspection regulations to permit the use of whey and certain modified whey products as direct human food ingredients in sausages, bockwurst, chili con carne, and pork and beef with barbecue sauce. This action completes a rulemaking proceeding initiated by the Department in 1976 and responds to petitions submitted as a consequence of a related final rule published by the Food and Drug Administration (FDA) on September 4, 1981. By that regulation, FDA affirmed that whey and certain modified whey products are generally recognized as safe (GRAS) as direct human food ingredients and also established a common or usual name for these ingredients. Approval of whey and whey products for use in sausages, bockwurst, chili con carne, and pork and beef with barbecue sauce is expected to benefit both industry and consumers by lowering production costs while at the

same time maintaining traditional protein levels in these products. The 1976 proposal also contained certain actions with regard to the use of isolated soy protein and sodium caseinate. However, this rule finalizes only provisions for whey products.

**EFFECTIVE DATE:** August 17, 1982.

**FOR FURTHER INFORMATION CONTACT:** Dr. Daniel Jones, Chief, Standards Branch, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–7503.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12291**

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will permit the industry to use whey and certain modified whey products as binders and thickeners in sausage and bockwurst and as thickening agents in chili con carne, and pork and beef with barbecue sauce. It will effect a reduction in costs to industry and consumers: (1) Due to the increased use of a relatively low-priced protein source as a binder and thickener in these products and (2) by providing certain environmental benefits from utilization of a byproduct often discarded by the cheese industry.

**Effect on Small Entities**

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). This rule will provide for the use of whey and certain modified whey products as binders and thickeners in sausage and bockwurst, and as thickening agents in chili con carne, and pork and beef with barbecue sauce and will permit a potential cost reduction to small entities in producing those products.

**Background**

*The Proposal*

On February 18, 1975, the Whey Products Institute requested that USDA amend the standard for frankfurters and other cooked sausage products to add modified whey to the permitted list of binders already used in these meat food products.

In response to the Whey Products Institute, the Animal and Plant Health Inspection Service (APHIS) (predecessor Agency to the Food Safety and Inspection Service (FSIS)), published a proposal in the April 30, 1976, **Federal Register** (41 FR 18092). The proposal would have allowed the use of sodium caseinate and modified whey as binders and thickeners in sausages and bockwurst and as thickening agents in chili con carne, pork with barbecue sauce, and beef with barbecue sauce without affecting the characteristic of the products. Their use, respectively, would be consistent with the use of other approved binders permitted by the standards for those products (9 CFR 319.140, 319.281, 319.300 and 319.312). The proposal also would have expanded certain other uses of both sodium caseinate and isolated soy protein. The proposal relied upon results from an Agency taste panel which indicated that sausages containing modified whey products could not be differentiated from similar products prepared with previously approved binders at the same level of use. The 30 comments received on the proposal are addressed below.

The Department subsequently learned that the Food and Drug Administration (FDA) had embarked on rulemaking to establish specifications and common or usual names for whey and whey products. The Department consequently decided to defer final action on the proposed use of whey and whey products in sausages, bockwurst, chili con carne, and pork and beef with barbecue sauce until the FDA had completed its rulemaking on whey.

The Department also has learned that FDA intends to issue proposals on the GRAS status of isolated soy protein and sodium caseinate. Therefore, although the Department is now proceeding with its final listing of whey products for use in sausage, bockwurst, chili con carne, and pork and beef with barbecue sauce, the Department has decided to defer final action on the use of isolated soy protein and sodium caseinate as set forth in the April 30, 1976, proposal until FDA has completed its evaluation of these latter substances.

*FDA Rulemaking on Whey Products*

In 1976, the FDA received several petitions to affirm the Generally Recognized as Safe (GRAS) status of whey and modified whey and to establish common or usual names for these products. On June 22, 1979, the FDA published a proposed regulation (44 FR 36416) listing prospective common or usual names and definitions for the whey products, descriptions of the manufacturing processes, approximate compositions, and proposed good manufacturing practices (GMP) and levels of use in foods.

On September 4, 1981, FDA issued a final rule on whey and modified whey products (46 FR 44434). This regulation stated that whey, dried whey, reduced lactose whey, reduced minerals whey and whey protein concentrate are descriptive names for whey products and may be used on finished food labels and on intermediate mixes sold to food manufacturers. The regulation defined "whey" as a byproduct of cheesemaking, and whey protein concentrate, reduced minerals whey, and reduced lactose whey as substances manufactured from whey that are considered as food ingredients. The definition of whey included only whey from cheesemaking because no petitions were submitted on casein whey. The regulation indicated that FDA approval of casein whey would require the submission of a separate GRAS affirmation petition or food additive petition under the procedures outlined in 21 CFR 170.35 or 21 CFR 171.1.

*Comments on the 1976 Proposal*

The Agency received 30 comments in response to its 1976 proposal. Twenty-three were from industry, 4 were from consumers and 3 were from State governments. The 23 comments from industry supported the proposal. Four commenters opposed it. Three other commenters expressed concern about related issues as described below. Several commenters submitted data on the nutritional and organoleptic qualities of whey as compared to those binders which had already been approved by the Agency for use in meat and poultry products.

1. Two comments from consumers opposed the use of whey products in foods without giving any specific reasons. One commenter noted that whey may contain sodium and could affect the health of consumers. One commenter had no objection to the use of whey products in food if the safety issues involving these products are resolved.

FSIS has no reason to believe that the use of whey and whey products in sausages, bockwurst, chili con carne, and pork and beef with barbecue sauce contributes any more sodium than other binders of dairy origin presently being used. Furthermore, the Administrator considers the question of the safety of whey and whey products to have been satisfactorily resolved by the completion of the FDA rulemaking on whey (46 FR 44434).

2. Two comments from State governments supported the proposal as published in 1976. One comment from a State government raised the issue of adulteration that could be caused by the absorption of excessive amounts of water resulting from addition of whey to food products.

The 1976 proposal for approval of whey in sausages, bockwurst, chili con carne, and pork and beef with barbecue sauce encompassed only dried whey and modified whey (41 FR 18092) as does this final rule. Furthermore, the FDA final rule, with which the Agency concurs, described the modified wheys as dry products (46 FR 44434). Current moisture limitations for finished sausages will remain in effect when whey or whey products are added to these products. The bockwurst standard does not specify a moisture restriction, but it does specify a minimum meat content and a maximum binder content. The Agency concludes that these provisions will provide adequate protection against water adulteration in sausages and bockwurst to which whey and whey products are added.

3. One commenter requested the inclusion of "milk albuminate" under the approval for whey and whey products.

The Department has conducted a separate rulemaking on a product called "milk albuminate." A proposal on "milk albuminate" was published in the Federal Register of February 15, 1977 (42 FR 9182). Nine comments were received in response to that proposal all of which were negative. Consequently, the Agency formally withdrew the "milk albuminate" proposal in the Federal Register of September 5, 1978 (43 FR 39394). However, the issues concerning "milk albuminate" as a different product other than whey products was resolved by the FDA. It was decided if such a product exists, the analytical data on its composition and functionality must be provided in order to confirm its technical effects.

4. One commenter requested that the words "dry whey" be used in place of "dried whey."

The Agency notes that the FDA final rule included both the terms "dry whey" and "dried whey." The Agency concludes that it is appropriate to do likewise in this final rule.

5. One commenter requested that calcium caseinate also be included under the approval for whey and whey products.

The Agency notes that the FDA is in the process of reviewing the safety of caseinates, including sodium caseinate and calcium caseinate. The Agency, therefore, concludes that it is appropriate to defer final action on calcium caseinate until the FDA rulemaking is completed.

6. One commenter expressed concern that modified whey cannot be distinguished from nonfat dry milk when their protein and lactose contents are in the same range. According to this commenter, modified whey could be substituted for nonfat dry milk in meat food products. It was asserted that the inability to detect such substitution analytically could result in misbranding. The commenter also suggested that mixtures of modified whey and other dairy binders be accurately defined and methods of identification be provided that will permit an accurate analysis of their presence in sausage products.

The Agency acknowledges the current lack of analytical methods for distinguishing between such products as nonfat dry milk and modified whey. Moreover, the Agency is supportive of efforts to develop analytical methods for improved analysis of modified whey and other dairy binders. However, the Agency has established inspection procedures which, when performed at the time of formulation, are capable of assuring that meat food products containing these ingredients are properly labeled.

7. One commenter opposed the proposal on various technical and economic grounds that whey products are not as safe, nutritious, or economical as other approved dairy binders such as nonfat dry milk. The commenter also questioned the adequacy of FSIS inspection control of the manufacturing of whey products.

The Agency contends that the question of the safety of whey and whey products as food ingredients was adequately addressed by the FDA final rule (46 FR 44434). In the absence of new information to the contrary, the Agency considers the safety of whey and whey products as food ingredients to be resolved by the FDA rulemaking. The safety of meat and poultry products containing these ingredients is the statutory responsibility of the Secretary of Agriculture. This responsibility is carried out through the development and implementation of inspection and analytical procedures. These inspection procedures are published in the Agency's Meat and Poultry Inspection Manual [1] which also includes provision for the inspection and certification of whey (section 18.20(c)(2)). From a nutritional standpoint, whey has a protein efficiency ratio (PER) comparable to that of other binders of dairy origin such as nonfat dry milk. The economic viability of whey and whey products is subject to the supply and demand considerations of the marketplace.

*Industry Petitions*

Since the FDA's publication of a final rule affirming whey and certain modified whey products as GRAS for use as direct human food ingredients, and establishing common or usual names for such ingredients, the Agency has received petitions from The Ettlinger Corporation, Northbrook, Illinois; Pacific Coast Meat Association, Inc., San Francisco, California; and the Whey Products Institute, Chicago, Illinois. The petitioners maintained that, based on the FDA final rule, it is now appropriate for FSIS to finalize the 1976 proposal to allow the use of whey and whey products in sausage and bockwurst.

The Agency recognizes that a significant amount of time has passed since the publication of the proposal in 1976. However, USDA was not in a position to take further action on this issue until FDA's completion of their rulemaking proceeding which served to resolve basic issues regarding the safety and proper labeling of these substances. Comments from interested parties on the safety and proper handling issues were solicited and obtained through the 1976 proposal, as discussed earlier. In addition, the 1976 proceeding provided parties with an opportunity to comment upon the safety and suitability of these substances in specific meat food products. Based upon the Agency's review of this rulemaking record, the FDA proceeding and the data contained in the recent petitions, the Administrator has concluded that ample opportunity has been offered for comments on these issues and that it is now appropriate and in the public interest to finalize the 1976 proposal.

In this regard it should be noted that this final rule permitting the new uses of these substances does not become effective until 60 days after this publication. During this period of time, the Agency will accept for consideration

[1] A copy of the Meat and Poultry Inspection Manual is on file and available for public inspection in the office of the FSIS Hearing Clerk, Regulations Office, Room 2637, South Building, Washington, DC 20250.

any new and pertinent data on this matter and, if necessary, consider withholding or postponing the effective date and/or reproposing any part of the regulation.

*The Final Rule*

The Agency, after reviewing the conclusion of FDA on the GRAS status of whey and modified whey products, has determined that certain provisions of the FDA final rule should be adopted in this final order. This final rule amends the Federal meat inspection regulations to permit the use of dried whey, reduced lactose whey, reduced minerals whey, and whey protein concentrate as binders and thickeners in sausage and bockwurst at levels up to 3½ percent of the finished product, and in chili con carne and pork or beef with barbecue sauce in amounts up to 8 percent of the final products. These use levels are consistent with the levels permitted by the standards for those products under Part 319 of the regulations, although it should be noted that the standard for pork or beef with barbecue sauce (9 CFR 319.312) does not specify the 8 percent limit on whey binders provided for by this regulation. This final rule requires that dried whey, reduced lactose whey, reduced minerals whey, and whey protein concentrate be listed in the ingredients statement by their common or usual names and that the product name be qualified to indicate the presence of the whey ingredient as required for other binders.

Provisions for the use of liquid whey and concentrated liquid whey are not included in this final rule. Neither substance was included in the 1976 proposal and none of the other approved binders or extenders are in the liquid form. The reason for this is that compliance with water restrictions is usually determined by weight loss during processing rather than by analytical methods that are specific for water. Absent additional data to the contrary, the Agency remains concerned that the use of these liquid binders and extenders could result in adulteration of products under section 1(m)(8) of the Federal Meat Inspection Act (21 U.S.C. 601(m)(8)).

**List of Subjects**

*9 CFR Part 317*

Food labeling, Meat inspection.

*9 CFR Part 318*

Food additives, Meat inspection.

*9 CFR Part 319*

Standards of identity, Meat inspection.

Accordingly, the Federal meat inspection regulations are revised as follows:

## PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Part 317 of the Federal meat inspection regulations (9 CFR Part 317) is amended as follows:

1. The authority citation for Part 317 reads as follows:

**Authority:** 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

**§ 317.8 [Amended]**

2. Section 317.8(b)(16) (9 CFR 317.8(b)(16)) is amended by inserting the words "dry or dried whey, reduced lactose whey, reduced minerals whey, whey protein concentrate," immediately following the first reference to "nonfat dry milk."

3. Section 317.8(b)(33) (9 CFR 317.8(b)(33)) is amended by inserting the words "dry or dried whey, reduced lactose whey, reduced minerals whey, whey protein concentrate," immediately following the first reference to "soy protein concentrate."

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

Part 318 of the Federal meat inspection regulations (9 CFR Part 318) is amended as follows:

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

**Authority:** 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

**§ 318.7 [Amended]**

5. The chart in § 318.7(c)(4) (9 CFR 318.7(c)(4)) is revised under the class of substance "binders" immediately after the entries for sodium caseinate to read as follows:

| Class of substance | Substance | Purpose | Products | Amount |
|---|---|---|---|---|
| * | * | * | * | * |
| ..... | Dry or dried whey ..... | To bind or thicken ..... | Sausage as provided in Part 319, Bockwurst. | 3½ percent individually or collectively. |
| ..... | Reduced lactose whey ..... | .....do..... | .....do..... | Do. |
| ..... | Reduced minerals whey .... | .....do..... | .....do..... | Do. |
| ..... | Whey protein concentrate. | .....do..... | .....do..... | Do. |
| ..... | Dry or dried whey ..... | .....do..... | Imitation sausage soups, stews, nonspecific loaves. | Sufficient for purpose. |
| ..... | Reduced lactose whey ..... | .....do..... | .....do..... | Do. |
| ..... | Reduced minerals whey .... | .....do..... | .....do..... | Do. |
| ..... | Whey protein concentrate. | .....do..... | .....do..... | Do. |
| ..... | Dry or dried whey ..... | .....do..... | Chili con carne; pork or beef with barbecue sauce. | 8 percent individually or collectively with other binders. |
| ..... | Reduced lactose whey ..... | .....do..... | .....do..... | Do. |
| ..... | Reduced minerals whey .... | .....do..... | .....do..... | Do. |
| ..... | Whey protein concentrate. | .....do..... | .....do..... | Do. |
| * | * | * | * | * |

## PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Part 319 of the Federal meat inspection regulations (9 CFR Part 319) is amended as follows:

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

**Authority:** 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

**§ 319.140 [Amended]**

7. The second sentence of § 319.140 (9 CFR 319.140) is amended by inserting the words "dry or dried whey, reduced lactose whey, reduced minerals whey, whey protein concentrate," immediately following the reference to "nonfat dry milk."

**§ 319.180 [Amended]**

8. Sections 319.180(e) (9 CFR 319.180(e)) and 319.181 (9 CFR 319.181) are amended by inserting the words "dry or dried whey, reduced lactose whey, reduced minerals whey, whey protein concentrate," immediately after "nonfat dry milk."

**§ 319.281 [Amended]**

9. Section 319.281(b)(9) (9 CFR 319.281(b)(9)) is amended by inserting the words "dry or dried whey, reduced lactose whey, reduced minerals whey, whey protein concentrate," immediately following the reference to "soy protein concentrate."

**§ 319.300 [Amended]**

10. Section 319.300 (9 CFR 319.300) is amended by inserting the words "dry or dried whey, reduced lactose whey,

reduced minerals whey, whey protein concentrate," immediately following the reference to "nonfat dry milk."

**§ 319.312 [Amended]**

11. Section 319.312 (9 CFR 319.312) is amended by inserting the words "dry or dried whey, reduced lactose whey, reduced minerals whey, whey protein concentrate," immediately following the reference to "nonfat dry milk."

Done at Washington, D.C., on June 4, 1982.

**Donald L. Houston,**

*Administrator, Food Safety and Inspection Service.*

[FR Doc. 82-16625 Filed 6-17-82; 8:45 am]

BILLING CODE 3410-DM-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Parts 12, 13, 14, 15, and 16

**[Docket No. 76P-0126]**

## Administrative Practices and Procedures; Reimbursement for Participation; Conforming Amendments

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing conforming amendments to the final rule that removed regulations that established a pilot program for reimbursement of public participants in certain FDA administrative proceedings.

**EFFECTIVE DATE:** March 26, 1982.

**FOR FURTHER INFORMATION CONTACT:** Theodore Herman, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of March 26, 1982 (47 FR 12951), FDA issued a final rule that amended 21 CFR Part 10 by removing Subpart C—Reimbursement for Participation in Administrative Proceedings. FDA inadvertently failed to amend those sections of Parts 12, 13, 14, 15, and 16 that referred to Subpart C of Part 10. This document amends those sections in Parts 12, 13, 14, 15, and 16 as set forth below.

Because these are merely conforming amendments that remove references to material that was removed by a final rule that became effective March 26, 1982, notice and public procedure are unnecessary in accordance with 5 U.S.C. 553(b)(B).

**List of Subjects**

*21 CFR Part 12*

Administrative practice and procedure.

*21 CFR Part 13*

Administrative practice and procedure.

*21 CFR Part 14*

Administrative practice and procedure; Advisory committees; Color additives; Drugs; Radiation protection.

*21 CFR Part 15*

Administative practice and procedure.

*21 CFR Part 16*

Administrative practice and procedure.

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), Parts 12, 13, 14, 15, and 16 are amended as follows:

### PART 12—FORMAL EVIDENTIARY PUBLIC HEARING

**§ 12.35 [Amended]**

1. In Part 12, § 12.35 *Notice of hearing; stay of action* is amended by removing paragraph (a)(10).

### PART 13—PUBLIC HEARING BEFORE A PUBLIC BOARD OF INQUIRY

**§ 13.5 [Amended]**

2. In Part 13, § 13.5 *Notice of hearing before a Board* is amended by removing paragraph (c).

### PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

**§ 14.20 [Amended]**

3. In Part 14, § 14.20 *Notice of hearing before an advisory committee* is amended by removing paragraph (b)(11).

### PART 15—PUBLIC HEARING BEFORE THE COMMISSIONER

**§ 15.20 [Amended]**

4. In Part 15, § 15.20 *Notice of a public hearing before the Commissioner* is amended by removing paragraph (a)(3).

### PART 16—REGULATORY HEARING BEFORE THE FOOD AND DRUG ADMINISTRATION

**§ 16.24 [Amended]**

5. In Part 16, § 16.24 *Regulatory hearing required by the act or a regulation* is amended by removing paragraph (b) and designating it "reserved."

*Effective date:* March 26, 1982.

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

Dated: June 11, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-16328 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 510

## New Animal Drugs; Change of Sponsor Address

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Franklin Laboratories providing for a change of sponsor address.

**EFFECTIVE DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

**SUPPLEMENTARY INFORMATION:** Franklin Laboratories, 2620 S. Parker Rd., Suite 240, P.O. Box 441470, Aurora, CO 80044, filed supplemental NADA 101-715 providing for a change of sponsor address.

This action concerns a change of sponsor address, and does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (see 42 FR 64367; December 23, 1977), this is a Category I change which does not require reevaluation of the safety and effectiveness data in the parent application. The supplemental NADA for the change of sponsor address is approved and the regulations are amended to reflect the approval.

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

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive

Order 12291 by section 1(a)(1) of the Order.

**List of Subjects in 21 CFR Part 510**

Administrative practice and procedure; Animal drugs; Reporting requirements.

**PART 510—NEW ANIMAL DRUGS**

**§ 510.600 [Amended]**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) for the entry "Franklin Laboratories" and (c)(2) for "010290" under the "Firm name and address" heading by revising the address to read "P.O. Box 441470, Aurora, CO 80044."

*Effective date:* June 18, 1982.

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

Dated: June 10, 1982.

**Max L. Crandall,**

*Associate Director for Surveillance and Compliance.*

[FR Doc. 82-16329 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

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**21 CFR Parts 510 and 520**

## Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Capsules; Sponsors of Approved Applications

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by R. P. Scherer North America, providing for safe and effective use of diethylcarbamazine citrate capsules for prevention of heartworm disease and as an aid in the treatment of ascarid infections in dogs.

**EFFECTIVE DATE:** June 18, 1982.

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

**SUPPLEMENTARY INFORMATION:** R. P. Scherer North America, P.O. Box 5600, Clearwater, FL 33518, filed an NADA (123-116) providing for use of 12.5-, 50-, 200-, and 400-milligram (mg) diethylcarbamazine citrate capsules for prevention of heartworm disease in dogs caused by *Dirofilaria immitis*, and as an aid in the treatment of ascarid infections in dogs caused by *Toxocara canis* and *Toxascaris leonina*.

The product is similar to a tablet that was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) review which was published in the **Federal Register** of January 8, 1969 (34 FR 275). The NAS/NRC review stated, and the agency concurred, that diethylcarbamazine is probably not effective as a treatment against filariasis, that more information is needed regarding the dosage level to support claims for prevention of filariasis, and that the drug is effective as an aid in the treatment of ascarid infections in dogs and cats when administered at 25 to 50 mg per pound of body weight as a single dose with a repeat dose given after 10 to 20 days. Sponsors of NADA's for products which did not reflect the conclusions of the notice were required to update their applications by submitting revised labeling or adequate documentation to support the labeling used. Those sponsors whose NADA's satisfied the requirements of the NAS/NRC notice or were found equivalent to the NAS/NRC reviewed products are codified in the regulations in 21 CFR 520.620 and 520.622.

A NAS/NRC review of another dosage form, diethylcarbamazine medicated premix, was published in the **Federal Register** of June 16, 1970 (35 FR 9869). The review concluded that the product is probably effective, and the agency concluded that it is effective, as an aid in the prevention and elimination of large roundworms (ascarids) in dogs when given as directed. The review established the effectiveness of the drug for use in the prevention of ascarid infections.

R. P. Scherer submitted data from a controlled artificial challenge study and reprints from published scientific literature to demonstrate that diethylcarbamazine is safe and effective for use, as labeled, in prevention of heartworm disease. The agency granted a waiver from the requirements of 21 CFR 514.111(a)(5)(ii) for further studies to provide substantial evidence of effectiveness for that claim. The claim for treatment of ascarid infections is approved on the basis of the NAS/NRC reviews. The NADA is approved and the regulations are amended to reflect the approval. The regulations are also amended to add the firm's name to the list of sponsors of approved applications.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

**List of Subjects**

*21 CFR Part 510*

Administrative practice and procedure; Animal drugs; Labeling; Reporting requirements.

*21 CFR Part 520*

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR Part 5.83), Parts 510 and 520 are amended as follows:

**PART 510—NEW ANIMAL DRUGS**

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

**§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.**

* * * * *

(c) * * *

(1) * * *

| Firm name and address | Drug labeler code |
|---|---|
| * * * * * | |
| R. P. Scherer North America, P.O. Box 5600, Clearwater, FL 33518 | 011014 |
| * * * * * | |

(2) * * *

| Drug labeler code | Firm name and address |
|---|---|
| * * * * * | |
| 011014 | R. P. Scherer North America, P.O. Box 5600, Clearwater, FL 33518. |
| * * * * * | |

## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 520, by adding a new § 520.622d to read as follows:

**§ 520.622d Diethylcarbamazine citrate capsules.**

(a) *Specifications.* Each capsule contains either 12.5, 50, 200, or 400 milligrams of diethylcarbamazine citrate.

(b) *Sponsor.* See 011014 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount/indications for use.* 3 milligrams per pound of body weight daily for prevention of heartworm disease (*Dirofilaria immitis*) in dogs; 25 to 50 milligrams per pound of body weight in a single dose as an aid in the treatment of ascarid infections in dogs (*Toxocara canis* and *Toxascaris leonina*).

(2) *Limitations.* Administer orally directly or added to the daily ration. For ascarid infections, repeat treatment in 10 to 20 days to remove immature worms that may enter the intestine from the lungs after the first dose. Do not treat dogs with established heartworm infections until they have been converted to a negative status by the use of adulticidal and microfilaricidal drugs. Inadvertent administration to heartworm-infected dogs may cause adverse reactions due to pulmonary occlusion or shock. Overdosage may cause emesis. For prevention of heartworm disease in heartworm-endemic areas, administration of the drug should begin 1 month before and continue 2 months after the mosquito season. Dogs receiving prophylactic therapy should be examined every 6 months for the presence of microfilariae. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date:* June 18, 1982.

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

Dated: June 11, 1982.

**Gerald B. Guest,**

*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc. 82-16332 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 520

## Oral Dosage Form New Animal Drugs Not Subject to Certification; Praziquantel Tablets

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplement to a new animal drug application (NADA) filed by Bayvet Division of Cutter Laboratories, Inc., providing for the safe and effective use of praziquantel tablets for removal of certain cestodes from breeding or pregnant cats.

**EFFECTIVE DATE:** June 18, 1982.

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

**SUPPLEMENTARY INFORMATION:** Bayvet Division of Cutter Laboratories, Inc., P.O. Box 390, Shawnee Mission, KS 66201, filed a supplement to NADA 111–798 providing for the safe and effective use of praziquantel tablets (Droncit Tablets) for removal of certain cestodes in breeding or pregnant cats. Bayvet submitted results of a reproduction study which showed all the males remained fertile and that the females to which they were mated conceived and delivered normal kittens. Based on the data and information submitted, the supplement is approved and the regulations are amended to remove the restriction against use of praziquantel tablets in breeding or pregnant cats.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

**List of Subjects in 21 CFR Part 520**

Animal drugs, oral use.

## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by revising § 520.1870(c)(2)(iii) to read as follows:

**§ 520.1870 Praziquantel tablets.**

* * * * *

(c) * * *

(2) * * *

(iii) *Limitations.* Administer directly by mouth or crumbled and in feed. Not intended for use in kittens less than 6 weeks of age. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date:* June 18, 1982.

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

Dated: June 10, 1982.

**Robert A. Baldwin,**

*Associate Director for Scientific Evaluation.*

[FR Doc. 82-16316 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 524

## Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate, Betamethasone Valerate Ointment

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Schering Corp., providing for topical use of gentamicin sulfate, betamethasone valerate ointment in dogs for the treatment of canine otitis externa and canine infected superficial lesions caused by bacteria susceptible to gentamicin.

**EFFECTIVE DATE:** June 18, 1982.

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

**SUPPLEMENTARY INFORMATION:** Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, is sponsor of NADA 113-231 providing for use of gentamicin sulfate, betamethasone valerate ointment. Each gram of the ointment contains 3 milligrams of gentamicin base and betamethasone valerate equivalent to 1 milligram of betamethasone. The ointment is recommended for topical use in dogs for the treatment of acute and chronic canine otitis externa and canine infected superficial lesions caused by bacteria susceptible to gentamicin. This approval is supported by safety and effectiveness studies, including data establishing that the drug combination is more effective than either gentamicin or betamethasone alone for the intended uses. The application is approved, and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*b*)), may be seen in the Dockets Management Branch (address above).

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

**List of Subjects in 21 CFR Part 524**

Animal drugs, topical.

## PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by adding new § 524.1044d, to read as follows:

**§ 524.1044d Gentamicin sulfate, betamethasone valerate ointment.**

(a) *Specifications.* Each gram of ointment contains gentamicin sulfate equivalent to 3 milligrams of gentamicin base and betamethasone valerate equivalent to 1 milligram of betamethasone.

(b) *Sponsor.* See No. 000085 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used or indicated for use in dogs in the treatment of acute and chronic canine otitis externa and canine infected superficial lesions caused by bacteria sensitive to gentamicin.

(2)(i) For the treatment of acute and chronic canine otitis externa the drug is administered by instillation of 3 to 8 drops into the ear canal twice daily for 7 days. The external ear and ear canal should be properly cleaned and dried before treatment. Remove foreign material, debris, crusted exudates, etc., with suitable nonirritating solutions. Excessive hair should be clipped from the treatment area of the external ear.

(ii) For the treatment of canine infected superficial lesions, the lesion and adjacent area should be properly cleaned before treatment. Excessive hair should be removed. A sufficient amount of the drug should be applied to cover the treatment area. The drug should be administered twice daily for 7 to 14 days.

(3) If hypersensitivity to any of the components occurs, treatment should be discontinued and appropriate therapy instituted. Concomitant use of drugs known to induce ototoxicity should be avoided. Observe patients for signs of adrenocorticoid overdosage. The antibiotic susceptibility of the pathogenic organism should be determined prior to use of this preparation. Administration of recommended doses beyond 7 days may result in delayed wound healing. Animals treated longer than 7 days should be monitored closely.

(4) For use by or on the order of a licensed veterinarian.

*Effective date:* June 18, 1982.

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

Dated: June 11, 1982.

**Gerald B. Guest,**

*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc. 82-16331 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

**21 CFR Part 558**

## New Animal Drugs for Use in Animal Feeds; Hygromycin B

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) for Nutra-Blend Corp., providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworms, nodular worms, and whipworms and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

**EFFECTIVE DATE:** June 18, 1982.

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

**SUPPLEMENTARY INFORMATION:** Nutra-Blend Corp., P.O. Box 485, Neosho, MO 64850, is sponsor of NADA 129-160 providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in the control of large roundworms, nodular worms and whipworms. The complete chicken feed is used as an aid in the control of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor. Elanco authorized use of the safety and effectiveness data contained in their approved NADA's 10-918 and 11-948 to support approval of this application. Additionally, satisfactory chemistry, manufacturing, and control information was submitted.

This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of NADA 129-160 does not require reevaluation of the safety and effectiveness data in NADA's 10-918 and 11-948. NADA 129-160 is approved, and the regulations are amended to reflect the approval.

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

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

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

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

**List of Subjects in 21 CFR Part 558**

Animal drugs; Animal feeds.

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

**§ 558.274 [Amended]**

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 *Hygromycin B* by adding, in numerical sequence, drug sponsor code "050568" to paragraph (a)(4) and to the "sponsor" column in paragraph (e)(1)(i) and (ii).

*Effective date:* June 18, 1982.

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

Dated: June 11, 1982.

**Gerald B. Guest,**

*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc. 82-16330 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

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**21 CFR Part 558**

**New Animal Drugs for Use in Animal Feeds; Pyrantel Tartrate**

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Custom Feed Blenders Corp., providing for safe and effective use of 9.6- and 19.2-gram-per-pound pyrantel tartrate premixes for making complete swine feeds.

**EFFECTIVE DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Haines, Bureau of Veterinary Medicine (HFV–138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

**SUPPLEMENTARY INFORMATION:** Custom Feed Blenders Corp., 540 Hawkeye Ave., Fort Dodge, IA 50501, is the sponsor of NADA 129–415 submitted on its behalf by Pfizer, Inc. The NADA provides for use of premixes containing 9.6 and 19.2 grams of pyrantel tartrate per pound for making complete swine feeds used as an aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections, and aid in prevention of establishment of nodular worm (*Oesophagostomum*) infections, and for removal and control of large roundworm (*Ascaris suum*) infections.

Approval of this application relies on safety and effectiveness data contained in Pfizer's approved NADA 43–290. Use of the data in NADA 43–290 to support this application has been authorized by Pfizer. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), the approval of this NADA has been treated as would approval of a Category II supplement and does not require reevaluation of the safety and effectiveness data in NADA 43–290.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

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

**List of Subjects in 21 CFR Part 558**

Animal drugs; Animal feeds.

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.485 by adding new paragraph (a)(12) to read as follows:

**§ 558.485 Pyrantel tartrate.**

(a) * * *

(12) To 046987: 9.6 and 19.2 grams per pound, paragraph (e)(1) and (2) of this section.

* * * * *

*Effective date:* June 18, 1982.

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

Dated: June 11, 1982.

**Gerald B. Guest,**

*Acting Director, Bureau of Veterinary Medicine.*

[FR Doc. 82-16333 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[A-9-FRL 2142-1]**

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision**

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

**ACTION:** Final rulemaking.

**SUMMARY:** Revisions to rules of the Colusa County, Glenn County, Great Basin Unified, Humboldt County, Lake County, Mendocino County, Modoc County, Placer County, Plumas County, Shasta County, Sierra County, Siskiyou County, and Yolo-Solano Air Pollution Control Districts (APCDs) were forwarded to EPA by the State of California. These revisions generally are administrative and concern permitting procedure. EPA reviewed these rules with respect to section 110 of the Clean Air Act and determined that they should be approved.

**EFFECTIVE DATE:** This action will be effective on August 17, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, SW., Room 2404, Washington, D.C. 20460.
Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408.
California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812.
Colusa County Air Pollution Control District, 751 Fremont Street, Colusa CA 95932.
Glenn County Air Pollution Control District, 720 North Colusa Street, Willows, CA 95988.
Great Basin Unified Air Pollution Control District, 873 North Main Street, Suite 213, Bishop, CA 93514.
Humboldt County Air Pollution Control District, 5600 South Broadway, Eureka, CA 95501.
Lake County Air Pollution Control District, 255 North Forbes Street, Lakeport, CA 95453.
Mendocino County Air Pollution Control District, Courthouse Square, Ukiah, CA 95482.
Modoc County Air Pollution Control District, 202 West Fourth Street, Alturas, CA 96101.
Placer County Health and Medical Services, 11491 B Avenue, Auburn, CA 95603.
Plumas County Air Pollution Control District, Courthouse Annex, Quincy, CA 95971.
Shasta County Air Pollution Control District, 1855 Placer Street, Redding, CA 96001.
Sierra County Air Pollution Control District, County Courthouse, Downieville, CA 95936.
Siskiyou County Air Pollution Control District, 525 South Foothill Drive, Yreka, CA 96097.
Yolo-Solano Air Pollution Control District, 323 First Street, Suite 5, Woodland, CA 95695.

**FOR FURTHER INFORMATION CONTACT:** Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8058.

**SUPPLEMENTARY INFORMATION:** The State of California submitted the following rules and regulations on the indicated dates:

*Colusa County*

February 25, 1980
Rule 2.7A—Standards for Granting Applications
Rule 2.7B.—Conditional Approval

*Glenn County*

February 25, 1980
Section 51.1—Standards for Granting Applications
Section 51.2—Conditional Approval

*Great Basin Unified*

December 17, 1979
Rule 203—Applications
Rule 209-A—Standards for Authorities to Construct
Rule 209-B—Standards for Permits to Operate
Rule 212—Additional Information (Deletion)
Rule 213—Implementation Plans

*Humboldt County*

March 23, 1981
Rule 130—Definitions
Rule 200—Permit Requirements
Rule 210—Environmental Assessment
Rule 220—New Source Review Standards
Rule 230—Action on Applications
Rule 240—Permit to Operate
Rule 250—Appeals
Rule 260—Exclusions

*Lake County*

March 1, 1982
Rule 655—Performance

*Mendocino County*

April 17, 1980
Rule 130—Definitions
Rule 200—Permit Requirements
Rule 210—Environmental Assessment
Rule 220—New Source Review Standards
Rule 230—Action on Applications
Rule 240—Permit to Operate
Rule 250—Appeals
Rule 260—Exclusions

*Modoc County*

December 17, 1979
Rule 2:8-e—Standards for Permits to Construct

*Placer County*

August 21, 1979 (Lake Tahoe Air Basin portion)
Rule 502—Permit Exceptions
Rule 503—Transfer
Rule 504—Applications
Rule 505—Cancellation of Authority to Construct
Rule 506—Action on Applications
Rule 511—Revocation of a Permit
Rule 512—Appeals
Rule 513—Reinstatement
October 15, 1979 (Mountain Counties Air Basin portion)
Rule 501B—Permit to Operate
Rule 502—Exemptions
Rule 504—Applications
Rule 506—Action on Applications
Rule 512—Appeals
Rule 513—Reinstatement

*Plumas County*

June 22, 1981
Rule 501—Permit Required
Rule 502—Exemptions to Rule 501
Rule 503—Applications
Rule 504—Action on Applications
Rule 505—Conditional Approval
Rule 506—Denial of Application
Rule 507—Responsibility
Rule 508—Posting of Permit to Operate
Rule 509—Authority to Inspect
Rule 510—Separation of Emissions
Rule 511—Combination of Emissions
Rule 517—Transfer
Rule 518—Revocation of a Permit to Operate
Rule 519—Appeals
Rule 520—Reinstatement
Rule 521—Annual Renewal

*Shasta County*

February 25, 1980
Rule 1:2.—Definitions
Rule 2:1A.—Permits Required

*Sierra County*

June 22, 1981
Rule 501—Permit Required
Rule 502—Exemptions to Rule 501
Rule 503—Applications
Rule 504—Action on Applications
Rule 505—Conditional Approval
Rule 506—Denial of Application
Rule 507—Responsibility
Rule 508—Posting of Permit to Operate
Rule 509—Authority to Inspect
Rule 510—Separation of Emissions
Rule 511—Combination of Emissions
Rule 517—Transfer
Rule 518—Revocation of a Permit to Operate
Rule 519—Appeals
Rule 520—Reinstatement
Rule 521—Annual Renewal

*Siskiyou County*

October 15, 1979
Rule 2.14—Standards for Permit to Construct
Rule 2.15—Standards for Permit to Operate
Rule 2.16—State Ambient Air Quality Standards

*Yolo-Solano*

February 25, 1980
Rule 3.4.1—Standards for Granting Applications
Rule 3.4.2—Conditional Approval
Rule 3.13—Public Review and Comment for Application for Authority to Construct

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions. All the rules listed above have been evaluated and found in accordance with EPA policy and 40 CFR Part 51. Detailed evaluation reports are available for public inspection at the EPA Library in Washington, D.C. and the EPA Region 9 Office.

This notice approves all the rules revisions listed above and incorporates them into the California SIP. EPA's approval of the above revisions to the California SIP is being done without prior proposal because the revisions are not controversial. The public is advised that this approval action will be effective August 17, 1982. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 1982. This action may not be challenged later in proceedings to enforce its requirements.

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

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, and 301(a), Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: June 14, 1982.

**Ann M. Gorsuch,**

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(52) (xiii)(D) and (xxi), (54)(iv)(C), (x), (xi), and (xii), (58)(iii)(B) and (ix), (80)(i)(C), (93)(iii), and (iv), (95)(vi), (119)(ii), and (121)(iii) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(52) * * *

(xiii) * * *

(D) New or amended Rules 501B, 502, 504, 506, 512, and 513.

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(xxi) Siskiyou County APCD.

(A) New or amended Rules 2.14–2.16.

* * * * *

(54) * * *

(iv) * * *

(C) New or amended Rules 3.13, 3.4.1, and 3.4.2.

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(x) Colusa County APCD.

(A) New or amended Rules 2.7 A and B.

(xi) Glenn County APCD.

(A) New or amended Rules 51.1 and 51.2.

(xii) Shasta County APCD.

(A) New or amended Rules 1:2 (Best Available Control Technology, Stationary Source and Precursor) and 2:1 A.

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(58) * * *

(iii) * * *

(B) New or amended Rules 203, 209–A and B, 212, and 213.

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(ix) Modoc County APCD.

(A) New or amended Rule 2:8–e.

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(80) * * *

(i) * * *

(C) New or amended Rules 502–506 and 511–513.

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(93) * * *

(iii) Plumas County APCD.

(B) New or amended Rules 501–511 and 517–521.

(iv) * * *

(B) New or amended Rules 501–511 and 517–521.

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(95) * * *

(vi) Humboldt County APCD.

(A) New or amended Rules 130, 200, 210, 220, 230, 240, 250, and 260.

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(119) * * *

(ii) Mendocino County APCD.

(A) New or amended Rules 130, 200, 210, 220, 230, 240, 250, and 260.

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(121) * * *

(iii) Lake County APCD.

(A) New or amended Rule 655.

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[FR Doc. 82-16492 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[A-3-FRL 2137-7]**

## Approval of Revision of the Maryland State Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this notice is to approve a revision to the Maryland State Implementation Plan (SIP) which was submitted on August 11, 1981. The public hearing on these changes, which include new iron and steel industry regulations, was held on July 15, 1981. This revision consists of new iron and steel regulations. This notice also approves complementary changes to the definitions, the general emission regulations, and technical memoranda relating to test procedures. In addition, the notice approves a new technical memorandum specifying the procedures for observing and evaluating visible emissions and a new Amended Plan for Compliance (PFC) for the Bethlehem Steel Corporation's Sparrows Point, Maryland plant. These amendments satisfy a condition of approval of the Part D plan for attainment of the primary total suspended particulate standard.

**EFFECTIVE DATE:** July 19, 1982.

**ADDRESSES:** Copies of this SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan

Maryland Department of Health & Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201, ATTN: George P. Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold A. Frankford (3AW12), U.S. Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone: 215/597–8392.

**SUPPLEMENTARY INFORMATION:**

### Background

On August 11, 1981, the Governor of the State of Maryland submitted amended regulations as a revision to the Maryland State Implementation Plan. This revision, identified by Maryland as Revision 81–03, includes State-initiated changes as well as new Code of Maryland Air Regulations (COMAR 10.18.10) and a new Amended Plan for Compliance (PFC) for the Bethlehem Steel Corporation, Sparrows Point Plant. The State adopted these regulations to satisfy a condition of approval of the Part D plan (46 FR 45341, Sept. 11, 1981). A public hearing on the PFC and the amended regulations was held on July 15, 1981 in Baltimore, Maryland. The regulations were adopted on August 11, 1981 and became effective State regulations on October 10, 1981. These amendments and the PFC have been developed and submitted in accordance

with the requirements of Title 40, Code of Federal Regulations, Part 51.

**Description of Revision/Solicitation of Public Comments**

The February 2, 1982 notice of proposed rulemaking, 47 FR 4704, describes the major elements of the State's SIP revision as well as the chronology of events leading up to the State's August 11, 1981 submittal.

This notice also solicited public comments on EPA's proposed rulemaking action. However, during the comment period provided by this notice and a February 9, 1982 correction notice, 47 FR 5912, no comments were received.

**EPA Evaluation**

EPA has reviewed the revision submitted by Maryland and finds that it satisfies the condition of the approval of the Part D SIP. During the review of the revision, EPA identified four items which required clarification by the State of Maryland. The State responded to these items in a letter dated October 28, 1981. These issues are discussed below:

1. EPA requested that the State of Maryland clarify whether the intent underlying COMAR 10.18.10.03 is that the no visible emission standard applies to argon-oxygen decarbonization vessels.

Maryland responded that it is the intent of the State of Maryland that COMAR 10.18.10.03A(1), which requires no-visible emissions other than water in an uncombined form, applies to the two buildings in Area III of the State which contain argon-oxygen decarbonization vessels.

2. EPA, in its review, questioned if the "reasonable control methods" required in COMAR 10.18.10.04B(2) (a), (b), (e), and (h) were in place and being employed and, if so, were the standards in COMAR 10.18.10.03B (1), (2), (4), and (5) effective and enforceable immediately.

Maryland responded that the Bethlehem Steel Corporation, Sparrows Point Plant is presently in compliance with COMAR 10.18.10.04B(2) (a), (b), (e) and (h). The "reasonable control methods" required by these regulations are in place, and the visible emission requirements of COMAR 10.18.10.03B (1), (2), (4), and (5) were in effect as of October 10, 1981 the regulation's effective date.

3. EPA noted that the PFC delays enforceability of the mass emission standard for coke oven combustion stacks due to problems with the current test method. The Agency requested that Maryland assure EPA in writing that alternate testing procedures developed for the particulate sampling method be submitted as a SIP revision no later than December 31, 1982.

Maryland pointed out that the PFC calls for an alternative test procedure for the particulate sampling method at the coke oven combustion stacks to be finalized by December 31, 1982. The State of Maryland anticipates no problem at the present time complying with this requirement and intends to submit the final test procedures to EPA as a SIP revision as soon as the procedure is finalized. This is expected to be prior to December 31, 1982.

4. EPA's review revealed that the PFC allows the development of an alternate visible emission standard for the Basic Oxygen Furnaces (BOF) when reasonable controls are in place. It also indicates that the installation may occur in two stages. The Agency has informed the State that an interim visible emission standard must be developed for the first stage.

Maryland stated that the PFC provides that the Department could require additional controls at the BOF Shop, beyond those presently required in the PFC, to be utilized by December 31, 1982. Should this occur, the State of Maryland commits to develop an interim visible emission standard for the BOF Shop and to submit it to EPA as a SIP revision no later than December 31, 1983.

**EPA Actions**

Based upon the above evaluations, the Administrator approves the new iron and steel regulation (COMAR 10.18.10), the new Technical Memorandum AMA–TM 81–04, the new Method 13 to be added to AMA–TM 73–116, the amended COMAR 10.18.01 and COMAR 10.18.06, and the Amended Plan for Compliance (considering the above necessary changes) for the Bethlehem Steel Corporation's Sparrows Point, Maryland plant. Accordingly, this notice amends 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) to incorporate the documents submitted by Maryland as part of Revision 81–03 into the Maryland SIP. This notice also removes 40 CFR 52.1075 (Conditional Approvals) as the State of Maryland has now satisfied all of the conditions under which EPA had approved Maryland's 1979 Part D SIP.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: June 14, 1982.

**Anne M. Gorsuch,**

*Administrator.*

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

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart V—Maryland

1. In § 52.1070, paragraph (c)(67) is added to read as follows:

**§ 52.1070 Identification of plan.**

* * * * *

(c) * * *

(67) Code of Maryland Air Regulations (COMAR) 10.18.10 (Control of Iron and Steel Production Installations); Technical Memorandum AMA–TM 81–04: Amendment to AMA–TM 73–116; Amendments to COMAR 10.18.01.01 (General Administrative Regulations—Definitions) and COMAR 10.18.06.02 (General Emission Standards, Prohibitions and Restriction); and a New Amended Plan for Compliance for the Bethlehem Steel Corporation's Sparrows Point, Maryland Plant; submitted on August 11, 1981 by the Governor.

**§ 52.1075 [Removed and reserved]**

2. Section 52.1075 is removed and reserved.

[FR Doc. 82–16544 Filed 6–17–82; 8:45 am]

BILLING CODE 6560–50–M

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**40 CFR Part 52**

**[A–9–FRL 2139–7]]**

## Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) takes final action to approve revisions to the Arizona Revised Statutes and the Maricopa County Rules and Regulations. These revisions were submitted by the Arizona Department of Health Services (ADHS) for incorporation into the Arizona State Implementation Plan (SIP). These revisions define general State requirements, specify responsible implementing agencies, and include minor changes to Maricopa County rules. EPA reviewed these revisions with respect to the Clean Air Act and determined that they should be approved.

**DATE:** This action is effective August 17, 1982.

**ADDRESSES:** Copies of the revisions and the technical support documents are available for public inspection during normal business hours at the EPA Region 9 office and at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, SW., Room 2404, Washington, D.C. 20460

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

**FOR FURTHER INFORMATION CONTACT:** Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8058.

**SUPPLEMENTARY INFORMATION:** The ADHS submitted the following revisions on the indicated dates for incorporation into the Arizona SIP:

**Arizona Revised Statutes**

*July 13, 1981*

36–770 Declaration of Policy.
36–771 Definitions.
36–772 Department of Health Services; Studies.
36–773 Board of Supervisors.
36–774 County Control Boards.
36–775 Powers and Duties.
36–776 Authorization to Accept Funds or Grants.
36–777 Advisory Council.
36–778 Hearing Board.
36–779 Rules and Regulations; Hearing; Limitations.
36–779.01 Permits; Exceptions; Applications; Fees.
36–779.02 Grant or Denial of Applications.
36–779.03 Appeals to Hearing Board.
36–779.04 Permit Nontransferable.
36–779.05 Expiration of Permit.
36–779.06 Posting of Permit.
36–779.07 Notice by Building Permit Agencies.
36–780 Classification and Reporting; Production of Records; Confidentiality of Records; Violation; Penalty.
36–780.01 Special Inspection Warrant.
36–781 Violations; Order of Abatement; Time for Compliance.
36–782 Hearings on Orders of Abatement.
36–783 Repealed.
36–784 Conditional Permit; Standards.
36–784.01 Petition for Conditional Permit; Publication; Public Hearing.
36–784.02 Decisions on Petitions for Conditional Permit; Terms and Conditions of Conditional Permit.
36–784.03 Term of Conditional Permit.
36–784.04 Suspension and Revocation of Conditional Permit.
36–785 Decisions of Hearing Board; Subpoenas; Effective Date.
36–785.01 Judicial Review; Grounds; Procedures.
36–786 Notice of Hearing; Publication; Service.
36–787 Injunctive Relief.
36–788 Precedence of Actions.
36–789 Unlawful Open Burning; Exceptions; Violation; Penalty.
36–789.01 Misdemeanor; Penalty.
36–789.02 Defenses.
36–790 Limitations.
36–791 Preservation of Rights.
36–1700 Declaration of Policy.
36–1701 Definitions.
36–1702 Powers.
36–1704 Hearing Board.
36–1705 Duties of Department.
36–1706 State and County Control.
36–1707 Rules and Regulations; Hearing; Limitations.
36–1707.01 Permits; Exceptions; Applications; Fees.
36–1707.02 Grant or Denial of Application.
36–1707.03 Appeals to Hearing Board.
36–1707.04 Permit Nontransferable Exception.
36–1707.05 Posting of Permit.
36–1707.06 Notice by Building Permit Agencies.
36–1708 Classification and Reporting; Production of Records; Confidentiality of Records; Violation; Penalty.
36–1720.02 Defenses.
36–1751 Definition.
36–1752 Inspection Facilities; Location; Operation; Additional Inspections and Assistance; Definition.
36–1753 Vehicle Inspection Fund; Composition; Authorized Expenditures; Exemptions.

*August 5, 1981*

36–1771 Definitions.
36–1772 Annual Emissions Inspection Program; Powers and Duties of the Director; Administration; Periodic Inspection; Minimum Standards; Rules and Regulations; Limitation on Repair Costs.
36–1773 Emissions Inspection Fees; Composition and Disposition.
36–1774 Emissions Inspection Fund; Composition; Authorized Expenditures; Exemptions; Investment.
36–1775 Agreement with Independent Contractor; Qualifications of Contractor.
36–1708.01 Special Inspection Warrant.
36–1709 Violations; Order of Abatement; Time for Compliance.
36–1710 Hearings on Orders of Abatement.
36–1711 Temporary Conditional Permits.
36–1712 Conditional Permits; Standards.
36–1712.01 Petition for Conditional Permit; Publication; Public Hearing.
36–1712.02 Decisions on Petitions for Conditional Permit; Terms and Conditions.
36–1712.03 Term of Conditional Permit.
36–1712.04 Suspension and Revocation of Conditional Permit.
36–1713 Decisions of Hearing Board; Subpoenas; Time Limitations; Revocation.
36–1713.01 Judicial Review; Grounds; Procedures.
36–1714 Notice of Hearing; Publication; Service.
36–1715 Injunctive Relief.
36–1716 Precedence of Actions.
36–1717 Motor Vehicle and Combustion Engine Emissions; Standards.
36–1718 Limitations.
36–1718.01 Preservation of Rights.
36–1719 Air Pollution Emergency.
36–1720 Violation; Classification; Agreement Provisions.
36–1776 Fleet Emissions Inspection Stations; Certificates of Inspection; Dealer's Inventory; Investigations; Revocation of Permit.
36–1777 Authority of Director to Acquire Enforcement Equipment; Random Vehicle Tests.
36–1778 Improper Representation.
36–1779 False Certificates.
36–1780 Violation; Classification.

**Maricopa County**

*March 8, 1982*

Rule 2 Definitions.
Rule 28 Permit Fees.
Rule 33 Storage and Handling of Petroleum Products.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the EPA Library in Washington, D.C. and the Region 9 office.

It is the purpose of this notice to approve all the rule revisions listed above and to incorporate them into the Arizona SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. 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 that someone wishes to submit adverse or critical comments, the approval will be withdrawn and a subsequent notice will be published before the effective date.

The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 1982. This action may not be challenged later in proceedings to enforce its requirements.

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

(Secs. 110, 172 and 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601(a)))

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: June 14, 1982.

**Anne M. Gorsuch,**

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart D—Arizona

1. Section 52.120, paragraph (c) is amended by adding subparagraphs (50)(ii), (52)(ii), and (53) to read as follows.

**§ 52.120 Identification of plan.**

* * * * *

(c) * * *

(50) * * *

(ii) Arizona Revised Statutes.

(A) Arizona County: Chapter 6, Article 8. Air Pollution, Sections 36–770 to 36–778, 36–779 to 36–779.07, 36–780, 36–780.01, 36–781 to 36–783, 36–784 to 36–784.04, 36–785, 36–785.01, 36–786 to 36–788, 36–789 to 36–789.02, 36–790, and 36–791.

(B) Arizona State: Chapter 14, Air Pollution, Article 1. State Air Pollution Control, Sections 36–1700 to 36–1702, 36–1704 to 36–1706, 36–1707 to 36–1707.06, 36–1708, 36–1720.02, and 36–1751 to 36–1753.

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(52) * * *

(ii) Arizona Revised Statutes.

(A) Inspection and Maintenance—Chapter 14, Article 3. Annual Emissions Inspection of Motor Vehicles, Sections 36–1771 to 36–1775, 36–1708.01, 36–1709 to 36–1711, 36–1712 to 36–1712.04, 36–1713, 36–1713.01, 36–1714 to 36–1717, 36–1718, 36–1718.01, 36–1719, 36–1720, and 36–1776 to 36–1780.

* * * * *

(53) The following amendments to the plan were submitted on March 8, 1982, by the Governor's designee.

(i) Maricopa County Bureau of Air Pollution Control Rules and Regulations.

(A) Rules 2 (Nos. 11 and 33, and deletion of Nos. 18, 49, 50, 52, and 54), 28 and 33.

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[FR Doc. 82–16547 Filed 6–17–82; 8:45 am]

BILLING CODE 6560–50–M

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**40 CFR Part 52**

**[A–9–FRL 2142–7]**

## Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley

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

**ACTION:** Final rulemaking.

**SUMMARY:** Revisions to rules of the Kings, Madera, Merced San Joaquin, Stanislaus, and Tulare County Air Pollution Control Districts (APCDs) were forwarded to EPA by the State of California. These revisions generally are administrative and retain equivalent emission control requirements. In addition, this action approves five new rules controlling emissions of volatile organic compounds. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

**EFFECTIVE DATE:** August 17, 1982.

**ADDRESSES:** Copies of the revisions are available for public inspection during normal business hours at the EPA Region 9 office and the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, SW., Room 2404, Washington, D.C. 20460

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

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

Kings County Air Pollution Control District, 330 Campus Drive, Hanford, CA 93230

Madera County Air Pollution Control District, 135 West Yosemite Avenue, Madera, CA 93637

Merced County Department of Public Health, 210 East 13th Street, Merced, CA 95340

San Joaquin County Air Pollution Control District, 1601 East Hazelton Street, P.O. Box 2009, Stockton, CA 95201

Stanislaus County Air Pollution Control District, 1030 Scenic Drive, Modesto, CA 95350

Tulare County Air Pollution Control District, Health Building, County Civic Center, Visalia, CA 93277

**FOR FURTHER INFORMATION CONTACT:** Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8058.

**SUPPLEMENTARY INFORMATION:** The California Air Resources Board submitted the following rules on the indicated dates:

| | | |
|---|---|---|
| **KERN** | | |
| Rule 410.6 | Perchloroethylene Dry Cleaning Systems. | June 22, 1981. |
| **KINGS** | | |
| Rule 111(c) | Breakdown Provisions | Oct. 15, 1979. |
| Rule 417.1 | Agricultural Burning | Dec. 15, 1980. |
| Rule 519 | Emergency Variances | Oct. 15, 1979. |
| **MADERA** | | |
| Rule 111(c) | Breakdown Provisions | Oct. 15, 1979. |
| Rule 201 | Permits Required | Dec. 15, 1980. |
| Rule 202 | Exemptions | Do. |
| Rule 301 | Permit Fee | Do. |
| Rule 402(f) | Exceptions | Oct. 15, 1979. |
| Rule 417.1 | Agricultural Burning | Dec. 15, 1980. |
| Rule 519 | Emergency Variances | Oct. 15, 1979. |
| **MERCED** | | |
| Rule 109(c) | Equipment Breakdown | Oct. 15, 1979. |
| Rule 202 | Exemptions | July 25, 1980. |
| Rule 409.6 | Can and Coil Coating Operations. | July 14, 1981. |
| Rule 416.1 | Agricultural Burning | July 25, 1980. |
| Rule 519 | Emergency Variances | May 7, 1979. |
| **SAN JOAQUIN** | | |
| Rule 102 | Definitions | May 23, 1979. |
| Rule 108.2 | Source Test Methods | Do. |
| Rule 110(c) | Equipment Breakdown | Do. |
| Rule 202 | Exemptions | Sept. 5, 1980. |
| Rule 209.4 | Implementation Plans | Oct. 15, 1979. |
| Rule 302 | Authority to Construct Air Quality Impact Analysis Fee. | May 23, 1979. |
| Rule 401 | Visible Emissions | Do. |
| Rule 409.7 | Graphic Arts | July 14, 1981. |
| Rule 409.8 | Perchloroethylene Dry Cleaning Systems. | Do. |
| Rule 416.1 | Agricultural Burning | Sept. 5, 1980. |
| Rule 521 | Emergency Variances | May 23, 1979. |
| **STANISLAUS** | | |
| Rule 110(c) | Equipment Breakdown | May 23, 1979. |
| Rule 202 | Exemptions | July 25, 1980. |
| Rule 301 | Permit Fee | Mar. 23, 1981. |
| Rule 409.8 | Perchloroethylene Dry Cleaning Systems. | June 22, 1981. |
| Rule 416.1 | Agricultural Burning | July 25, 1980. |
| Rule 519 | Emergency Variances | May 23, 1979. |
| **TULARE** | | |
| Rule 108 | Stack Monitoring | May 23, 1979. |
| Rule 111(c) | Equipment Breakdown | Do. |

| | | |
|---|---|---|
| Rule 201 | Permits Required | Do. |
| Rule 202 | Exemptions | Dec. 15, 1980. |
| Rule 410 | Organic Solvents | May 23, 1979. |
| Rule 417.1 | Agricultural Burning | Dec. 15, 1980. |
| Rule 519 | Emergency Variances | May 23, 1979. |

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions.

All the above rules have been evaluated and found in accordance with 40 CFR Part 51. Further, EPA has evaluated the rules listed below and determined that the Part D requirement for reasonably available control technology for Group II Control Techniques Guidelines sources is satisfied:

a. Kern, San Joaquin and Stanislaus rules for Perchloroethylene Dry Cleaning Systems.

b. San Joaquin rule for Graphic Arts.

Since the above rules for Perchloroethylene provide equivalent or better requirements than the federal regulation 52.246, "Control of dry cleaning solvent vapor losses," that regulation is being rescinded for the three Districts.

Detailed evaluation reports are available for public inspection at the EPA Library in Washington, D.C. and the EPA Region 9 Office.

This notice approves all the rule revisions listed above and incorporates them into the California SIP. EPA's approval of the above revisions to the California SIP is being done without prior proposal because the revisions are not controversial. The public is advised that this approval action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 1982. This action may not be challenged later in proceedings to enforce its requirements.

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

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbon.

Dated: June 14, 1982.

**Anne M. Gorsuch.**

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart F—California

1. Section 52.220(c) is amended by adding subparagraphs (50)(vi)(B), (51)(viii)(C), (ix)(C), and (x)(C), (52)(iv)(C), (v)(C), (vi)(C), and (vii)(C), (85) (i)(C), (ii)(B), and (ix)(A), (87)(iii)(B), (88)(i)(C), and (v)(B), (93)(i)(B), and (v)(A), (95)(v)(B) and (102)(ii)(B) and (iii)(A) to read as follows:

**§ 52.220 Identification of plan.**

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(c) * * *

(50) * * *

(vi) * * *

(B) New or amended Rule 519.

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(51) * * *

(viii) * * *

(C) New or amended rules 102, 108.2, 110(c), 302, 401, and 521.

(ix) * * *

(C) New or amended Rules 110(c) and 519.

(x) * * *

(C) New or amended Rules 108, 111(c), 201, 410 and 519.

* * * * *

(52) * * *

(iv) * * *

(C) New or amended Rules 111(c), and 519.

(v) * * *

(C) New or amended Rules 111(c) 402(f) and 519.

(vi) * * *

(C) New or amended Rule 109(c).

(vii) * * *

(C) New or amended Rule 209.4.

* * * * *

(85) * * *

(i) * * *

(C) New or amended Rules 201 and 417.1.

(ii) * * *

(B) New or amended Rules 201, 202, 301, and 417.1.

* * * * *

(ix) Kings County APCD.

(A) New or amended Rule 417.1.

* * * * *

(87) * * *

(iii) * * *

(B) New or amended Rules 202 and 416.1.

* * * * *

(88) * * *

(i) * * *

(C) New or amended Rules 202 and 416.1.

* * * * *

(v) * * *

(B) New or amended Rules 202 and 416.1.

* * * * *

(93) * * *

(i) * * *

(B) New or amended Rule 409.8.

* * * * *

(v) Kern County APCD.

(A) New or amended Rule 410.6.

* * * * *

(95) * * *

(v) * * *

(B) New or amended Rule 301.

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(102) * * *

(ii) * * *

(B) New or amended Rules 409.7 and 409.8.

(iii) Merced County APCD.

(A) New or amended Rules 409.6.

* * * * *

2. Section 52.246 is amended by adding subparagraphs (b)(3)(i)–(iii) to read as follows:

**§ 52.246 Control of dry cleaning solvent vapor losses.**

* * * * *

(b) * * *

(3) In the following portions of the San Joaquin Valley Intrastate Region, this section is rescinded:

(i) San Joaquin County APCD.

(ii) Stanislaus County APCD.

(iii) Tulare County APCD.

* * * * *

[FR Doc. 82-16545 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-4-FRL 2136-7]

## Approval and Promulgation of Implementation Plans; Florida; Miscellaneous Revisions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA today announces its approval of a number of minor revisions in Florida's air pollution control regulations. The changes were made in connection with a recent reformatting of the regulations. They were submitted for EPA's approval on August 11, 1981.

**EFFECTIVE DATE:** This action will be effective on August 17, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments should be addressed to William Voshell, of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Florida 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

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

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

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

**FOR FURTHER INFORMATION CONTACT:** William Voshell, EPA Region IV Air Programs Branch, at the Atlanta address given above, phone 404/881-3286 (FTS 257-3286).

**SUPPLEMENTAL INFORMATION:** On August 11, 1981, the Florida Department of Environmental Regulation (DER) submitted a number of implementation plan revisions for EPA's approval. EPA has already acted on portions of the submittal—namely, the deletion of the State's indirect source rules (approved at 47 FR 15793 on April 13, 1982), a general reformatting of the Florida air pollution control regulations (approved at 47 FR 13336 on March 30, 1982), and a variance for unit 4 of Florida Power & Light Company's Sanford plant (approved at 46 FR 53140 on October 28, 1981). A bubble action for General Portland in Tampa will be dealt with in another **Federal Register** notice. The remainder of the submittal of August 11, 1981, is approved today. These revisions are minor in nature. They are now listed.

Section 17-2.100—Definitions. Seven new definitions are added: (1) Air pollution, (2) air pollution control equipment, (3) air quality control region, (4) ambient air quality standard, (5) emission point or discharge point, (6) stack, and (7) unconfined emissions. Also, the following definitions are amended: (1) Air pollutant, (2) emission limiting standard, (3) existing source, and (4) new source.

Section 17-2.290—Effective Date. The new effective date of the Florida regulations is November 11, 1981.

Section 17-2.300—Ambient Air Quality. The Florida DER has adopted by reference the ambient monitoring requirements of 40 CFR Part 58.

Section 17.2.600—Emission Limiting and Performance Standards. No substantive change is made except for the deletion of § 17.2.05 (6) Table II, C.(4), relating to phosphate plants. The affected process is already regulated under the process weight rate table for manufacturing processes.

Section 17-2.610—A section on applicability is added to the process weight table. The fugitive particulate rule is amended and expanded. The visible emission standard is made generally applicable.

Section 17.2.640—Language is added on phased construction projects.

Section 17.2.650—The test method for can coating is changed.

Section 17.2.660—The New Source Performance Standards (NSPS) for ammonium sulfate manufacture and auto and light duty truck coating are added.

EPA is approving these regulatory changes without prior proposal because they are of a minor and noncontroversial nature and EPA anticipates no comments on its approval action. 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 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 17, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I have previously certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

### List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: June 14, 1982.

**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 K—Florida

In § 52.520, paragraph (c) is amended by adding subparagraph (46) as follows:

**§ 52.520 Identification of plan.**

* * * * *

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

(46) Miscellaneous regulation changes, submitted on August 11, 1981, by the Florida Department of Environmental Regulation.

[FR Doc. 82-16542 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-9-FRL 2141-8]

## Approval and Promulgation of Implementation Plans; Nevada State Implementation Plan Revision

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** Revisions to rules of the Clark County Health District and the State of Nevada were submitted to EPA by the Governor. These revisions

generally are administrative and retain equivalent emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

**EFFECTIVE DATE:** August 17, 1982.

**ADDRESSES:** Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street SW., Room 2404, Washington, D.C. 20460
Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408
Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106
Nevada Department of Conservation and Natural Resources, 201 South Fall Street, Capitol Complex, Carson City, NV 89710.

**FOR FURTHER INFORMATION CONTACT:** Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105, (415) 974–8058.

**SUPPLEMENTARY INFORMATION:** The Governor of Nevada submitted the following rules and regulations on the indicated dates:

**Nevada State**

December 29, 1978

| Article: | |
|---|---|
| 1 | Definitions (Colemanite Processing Plant, Colemanite, and Ore). |
| 7.2.8.1 to 7.2.8.3 | Particulate Matter, Industrial Sources. |
| 16 | Standards of Performance for New Stationary Sources. |
| 16.3.1.2 to 16.3.3 | Portland Cement Plants. |
| 16.15.1 to 16.15.4 | Primary Lead Smelters. |

July 24, 1979

| Article: | |
|---|---|
| 12 | Ambient Air Quality Standards Nevada Standards, Lead (Pb). |

November 5, 1980

| Article: | |
|---|---|
| 7.2.5, 7.2.5.1, 7.2.9. | Particulate Matter, Industrial Sources. |
| 8.3.4 | Sulfur Emissions, Other Sulfur Emitting Processes. |

**Clark County**

November 17, 1981

| Section: | |
|---|---|
| 4.7.3 | Control Officer. |
| 7 | Hearing Board. |
| 9.1 | Administrative Fines. |
| 16 | Operating Permits. |
| 17.2.1, 17.6.1 | Permission to Disturb Topsoil. |
| 18.1 to 18.5.2 | Registration/Permit Fees. |
| 23.2.1 to 23.3.1.2, 23.3.4 to 23.3.5. | Continuous Monitoring by Fossil Fuel-Fired Steam Generators. |
| 27 | Particulate Matter From Process Weight Rate. |
| 30.4, 30.8 | Incinerators. |
| 52.4.2.3, 52.7.2 | Handling of Gasoline. |
| 60.4.3 | Evaporation and Leakage. |

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan (SIP) revisions. All the rules listed above have been evaluated and found in accordance with EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the EPA Library in Washington, D.C., and the Region 9 Office.

This notice approves all the rule revisions listed above and incorporates them into the Nevada SIP. EPA's approval of the above revisions to the Nevada SIP is being done without prior proposal because the revisions are not controversial. The public is advised that this approval action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 301(a), Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).

Dated: June 14, 1982.

**Anne M. Gorsuch,**

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart DD—Nevada

1. Section 52.1470 is amended by adding paragraphs (c)(14)(viii), (16)(x), (22)(ii), and (24)(iv) as follows:

**§ 52.1470 Identification of plan.**

* * * * *

(c) * * *

(14) * * *

(viii) Amendments to the Nevada Air Quality Regulations: Article 1; Article 7, Rules 7.2.8.1–7.2.8.3; Article 16, Rules 16.3.1.2–16.3.3 and Rules 16.15.1–16.15.4.

* * * * *

(16) * * *

(x) Amendments to the Nevada Air Quality Regulations: Article 12, Lead (Pb).

* * * * *

(22) * * *

(ii) Amendments to the Nevada Air Quality Regulations: Article 7, Rules 7.2.5, 7.2.5.1, 7.2.9; and Article 8, Rule 8.3.4.

* * * * *

(24) * * *

(iv) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 4, Rule 4.7.3; Section 7; Section 9, Rule 9.1; Section 16; Section 17, Rules 17.2.1 and 17.6.1; Section 18, Rules 18.1–18.5.2; Section 23, Rules 23.2.1–23.3.1.2 and Rules 23.3.4–23.3.5; Section 27; Section 30, Rules 30.4 and 30.8; Section 52, Rules 52.4.2.3 and 52.7.2; and Section 60, Rule 60.4.3.

* * * * *

[FR Doc. 82-16546 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[EPA Action KS 276; FRL-2137-6]**

## Revision to State Implementation Plan; State of Kansas

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

**ACTION:** Final rulemaking.

**SUMMARY:** In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Kansas submitted revisions to its State

Implementation Plan (SIP) in 1979 and 1980. On April 3, 1981, EPA took final action to approve certain elements of the Kansas plan and to conditionally approve certain other portions. On September 15, 1981, the Kansas Department of Health and Environment submitted a revision to fulfill one of these conditions. The condition required the state to submit additional information to substantiate its determination that those sources of particulate listed in the state particulate plan which have no air pollution control equipment meet the requirements of reasonably available control technology (RACT).

On March 5, 1982, EPA proposed in the **Federal Register** (47 FR 9481) to remove the applicable condition on the Kansas SIP and solicited public comments on the action. No comments were received as a result of the March 5 proposal.

The purpose of this notice is to advise the public that EPA is taking final action to remove the applicable condition on approval of the Kansas SIP. Until all conditions are met, conditional approval of the SIP will continue.

**EFFECTIVE DATE:** This action is effective July 19, 1982.

**ADDRESSES:** Copies of the state submission are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Mary C. Carter at (816) 374–3791 (FTS 758–3791).

**SUPPLEMENTARY INFORMATION:** On April 3, 1981 (46 FR 20164), EPA took final action with regard to the requirements of part D of the Clean Air Act, as amended, to approve certain portions of the Kansas SIP and to conditionally approve certain other portions.

In its original SIP submittal in 1979, the state certified that all major point sources of particulate in the Kansas City, Kansas, nonattainment area were required to meet regulations representing RACT. However, the submittal indicated that some of the sources had no control equipment. Therefore, one of the conditions promulgated by EPA on April 3, 1981, required the state to submit additional information to substantiate its determination of RACT for those point sources of particulate listed in the state plan which are not equipped with control equipment. In addition, the state was required to implement any recommended control measures which might be identified and to submit acceptable compliance schedules for completing the actions which may be necessary to control these sources at the RACT level, so that Kansas City attains the particulate standard by the December 31, 1982 deadline.

On September 15, 1981, the Kansas Department of Health and Environment (KDHE) submitted a revision which included a study carried out by the local agency, the Kansas City-Wyandotte County Department of Health which, EPA believes, does not adequately address all of the uncontrolled sources listed in the state particulate plan. However, EPA learned through further communication with the local agency that some of the uncontrolled sources which are not addressed in the report, either no longer exist, have not been operating for the last year, or have undergone process modifications to reduce particulate emissions. The remaining point sources which do not have control equipment represent only two percent of the Wyandotte County particulate emission inventory. In addition, for at least one of these uncontrolled sources there is no reasonably available control equipment.

EPA has reviewed the September 15, 1981, submission from KDHE and has determined that it does not meet the requirements of the April 3, 1981 condition on approval of the Kansas SIP because the submission only addresses some of those uncontrolled sources listed in the state particulate plan. However, because of recent information as discussed above, EPA finds that the condition is no longer appropriate. On March 5, 1982, EPA proposed to remove this condition on the Kansas SIP. The reader is referred to the **Federal Register** notice published on that date (47 FR 9481) for further information. There were no comments received as a result of the proposal.

*Action:* EPA removes the condition on approval of the Kansas SIP identified earlier in this notice. Until all the conditions identified in the April 3, 1981 notice are removed, conditional approval of the Kansas SIP will continue.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, as amended, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), this action may not be challenged later in proceedings to enforce its requirements.

**List of Subjects in 40 CFR Part 52**

Air pollution control, Ozone, Sulfur dioxide, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

This notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act as amended.

Dated: June 14, 1982.

**Ann M. Gorsuch,**

*Administrator.*

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

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart R—Kansas

1. Section 52.870 is amended by adding a new paragraph (c)(13) to read as follows:

**§ 52.870 Identification of plan.**

* * * * *

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

* * * * *

(13) Letter and supporting documents submitted on September 15, 1981, from the Director of Air Quality and Occupational Health relating to reasonably available control technology for certain particulate matter sources in the Kansas City, Kansas area.

**§ 52.875 [Amended]**

2. Section 52.875, *General Requirements,* is amended by removing paragraph (a)(3)(ii).

[FR Doc. 82-16543 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 52**

**[A-9-FRL 2141-6]**

## California State Implementation Plan Revisions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of the Sacramento San Luis Obispo, Santa Barbara, and Ventura County Air Pollution Control Districts submitted by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). These revisions generally are administrative and retain equivalent emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

**DATE:** This action is effective August 17, 1982.

**ADDRESSES:** Copies of the revisions and the technical support documents are available for public inspection during normal business hours at the EPA Region 9 office and at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street SW., Room 2404, Washington, D.C. 20460

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

**FOR FURTHER INFORMATION CONTACT:** Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8058.

**SUPPLEMENTARY INFORMATION:** The ARB submitted as SIP revisions the following rules on the indicated dates:

*San Luis Obispo County*

October 23, 1981

Rule 301 Fees
Rule 302 Schedule of Fees
Rule 411 Surface Coatings of Manufactured Metal Parts

December 17, 1979

Rule 407 Organic Material Emission Standards, Limitations and Prohibitions

*Sacramento County*

October 23, 1981

Rule 50 Permits Required
Rule 70 Stationary Source Permit Fees Subject to Regulation 5
Rule 14 Transfer of Gasoline into Vehicle Fuel Tanks

September 5, 1980

Rule 74 Agricultural Burning Permit Fees
Reg. VII Agricultural Burning (Definitions)
Rule 90 Agricultural Burning Permits
Rule 92 "No Burn" Days
Rule 93 Preparation of Agricultural Waste
Rule 94 Limitation on Daily Burning Rate
Rule 95 Other Burning Limitations
Rule 96 Special Permits
Rule 98 Issuance of Agricultural Burning Permits

October 15, 1979

Rule 1 Title

*Santa Barbara County*

December 15, 1980

Rule 210 Fees

*Ventura County*

October 23, 1981

Rule 2 Definitions
Rule 12 Statement by Engineer or Application Preparer
Rule 16 Permit Contents
Rule 23 Exemption from Permits
Rule 41 Hearing Board Fees
Rule 42 Permit Fees (except Paragraph L.3)
Rule 74.2 Architectural Coatings

March 23, 1981

Rule 21 Expiration of Applications and Permits
Rule 29 Conditions on Permits
Rule 30 Permit Renewal
Rule 64 Sulfur Content of Fuels

March 17, 1980

Rule 10 Permits Required
Rule 25 Action on Applications
Rule 27 Suspension of Permits

September 5, 1980

Rule 2 Definitions
Rule 55 Exceptions from Emission Standards

June 2, 1980

Rule 59 Oxides of Nitrogen Emissions

February 25, 1980

Rule 17 Changes in Equipment (deleted)
Rule 56 Open Fires
Rule 80 Permits (for Orchard Heaters)
Rule 81 Condition of Heaters
Rule 151 Air Monitoring Stations (deleted)
Rule 163 Advisory Committee (deleted)
Rule 164 Emergency Action Board (deleted)

May 23, 1979

Rule 6 Severability
Rule 8 Access to Facilities
Rule 9 Arrest Authority
Rule 13 Statement by Applicant
Rule 24 Source Recordkeeping and Reporting
Rule 40 Permit Fees—General
Rule 63 Separation and Combination of Emissions
Rule 75 Circumvention
Rule 102 Source Tests
Rule 103 Stack Monitoring
Rule 110 General—Hearing Board Procedures
Rule 111 Filing Petitions
Rule 112 Content of Petitions
Rule 113 Petitions for Variances
Rule 114 Appeal from Denial, Suspension, Conditional Approval or Fees Assessed
Rule 120 Notice of Hearing
Rule 121 Evidence
Rule 123 Findings, Variance or Abatement Order
Rule 124 Decision
Rule 125 Abatement Order
Rule 126 Effective Date of Decision
Rule 127 Lack of Permit
Rule 130 Variance Order Conditions

May 7, 1979

Rule 11 Application Contents

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan revisions. All rules submitted have been evaluated and found to be in accordance with EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the EPA Library in Washington, D.C., and the Region 9 Office.

In 40 CFR 52.255, *Gasoline transfer vapor control,* the language in paragraph (b) is condensed to remove "reserved" listings. This action does not change or replace any SIP requirements.

It is the purpose of this notice to approve all the rule revisions listed above and to incorporate them into the California SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. 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 by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action and establish a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements.

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

(Secs. 110, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

**List of Subjects in 40 CFR Part 52**

Air pollution control, Carbon monoxide, Hydrocarbons, Lead,

Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: June 14, 1982.

**Anne M. Gorsuch,**

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(50)(ix)(B), (51)(xx), (52)(xx), (54)(i)(C), (56)(ii)(B), (58)(viii), (79)(iii)(B), (85)(vii), (87) (vi) and (vii), (95)(ii)(B), and (103)(iv)(B), (v)(B) and (xii) to read as follows:

**§ 52.220 Identification of plan.**

* * * * *

(c) * * *

(50) * * *

(ix) * * *

(B) New or amended Rule 11.

* * * * *

(51) * * *

(xx) Ventura County APCD.

(A) New or amended Rules 6, 8, 9, 13, 24, 40, 63, 75, 102, 103, 110, 111, 112, 113, 114, 120, 121, 123, 124, 125, 126, 127, and 130.

* * * * *

(52) * * *

(xx) Sacramento County APCD.

(A) New or amended Rule 1.

* * * * *

(54) * * *

(i) * * *

(C) New or amended Rules 56, 80, 81, and deletion of Rules 17, 151, 163, and 164.

* * * * *

(56) * * *

(ii) * * *

(B) New or amended Rules 10, 25, and 27.

* * * * *

(58) * * *

(viii) San Luis Obispo County APCD.

(A) New or amended Rule 407.

* * * * *

(79) * * *

(iii) * * *

(B) New or amended Rule 59.

* * * * *

(85) * * *

(vii) Santa Barbara County APCD.

(A) New or amended Rule 210.

* * * * *

(87) * * *

(vi) Sacramento County APCD.

(A) New or amended Rules 74, 90, 92, 93, 94, 95, 96, 98, and Regulation VII.

(vii) Ventura County APCD.

(A) New or amended Rules 2 and 55.

* * * * *

(95) * * *

(ii) * * *

(B) New or amended Rules 21, 29, 30, and 64.

* * * * *

(103) * * *

(iv) * * *

(B) New or amended Rules 2, 12, 16, 23, 41, 42, and 74.2.

(v) * * *

(B) New or amended Rules 50, 70, and 14.

* * * * *

(xii) San Luis Obispo County APCD.

(A) New or amended Rules 301, 302, and 411.

* * * * *

2. In § 52.255, paragraph (b) is amended by adding subparagraphs, (1)(i) and (2) as follows:

**§ 52.255 Gasoline transfer vapor control.**

* * * * *

(b) * * *

(1) * * *

(i) Ventura County APCD.

(2) The control requirements of this section are rescinded in the following air pollution control districts.

(i) South Coast AQMD.

(ii) Santa Barbara County APCD.

(iii) Placer County APCD (Mountain Counties Air Basin portion.

(iv) Sacramento County APCD.

(v) Yolo-Solano County APCD.

(vi) Butte County APCD.

(vii) Glenn County APCD.

* * * * *

[FR Doc. 82-16489 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF ENERGY

### Office of the Secretary

### 41 CFR Ch. 9

### Amendments to the DOE Procurement Regulations

**AGENCY:** Office of the Secretary, DOE.

**ACTION:** Correction notice.

**SUMMARY:** This document corrects a final rule amending the DOE Procurement Regulations published at 47 FR 21539 on May 19, 1982.

**ADDRESS:** Comments, if any, should be addressed to the Department of Energy, Procurement Policy Branch, MA931.1, Forrestal Building, Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Langston, Procurement Policy Branch, Procurement and Assistance Management Directorate, Department of Energy, (202) 252-8188.

The following corrections are made.

1. On page 21541, as part of Change 5.2, "§ 9-1355" appearing before the clause "Contracts conditioned upon the availability of funds" is corrected to read "§ 9-1.355."

2. On page 21544, as part of Change 5.11, "§ 9-7.203-58" appearing before the clause "Cost and schedule control systems" is corrected to read "§ 9-7.203-59."

3. On page 21544, as part of Change 5.11, "§ 9-7.403-75" appearing before the second clause entitled "Cost and schedule control systems" is corrected to read "§ 9-7.403-76."

Issued in Washington, D.C., June 11, 1982.

**Hilary J. Rauch,**

*Director, Procurement and Assistance Management Directorate.*

[FR Doc. 82-16372 Filed 6-17-82; 8:45 am]

BILLING CODE 6450-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### 43 CFR Parts 2, 4 and 2650

### Hearings and Appeals Procedures

**AGENCY:** Office of Hearings and Appeals, Bureau of Land Management, Interior.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the regulations governing hearings and appeals to implement Secretarial Order No. 3078, dated April 29, 1982, abolishing the Alaska Native Claims Appeal Board (ANCAB) and consolidating the functions of that Board under the jurisdiction of the Interior Board of Land Appeals (IBLA) effective June 30, 1982. This action was taken to achieve greater economy in the use of Office of Hearings and Appeals (OHA) resources. The effect of these amendments is to ensure that uniform procedures apply to all appeals submitted to IBLA and to eliminate regulations made duplicative by the consolidation of functions within IBLA.

**EFFECTIVE DATES:** Interim rule effective June 30, 1982; comments must be received on or before August 30, 1982.

**ADDRESS:** Comments should be sent to: Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Comments will be available for public review in Room 1111 at the above address during regular

business hours (8:30 a.m. to 5:30 p.m.) Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**
Julia A. Barrows, (703) 235–3750.

**SUPPLEMENTARY INFORMATION:**
Secretarial Order No. 3078 abolished ANCAB and transferred all of the functions and responsibilities delegated to ANCAB with respect to appeals arising under the Alaska Native Claims Settlement Act (ANCSA), as amended (43 U.S.C. 1601–1628), to IBLA effective June 30, 1982. To implement this internal organization change, the jurisdictional statement for ANCAB in 43 CFR 4.1 is being removed and that for IBLA revised. The specific regulations in 43 CFR Part 4, Subpart J, now applicable to appeals brought under ANCSA also are being revoked. The procedural regulations in 43 CFR Part 4, Subpart E, applicable to public lands matters generally will now govern ANCSA land selection appeals as well. References to "ANCAB" and "Subpart J" in 43 CFR Part 2560 are being changed to "IBLA" and "Subpart E."

A comparison of Subparts E and J has been undertaken to identify any substantive or procedural differences in the two sets of regulations which require special attention in undertaking these regulatory changes. Generally the procedural requirements and practices of the two appeals boards are similar. This organization change therefore has no significant impact on appellants. Several differences in the existing requirements applicable to ANCSA land selection appeals have been identified. These differences and the effect of this interim rule with respect to these differences are as follows:

1. The regulations in Subpart J state a specific basis for standing to appeal which differs from the standing requirement in public land appeals under Subpart E. In order that all appellants bringing appeals relating to ANCSA land selections will be treated the same, 43 CFR 4.410 and related sections are being amended to incorporate the current standing requirement for such appeals. No substantive change is being made to the existing IBLA standing requirement.

2. The current regulations require that all hearings held in connection with ANCSA land selection appeals be conducted within the State of Alaska. This requirement is being retained by amendment to 43 CFR 4.431 and 4.452–2. Further, if IBLA, in its discretion, grants an opportunity for oral argument pursuant to 43 CFR 4.25 in a case relating to an ANCSA land selection, it will be the policy of IBLA to hear such argument in Alaska for good cause shown.

3. Subpart J currently requires the filing of notices of appeal with ANCAB which is located in Anchorage, Alaska. A copy must also be served on the official making the decision. 43 CFR 4.903(a). In Subpart E, 43 CFR 4.411(a) requires filing a notice of appeal "in the office of the officer who made the decision (not the Board [of Land Appeals])." This interim rule makes no change in the place of filing specified in 43 CFR 4.411. Thus, on and after June 30, 1982, persons appealing matters involving land selections arising under ANCSA must file notices of appeal in the office of the officer who made the decision, *not* with ANCAB or IBLA. Since the deciding official in such appeals is the Director, Alaska State Office, Bureau of Land Management (BLM), who is located in Anchorage, this requirement will not be burdensome because appellants will still file notices of appeal in Anchorage and will not have to file with IBLA in Arlington, Virginia.

4. In determining the time of filing of documents with the Board, IBLA applies the general Office of Hearings and Appeals rule in 43 CFR 4.22(a); that is, filing is accomplished when a document is received in the proper office. The current rule applicable to ANCSA land selection appeals states that documents are considered filed on the "date of postmark, except when there is no postmark * * * the date of receipt in the proper office." 43 CFR 4.907(c). No special provision for such appeals is being retained. Since 43 CFR 4.401(a) in Subpart E provides for a 10-day grace period for documents transmitted on or before their due date, there is no significant difference in the current requirements and thus there should be no undue burden on appellants to comply with the general rule in 43 CFR 4.22(a).

5. The requirements for service of documents in 43 CFR 4.401(c) does not provide for service by first class mail as do those now applicable to ANCSA land selection appeals. The Subpart E requirement is not being modified as it does not appear to have created any undue difficulty for other appellants in Alaska appealing to IBLA.

This interim rule implements an internal organization change and creates no substantive change in the basic right of appeal afforded to persons from decisions by Departmental officials concerning matters related to land selection under ANCSA. It simply changes the appeals board to which the appeal is directed, without substantial modifications of existing procedures and practices. This interim rule eliminates regulations which are repetitious in view of the consolidation of functions under IBLA, and ensures uniformity of treatment for all appellants before IBLA. It makes no changes in the procedures applicable to current IBLA appellants. We know of no additional burden that will be imposed on the public as a result of the issuance of this interim rule. In view of the above, good cause exists to implement these changes in an interim rule effective June 30, 1982. The public was previously informed of the change by publication of Secretarial Order No. 3078 in the **Federal Register** on May 25, 1982, and delay of the effective date would result in harm to the public by causing confusion as to the appropriate office to file appeals of decisions relating to land selections under ANCSA. Since May 17, 1982, all such decisions have contained a statement directing that notices of appeal filed on or after June 30, 1982, must be filed in the office of the officer making the decision. Nevertheless, the public is requested to comment on the provisions of this rule. Comments received will be studied and considered prior to issuance of a final rule.

The author of this interim rule is Julia A. Barrows, Office of Hearings and Appeals.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

It is hereby determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) is required. Further, section 910 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1638) provides that the National Environmental Policy Act shall not be construed as requiring such statement for regulations which lead to conveyances to Natives or Native Corporations pursuant to ANCSA.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

**List of Subjects**

*43 CFR Part 4*

Administrative practice and procedure, Lawyers, Public lands.

*43 CFR Part 2650*

Administrative practice and procedure, Alaska, Public lands—Grants.

Under the authority of R.S. 2478, as amended, 43 U.S.C. 1201; sec. 25 of the Alaska Native Claims Settlement Act, as amended, 43 U.S.C. 1601–1628; and the Administrative Procedure Act, 5 U.S.C. 551 et seq., Appendix B, Part 2, and Part 4 of Subtitle A and Part 2650, Chapter 11, of Subtitle B of Title 43, Code of Federal Regulations, are amended as set forth below.

Dated: June 14, 1982.

**Donald Paul Hodel,**

*Under Secretary.*

## PART 2—RECORDS AND TESTIMONY

1. Appendix B of Part 2 is amended by removing the following address from the list under 3. *Office of Hearings and Appeals—Field Offices:*

Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, AK 99510

## PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

2. In § 4.1, paragraph (b)(3) is revised to read as follows:

**§ 4.1 Scope of authority; applicable regulations.**

* * * * *

(b) * * *

(3) *Board of Land Appeals.* The Board decides finally for the Department appeals to the head of the Department from decisions rendered by Departmental officials relating to (i) the use and disposition of public lands and their resources, including land selections arising under the Alaska Native Claims Settlement Act, as amended, and (ii) the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf. Special procedures for hearings, appeals and contests in public land cases are contained in Subpart E of this part.

3. In § 4.1, paragraph (b)(5) is removed and paragraph (b)(6) is redesignated as paragraph (b)(5).

4. Section 4.402 is amended by adding a new paragraph (d) to read as follows:

**§ 4.402 Summary dismissal.**

* * * * *

(d) If the statement of standing required by § 4.412(b) is not filed with the Board or is not served upon adverse parties within the time required.

5. Section 4.410 is revised to read as follows:

**§ 4.410 Who may appeal.**

(a) Any party to a case who is adversely affected by a decision of an officer of the Bureau of Land Management or of an administrative law judge shall have a right to appeal to the Board, except—

(1) As otherwise provided in Group 2400 of Chapter II of this title,

(2) To the extent that decisions of Bureau of Land Management officers must first be appealed to an administrative law judge under § 4.470 and Part 4100 of this title,

(3) Where a decision has been approved by the Secretary, and

(4) As provided in paragraph (b) of this section.

(b) For decisions rendered by Departmental officials relating to land selections under the Alaska Native Claims Settlement Act, as amended, any party who claims a property interest in land affected by the decision, an agency of the Federal Government or a regional corporation shall have a right to appeal to the Board.

6. In § 4.411, paragraph (a) is revised to read as follows:

**§ 4.411 Appeal; how taken, mandatory time limit.**

(a) A person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. The notice of appeal must give the serial number or other identification of the case and must be transmitted in time to be filed in the office where it is required to be filed within 30 days after the person taking the appeal is served with the decision from which he is appealing, or it publication of the decision in the **Federal Register** is made, within 30 days after publication of the decision in the **Federal Register**, whichever shall occur first. The notice of appeal may include a statement of the reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make.

* * * * *

7. Section 4.412 is revised to read as follows:

**§ 4.412 Statement of reasons, statement of standing, written arguments, briefs.**

(a) If the notice of appeal did not include a statement of the reasons for the appeal, the appellant shall file such a statement with the Board (address: Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203) within 30 days after the notice of appeal was filed. In any case, the Board will permit the appellant to file additional statements of reasons and written arguments or briefs within the 30-day period after the notice of appeal was filed.

(b) Where the decision being appealed relates to land selections under the Alaska Native Claims Settlement Act, as amended, the appellant also shall file with the Board a statement of facts upon which the appellant relies for standing under § 4.410(b) within 30 days after filing of the notice of appeal. The statement may be included with the notice of appeal filed pursuant to § 4.411 or the statement of reasons filed pursuant to paragraph (a) of this section or may be filed as a separate document.

(c) Failure to file the statement of reasons and statement of standing within the time required will subject the appeal to summary dismissal as provided in § 4.402, unless the delay in filing is waived as provided in § 4.401(a).

8. Section 4.431 is revised to read as follows:

**§ 4.431 Fixing of place and date for hearing; notice.**

The administrative law judge shall fix a place and date for the hearing and notify all parties and the Bureau. All hearings held in connection with land selection appeals arising under the Alaska Native Claims Settlement Act, as amended, shall be conducted within the State of Alaska, unless the parties agree otherwise.

9. Section 4.452–2 is revised to read as follows:

**§ 4.452–2 Notice of hearing.**

The administrative law judge shall fix a place and date for the hearing and notify all parties and the Bureau at least 30 days in advance of the date set, unless the parties and the Bureau request or consent to an earlier date. The notice shall include (a) the time, place, and nature of the hearing, (b) the legal authority and jurisdiction under which the hearing is to be held, and (c) the matters of fact and law asserted. All hearings held in connection with land selection appeals arising under the Alaska Native Claims Settlement Act, as amended, shall be conducted within the state of Alaska, unless the parties agree otherwise.

**§§ 4.900—4.913 (Subpart J) [Removed]**

10. Part 4 of this title is amended by removing and reserving Subpart J.

## PART 2650—ALASKA NATIVE SELECTIONS

11. In addition to the amendments set forth above, in 43 CFR Part 2650—Alaska Native Selections, all references

to "Alaska Native Claims Appeal Board" are changed to read "Board of Land Appeals" and all references to "Subpart J" are changed to read "Subpart E."

[FR Doc. 82-16619 Filed 6-17-82; 8:45 am]

BILLING CODE 4310-10-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 82-245]

### Amendment of the Commission's Rules Pertaining to Acceptable Paper Size

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission is revising its procedural rules to eliminate the use of legal size paper. Beginning January 1, 1983, the Federal Communications Commission will only accept pleadings and other documents that are submitted on 8½ x 11 inch size paper. This action is being taken to conserve file space and eliminate the need for maintaining separate filing systems for both standard and legal size paper.

**DATE:** Effective date: January 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Randy Thomas, Office of General Counsel, (202) 632-6990.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 1**

Administrative practice and procedure.

Adopted: May 25, 1982.

Released: May 27, 1982.

In the matter of Amendment of § 1.49 of the Commission's rules and regulations.

1. The Commission, *sua sponte*, has reexamined § 1.49 of its Rules and Regulations pertaining to the acceptable size of paper for documents filed with the Commission. The Commission finds that the maintenance of dual filing systems for standard and legal size paper is uneconomical. In accordance with the decision of the Administrative Conference of the United States Courts [1] to eliminate legal size paper in the Federal court system, the Federal Communications Commission hereby directs discontinuation of the use of legal size paper in Commission proceedings.

2. It is ordered that effective January 1, 1983, 8½ x 11 inch size paper will be the only size accepted for the filing of pleadings and other documents with the Commission.

3. It is further ordered that between the effective date of this notice and January 1, 1983, any size paper specified in § 1.49 of the Commission's Rules and Regulations may be used, although the Commission encourages the use of 8½ x 11 inch size paper.

4. It is further ordered that pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 CFR 1.49 be amended in accordance with the provisions set forth in the Appendix below.

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

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

**Appendix**

**PART 1—PRACTICE AND PROCEDURE**

**§ 1.49 [Amended]**

The first sentence of 47 CFR 1.49 is hereby amended to read as follows:

All pleadings and documents filed in any proceeding shall be on 8½ x 11 inch size paper. * * *

[FR Doc. 82-16613 Filed 6-17-82; 8:45 am]

BILLING CODE 6712-01-M

[1] *See* 46 FR 60864, December 14, 1981.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 285

### Atlantic Tuna Fisheries; Closure

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

**ACTION:** Notice of closure.

**SUMMARY:** This notice closes the incidental fishery for Atlantic bluefin tuna conducted by longline vessels. Closure of this fishery is necessary because the annual catch quota has been attained. Upon closure, longline vessels will be prohibited from retaining any Atlantic bluefin tuna captured incidentally in the regulatory area.

**EFFECTIVE DATE:** 0001 hours EDT June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** William C. Jerome, Jr., 617-281-3600, extension 325, or David S. Crestin, 617-281-3600, extension 253.

**SUPPLEMENTARY INFORMATION:** Regulations, promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971-971h), regulating the take of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction were published in the **Federal Register** on June 11, 1982 (47 FR 25350).

Section 285.30(d)(1) of the regulations provides for an annual quota of 44 short tons (st) of Atlantic bluefin tuna to be taken by vessels permitted in the Incidental Category, and fishing with longline gear in the Regulatory Area. The Assistant Administrator is authorized under § 285.29(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.30. The Assistant Administrator, further, is authorized under § 285.29(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by the type of vessels subject to the quotas. The Assistant Administrator has determined, based on the reported catch of Atlantic bluefin tuna, that the incidental catch of Atlantic bluefin tuna allowable by longline vessels has been taken and that fishing for, and retention of, Atlantic bluefin tuna by these vessels must cease at 0001 EDT on June 18, 1982.

Notice of this action has been mailed to all Atlantic bluefin tuna dealers and vessel owners holding a valid vessel permit for this fishery. This action is taken under the authority of 50 CFR 285.29, and is taken in compliance with Executive Order 12291.

(16 U.S.C. 971-971h)

(NBI 3000—No. 63—ca bftclosure)

Dated: June 15, 1982.

**Robert K. Crowell,**

*Deputy Executive Director, National Marine Fisheries Service.*

FR Doc. 82-16618 Filed 6-15-82; 5:06 pm]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 47, No. 118
Friday, June 18, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultual Marketing Service

### 7 CFR Part 932

**[Docket No. AO-352-A4]**

### Olives Grown in California; Decision on Proposed Further Amendment of the Marketing Agreement and Order

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

**ACTION:** Proposed rule.

**SUMMARY:** This decision would amend the Federal marketing agreement and order for olives grown in California. Olive producers will be given the opportunity to vote in a referendum to determine if they favor the proposed changes in the maketing order.

**DATE:** The representative period for purposes of the referendum herein ordered is September 1, 1981, through February 28, 1982.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Room 2532-S, Washington, D.C. 20250, telephone (202) 447-5975.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Notice of Hearing, issued November 13, 1981, published November 18, 1981 (46 FR 56620); and Notice of Recommended Decision—issued May 7, 1982, published May 13, 1982 (47 FR 20593).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

**List of Subjects in 7 CFR Part 932**

Marketing agreements and orders, Olives, California.

**Preliminary Statement**

A public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The hearing was held, pursuant to the provisions of the Argicultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), in Fresno, California, on December 8 and 9, 1981, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on May 12, 1982, filed with the Hearing Clerk, U.S. Department of Agriculture, the recommended decision containing the notice of the opportunity to file written exceptions thereto. No exceptions were received.

The material issues, findings, and conclusions, rulings and general findings of the recommended decision set forth in the May 13, 1982 issue of the **Federal Register** (47 FR 20593; FR Doc. 82-13008) are hereby incorporated herein and made a part hereof, subject to the following corrections:

| Page | Column | Line | Change |
|---|---|---|---|
| 20594 | 1 | 4 | Omit "of" |
| 20595 | 2 | 57 | "one" to "more" |
| 20595 | 2 | 62 | "recess" to "process" |
| 20596 | 1 | 53 | After "dissenting" insert "vote rule. There have been occasions when one dissenting vote has prevented adoption of a proposition submitted by mail ballot. In recent years, all propositions submitted to a mail ballot which failed because of one or more dissenting" |
| 20596 | 2 | 36 | "of" to "or" |
| 20597 | 1 | 31 | omit "and" |
| 20598 | 3 | 15 | "is" to "it" |
| 20598 | 3 | 18 | "olives" to "olive" |
| 20599 | 1 | 62 | After "in" insert "the" |
| 20599 | 2 | 6 | "carring" to "carrying" |
| 20601 | 2 | 33 | "," to "." |

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Olives Grown in California", and *"Order amending the order, as amended, regulating the handling of olives grown in California"*, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That this entire decision, except the annexed marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

*Referendum order.* It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order, as amended, and as hereby proposed to be further amended, regulating the handling of olives grown in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area of the regulated commodity for market.

The representative period is hereby determined to be September 1, 1981, through February 28, 1982.

The agent of the Secretary to conduct such referendum is hereby designated to be Richard Van Diest, Fruit and Vegetable Division, Agricultural Marketing Service, 1130 "O" Street, Fresno, California 93721.

Signed at Washington, D.C., on June 14, 1982.

**C. W. McMillan,**

*Assistant Secretary, Marketing and Inspection Services.*

*Order*[1] *amending the order, as amended, regulating the handling of olives grown in California.*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, and as hereby further amended, regulates the handling of olives grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) There are no differences in the production and marketing of olives grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and,

(5) All handling of olives grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

**Order Relative to Handling**

*It is therefore ordered,* that on and after the effective date hereof the handling of olives grown in California shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended.

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator on May 7, 1982, and published in the **Federal Register** on May 13, 1982 (47 FR 20593), shall be and are the terms and provisions of this order amending the order, and are set forth in full herein.

## PART 932—OLIVES GROWN IN CALIFORNIA

1. Section 932.18 is revised to read:

**§ 932.18 Committee.**

"Committee" means the California Olive Committee established pursuant to § 932.25.

2. Section 932.19 is revised to read:

**§ 932.19 Crop year and fiscal year.**

(a) "Crop year" means the 12-month period beginning on August 1 of each year and ending on July 31 of the following year or such other period that may be recommended by the committee and approved by the Secretary.

(b) "Fiscal year" means the 12-month period beginning on January 1 and ending on December 31 of each year or such other period that may be recommended by the committee and approved by the Secretary.

**§ 932.23 [Amended]**

3. Section 932.23 is amended by removing "932.51(a)(2)" and substituting "932.51(a)(3) in lieu thereof.

4. Section 932.23a is revised to read:

**§ 932.23a Limited use.**

"Limited use" means the use of processed olives in the production of packaged olives of the halved, segmented (wedged), sliced, or chopped styles, as defined in the U.S. Standards for Grades of Canned Ripe Olives (7 CFR Part 52) or subsequent amendments thereto, including modifications of the requirements for such styles pursuant to this part, and such additional styles (and the requirements applicable thereto) as may be specified pursuant to § 932.52(a)(7).

5. Section 932.25 is revised to read:

**§ 932.25 Establishment and membership.**

A California Olive Committee consisting of 16 members, is hereby established to administer the terms and provisions of this part. Each member shall have an alternate who meets the same qualifications as the member. Eight of the members and their alternates shall be producers or officers or employees of producers, and eight of the members and their alternates shall be handlers or directors, officers, or employees of handlers. The eight members of the committee who are producers or officers or employees of producers are referred to in this subpart as "producer members" of the committee; and the eight members of the committee who are handlers or directors, officers, or employees of handlers are referred to in this subpart as "handler members" of the committee. The committee may be increased by one public member who shall not be a producer or handler of olives nor an officer or employee or director of any producer or handler of olives. District representation of the producer members shall be two from District 1, four from District 2, and two from District 3. Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers", and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers": *Provided,* That whenever during the crop year in which nominations are made and in the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers, allocation shall be five members to represent the group which so handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The public member and alternate public member shall be selected from any place within the area. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

6. Section 932.28 is revised to read:

**§ 932.28 Eligibility.**

Each producer member of the committee shall, at the time of selection and during the member's term of office, be a producer in the district for which selected, and except for producers who are members of cooperative handlers shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee. Each handler member of the committee shall, at the time of selection and during the member's term of office, be a handler in the group that the member represents or a director, officer, or employee of such handler. The public member and alternate public member of the committee shall not at the time of selection and during the term of office be engaged in or have a financial interest in the commercial production, marketing, buying, grading, or processing of olives, nor shall such member or alternate be an officer, director, member, or employee of any firm engaged in such activities.

7. Section 932.29 is amended by revising paragraph (a) and adding a new paragraph (c) to read:

**§ 932.29 Nominations.**

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, may be conducted according to the following procedures, or other procedures recommended by the committee and approved by the Secretary:

(i) Meeting shall be held in each producer district for the purpose of selecting candidates for the member and alternate member nominations;

(ii) Those candidates selected at the producer meetings shall be nominated by mail balloting of producers in that district;

(iii) The committee shall adopt, with approval of the Secretary, appropriate procedures to be observed for conducting producer nominations by mail: *Provided,* That the names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made.

(2) Only producers, including duly authorized officers or employees of producers, shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which the producer produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, such producer shall select the district in which such producer will so participate and notify the committee of such choice.

* * * * *

(C) *Public member.* Nominations for the public member and alternate public member of the committee shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe procedures for the selection and voting for each candidate.

8. Section 932.30 is revised to read:

**§ 932.30 Alternates.**

An alternate for a member of the committee shall act in the place and stead of such member (a) during such member's absence, and (b) in the event of such member's removal, resignation, disqualification or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members. The committee or the chairman of the committee may request one or more alternates to attend any or all meetings notwithstanding the expected or actual attendance of the respective member or members.

9. Section 932.35 is amended by revising paragraphs (g) and (h) to read:

**§ 932.35 Duties.**

The committee shall have, among others, the following duties:

* * * * *

(g) To submit to the Secretary, prior to the beginning of each fiscal year and not later than December 15, a budget of the anticipated expenses of the committee and the proposed assessment rate for such fiscal year, together with a report thereon.

(h) To cause the books of the committee to be audited by one or more certified public accountants at least once each fiscal year, and at such other times as the committee may deem necessary or as the Secretary may request. The report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit report shall be submitted to the Secretary.

* * * * *

10. Section 932.36 is revised to read:

**§ 932.36 Procedure.**

Decisions of the committee shall be by majority vote of the members present and voting, and a quorum must be present: *Provided,* That decisions requiring a recommendation to the Secretary on matters pertaining to grade and size regulations shall require at least 10 affirmative votes, at least 5 of which must be from producer members and at least 5 of which must be from handler members and, if the committee is increased by the addition of a public member, at least 11 affirmative votes shall be required, at least 5 of which must be from producer members and at least 5 of which must be from handler members. A quorum shall consist of at least 10 members of whom at least 5 shall be producer members and at least 5 shall be handler members and, if the committee is increased by the addition of a public member, a quorum shall consist of at least 11 members of which at least 5 shall be producer members and at least 5 shall be handler members. Except in case of an emergency, a minimum of 5 days advance notice shall be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When voted on by such method, at least 14 affirmative votes, of which seven shall be producer member votes and seven shall be handler member votes, shall be required for adoption and, if the committee is increased by the addition of a public member, votes by mail or telegram shall require at least 15 affirmative votes, of which at least 7 shall be producer member votes and at least 7 shall be handler member votes. The committee may recommend for the Secretary's approval changes in the number of affirmative votes required for adoption of any proposition voted upon by means of a mail or telegram ballot: *Provided,* That the number of affirmative votes required for adoption shall not be less than ten, and in any case an equal number of producer member and handler member votes shall be required for adoption and, if the committee is increased by the addition of a public member, the number of affirmative votes required for adoption shall be increased by one.

11. Section 932.37 is revised to read:

**§ 932.37 Compensation and expenses.**

The members of the committee and alternates when acting as members or at the request of the committee or its chairman shall serve without compensation, but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part.

12. Section 932.39 is amended by revising paragraphs (a) and (b) and adding a new paragraph (c) to read:

**§ 932.39 Assessments.**

(a) As the handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during the current crop year shall pay to the committee, upon demand, assessments on all olives to be used in the production of packaged olives, including "olives to be used in canned ripe olives of the tree-ripened" type or green olives when such are regulated as packaged olives pursuant to § 932.52. The payment of assessments for maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such handler during a fiscal year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all olives handled during the applicable crop year. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

(c) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest and late payment charge shall be as recommended by the committee and approved by the Secretary. Subsequent to such approval, all assessments not paid within the prescribed period of time shall be subject to an interest or late payment charge or both.

13. Section 932.40 is amended by revising paragraph (a) to read:

**§ 932.40 Accounting.**

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve as provided in paragraph (a)(2) of this section, the committee shall refund or credit to handler accounts the aforesaid excess. Each handler's share of such excess funds shall be the amount of assessments such handler has paid in excess of such handler's pro rata share of the actual net expenses of the committee for such fiscal year. Excess funds may be used temporarily by the committee to defray expenses of the subsequent fiscal year: *Provided,* That each handler's share of such excess shall be made available to the handler by the committee within five months after the end of the fiscal year.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal years as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal year's expenses. Such reserve funds may be used for any expenses authorized pursuant to § 932.38 and for necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

14. Section 932.45 is amended by revising paragraphs (d) introductory text and (e) to read:

**§ 932.45 Production research and marketing research and development projects.**

* * * * *

(d) If the committee should conclude that a program of production research, marketing research, or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary:

* * * * *

(e) The committee shall, as soon as practicable, prepare and mail reports on current production research and marketing research and development projects to the Secretary and make a copy of such reports available at the committee office for examination by producers, handlers, or other interested parties.

15. Section 932.50 is amended by revising the first sentence to read:

**§ 932.50 Report of marketing policy.**

At least 14 days prior to the start of each crop year (except that this period may be shortened by the committee not more than 5 days if warranted), the committee shall hold a meeting for the purpose of formulating a marketing policy for the coming crop year: *Provided,* That with respect to the 1982–83 crop year the committee shall hold a meeting for such purpose as soon as practicable. * * *

16. Section 932.51 is amended by revising paragraph (a)(1)(ii); redesignating paragraphs (a)(2), (a)(3), and (a)(4) as paragraphs (a)(3), (a)(4), and (a)(5), respectively, adding a new paragraph (a)(2); and revising redesignated paragraphs (a)(4)and (a)(5) as follows:

**§ 932.51 Incoming regulations.**

(a) Minimum standards for natural condition olives.

(1) * * *

(i) * * *

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in the U.S. Standards for Grades of Canned Ripe Olives (7 CFR Part 52) or subsequent amendments thereto, or such sizes as may be recommended by the committee and established by the Secretary: *Provided,* That, for the purpose of this part, the size designations in said standards shall be deemed to include the following additional size designations.

| Designation(s) | Approximate count (per lb.) | Average count range (per lb.) |
|---|---|---|
| Subpetite | | 181 and up. |
| Petite | 160 | 141–180, inclusive. |
| Extra Large Sevillano "L". | 82 | 76–88, inclusive. |
| Extra Large Sevillano "C". | 70 | 65–75, inclusive. |

*Provided Further,* That the additional size designations may be renamed and/or modified as recommended by the committee and approved by the Secretary. Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation the quantity of olives classifed as culls by the handler: *Provided,* That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls", the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

(2) Each handler may satisfy the incoming and outgoing size requirements for any lot of olives under the conditions set forth in subdivisions (i), (ii), and (iii) of this paragraph: *Provided,* That any such lot shall be kept intact under surveillance by the inspection services:

(i) When the Secretary authorizes use of limited size olives for limited use styles during any crop year, any lot of limited use size olives may be used in the production of packaged olives for limited use styles without an outgoing inspection if such olives are within the following average count range for that variety group, and meet such further size requirements as recommended by the committee with the approval of the Secretary:

| Variety | Average count range (per lb.) |
|---|---|
| Group 1, except Ascolano, Barouni, and St. Agostino. | 76–88, inclusive. |
| Group 1, Ascolano, Barouni, and St. Agostiono. | 89–140, inclusive. |
| Group 2, except Obliza | 141–180, inclusive. |
| Group 2, Obliza | 128–140, inclusive. |

*Provided,* That the varietal groupings and/or average count ranges may be changed, and additional size certification procedures and requirements may be established as recommended by the committee and approved by the Secretary;

(ii) When limited use size olives are not authorized for limited use styles during any crop year, any lot of the minimum canning size olives may be used in the production of packaged olives for limited use styles without an outgoing inspection for size if such olives are within the following average count range for that variety group, and meet such further size requirements as recommended by the committee with approval of the Secretary:

| Variety | Average count range (per lb.) |
|---|---|
| Group 1, except Ascolano, Barouni, and St. Agostino. | 65–75, inclusive. |
| Group 1, Ascolano, Barouni, and St. Agostino. | 65–88, inclusive. |
| Group 2, except Obliza | 128–140, inclusive. |
| Group 2, Obliza | 106–121, inclusive. |

*Provided,* That for whole and whole pitted styles of olives an additional size grading is required after processing, prior to canning, and those olives that fail to meet the requirements in § 932.52 may be used in limited use styles. *Provided Further,* That the varietal groupings, average count ranges, and/or other size requirements may be changed or modified as recommended by the committee and approved by the Secretary;

(iii) The committee may recommend, subject to approval by the Secretary, size certification procedures for olives used in the production of canned whole or pitted styles of olives: *Provided,* That if size certification for canned whole or pitted styles is implemented, marketing order sizes shall be adopted and size requirements in the U.S. Grade Standards shall not apply. Size certification of such styles shall be applicable to any or all sizes of olives recommended by the committee and approved by the Secretary pursuant to § 932.52(a)(2). Size certification procedures recommended to the Secretary may include but are not limited to the establishment of average count ranges, acceptable count ranges, and approximate counts (midpoints) for each variety or variety group.

(3) Each handler shall, under the supervision of any such inspection service, dispose of into noncanning use an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, of a size which individually weigh less than $\frac{1}{80}$ pounds;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties of a size which individually weigh less than $\frac{1}{140}$ pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which individually weigh less than $\frac{1}{180}$ pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which individually weigh less than $\frac{1}{140}$ pound;

(v) Such other sizes for the foregoing variety groups as are not authorized for limited use pursuant to § 932.52; and

(vi) Olives classified as culls.

(4) Notwithstanding the provisions of paragraph (a)(3) of this section, a handler may (i) meet any deficit in such handler's undersize obligation in one variety by disposing of, under supervision of the inspection service, as other than canned ripe olives, and equal quantity of undersize olives, or any other variety, or by so disposing of an equal quantity of olives of that or any other variety of sizes larger than undersize of a quality better than culls, and (ii) meet any deficit in such handler's cull obligation in one variety by so disposing of an equal quantity of cull olives of any other variety, or by so disposing of an equal quantity of olives of any variety of sizes larger than undersize of a quality better than culls.

(5) Each handler shall hold at all times a quantity of olives equal to the quantities required in paragraph (a)(3) of this section, less any quantity previously disposed of as specified in such subparagraph.

* * * * *

17. Section 932.52 is amended by revising paragraphs (a)(1), (a)(2), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3) introductory text, (a)(6), and paragraphs (b)(1) and (b)(2) to read:

**§ 932.52 Outgoing regulations.**

(a) Minimum standards for packaged olives. * * *

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C as such grade is defined in the U.S. Standards for Grades of Canned Ripe Olives (7 CFR Part 52) or subsequent amendments thereto, or as modified by the committee, with approval of the Secretary, for purposes of this part.

(2) Except as provided in § 932.51(a)(1) and (2), canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the single size designations set forth in the U.S. Standards for Grades of Canned Ripe Olives (7 CFR Part 52) or subsequent amendments thereto, or as modified by the committee, with the approval of the Secretary, and shall be of a size not smaller than the following applicable size requirements, tolerances and percentage: *Provided,* That the Secretary, on the basis of a recommendation of the committee or other available information, may change such sizes, tolerances or percentages:

(i) With respect to variety group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, the individual fruits shall each weigh not less than $\frac{1}{75}$ pound, except that (a) for olives of the extra large size designation, not more than 25 percent, by count, of such olives may weigh less than $\frac{1}{75}$ pound each including not more than 10 percent, by count, of such olives that weigh less than $\frac{1}{82}$ pound each; and (b) for olives of any designation except the extra large size, not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{75}$ pound each;

(ii) With respect to variety group 1 olives of the Ascolano, Barouni and St. Agostino varieties, the individual fruits shall each weigh not less than $\frac{1}{88}$ pound except that (a) for olives of the extra large size designation, not more than 25 percent, by count, of such olives may weigh less than $\frac{1}{88}$ pound each including not more than 10 percent, by count, of such olives that weigh less than $\frac{1}{98}$ pound each, and (b) for olives of any size designation, except the extra large size, not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{88}$ pound each;

(iii) With respect to variety group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than $\frac{1}{140}$ pound except that (a) for olives of the small size designation, not more than 35 percent, by count, of such olives may weigh less than $\frac{1}{140}$ pound each including not more than 7 percent, by count, of such olives that weigh less than $\frac{1}{160}$ pound each; and (b) for olives of any size designation, except the small size, not more than 5 percent, by count, of such olives may weigh less than $\frac{1}{140}$ pound each; and

(iv) * * *

(3) Subject to the provisions set forth in paragraph (a)(4) of this section and § 932.51(a) (1) and (2), processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same

requirements as prescribed pursuant to paragraph (a)(2) of this section: *Provided,* That olives smaller than those so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use but any such limited use size olives so used shall be not smaller than the following applicable minimum size: *Provided further,* That each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary.

* * * * *

(4) * * *

(5) * * *

(6) The size designations used in this section mean the size designations described in (a)(1)(ii) of § 932.51.

(7) * * *

(b) Disposition requirements for limited use size olives.

(1) The requirements of this paragraph are in addition to and not in substitution of the requirements of § 932.51(a)(5).

(2) Each handler shall, under the supervision of the Processed Products Branch, USDA, or the Federal or Federal-State Inspection Service, dispose of limited use size olives into limited use or into noncanning use: *Provided,* That whenever a handler's use of limited use size olives is restricted pursuant to § 932.52(a)(4), such handler shall dispose of into noncanning use that quantity of such limited use size olives which is in excess of the quantity permitted for limited use.

(3) * * *

(4) * * *

18. Section 932.53 is revised by amending paragraph (a) to read:

**§ 932.53 Inspection and certification.**

(a) Each handler shall have the olives such handler handles inspected and certified as for conformance with all applicable requirements pursuant to §§ 932.51 and 932.52 with respect to such handling. Inspection and certification for conformance with the requirements of § 932.51 shall be by the Federal or Federal-State Inspection Service, including certification as to size, and inspection for conformance with the requirements of § 932.52 shall be by the Processed Products Branch, USDA, except that the disposition of olives, other than as canned ripe olives, in accordance with the requirements of § 932.51(a)(3) may be under the supervision of any of such inspection services. A copy of each certification by the said inspection services, pursuant to the provisions of this section, shall be furnished to the committee.

* * * * *

**§ 932.54 [Amended]**

19. Section 932.54 is amended by removing "932.51(a)(2)" and substituting "932.51(a)(3)" in lieu thereof.

20. Section 932.68 is amended by revising paragraph (c) and removing paragraph (d) to read:

**§ 932.68 Termination.**

* * * * *

(c) The Secretary shall terminate the provisions of this subpart at the end of any crop year whenever the Secretary finds that such termination is favored by a majority of producers who, during a representative period determined by the Secretary, have been engaged in the area in the production of olives for market as packaged olives: *Provided* That such majority have during such representative period produced for market more than 50 percent of the volume of such olives produced for market, but such termination shall be effective only if announced on or before July 15 of the then current crop year.

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## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

## 27 CFR Part 240

**[Notice No. 413]**

## Materials and Processes for the Production and Treatment of Wine, Juice, and Distilling Material

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) proposes to amend the regulations pertaining to materials and processes which are authorized for use in the production and treatment of standard wine, juice, and distilling material. These amendments would update the listings of authorized materials and processes and would amend the procedure for making additions and other changes.

**DATE:** Comments must be received on or before August 17, 1982.

**ADDRESS:** Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 413).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Breen, Rulings Branch, 202-566-7532.

**SUPPLEMENTARY INFORMATION:**

### Background

For nearly fifty years, ATF and its predecessors in the Internal Revenue Service have regulated the use of materials and processes in the production and treatment of wine. A list of authorized treating materials first appeared at 26 CFR 240.529 in December 1954. In July 1960, this list was expanded into a separate subpart, Subpart ZZ, now at 27 CFR 240.1051. A notice procedure, amplified by ATF Proc. 77-1, 1977 C.B. 198, is provided in 27 CFR 240.1052 to enable interested winemakers to apply for the use of new treating materials and processes.

The last significant update of the list prescribed in 27 CFR 240.1051 was effected by Treasury Decision ATF-3, dated March 13, 1973. With the exception of activated carbon which was addressed specifically in Treasury Decision ATF-83, dated May 8, 1981, treating materials and processes which have been approved since March 13, 1973, have been acknowledged by private letter rulings and formal ATF rulings.

There are approximately 110 treating materials and processes listed in 27 CFR 240.1051 and ATF Rul. 79-12 (1979-2 ATF Q.B. 6). Since publication of ATF Rul. 79-12 in June 1979, the Bureau had received approximately 30 applications from winemakers either for new treating materials and processes or for increased usage levels for previously approved treating materials and processes. ATF has issued private letter rulings either granting or denying approval of the proposed treating materials, processes, or usage levels. In most instances where a proprietor's notice has received approval, the Bureau subsequently has issued a formal ATF ruling.

This notice results from ATF's recognition of (1) a need to update the list of wine treating materials and processes and (2) the need for a more formal public process for approving or disapproving applications for wine treating materials and processes.

Most of the treating materials and all the processes currently authorized are listed in the proposed revision of 27 CFR 240.1051 and newly proposed §§ 240.1051a and 240.1051b. ATF proposes to delete certain materials which are no longer in use in the production and treatment of standard wine as well as those materials which over the years have been listed in 27 CFR 240.1051 but which do not have application in standard wine. In addition, pursuant to section 5382(c) of the Internal Revenue Code of 1954, as

amended, ATF proposes the deletion of sodium compounds since the use of such materials is no longer considered to be acceptable in good commercial practice.

With respect to the remaining treating materials, ATF proposes to delete all references by brand names and to relist the materials by component ingredients under generic designation. The following is a summary of the materials proposed for deletion and a brief explanation of the proposed action:

| Material | Use | Reason(s) for proposed action |
|---|---|---|
| Acetic acid | To correct natural deficiencies in grape wine | Used in flavored wine only; use authorized by submission and approval of a formula. |
| Acidex | To reduce excess natural acidity in wine | Brand name—now listed under component ingredients by generic designations. |
| Actiferm (Roviferm) | Fermentation adjunct | Brand name—no longer manufactured. |
| Aferrin | To reduce trace metals from wine | Brand name—no longer manufactured. |
| Albumen (egg white) | Fining agent for wine | Albumen may continue to be used (See 27 CFR 240.1051) but may not be prepared in a brine (sodium) solution. |
| AMA special gelatine solution | To clarify wine | Brand name—now listed under component ingredients by generic designations. |
| Amber ByF and/or Ambarex 1003 | Yeast nutrient in fermentation of grape and fruit wine | Brand name—now listed under component ingredients by generic designations. |
| Antifoam "A"; Antifoam AF emulsion; Antifoam C | Defoaming agent in production of wine | Brand name—now listed under component ingredients by generic designations. |
| Atmos 300 | Antifoaming agent | Brand name—now listed under component ingredients by generic designations. |
| Bentonite compound (Bentonite, activated carbon, and copper sulphate). | To clarify and to stabilize wine | Component ingredients listed separately in 27 CFR 240.1051. |
| Benzoic acid | To preserve wine | Ineffective treating material for intended use. |
| Bone charcoal | To clarify wine | Obsolete term. |
| Carbon | To clarify and to purify wine | Obsolete term. |
| Clari/Preme | To clarify and to stabilize wine | Brand name—no longer manufactured. |
| Cold Mix Sparkolloid | To clarify unfermented juice and/or wine | Brand name—now listed under component ingredients by generic designations. |
| Combustion product gas | To maintain pressure during filtering and bottling of sparkling wines. | Obsolete term. |
| Compressed air | Aeration of sherry wine | Listed in 27 CFR 240.1051 under "Oxygen." |
| Cufex | To remove trace metal from wine | Brand name—now listed under component ingredients by generic designations. |
| Diammonium monohydrogen phosphate | In honey wine production, the amount used shall not exceed 0.15 gram per 100 mls. of wine. | Use in honey wine, i.e., agricultural wine, covered by formula approval. Use covered by reference to "ammonium phosphate" in 27 CFR 240.1051. |
| Egg yolk | To clarify wine | Used in flavored wine; use authorized by submission and approval of a formula. |
| Fermcozyme Vin | To clarify and to stabilize wine | Brand name—now listed under component ingredients by generic designations. |
| Fermcozyme Vin XX | To clarify and to stabilize wine | Brand name—now listed under component ingredients by generic designations. |
| Ferrix | To remove trace metal from wine | Brand name—no longer manufactured. |
| Freon (C-318 octafluorocyclobutane) | Propellant in aerosol containers of vermouth | Not in use in winemaking. |
| Fulgur (aluminum silicate and albumen) | To clarify wine | Brand name—no longer in use in winemaking. |
| Klerzyme H. T. | To clarify and to stabilize wine and to facilitate separation of fruit from juice. | Brand name—now listed under component ingredients by generic designations. |
| Koldone | A fining agent for cold stabilization and/or acid reduction. | Brand name—now listed under component ingredients by generic designations. |
| Metafine | To remove trace metal from wine | Brand name—now listed under component ingredients by generic designations. |
| Promine-D | To clarify and to stabilize wine | Brand name—no longer manufactured. |
| Protovac PV-7916 | To clarify wine | Brand name—no longer manufactured. |
| Ridex-High | To stabilize wine | Brand name—no longer manufactured. |
| Sodium benzoate | To preserve wine | Sodium compound. |
| Sodium bisulfite | As a sterilizing or preserving agent | Sodium compound. |
| Sodium carbonate | To reduce excess natural acidity in wine | Sodium compound. |
| Sodium caseinate | To clarify wine | Sodium compound. |
| Sodium citrate | pH control agent and sequestrant in treatment of citrus wines. | Sodium compound. |
| | pH control and smoothing agent in grape wines | Sodium compound. |
| Sodium isoascorbate (sodium erythorbate) | Antioxidant | Sodium compound. |
| Sodium metabisulphite | Sterlizing and preserving wine | Sodium compound. |
| Sodium sorbate | As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations. | Sodium compound. |
| Sparkolloid No. 1 | To clarify wine | Brand name—now listed under component ingredients by generic designations. |
| Sparkolloid No. 2 | To clarify wine | Brand name—now listed under component ingredients by generic designations. |
| Sulfex | To remove objectionable levels of sulfide and mercaptans from wine. | Brand name—now listed under component ingredients by generic designations. |
| Takamine cellulase 4,000 | To clarify wine | Brand name—now listed under component ingredients by generic designations. |
| Tansul clays Nos. 7, 710, and 711 | To clarify wine | Obsolete term. |
| Tartaric acid | To increase the acidity of honey wine | Erroneous approval. No justification for use in honey wine. |
| Uni-Loid type 43 B (pure U.S.P. agar-agar and standard supercel). | To clarify and to stabilize wine | Brand name—now listed under component ingredients by generic designations. |
| Veltol (maltol) | As a stabilizing and smoothing agent | Used in flavored wine; use authorized by submission and approval of a formula. |
| Veltol Plus (Ethyl maltol) | For smoothing and stabilizing wine | Used in flavored wine; use authorized by submission and approval of a formula. |
| Wine clarifier (containing agar-agar and standard supercel). | To clarify wine | Brand name—no longer manufactured. |
| Wine clarifier (Clari-Vine B) (containing locust bean gum, carrageen, alginate, bentonite, agar-agar, and diatomaceous earth). | To clarify wine | Brand name—no longer manufactured. |
| Yeastex | To facilitate fermentation | Brand name—no longer manufactured. |

| Material | Use | Reason(s) for proposed action |
|---|---|---|
| Yeastex 61 | To facilitate fermentation | Brand name—now listed under component ingredients by generic designations. |

In addition to revision of the listings of wine treating materials and processes, ATF proposes to amend 27 CFR 240.361, 240.365, 240.401 and 240.405, to provide for the addition of water in the rehydration of dry activated yeast and to revise 27 CFR 240.361 and 240.365 to provide for the use of patented strains of malo-lactic bacteria in the production of wine.

Under the Internal Revenue Code of 1954, as amended (26/U.S.C. 5382(a), 5385(b), 5386(b), and 5387(a)), proper cellar treatment of standard wine constitutes those practices and procedures in the United States and elsewhere, whether historical or newly developed, of using various methods and materials to correct or to stabilize the wine so as to produce a finished product acceptable in good commercial practice.

Section 5382(c) authorizes the Secretary of the Treasury to prescribe regulations limiting the preparation and use of clarifying, stabilizing, preserving, fermenting, and corrective methods or materials, to the extent that such preparation or use is not acceptable in "*good commercial practice.*" AFT is particularly interested in comments on whether the materials and processes proposed for listing in amended regulations should be considered as acceptable in good commercial practice.

The Bureau will study the comments submitted in response to this notice to determine what materials and processes constitute "*good commercial practice*" in the production and treatment of standard wine in the United States. Although this notice proposes the specific terms and substance of the amendments to the regulations, we invite comments as to any modifications which should be made prior to final adoption.

The proposed regulatory changes in Subpart ZZ represent materials and processes which are presently authorized under 27 CFR 240.1051, ATF Rul. 79–12, 1979–2 ATF Q.B. 6, ATF Rul. 80–2, 1980–1 ATF Q.B. 17, ATF Rul. 81–5, 1981–3 ATF Q.B. 75, AFT Rul. 81–9, 1981–4 ATF Q.B. 25, and ATF Rul. 82–1, 1982–1 ATF Q.B. 16, as well as several unpublished private letter rulings.

### Compliance with Executive Order 12291

It has been determined that this proposed regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it 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 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 import markets.

### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

### Disclosure of Comments

Comments on this notice may be inspected in the ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, 12th and Pennsylvania Avenue, NW; Washington, DC, during normal business hours.

ATF will not recognize comments or data as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

### Drafting Information

The principal author of this document is Specialist Michael J. Breen of the Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms. Chemist Randolph H. Dyer, Inspector Richard M. Gahagan, and International Relations Advisor Gale Guinand, of the Bureau of Alcohol, Tobacco and Firearms, have provided significant chemical, technical, and enological assistance in the preparation of this document. Personnel from other offices of the Bureau also participated in developing this notice, both in matters of substance and style. The GRAS Review Branch of the United States Food and Drug Administration (USFDA) has provided a preliminary review of the references to Title 21, Code of Federal Regulations, Parts 172, 173, 182, and 184 and has furnished ATF with the dates of USFDA advisory letters for unpublished GRAS ingredients.

### List of Subjects in 27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic funds transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Warehouses, Wine and vinegar.

## PART 240—WINE

Accordingly, under the authority in 26 U.S.C. 5382 (72 Stat. 1383, as amended) and 26 U.S.C. 7805 (68A Stat. 917, as amended), the Director proposes the following amendments:

**Paragraph 1.** The table of contents in 27 CFR Part 240, Subpart ZZ is amended to add two new sections, §§ 240.1051a and 240.1051b, and to revise the subpart heading, and the headings of §§ 240.1051 and 240.1052 as follows:

* * * * *

**Subpart ZZ—Materials and Processes Authorized for Treatment of Wine, Juice, and Distilling Material**

Sec.

240.1051 Materials authorized for treatment of wine and juice.
240.1051a Materials authorized for treatment of distilling material.
240.1051b Processes authorized for treatment of wine, juice, and distilling material.
240.1052 Petition for use of new treating material or process.

## Subpart P—Production and Treatment of Natural Grape Wine

**Par. 2.** Section 240.361 is amended to provide for the addition of water to dry activated yeast and for the use of malo-lactic bacteria. Section 240.361 is amended by revising paragraph (b) and redesignating paragraph (c) and new paragraph (d) and by adding a new paragraph (c) to read as follows:

**§ 240.361 Materials.**

* * * * *

(b) Yeast or east cultures grown in grape juice, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the increase in volume of the juice may not exceed 0.26 percent by volume;

(c) Patented strains of malo-lactic bacteria; and,

(d) Yeast nutrients, sterilizing agents, or other fermentation adjuncts under the provisions of subpart ZZ of this part.

(72 Stat. 1383, 1384; 26 U.S.C. 5381, 5382, 5383)

**Par. 3.** Section 240.365 is amended to provide for the addition of water to dry activated yeast and for the use of malo-lactic bacteria. Section 240.365 is amended by revising paragraph (a) and redesignating paragraph (b) as new paragraph (c) and adding new paragraph (b) to read as follows:

**§ 240.365 Materials.**

* * * * *

(a) Yeast or yeast cultures grown in grape juice, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the increase in volume of the juice may not exceed 0.26 percent by volume;

(b) Patented strains of malo-lactic bacteria; and,

(c) Yeast nutrients, sterilizing agents, or other fermentation adjuncts under the provisions of Subpart ZZ of this part.

(72 Stat. 1384; 26 U.S.C. 5383)

## Subpart Q—Production and Treatment of Natural Fruit Wine

**Par. 4.** Section 240.401 is amended to provide for the addition of water to dry activated yeast. Section 240.401 is amended by revising paragraph (a) to read as follows:

**§ 240.401 Materials.**

* * * * *

(a) Yeast or yeast cultures grown in juice of the same kind of fruit, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the increase in volume of the juice may not exceed 0.26 percent by volume; and,

* * * * *

**Par. 5.** Section 240.405 is amended to provide for the addition of water to dry activated yeast. Section 240.405 is amended by revising paragraph (a) to read as follows:

**§ 240.405 Materials.**

* * * * *

(a) Yeast or yeast cultures grown in juice of the same kind of fruit, to any extent desired, provided that where dry activated yeast has been rehydrated by the addition of water, the increase in volume of the juice may not exceed 0.26 percent by volume; and,

* * * * *

**Par. 6.** The title and text of § 240.1051 is revised to read as follows:

**§ 240.1051 Materials authorized for treatment of standard wine and juice.**

The materials listed in this section are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of standard wine, and where applicable in the treatment of juice, within the general limitations of § 240.524 or the specific limitations in this section: *Provided,* (1) that when any approved material on this list is determined to be unacceptable for use in foods and beverages by the U.S. Food and Drug Administration, the Director may cancel the approval for use in the production, cellar treatment, or finishing of standard wine; and (2) that where water is added to facilitate the solution of a material, the volume of water added by means of a water-based slurry, used singly or in combination with other water-based slurries, must not total more than 1% of the volume of wine and/or juice so treated.

| Materials | Use | Reference of limitation |
|---|---|---|
| Acacia (gum arabic) | To clarify and to stabilize wine | The amount used shall not exceed 0.024 gm per 100 ml of wine. 21 CFR 184.1330 (GRAS). |
| Activated carbon | To assist precipitation during fermentation | 27 CFR 240.361, 240.365, 240.401, 240.405. GRAS per USFDA advisory opinion of 1/26/79. |
| | To clarify and to purify wine | The amount used to clarify and to purify wine shall be included in the total amount of activated carbon used to remove excessive color in wine. 27 CFR 240.524, 240.527 and 240.527a (GRAS). |
| | To remove excessive color in white wine | The amount used shall not exceed 0.108 gram per 100 mls of wine. If the amount used exceeds 0.018 gram per 100 mls, a notice is required pursuant to 27 CFR 240.527a (GRAS). |
| | To remove excessive color in pale dry sherry or cocktail sherry. | The amount used shall not exceed 0.3 gram per 100 mls of wine. 27 CFR 240.527 (GRAS). |
| | To reduce color in the juice obtained from the crushing of red and black grapes. | The amount used to reduce color must not exceed 0.048 gram per 100 mls of juice. Wine made from juice so treated shall have a total color of not more than 95% transmittance of AOAC Method 11.003–11.004 (13th Ed.) |
| Agar-agar (with or without carrageenan) | To filter and to clarify wine | 21 CFR 172.620 and 182.7115 (GRAS); 27 CFR 240.528 |
| Albumen (egg white) | Fining agent for wine | (GRAS). |
| Ammonium carbonate | Yeast nutrient to facilitate fermentation in wine and to reduce the excess natural acids in high acid wine. | The natural fixed acids shall not be reduced below 5 parts per thousand. The amount used shall not exceed 0.024 gram per 100 mls of wine. 21 CFR 182.1137 and 184.1137 (GRAS). |
| Ammonium hydroxide | To adjust pH of water to dissolve casein for slurry preparation. | Ammonia must be completely removed from the casein solution prior to its addition to wine. 21 CFR 182.1139. |
| Ammonium phosphate (mono- and dibasic) | Yeast nutrient in wine production and to start secondary fermentation in the production of champagne and sparkling wines. | As a yeast nutrient in wine production, the amount shall not exceed 0.020 gram per 100 mls. In the production of champagne and sparkling wines, the amount used shall not exceed 0.1 gram per 100 mls of wine. 21 CFR 182.1141 (GRAS). |
| Anti-foaming and defoaming agents: (polyoxyethylene-40-monostearate and silicon dioxide), (sorbic acid, sodium carboxymethyl cellulose, dimethyl polysiloxane, polyoxyethylene (40) monostearate, and sorbitan monosterate). | To control foaming | Anti-foaming and defoaming agents which are 100 percent active may be used in amounts not exceeding 0.0018 gram per 100 ml of wine. Anti-foaming and defoaming agents which are 30 percent active may be used in amounts not exceeding 0.006 gm per 100 ml of wine. Silicon dioxide shall be completely removed by filtration. The amount of silicone remaining in the wine shall not exceed 10 parts per million and no soluble residue in excess of 25 parts per million shall remain in the wine. 21 CFR 173.340, 182.1745, 182.3089, 184.1089, and 184.1745 (GRAS). |

| Materials | Use | Reference of limitation |
|---|---|---|
| Ascorbic acid, iso-ascorbic acid (erythorbic acid) | To prevent darkening of color and deterioration of flavor in wines and wine materials, and the overoxidation of other wines. | May be added to fruit, grapes, berries, and other materials used in wine production, to the juice of such materials, or to the wine, within limitations which do not alter the class or type of the wine. 21 CFR 182.3013 and 182.3041 (GRAS). |
| Autolyzed yeast | Yeast nutrient to facilitate fermentation in the production of grape or fruit wine. | 21 CFR 172.896, 184.1983. GRAS per USFDA advisory opinion of 10/06/59. |
| Bentonite (Wyoming Clay) | To clarify wine | 21 CFR 182.1155 and 184.1155 (GRAS). |
| Calcium carbonate (with or without calcium salts of tartaric and malic acids). | To reduce the excess natural acids in high acid wine | The natural or fixed acids shall not be reduced below 5 parts per thousand. 21 CFR 182.119 and 184.1191 (GRAS). |
| | A fining agent for cold stabilization | The amount used shall not exceed 0.36 gram per 100 ml of wine. |
| Calcium sulphate (gypsum) | Yeast nutrient in production of wine and to lower pH in sherry wine. | Finished wine shall not contain more than 0.2 gram of calcium sulphate per 100 milliliters of wine. 27 CFR 240.385. 21 CFR 184.1230 (GRAS). |
| Carbon dioxide | To stabilize and to preserve wine | 27 CFR 240.531 through 240.535. 21 CFR 182.1240 (GRAS). |
| | To maintain counterpressure during the transfer of finished sparkling wines. | The carbon dioxide content of the finished wine shall not be increased by more than 0.009 gram per 100 milliliters during the transfer operation. 27 CFR 240.510. |
| Casein, potassium salt of casein, and milk powder (nonfat dry milk). | To clarify wine | GRAS per USFDA opinions of 2/23/60 and 8/25/61. The amount of milk powder shall not exceed 0.036 gram per 100 mls of wine. 27 CFR 240.528. |
| Cellulose (food grade) | To clarify wine | 27 CFR 240.528; 21 CFR 172.870, 172.872, and 172.874 (GRAS). |
| Citric acid | To increase the acidity of wine | 27 CFR 240.364, 240.404; 21 CFR 182.1033 (GRAS). |
| | To stabilize grape wine | 27 CFR 240.526, 240.539; 21 CFR 182.6033 (GRAS). |
| Copper sulphate | To clarify and to stabilize wine | The quantity of copper sulphate added (calculated as copper) shall not exceed 0.5 part copper per million parts of wine with the residual level of copper not to be in excess of 0.2 part per million. USFDA advisory letter of 7/23/69. |
| Diatomaceous earth (with or without agar-agar, and/or carrageenan). | For filtering and clarifying juice and/or wine | 21 CFR 172.620, 172.870, 172.872, 172.874, and 184.1115. GRAS per USFDA advisory letter of 1/11/63. 27 CFR 240.528. |
| Enzymes Pectolytic | To clarify and to stabilize wine and to facilitate separation of the juice from the fruit. | The pectolytic enzymes used shall be derived from nonpathogenic and nontoxic strains of *Aspergillus niger*. GRAS per USFDA advisory opinion of 2/9/60. |
| Glucose oxidase and catalase | To clarify and to stabilize wine | The enzymes shall be derived from nonpathogenic and nontoxic strains of microorganisms. GRAS per USFDA advisory opinion of 2/9/60. |
| Ferrocyanide compounds (sequestered complexes) | To remove trace metal from wine and to remove objectionable levels of sulfide and mercaptans from wine. | No insoluble or soluble residue in excess of one part per million shall remain in the finished wine and the basic character of the wine shall not be changed by such treatment. USFDA correspondence dated 6/1/59. |
| Ferrous sulphate | To clarify and to stabilize wine | The amount used shall not exceed 0.0022 gm per 100 mls of wine. 21 CFR 182.8315 (GRAS). |
| Fumaric acid | To stabilize grape and fruit wine and to correct natural deficiencies in grape and fruit wine. | The amount used shall not exceed 0.3 gm per 100 mls of wine. The fumaric acid content of the finished wine shall not exceed 0.3 percent. 27 CFR 240.364, 240.404. |
| Gelatin (food grade) | To clarify juice and/or wine | 21 CFR 184.1318 (GRAS). |
| Granular cork | For treatment of wine | This amount used shall not exceed 0.12 gram per 100 mls of wine (GRAS). |
| Hydrogen peroxide | To facilitate secondary fermentation in the production of sparkling wine. | Amount used shall not exceed 3 parts per million. The finished wine shall contain no residual hydrogen peroxide (GRAS). |
| | To remove color from the juice of red and black grapes. | The amount used shall not exceed 500 parts per million. The use of hydrogen peroxide is limited to oxidizing color pigment in the juice of red and black grapes. Wine produced by fermentation of such juice is limited solely to blending with white wines and red wines derived from juice not subjected to such treatment. 27 CFR 182.1366 (GRAS). |
| Isinglass | To clarify wine | (GRAS). |
| Lactic acid | To stabilize wine and to correct natural deficiencies in wine. | 27 CFR 240.364, 240.404, and 240.526; 21 CFR 184.1061 (GRAS). |
| Malic acid | To increase acidity of wine and to correct natural deficiencies. | 27 CFR 240.364, 240.404; 21 CFR 184.1069 (GRAS). |
| Malo-lactic bacteria (patented) | To stabilize wine | Patented strains of the bacteria *Leuconostoc oenos*. 27 CFR 240.361 and 240.365 (GRAS). |
| Mineral oil (white) | On surface of wine in storage tanks to prevent the access of air to the wine. | The oil shall not remain in the finished wine when marketed. 21 CFR 172.878. |
| Nitrogen gas | To maintain pressure during filtering and bottling of sparkling wine and to prevent oxidation of wine. | The gas shall not remain in sparkling or still wine. 21 CFR 182.1540 (GRAS). |
| Oak chips, Charred | To treat Spanish type blending sherry | The finished product, after addition of oak chips, shall have the flavor and color of Spanish type blending sherry commonly obtained by storage of sherry wine in properly treated used charred oak whisky barrels. 21 CFR 172.510. |
| Uncharred and untreated | To treat wines | 21 CFR 172.510. |
| Sawdust, uncharred and untreated | To treat wines | 21 CFR 172.510 |
| Oxygen and compressed air | In baking or maturing wine and aeration of sherry | May be used provided it does not cause changes in the wine other than those occurring during the usual storage in wooden cooperage over a period of time. Application must be filed (GRAS). |
| Parabens (n-alkyl esters of 4/hydroxy-benzoic acid: n-heptyl-, propyl-, and methylparaben. | To preserve wine | Use, separately or in combination with one another, must not exceed 0.1 percent by weight (w/w). Use of n-heptyl-paraben must not exceed 12 parts per million. 21 CFR 172.145, 1,84.1490 and 184.1670 (GRAS). |
| Polyvinyl-polypyrrolidone (PVPP) | To clarify and to stabilize wine | The amount used shall not exceed 0.072 gram per 100 mls of wine. Material shall be removed during filtration. 21 CFR 173.50. |
| Polyvinyl-pyrrolidone (PVP) | To clarify wine | The residual level of PVP in the finished wine will not exceed 60 ppm. 21 CFR 173.55. |
| Potassium bitartrate | Stabilization of grape wine | The amount used shall not exceed 0.048 gram potassium bitartrate per 100 mls of grape wine. 21 CFR 182.1077 (GRAS). |
| Potassium carbonate | To reduce excess natural acidity in wine | The natural or fixed acids shall not be reduced below 5 parts per thousand. 21 CFR 182.1619 and 184.1619 (GRAS). |
| Potassium citrate | pH control agent and sequestrant in treatment of citrus wines. | The amount of potassium citrate shall not exceed 0.3 gram per 100 mls of finished wine. 27 CFR 240.404; 21 CFR 182.1625 and 182.6625 (GRAS). |
| Potassium metabi-sulphite | Sterilizing and preserving wine | The sulfur dioxide content of the finished wine shall not exceed limits prescribed in 27 CFR Part 4. 21 CFR 182.3637 (GRAS). |
| Propylene gylcol | Solvent for parabens | The amount used shall not exceed 40 parts per million in wine. 21 CFR 182.1666 (GRAS). |
| Silica gel (colloidal silicon dioxide—30%) | To clarify wine | The amount used shall not exceed 0.24 gram per 100 mls of wine. Silicon dioxide shall be completely removed by filtration (GRAS). |
| Sorbic acid and potassium salt of sorbic acid | As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations. | Not more than 0.1% (w/w) of sorbic acid or salts thereof shall be used in wine or in materials for the production of wine. 21 CFR 182.3089, 182.3640, 184.1089 and 184.1640 (GRAS). |
| Soy flour (defatted) | Yeast nutrient to facilitate fermentation of wine | The amount used shall not exceed 0.024 gram per 100 mls of wine (GRAS). |
| Sulfur dioxide | Sterilizing and preserving agent in wine | 27 CFR 240.523; 27 CFR Part 4; 21 CFR 182.3862 (GRAS). |
| Tannin | Clarifying grape wine | 27 CFR 240.525 (GRAS). |
| | For the adjustment of the tannin content in apple wine (cider). | The finished apple wine may not contain more than 0.3 gram of tannin per 100 ml of wine (GRAS). |
| Tartaric acid | To increase acidity of grape wine | 27 CFR 240.364; 21 CFR 182.1099 (GRAS). |

| Materials | Use | Reference of limitation |
|---|---|---|
| Urea | Yeast nutrient to facilitate fermentation of wine | GRAS per USFDA opinion of 4/12/61. The amount used shall not exceed 0.024 gram per 100 mls of wine. |

(72 Stat. 1383; 26 U.S.C. 5381, 5382, 5385, 5386, and 5387)

**Par. 8.** A new § 240.1051a is added and reads as follows:

**§ 240.1051a Materials authorized for treatment of distilling material.**

The materials listed in this section are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production and cellar treatment of distilling material within the specific limitations of this section or given in the sections referred to: *Provided,* That when any approved material on this list is determined to be unacceptable for use in foods and beverages by the U.S. Food and Drug Administration, the Director may cancel the approval for use in the production and cellar treatment of distilling material.

| Materials | Use | Reference or limitation |
|---|---|---|
| Ammonium phosphate (mono- and dibasic) | Yeast nutrient in distilling material | As a yeast nutrient in distilling material, the amount shall not exceed 0.12 gram per 100 mls. 21 CFR 182.1141 (GRAS). |
| Amylase enzyme | To convert starches to fermentable carbohydrates | The amylase enzyme shall be derived from nonpathogenic and nontoxic strains of *Aspergillus oryzae.* GRAS per USFDA advisory opinion of 2/9/60. |
| Copper sulphate | To eliminate hydrogen sulfide and mercaptans | Not more than 2 parts per million may be contained in the finished brandy or wine spirits. GRAS per USFDA advisory opinion of 7/23/69. |
| Hydrogen peroxide | To reduce aldehydes in distilling material | The amount used shall not exceed 200 parts per million. 21 CFR 182.1366 (GRAS). |
| Potassium permanganate | Oxidizing agent | The finished brandy or wine spirits produced from distilling material to which potassium permanganate has been added must be free of chemical residue resulting from such treatment. |
| Sodium hydroxide | Acid neutralizing agent | The finished brandy or wine spirits produced from distilling material to which sodium hydroxide has been added must be free of chemical residue resulting from such treatment. 21 CFR 182.1763 and 184.1763 (GRAS). |
| Sulphuric acid | To effect favorable yeast development in distilling material; to prevent fermentation of the sugar in special natural wine being accumulated as distilling material; to lower pH to 2.5 to prevent putrefaction and/or ethyl acetate development. | 27 CFR 240.486; 21 CFR 184.1095 (GRAS.) |

(72 Stat. 1383; 26 U.S.C. 5381, 5382, 5385, 5386, and 5387)

**Par. 9.** A new § 240.1051b is added and reads as follows:

**§ 240.1051b Processes authorized for the treatment of wine, juice, and distilling material.**

The processes listed in this section are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of standard wine, juice, and distilling material, within the general limitations of § 240.524 or the specific limitations shown in this section or given in the sections referred to: *Provided,* That when any approved process on this list is determined to be unacceptable for use in foods and beverages by the U.S. Food and Drug Administration, the Director may cancel the approval for use in the production, cellar treatment, or finishing of standard wine, juice, and distilling material.

| Processes | Use | Reference or limitation |
|---|---|---|
| Ion exchange resins | Various applications in the treatment of wine. | Anion, cation, and non-ionic resins, except those anionic resins in the mineral acid state, may be used in batch or continuous column processes as total or partial treatment of wine, provided that after complete treatment:<br>1. The vinous character of the wine has not been altered.<br>2. The color of the wine has not been reduced to less than that normally contained in such wine.<br>3. The inorganic anions in the wine have not been increased by more than 10 mg. per liter.<br>4. The metallic cation concentration in the wine has not been reduced to less than 300 mg. per liter.<br>5. The natural or fixed acid in grape wine has not been reduced below 4 parts per thousand for red table wines, 3 parts per thousand for white wines, or 2.5 parts per thousand for all other grape wines; and the natural or fixed acid in wine, other than grape wine, has not been reduced below 4.0 parts per thousand.<br>6. The pH of the wine has not been reduced below pH 3 nor increased above pH 4.5.<br>7. The resins used have not imparted to the wine any material or characteristics (incidental to the resin treatment) which may be prohibited under any other section of the regulations in this part. Conditioning and/or regenerating agents consisting of water, fruit acids common to the wine being treated, and inorganic acids, salts and/or bases may be employed, provided the conditioned or regenerated resin is rinsed with water until the resin and container are essentially free from unreacted (excess) conditioning or regenerating agents prior to the introduction of the wine. 21 CFR 173.25 (GRAS). |
| Thin-film evaporation under reduced pressure, e.g., centrifugal film evaporator and vacuum still flashpan. | To reduce the volume of alcohol in wine. | Wine so treated must retain the color, flavor and other vinous characteristics. |

(72 Stat. 1383; 26 U.S.C. 5381, 5382, 5385, 5386, and 5387)

Par. 10. The title and text of § 240.1052 is revised to read as follows:

**§ 240.1052 Petition for use of new treating material or process.**

If the proprietor desires to use a material or process which is not specifically authorized in §§ 240.1051, 240.1051a, 240.1051b, or elsewhere in this part, the proprietor shall file a petition with the regional regulatory administrator of the region in which the bonded winery or bonded wine cellar is located. The petition will include the following: (a) The name and description of the material or process; (b) The purpose, the manner, and the extent to which the material or process is to be used together with any technical bulletin or other pertinent information relative to the material or process; (c) A sample, if a proposed material; (d) Any documentary evidence of the U.S. Food and Drug Administration's approval of the material for its intended purpose in the amounts proposed for the particular treatment contemplated; (e) The test results of any laboratory-scale pilot study conducted by the winemaker in testing the material and an evaluation of the product and of the treatment including the results of tests of the shelf life of the treated wine; (f) A tabulation of pertinent information derived from the testing program conducted by the chemical manufacturer demonstrating the function of the material or process; (g) A list of all chemicals used in compounding the product and the quantity of each component; and, (h) The recommended maximum and minimum amounts, if any, of the material proposed to be used in the treatment and a statement as to whether water is used to prepare a slurry to facilitate the addition of the material. The regional regulatory administrator will forward the petition to the Director. After submission of the petition, a notice of proposed rulemaking (NPRM) will be published to allow winemakers and other interested parties to comment on the proposed material or process. A Treasury decision will be printed in the **Federal Register** if the new treating material or process is approved.

(72 Stat. 1383 (26 U.S.C. 5381, 5382, 5385, 5386, and 5387))

Signed: May 24, 1982.

**Stephen E. Higgins,**

*Acting Director.*

Approved: June 4, 1982.

**John M. Walker, Jr.,**

*Assistant Secretary (Enforcement and Operations).*

[FR Doc. 82-13282 Filed 6-16-82; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Ch. VII

### Availability of Draft Supplemental Environmental Impact Statement and Public Hearings

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

**ACTION:** Notice of availability of draft supplemental environmental impact statement (EIS) and of public hearings.

**SUMMARY:** The Office of Surface Mining (OSM) is making available for public review and comment a draft supplement to OSM-EIS-1. This supplemental EIS would cover those revised rules proposed under Title V of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 *et seq.*, that may or would significantly affect the quality of the human environment or for the impacts of which public controversy exists. OSM will conduct five public hearings and accept written comments on this draft supplemental EIS.

**DATES:** *Comment period.* The comment period for the EIS will extend until 5:00 p.m. (eastern time) on August 25, 1982.

*Public hearings.* The public hearings will be held on the following dates:

July 27, 1982, 9:00 a.m. at Pittsburgh, Pa.
July 28, 1982, 9:00 a.m. at Indianapolis, Ind.
July 29, 1982, 7:00 p.m. at Lexington, Ky.
July 30, 1982, 9:00 a.m. at Denver, Colo.
August 2, 1982, 9:00 a.m. at Washington, D.C.

**ADDRESSES:** *Written comments: Hand-deliver* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 5315 L, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

*Public hearings:* Public hearings will be held at the following locations:

Pittsburgh, Pa.—William S. Moorehead Federal Building, Rooms 2212-2218, 1000 Liberty Avenue (telephone: 414-644-4462).
Lexington, Ky.—Harley Hotel, Ballroom, 2143 North Broadway (telephone: 606-233-7327).
Denver, Colo.—Brooks Towers, Room 2010, 1020 15th Street (telephone: 303-837-5421).
Indianapolis, Ind.—Federal and Courthouse Building, Room 402, 46 East Ohio Street (telephone: 317-269-2600).
Washington, D.C.—Main Interior Building, Auditorium, 18th and C Street, NW., (telephone: 202-343-5854).

*Availability of copies:* Copies are available at the following OSM offices:

Office of Surface Mining, U.S. Department of the Interior, Interior South Building, Room 134, 1951 Constitution Avenue, NW., Washington, DC 20240 (telephone: 202-343-5854).
Office of Surface Mining, U.S. Department of the Interior, Administrative Record, 1100 L Street, NW., Room 5315, Washington, DC 20240 (telephone: 202-343-7896).
Office of Surface Mining, Eastern Technical Service Center, Deputy Administrator's Office, Ten Parkway Center, Pittsburgh, PA 15220 (telephone: 414-644-4462).
Office of Surface Mining, Western Technical Service Center, Administrator's Office, Brooks Towers, 1020 15th Street, Denver, CO 80202 (telephone: 303-837-5421).

**FOR FURTHER INFORMATION CONTACT:** Dr. Mark Boster, Acting Chief, Division of Environmental and Economic Analysis, Office of Surface Mining, Room 134, 1951 Constitution Avenue, NW., Washington, DC 20240 (telephone: 202-343-5854).

**SUPPLEMENTARY INFORMATION:** *Written comments.* Written comments should be as specific as possible. OSM appreciates all comments, but those most useful and likely to influence decisions in the preparation of the final supplement to OSM-EIS-1 are those which will provide facts and analyses to support any recommendations or conclusions. OSM cannot assure that written comments received after the time indicated under "Dates" or at locations other than the Washington, D.C., address of the Administrative Record will be considered or included in the preparation of the final supplemental EIS.

*Public hearings.* Filing of a written statement by commenters at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

Public hearings will continue on the specified date until all persons who are present in the audience and wish to comment have been heard.

*Background.* Background information was published in the **Federal Register** notice of intent to prepare a

supplemental EIS on May 3, 1982 (47 FR 18920). The Federal Register citations to the proposed rule changes which form the basis of the supplemental EIS are set forth in table A–1 of the supplemental EIS.

Dated: June 15, 1982.

**J. R. Harris,**

*Director, Office of Surface Mining.*

[FR Doc. 82–16602 Filed 6–17–82; 8:45 am]

**BILLING CODE 4310–05–M**

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**30 CFR Part 914**

**Public Disclosure of Comments Received From Federal Agencies on the Indiana Proposed State Permanent Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Announcement of public disclosure.

**SUMMARY:** Before the Secretary of the Interior may approve permanent State regulatory programs submitted under section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Secretary has solicited comments of these agencies on the Indiana proposed program, and is today announcing their public disclosure.

**ADDRESSES:** Copies of the comments received are available for public review during regular business hours at:

Indiana Department of Natural Resources, Division of Reclamation, 309 West Washington Street, Suite 201, Indianapolis, Indiana 46204, Phone: (317) 232–1555

Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Fifth Floor, 46 East Ohio Street, Indianapolis, Indiana 46204, Phone: (317) 269–2600

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street, NW., Washington, D.C. 20240, Phone: (202) 343–7896.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard D. McNabb, Indiana State Office Director, Federal Building and U.S. Courthouse, Room 524, 46 East Ohio Street, Indianapolis, Indiana 46204, Phone: (317) 269–2600.

**SUPPLEMENTARY INFORMATION:** The Secretary of the Interior is reevaluating the permanent regulatory program submitted by Indiana for his review on March 3, 1980, and the revisions thereto. See 45 FR 15580, 45 FR 78482, 46 FR 47467, and 47 FR 22974. In accordance with section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1), the Indiana program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following Federal agencies were invited to comment on the Indiana program:

Advisory Council on Historic Preservation
Department of Agriculture
  Agriculture Stabilization and Conservation Service
  Farmers Home Administration
  Forest Service
  Agricultural Research Service
  Soil Conservation Service
Department of Energy
Department of the Interior
  Bureau of Indian Affairs
  Bureau of Land Management
  Bureau of Mines
  Bureau of Reclamation
  Fish and Wildlife Service
  Geological Survey
  National Park Service
Department of Labor
  Mine Safety and Health Administration
Environmental Protection Agency
Ohio River Basin Commission
U.S. Army Corps of Engineers.

Of those agencies invited to comment, OSM received comments from the following offices:

U.S. Army Corps of Engineers
Environmental Protection Agency
Department of Agriculture
  Soil Conservation Service
Department of the Interior
  Fish and Wildlife Service
  Geological Survey
  Bureau of Mines
  Bureau of Land Management
Department of Labor
  Mine Safety and Health Administration.

These comments are available for review and copying during regular business hours at the locations listed above under "**ADDRESSES.**"

Dated: June 15, 1982.

**Wm. Schmidt,**

*Assistant Director, Program Operations and Inspection, Office of Surface Mining Reclamation and Enforcement.*

[FR Doc. 82–16654 Filed 6–17–82; 8:45 am]

**BILLING CODE 4310–05–M**

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**30 CFR Part 935**

**Public Disclosure of Comments Received From Federal Agencies on the Ohio Proposed Program**

**AGENCY:** Surface Mining Reclamation and Enforcement Office (OSM), Interior.

**ACTION:** Disclosure of comments.

**SUMMARY:** Before the Director, OSM, may approve State regulatory programs submitted under section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Director has solicited comments from these agencies on the Ohio proposed program and is today announcing their public disclosure.

**ADDRESSES:** Copies of the comments received are available for public review during business hours at:

Office of Surface Mining, Reclamation and Enforcement, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269–2600

Office of Surface Mining, Reclamation and Enforcement, Room 5315, 1100 L Street NW., Washington, D.C. 20240, Telephone: (202) 343–7896

Ohio Division of Reclamation, Department of Natural Resources, Fountain Square, Building B, Columbus, Ohio 43224, Telephone: (614) 265–6633.

**FOR FURTHER INFORMATION CONTACT:** William Schmidt, Assistant Director, Program Operations and Inspection, Office of Surface Mining, Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–4225.

**SUPPLEMENTARY INFORMATION:** The Director, OSM, is evaluating the proposed regulatory program resubmitted by Ohio for his review on January 22, 1982. See the January 26, 1982, Federal Register (47 FR 3571–3573). In accordance with section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1), Ohio's program may not be approved until the Director has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following Federal agencies were invited to comment on the Ohio program:

Department of Agriculture:
  Soil Conservation Service
  Forest Service
  Agricultural Stabilization and Conservation Service

Farmers Home Administration
Advisory Council on Historic Preservation
Department of Labor:
Mine Safety and Health Administration
Environmental Protection Agency
Water Resources Council
Department of Energy
Department of the Interior:
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Mines
Bureau of Reclamation
Fish and Wildlife Service
Mineral Management Service
National Park Service
Geological Survey
Ohio River Basin Commission
U.S. Army Corps of Engineers

Of those agencies invited to comment, OSM received comments from the following offices:

Environmental Protection Agency
Department of the Interior:
Fish and Wildlife Service
Mineral Management Service
Department of Agriculture:
Farmers Home Administration
Forest Service
Department of Labor:
Mine Safety and Health Administration
U.S. Army Corps of Engineers.

These comments are available for review and copying during business hours, at the locations listed above under "**ADDRESSES.**"

Dated: June 15, 1982.

**Wm. Schmidt,**

*Assistant Director, Program Operations and Inspection Office of Surface Mining Reclamation and Enforcement.*

[FR Doc. 82-16655 Filed 6-17-82; 8:45 am]

**BILLING CODE 4310-05-M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 50

**[Docket No. OAQPS 79-7; AD-FRL-2151-3]**

### Revisions to the National Ambient Air Quality Standards for Carbon Monoxide

**AGENCY:** Environmental Protection Agency.

**ACTION:** This notice announces the availability of materials related to the review of the carbon monoxide standards and solicits additional public comment.

**SUMMARY:** Proposed Rule; additional public comment requested. On August 18, 1980 EPA proposed revisions to the existing primary national ambient air quality standards (NAAQS) for carbon monoxide (CO) and revocation of the existing secondary standard (45 FR 55066). EPA has recently announced that the Clean Air Science Advisory Committee is scheduled to discuss the proposed revisions at a meeting on July 6, 1982. Today, EPA is providing information on issues to be addressed and soliciting additional public comment.

**DATE:** Comments must be postmarked by August 6, 1982.

**ADDRESSES:** Submit comments (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. OAQPS 79-7, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Jones, Strategies and Air Standards Division (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone (919) 541-5531 (FTS 629-5531).

**SUPPLEMENTARY INFORMATION:** In 1971 identical primary and secondary standards for CO were promulgated (36 FR 8186) at levels of 9 parts per million (ppm), 8-hour average, and 35 ppm, 1-hour average, neither to be exceeded more than once per year. Subsequently, in accordance with sections 108 and 109 of the Clean Air Act, 42 U.S.C. 7408, 7409, EPA has reviewed and proposed revisions to the criteria upon which the existing NAAQPS for carbon monoxide are based. On August 18, 1980, EPA proposed (45 FR 55066) (1) retaining the existing primary 8-hour standard level at 9 ppm, (2) lowering the primary 1-hour standard level to 25 ppm, (3) revoking the existing secondary CO standard, and (4) changing the form of the standards from deterministic to statistical (i.e., EPA proposed to state allowable exceedances as expected values rather than explicit values).

EPA has reviewed and discussed the proposed revisions to the CO standards at meetings of the Clean Air Scientific Advisory Committee (CASAC) held on November 14, 1980, and on November 17, 1981. Transcripts of these two meetings are available in the public docket. A third meeting of the CASAC to discuss the proposed revisions is scheduled for July 6, 1982 in Washington, D.C., as announced in a separate **Federal Register** notice.

Specific issues on which EPA is soliciting comments from the public and from CASAC are briefly described below. The relevant documents have been transmitted to the CASAC and are available in the public docket for this rulemaking.

#### Role of Aronow (1981) Study

Prior to the August, 1980 proposal, EPA received an unpublished draft copy of a new CO human exposure study conducted by Dr. Wilbert Aronow. In this study, Dr. Aronow reports a statistically significant decrease in the time to onset of angina for 15 subjects exposed to 50 ppm CO for 1 hour compared to a control exposure of the same subjects to compressed air. On a group mean basis the final COHb was 2.0 percent after the CO compared with an initial mean COHb value of 1.1 percent prior to CO exposure. The COHb level at which effects were reported is below the level of 2.7 to 3.0 percent COHb which the CASAC identified as the lowest level at which adverse health effects have been convincingly shown (45 FR 55068). However, the decrease in time to onset of angina was significantly less than in previous studies conducted at higher group mean COHb levels. This study suggests that there may not be a clear threshold effect level for CO or COHb levels which represents the onset of health effects.

In the proposal notice (45 FR 55081) EPA stated its view that this study should not be considered in the CO rulemaking, except perhaps as a factor in establishing an adequate margin of safety, unless it first had been peer reviewed and judged significant enough to warrant incorporation in the criteria document. At the time of proposal, EPA placed the unpublished manuscript in the docket (OAQPS 79-7, II-A-2), submitted a copy to CASAC for its review, and solicited comments from the general public on the study (45 FR 55801).

Dr. Aronow's study (OAQPS 79-7, IV-C-6a(11)) has now been published in a peer reviewed journal (Aronow, W. S., Aggravation of Angina Pectoris by Two Percent Carboxyhemoglobin, American Heart Journal, 101: 154-156, 1981). EPA is soliciting comment from the public on the study and its role, if any, in the final rulemaking.

#### A Multiple Exceedance Standard

EPA is considering changing the proposed 9 ppm, 8-hour standard from a single allowable day of exceedances to 5 allowable days of exceedances per year on average. This modification of the standard is under consideration because it offers several practical advantages to State and local agency control officials in designing and

implementing pollution control programs. The principal advantage of the multiple exceedance standard is that it focuses control strategy decisions on a CO air quality value that is more predictable than the highest or second highest value expected in a year. Peak values are often related to unusual meterological events and may vary widely over time and from location to location even if emission rates are constant. A standard which focuses on a more stable value, such as the fifth highest expected 8-hour concentration, would tend to reduce the impact of unusual meterological events on air quality values used to establish control programs.

A possible disadvantage of moving to a multiple exceedance standard is the uncertainty it introduces into assessing the health impacts associated with allowable excursions of the standard concentration value. The EPA staff has attempted to estimate the health impacts associated with an 8-hour, 9 ppm, 5 allowable exceedance standard and has concluded that on average, such a standard is approximately equivalent to a 12 ppm, 8-hour, 1 allowable exceedance standard. A 12 ppm standard is judged to provide adequate protection from elevated blood COHb levels in sensitive persons. While this estimate is probably an accurate average equivalency, the 9 ppm, 5 exceedances standard may permit several peaks per year which are higher than those associated with a 12 ppm, 1 exceedance standard. EPA is interested in public comment on the merit of arguments for changing to a multiple exceedance standard and on the health risks that would accompany a 9 ppm, 5 exceedances 8-hour standard.

### Sensitivity Analysis on Coburn Model Predictions of Carboxyhemoglobin Levels

A model known as the Coburn equation is used to estimate carboxyhemoglobin (COHb) levels resulting from varying CO exposures as a function of time and various physiological factors (e.g., blood volume, exercise level). As discussed in the proposal preamble (45 FR 55066), EPA prepared a draft sensitivity analysis (OAQPS 79–7, II–A–1) using the Coburn model to examine the impact of fluctuating CO concentrations and variations in physiological parameters on COHb estimates. Since proposal, EPA has revised the sensitivity analysis document to include multiple exceedance standards and to address public comments. A draft version of the revised document, "Sensitivity Analysis on Coburn Model Predictions of Carboxyhemoglobin Levels Associated with Alternative Carbon Monoxide Standards" (OAQPS 79–7, IV–C–6a(6)), is one of the analyses which provides useful information in judging the possible health impact of alternative CO standards.

### Exposure Analysis

Prior to proposal, EPA prepared a draft exposure analysis which was placed in the docket (OAQPS 79–7, II–A–7). Since proposal, EPA has made considerable improvements in the methodology and has produced a new draft exposure analysis document, "The NAAQS Exposure Model (NEM) Applied to Carbon Monoxide" (OAQPS 79–7, IV–C–6a(7)). The document provides estimates of the number of person-hours of exposure to CO concentrations and COHb levels in excess of specified values upon attainment of alternative CO standards; these estimates are provided on a nationwide basis and for four specific cities. Since this document provides some estimates of the number of sensitive individuals who might be exposed to various COHb levels for alternative standards. EPA is considering using the analysis as one input in the final rulemaking for the CO NAAQS. EPA is soliciting public comment on the technical adequacy of the document for this purpose.

### Availability of Documents and Related Information

Documents expected to be of primary interest at the July 6 CASAC meeting such as the Sensitivity Analysis, Exposure Analysis, and Aronow (1981) Study are available in the public docket (OAQPS 79–7). They can also be obtained by calling or writing Mr. Michael Jones, Strategies and Air Standards Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone (919) 541–5531 (FTS 629–5531). In addition, other information (such as the CO Staff Paper, Cost and Economic Assessment (draft), Regulatory Impact Analysis (draft), and Final Environmental Impact Statement, submitted to the CASAC and placed in the public docket (AQPS 79–7, IV–C–6) can also be obtained from the same address.

The final revised criteria document, *Air Quality Criteria for Carbon Monoxide* (EPA–600/8–79–022, October 1979) is available from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 81–244840 $17.00 paper copy and $4.50 microfiche).

### List of Subjects in 40 CFR Part 50

Air pollution control, Carbon monoxide, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Hydrocarbons.

Dated: June 11, 1982.

**Kathleen M. Bennett,**

*Assistant Administrator for Air, Noise, and Radiation.*

[FR Doc. 82–16555 Filed 6–17–82; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[BC Docket No. 82–186; RM 3655]**

## FM Broadcast Station Blanketing Interference; Order Extending Time for Filing Comments and Reply Comments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment/reply comment period.

**SUMMARY:** Action taken herein extends the time for filing comments and reply comments in a proceeding which proposes to amend the Commission's rules to establish a specific signal level defining the "blanketed" areas around an FM broadcast station's antenna. The proposed rule changes also would state the applicant's responsibility when interference occurs. This action is being taken in response to a request from the Association of Federal Communications Consulting Engineers for additional time to collect data and to prepare an appropriate submission.

**DATES:** Comments must be filed on or before September 29, 1982, and reply comments must be filed on or before October 29, 1982.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Albert S. Jarratt, Sr., Broadcast Bureau, (202) 632–9660.

**SUPPLEMENTARY INFORMATION:**

Adopted: June 7, 1982.

Released: June 9, 1982.

1. On April 1, 1982, the Commisssion adopted a *Notice of Proposed Rulemaking*, 47 FR 18936 (published May 3, 1982) in the above entitled proceeding. The dates for filing comments and reply comments are June 29, and July 29, 1982, respectively.

2. On May 20, 1982, the Association of Federal Communication Consulting Engineers ("AFCCE") submitted a Motion for Extension of time for filing

comments. AFCCE states that the additional time is needed to allow the Association to gather data and prepare an appropriate response, as well as permit its individual members to provide comments from their clients.

3. We are of the view that additional time is warranted. Such extension will permit development of a sound and comprehensive record of which to base a decision in this proceeding.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 82–186 (RM–3655) are extended to and including September 29, and October 29, 1982, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

Federal Communications Commission.

**Roderick K. Porter,**

*Chief, Policy and Rules Division, Broadcast Bureau.*

[FR Doc. 82-16541 Filed 6-17-82; 8:45 am]

BILLING CODE 6712-01-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1032

**[Ex Parte No. 137]**

### Contracts for Protective Services

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed removal of regulations.

**SUMMARY:** The Commission is proposing to eliminate the existing regulations at 49 CFR Part 1032, which govern contracts for protective services against heat or cold provided to or on behalf of rail carriers and express companies pursuant to 49 U.S.C. 11105. If these matters are exempted from the requirements of 49 U.S.C. 11105, the current regulations governing protective service contracts would be unnecessary. In a separate decision published elsewhere in this issue, the Commission also proposes to exempt contracts for protective services from the requirements of section 11105.

**DATE:** Comments are due July 19, 1982.

**ADDRESS:** An original and, if possible, 15 copies of comments should be sent to: Ex Parte No. 137, Interstate Commerce Commission, Room 5340, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Douglas Galloway, (202) 275–7277.

**SUPPLEMENTARY INFORMATION:** If these matters are exempted from the requirements of 49 U.S.C. 11105, the current regulations governing protective service contracts would be unnecessary. For further information on the exemption issue see the notice published with the same docket number elsewhere in this issue.

**List of subjects in 49 CFR Part 1032**

Railroads.

(49 U.S.C. 11105, 5 U.S.C. 553)

Decided: June 11, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16530 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

# Notices

Federal Register
Vol. 47, No. 118
Friday, June 18, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Marketing Agreement 146]

### Peanuts, 1982 Crop; Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1982 Crop Peanuts", "Outgoing Quality Regulation—1982 Crop Peanuts", and the "Terms and Conditions of Indemnification—1982 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended regulations and the Terms and Conditions of Indemnification be issued to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

Information collection requirements contained in these regulations and terms and conditions of indemnification have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0581-0067.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1982 Crop Peanuts", "Outgoing Quality Regulation—1982 Crop Peanuts", and the "Terms and Conditions of Indemnification—1982 Crop Peanuts", are hereby approved.

Dated: June 14, 1982.

D. S. Kuryloski,

*Deputy Director, Fruit and Vegetable Division.*

### Incoming Quality Regulation—1982 Crop Peanuts

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions on peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed Peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of kernels which ride screens with the following slot openings: Runner—$^{13}/_{64}$ X $^{3}/_{4}$ inch; Spanish and Valencia—$^{13}/_{64}$ X $^{3}/_{4}$ inch; Virginia—$^{13}/_{64}$ X 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the kernels which ride the prescribed screen are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The loose shelled kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed Peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which

regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus*, and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirements pursuant to paragraph (i) of the Outgoing Quality Regulation.

(g) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting acquisitions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 or 3 farmers stock peanutes and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 2 and 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection Service to be Segregation 2 or Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 2 and Segregation 3 peanuts from milling for edible use. If any lot of Segregation 2 or Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Farmers Stock Storage and Handling Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of current crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. Handlers shall also report to the Committee, the locations at which they will receive or acquire current crop farmers stock peanuts. All such storage facilities shall have reasonable and safe access to allow for inspection of the facility and its contents. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient safeguards to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. Any conditions in warehouse, elevators, pits, and other farmers stock handling equipment conducive to the growth or spread of *Aspergillus flavus* mold shall be corrected to the satisfaction of the Committee. The Committee may make periodic inspections of farmers stock storage and handling facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph(a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph(h)(1) of the Outgoing Quality Regulation.

**Outgoing Quality Regulation—1982 Crop Peanuts**

The following modify or are in addition to the peanut marketing

agreement restrictions of section 32 on handler disposition of peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph(c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 Percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southerstern and Southwestern areas; or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" And peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

| Type | Screen openings | |
|---|---|---|
| | Split and broken kernels | Whole kernels |
| Runners | 17/64 inch round. | 14/64 × 3/4 inch slot. |
| Spanish and Valencia | 16/64 inch round. | 13/64 × 3/4 inch slot. |
| Virginia except "No. 2 Virginia". | 17/64 inch round. | 14/64 × 1 inch slot. |
| "No. 2 Virginia" | 17/64 inch round only for split, broken and whole kernels. | |

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (2) for Spanish 2.00 percent whole kernels which will pass through 15/16 x 3/4 slot screen; for Runners 3.00 percent whole kernels which will pass through 16/64 x 3/4 inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through 15/64 x 1 inch slot screen, and (c) otherwise meet specification of U.S. No. 1 grade.)

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) With more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a U.S. Department of Agriculture laboratory (hereinafter referred to as "USDA laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample H1", "Sample H2", and "Sample H3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample H1 may be prepared for immediate testing or Sample H1, Sample H2, and Sample H3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample H1 to be ground by the Federal or Federal-State Inspection Service or a USDA or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample H1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample H1. It shall be designated as "Subsample 1–CD". Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in USDA or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample H2 and Sample H3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample H1 are known. Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample H2 to be ground by the Inspection Service in a "Subsampling mill". The resultant ground Subsample from Sample H2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB". Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample H3 to be ground by the Inspection Service in a "Subsampling mill". The resultant ground subsample from Sample H3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB". Subsamples 2–AB and 3–AB shall be analyzed only in USDA or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost (specified by the Committee) of drawing the three 48-pound samples, grinding of Sample H1 and preparation and delivery of Subsample 1–AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample H1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis

certificate covering the lot. When any of the samples of subsamples have been lost, misplaced, of spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler. The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling, the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. The crop year that is shown on the positive lot identification tags, or other means of positive lot identification shall accurately describe the crop year in which the peanuts in the lot were produced. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Lose shelled kernels, fall through and pickouts.*

(1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{13}/_{64}$ x 1 inch; and fall through and pickouts shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Such categories may be kept separate or be commingled in the same lot and shall be bagged in suitable new or clean, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of nonedible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (l)(1) or (l)(2) of this regulation or they may be moved to another handler for such disposition. Sales or transfer of such peanuts, to exporters who are not handlers under the marketing agreement, shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other categroy of peanuts determined by paragraph (l)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (l)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which are disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sales to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by a USDA laboratory, at handler's or

crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer or restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.*

(1) Handlers may sell to or contract with other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, and aflatoxin assay certificate and must be positive lot identified. Tranactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects, moisture, or foreign material or are positive as to aflatoxin. Handlers who move such peanuts to a blancher shall report, to the Committee on a form furnished by the Committee, movement of each such lot and the title shall be retained by the handler until the peanuts are blanched and certified by an inspector of the Federal or Federal-State Inspection Service as meeting the requirements for disposal into human consumption outlets. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Blanching under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such blanching.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) To domestic crushing, (b) to export to countries other than Canada and Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted": *Provided,* That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operations at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestricted" pursuant to the provisions of paragraph (l)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted".

Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted". However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (l)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for dispostion to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(4) Handlers may contract with PAC approved remillers for remilling shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a) of the Outgoing Quality Regulation: *Provided,* That such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 10 percent fall through or 2 percent foreign material. Lots of peanuts moved under these provisions must be accompanied by a valid grade inspection certificate and an aflatoxin assay certificate and must be positive lot identified. Handlers who move such peantus to an approved remiller shall report to the Committee, on a form furnished by the Committee, the movement of each such lot. The title of such peanuts shall be retained by the handler until the peanuts have been remilled and certified by the Federal or Federal-State Inspection Service as meeting the requirements for disposition to human consumption outlets specified in paragraph (a), and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Remilling under the provisions may include composite remilling of more than one such lot of peanuts owned by the same handler. However, such peanuts owned by one handler shall be held and remilled separate and apart from all other peanuts. The residual peanuts resulting from remilling under these provisions shall be bagged and red-tagged and disposed of to domestic crushing by the approved remiller or they may be returned to the handler for disposition under the provisions of paragraph (g)(3) of the Outgoing Quality Regulation. Remilling under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such remilling.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming

Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive indentified lots not meeting such requirements: (1) may be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation; or (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing, or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal of Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Association and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingled occurs, the handler shall cause the Area Assoication to supervise the futher commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) To other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirments specified for fragmented peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragementing, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commiingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.*

(1) In addition to milling (shelling, cleaning etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All such dispositions to export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k)(1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handlers under the provisions of this paragraph (k)(2), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k)(2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k)(2).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, and pickouts commingled and determined

negative as to aflatoxin pursuant to paragraphs (g) (2), and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) with any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 15/64 x 3/4 inch slot; Runner 15/64 x 3/4 inch slot; and Virginia 15/64 x 1 inch slot. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) with any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in the paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels, fall through and pickouts commingled pursuant to paragraphs (g) (2), and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

Handlers who acquire, from other handlers, or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (l)(2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to counties other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The handler's "in-land" bill of lading and his invoice covering the shipment shall include the following statement: "The peanuts covered by this bill of lading (or invoice) are limited to crushing only and may contain aflatoxin". Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (l)(2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

**Terms and Conditions of Indemnification—1982 Crop Peanuts**

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the Outgoing Quality Regulation and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions, and such is concurred in by the

Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indeminification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either and original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, less five cents per pound. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the Outgoing Quality Regulation. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occuring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling or freight, but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the next to last paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than mnor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus an allowance for remilling of two and one-half cents per pound on the original weight. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the Outgoing Quality Regulation. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner. However, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot have been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on current crop year peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification, and the indemnification payment on such lot shall be the indemnification value of the peanuts in the original lot, less five cents per pound, plus other applicable costs authorized heretofore. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Further, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on current crop year peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the current crop year shall be filed with the Committee no later than November 1, following the end of the current crop year.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so

high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller and such peanuts shall be reoffered to the buyer to satisfy the covering contract, pending successful remilling and/or blanching. Or, if the buyer's or receiver's name is shown on the certificates covering a lot which, upon the pretesting sampling procedure prescribed in paragraph (c) of the Outgoing Quality Regulation, exceeds Committee requirements for wholesomeness as to aflatoxin, such peanuts shall be offered to the buyer to satisfy the existing applicable contract, pending successful remilling and/or blanching. Alternatively, seller may replace any rejected lot of peanuts with another lot, if he elects to do so.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a USDA laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the Incoming Quality Regulation shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee. Also any handler who fails to cause positive lot identification on any lot of peanuts to accurately reflect the crop year in which such peanuts were produced, pursuant to paragraph (d) of the Outgoing Quality Regulation, shall be ineligible for any indemnification payments until such violation is corrected to the satisfaction of the Committee. Categories eligible for indemnification are as follows:

*Cleaned inshell peanuts*

(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting stock.[1]

*U.S. Grade shelled peanuts*

(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.

*Shelled peanuts "with splits"*

(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{13}/_{64}$ x $^{3}/_{4}$ slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{13}/_{64}$ x $^{3}/_{4}$ slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{13}/_{64}$ x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation; (2) failed the Outgoing Quality Regulation due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; and (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

For the purpose of paying indemnification beginning August 1, of the current crop year, the domestic market price for each category of peanuts shall be determined by averaging the price(s) listed in the Peanut Market News, per category, during the most recent four week period. Such weekly price calculations shall extend to May 31, of the current crop year and the average price per category as of May 31, 1983, shall be applied during the remainder of the crop year.

The indemnification value for each category of peanuts eligible for indemnification shall be the domestic market price, established during the averaging period, less two cents per pound (on the pounds indemnified) or the most recent price per category listed in the Peanut Market News, whichever is lower.

The grade categories to which the indemnification values shall be applied are as follows:

| Runners* | Virginias | Spanish |
|---|---|---|
| Jumbo | U.S. Extra Large | U.S. No. 1 (or larger). |
| Medium | U.S. Medium | Spanish with Splits. |
| Select | U.S. No. 1 | U.S. Splits. |
| No. 1 (−18+16 screens). | Virginias with Splits. | |
| Mill run with or without Splits. | U.S. Splits | |
| U.S. Splits | | |

*Southeastern Peanut Association grades.

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BILLING CODE 3410-02-M

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

## Commodity Credit Corporation

## 1982 Crop Price Support Rates—Flue Cured Tobacco

**AGENCY:** Commodity Credit Corporation (CCC), USDA.

**ACTION:** Notice of determination of 1982 crop flue-cured tobacco price support rates.

**SUMMARY:** This notice of determination sets forth the price support rates which are applicable to eligible grades of 1982-crop flue-cured tobacco. Price support is made available to eligible producers of such grades of tobacco in accordance with Section 106 of the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act").

**DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Thomas R. Burgess, (202) 447-2715 or Betty Lucas, (202) 447-2716. This notice of determination sets forth the rates at which eligible grades of 1982-crop flue-cured tobacco will be supported. These rates reflect a support level which has been determined in accordance with the formula prescribed in Section 106 of the 1949 Act. Since price support is mandatory at the level prescribed by statute, there are no options to be considered in connection with this determination.

**SUPPLEMENTARY INFORMATION:** This notice of determination has been reviewed under USDA procedures

established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or a geographic region; 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.

The title and number of the federal assistance program to which this notice applies as set forth in the Catalog of Federal Domestic Assistance are: Title:—Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Growers of flue-cured tobacco need to know immediately the support rates applicable to 1982-crop flue-cured tobacco so they can make plans for marketing their tobacco. Since the Secretry of Agriculture has no discretion in determining the level of support for 1982-crop flue-cured tobacco and must establish such level in accordance with the formula prescribed by Section 106 of the 1949 Act it has been determined that no further public rulemaking is required with respect to the price support rates specified herein.

The support rates determined by the Secretary for the various grades of 1982-crop flue-cured tobacco reflect the required support level.

Price support for flu-cured tobacco is made available by the Commodity Credit Corporation (CCC) through loans to a cooperative marketing association which makes available price support by means of advances to producers through auction warehouses. Price support advances are based upon specified loan rates for each grade of tobacco which average the required level of support when weighted by the anticipated grade percentages of the entire crop.

Price support is mandatory at the level determined in accordance with Section 106 of the 1949 Act. Under this provision, the level of support for the 1982 crop of tobacco is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers, including wage rates, interest, and taxes, for the three calendar years 1979–81 [which is 944] to the average index of prices paid by farmers, including wage rates, interest, and taxes, for the 1959 calendar year [which is 298]. The resulting ratio is 3.17. Therefore, the support level for the 1982 crop of flue-cured tobacco is 317 percent of the 1959 level [55.5 cents per pound] or $1.759 per pound.

Accordingly, I have determined that the following price support rates will be in effect for the 1982-crop of flue-cured tobacco:

DETERMINATIONS, 1982 CROP FLUE-CURED TOBACCO PRICE SUPPORT RATES [1]

[Dollars per pound, farm sales weight]

| Grade | Rate |
|---|---|
| A1F | 2.27 |
| A1L | 2.27 |
| B1L | 2.17 |
| B2L | 2.13 |
| B3L | 2.10 |
| B4L | 2.05 |
| B5L | 1.98 |
| B6L | 1.90 |
| B1F | 2.17 |
| B2F | 2.13 |
| B3F | 2.10 |
| B4F | 2.05 |
| B5F | 1.98 |
| B6F | 1.90 |
| B1FR | 2.15 |
| B2FR | 2.11 |
| B3FR | 2.08 |
| B4FR | 2.04 |
| B5FR | 1.96 |
| betr | 1.88 |
| B6FR | 1.78 |
| B5R | 1.70 |
| B3K | 1.98 |
| B4K | 1.94 |
| B5K | 1.86 |
| B6K | 1.78 |
| B3V | 1.97 |
| B4V | 1.90 |
| B5V | 1.81 |
| B3S | 1.87 |
| B4S | 1.82 |
| B5S | 1.77 |
| B3KL | 1.82 |
| B4KL | 1.78 |
| B5KL | 1.72 |
| B6KL | 1.62 |
| B3KF | 1.82 |
| B4KF | 1.78 |
| B5KF | 1.72 |
| B6KF | 1.62 |
| B3KM | 1.89 |
| B4KM | 1.83 |
| B5KM | 1.78 |
| B6KM | 1.66 |
| B3KR | 1.97 |
| B4KR | 1.92 |
| B5KR | 1.86 |
| B4KV | 1.72 |
| B5KV | 1.62 |
| B6KV | 1.52 |
| B4G | 1.65 |
| B5G | 1.58 |
| B6G | 1.48 |
| B5GR | 1.48 |
| B4GK | 1.63 |
| B5GK | 1.58 |
| B5GK | 1.47 |
| B6GG | 1.33 |
| H3L | 2.13 |
| H4L | 2.10 |
| H5L | 2.02 |
| H6L | 1.97 |
| H1F | 2.20 |
| H2F | 2.16 |
| H3F | 2.13 |
| H4F | 2.10 |
| H5F | 2.02 |
| H6F | 1.97 |
| H4FR | 2.06 |
| H5FR | 1.98 |
| H6FR | 1.91 |
| H4K | 1.95 |
| H5K | 1.89 |
| H6K | 1.81 |
| C1L | 2.20 |
| C2L | 2.17 |
| C3L | 2.14 |
| C4L | 2.10 |
| C5L | 2.00 |
| C1F | 2.20 |
| C2F | 2.17 |
| C3F | 2.14 |
| C4F | 2.10 |
| C5F | 2.00 |
| C4V | 1.96 |
| C4S | 1.92 |
| C4KL | 1.86 |
| C4KM | 1.92 |
| C4KR | 1.98 |
| C4G | 1.74 |
| C4GK | 1.68 |
| X1L | 2.14 |
| X2L | 2.08 |
| X3L | 2.00 |
| X4L | 1.82 |
| X5L | 1.66 |
| X1F | 2.14 |
| X2F | 2.08 |
| X3F | 2.00 |
| X4F | 1.82 |
| X5F | 1.66 |
| X3V | 1.85 |
| X4V | 1.76 |
| X3S | 1.82 |
| X4KL | 1.62 |
| X4KF | 1.62 |
| X4KV | 1.60 |
| X3KR | 1.86 |
| X4KR | 1.78 |
| X3KM | 1.73 |
| X4KM | 1.66 |
| X4G | 1.59 |
| X5G | 1.56 |
| X4GK | 1.57 |

DETERMINATIONS, 1982 CROP FLUE-CURED TOBACCO PRICE SUPPORT RATES [1]—Continued

[Dollars per pound, farm sales weight]

| Grade | Rate |
|---|---|
| P2L | 1.62 |
| P3L | 1.54 |
| P4L | 1.40 |
| P2F | 1.62 |
| P3F | 1.54 |
| P4F | 1.40 |
| P4G | 1.30 |
| M4F | 1.67 |
| M5F | 1.62 |
| M4KR | 1.59 |
| M4KM | 1.54 |
| M5KM | 1.49 |
| M4GK | 1.52 |
| M5GK | 1.45 |
| N1K | 1.36 |
| N1R | 1.26 |
| N1GF | 1.26 |
| N1GR | 1.20 |
| N1KV | 1.25 |
| N1GG | 1.17 |
| N1BO | 1.20 |

[1] The rates listed are applicable to tied and untied flue-cured tobacco which is eligible tobacco as defined in 7 CFR 1464.8 and which is identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Price support rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the rate listed herein plus fifty cents ($0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to the nearest dollar, of the rate listed. An amount to be used to defray the association's overhead costs may be deducted from the advances paid to the producer. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G," "No-G-F," "No-G-F-sand," "No-G-F dirt," P5F, P5L, P5G, NIGL, NIXO, NIPO, NIL, NIXL, or "scrap" will not be accepted for price support.

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); Secs. 101, 106, 401, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423))

Signed at Washington, D.C. on June 11, 1982.

**Richard E. Lyng,**

*Acting Secretary of Agriculture.*

[FR Doc. 82-16558 Filed 6-17-82; 8:45 am]

BILLING CODE 3410-05-M

## Rural Electrification Administration

### Arizona Electric Power Cooperative, Inc., Benson, Arizona; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65), and in conformance with the 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 $38,500,000 to Arizona Electric Power Cooperative, Inc., (AEPCO) of Benson, Arizona. This loan guarantee will be used to finance the construction of 9 miles of 230 kV and 6 miles of 115 kV transmission line, one substation and transmission and generation system improvements.

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 advance to the borrower of the guaranteed loan funds from Mr. J. B. Flanders, Manager, P.O. Box 670, Benson, Arizona 85602.

In order to be considered, proposals must be submitted by July 19, 1982 to Mr. Flanders. The right is reserved to give such consideration and to make such evaluation or other disposition if all proposals received as AEPCO 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, Public Information Office, 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 11th day of June, 1982.

**Harold V. Hunter,**

*Administrator, Rural Electrification Administration.*

[FR Doc. 82-16557 Filed 6-17-82; 8:45 am]

BILLING CODE 3410-15-M

## Office of the Secretary

### Sugar Import Quotas; Determination of Import Quotas on Sugar

**AGENCY:** USDA.

**ACTION:** Notice.

**SUMMARY:** Presidential Proclamation No. 4941 of May 5, 1982, requires the Secretary of Agriculture to establish, for each calendar quarter the total amount (expressed in terms of raw value) of sugars, syrups, and molasses described in items 155.20 and 155.30, the products of all foreign countries which may be entered or withdrawn from warehouse for consumption during such calendar quarter. This notice sets that amount for the third calendar quarter of 1982.

**EFFECTIVE DATE:** July 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** James Truran, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, (202) 447-2916.

An impact analysis for this action is being prepared and will be available from the above named individual.

**SUPPLEMENTARY INFORMATION:** Presidential Proclamation No. 4941, dated May 5, 1982, amended Headnote 3 of subpart A, part 10, schedule 1 of the Tariff Schedules of the United States to establish a quarterly system of import quotas for foreign sugar coming into the United States. Under the terms of Headnote 3, the Secretary of Agriculture is directed to establish such quotas for each calendar quarter beginning with the third calendar quarter of 1982. The Secretary is also authorized to establish quantitative limitations for periods of time other than calendar quarters if he determines such action is appropriate to achieve the objectives of the Proclamation.

The third quarter quota is based on the Department's estimate of present stock levels, of imports in May and June, and estimated consumption levels through September of 1982. This determination has also taken into account projected production and consumption levels for the fiscal year beginning October 1, 1982. Based on these projections, import requirements for the 1982/83 year starting on October 1, 1982 are estimated to be 3,300,000 short tons. This figure will be reviewed before that year commences.

### Notice

Notice is hereby given that, in accordance with the requirements of Headnote 3 of subpart A, part 10, schedule 1 of the TSUS, the Secretary has determined that a quota of 420,000 short tons of sugar as described in items 155.20 and 155.30 of the TSUS may be entered or withdrawn from warehouse for consumption during the period July 1, 1982 through September 30, 1982. The Secretary has also determined that this amount gives due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

Signed at Washington, D.C., June 15, 1982.

**John R. Block,**

*Secretary of Agriculture.*

[FR Doc. 82-16580 Filed 6-15-82; 3:42 pm]

BILLING CODE 3410-01-M

## Soil Conservation Service

### Bluefield Roadside Critical Area Treatment R.C. & D. Measure, Va., Finding of No Significant Impact

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** 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 Bluefield Roadside Critical Area Treatment RC&D Measure, Tazewell County, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, P.O. Box 10026, Richmond, Virginia, 23240, telephone 804–771–2455.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area stabilization.

The planned works of improvement include seeding and mulching.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder.

No administrative action on implementation of the proposal will be taken until July 19, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 10, 1982.

Manly S. Wilder,

*State Conservationist.*

[FR Doc. 82–16302 Filed 6–17–82; 8:45 am]

BILLING CODE 3410–16–M

## ARMS CONTROL AND DISARMAMENT AGENCY

### General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and disarmament, meeting of nominees

Date: July 8 and 9, 1982

Time: 9:00 a.m. each day

Place: ACDA Conference Room, 5941, 320-21st Street, NW., Washington, D.C. 20451

Type of meeting: Closed

Contact person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632–5176.

Purpose of advisory committee: to advise the Director of the U.S. Arms Control and Disarmament Agency (ACDA) on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament and world peace.

Agenda: Will include the following discussions and presentations:

**July 8**

A.M.—Overview of Arms Control and U.S. START/INF Positions.

P.M.—START and INF U.S. Foreign Policy and Defense Implications of START and INF.

**July 9**

A.M.—Soviet Strategic and Intermediate Range Forces and Programs; and U.S. Verification Capabilities.

Reason for closing: The GAC nominees will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign relations (collectively referred to as national security).

Authority to close meeting: These matters are within exemption 1 of 5 U.S.C. 552b(c) Government in the Sunshine Act. The closing of the meeting is in accordance with the determination by the Director of the U.S. Arms Control and Disarmament Agency, dated June 8, 1982, pursuant to the provision of Section 10(d) of Pub. L. 92–463.

John E. Grassle,

*Committee Management Officer.*

[FR Doc. 82–16571 Filed 6–17–82; 8:45 am]

BILLING CODE 6820–32–M

## CIVIL RIGHTS COMMISSION

### Idaho Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 12 Noon and will end at 5:00 p.m., on July 10, 1982, at the Red Lion Inn, 1800 Fairview Avenue, Boise, Idaho 83702. The purpose of this meeting is to elect vice-chair and secretary; and to discuss civil rights issues within the State.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Rudy M. Pena, 2410 Joretta, Boise, Idaho 83704, (208) 334–3993; or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (206) 399–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 15, 1982.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 82–16551 Filed 6–17–82; 8:45 am]

BILLING CODE 6335–01–M

### New Jersey Advisory Committee, Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New Jersey Advisory Committee to the Commission originally scheduled for June 24, 1982, at East Brunswick, New Jersey (FR Doc. 82–14777, on page 23787) has been changed.

The meeting will now be held on June 23, 1982. The time and location will remain the same.

Dated at Washington, D.C., June 14, 1982.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 82–16550 Filed 6–17–82; 8:45 am]

BILLING CODE 6335–01–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Certain Electric Motors From Japan; Preliminary Results of Administrative Review of Antidumping Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping duty order.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping duty order on certain electric motors from Japan. The review covers the three known exporters of this merchandise to the United States, generally for the period from April 1, 1980 through November 30, 1980.

As a result of this review, the Department has preliminarily determined to assess dumping duties for these exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review. To the extent that one firm's information was incomplete, the Department used the best information available for the missing information. For another firm which provided an inadequate response the Department has based assessment completely on the best information available.

The Department is considering a change in the criteria used for determining motor similarity.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Linda L. Pasden or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3601).

**SUPPLEMENTARY INFORMATION:**

### Background

On December 24, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 84994) the antidumping duty order on certain electric motors from Japan.

The Department published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct administrative reviews of certain outstanding antidumping duty orders, including this order. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has conducted an administrative review of that order.

### Scope of the Review

The motors covered by this review are AC, polyphase electric motors of not less than 150 HP but not greater than 500 HP, not including submersible well pump motors. The covered motors are currently classifiable under items 682.4545, 682.4600, 682.5020, and 682.5030 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three Japanese firms engaged in the production and export of these large electric motors to the United States. The review covers all three, generally for the period April 1, 1980 through November 30, 1980.

The response of one of the three firms, Yaskawa Electric Manufacturing Co., Ltd., was adequate for analysis. Toshiba Corporation's response was incomplete. To the extent that certain data for particular motors were absent (including cost information on certain merchandise differences, data on further processing in the United States, and price data on particular sales of two models sold in the home market), the Department used the best information available. Hitachi, Ltd. provided an inadequate response to the Department's questionnaire. For Hitachi, the Department relied completely on the best information available, which is the rate calculated during the original fair value investigation, which is higher than the highest rate for responding firms with shipments in the current period.

### United States Price

In calculating United States price the Department used purchase price or exporter's sales price ("ESP"), as defined in sections 772 (b) and (c) of the Tariff Act. Purchase price and exporter's sales price were based on the packed, delivered price to unrelated purchasers in the United States, with deductions, where applicable, for U.S. duty, brokerage, U.S. inland freight forwarder's charges, cash discounts, ocean freight and marine insurance, commissions to unrelated parties, warranties, advertising assumed on behalf of purchasers, delivery costs, and indirect selling expenses, in accordance with § 351.10 of the Commerce Regulations. For ESP transactions, where modifications to the motors were completed in the United States, deductions were made for the total cost of materials, labor, and profit incurred in such manufacture or assembly, in accordance with section 772(e)(3) of the Tariff Act. No other adjustments were claimed or allowed.

### Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, where sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Deductions were made for Japanese inland freight, credit costs, warranties, and warehousing costs. Adjustments were also made for differences in packing. We disallowed claimed advertising expenses since they were not directly related to sales. We also made adjustments for physical differences in the merchandise, based on differences in materials and labor costs, in accordance with § 353.16 of the Commerce Regulations.

The Department used third country sales prices (Canada) where there were no or insufficient home market sales, and constructed value where there were also no third country sales, as defined in sections 773(a) and (e) of the Tariff Act. Third country sales prices were based on the CIF delivered price to the first unrelated purchaser in Canada with deductions, where applicable, for Japanese inland freight, forwarder's charges, insurance, warehousing, ocean freight, marine insurance, Canadian duty, brokerage, Canadian inland freight, delivery costs, commissions to unrelated parties, warranties, and advertising assumed on behalf of purchasers.

For exporter's sales price comparisons we made allowances, where applicable, for actual selling expenses incurred up to the amount of selling expenses incurred in the United States, in accordance with § 353.15(c) of the Commerce Regulations.

For those models for which no or insufficient home market and no third country sales existed, unlike the review of the suspension agreement on certain small motors from Japan, we deemed it more appropriate to use constructed value rather than offers for sale (price lists) in Canada.

Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. In the absence of actual profit figures for sales of such motors in the home market, we calculated profit by subtracting the cost of the production (material, labor, general expenses, and export packing) for each model from the U.S. price for each transaction. That amount was compared with the cost of production figure to produce a profit percentage for each transaction. We multiplied the profit percentage for each transaction by the number of units of that model having that profit, ultimately arriving at a weighted average profit per model. This weighted average rate of profit was applied to the sum of the material, labor, and general expenses for each model to obtain the profit used in the constructed value computation. Where the weighted average profit for a model was less than the statutory minimum of eight percent, we used the statutory minimum.

The amount for general expenses was determined on the basis of the actual general expenses incurred and constituted at least ten percent of the sum of materials fabrication costs. No other adjustments were claimed or allowed.

The methodology employed with respect to the calculation of profit under constructed value is consistent with that employed during the investigation phase of this proceeding. However, for future reviews in this case, the Department will employ the methodology set forth in the "Final Determination of Sales at Less than Fair Value" with respect to strontium nitrate from Italy (46 FR 254976–7).

In determining similarity of motors we used the same five criteria used during the original fair value investigation. One of the five criteria is whether a motor for comparison has a horsepower rating within plus or minus 10 HP of a given U.S. motor. As in the investigation, any non-U.S. motor whose HP rating differs from the rating of a U.S. motor by more than plus or minus 10 HP is not considered such or similar merchandise to the U.S. motor and is not selected for comparison. The petitioner contends that this particular criterion has no factual basis and that we should change from plus or minus 10 HP to plus or minus 10 *percent* of the horsepower rating of the motor.

**Preliminary Results of the Review**

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist:

| Manufacturer | Time period | Margin (percent) |
|---|---|---|
| Hitachi | 4/1/80 to 11/30/80 | 6.70 |
| Yaskawa | 4/1/80 to 11/30/80 | 0.17 |
| Toshiba | 4/1/80 to 03/31/81 | 3.71 |

Interested parties may submit written comments on these preliminary results on or before July 19, 1982 and may request disclosure and/or a hearing on or before June 28, 1982. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made on or before June 22, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates or export dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue assessment instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the margins calculated above shall be required on all shipments by these firms of electric motors from Japan of not less than 150 HP but not greater than 500 HP entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the margin for Yaskawa Electric Manufacturing Co., Ltd., is less than 0.5 percent and therefore *de minimis*, the Department is waiving the deposit requirement for Yaskawa. These deposit requirements and waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

**Gary N. Horlick,**

*Deputy Assistant Secretary for Import Administration.*

June 14, 1982.

[FR Doc. 82-16572 Filed 6-17-82; 8:45 am]

BILLING CODE 3510-25-M

## Certain Small Motors From Japan; Preliminary Results of Administrative Review of Suspension Agreement

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Suspension Agreement.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the agreement to suspend the antidumping investigation on certain small motors from Japan. The review covers the period November 6, 1980 through May 6, 1981 for certain small motors and November 6, 1980 through March 31, 1981 for other small motors. As a result of the review, the Department preliminarily determines that Toshiba Corporation and Toshiba International Corporation have complied with the cessation portion of the suspension agreement and that dumping margins exist on one type and *de minimis* margins on the other of the two types of small motors covered by another portion of the agreement. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** Linda L. Pasden or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3601).

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 6, 1980, the Department of Commerce ("the Department") published in the Federal Register (46 FR 73727–7) a notice of suspension of antidumping duty investigation regarding certain small motors from Japan. The Department noted that the suspension agreement between Toshiba Corporation ("Toshiba"), Toshiba International ("TIC"), and the Department met the criteria provided in section 734 of the Tariff Act of 1930 ("the Tariff Act"). In the notice the Department also announced its intent to conduct an administrative review of the suspension agreement, as provide for in section 751 of the Tariff Act. The Department has now conducted that administrative review.

**Scope of the Review**

The small motors covered by this review are AC, polyphase electric motors of greater than 5 horsepower and less than 150 horsepower, currently classifiable under items 682.4130, 682.4200, 682.4545, and 682.4600 of the Tariff Schedules of the United States Annotated (TSUSA).

Toshiba is the only exporter to the U.S. of these small motors covered by the suspension agreement. This review covers the period November 6, 1980 through May 6, 1981 for the cessation portion of the agreement, and November 6, 1980 through March 31, 1981 for the portion of the agreement pertaining to explosion-proof and oil well pump motors.

**Terms of the Suspension Agreement**

1. Toshiba agreed to cease exports from Japan to the United States of all small motors except for oil well pump and explosion-proof motors. All other exports were to cease no later than May 6, 1981, 6 months after the effective date of the suspension of the investigation, and the quantity of these motors exported by Toshiba to the United States from the effective date through May 6, 1981 was not to exceed the quantity of Toshiba's exports of such

motors during the 6-month period February 1, 1979 through July 31, 1979.

2. Toshiba agreed to make any necessary price adjustments to eliminate completely any sales at less than fair value of oil well pump and explosion-proof motors.

3. Toshiba agreed to supply on a monthly basis information showing the number and type of each unit sold and the unit price for oil well pump motors and explosion-proof motors (plus flame-proof motors) in the United States, the home market, and to third countries.

4. If there were no sales in Japan or third countries of any of the three types of motors, Or if the Department determined that such sales were insufficient to permit price to price comparisons with the sales of the respective types in the United States, then Toshiba agreed to supply the constructed value data for those motor types. The constructed value data was to be provided at 6-month intervals.

**United States Price**

In calculating United States price the Department used purchase price or exporter's sales price, as defined in sections 772(b) and (c) of the Tariff Act. Purchase price and exporter's sales price were based on the packed, delivered price to unrelated purchasers in the United States, with deductions, where applicable, for U.S. duty, brokerage, U.S. inland freight, forwarder's charges, cash discounts, ocean freight and marine insurance, commissions to unrelated parties, warranties, advertising assumed on behalf of purchasers, delivery costs, and indirect selling expenses, in accordance with § 35.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

**Foreign Market Value**

In calculating foreign market value the Department used third country sales prices or offers for sale (price lists) for explosion-proof motors and constructed value for oil well pump motors, as defined in sections 773(a) and (e) of the Tariff Act, since there were no home market sales of these two types of small motors and no third country sales or offers for sale of oil well pump motors. Third country sales prices and offers for sales were based on the CIF delivered price to the first unrelated purchaser in Canada, with deductions, where applicable, for Japanese inland freight, forwarder's charges, insurance, warehousing, ocean freight, marine insurance, Canadian duty, brokerage, Canadian inland freight, delivery costs, commissions to unrelated parties, warranties, and advertising assumed on behalf of purchasers.

For comparisons with models sold in the U.S. by TIC, we made allowances, where applicable, for actual selling expenses incurred up to the amount of selling expenses incurred in the United States, in accordance with § 353.15(c) of the Commerce Regulations.

Constructed values for oil well pump motors were calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. In the absence of actual profit figures for sales of such motors in the home market, we calculated profit by subtracting the cost of the production (material, labor, general expenses, and export packing) for each model from the exporter's sales price for each transaction. That amount was compared with the cost of production figure to produce a percentage for actual profit for each transaction. We multiplied the profit percentage for each transaction by the number of units of that model sold to arrive at a weighted average profit per model. This weighted average rate of profit was applied to the sum of the material, labor, and general expenses for each model to obtain the profit used in the constructed value computation. Where the weighted average profit for a model was less than the statutory minimum of eight percent, we used the statutory minimum.

The amount for general expenses was determined on the basis of the actual general expenses incurred by Toshiba and constituted at least ten percent of the sum of materials and fabrication costs. No other adjustments were claimed or allowed.

**Preliminary Results of the Review**

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist:

| Type motor | Time period | Margin (percent) |
|---|---|---|
| Oil well pump | 11/06/80-03/31/81 | 1.60 |
| Explosion-proof | 11/06/80-03/31/81 | 0.01 |

**Compliance with Agreement**

We have preliminarily determined that Toshiba has complied with the cessation portion of the suspension agreement. Because the margins calculated for explosion-proof motors are *de minimis* we preliminarily determine that Toshiba has complied with the terms of the agreement with regard to such motors. However, on the basis of the calculated margins for oil well pump motors, the Department has preliminarily advised Toshiba of a possible breach of the suspension agreement, in accordance with § 353.43(b) of the Commerce Regulations.

Interested parties may submit written comments on these preliminary results on or before July 19, 1982 and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first work-day thereafter. Any request for an administrative protective order must be made on or before June 22, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.35).

**Gary N. Horlick,**

*Deputy Assistant Secretary for Import Administration*

June 14, 1982.

[FR Doc. 82-16573 Filed 6-17-82; 8:45 am]

BILLING CODE 3510-25-M

## Electronic Instrumentation Technical Advisory Committee; Closed Meeting

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

**TIME AND PLACE:** July 8, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th

Street and Constitution Ave., N.W., Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

**Vincent F. DeCain,**

*Acting Director, Office of Export Administration.*

[FR Doc. 82–16574 Filed 6–17–82; 8:45 am]

BILLING CODE 3510–25–M

## National Oceanic and Atmospheric Administration

### Richard L. Merrick, School of Oceanography; Modification No. 1 to Permit No. 375 (P299)

Pursuant to Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals and Section C–10 of Permit No. 375 issued to Mr. Richard L. Merrick, School of Oceanography, Oregon State University, Corvalis, Oregon 97331 on April 7, 1982 (47 FR 15823), that permit is modified as follows:

Section B is modified by adding:

"7. In the event of harassment by the Holder of more than 50 animals during the course of normal re-supply operations of the field stations, all activities shall be suspended and the Holder shall submit a report for review as described in Section B–2 of this Permit."

This modification is effective upon publication in the **Federal Register.**

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, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115.

Dated: June 11, 1982.

**R. B. Brumsted,**

*Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 82–16607 Filed 6–17–82; 8:45 am]

BILLING CODE 3510–22–M

### Oceanarium Jaya Ancol; Issuance of Permit

On April 20, 1982, Notice was published in the **Federal Register** (47 FR 16823), that an application had been filed with the National Marine Fisheries Service by Oceanarium Jaya Ancol of Jakarta Pusat, Indonesia, for a Permit to take six (6) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on June 9, 1982, 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 Permit for the above taking to Oceanarium Jaya Ancol, 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: June 9, 1982.

**Richard B. Roe,**

*Acting Director, Office of Marine Mammals and Endangered Species National Marine Fisheries Service.*

[FR Doc. 82–16606 Filed 6–17–82; 8:45 am]

BILLING CODE 3510–22–M

### Southwest Fishiers Center; Issuance of Permit

On April 22, 1982 Notice was published in the **Federal Register** (46 FR 17322) that an application had been filed with the National Marine Fisheries Service by the Southwest Fisheries Center, National Marine Fisheries Service, for a permit to capture, fit with radio tags and maximum depth recorders, and release fifty Hawaiian monk seals (*Monacnus schauinslandi*) of both sexes and all age classes.

Notice is hereby given that on June 11, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to the Southwest Fisheries Center, subject to certain conditions set forth therein.

As required by the Endangered Species Act of 1973, issuance of this permit is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the permit, and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (30 FR 41367, November 27, 1974).

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: June 11, 1982.

**Richard B. Roe,**

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 82–16605 Filed 6–17–82; 8:45 am]

BILLING CODE 3510–22–M

### Southwest Fisheries Center; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Southwest Fisheries Center (P77#4), National Marine Fisheries Service.

b. Address: P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Pacific bottlenose dolphins (Tursiops truncatus) up to 200.

4. Type of Take: Potential harassment while observing and photographing in order to study population levels and stock discreteness.

5. Location of Activity: Coastal California waters.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before July 19, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application 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.

Dated: June 11, 1982.

**R. B. Brumsted,**

*Acting Deputy Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 82-16608 Filed 6-17-82; 8:45 am]

BILLING CODE 3510-22-M

## COMMODITY FUTURES TRADING COMMISSION

### Exchange Proposals to Trade Commodity Options

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Extension of the comment period.

**SUMMARY:** On April 30, 1982, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** a notice of availability of a Kansas City Board of Trade ("KCBT") proposal to trade options on Value Line Stock Index futures contracts and of a New York Futures Exchange ("NYFE") proposal to trade options on the New York Stock Exchange Equity Index futures contracts (47 FR 18639). The Commission in that notice requested public comment on those proposals. The comment period expired on May 28, 1982.

The Commission has received a request to extend the comment period with respect to both of these submissions to allow interested parties additional time to submit their comments. This request was based upon the delay experienced by the requestor in obtaining certain documents. Certain portions of the KCBT's application to trade options were subject to a petition for confidential treatment. The Commission subsequently denied this petition after the comment period had expired.

In addition, certain portions of the NYFE submission were released through the Freedom of Information Act during the latter half of the comment period. In order to ensure that all interested parties have an adequate opportunity to submit informed comments, the Commission is extending the period for comment on the KCBT proposal to trade options on Value Line Stock Index futures contracts and on the NYFE proposal to trade options on the New York Stock Exchange Equity Index futures contracts.

**DATES:** Comments on the NYFE proposal to trade options on New York Stock Exchange Equity Index futures contracts must be submitted by June 28, 1982. Comments on the KCBT proposal to trade options on Value Line Stock Index futures contracts must be submitted by July 6, 1982.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Architzel, Esquire, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-6990.

Dated: June 14, 1982.

**Jane K. Stuckey,**

*Secretary of the Commission.*

[FR Doc. 82-16556 Filed 6-17-82; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board Task Force on Anti-Tactical Missiles: Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Anti-Tactical Missiles (ATM) will meet in closed session on 7 July 1982 in Arlington, Virginia.

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 its meeting on 7 July 1982, the Defense Science Board Task Force on ATM will review the Service requirements and programs for the development of means to counter the Soviet tactical missile threat and will structure the next phase of the Task Force's work.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, 1976), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

June 15, 1982.

**M. S. Healy,**

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

[FR Doc. 82-16560 Filed 6-17-82; 8:45 am]

BILLING CODE 3810-01-M

### Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation; Notice of Advisory Committee Meeting

The Defense Science Board (DSB) Task Force on International Industry-to-Industry Armaments Cooperation will meet in closed session on July 14, 1982 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.

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 its meeting on July 14, 1982 the DSB Task Force on International Industry-to-Industry Armaments Cooperation will continue its review of the Defense Department's policies, plans and procedures which impede or might impede international arms cooperation and thereby have the potential for adversely impacting the collective security of the United States, its friends and Allies. In the context, the Task Force will also analyze the effect current international cooperation policies have on the utility of the U.S., its friends, and Allies to achieve in good order and sustain mobilization capacities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, 1976), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

**M. S. Healy,**

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

[FR Doc. 82–16561 Filed 6–17–82; 8:45 am]

BILLING CODE 3810–01–M

## DEPARTMENT OF EDUCATION

### National Communication on Excellence in Education; Hearing

**AGENCY:** National Commission on Excellence in Education, Commission Education.

**ACTION:** Notice of hearing.

**SUMMARY:** This notice amends the announcement of the hearings of the National Commission on Excellence in Education published in the Federal Register on March 4, 1982 on page 9271.

**DATE:** June 23, 1982 (8:30 a.m. until 5:00 p.m.).

**LOCATION:** Roosevelt University, O'Malley Theater, Room 773 Auditorium building, 430 South Michigan Avenue, Chicago, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Clifford Adelman or Antoine Garibaldi (202) 254–5555, 1200 19th Street, NW., Washington, D.C. 20208.

On June 23, 1982, the hearing on College Admissions and the Transition from Secondary to Postsecondary Education will be co-chaired by Commission members Norman C. Francis, President Xavier University, New Orleans, Louisiana and Gerald Holton, Mallinckrodt Professor of physics and Professor of the history of science, Harvard University, Cambridge, Massachusetts.

At the open public meeting, Commission members will hear invited testimony from key national experts. Following the presentations of testimony, the invited experts will respond to questions from Commission members. After the luncheon recess, local and regional experts will present invited testimony about their experiences and perspectives. Again, the Commission members will pose questions to those witnesses. At the end of the day, there will be an opportunity for members of the audience to submit testimony on specific examples of educational excellence. These statements may address either the day's topic or other topics related to the pursuit of educational quality.

In addition to the testimony the Commission receives the day of the hearing, individuals and organizations across the country are invited to submit 2–5 pages of written testimony that will assist the Commission in developing recommendations on these topics. The record will remain open for one month following the hearing.

Two hearings on other topics will be held throughout the United States over the next few months.

Dated: June 4, 1982.

**Donald J. Senese,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 82–16552 Filed 6–17–82; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Office of Assistant Secretary for International Affairs

### International Atomic Energy Agreements; Proposed Subsequent Arrangement; International Atomic Energy Agency

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 26.25 grams of plutonium as plutonium-oxide to the Central Control Laboratory, Czechoslovak Socialist Republic, under Contract Number WC–IA–115.

This material is to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyse materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with section 131 of the Atomic Energy of 1954, as amended, it has been determined that the furnishing of the nuclear material 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 (July 6, 1982).

For the Department of Energy.

Dated: June 14, 1982.

**George Bradley,**

*Principal Deputy Assistant Secretary for International Affairs.*

[FR Doc. 82–16504 Filed 6–17–82; 8:45 am]

BILLING CODE 6450–01–M

### International Atomic Energy Agreements Proposed Subsequent Agreement; International Atomic Energy Agency

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning the Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves supply of the following material to the Nuclear Research Institute, Czechoslovak Socialist Republic through the IAEA.

Contract Number WC–IA–118, 105.6 grams of uranium enriched to 4.30% in U–235.

The above material is to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the

furnishing of this material 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. (July 6, 1982).

For the Department of Energy.

Dated: June 14, 1982.

**George Bradley,**

*Principal Deputy Assistant Secretary for International Affairs.*

[FR Doc. 82-16505 Filed 6-17-82; 8:45 am]

BILLING CODE 6450-01-M

## International Atomic Energy Agreements; Proposed Subsequent Arrangements; Korea, Spain and Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperations between the Government of the United States of America and the Governments of Korea, Spain and Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve contractual arrangements under which DOE will consent, if requested, to the assignment of portions of various uranium enrichment services contracts held by U.S. and foreign utilities to the Korea Electric Company, as shown below:

| Separative work units | Fiscal year |
|---|---|
| 15,000 | 1986 |
| 75,000 | 1987 |
| 80,000 | 1988 |

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice (July 6, 1982).

For the Department of Energy.

Dated: June 14, 1982.

**George Bradley,**

*Principal Deputy Assistant Secretary International Affairs.*

[FR Doc. 82-16502 Filed 6-17-82; 8:45 am]

BILLING CODE 6450-01-M

## International Atomic Energy Agreements; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-JA-320, to the Power Reactor and Nuclear Fuel Development Corp., Japan, 625 grams of natural uranium, 4.005 grams of uranium enriched to 37.2% in U-235, 0.04 grams of uranium-233, and 0.03 grams of plutonium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material 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 (July 6, 1982).

For the Department of Energy.

Dated: June 14, 1982.

**George Bradley,**

*Principal Deputy Assistant Secretary for International Affairs.*

[FR Doc. 82-16503 Filed 6-17-82; 8:45 am]

BILLING CODE 6450-01-M

## Office of Energy Research

## The Conservation Panel of the Energy Research Advisory Board; Cancellation of Meeting

This notice is given to advise of the cancellation of the Conservation Panel of the Energy Research Advisory Board meeting originally scheduled to be held June 18, 1982. Notice of meeting was published in the May 11, 1982 issue (47 FR 20176). When the meeting is rescheduled a notice will appear in the **Federal Register.**

Issued at Washington, D.C. on June 16, 1982.

**J. Ronald Young,**

*Director for Management, Office of Energy Research.*

[FR Doc. 82-16669 Filed 6-17-82; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. ER82-456-000]

## Cincinnati Gas & Electric Co.; Order Accepting for Filing and Suspending Revised Phased Rates, Accepting for Filing Settlement Rates, Ordering Summary Disposition, Granting Intervention, and Establishing Prodedures

Issued: June 11, 1982.

On April 14, 1982, Cincinnati Gas & Electric Company (CG&E) submitted for filing a two-phase increase in rates to its Ohio municipal wholesale customers (Villages of Bethel, Blanchester, Georgetown, Hamersville, and Ripley) and its two wholly-owned subsidiaries, Union Light, Heat and Power Company (Union) and West Harrison Gas and Electric Company (West Harrison).[1] On May 26, 1982, CG&E submitted (1) a settlement agreement on behalf of CG&E and the Ohio muncipal customers that includes a single rate increase (settlement rates) to these customers, and (2) a motion for acceptance of the settlement rates. As a result, the Phase I and II rates are now proposed only for Union and West Harrison.[2] The Phase I rates would increase revenues from Union and West Harrision by approximately $11,771,000 (15.85%) during the calendar 1982 test period. The Phase II rates would further increase revenues by about $3,190,500 (4.30%). The proposed settlement rates would increase revenues from the muncipal customers by $681,364 (17.53%) during the same test period. CG&E requests that the Phase I rates become effective on June 14, 1982, and indicates that if those rates are suspended for no more than one day, it would not object to a maximum suspension of the Phase II rates. The proposed settlement with the Municipal customers provides for an August 1, 1982 effective date.

Notice of the filing was issued on April 23, 1982, with comments due on or before May 10, 1982. On May 6, 1982, the Newport Steel Corporation (Newport), an industrial customer of Union, filed a protest and a separate petition to intervene. Newport states that as Union's largest customer which receives all of its energy requirements from Union, it will be directly affected by this

[1] *See* Attachment A for rate schedule designations.

[2] Under the settlement agreement, CG&E and the Ohio municipal customers, *inter alia*, have agreed that, in the event further proceedings result in a lower rate of return for West Harrison and Union, CG&E will lower the settlement rates to reflect approximately the same rate of return.

proceeding. In its protest, Newport requests a five month suspension of both phases and an investigation and hearing, raising a number of cost of service and rate design issues.[3]

On May 10, 1982, Union filed a petition to intervene, requesting full party rights including the right to present evidence and cross examine witnesses in the event the matter of the proposed increase goes to hearing. Also, on May 10, 1982, the Kentucky Public Service Commission filed a notice of intervention. On May 19, 1982, CG&E filed an answer opposing Newport's protest.

**Discussion**

Initially, we find that participation in this proceeding by Newport and Union is in the public interest. We shall therefore grant their petitions to intervene. Further, the timely notice of intervention filed by the Kentucky Public Service Commission is sufficient to initiate its participation as an intervenor.

We note that CG&E's cost of service includes expenses associated with the company's contributions to EPRI. Recent Commission orders have granted summary disposition with respect to this issue. *See, e.g., Northern States Power Company (Wisconsin),* Docket No. ER81–653–000 (October 2, 1981). However, in *Philadelphia Electric Company,* Docket Nos. ER82–294–000 and ER82–295–000, 19 FERC ¶ 61,017 (April 9, 1982), we acknowledged that the propriety of collecting EPRI expenses from an affiliated customer was an issue appropriate for hearing. Since both Union and West Harrison are wholly-owned subsidiaries of CG&E, we shall permit CG&E to pursue the EPRI issue at hearing.

We further note that CG&E has included the unamortized investment in the cancelled Killen Unit No. 1 generating plant in rate base. The Commission has determined that it is improper to include in rate base the unamortized investment in abandoned generating projects.[4] Accordingly, summary disposition of this issue is appropriate for the rates applicable to Union and West Harrison.

Our review of the filing also reveals that CG&E has not reflected tax normalization for all timing differences as required in Order No. 144–A (February 22, 1982). Consistent with the policy explained in *Wisconsin Electric Power Company,* Docket No. ER82–347–000, 19 FERC ¶ 61.026 (April 13, 1982), we shall require CG&E to file revised rates and cost of service statements (applicable to Union and West Harrison) which reflects the tax normalization procedures required by Order No. 144–A and section 35.25 of the regulations. We shall not upset the settlement agreement between CG&E and the municipal customers by requiring an adjustment to those rates to reflect full normalization, but we take this opportunity to advise CG&E that future rate changes must comport with the Commission's normalization procedures.[5]

CG&E has proposed a revision to its fuel adjustment clause to include a provision for test energy associated with nuclear generation. CG&E seeks in both the settlement rates and the rates applicable to Union and West Harrison, to assign test energy a cost equal to the cost of fuel displaced by the test energy. Such a proposal would require a waiver of section 35.14 of the Commission's regulations. In order to facilitate the voluntary settlement between CG&E and the municipal customers, we shall grant waiver of section 35.14 and accept the proposed fuel clause for service to these customers. However, we believe that CG&E has not filed sufficient support to justify the non-conforming fuel clause in the Phase I and II rates for Union and Harrison. Accordingly, as to these customers, we shall deny waiver of the fuel clause regulations without prejudice to CG&E attempting at hearing to support its position. In the absence of a waiver, the proposed fuel clause will not be permitted to operate.

We find that the proposed settlement between CG&E and the affected municipal customers is just and reasonable and in the public interest. Therefore, we shall accept the settlement rates for filing to become effective on August 1, 1982, consistent with the parties' agreement. Considering the issues raised by the intervenors, we conclude that the non-settled rates for Union and West Harrison have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept those rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

We recently explained the Commission's suspension policy in *West Texas Utilities Company,* Docket No. ER82–23–000 (February 26, 1982). As noted there, where our preliminary review suggests that increased rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas,* we shall suspend the rates for one day. Where, however, preliminary examination indicates that the rates may be substantially excessive, we shall suspend for the maximum period. Our review indicates that while the Phase I rates may not produce excess revenues, the Phase II rates may produce substantially excessive revenues. Accordingly, we shall suspend the Phase I rates for one day to become effective on June 15, 1982, and the Phase II rates for five months to become effective on November 14, 1982, subject to refund.

*The Commission orders:*

(A) CG&E's settlement rates for service to the five Ohio municipal customers are hereby accepted for filing to become effective on August 1, 1982, without suspension.

(B) CG&E's proposed Phase I and Phase II rates for service to Union and West Harrison are hereby accepted for filing, as amended by Paragraph (C) below, and are suspended as follows: the Phase I rates the suspended for one day to become effective on June 15, 1982, subject to refund, and the Phase II rates are suspended for five months to become effective on November 14, 1982, subject to refund.

(C) CF&E shall file within thirty (30) days of the date of this order revised Phase I and Phase II rates and a revised cost of service which reflect tax normalization procedures consistent with Order No. 144–A and which exclude from rate base the unamortized investment in the Killen Unit No. 1 generating station.

(D) Waiver of the fuel clause requirements contained in section 35.14 of the regulations is granted with respect to the settlement rates for the Ohio Municipal customers and is denied without prejudice as to Union and West Harrison.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal

[3] Newport alleges: (1) an understatement of billing demands for Union which results in substantially higher unit charges; (2) improper allocation of EPRI contributions to Union; (3) unsubstantiated purchased power expenses; (4) improper inclusion of an 85% demand ratchet for service to Union; (5) improper inclusion in rate base of land held for future use for which there are no specific plans for utilization; (6) a working capital allowance in excess of that which would be permitted under the 45-day convention and which is not supported by a lead-lag study; (7) inclusion in rate base of costs associated with the cancellation of the Killen unit; (8) unsubstantiated A&G expenses; (9) inclusion of charitable contributions as an expense item; and (10) use of an excessive return on common equity.

[4] *See, e.g., New England Power Company,* Opinion No. 49,——, FERC ——, (July 17, 1979).

[5] We note, for purposes of the Economic Recovery Tax Act of 1981, that CG&E has used normalization accounting as required by the act, for ACRS benefits.

Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of CG&E's Phase I and Phase II rates.

(F) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however,* That participation by such intervenors shall be limited to the matters set forth in their petition to intervene; and *Provided, Further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(H) A presiding administrative law Judge, to be designated by the Chief Administrative Law judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

**Lois D. Cashell,**

*Acting Secretary.*

ATTACHMENT A.—CINCINNATI GAS & ELECTRIC CO., DOCKET NO. ER82-456-000

Rate Schedule Designations, FPC Electric Tariff

[First Revised Volume No. 1]

| Designation | Description | Other party |
|---|---|---|
| (1) 5th Revised Sheet No. 4 (Supersedes 4th Revised Sheet No. 4). | Rate WH-I (Phase I). | West Harrison Gas & Electric Co. |
| (2) 7th Revised Sheet No. 5 (Supersedes 6th Revised). | Rate WS-P (Phase I). | Union Light Heat & Power Co. |
| (3) 5th Revised Sheet No. 6 (Supersedes 4th Revised Sheet No. 6). | Rate WS-S | Bethel. Blanchester. Georgetown. Hamersville. Ripley. |

ATTACHMENT A.—CINCINNATI GAS & ELECTRIC CO., DOCKET NO. ER82-456-000—Continued

[First Revised Volume No. 1]

| Designation | Description | Other party |
|---|---|---|
| (4) 1st Revised Sheet No. 7 (Supersedes Original Sheet No. 7). | Rider F—Fuel Cost Adjustment. | All Tariff Customers. |
| (5) 6th Revised Sheet No. 4 (Supersedes 5th Revised Sheet No. 4). | Rate WH-I (Phase II). | West Harrison Gas & Electric Co. |
| (6) 8th Revised Sheet No. 5 (Supersedes 7th Revised Sheet No. 5). | Rate WS-P (Phase II). | Union Light Heat & Power Co. |

[FR Doc. 82-16581 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP80-549-002]**

## Colorado Interstate Gas Co.; Petition To Amend

June 16, 1982.

Take notice that on May 26, 1982, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80-549-002 a petition to amend the order issued December 18, 1981, in Docket No. CP80-549, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the designation of new sources of supply for natural gas and the revision of pricing terms, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that the order issued December 18, 1981, authorized the transportation and exchange of gas with Western Gas Interstate Company (Western) Petitioner received the gas from three wells in Texas County, Oklahoma, and on a best-efforts basis redelivered to Western thermally equivalent volume of natural gas, subject to fuel use, unaccounted-for gas loss, and a 25 percent purchase option by Petitioner on volumes received from Western.

Petitioner herein requests amendment of the order issued December 18, 1981, so as to authorize the use of Western's eastern system as a source of supply for transportation volumes delivered to Petitioner by Western and to revise the pricing terms applicable to sales under the 25 percent purchase option.

It is asserted that such amendment would not alter the nature of services to be rendered under the certificate. Petitioner states that it would accept volumes of up to 5,000 Mcf per day from Western provided Petitioner has adequate capacity at the points of receipt and redelivery of transportation volumes.

Petitioner asserts that the proposed change in source of supply from the three wells would enable Western to increase the volumes of gas nominated for transport. It is stated that this amendment would allow Western to move needed supplies between its service areas to meet the load requirements of its customers regardless of the production abilities of the three wells authorized as the original supply source.

Petitioner asserts that the proposed pricing provision would price all gas purchased by Petitioner at Western's currently effective Rate Schedule G-N and that the effect of this change would be to remove monthly fluctuations from the purchase price paid by Petitioner due to changes in Western's purchase price or weighting of volumes.

Any desiring to be heard or to make any protest with reference to said petition to amend should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16582 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. CP81-44-001]**

## Columbia Gas Transmission Corp.; Petition To Amend

June 16, 1982.

Take notice that on May 21, 1982, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-44-001 a petition pursuant to Section 7 of the Natural Gas Act to amend the order issued June 10, 1981, in Docket No. CP81-44-000, so as to authorize the acquisition, construction and operation of certain natural gas facilities, and to permit and approve the

abandonment of certain natural gas facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued June 10, 1981, in Docket No. CP81–44–000, Petitioner was authorized, *inter alia*, to undertake 38 separate projects on its pipeline system, including Project No. 20. Petitioner states that Project No. 20 consisted of the construction and operation of approximately 2.1 miles 6-inch transmission pipeline replacing 1.8 miles of 6-inch and 10-inch pipeline in Marshall and Ohio Counties, West Virginia, in order to provide for the continuation of adequate service to the markets of Elm Grove, Clifton Heights, and Sherrand, West Virginia.

Petitioner asserts that it has been informed that Columbia Gas of West Virginia, Inc. (CWV), an affiliated wholesale customer, is experiencing a change in operation due to long wall mining in the general area of Petitioner's original proposed Project No. 20, and that the realignment of CWV's system requires that Petitioner establish two new points of delivery in order to serve CWV's requirements.

Petitioner, therefore, proposes to replace the previously authorized Project No. 20 with the proposed Project No. 20R, which would consist of (1) the construction and operation of approximately 2.2 miles of 6-inch pipeline and two new points of delivery to CWV; (2) the acquistion of 0.4 mile of 8-inch pipeline from CWV and (3) the abandonment of 1.1 miles of 6-inch and 10-inch pipeline and three pointsd of delivery to CWV, all located in Marshall and Ohio Counties, West Virginia.

Petitioner estimates the cost of the proposed construction to be $343,300, and states that the facilities proposed for acquisition would be at the estimated net depreciated cost of $34,080.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to the taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16583 Filed 6–17–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP79–97–003]**

## Columbia Gulf Transmission Co. and Columbia Gas Transmission Corp.; Petition To Amend

June 16, 1982.

Take notice on May 25, 1982, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP79–97–003 a joint petition to amend the order issued March 13, 1979, in Docket No. CP79–97 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional balancing point for the exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued March 13, 1979, authorized Gulf Oil Exploration and Production Company (Gulf) to deliver to Colubmia Gulf for the account of Columbia Gas up to 15,000 Mcf of natural gas per day in Eugene island Blocks 331 and 314, offshore Louisiana. It is stated that the order also authorized Columbia Gas to deliver or cause to be delivered to Gulf a thermally equal quantity of gas at East Cameron Block 245, offshore Louisiana. Petitioners state that any inbalances in deliveries of exchanged gas were to be corrected by deliveries of gas from Gulf to Colubmia Gulf or from Columbia Gulf to Gulf at Eugene island Block 313, Platform A, offshore Louisiana.

It is asserted that because Gulf's and Columbia Gas' Eugene Island Block 313A and Columbia Gas' gas reserves available for delivery at East Cameron Block 245 have been drastically reduced while Gulf's gas reserves available for delivery at Eugene Island Blocks 331 and 314 have remained stable, there presently exists a serious imbalance in the volumes of gas exchanged. Therefore, Petitioners request authorization to add Venice, Plaquemines Parish, Louisiana, as an additional balancing point.

It is asserted that Gulf has further agreed that for volumes of natural gas delivered at the Venice balancing point, Gulf would pay Columbia Gulf a transportation charge of 17.93 cents per Mcf of natural gas delivered.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16584 Filed 6–17–82; 8:45 am]

BILLING CODE 61717–01–M

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**[Docket No. ES82–60–000]**

## Gulf States Utilities Co.; Application

June 15, 1982.

Take notice that on June 9, 1982, Gulf States Utilities Company, (Applicant) filed an Application pursuant to Section 204 of the Federal Power Act, authorizing the issuance of intermediate term notes in an aggregate principal amount not to exceed $24,000,000 at any one time outstanding under a loan agreement with certain banks, having a maturity of less than 10 years.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before June 30, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16585 Filed 6–17–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP82–350–000]**

## Michigan Wisconsin Pipe Line Co.; Application

June 16, 1982.

Take notice that on May 27, 1982, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket

No. CP82-350-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station and appurtenant facilities in order to establish a new delivery point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a new delivery point at Emerald Grove, Wisconsin for Wisconsin Power and Light Company (Wisconsin Power). It is asserted that the new delivery point would enable Wisconsin Power to render natural gas service to certain residential and high priority agricultural end users.

It is asserted that the cost of the facilities proposed herein would be approximately $84,710 and would be financed with funds on hand.

Two of Wisconsin Power's customers in Emerald Grove would use the gas to replace their current use of propane, thus reducing the costs of food and fibre products produced and dryed by these customers, it is explained. Applicant states that the proposed service is within Wisconsin Power's currently effective peak day and annual entitlements.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulation under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16586 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP82-337-000]**

## Northwest Pipeline Corp., Complainant and Pacific Interstate Transmission Co., Defendant; Complaint and Motion

June 16, 1982.

Take notice that on May 14, 1982, Northwest Pipeline Corporation (Complainant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-337-000 a complaint and motion pursuant to Sections 1.6 and 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.6 and 1.12) alleging a violation by Pacific Interstate Transmission Company (Defendant) of an order issued March 12, 1982, in Docket No. CP82-22-000, and moves that the Commission order Defendant to cease and desist from its unlawful activities and to comply with the terms of such order or, in the alternative, revoke the authorization granted Defendant by such order, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

It is submitted that by orders issued January 11, 1980, and June 13, 1980, in Docket No. CP78-123, *et al.*, (1) Northwest Alaskan Pipeline Company (Northwest Alaskan) was authorized to import up to 300,000 Mcf of surplus Canadian natural gas per day from Pan-Alberta Gas Ltd., at the United States-Canadian international boundary near Kingsgate, British Columbia, and to resell such volumes of gas to Defendant; (2) Northwest Alaskan was authorized to resell such gas to Defendant; (3) Defendant was authorized to resell such natural gas to its affiliate, Southern California Gas Company (SoCal); (4) Pacific Gas Transmission Company (PGT) was authorized to construct and operate approximately 169 miles of the western leg of the Alaska Natural Gas Transportation System (ANGTS) from Kingsgate to a point of interconnection with the facilities of Complainant near Stanfield, Oregon, for the transport of Defendant's Pan-Alberta gas; (5) Complainant was authorized to construct and operate approximately 350 miles of loop pipeline—owned 70 percent by Complainant and 30 percent by Defendant—on Complainant's existing system for the transportation of Defendant's Pan-Alberta gas to a point of interconnection with the facilities of El Paso Natural Gas Company (El Paso) near Ignacio, Colorado; and (6) El Paso was authorized to transport Defendant's gas through its facilities near Ignacio, Colorado, to a point of interconnection with the facilities of SoCal at the Arizona-California border.

It is further submitted that pursuant to the aforementioned authorizations, Complainant was authorized to install facilities in order to provide firm transportation service to Defendant, and further, that the looping of a portion of Complainant's existing system through construction of the western delivery system (WDS) was based on the representation by Defendant it had obtained or would obtain firm capacity from El Paso to transport gas from Ignacio, Colorado, to the California border. Complainant asserts that because of the configuration of its facilities its ability to maximize use of its available domestic volumes for delivery to its on-system customers is dependent upon the continued flow of Respondent's volumes through the WDS system. It is also asserted that because the Pan-Alberta volumes are transported through both "prebuild" and existing facilities, Complainant's tariff applicable to the Pan-Alberta volumes. Rate Schedule T-1, includes a commodity charge which is credited to Complainant's customers for Defendant's use of Complainant's mainline capacity. Complainant further asserts that if Defendant does not tender volumes for delivery through the WDS, Complainant's customers receive no credit, despite the requirement that Complainant maintain capacity for Defendant's firm service. Complainant states that, concurrently with its instant complaint and motion, it is filing a revision to Rate Schedule T-1 so as to provide for a minimum commodity charge based upon an annual load factor of 60 percent of the 240,000 Mcf of gas per day contract demand and a daily load factor for operational purposes.

It is stated that importation and transportation of the Pan-Alberta gas began on October 1, 1981, through the above-described facilities. It is also stated that on October 15, 1981, Defendant filed in Docket No. CP82-22-000 an application for a certificate of public convenience and necessity authorizing the addition of an alternate

delivery point for the transportation of the Pan-Alberta gas to SoCal at a point on the Oregon-California border near Malin, Oregon.

Complainant avers that by order issued March 12, 1982, in Docket No. CP82–22–000, PGT was authorized to transport natural gas and Defendant was authorized to add the proposed additional point of delivery. Complainant further avers that in such order the Commission said "* * * the Commission expects the WDS delivery route to be utilized to the extent that it is available for the duration of the authorized PIT [Defendant]/SoCal supply arrangement * * *." (Order at 6, n. 10).

Complainant contends that despite the order of March 12, 1982, Defendent has chosen to utilize the PGT alternate delivery point on days when El Paso had sufficient capacity to transport both SoCal's full contract demand and all or a substantial portion of the authorized 300,000 Mcf of Pan-Alberta gas per day.

Complainant also contends that although Defendant has informed Complainant that it was aware that the Pan-Alberta volumes could be delivered to the California border through the WDS Defendant has opted to use PGT's alternate delivery point.

Complainant asserts that Defendant's refusal to utilize the WDS violates the order of March 12, 1982, and would have substantial adverse affects on Complainant's customers. Complainant states that if Defendant does not tender any volumes for transportation through the WDS the remainder of 1982 Complainant's gas supply costs would be increased by approximately $50,000,000, as Complainant would be forced to purchase an additional 20,000,000 Mcf of Canadian gas in lieu of an equivalent quantity of domestic gas; Complainant would incur domestic take-or-pay deficiencies, the carrying charges on which exceed $4,000,000; and the reduction in domestic production would reduce the liquids revenues that are credited to Complainant's cost of service by approximately $5,300,000.

Therefore, Complainant moves that the Commission find Defendant in violation of Section 7(c) of the Natural Gas Act as well as the terms and conditions of the order issed March 12, 1982, in Docket No. CP82–22–000. Complainant further moves that the Commission issue and order requiring Defendant to cease and desist its illegal activities and to mandate use of the WDS on any and all days when sufficient capacity is available to El Paso's system to deliver the Pan-Alberta gas to the California border or, in the alternative, revoking the authorization issued to Defendant in the order issued Marcn 12, 1982, in Docket No. CP82–22–000.

Any person desiring to be heard or to make any protest with reference to said complaint and motion should on or before July 16, 1982, file with the Federal Energy Regulatory Commission Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16587 Filed 6–17–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP82–192–001]**

## Northwest Pipeline Corp.; Amendment

June 16, 1982.

Take notice that on June 1, 1982, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82–192–001 pursuant to Section 7(c) of the Natural Gas Act an amendment to its application filed February 5, 1982, in the instant docket so as to reflect the construction and operation of a hot tap and valve on a natural gas line, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northwest states that by its application in this proceeding it requests authority to construct and operate the facilities necessary to effect the delivery to an receipt of natural gas from a gas processing plant being constucted adjacent to Northwest's Foundation Creek Compressor Station in Rio Blanco, Colorado, by NGL Production Company. It is asserted that the cost of these facilities would be $57,500.

Northwest herein amends the application to request authorization to construct and operate a hot tap and valve on the existing 2-inch fuel gas line which runs from Northwest's mainline to its Foundation Creek Compressor Station. Nortwest asserts that the original cost estimate of $57,500 includes funds for the additional hot tap and valve.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16588 Filed 6–17–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP82–341–000]**

## Panhandle Eastern Pipe Line Co.; Application

June 16, 1982.

Take notice that on May 21, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82–341–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of New Jersey Natural Gas Company (New Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a gas transportation agreement dated December 31, 1981, to transport for New Jersey up to 400 Mcf of gas per day, on a firm basis, less 9 percent fuel. It is stated that New Jersey is purchasing natural gas produced in Woodward County, Oklahoma. Applicant, it is stated, would transport and redeliver the subject gas to East Ohio Gas Company (East Ohio), for the account of New Jersey. Applicant states that the existing point of redelivery would be at the interconnection of Applicant's and East Ohio's facilities in Lucas County, Ohio.

It is stated that New Jersey would pay Applicant $3,048 per month for the transportation service between Woodward County and Lucas County, with an upward or downward adjustment of 25.06 cents per Mcf for any deficiency or excess in quantities taken.

Applicant asserts that as partial consideration for the transportation

service, New Jersey has granted Applicant an option to purchase any surplus gas obtained beyond its need.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16589 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. TA82-2-10-001 (PGA82-2, IPR82-2) (Revision)]**

## Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing

June 14, 1982.

Take notice that on June 8, 1982, Tennessee Natural Gas Lines, Inc. (TNGL) tendered for filing a revision of its PGA rate change filing made on May 28, 1982, and consisting of the following sheet to its FERC Gas Tariff, First Revised Volume No. 1: Substitute Thirty-Ninth Revised Sheet No. PGA-1.

TNGL requests that such tariff sheet be allowed to become effective on July 1, 1982.

TNGL states that the reason for its tendered revision is that, on May 28, 1982, but after TNGL filed its PGA rate change, it was advised by its sole supplier, Tennessee Gas Pipeline Company (TGP), a Division of Tenneco, Inc., that TGP would fill a rate slightly lower than that which it had advised would be filed. TNGL states that it tendered revision reflects the revised rate of TGP.

TNGL states that copies of the filing were served upon its jurisdictional customer and the interested state regulatory commission, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 18 and 1.10 of the Commission's Rules of Practice and Procedure (1.8 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16590 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP79-14-000]**

## Texas Eastern Transmission Corp. and Consolidated Gas Supply Corp.; Motion to Vacate

June 16, 1982.

Take notice that on May 24, 1982, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301 filed in Docket No. CP79-14 a motion pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) requesting that the Commission vacate the order issued April 4, 1979, in the instant docket, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

It is submitted that by order issued April 4, 1979, in the instant docket, Texas Eastern and Consolidated were authorized to transport for the Fruehauf Corporation (Fruehauf) up to 400 Mcf of natural gas per day for a limited term of two years from the date of initial deliveries, pursuant to Section 2.79 of the Commission's General Policy and Interpretations. It is further submitted that such quantities of gas were to be purchased and utilized by Fruehauf for high priority industrial uses at its plant in Utica, New York, and were to replace curtailed volumes.

Texas Eastern and Consolidated assert that over three years have elapsed since the issuance of such order, and the transportation service authorized thereunder has never commenced. It is also asserted that since the issuance of the April 4, 1979 order, Texas Eastern's and Consolidated's gas supply has increased substantially, and their curtailment level is currently at zero, thus obviating the need for the authorized transportation service. Accordingly, Texas Eastern and Consolidated now move that the Commission vacate the order issued April 4, 1979, in the instant docket, and terminate this proceeding.

Any person desiring to be heard or to make any protest with reference to said motion should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16591 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP82-339-000]**

## Transcontinental Gas Pipe Line Corp., and Southern Natural Gas Co.; Application

June 16, 1982.

Take notice that on May 20, 1982, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251 and Southern

Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP82–339–000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate approximately 6.01 miles of 12-inch pipeline, along with metering, regulating and other appurtenant facilities, in the Eugene Island Area, offshore Louisiana. It is stated that such pipeline would extend from a production platform in Block 108 to a junction platform on Transco's Southeast Louisiana Gathering System in Block 129. It is asserted that such facilities are required to attach new gas supplies which will be available from Block 108 commencing in the winter of 1982–83.

Applicants assert that the proved reserves in Block 108, all of which are dedicated to Applicants, are estimated to be 84,800,000 Mcf of gas, while the deliverability is estimated to average 55,608 Mcf of gas per day during 1983, the first full year of operation. Applicants state that Transco has contracted to purchase InterNorth's 41 percent of the Block 108 reserves, Felmont Oil Corporation's 20 percent and Case-Pomeroy Oil Corporation's 5 percent, while Southern has contracted to purchase Texasgulf, Inc.'s 34 percent.

It is submitted that the proposed facilities would be owned 66 percent by Transco and 34 percent by Southern. It is further submitted that Transco would construct such facilities and operate them on behalf of both parties.

The cost of the proposed facilities is estimated to be $6,701,400 which would be financed initially with revolving credit arrangements, short-term loans or funds on hand, with permanent financing to be undertaken as part of Applicants' respective overall long-term financing programs at later dates.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natual Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16592 Filed 6–17–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP82–347–000]**

## Trunkline Gas Co. and Michigan Wisconsin Pipe Line Co.; Application

June 16, 1982.

Take notice that on May 26, 1982, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82–347–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to connect gas to be purchased from certain producers in the High Island Area, offshore Texas.

Applicant proposes herein to construct and operate approximately 5.2 miles of 8-inch pipeline and appurtenant facilities. The proposed 8-inch pipeline would originate at a side tap on the west leg of High Island Offshore System's pipeline facilities in High Island Block A–526, offshore Texas, and would extend to the producer platform in High Island Block A–542. Applicants estimate that approximately 12,800,000 Mcf of natural gas reserves would be available from High Island Block A–542 for delivery through the proposed facilities. Total deliverability from such area would be, it is asserted, approximately 15,000 Mcf of natural gas per day.

It is asserted that because the cost, ownership, and capacity entitlement of the proposed facilities would be based on the relative ownership interests of the Applicant's dedicated gas supplies, Trunkline would own 81.25 percent and Michigan Wisconsin would own the remaining 18.75 percent of said lateral and appurtenant facilities.

Applicants estimate that the total cost of the proposed facilities would be $3,992,000 which cost would be financed initially with funds on hand, borrowings under revolving credit arrangements or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upn the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16593 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP82-335-000]**

## United Gas Pipe Line Co.; Application

June 16, 1982.

Take notice that on May 19, 1982 United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-335-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of Public convenience and necessity authorizing the construction, during a given 12-month period, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant.

Applicant estimates that the cost of the proposed facilities would not exceed $300,000, which cost would be financed from funds on hand.

Any person, desiring to be heard or to make any protest with reference to said application should on or before July 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 of 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participants as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-16594 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-M

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 14, 1982.

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| **MONTANA BOARD OF OIL & GAS CONSERVATION** | | | | | | | | | |
| -D A S RESOURCE VENTURES INC | | | | RECEIVED: | 05/13/82 | JA: MT | | | |
| 8232469 | 5-81-88 | 2510121818 | | 102-2 | | BENJAMIN #1 SW NE SW 21 T31N R2E | NOT DESIGNATED | 116.8 | MONTANA POWER CO |
| 8232471 | 5-81-86 | 2510121959 | | 102-2 | | BENJAMIN 1-31 SW NE NE 31 T31N R2E | NOT DESIGNATED | 29.2 | MONTANA POWER CO |
| 8232467 | 5-81-90 | 2510121935 | | 102-2 | | BENJAMIN 6-28 C SE NW 28 T31N R2E | NOT DESIGNATED | 87.6 | MONTANA POWER CO |
| 8232472 | 5-81-91 | 2510121912 | | 102-2 | | FOSSUM 10-8 NE NW SE 8 35N 1E | WILDCAT | 55.0 | MONTANA POWER CO |
| 8232468 | 5-81-89 | 2510121853 | | 102-2 | | STATE 3-29 SW NE SW 29 T31N R2E | NOT DESIGNATED | 58.4 | MONTANA POWER CO |
| -SHELL OIL CO | | | | RECEIVED: | 05/13/82 | JA: MT | | | |
| 8232470 | 6-81-103 | 2508321456 | | 102-2 | | FIRST NATIONAL BANK 14-28 | EAGLE | 42.0 | MONTANA DAKOTA UT |
| 8232464 | 6-81-105 | 2508321423 | | 102-4 | | HOLLY SUGAR 31-34 | MONDAK WEST | 5.0 | MONTANA DAKOTA UT |
| 8232459 | 5-81-84 | 2502521159 | | 103 | | UNIT 13X-28B | PENNEL | 1.0 | MONTANA DAKOTA UT |
| 8232465 | 6-81-104 | 2502521161 | | 103 | | UNIT 21XA-20 | CABIN CREEK | 10.5 | MONTANA DAKOTA UT |
| -TRICENTROL UNITED STATES INC | | | | RECEIVED: | 05/13/82 | JA: MT | | | |
| 8232466 | 5-81-92 | 2504121801 | | 108-SA | | HERRON S33-13-T31N-R15E | TIGER RIDGE | 0.0 | NORTHERN NATURAL |
| -WESTERN NATURAL GAS COMPANY | | | | RECEIVED: | 05/13/82 | JA: MT | | | |
| 8232463 | 5-81-97 | 2504122062 | | 103 | | KAFKA 10-14 T32N R14E SEC 14 | TIGER RIDGE | 12.0 | NORTHERN NATURAL |
| 8232461 | 5-81-95 | 2504122178 | | 103 | | MALSAM 1-30 T33N R14E SEC 30 | FRESNO | 20.0 | NORTHERN NATURAL |
| 8232462 | 5-81-94 | 2504122177 | | 103 | | ORDWAY 1-25 T33N R13E SEC 25 | FRESNO | 12.0 | NORTHERN NATURAL |
| 8232460 | 5-81-96 | 2504122169 | | 103 | | PHILLIPS 1-14 T32N R14E SEC 14 | TIGER RIDGE | 50.0 | NORTHERN NATURAL |
| **NEBRASKA OIL & GAS CONSERVATION COMMISSION** | | | | | | | | | |
| -MARATHON OIL COMPANY | | | | RECEIVED: | 05/13/82 | JA: NB | | | |
| 8232458 | | 2603322102 | | 103 | | CRUISE "A" #11 | HUNTSMAN | 6.0 | KANSAS NEBRASKA N |
| **OHIO DEPARTMENT OF NATURAL RESOURCES** | | | | | | | | | |
| -ALTHEIRS OIL INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234083 | | 3412725540 | | 103 | | D BARTOW #1 | SALT LICK | 15.0 | |
| 8234082 | | 3412725484 | | 103 | | RODGERS HEIRS/ALTHEIRS OIL #1A | MONROE TOWNSHIP | 0.0 | |
| -AMERICAN PETROEL INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234084 | | 3416726437 | | 107-DV | | WILLIAM W WEHR #1 | NEWPORT | 19.8 | |
| -AUSTIN DEVELOPMENT CO | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234099A | | 3407523396 | | 103 | | HAWKINS #1 | RICHLAND | 50.0 | COLUMBIA GAS TRAN |
| 8234099B | | 3407523396 | D | 107-TF | | HAWKINS #1 | RICHLAND | 50.0 | COLUMBIA GAS TRAN |
| 8234098A | | 3403124209 | | 103 | | SIMMONS #5 | TIVERTON | 50.0 | COLUMBIA GAS TRAN |
| 8234098B | | 3403124209 | D | 107-TF | | SIMMONS #5 | TIVERTON | 50.0 | COLUMBIA GAS TRAN |
| -BELDEN & BLAKE & CO #79 | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234103 | | 3416120114 | | 103 | | BEATRICE BOWERS - 2-341145 | CONVOY | 36.5 | |
| 8234104 | | 3416120115 | | 103 | | KALM INC - 1-341156 | CONVOY | 36.5 | |
| 8234102 | | 3416120113 | | 103 | | KENNETH THORNELL - 1-341143 | CONVOY | 36.5 | |
| 8234101 | | 3416120112 | | 103 | | RUTH L FAUST - 1-341139 | CONVOY | 36.5 | |

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| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -BELDEN & BLAKE & CO L P NO 76 | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234100 | | 3415320906 | | 103 | 107-TF | W & C LAUGHLIN #1-1017 | BATH | 36.5 | COLUMBIA GAS TRAN |
| -BRIDGE OIL DEVL (Q*LD) PTY LTD | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234105 | | 3416923248 | | 107-DV | | L MARTY #3 | RITTMAN | 27.0 | COLUMBIA GAS TRAN |
| -BROWN PETROLEUM CORP | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234108 | | 3411926004 | | 103 | 107-TF | KILPATRICK #5 | LICKING | 250.0 | COLUMBIA GAS TRAN |
| 8234109 | | 3411926006 | | 103 | 107-TF | KILPATRICK #7 | LICKING | 250.0 | COLUMBIA GAS TRAN |
| 8234110 | | 3411926007 | | 103 | 107-TF | KILPATRICK #8 | LICKING | 250.0 | COLUMBIA GAS TRAN |
| 8234107 | | 3407522658 | | 103 | 107-TF | MARTIN #3 | KILLBUCK | 10.0 | EAST OHIO GAS |
| 8234106 | | 3403124696 | | 103 | 107-TF | ROSS #1B | BEDFORD | 500.0 | COLUMBIA GAS TRAN |
| -CLAY COUNTY PRODUCTION CO INC | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234111 | | 3412724508 | D | 108 | | GRACE BARNES #1 | | 18.3 | COLUMBIA GAS TRAN |
| -CLINTON OIL CO | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234112 | | 3408924405 | | 103 | | AL LIPFERT #4-637 | GRATIOT | 10.0 | |
| -CLOVER OIL CO | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234113 | | 3410322504 | | 103 | 107-TF | F SCHRITZ #1 | SPENCER | 0.0 | |
| -CUYAHOGA EXPLORATION & DEVELOPMENT | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234114 | | 3411122630 | | 103 | | MARY DECKER #2 | GRAYSVILLE | 5.5 | |
| -DART OIL COMPANY | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234115 | | 3415721306 | | 108 | | JAMES & JAMES NO 1 | | 5.4 | BUCKEYE-FRANKLIN |
| -DERBY OIL & GAS CORP | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234116 | | 3411926216 | | 103 | 107-TF | CHRISTOPHER WOODS #1 | HOPEWELL | 12.0 | COLUMBIA GAS TRAN |
| -DOLPHA ANDERSON | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234094 | | 3416723547 | | 108 | | BARDOS #1 | FLEMING | 5.0 | GAS TRANSPORT INC |
| 8234096 | | 3416724223 | | 108 | | COLE #2 | FLEMING | 1.3 | GAS TRANSPORT INC |
| 8234095 | | 3416723623 | | 108 | | DEMING #1 | WATERTOWN | 0.5 | GAS TRANSPORT INC |
| 8234090 | | 3416722740 | | 108 | | HAROLD NELSON #1 | WATERTOWN | 1.1 | GAS TRANSPORT INC |
| 8234091 | | 3416723292 | | 108 | | HUCK #1 | WATERTOWN | 1.8 | GAS TRANSPORT INC |
| 8234088 | | 3416722667 | | 108 | | JAMES WOODRUFF #1 | WATERTOWN | 1.7 | GAS TRANSPORT INC |
| 8234085 | | 3416720647 | | 108 | | MARVIN HANGER #3 | WATERTOWN | 6.3 | GAS TRANSPORT INC |
| 8234097 | | 3416725263 | | 108 | | MAST #2 | WATERTOWN | 3.1 | GAS TRANSPORT INC |
| 8234087 | | 3416722630 | | 108 | | MC DOUGLE #1 | WATERTOWN | 3.2 | GAS TRANSPORT INC |
| 8234092 | | 3416723525 | | 108 | | MORGAN #1 | FLEMING | 1.8 | GAS TRANSPORT INC |
| 8234093 | | 3416723535 | | 108 | | RIGGENBACH #1 | FLEMING | 1.2 | GAS TRANSPORT INC |
| 8234089 | | 3416722702 | | 108 | | SANFORD #1 | WATERTOWN | 3.5 | GAS TRANSPORT INC |
| 8234086 | | 3416722570 | | 108 | | W C HANGER #2 | WATERTOWN | 3.2 | GAS TRANSPORT INC |
| -DOME DRILLING CO | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234117 | | 3403521144 | | 107-TF | | SHADY-SPRAGUE MAURER #2 | OLMSTED | 29.2 | COLUMBIA GAS TRAN |
| -EDCO DRILLING & PRODUCING INC | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234118 | | 3403124529 | | 103 | 107-TF | HART WB-1A | BETHLEHEM | 18.0 | |
| -ENNEY OILFIELD RENTAL CO | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234119 | | 3415721241 | | 108 | | WHERLEY-LORENZ UNIT #1 | SECTION 17 - JEFFERSO | 0.9 | EAST OHIO GAS CO |
| -GASEARCH INC | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234120 | | 3415522107 | | 103 | 107-TF | NATIONAL NORTHERN INC #1 | LIBERTY | 20.0 | AMERICAN ENERGY S |
| -GEO ENERGY INC | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234121 | | 3411925700 | | 103 | 107-TF | WILLIAM COWDEN #21-1A | MONROE | 8.5 | |
| -HOPEWELL OIL AND GAS DEVELOPMENT CO | | | | RECEIVED: 05/24/82 | JA: OH | | | | |
| 8234143 | | 3411924838 | | 107-RT | | A MARSH #1 | WASHINGTON | 5.0 | COLUMBIA GAS TRAN |
| 8234126 | | 3411121135 | | 107-DV | | ALFRED DOUGHERTY #1 | FRANKLIN | 12.0 | COLUMBIA GAS TRAN |
| 8234122 | | 3408923979 | | 103 | 107-TF | DANIEL V VAN ALLEN #1 | PERRY | 0.5 | COLUMBIA GAS TRAN |
| 8234134 | | 3411122128 | | 107-DV | | DAVID BLACKSTONE #1 | SENECA | 12.0 | COLUMBIA GAS TRAN |
| 8234127 | | 3411121943 | | 107-DV | | EARL ANDERSON #1 | SUMMIT | 10.0 | COLUMBIA GAS TRAN |
| 8234130 | | 3411121948 | | 107-DV | | FLOYD DEEBOW #1 | WAYNE | 12.0 | COLUMBIA GAS TRAN |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234137 | | 3411122252 | | 107-DV | | HARLEY PRATT #1 | SUMMIT | 12.0 | COLUMBIA GAS TRAN |
| 8234142 | | 3411122280 | | 107-DV | | HARRY FOWLER ETAL #1 | SENECA | 0.0 | COLUMBIA GAS TRAN |
| 8234135 | | 3411122136 | | 107-DV | | J BAKER #2 | FRANKLIN | 27.0 | COLUMBIA GAS TRAN |
| 8234133 | | 3411121958 | | 107-DV | | JAMES BAKER #1 | SUMMIT | 0.0 | COLUMBIA GAS TRAN |
| 8234139 | | 3411122271 | | 107-DV | | JERRY & BECKY HUFFMAN | SENECA | 12.0 | COLUMBIA GAS TRAN |
| 8234129 | | 3411121947 | | 107-DV | | JOHN DAVIS #1 | WAYNE | 10.0 | COLUMBIA GAS TRAN |
| 8234136 | | 3411122248 | | 107-DV | | KILZER #1 | BETHEL | 9.0 | COLUMBIA GAS TRAN |
| 8234132 | | 3411121957 | | 107-DV | | KUHN #2 | SENECA | 1.0 | COLUMBIA GAS TRAN |
| 8234125 | | 3411121934 | | 107-DV | | MANSEL C HINES #1 | FRANKLIN | 12.0 | COLUMBIA GAS TRAN |
| 8234144 | | 3412122552 | | 107-DV | | MARY CIBRA #1 | STOCK | 12.0 | COLUMBIA GAS TRAN |
| 8234123 | | 3411121929 | | 107-DV | | R WILHELM #1 | FRANKLIN | 1.0 | COLUMBIA GAS TRAN |
| 8234131 | | 3411121755 | | 107-DV | | RAYMOND BETZ #1 | SUMMIT | 10.0 | COLUMBIA GAS TRAN |
| 8234124 | | 3411121931 | | 107-DV | | RICHARD ROUCH #1 | WAYNE | 0.3 | COLUMBIA GAS TRAN |
| 8234138 | | 3411122260 | | 107-DV | | ROY A RING #1 | SUMMIT | 10.0 | COLUMBIA GAS TRAN |
| 8234128 | | 3411121945 | | 107-DV | | THOMAS ANDEARS #1 | WAYNE | 12.0 | COLUMBIA GAS TRAN |
| 8234141 | | 3411122278 | | 107-DV | | TONKOVICH #1 | SENECA | 10.0 | COLUMBIA GAS TRAN |
| 8234140 | | 3411122272 | | 107-DV | | W LUMBATES #1 | SUMMIT | 15.0 | COLUMBIA GAS TRAN |
| -J D DRILLING CO | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234145 | | 3410522339 | | 103 | | ARNOLD WEBSTER #1 | POMEROY | 4.0 | COLUMBIA GAS TRAN |
| 8234146 | | 3410522340 | | 103 | | ARNOLD-WEBSTER #2 | POMEROY | 7.0 | COLUMBIA GAS TRAN |
| -JOHN F WILLIAMS | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234288 | | 3407521353 | | 108 | | MILLER #1 | | 10.0 | COLUMBIA GAS TRAN |
| -K S T OIL & GAS CO INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234147 | | 3415320919 | | 103 | 107-TF | DEVAN VALE ACRES INC #1 | NORTHAMPTON | 0.0 | |
| -KENOIL | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234150 | | 3416921929 | | 108 | | CARLOS SHUY #1 | | 5.0 | COLUMBIA GAS TRAN |
| 8234153 | | 3416921972 | | 108 | | HOWARD GRABER #1 | | 2.0 | COLUMBIA GAS TRAN |
| 8234154 | | 3416921982 | | 108 | | LESLIE SMELLER #1 | | 2.5 | COLUMBIA GAS TRAN |
| 8234149 | | 3416921901 | | 108 | | MADGE FETZER #1 | | 3.0 | COLUMBIA GAS TRAN |
| 8234152 | | 3416921947 | | 108 | | MILDRED GOEMBEL #1 | | 3.0 | COLUMBIA GAS TRAN |
| 8234151 | | 3416921898 | | 108 | | RICHARD REAM #1 | | 6.0 | COLUMBIA GAS TRAN |
| 8234148 | | 3416921881 | | 108 | | ROY BLOUGH #1 | | 4.0 | COLUMBIA GAS TRAN |
| -KING DRILLING CO | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234155 | | 3410322957 | | 107-TF | | RALPH COOK #1 | SEVILLE | 10.0 | COLUMBIA GAS TRAN |
| -L & M PETROLEUM INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234156 | | 3412725089 | | 107-TF | | CLAY VAN ALLEN #1 | DEAVERTOWN | 10.0 | COLUMBIA GAS TRAN |
| -LAKE REGION OIL INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234157 | | 3407523654 | | 103 | 107-TF | BEN COBLENTZ #1 | BERLIN | 10.0 | COLUMBIA GAS TRAN |
| -LARRY H WRIGHT INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234289 | | 3400922095 | | 108 | | LOWE #1 | | 3.0 | COLUMBIA GAS TRAN |
| -LAUDERMAN OIL & GAS DRILLING | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234159 | | 3416725479 | | 103 | | GLENNA BUCHANAN #1 | BARLOW | 7.3 | COLUMBIA GAS TRAN |
| 8234158 | | 3416724233 | | 103 | | KOON #1 | ROBERT KOON | 4.8 | COLUMBIA GAS TRAN |
| -LEADER EQUITIES INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234160 | | 3411926154 | | 103 | 107-TF | DINGESS #4 | CASS | 14.0 | |
| -M B OPERATING CO INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234161 | | 3415123657 | | 103 | 107-TF | BROOKSIDE FARMS #1 | CANTON EAST | 14.6 | |
| -MARAM ENERGY COO | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234162 | | 3408322636 | | 108 | | TEMPLE #1 | | 0.3 | COLUMBIA GAS TRAN |
| -MORELAND OIL & GAS | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234163 | | 3405922762 | | 107-TF | | LEONARD CAROTHERS #1 | KIMBOLTON | 15.0 | EAST OHIO GAS CO |
| -NOBLE OIL CORP | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234222 | | 3413322814 | | 107-TF | | BAKER #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234164 | | 3413320514 | | 107-TF | | BALLAS #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234198 | | 3413322168 | | 107-TF | | BALLAS #3 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234184 | | 3413322126 | | 107-TF | | BALLAS-COLEMAN #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234183 | | 3413322125 | | 107-TF | | BALLAS-COLEMAN #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234206 | | 3413322376 | | 107-TF | | BEDNAR #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234179 | | 3413322061 | | 107-TF | | CANTER #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234180 | | 3413322062 | | 107-TF | | CANTER #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234185 | | 3413322128 | | 107-TF | | COY #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234182 | | 3413322124 | | 107-TF | | COY UNIT #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234220 | | 3413322723 | | 107-TF | | DAVIS #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234188 | | 3413322131 | | 107-TF | | E VILLERS #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234187 | | 3413322130 | | 107-TF | | E VILLERS #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234175 | | 3413322004 | | 107-TF | | FEDORCHAK #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234176 | | 3413322005 | | 107-TF | | FEDORCHAK #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234170 | | 3413321968 | | 107-TF | | FOSTER #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234165 | | 3413321109 | | 107-TF | | GOURLEY-ELLIOTT #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234166 | | 3413321110 | | 107-TF | | GOURLEY-ELLIOTT UNIT #2 | RAVENNA | 20.0 | GENERAL ELECTRIC |
| 8234205 | | 3413322347 | | 107-TF | | HANNA HILLS #4 | RAVENNA | 20.0 | GENERAL ELECTRIC |
| 8234186 | | 3413322129 | | 107-TF | | HARGETT #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234203 | | 3413322291 | | 107-TF | | HUTCHINSON UNIT #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234204 | | 3413322292 | | 107-TF | | HUTCHISON UNIT #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234201 | | 3413322280 | | 107-TF | | KAINRAD #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234194 | | 3413322150 | | 107-TF | | KING #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234171 | | 3413321971 | | 107-TF | | KUHN #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234199 | | 3413322171 | | 107-TF | | MANN-VILLERS #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234214 | | 3413322588 | | 107-TF | | MICHAEL-CLIMES #1 | RAVENNA | 20.0 | GENERAL ELECTRIC |
| 8234221 | | 3413322769 | | 107-TF | | PARIS RESORTS #2 | PARIS | 20.0 | GENERAL ELECTRIC |
| 8234173 | | 3413321973 | | 107-TF | | PATTON #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234172 | | 3413321972 | | 107-TF | | PATTON #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234223 | | 3413322831 | | 107-TF | | PATTON #6 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234209 | | 3413322380 | | 107-TF | | PATTON #7 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234200 | | 3413322271 | | 107-TF | | PETRY-GOTTSCHALK #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234196 | | 3413322152 | | 107-TF | | POTESTA #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234195 | | 3413322151 | | 107-TF | | POTESTA #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234197 | | 3413322153 | | 107-TF | | POTESTA #3 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234207 | | 3413322377 | | 107-TF | | REAGAN #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234208 | | 3413322378 | | 107-TF | | REAGAN #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234213 | | 3413322532 | | 107-TF | | REAGAN TRUCK SERVICES #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234217 | | 3413322624 | | 107-TF | | ROOSA #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234193 | | 3413322149 | | 107-TF | | RUGGLES #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234168 | | 3413321956 | | 107-TF | | SAFFELS #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234169 | | 3413321957 | | 107-TF | | SAFFELS #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234192 | | 3413322145 | | 107-TF | | SONDEREKER #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234190 | | 3413322143 | | 107-TF | | SONDEREKER #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234191 | | 3413322144 | | 107-TF | | SONDEREKER #3 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234181 | | 3413322063 | | 107-TF | | STATE-HARGETT #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234218 | | 3413322636 | | 107-TF | | STEAGALL #2 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234216 | | 3413322606 | | 107-TF | | STEGH-BROWN #3 | PORTAGE | 20.0 | GENERAL ELECTRIC |
| 8234215 | | 3413322605 | | 107-TF | | STEGH-BROWN #4 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234202 | | 3413322283 | | 107-TF | | THOMAS-NOVAK UNIT #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234224 | | 3415521663 | | 107-TF | | VIETS #2 | SOUTHINGTON | 20.0 | COLUMBIA GAS TRAN |
| 8234178 | | 3413322046 | | 107-TF | | VOGEL #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234177 | | 3413322044 | | 107-TF | | VOGEL #2 | EDINBURG | 20.0 | GENERAL ELECTRIC |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234211 | | 3413322417 | | 107-TF | | VOGEL #3 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234210 | | 3413322415 | | 107-TF | | VOGEL #4 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234212 | | 3413322419 | | 107-TF | | VOGEL #5 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234189 | | 3413322132 | | 107-TF | | WASS #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234219 | | 3413322709 | | 107-TF | | WEISEL #1 | PALMYRA | 20.0 | GENERAL ELECTRIC |
| 8234174 | | 3413321974 | | 107-TF | | WILLEY #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| 8234167 | | 3413321955 | | 107-TF | | YAROLYN #1 | EDINBURG | 20.0 | GENERAL ELECTRIC |
| -OXFORD OIL CO | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234225 | | 3407523255 | | 103 | | CLIFFORD FISHER #1 | GLENMONT | 11.0 | |
| 8234226 | | 3411924271 | | 107-RT | | ROBERT CHANEY #4 | PERRY | 10.0 | COLUMBIA GAS TRAN |
| -POI ENERGY INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234233 | | 3415320613 | | 108 | | BEDELL #1 | | 10.5 | |
| 8234227 | | 3407523667 | | 103 | | CROSKEY #2 | RICHLAND | 5.0 | COLUMBIA GAS TRAN |
| 8234230 | | 3413322718 | | 103 | 107-TF | HUFFMAN #1 | AURORA | 30.0 | |
| 8234231 | | 3413322719 | | 103 | 107-TF | HUFFMAN #2 | AURORA | 35.0 | |
| 8234232 | | 3413322720 | | 103 | 107-TF | HUFFMAN #3 | AURORA | 35.0 | |
| 8234228 | | 3407523679 | | 103 | | LONDON #2 | RICHLAND | 15.0 | COLUMBIA GAS TRAN |
| 8234229 | | 3413322710 | | 103 | 107-TF | SCHEFFEL #2 | STREETSBORO | 32.0 | |
| -RIMCO OPERATING INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234238 | | 3416922441 | | 103 | 107-TF | B HARTMAN #1 | CHESTER | 12.0 | COLUMBIA GAS TRAN |
| 8234244 | | 3416922714 | | 103 | 107-TF | B HARTMAN #2 | CHESTER | 12.0 | COLUMBIA GAS TRAN |
| 8234241 | | 3416922459 | | 107-TF | | CHANCE #1 | PLAIN | 12.0 | COLUMBIA GAS TRAN |
| 8234237 | | 3416922419 | | 103 | 107-TF | HINES #1 | CHESTER | 12.0 | COLUMBIA GAS TRAN |
| 8234239 | | 3416922442 | | 103 | 107-TF | HOWMAN #1 | CHESTER | 12.0 | COLUMBIA GAS TRAN |
| 8234236 | | 3416922410 | | 107-TF | | MANN #1 | FRANKLIN | 12.0 | COLUMBIA GAS TRAN |
| 8234235 | | 3416922408 | | 103 | 107-TF | MYKRANTZ #2 | PLAIN | 12.0 | COLUMBIA GAS TRAN |
| 8234242 | | 3416922681 | | 103 | 107-TF | SHRIVER #3 | CLINTON | 12.0 | COLUMBIA GAS TRAN |
| 8234240 | | 3416922445 | | 103 | 107-TF | SPRING LAKE #1 | WAYNE | 12.0 | COLUMBIA GAS TRAN |
| 8234243 | | 3416922683 | | 103 | 107-TF | WELLS #3 | CLINTON | 12.0 | COLUMBIA GAS TRAN |
| 8234234 | | 3416922260 | | 103 | 107-TF | ZIMMERMAN #3 | WAYNE | 12.0 | COLUMBIA GAS TRAN |
| -RIVERLAND-KRABILL #7 | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234245 | | 3416921995 | | 107-RT | | R & H KRABILL #1 | CANAAN-WAYNE POOL | 18.0 | COLUMBIA GAS TRAN |
| -RIVERLAND-KRABILL #8 | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234246 | | 3416922113 | | 107-RT | | R & H KRABILL #1 | CANAAN - WAYNE POOL | 0.0 | COLUMBIA GAS TRAN |
| -ROVI RESOURCES CORP | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234264 | | 3411522048 | D | 108 | | C DAILEY #2 | | 9.0 | TENNESSEE GAS PIP |
| 8234263 | | 3411522047 | D | 108 | | C DAILEY #3 | | 9.0 | TENNESSEE GAS PIP |
| 8234265 | | 3411522049 | D | 108 | | C DAILEY #4 | | 9.0 | TENNESSEE GAS PIP |
| 8234262 | | 3411522044 | D | 108 | | CORY #1 | | 9.0 | TENNESSEE GAS PIP |
| 8234261 | | 3411522043 | D | 108 | | CORY #2 | | 9.0 | TENNESSEE GAS PIP |
| 8234258 | | 3411521932 | D | 108 | | L & M HANSON #1 | | 9.0 | TENNESSEE GAS PIP |
| 8234256 | | 3411521930 | D | 108 | | L & M HANSON #2 | | 9.0 | TENNESSEE GAS PIP |
| 8234255 | | 3411521929 | D | 108 | | L & M HANSON #3 | | 9.0 | TENNESSEE GAS PIP |
| 8234254 | | 3411521928 | D | 108 | | L & M HANSON #4 | | 9.0 | TENNESSEE GAS PIP |
| 8234257 | | 3411521931 | D | 108 | | L & M HANSON #5 | | 9.0 | TENNESSEE GAS PIP |
| 8234249 | | 3411521800 | D | 108 | | L KNOX #1 | | 9.0 | TENNESSEE GAS PIP |
| 8234252 | | 3411521811 | D | 108 | | NEEDHAM #1 | | 9.0 | TENNESSEE GAS PIP |
| 8234253 | | 3411521812 | D | 108 | | NEEDHAM #2 | | 9.0 | TENNESSEE GAS PIP |
| 8234259 | | 3411521938 | D | 108 | | NEEDHAM #3 | | 9.0 | TENNESSEE GAS PIP |
| 8234260 | | 3411521939 | D | 108 | | NEEDHAM #4 | | 9.0 | TENNESSEE GAS PIP |
| 8234247 | | 3411521799 | D | 108 | | R ALLEN #1 | | 9.0 | TENNESSEE GAS PIP |
| 8234248 | | 3411521798 | D | 108 | | R ALLEN #2 | | 9.0 | TENNESSEE GAS PIP |
| 8234250 | | 3411521808 | D | 108 | | R ALLEN #3 | | 9.0 | TENNESSEE GAS PIP |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234251 | | 3411521809 | D | 108 | | R ALLEN #4 | | 9.0 | TENNESSEE GAS PIP |
| -ROYAL LEVERAGED LTD 81-I | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234266 | | 3410522259 | | 103 | | CAMPBELL-MASSAR #1 | POMEROY | 5.0 | COLUMBIA GAS TRAN |
| 8234267 | | 3410522260 | | 103 | | CAMPBELL-MASSAR #2 | BEDFORD | 5.0 | COLUMBIA GAS TRAN |
| 8234268 | | 3410522261 | | 103 | | CAMPBELL-MASSAR #3 | BEDFORD | 5.0 | COLUMBIA GAS TRAN |
| -ROYAL PETROLEUM '81 - II | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234270 | | 3410522285 | | 103 | | R MOORE #1 | BEDFORD | 5.0 | COLUMBIA GAS TRAN |
| 8234271 | | 3410522286 | | 103 | | R MOORE #2 | BEDFORD | 5.0 | COLUMBIA GAS TRAN |
| -ROYAL PETROLEUM 81-III LTD | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234269 | | 3405320709 | | 103 | | HALLIDAY-SHEETS #7 | CHESHIRE | 5.0 | COLUMBIA GAS TRAN |
| -ROYAL PETROLEUM 81-IV LTD | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234272 | | 3410522306 | | 103 | | GAUL-CARMAN-CARMAN #1 | SALISBURY | 5.0 | COLUMBIA GAS TRAN |
| 8234273 | | 3410522307 | | 103 | | GAUL-CARMAN-CARMAN #1A | POMEROX | 5.0 | COLUMBIA GAS TRAN |
| 8234274 | | 3410522308 | | 103 | | GAUL-CARMAN-CARMAN #2 | SALISBURY | 5.0 | COLUMBIA GAS TRAN |
| 8234275 | | 3410522309 | | 103 | | GAUL-CARMAN-CARMAN #3 | SALISBURY | 5.0 | COLUMBIA GAS TRAN |
| -RUSSELL E SNIDER | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234280 | | 3412725554 | | 103 | | JAMES SATTERFIELD - #2 | SOMERSET | 4.0 | NATIONAL GAS & OI |
| -RYDER RESOURCES INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234276 | | 3416726093 | | 103 | | HUCK #1 | CATS CREEK ALLOTMENT | 4.0 | |
| -SANDHILL ENERGY INC (OH) | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234277 | | 3416726396 | | 103 | | LLOYD MILLER #2B | SALEM | 21.9 | |
| -SANTA FE DRILLING CO INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234278 | | 3416724408 | | 107-DV | | FRANK MC ALARNEY #2 | SALEM | 50.0 | |
| 8234279 | | 3416726357 | | 107-DV | | ROBERT AND DORIS BROWN #1 | SALEM | 50.0 | |
| -TIGER OIL INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234281 | | 3412122801 | | 107-DV | | SCHOEPPNER-SCHRAMM #1 | ELK | 2218.1 | COLUMBIA GAS TRAN |
| -VESCORP INDUSTRIES INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234282 | | 3413320701 | | 108 | | ALEXANDER G #1 | | 15.0 | TIMKEN CO |
| -VIKING RESOURCES CORP | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234284 | | 3413320994 | | 108 | | G DICKEY #2 | | 8.0 | EAST OHIO GAS CO |
| 8234283 | | 3413320993 | | 108 | | G DICKEY #3 | | 8.0 | EAST OHIO GAS CO |
| 8234287 | | 3413321216 | | 108 | | R WELLING #1 | | 5.0 | EAST OHIO GAS CO |
| 8234285 | | 3413321001 | | 108 | | SMITH/DICKEY UNIT #1 | | 6.0 | EAST OHIO GAS CO |
| 8234286 | | 3413321208 | | 108 | | WELLING UNIT #1 | | 7.0 | EAST OHIO GAS CO |
| -ZENITH OIL & GAS INC | | | | RECEIVED: | 05/24/82 | JA: OH | | | |
| 8234290 | | 3411925816 | | 103 | | BASIL & DOROTHY NORRIS JR #1 | HOPEWELL | 2.0 | NATIONAL GAS & OI |
| ********** | | | | | | | | | |
| WEST VIRGINIA DEPARTMENT OF MINES | | | | | | | | | |
| ********** | | | | | | | | | |
| -ALLEGHENY LAND & MINERAL COMPANY | | | | RECEIVED: | 05/13/82 | JA: WV | | | |
| 8232474 | | 4708300459 | | 103 | | A - 1021 | MIDDLE FORK DISTRICT | 0.0 | COLUMBIA GAS TRAN |
| 8232475 | | 4704103064 | | 103 | | A- 1025 | SKIN CREEK DISTRICT | 0.0 | CONSOLIDATED GAS |
| 8232476 | | 4704103116 | | 103 | | A- 1054 | FREEMANS CREEK DISTRI | 0.0 | CONSOLIDATED GAS |
| 8232477 | | 4702103762 | | 103 | | A- 943 | CENTER DISTRICT | 0.0 | CONSOLIDATED GAS |
| -L & M PETROLEUM INC | | | | RECEIVED: | 05/13/82 | JA: WV | | | |
| 8232473 | | 4707321076 | | 107-DV | | J FRANKLIN CARPENTER #6 | WASHINGTON | 11.0 | COLUMBIA GAS TRAN |

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 82-16595 Filed 6-17-82; 8:45 am]

BILLING CODE 6717-01-C

## Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 14, 1982.

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| **ALABAMA OIL & GAS BOARD** | | | | | | | | | |
| -BISHOP PETROLEUM INC | | | | RECEIVED: | 05/24/82 | JA: AL | | | |
| 8234297 | 5-14-823PD | 0105320158 | | 107-DP | | ST REGIS PAPER CO #35-1 | FANNY CHURCH | 190.0 | FLORIDA GAS TRANS |
| -BROWNING & WELCH | | | | RECEIVED: | 05/24/82 | JA: AL | | | |
| 8234295 | 4-16-8214-PD | 0105720270 | | 102-4 | | EDNA M BRANYON 5-4 #1 | MCCRACKEN MOUNTAIN | 298.6 | CORONADO TRANSMIS |
| -CARLESS RESOURCES INC | | | | RECEIVED: | 05/24/82 | JA: AL | | | |
| 8234296 | 5-14-822PD | 0112520072 | | 102-2 | | J R TIERCE 12-3 | LEXINGTON | 0.0 | SOUTHERN NATURAL |
| -EXXON CORPORATION | | | | RECEIVED: | 05/24/82 | JA: AL | | | |
| 8234294 | 4-16-8210PD | 0105320161 | | 107-DP | | SCOTT PAPER CO G U 2-7 #1 | FLOMATON | 800.0 | FLORIDA GAS TRANS |
| -GRACE PETROLEUM CORPORATION | | | | RECEIVED: | 05/24/82 | JA: AL | | | |
| 8234293 | 4-16-824PD | 0105720179 | | 102-4 | | GRIMSLEY 34-15 | NORTHEAST DAVIS CHAPE | 0.0 | TENNESSEE GAS PIP |
| 8234292 | 3-5-8214PD | 0105720260 | | 102-4 | | HUBBERT 30-10 | NORTH FAYETTE | 0.0 | CORONADO TRANSMIS |
| -SOUTHLAND ROYALTY CO | | | | RECEIVED: | 05/24/82 | JA: AL | | | |
| 8234291 | 10-3-805PD | 0107520261 | | 102-2 | | A A CHANDLER 2-6 #1 | STAR | 95.0 | TENNESSEE GAS PIP |
| **LOUISIANA OFFICE OF CONSERVATION** | | | | | | | | | |
| -ACADIANA RESERVES INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234405 | 81-2830 | 1705320667 | | 103 | | H B TIETJE #1 | CHINA | 0.0 | |
| -AMOCO PRODUCTION CO | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234386 | 82-0262 | 1711920274 | | 103 | | INT'L PAPER CO A #2 SMK B RB SUD | NORTH SHONGALOO - RED | 375.0 | TEXAS GAS TRANSMI |
| -BAYLES & WHITE | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234366 | 81-2987 | 1711123157 | | 108 | | MT ARARAT #1 | MONROE GAS | 4.0 | MID LOUISIANA GAS |
| -CHEVRON U S A INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234360 | 82-0623 | 1720020164 | | 103 | | S L 6698 #1 | WEST CAMERON BLOCK #1 | 365.0 | LOUISIANA RESOURC |
| -D B BRADDOCK | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234391 | 81-2783 | 1703121451 | | 103 | | USA #1 SERIAL 172278 | GROGAN | 180.0 | TENNESSEE GAS PIP |
| -DESPOT EXPLORATION INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234383 | 82-1581 | 1702300000 | | 102-4 | | BOUDOIN #2 | EAST CHENIER PERDUE | 274.0 | LOUISIANA INTRAST |
| -DON WHITE | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234371 | 81-2981 | 1708320497 | | 108 | | L E JOHNSTON #2 | RICHLAND | 11.1 | MID LOUISIANA GAS |
| -ERGON INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234357 | 81-2994 | 1711123326 | | 103 | | CLARA SAVAGE #2 | MONROE (6824) | 11.8 | TEXAS GAS TRANSMI |
| 8234373 | 81-2995 | 1711123354 | | 103 | | L B KING #2 | MONROE (6824) | 14.9 | TEXAS GAS TRANSMI |
| -EXXON CORPORATION | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234355 | 81-2771 | 1704520683 | | 103 | | PETIT ANSE CO #61 AI UL-2 RA SU | AVERY ISLAND | 100.0 | COLUMBIA GAS TRAN |
| -FIFTY-THIRD CORP | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234406 | 81-2952 | 1711102155 | | 108 | | DUMAS #1 | MONROE | 1.0 | IMC PIPELINE CO I |
| 8234407 | 81-2950 | 1707321005 | | 108 | | WILLIAMS #2 | MONROE | 4.0 | IMC PIPELINE CO I |
| 8234404 | 81-2949 | 1707321007 | | 108 | | WILLIAMS #3 | MONROE | 4.0 | IMC PIPELINE CO I |
| -GETTY OIL COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234375 | 81-2965 | 1703100000 | | 108 | | PACE "A" #1 WAL PXY SU C | LOGANSPORT | 11.0 | TENNESSEE GAS PIP |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234376 | 81-2966 | 1703100000 | | 108 | | PACE "B" #1 | LOGANSPORT | 10.9 | TENNESSEE GAS PIP |
| -GLENDA PETROLEUM CORP | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234367 | 81-2988 | 1707321754 | | 103 | | SHAVER A #1 S/N 175144 | MONROE | 14.0 | UNITED GAS PIPELI |
| 8234368 | 81-2989 | 1707321755 | | 103 | | SHAVER A #2 S/N 175145 | MONROE | 16.0 | UNITED GAS PIPELI |
| 8234369 | 81-2990 | 1707321756 | | 103 | | SHAVER A #3 S/N 175146 | MONROE | 15.0 | UNITED GAS PIPELI |
| 8234356 | 81-2991 | 1707321757 | | 103 | | SHAVER A #4 S/N 175147 | MONROE | 15.0 | UNITED GAS PIPELI |
| -GUERNSEY PETROLEUM CORPORATION | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234393 | 81-2793 | 1703121213 | | 103 | | DILL #1 | RED RIVER-BULL BAYOU | 108.0 | TEXAS EASTERN TRA |
| 8234394 | 81-2794 | 1703121427 | | 103 | | GEORGE FAIR #1 | WILDCAT | 54.0 | TEXAS EASTERN TRA |
| 8234370 | 81-2791 | 1703121286 | | 103 | | LAFFITTE #1 | WILDCAT | 108.0 | TEXAS EASTERN TRA |
| 8234392 | 81-2792 | 1703121382 | | 103 | | ROBERTSON #1 | RED RIVER-BULL BAYOU | 72.0 | TEXAS EASTERN TRA |
| -GULF OIL CORPORATION | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234399 | 81-2744 | 1707522282 | | 103 | | SL 195 QQ #279 | QUARANTINE BAY | 54.8 | UNITED GAS PIPELI |
| 8234398 | 81-2743 | 1707522478 | | 103 | | SL 195 QQ #285 | QUARANTINE BAY | 1.4 | UNITED GAS & PIPE |
| 8234397 | 81-2742 | 1707522478 | | 103 | | SL 195 QQ #285-D | QUARANTINE BAY | 10.1 | UNITED GAS PIPELI |
| -IMC EXPLORATION COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234408 | 81-2955 | 1707321273 | | 108 | | COLE HEIRS A #16 | MONROE | 6.0 | IMC PIPELINE CO I |
| 8234361 | 81-2960 | 1707321720 | | 108 | | COLE T #30 | MONROE | 11.0 | IMC PIPELINE CO I |
| 8234381 | 81-2959 | 1707321718 | | 108 | | COLE T #31 | MONROE | 9.0 | IMC PIPELINE CO I |
| 8234380 | 81-2961 | 1707321721 | | 108 | | COLE T #32 | MONROE | 8.0 | IMC PIPELINE CO I |
| 8234351 | 81-2958 | 1711123108 | | 108 | | EXXON 31 #10 | MONROE | 17.0 | IMC PIPELINE CO I |
| 8234349 | 81-2957 | 1711123106 | | 108 | | EXXON 31 #9 | MONROE | 17.0 | IMC PIPELINE CO I |
| 8234350 | 81-2956 | 1707321602 | | 108 | | MYHRE #2 | MONROE | 10.0 | UNITED GAS PIPELI |
| -KERR-MCGEE CORPORATION | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234358 | 82-0614 | 1772620225 | | 103 | | S L 2000 #59-D | BRETON SOUND BLOCK 20 | 190.0 | SOUTHERN NATURAL |
| -KILROY CO OF TEXAS | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234378 | 81-2968 | 1704920073 | | 108 | | C Z CORP A #1 L HOSS RA SUA | CHATHAM | 15.0 | TENNESSEE GAS PIP |
| -MARSHALL EXPLORATION INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234385 | 82-2812 | 1703120898 | | 103 | | WALLACE #1 FBG RA SU 132 | LOGANSPORT | 60.0 | TENNESSEE GAS PIP |
| -MAY PETROLEUM INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234359 | 82-0622 | 1705520196 | | 103 | | M E MCCONNELL #3 (168573)BOL MEX 3 | DUSON | 365.0 | TRANSCONTINENTAL |
| -MID LOUISIANA GAS COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234396 | 81-2936 | 1711123026 | | 108 | | MLGC FEE GAS #1009 | MONROE GAS FIELD | 8.1 | MID LOUISIANA GAS |
| 8234395 | 81-2937 | 1711122571 | | 108 | | MLGC FEE GAS #926 | MONROE GAS FIELD | 12.4 | MID LOUISIANA GAS |
| 8234401 | 81-2938 | 1711122585 | | 108 | | MLGC FEE GAS #928 | MONROE GAS FIELD | 6.8 | MID LOUISIANA GAS |
| 8234400 | 81-2939 | 1711122588 | | 108 | | MLGC FEE GAS #931 | MONROE GAS FIELD | 13.1 | MID LOUISIANA GAS |
| 8234402 | 81-2940 | 1711122589 | | 108 | | MLGC FEE GAS #932 | MONROE GAS FIELD | 14.4 | MID LOUISIANA GAS |
| -PAR EXPLORATION CO | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234365 | 81-2985 | 1706721642 | | 103 | | MARY MCENERY #11 | MONROE | 0.0 | MID LOUISIANA GAS |
| 8234362 | 81-2982 | 1706721131 | | 103 | | MARY MCENERY #3 | MONROE | 0.0 | MID LOUISIANA GAS |
| 8234363 | 81-2983 | 1706721149 | | 103 | | MARY MCENERY #6 | MONROE | 0.0 | MID LOUISIANA GAS |
| 8234364 | 81-2984 | 1706721537 | | 103 | | MARY MCENERY #8 | MONROE | 0.0 | MID LOUISIANA GAS |
| -PAR OIL CORPORATION | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234379 | 81-2963 | 1701520504 | | 108 | | MUSLOW #2 | SLIGO FIELD | 0.0 | UNITED GAS PIPE L |
| -PETRO-LEWIS FUNDS INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234389 | 81-2773 | 1705120524 | | 103 | | JOHN WATT #2 | MANILA VILLAGE | 1825.0 | SOUTHERN NATURAL |
| -PHILLIPS PETROLEUM COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234374 | 81-2964 | 1701300000 | | 108 | | STARK "B" #2 HILL SU Y | ADA | 16.0 | SOUTHWESTERN ELEC |
| -PIONEER PRODUCTION CORPORATION | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234388 | 81-2722 | 1708120381 | | 102-2 | | JUSTIN L TEER #1 (TROY LIME) | WILDCAT | 0.0 | |
| -PLACID OIL COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234377 | 81-2967 | 1701320319 | | 108-ER | | BODCAN #1 HOSS RA SU16 | CASTOR | 0.0 | UNITED GAS P L CO |
| -SAND HILL LTD (LA) | | | | RECEIVED: | 05/21/82 | JA: LA | | | |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234403 | 81-2946 | 1711122390 | | 108 | | SPEARS #2 | MONROE | 58.0 | PETRO-LEWIS FUNDS |
| -SHELL OIL CO | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234352 | 81-2568 | 1772120286 | | 103 | | SP 27 SL 1612 #280 | SOUTH PASS BLOCK 27 F | 11.2 | TENNESSEE GAS PIP |
| -SOUTHERN NATURAL GAS COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234384 | 82-0255 | 1710121147 | | 103 | | A B ZENOR F 1-D DB-2B RA SUA | PATTERSON | 1000.0 | SOUTHERN NATURAL |
| -SUGAR CREEK PRODUCING COMPANY | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234348 | 81-2953 | 1702702423 | | 108 | | BROWN A-1 | SUGAR CREEK | 8.3 | UNITED GAS PIPE L |
| -SUN OIL COMPANY (DELAWARE) | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234387 | 81-2545 | 1708320438 | | 103 | | DELHI #147-2 DELHI HOLT BRYANT SUD | DELHI | 58.0 | TEXAS EASTERN TRA |
| 8234372 | 81-2587 | 1700320195 | | 103 | | STOUT REALTY CO #2 | KINDER | 19.0 | TRANSCONTINENTAL |
| -TEXACO INC | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234353 | 81-2766 | 1709920763 | | 103 | | CITIES SERVICE #1 VUA | FAUSSE POINTE | 853.0 | |
| 8234354 | 81-2764 | 1710922196 | | 103 | | LB U-38 29 LB UP MS RD SU | LAKE BARRE | 98.0 | KAISER ALUMINUM & |
| 8234390 | 81-2778 | 1710121111 | | 103 | | SL 341 BATEMAN LAKE #7 | BATEMAN LAKE | 105.0 | CITY OF MORGAN CI |
| -TEXAS INTERNATIONAL PET CORP | | | | RECEIVED: | 05/21/82 | JA: LA | | | |
| 8234382 | 82-0624 | 1708700000 | | 103 | | STATE LEASE 2220 #58 | ELOI BAY | 140.0 | SOUTHERN NATURAL |
| ********** | | | | | | | | | |
| NEW MEXICO DEPARTMENT OF ENERGY & MINERALS | | | | | | | | | |
| ********** | | | | | | | | | |
| -BOBBY F ABERNATHY | | | | RECEIVED: | 05/24/82 | JA: NM | | | |
| 8234299 | | 3002527699 | | 103 | | STATE "36" #1 | TOWNSEND WOLFCAMP | 26.6 | TIPPERARY CORP |
| -KENAI OIL AND GAS INC | | | | RECEIVED: | 05/24/82 | JA: NM | | | |
| 8234304 | | 3004525198 | | 103 | | STATE OF NEW MEXICO #36-12 | LYBROOK-GALLUP EXT | 25.0 | GAS CO OF NEW MEX |
| 8234302 | | 3004525272 | | 103 | | STATE OF NEW MEXICO #36-13 | LYBROOK-GALLUP EXT | 25.0 | GAS CO OF NEW MEX |
| 8234303 | | 3004525273 | | 103 | | STATE OF NEW MEXICO #36-14 | LYBROOK-GALLUP EXT | 25.0 | GAS CO OF NEW MEX |
| -MARBOB ENERGY CORPORATION | | | | RECEIVED: | 05/24/82 | JA: NM | | | |
| 8234300 | | 3001523736 | | 103 | | NG PHILLIPS ST #27 | ARTESIA QUEEN GRAYBUR | 15.0 | PHILLIPS PETROLEU |
| 8234301 | | 3001523742 | | 103 | | NG PHILLIPS ST #28 | ARTESIA QUEEN GRAYBUR | 15.0 | PHILLIPS PETROLEU |
| -PHILLIPS PETROLEUM COMPANY | | | | RECEIVED: | 05/24/82 | JA: NM | | | |
| 8234308 | | 3002502932 | | 108 | | E VACUUM GB/SA TR 2944 #049 | VACUUM GB/SA | 0.0 | EL PASO NATURAL G |
| 8234307 | | 3002523814 | | 108 | | E VACUUM GB/SA TRACT 0434 #001 | VACUUM GB/SA | 1.0 | EL PASO NATURAL G |
| 8234305 | | 3002521651 | | 108 | | E VACUUM GB/SA UNIT TR 0524 #112 | VACUUM GB/SA | 5.0 | EL PASO NATURAL G |
| 8234306 | | 3002502879 | | 108 | | EAST VACUUM GB/SA UNIT TR 2622 #30 | VACUUM GB/SA | 1.0 | EL PASO NATURAL G |
| 8234298 | | 3002527732 | | 103 | | MEXCO A #6 | MALJAMAR GB/SA | 0.0 | EL PASO NATURAL G |
| -YATES PETROLEUM CORPORATION | | | | RECEIVED: | 05/24/82 | JA: NM | | | |
| 8234310 | | 3000561415 | | 102-2 | 107-TF | DEE "OO" STATE #4 | PECOS SLOPE-ABO GAS | 0.0 | TRANSWESTERN PIPE |
| 8234309 | | 3000561417 | | 102-2 | 107-TF | PAULETTE "PV" STATE #4 | PECOS SLOPE-ABO GAS | 0.0 | TRANSWESTERN PIPE |
| 8234311 | | 3000561432 | | 102-2 | 107-TF | REDMAN "OY" ST #4 | PECOS SLOPE ABO | 0.0 | TRANSWESTERN PIPE |
| 8234314 | | 3000561447 | | 102-2 | 107-TF | ROOK "RK" STATE #3 | PECOS SLOPE ABO | 0.0 | TRANSWESTERN PIPE |
| 8234315 | | 3000561353 | | 102-2 | 107-TF | SACATON "SN" STATE #1 | UND ABO | 0.0 | TRANSWESTERN PIPE |
| 8234313 | | 3000561433 | | 102-2 | 107-TF | SPRINGER "TK" STATE #1 | PECOS SLOPE-ABO GAS | 0.0 | TRANSWESTERN PIPE |
| 8234312 | | 3000561393 | | 102-2 | 107-TF | THUNDERHEAD "TD" STATE #1 | UND ABO | 0.0 | TRANSWESTERN PIPE |
| ********** | | | | | | | | | |
| OKLAHOMA CORPORATION COMMISSION | | | | | | | | | |
| ********** | | | | | | | | | |
| -BEARD OIL COMPANY | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234338 | 14263 | 3511921547 | | 103 | | BUSH #1 | SOUTHEAST PARADISE | 10.0 | CITIES SERVICE GA |
| -BOBBY J DARNELL | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234345 | 14248 | 3508320939 | | 103 | | ADAMS #1 | W LAWRIE | 0.2 | EASON OIL CO |
| 8234347 | 14250 | 3508321630 | | 103 | | CARTMILL #1 | SE LOVELL | 73.0 | EASON OIL CO |
| 8234346 | 14249 | 3508320936 | | 103 | | LAMONICA #3 | NW LUSSE | 0.1 | EASON OIL CO |
| -CHAMPLIN PETROLEUM COMPANY | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234334 | 14258 | 3507300000 | | 103 | | N O CAIN #2 | DOVER-HENNESSEY | 15.0 | MUSTANG FUEL CORP |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| -CLARK RESOURCES INC | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234336 | 14266 | 3504700000 | | 103 | | FARBER 4-1 | SOONER TREND | 125.0 | CITIES SERVICE GA |
| *8234335 | 14259 | 3504722737 | | 103 | | HICKMAN 21-1 | SOONER TREND | 150.0 | PANHANDLE EASTERN |
| -CLIFFORD RESOURCES INC | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234317 | 14180 | 3509300000 | | 103 | | HENRY #1-28 | MENO | 29.0 | UNION OF TEXAS PE |
| 8234318 | 14179 | 3509300000 | | 103 | | KOEHN #1-33 | MENO | 29.0 | UNION OF TEXAS PE |
| 8234316 | 14181 | 3510900000 | | 103 | | LOOFBOURROW #1-1 | WILDCAT | 47.0 | CHAMPLIN PETROLEU |
| 8234319 | 14178 | 3507300000 | | 103 | | WILLMS #2-28 | SOONER TREND | 46.0 | PHILLIPS PETROLEU |
| -COOK OPERATING CO | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234326 | 13632 | 3511700000 | | 108 | | BREWER #2 | NORTH TERLTON | 25.1 | H J D CATTLE CO |
| 8234327 | 13633 | 3511700000 | | 108 | | BREWER #7 (COTTON) | NORTH TERLTON | 31.4 | H J D CATTLE CO |
| 8234328 | 13634 | 3511700000 | | 108 | | BREWER #8 (COTTON) | NORTH TERLTON | 25.7 | H J D CATTLE |
| 8234329 | 13635 | 3511700000 | | 108 | | BREWER B-10 (FRANK WHITE) | NORTH TERLTON | 42.5 | H J D CATTLE CO |
| 8234330 | 13636 | 3511720326 | | 108 | | BREWER B-11 (FRANK WHITE) | NORTH TERLTON | 28.2 | H J D CATTLE CO |
| -DOME PETROLEUM CORP | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234333 | 14256 | 3504321126 | | 103 | | JOHNSON FARMS #1 | UNNAMED | 1401.6 | TRANSWESTERN PIPE |
| -EDWARD P O BRIEN | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234321 | 14187 | 3508321769 | | 103 | | DETWILER #1 | | 0.0 | EASON OIL CO |
| 8234337 | 14261 | 3510321212 | | 103 | | VICKI VAN BEBBER #1 | | 3.7 | AMINOIL USA INC |
| -F HOWARD WALSH JR | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234342 | 18542 | 3501521135 | | 107-DP | | STEPHENS TRUST #1 | | 384.0 | TENNESSEE GAS PIP |
| -HADSON PETROLEUM CORP | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234322 | 07930 | 3505120929 | | 103 | | HUGHES 1-10 | CHITWOOD | 170.0 | TRANSOK PIPELINE |
| -HILL OIL CO | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234325 | 08401 | 3511921117 | | 103 | | STATE #1 SEC 36 19N 2E | LOST CREEK | 20.0 | SUN GAS CO |
| -KABARD EXPLORATION & DRILLING CO | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234332 | 14254 | 3510120979 | | 103 | | BARDWELL 81-6 | HASKELL | 9.0 | PHILLIPS PETROLEU |
| -KLINE & PITTENGER EXPLORATION | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234340 | 14265 | 3509322252 | | 103 | | WATROUS #1 | RINGWOOD | 150.0 | AMINOIL USA INC |
| -LONG ROYALTY CO | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234324 | 08134 | 3501700000 | | 103 | | BORNEMAN #3 | NORTH MUSTANG | 0.0 | MOBIL OIL CO |
| -MEWBOURNE OIL COMPANY | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234344 | 14206 | 3504520966 | | 103 | | STATE 1-16 | | 80.0 | |
| -NIXON-DAVIS ENERGY CO INC | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234323 | 8060 | 3508300000 | | 103 | | WEBB #1 | WEST MULHALL | 50.0 | EASON OIL CO |
| -PIONEER PRODUCTION CORPORATION | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234341 | 18554 | 3512900000 | | 107-DP | | ELSIE ALEXANDER #1-33 | | 0.0 | |
| -RED EAGLE OIL CO | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234343 | 14204 | 3509322195 | | 103 | | FRED #1 | CHEYENNE VALLEY | 73.0 | PHILLIPS PETROLEU |
| -TREPEL PETROL EXPLOR & DEV CORP | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234320 | 14184 | 3511921549 | | 103 | | DRAKE #1 | S E RIPLEY | 57.0 | SUN GAS CO |
| -VULCAN ENERGY CORP | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234331 | 14253 | 3507322676 | | 103 | | POPE #1 | SOONER TREND | 58.4 | ARKANSAS - LOUISI |
| -WILLIAM MOSS PROPERTIES INC | | | | RECEIVED: | 05/20/82 | JA: OK | | | |
| 8234339 | 14264 | 3507322999 | | 103 | | STORM #7-2 | SOONER TREND | 36.5 | CITIES SERVICES G |
| -EXXON CORPORATION | | | | RECEIVED: | 05/24/82 | JA: LA 0 | | | |
| 8234429 | G1-2460 | 1760817401 | | 102-5 | | OCS-G 2970 #A-8 | MISSISSIPPI CANYON | 1278.0 | SOUTHERN NATURAL |
| ********** | | | | | | | | | |
| ** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA | | | | | | | | | |
| ********** | | | | | | | | | |
| -ARCO OIL AND GAS COMPANY | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234434 | G2-2537 | 1772140053 | | 102-5 | | OCS-G-1611 C-36A | SOUTH PASS BLOCK 61 F | 55.0 | SOUTHERN NATURAL |
| -CHEVRON U S A INC | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234419 | G1-2044 | 1772540214 | | 102-5 | | OCS-G-1295 #6 | MAIN PASS | 1200.0 | MISSISSIPPI POWER |
| 8234449 | G1-2475 | 1770740357 | | 102-5 | | OCS-G-2316 #CB-2 | SOUTH MARSH ISLAND | 4.4 | NATURAL GAS PIPEL |
| 8234450 | G1-2466 | 1770640306 | | 102-5 | | OCS-G-3137 #A-5 | VERMILLION | 1296.0 | COLUMBIA GAS TRAN |
| -CNG PRODUCING COMPANY | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234417 | G1-2449 | 1771240079 | | 102-5 | | A-3S2 | SHIP SHOAL | 400.0 | CONSOLIDATED GAS |
| -EXXON CORPORATION | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234454 | G2-2653 | 1771540457 | | 102-1 | | OCS-G 4237 #F-6 | SOUTH TIMBALIER | 1825.0 | TRUNKLINE GAS CO |
| -FOREST OIL CORPORATION | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234413 | G1-2389 | 1770840210 | | 102-5 | | SOUTH MARSH ISLAND BLK 142 A-7E | SOUTH MARSH ISLAND | 1620.0 | COLUMBIA GAS TRAN |
| -GULF OIL CORPORATION | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234440 | G1-2446 | 1770940458 | | 102-5 | | EUGENE IS BLK 252 OCS-G 0983 G-18 | EUGENE ISLAND | 1080.0 | SEA ROBIN PIPELIN |
| 8234444 | G1-2445 | 1770940457 | | 102-5 | | EUGENE IS BLK 252 OCS-G 0983 #H-10 | EUGENE ISLAND | 9000.0 | SEA ROBIN PIPELIN |
| -MARATHON OIL COMPANY | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234430 | G1-2459 | 1770440512 | | 102-5 | | EAST CAMERON BLOCK 321 A-29 | EAST CAMERON SOUTH AD | 214.0 | TEXAS EASTERN TRA |
| 8234445 | G1-2402 | 1772440174 | | 102-5 | | MAIN PASS BLOCK 306 WELL F-13 | MAIN PASS | 22.7 | SOUTHERN NATURAL |
| -MOBIL OIL EXPLORATION & PROD S E | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234414 | G2-2656 | 1770940366 | | 102-1 | | OCS-G-3779 #2B EUGENE ISLAND 39 | EUGENE ISLAND | 2370.0 | MICHIGAN WISCONSI |
| 8234428 | G1-2453 | 1770540304 | | 102-5 | | VERMILION BLK 23 #12-C(ALT TO 12-B) | VERMILION | 1095.0 | TRUNKLINE GAS CO |
| -PLACID OIL COMPANY | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234415 | G2-2665 | 1770740366 | | 107-DP | | OCS-G-2600 #E-13 | SOUTH MARSH ISLAND | 346.8 | TRUNKLINE GAS CO |
| -SHELL OIL CO | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234420 | G1-2301 | 1770920008 | | 102-5 | | OCS-G 1220 B-9B | EUGENE ISLAND | 200.0 | MICHIGAN WISCONSI |
| 8234439 | G1-2443 | 1770640079 | D | 102-5 | | OCS-G 2088 A-1C | VERMILION | 400.0 | NATURAL GAS PIPEL |
| 8234426 | G2-2554 | 1770840262 | | 102-5 | | OCS-G 2280 A-34A | SOUTH MARSH ISLAND | 9.0 | TRANSCONTINENTAL |
| 8234456 | G2-2580 | 1770840199 | | 102-5 | | OCS-G 2280 B-9A | SOUTH MARSH ISLAND | 150.0 | TRANSCONTINENTAL |
| 8234431 | G2-2555 | 1770840455 | | 102-5 | | OCS-G 2280 D-5 | SOUTH MARSH ISLAND | 55.0 | TRANSCONTINENTAL |
| 8234412 | G2-2516 | 1770840246 | | 102-5 | | OCS-G 2281 B-19 | SOUTH MARSH ISLAND | 175.0 | TRANSCONTINENTAL |
| 8234455 | G2-2566 | 1770840249 | | 102-5 | | OCS-G 2281 B-20A | SOUTH MARSH ISLAND | 70.0 | TRANSCONTINENTAL |
| 8234443 | G1-2444 | 1770840285 | | 102-5 | | OCS-G 2281 B-24A | SOUTH MARSH ISLAND | 70.0 | TRANSCONTINENTAL |
| -TENNECO OIL COMPANY | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234438 | G2-2636 | 1773140016 | | 102-1 | | SABINE PASS 11 #A-1 | SABINE PASS | 330.0 | TENNESSEE GAS PIP |
| 8234437 | G2-2637 | 1773140028 | | 102-1 | | SABINE PASS 11 #A-3 | SABINE PASS | 330.0 | TENNESSEE GAS PIP |
| 8234436 | G2-2638 | 1773140033 | | 102-1 | | SABINE PASS 8 A-4 | SABINE PASS | 1320.0 | TENNESSEE GAS PIP |
| -TRANSCO EXPLORATION COMPANY | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234433 | G1-2427 | 1770840481 | | 102-5 | | NO A-16 SIDETRACK #1 | SOUTH MARSH ISLAND | 180.0 | TRANSCONTINENTAL |
| -UNION OIL COMPANY OF CALIF | | | | RECEIVED: | 05/24/82 | JA: LA 3 | | | |
| 8234418 | G2-2677 | 1770540466 | | 107-DP | | OCS 0297 #42 | VERMILION | 9150.0 | TRUNKLINE GAS CO |
| -AMINOIL USA INC | | | | RECEIVED: | 05/24/82 | JA: TX 3 | | | |
| 8234432 | G1-2161 | 4270940446 | | 102-5 | | OCS-G-2712 #A-6 | HIGH ISLAND BLOCK A-5 | 484.0 | COLUMBIA GAS TRAN |
| 8234435 | G1-2162 | 4270940446 | | 102-5 | | OCS-G-2712 #A-6D | HIGH ISLAND BLOCK A-5 | 493.0 | COLUMBIA GAS TRAN |
| -MCMORAN OFFSHORE EXPLORATION CO | | | | RECEIVED: | 05/24/82 | JA: TX 3 | | | |
| 8234446 | G2-2545 | 4270940583 | | 102-5 | | OCS-G 2359 #A-10 | HIGH ISLAND | 125.0 | TRANSCONTINENTAL |
| 8234453 | G2-2524 | 4270940587 | | 102-5 | | OCS-G 2359 #A-11 | HIGH ISLAND | 132.0 | TRANSCONTINENTAL |
| 8234425 | G2-2562 | 4270940609 | | 102-5 | | OCS-G 2359 #A-14 | HIGH ISLAND | 115.0 | TRANSCONTINENTAL |
| 8234451 | G2-2553 | 4270940623 | | 102-5 | | OCS-G 2359 #A-16 | HIGH ISLAND | 76.0 | TRANSCONTINENTAL |
| *8234457 | G1-2475 | 4270940560 | | 102-5 | | OCS-G 2359 #A-3 | HIGH ISLAND | 250.0 | TRANSCONTINENTAL |
| *8234410 | G1-2490 | 4270940563 | | 102-5 | | OCS-G 2359 #A-4 | HIGH ISLAND | 111.0 | TRANSCONTINENTAL |
| *8234411 | G2-2515 | 4270940577 | | 102-5 | | OCS-G 2359 #A-5 | HIGH ISLAND | 126.0 | TRANSCONTINENTAL |
| *8234409 | G1-2503 | 4270940567 | | 102-5 | | OCS-G 2359 #A-6 | HIGH ISLAND | 146.0 | TRANSCONTINENTAL |
| *8234427 | G2-2519 | 4270940574 | | 102-5 | | OCS-G 2359 #A-8 | HIGH ISLAND BLOCK | 70.0 | TRANSCONTINENTAL |
| 8234447 | G2-2523 | 4270940602 | | 102-5 | | OCS-G 2359 #A-9 | HIGH ISLAND | 104.0 | TRANSCONTINENTAL |
| 8234452 | G2-2532 | 4270940613 | | 102-5 | | OCS-G 2359 A-15 | HIGH ISLAND | 259.0 | TRANSCONTINENTAL |
| -MONSANTO COMPANY | | | | RECEIVED: | 05/24/82 | JA: TX 3 | | | |

| JD NO | JA DKT | API NO | D | SEC(1) | SEC(2) | WELL NAME | FIELD NAME | PROD | PURCHASER |
|---|---|---|---|---|---|---|---|---|---|
| 8234441 | G2-2686 | 4270940488 | | 102-1 | | OCS-G 3755 A-1 | HIGH ISLAND | 0.0 | COLUMBIA GAS TRAN |
| 8234442 | G2-2687 | 4270940663 | | 102-1 | | OCS-G 3755 A-1 121 | HIGH ISLAND | 0.0 | COLUMBIA GAS TRAN |
| 8234422 | G2-2688 | 4270940673 | | 102-1 | | OCS-G 3755 A-3 | HIGH ISLAND | 0.0 | COLUMBIA GAS TRAN |
| 8234421 | G2-2689 | 4270940683 | | 102-1 | | OCS-G 3755 A-4 | HIGH ISLAND | 0.0 | COLUMBIA GAS TRAN |
| -TENNECO OIL COMPANY | | | | RECEIVED: | 05/24/82 | JA: TX 3 | | | |
| 8234423 | G1-2067 | 4271140378 | | 102-5 | | HIGH ISLAND A-270 #B-2 | HIGH ISLAND | 2433.0 | TENNESSEE GAS PIP |
| 8234448 | G1-2068 | 4271140466 | | 102-5 | | HIGH ISLAND A-270 #B-5 | HIGH ISLAND | 2433.0 | TENNESSEE GAS PIP |
| 8234424 | G1-2065 | 4271140480 | | 102-5 | | HIGH ISLAND A-270 #B-6 | HIGH ISLAND | 2433.0 | TENNESSEE GAS PIP |
| 8234416 | G1-2064 | 4271140484 | | 102-5 | | HIGH ISLAND A-270 #B-7 | HIGH ISLAND | 2433.0 | TENNESSEE GAS PIP |
| | | | | -5 | | | | | |

OTHER PURCHASERS VOLUME NO :669

| | |
|---|---|
| 8234335 | EXXON CORP |
| 8234409 | COLUMBIA GAS TRANSMISSION CORP |
| 8234410 | COLUMBIA GAS TRANS CORP |
| 8234411 | COLUMBIA GAS TRANS CORP |
| 8234427 | COLUMBIA GAS TRANS CORP |
| 8234457 | COLUMBIA GAS TRANS CORP |

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 6, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82–16596 Filed 6–17–82; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. CP82–175–000, CP82–176–000 and CP82–174–000]**

## Northwest Pipeline Corp. and Continental Divide Pipeline Co.; Request for Comments on Environmental Issues and the Scope of Those Issues for Proposals To Construct Pipeline Transportation Facilities

June 17, 1982.

The staff of the Federal Energy Regulatory Commission (FERC) is currently evaluating the scope and significance of environmental impact associated with applications by Northwest Pipeline Corporation (Northwest) and the Continental Divide Pipeline Company (Continental), a general partnership comprised of subsidiaries of Northwest and Transwestern Pipeline Company (Transwestern), for certificates of public convenience and necessity.[1] The applications are filed pursuant to sections 3 (Docket No. CP82–175–000) and 7(c) (Docket Nos. CP82–174–000 and CP82–176–000) of the Natural Act. The certificates would authorize an increase in natural gas volumes currently imported from Canada (Northwest, Docket No. CP82–175–000), an upgrading of existing natural gas transmission facilities in Washington, Colorado, and Utah (Northwest, Docket No. CP82–176–000), and construction of new natural gas transmission facilities in Colorado and New Mexico (Continental, Docket No. CP82–174–000).

The applicants specifically seek authorizations to (1) increase the natural gas which Northwest is currently authorized to import at Sumas, Washington, from 809 million cubic feet per day (cfd) to 869 million cfd, (2) construct and operate approximately 243 miles of 30- and 36-inch diameter pipeline looping predominately along existing rights-of-way and up to 5,830 horsepower of new and additional compression on Northwest's and Utah, and (3) construct and operate approximately 162 miles of new 30-inch diameter pipeline along a new right-of-way and up to 12,000 horsepower of new compression between the southern terminus of Northwest's mainline system in La Plata County, Colorado, and Transwestern's Compressor Station No. 5 in McKinley County, New Mexico. Further authority is sought to transfer imported gas from Sumas to Kingsgate, Idaho, to transport up t0 111.4 million cfd on a firm basis for existing Northwest customers, and for construction and operation of appurtenant facilities related to these interstate transportation facilities.[1a]

The 243 miles of pipeline proposed by Northwest in Docket No. CP82–176–000 would be constructed in two sectons. Except for a portion of the northern section approximately 66 miles long immediately south of the Rangely Compressor Station in Rio Blanco County, Colorado, both sections would loop (i.e., be constructed adjacent and parallel to) Northwest's existing mainline transmission system.[2] Because of historically unstable soil conditions along its existing system through Douglas Pass, Northwest proposes to route its pipeline loop through Baxter Pass, Colorado. The new loop would therefore traverse Rio Blanco, Garfield, and Mesa Counties, Colordao, before rejoining the route of the existing mainline just north of the Bar "X" Compressor Station tie-in in the southeast quarter of Section 21, T 9 S, R 104 W. The new loop would then continue for approximately 36 miles south through Mesa County, Colorado, and Grand County, Utah, terminating just north of Arches National Monument.[3]

The southern section of the proposed loop would begin approximately 38 miles downstream of the northern section's terminus and extend for about 139 miles through San Juan County, Utah, and San Miguel, Dolores, Montezuma, and La Plata Counties, Colorado. This section would terminate at Northwest's existing Ignacio Compressor Station.

Compression facilities proposed as part of Northwest's application include adding up to 2,000 horsepower at its existing Chehalis Compressor Station in Lewis County, Washington, and constructing a new compressor station in the vicinity of Cortez (Montezuma County), Colorado, to house up to 3,830 horsepower. Northwest also proposes to modify compressor cylinders at its existing Baker (Baker County, Washington) and Ignacio (La Plata County, Colorado) Compressor Stations and to construct a new meter station in the vicinity of its Ignacio Compressor Station at an interconnection with the proposed Continental pipeline facilities. The estimated cost of the facilities proposed to upgrade Northwest's mainline system is $209,260,000; such facilities would be designed to deliver up to 325 million cfd of natural gas to Continental at the proposed interconnection

The 162 miles of new 30-inch diameter pipeline and appurtenant facilities proposed by Continental in Docket No. CP82–174–000 would extend from the

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[1] The Department of the Interior, Bureau of Land Management (BLM), has also received applications, from Northwest and Continental for right-of-way permits. BLM has indicated an interest in cooperating with the FERC environmental staff in preparing the necessary environmental analysis for these proposals; the FERC will act as the "lead agency" for National Environmental Policy Act review.

[1a] Subject to approval by Canada's National Energy Board and appropriate governmental bodies in the United States, Northwest anticipates amending its contract with Canada's Westcoast Transmission Company Limited to provide for certain natural gas volumes to be transferred from Sumas to Kingsgate as current Kingsgate imports decline.

[2] Approximately two thirds of the 66-mile long deviation south of the Rangeley Compressor Station would parallel the Mapco Rocky Mountain Liquid Hydrocarbons Pipeline corridor.

[3] Pipeline looping proposed between Northwest's Rangley Compressor Station and Bar "X" Compressor Station tie-in would be 36 inches in diameter. The remaining looping proposed for Northwest's system would be 30 incbes in diameter.

proposed interconnection with Northwest's mainline system south to Transwestern's existing Compressor Station No. 5 near Thoreau in McKinley County, New Mexico. Construction would traverse La Plata County, Colorado, and San Juan and Sandoval Counties, New Mexico. A new compressor station housing up to 12,000 horsepower is also proposed for construction approximately 6 miles south of the proposed Northwest-Continental interconnection in La Plata County, Colorado. The estimated cost of the new facilities proposed by Continental is $125,635,000; the facilities would be designed to deliver up to 396.8 million cfd of natural gas to Transwestern's system.

Alternatives which the staff will consider include no project, alternative pipeline facilities on Northwest's existing mainline system, alternative pipeline routes to connect Northwest's system with Transwestern's system, and alterantive pipeline networks to transport the gas from Canada to the pipeline customers (Transwestern and Texas Eastern Transmission Corporation).

A copy of this notice, additional technical information about the proposals, and general maps of the routes have been distributed to Federal, state, and local agencies, parties to the proceedings, and the public. These groups are invited to comment on anticipated environmental problems associated with the proposals. These comments will be used by the FERC staff to identify the issues which require in-depth environmental analysis and to determine whether an environmental impact statement should be prepared. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Recommendations that the staff's evaluation address specific issues or alternatives should be supported by detailed rationale or a showing of the need to consider those issues or alternatives. Written comments should be submitted by July 19, 1982.

Additionally, the FERC and BLM staffs intend to hold public meetings to gather information and seek assistance in defining the range of environmental issues and concerns to be addressed in the analysis. BLM has cooperated by arranging these meetings which will be held at various locations along the proposed route during the latter two weeks of July 1982. The attached schedule lists the locations, dates, and times of these meetings. Participation in this scoping process is solicited.

Further information about the proposals is available from Mr. Laurence J. Sauter, Jr., Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, room 7102 at the same address or by telephone at (202) 357-8881.

**Kenneth F. Plumb,**

*Secretary.*

**Schedule of Public Scoping Meetings**

July 19, 1982—7 p.m.—Colorado Northwestern Community College, Kramer Building, Rangley, Colorado
July 20, 1982—7 p.m.—BLM District Office, 3rd Floor Conference Room, 674 Horizon Drive, Grand Junction, Colorado
July 21, 1982—7 p.m.—BLM District Office, 125 West 2nd, South, Moab, Utah
July 22, 1982—7 p.m.—La Plata County Fair Grounds, North Room, Extension Building, Highway 160, Durango, Colorado
July 26, 1982—7 p.m.—Civic Center, Room A, Farmington, New Mexico
July 27, 1982—1 p.m.—Chapter House, Crownpoint, New Mexico
July 28, 1982—7 p.m.—Holiday Inn, Grants, New Mexico

[FR Doc. 82-16754 Filed 6-17-82; 10:58 am]
BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

**[ER-FRL-2152-3]**

### Availability of Environmental Impact Statements Filed June 7 Through June 11, 1982, Pursuant to 40 CFR Part 1506.9

**RESPONSIBLE AGENCY:** Office of Federal Activities, Ms. Kathi Wilson (202) 382-5074; Procedural Inquiries General Information 382-5075 or 382-5073.

Corps of Engineers:
- EIS No. 820387, Draft, COE, IN, Burns Waterway Small Boat Harbor Improvements, Porter County; Due: Aug. 2, 1982
- EIS No. 820381, Final, COE, AL, Village Creek Flood Control Plan; Birmingham, Jefferson County; Due: July 19, 1982
- EIS No. 820394, Final Supplement, COE, TX, Corpus Christi Ship Channel Inner Harbor Reach, Disposal Sites; Due: July 19, 1982

Department of Commerce:
- EIS No. 820385, Draft, NOA, NY, Hudson River Estuarine Sanctuary, Grant, Columbia and Dutchess Cos.; Due: Aug. 2, 1982
- EIS No. 820391, Final, NOA, SEV, ATL, Atlantic Groundfish Interim Fishery Management Plan; Due: June 28, 1982
- EIS No. 820392, Final, NOA, SEV, PAC, TT, HI, Spiny Lobster Fishery Management Plan, Pacific; Due: July 19, 1982

Department of Energy:
- EIS No. 820380, Final Supplement, DOE, SEV, PRO, Liquid Metal Fast Breeder Reactor Program; Due: July 19, 1982

Department of Interior:
- EIS No. 820386, Draft, BLM, NV, Clark County Livestock Grazing Management Program; Due: Aug. 13, 1982
- EIS No. 820378, Draft, BLM, UT, Ashley Creek Livestock Grazing Management Program; Due: Aug. 2, 1982
- EIS No. 820382, Final, BLM, ID, Ellis-Pahsimeroi Grazing Management Plan, Lemhi and Custer Counties; Due: July 19, 1982

Department of Transportation:
- EIS No. 820388, Draft, FAA, MN, St. Paul Downtown Airport Improvements, Ramsey County; Due: Aug. 2, 1982
- EIS No. 820384, Draft, FHW, FL, FL-820/Hollywood Boulevard Upgrading, I-75 to FL-7, Broward County; Due: Aug. 6, 1982
- EIS No. 820389, Draft, FHW, GA, I-420 Extension, I-75/I-85 to I-20, Fulton and DeKalb Counties; Due: Aug. 2, 1982
- EIS No. 820393, Final, FHW, OR, Beaverton-Tigard Highway Interchange/U.S. 26-OR-217 Reconstruction; Due: July 19, 1982

Department of Housing and Urban Development:
- EIS No. 820379, Draft, HUD, NM, High Range Subdivision, Mortgage Insurance, Dona Ana County; Due: Aug. 2, 1982
- EIS No. 820377, Draft, HUD, OR, Multnomah County Areawide Study; Due: Aug. 2, 1982
- EIS No. 820383, Final, HUD, VA, Countryside Development, Mortgage Insurance, Loudoun County; Due: July 19, 1982
- EIS No. 820375, Draft, CDB, AL, Macon County Sanitary Sewerage Facilities, CDBG; Due: Aug. 16, 1982
- EIS No. 820374, Final, CDB, PA, New Market Flood Control Project, Fairview Township, York County; Due: July 19, 1982

Department of Agriculture:
- EIS No. 820376, Draft, AFS, AK, Chugach National Forest Land and Resource Management Plan; Due: Sept. 30, 1982
- EIS No. 820390, Final, AFS, CA, Grider Area Fire Salvage Sale, Klamath National Forest, Siskiyou County; Due: July 19, 1982
- EIS No. 820373, Final, SCS, HI, Waimanalo Watershed Water Resources Plan, Honolulu County; Due: July 19, 1982

Amended Notices:
- EIS No. 820321, Final, FHW, WV, Appalachian Corridor G Construction, Holden/Godby Heights, Logan Co.
  *Published in **Federal Register** May 28, 1982—Review Reestablished due to noncompletion of distribution. Due: July 19, 1982
- EIS No. 820346, Draft, BLM, ID, Owyhee Wilderness Study Areas Wilderness Designation, Owyhee County.
  *Published in **Federal Register** June 4, 1982—incorrect due date; Due: *Aug. 9, 1982
- EIS No. 820372, Final, FHW, GA, North Thomasville Bypass Construction U.S. 84 to U.S. 319, Thomas County.
  *Published in **Federal Register** June 11, 1982—incorrect due date; Due: *July 12, 1982

EIS No. 820349, Draft, BLM, CA, Central California Study Areas, Wilderness Recommendations.
*Published in **Federal Register** June 4, 1982—Review extended; Due: *Aug. 4, 1982
EIS No. 820339, Draft, BLM, CA, Western Counties Wilderness Study Project/ Escondido-Border Unit.
*Published in **Federal Register** June 4, 1982—Review extended; Due: *Aug. 4, 1982

Dated: June 15, 1982.

**Paul C. Cahill,**

*Director, Office of Federal Activities.*

[FR Doc. 82-16638 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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[FRL 2116-7]

## California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination

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

**ACTION:** Notice of scope of waiver of Federal preemption.

**SUMMARY:** The California Air Resources Board (CARB) has notified EPA that it has adopted Assembly-Line Test (ALT) Procedures for various classes of new motor vehicles for the 1983 and subsequent model years, and amendments to its New Motorcycle Compliance Test (NMCT) Procedures. Except for some minor ministerial changes, the 1983 and subsequent model year ALT procedures are identical to the 1982 ALT procedures, which are covered by previous waivers of Federal preemption. The amendments to the NMCT procedures do not alter EPA's findings made in the waiver of Federal preemption covering the original NMCT procedures. Therefore, both the new ALT procedures and amended NMCT procedures are included within the scope of their previous respective waivers of Federal preemption. Since these two sets of procedures are included within the scope of previously granted waivers, a public hearing to consider them is not necessary. However, if any party asserts an objection to these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise, these findings will become final at the expiration of this 30-day period.

**DATES:** Any objection to the findings in this notice must be filed on or before July 19, 1982; otherwise, at the expiration of this 30-day period these findings will become final. Upon the receipt of any timely objection, EPA will consider scheduling a public hearing in a subsequent **Federal Register** notice.

**ADDRESSES:** Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the Assembly-Line Test Procedures and New Motorcycle Compliance Test Procedures at issue in this notice, a decision document containing an explanation of my determinations, and documents used in arriving at this determination are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street, SW., Washington, D.C. 20460 (Docket EN-82-02). Copies of the decision document can also be obtained from EPA's Manufacturers Operations Division by contacting Mr. Chernekoff, as noted below.

**FOR FURTHER INFORMATION CONTACT:** Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 382-2521.

**SUPPLEMENTARY INFORMATION:** I have determined that CARB's 1983 and subsequent model year ALT procedures and CARB's NMCT procedure amendments are included within the scope of waivers of Federal preemption previously granted pursuant to section 209(b) of the Clean Air Act, as amended (Act).[1] The 1983 and subsequent model year ALT procedures are essentially the same as the 1982 model year procedures, except for some minor ministerial changes. The amendments to the NMCT procedures are intended to provide for more effective enforcement of existing standards. The adoption of the new ALT procedures and the amendments to the NMCT procedures neither undermine California's earlier determinations that its standards are, in the aggregate, at least as protective of public health as comparable Federal standards, nor raise any new technological feasibility or other issues.

[1] Notices of the waivers referred to are published at 47 FR 848 (January 7, 1982), 45 FR 54130 (August 14, 1980) and 45 FR 54126 (August 14, 1980) for ALT procedures; 43 FR 998 (January 5, 1978) for NMCT procedures.

A full explanation of my determination is contained in a decision document, which may be obtained from EPA as noted above.

Since the new ALT procedures and amendments to the NMCT procedures are included within the scope of previously granted waivers of Federal preemption, a public hearing to consider them is not necessary. However, if any party asserts an objection to these findings on or before July 19, 1982, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise, these findings will become final at the expiration of this 30-day period.

**Note.**—My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect.

Under section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), EPA must judge whether a regulation is a "major rule" and therefore subject to the requirement for preparation of a Regulatory Impact Analysis. EPA has determined that this action does not constitute a major rule. This action confirms California's authority to enforce regulations which, in one case, are essentially the same as regulations applicable to the previous model year, and in another case, provide for more effective enforcement than regulations applicable to the previous model year. This action will not result in a major cost increase to consumers, Government agencies and industries affected.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Public Docket EN-82-02 located in EPA's Central Docket Section (A-130), 401 M Street, S.W., Washington, D.C. 20460.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: June 14, 1982.

**Anne M. Gorsuch,**

*Administrator.*

[FR Doc. 82-16496 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

[AD-FRL-2150-1]

## Control Techniques Guidelines; Density Adjustment for Dibasic Ester Coating Solvent

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

**ACTION:** Notice and request for comments.

**SUMMARY:** E. I. du Pont de Nemours and Company (Du Pont) has petitioned EPA to allow owners or operators of surface coating operations to make an adjustment for the high density of dibasic ester (DBE) coating solvent, when determining compliance with State regulations for volatile organic compound (VOC) emissions. Based upon the information submitted by Du Pont and a review of available data on DBE, the EPA believes Du Pont's request should be approved. Before providing formal guidance to the States, however, the EPA is providing the opportunity for public comment on this matter.

**DATE:** Comments must be received on or before August 2, 1982.

**ADDRESSES:** Comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention Docket Number A–82–25, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

**DOCKET:** Docket No. A–82–25, containing material relevant to Du Pont's petition is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. James C. Berry, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5605.

**SUPPLEMENTARY INFORMATION:** DBE paint solvent is a mixture of dimethyl adipate, dimethyl glutarate, and dimethyl succinate. Its density is about 9.0 pounds per gallon. The boiling points of the constituents of DBE range from 196° to 225° C. The vapor pressure of DBE is about 0.15 mm Hg at 20° C.

DBE is a relatively low-cost solvent because the raw material from which it is made, dibasic acid (DBA), is a by-product of a Du Pont manufacturing process. DBA is a mixture of adipic acid, glutaric acid, and succinic acid. Du Pont produces about 50 million pounds of DBA each year. The percentage of DBA converted to DBE by Du Pont in recent years were:

| Year | Percent converted to DBE |
|---|---|
| 1975 | 34 |
| 1976 | 40 |
| 1977 | 38 |
| 1978 | 43 |
| 1979 | 69 |
| 1980 | 52 |

Du Pont disposes of all excess DBA by deep well injection.

DBE is now used as a solvent for lacquer and enamel automotive topcoats, epoxy primers, polyester coil coatings, and can coatings. About 25 million pounds were so used in 1980, mostly in automotive coatings. This contrasts with the total amount of about 4 billion pounds of VOC that are used in coatings annually.

Du Pont believes DBE could potentially be used in any coating which contains organic solvent. This includes the higher-solids coatings which many coaters are, or will soon be, using to comply with State regulations for VOC emissions. Du Pont estimates that DBE could constitute from 10–40 percent, by weight of such higher-solids coatings.

In spite of its low vapor pressure and cost, which Du Pont claims make DBE a very desirable solvent for higher-solids coatings, DBE has not been so used. Du Pont claims this is because State regulations, which limit the mass of VOC emitted from coating operations, have led coating formulators to seek less dense solvents.

Du Pont describes DBE as having relatively low toxicity, and notes several recent studies which they claim make suspect the toxicity of several solvents with which DBE could compete. These solvents are ethylene glycol monomethyl ether, ethylene glycol monoethyl ether, and ethylene glycol ether acetates.

Most States have adopted regulations which limit VOC emissions from industrial surface coating operations. Many were based upon information presented in a series of control technique guidelines (CTG's) published by the EPA in 1977 and 1978. Each CTG contained recommended emission limits. The units used for these recommendations were "pounds of VOC per gallon of coating less water." They were chosen because the best available analytical method for determining the VOC content of coatings was mass-based. Furthermore, the CTG's were developed to assist States plan their emission control strategies. These strategies are founded on VOC emission inventories which are also in mass units.

Each CTG recommendation was based on the use of either low-VOC content coatings, or conventional high-VOC content coatings and an emission control device such as an incinerator. Data on coatings in use were provided to the EPA by coaters and coating manufacturers in terms of volume solids content rather than mass VOC content. An average VOC density of 7.36 pounds per gallon was then used to convert the volume solids data to pounds of VOC per gallon of coating less water.

The EPA believed that the use of 7.36 pounds per gallon as the average paint solvent density would reasonably account for the wide variety of solvent mixtures used in coatings. The average density of all the coating solvents used in 1979 was only about 7.0 pounds per gallon. The use of 7.36 has allowed slightly higher emissions than would have been allowed had 7.0 been used.

Du Pont has petitioned that the EPA provide States with the option of allowing the owners or operators of surface coating operations to make an adjustment for the relatively high density of DBE when determining compliance with State VOC emission regulations. Specifically, Du Pont has requested that an assumed density of 7.36 pounds per gallon be used for calculations regarding the quantity of DBE in a coating rather than its actual density of 9.0 pounds per gallon.

In summary, Du Pont claims that the mass-based (pounds of VOC per gallon of coating less water) surface coating regulations adopted by most States have discouraged coating formulators from using DBE since other lower-density solvents are available. Du Pont has asked that this alleged inequity be removed. In support of their request, Du Pont stated that:

- DBE is a good solvent for higher-solids coatings.
- DBE is a low-cost solvent since it is manufactured from a by-product.
- DBA not converted to DBE is disposed of by deep well injection.
- DBE has relatively low toxicity.
- Recent studies make suspect the toxicity of several solvents with which DBE would compete.

The EPA has evaluated Du Pont's petition and concluded that it should be approved. In the EPA's judgment, approval of the petition would not cause an adverse impact on the environment and would not disrupt the coating solvent market. Before approving Du Pont's petition, the EPA is providing the opportunity for public comment.

Unless comments are received giving sufficient reasons to deny the Du Pont petition, the EPA will notify the States that it would not preclude them from allowing owners or operators of surface coating operations to make a density adjustment for the VOC content of a coating when DBE is used as a coating solvent. The density adjustment would allow the use of 7.36 pounds per gallon rather than the actual density of DBE, 9.0 pounds per gallon.

Dated: June 10, 1982.

**Kathleen M. Bennett,**

*Assistant Administrator for Air, Noise, and Radiation.*

[FR Doc. 82-16497 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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[AD-FRL 2149-8]

## National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on July 21 and 22, 1982, at the First International Building, 29th Floor Conference Room, 1201 Elm Street, Dallas, Texas 75270.

The tentative agenda for the meeting is as follows:

**July 21 (Wednesday)—9:00 a.m.**

Onshore Natural Gas Production Industry-Sulfur Dioxide Emissions, New Source Performance Standard (Section 111 of the Clean Air Act) Onshore Natural Gas Production Industry—Volatile Organic Compound Fugitive Emissions, New Source Performance Standard (Section 111 of the Clean Air Act) Distillation Operations in Synthetic Organic Chemical Manufacturing—Volatile Organic Compound Emissions, New Source Performance Standard (Section 111 of the Clean Air Act).

**July 22 (Thursday)—9:00 a.m.**

Continuation of July 21—As Required.

Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in the Steel Industry—Particulate Matter and Opacity of Visible Emissions, Revision of Standards of Performance for New Stationary Sources (Section 111 of the Clean Air Act).

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by July 14, 1982. The commercial telephone number is (919) 541-5571, and the FTS number is 629-5571.

The dockets containing material relevant to the onshore natural gas production industry (A-80-20), distillation operations (A-80-25), and electric arc furnaces (A-79-33) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby—Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: June 10, 1982.

**Kathleen M. Bennett,**

*Assistant Administrator for Air, Noise, and Radiation.*

[FR Doc. 82-16495 Filed 6-17-82; 8:45 am]

BILLING CODE 6560-50-M

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[OPTS-51344B; TSH-FRL-2152-1]

## Mono-Azo Dye; Premanufacture Notice; Termination of an Extended Review Period

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

**ACTION:** Notice.

**SUMMARY:** EPA is terminating the remaining portion of a 90-day extension of the review period for premanufacture notice (PMN) P-81-559, which was issued pursuant to section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on June 8, 1982. The PMN was submitted for a water-soluble, fiber-reactive, mono-azo dye which will be imported by a company which has claimed its identity to be confidential.

**FOR FURTHER INFORMATION CONTACT:** Rose Allison, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, DC 20460, (202-382-3733).

**SUPPLEMENTARY INFORMATION:**

### Background

Under section 5 of TSCA anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA 90 days prior to commencement of manufacture or import. Under section 5(c) EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt. EPA issued proposed rules to implement the premanufacture notification program in the **Federal Register** of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed rules addressed the section 5(c) extension authority and provided examples of situations in which the Agency believed there would be good cause to extend the notice period.

### Review to Date

On October 29, 1981 EPA received PMN 81-559 from a confidential submitter for the following chemical: 5-acetylamino-4-hydroxy-3-(2-hydroxy-4-(2-hydroxysulfonyloxy)-ethylsulfonyl)-5-methylphenylazo)-2,7-naphthalenedisulfonic acid trisodium salt copper complex. Notice of receipt was published in the **Federal Register** of November 6, 1981 (46 FR 55145). The chemical is a fiber-reactive dye for cellulosic fabrics. Maximum volume to be imported is estimated as 15,000 kg.

The original review period was scheduled to expire on January 26, 1982. On January 29, 1982, EPA published a notice in the **Federal Register** (47 FR 4335) extending the review period for an additional 90 days, to April 26, 1982. On January 27, 1982, the PMN submitter voluntarily suspended the review period.

When the review period was extended, EPA had reason to believe that azo reduction of the substance described in PMN 81-559 would produce a derivative of beta-naphthylamine. Beta-naphthylamine is a known carcinogen. Significant occupational exposure and possible drinking water contamination were expected. While the period has been suspended, EPA has conducted a more detailed analysis of the chemical. As a result, new studies were located on a structurally closer analogue of the expected derivative of the PMN substance than beta-naphthylamine. The new studies did not indicate carcinogenic activity. The Agency has found these studies to be adequate for determining carcinogenic potential.

### Termination of the Review Period Extension

Based on a more detailed analysis conducted during the period since the review period was extended, EPA finds that it will not be necessary to regulate PMN 81-559 under section 5(e) of TSCA. Therefore, the Agency no longer requires the additional review time provided by section 5(c), and terminates the remaining portion of the 90-day extension.

**Public Record**

PMN 81–559 is available for public inspection in Room E–106, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday. The identity of the submitter has been kept confidential and has been deleted from the documents in the public record.

Dated: June 8, 1982.

**John A. Todhunter,**

*Assistant Administrator for Pesticides and Toxic Substances.*

[FR Doc. 82–16654 Filed 6–17–82; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL COMMUNICATIONS COMMISSION

### Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It; Change in Location for Two Task Group Meetings

June 10, 1982.

This document announces changes in location for two task group meetings (Task Group B–1 which was not published in the **Federal Register** and Task Group A–3 published on June 4, 1982; 47 FR 24415) as follows:

*Task Group B–1* of Working Group B: Legal Implications
Chairman: Martin Rothblatt (202) 662–5446
Date: Tuesday, June 15, 1982
Time: 1:00–4:00 p.m.
Location: Federal Communications Commission, 2025 M Street, NW., Room 7327; vice 1919 M Street NW., Room 650
Agenda: (1) Review contributions dealing with law relevant to Space WARC, and (2) Begin legal evaluation of orbit/spectrum access methods and planning approaches.

*Task Group A–3* of Working Group A: U.S. Interests
Chairman: John Marus (212) 684–4700
Date: Tuesday, June 22, 1982
Time: 1:00–4:00 p.m.
Location: Federal Communications Commission 2025 M Street, NW., Room 7327; vice 1919 M Street, NW., Room 650
*Agenda:* (1) Welcome and Introductions; (2) Approval of Agenda; (3) Subcommittee A–3 Mandate; (4) Proposed Report Outline for U.S. Interests; (5) Tentative Work Schedule; (6) Other Business; (7) Next Meeting; (8) Adjournment

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

[FR Doc. 82–16513 Filed 6–17–82; 8:45 am]

BILLING CODE 6712–01–M

### Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee);

This notice announces the following meeting of Task Group B–3 of Working Group B:

*Task Group B–3* of Working Group B: Interests of Other Users
Chairman: Dr. Carol Lee Hilewick (201) 221–6957
Date: Wednesday, June 16, 1982
Time: 11 a.m.—12 Noon
Location: Lafayette Center, 1120 20th Street, NW., Room 925, Washington, D.C.

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

June 10, 1982.

[FR Doc. 82–16515 Filed 6–17–82; 8:45 am]

BILLING CODE 6712–01–M

## FEDERAL RESERVE SYSTEM

### Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Gulf South Bancshares, Inc.*, Gretna, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Gulf South Bank and Trust Company, Gretna, Louisiana. Comments on this application must be received not later than July 14, 1982.

2. *UBF Corporation*, Dade City, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of The Bank of Pasco County, Dade City, Florida. Comments on this application must be received not later than July 14, 1982.

**B. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Union-Calhoun Investments, Ltd.*, Rockwell City, Iowa; to become a bank holding company by acquiring 80 percent or more of the voting shares of Union State Bank, Rockwell City, Iowa. Comments on this application must be received not later than July 14, 1982.

**C. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens National Corporation*, Linton, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Linton, Linton, Indiana. Comments on this application must be received not later than July 14, 1982.

**D. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Townco Bancorp*, Seal Beach, California; to become a bank holding company by acquiring 100 percent of the voting shares of Garden Grove Community Bank, Garden Grove, California. Comments on this application must be received not later than July 14, 1982.

Board of Governors of the Federal Reserve System, June 14, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82–16510 Filed 6–17–82; 8:45 am]

BILLING CODE 6210–01–M

### Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Tennessee National Bancshares, Inc.*, Maryville, Tennessee; to acquire 21 percent of the voting shares or assets of Tennessee State Bank, Gatlinburg, Tennessee. Comments on this application must be received not later than July 11, 1982.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Victoria Bancshares, Inc.*, Victoria, Texas; to acquire 100 percent of the voting shares or assets of Angleton Bank of Commerce, Angleton, Texas. Comments on this application must be received not later than July 11, 1982.

C. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of First City Bank-West Belt N.A., Houston, Texas, a proposed new bank. This application may be inspected at the Federal Reserve Bank of Dallas. Comments on this application must be received not later than July 11, 1982.

Board of Governors of the Federal Reserve System, June 14, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-16511 Filed 6-17-82; 8:45 am]

BILLING CODE 6210-01-M

## Miles-Advance Bancshares, Inc.; Formation of Bank Holding Company

Miles-Advance Bancshares, Inc., Advance, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Bank of Advance, Advance, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Miles-Advance Bancshares, Inc., Advance, Missouri, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to directly engage in the activity of acting as agent or broker in the sale of credit life and credit accident and health insurance.

These activities would be performed from offices of Applicant's subsidiary in Advance, Missouri, and the geographic area to be served is Stedland County, Missouri. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than July 11, 1982.

Board of Governors of the Federal Reserve System, June 11, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-16512 Filed 6-17-82; 8:45 am]

BILLING CODE 6210-01-M

## Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Act (12 U.S.C. 1843(c)(8)) and section 215.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 12, 1982.

**A. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and insurance activities; Connecticut): To expand the activities and service area of Citicorp Person-to-Person Financial Center of Connecticut, Inc., an indirect subsidiary of Citicorp, located in Westport, Connecticut. The previously approved activities of the subsidiary are as follows; the making of loans to individuals and businesses secured by second mortgage liens; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required the servicing, for any person, of loans and other extensions of credit and the sale of consumer oriented financial management courses. The activities in which the subsidiary proposes to engage *de novo* are: The making, acquiring and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the previously approved and proposed activities shall be comprised of the entire State of Connecticut.

2. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities, Arizona, Nevada

and New Mexico): To expand the activities and service areas of eight existing offices of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., and to establish eight *de novo* offices of Citicorp Homeowners, Inc. at the same locations. The activities to be engaged in by the *de novo* offices of Citicorp Homeowners, Inc. will include: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the making, acquiring, and servicing for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The proposed service area of the *de novo* offices shall be comprised of the entire states of Arizona, Nevada and New Mexico for all the aforementioned activities. The new activities in which the Citicorp Person-to-Person offices proposed to engage *de novo* are: the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the aforementioned proposed activities shall be comprised of the entire states of Arizona, Nevada and New Mexico. The proposed expanded service areas of the Citicorp Person-to-Person offices shall include the entire states of Arizona, Nevada and New Mexico for a portion of their previously approved activities, specifically, the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. In regard to credit related insurance, the business of a general insurance agency will not be conducted. Credit related decreasing term life insurance and accident and health insurance may be underwritten by Family Guardian Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. The aforementioned activities will be conducted from the following eight locations: 7620 E. Indian School Road, Scottsdale, Arizona; 9861 Metro Parkway West, Phoenix, Arizona; 2077 East Camelback Road, Phoenix, Arizona; 777 E. Missouri Avenue, Phoenix, Arizona; Tri City Mall, 1836 West Main Street, Mesa, Arizona; Thomas Mall, 4421 A East Thomas Road, Phoenix, Arizona; 143 Valley West Mall, 5719 West Northern Avenue, Glendale, Arizona; and Chris Town Shopping Center, 1558 West Montebello. Phoenix, Arizona.

**B. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Arkansas Bankstock Corporation,* Little Rock, Arkansas (lending activities; Arkansas and contiguous states): To engage in lending activities, including making, acquiring and servicing loans and other extensions of credit and issuing letters of credit and guarantees. These lending activities will be conducted from Applicant's office in Little Rock, Arkansas, and will serve Arkansas and contiguous states.

**C. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Bank Holding Company* and *First Bank Holding Company of Colorado,* Lakewood, Colorado (financing activities; Colorado): To engage in the making of loans and other extensions of credit, including, but not limited to, residential mortgage loans. These activities will be conducted from the Applicants' main office in Lakewood, Colorado. These activities are anticipated to serve the trade areas of the Applicants' subsidiary banks, generally within the boundaries of Denver, Jefferson, Boulder, Douglas, Weld, Arapahoe, Adams, and Eagle counties, Colorado.

**D. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Charter National Bancorp,* Encino, California (financing activities; California): To engage through its subsidiary, Charter National Finance Corp., in making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts) such as would be made by a mortgage, finance, credit card or factoring company. These activities would be conducted at an office in Encino, California, serving the State of California.

2. *West Coast Bancorp,* Encino, California (insurance premium financing activities; Southern California): To engage, through its subsidiary, West Coast Premium Financing Company, a California corporation, in operating an insurance premium financing company under the California Industrial Loan Laws. These activities would be conducted from an office in Encino, California, serving Southern California. Comments on this application must be received not later than July 6, 1982.

Board of Governors of the Federal Reserve System, June 14, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 82-16509 Filed 6-17-82; 8:45 am]

BILLING CODE 6210-01-M

## GENERAL SERVICES ADMINISTRATION

**[F-82-19]**

### Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Kentucky Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority contained in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Kentucky Public Service Commission involving the application of the South Central Bell Telephone Company in Docket No. 8467 for an increase in rates for telecommunications services.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

(d) The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: June 9, 1982.

**Francis A. McDonough,**

*Deputy Commissioner for Government-wide Management, General Services Administration, Automated Data and Telecommunications Service.*

[FR Doc. 82-16517 Filed 6-17-82; 8:45 am]

BILLING CODE 6820-25-M

## Transportation and Public Utilities Service

[E-82-18]

### Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving electric and natural gas rates, Docket No. 82-0152.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving the petition of the Illinois Power Company for an increase in its electric and natural gas rates, Docket No. 82-0152.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

(d) The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: June 3, 1982.

**Allan W. Beres,**

*Commissioner, Transportation and Public Utilities Service.*

[FR Doc. 82-16516 Filed 6-17-82; 8:45 am]

BILLING CODE 6820-AM-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 82M-0173]

### Kontron Cardiovascular, Inc.; Premarket Approval of Kontron Cutaneous $pCO_2$ Monitor

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Kontron Cutaneous $pCO_2$ Monitor sponsored by Kontron Cardiovascular, Inc., Everett, MA. After reviewing the recommendation of the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for ruse in neonates and infants as recommended in the submitted labeling.

**DATE:** Petitions for administrative review by July 19, 1982.

**ADDRESS:** Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

**SUPPLEMENTARY INFORMATION:** On July 24, 1981, Kontron Cardiovascular, Inc., Everett, MA, submitted to FDA an application for premarket approval of the Kontron Cutaneous $pCO_2$ monitor, a trend monitor for carbon dioxide tension at the skin surface of neonates, infants, and adults. The Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, reviewed the application and recommended approval for the use of this device on neonates and infants. On May 17, 1982, FDA approved the application for the uses recommended by the Section by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices. Use of the device on adults continues to be investigational.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

### Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 19, 1982, file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 11, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-16317 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

## Consumer Participation; Notice of Open Meetings

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Boston District Office, Chaired by Frederick R. Carlson, District Director.

**DATE:** Thursday, June 24, 1982, 9:30 a.m. to 12:30 p.m.

**ADDRESS:** Food and Drug Administration Bldg., Second Floor Conference Room, 585 Commerical St., Boston, MA.

**FOR FURTHER INFORMATION CONTACT:** Yolan Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617-223-5857.

Detroit District Office, Chaired by Alan L. Hoeting, District Director.

**DATE:** Tuesday, July 13, 1982, 9:30 a.m.

**ADDRESS:** George Potter Larrick Bldg., Conference Room, 1560 E. Jefferson, Detroit, MI.

**FOR FURTHER INFORMATION CONTACT:** Diane Place, Consumer Affairs Officer, Food and Drug Administration, 1560 E. Jefferson, Detroit, MI 48207, 313-226-6260.

St. Louis Station, Chaired by Ronald M. Johnson, Chief, St. Louis Station.

**DATE:** Tuesday, July 27, 1982, 1:30 p.m. to 3:30 p.m.

**ADDRESS:** Food and Drug Administration, Conference Room, 808 N. Collins, Laclede's Landing, St. Louis, MO.

**FOR FURTHER INFORMATION CONTACT:** Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 N. Collins, St. Louis, MO 63102, 314-425-5021.

**SUPPLEMENTARY INFORMATION:** The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 11, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-16315 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0187]

## Unilab, Inc.; Denial of Premarket Approval of Kiel Surgibone

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the Bureau of Medical Devices' (BMD) denial of approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Kiel Surgibone, sponsored by Unilab, Inc., Hillside, NJ. After reviewing the recommendation of the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel and analyzing the data and information submitted in support of the application, BMD notified the sponsor that the application was denied approval on the grounds that the device had not been shown to be safe and effective for use as recommended in the submitted labeling.

**ADDRESS:** Requests for copies of the letter to the sponsor denying approval of the application and the summary of the safety and effectiveness data may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

**SUPPLEMENTARY INFORMATION:** On August 20, 1981, Unilab, Inc., Hillside, NJ, submitted to FDA an application, dated August 17, 1981, for premarket approval of Kiel Surgibone, a bovine heterograft intended for use in surgical procedures following the removal of a herniated cervical disc. The application was reviewed by the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended that the application not be approved. On May 28, 1982, the Acting Director of BMD denied approval of the application by a letter to the sponsor. The letter advised the sponsor of its right to file, within 30 days of its receipt of the letter, a petition for a formal hearing on, or for an independent advisory committee review of, BMD's decision.

After reviewing any petition received from the sponsor, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Copies of BMD's letter denying approval of the application and the summary of the safety and effectiveness data on which BMD's decision is based are on file with the Dockets Management Branch (address above) and are available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Dated: June 11, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82-16314 Filed 6-17-82; 8:45 am]

BILLING CODE 4160-01-M

[FDA-225-82-7000]

## Memorandum of Understanding With the United States Department of Agriculture, Animal and Plant Health Inspection Service

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has executed a memorandum of understanding with the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS). The purpose of the understanding is to set forth the agreement between APHIS and FDA regarding responsibilities for regulating animal biological products as biologicals under the Virus, Serum, and Toxin Act of 1913 or as drugs under the Federal Food, Drug, and Cosmetic Act.

**EFFECTIVE DATE:** The agreement became effective May 7, 1982.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

**SUPPLEMENTARY INFORMATION:** In accordance with § 20.108(c) (21 CFR 20.108(c) stating that all agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register,** the agency is

publishing the following memorandum of understanding:

**Memorandum of Understanding Between the Animal and Plant Health Inspection Service, United States Department of Agriculture and the Food and Drug Administration, Department of Health and Human Services**

*I. Purpose*

This agreement reflects the understanding between the Animal and Plant Health Inspection Service (APHIS) and the Food and Drug Administration (FDA) regarding responsibilities for regulating animal biological products as biologicals under the Virus, Serum, and Toxin Act of 1913 (VSTA) or as drugs under the Food, Drug, and Cosmetic Act (FDCA).

*II. Background*

Animal biological products generally act through a specific immune process and are intended for use in the treatment (including prevention, diagnosis, or cure) of diseases in animals. Such products include but are not limited to vaccines, bacterins, sera, antisera, antitoxins, toxoids, allergens, diagnostic antigens prepared from, derived from, or prepared with microorganisms, or growth products of microorganisms, animal tissues, animal fluids, or other substances of natural or synthetic origin.

Animal biological products which are prepared or sold in places under exclusive federal jurisdiction or which are shipped interstate are subject to regulation under VSTA. When such products are not produced in an establishment licensed under VSTA but are nevertheless shipped interstate, shippers of such products are subject to sanctions under VSTA. Because animal biological products are "drugs" within the meaning of FDCA, FDA may regulate such products when VSTA does not apply or, as in the case of unlicensed biologicals in interstate commerce, if VSTA does not offer an appropriate remedy at law. Accordingly, FDA may exercise jurisdiction over animal biological products that, although not distributed in interstate commerce, are manufactured from components that are received in interstate commerce. Unlicensed animal biological products delivered for shipment in interstate commerce are also subject to seizure and injunction proceedings under FDCA.

*III. Substance of Agreement*

A. Referral and Exchange of Information for Purposes of Investigation or Appropriate Legal Action

For the purpose of coordinating investigation and enforcement and avoiding duplication of effort, FDA and USDA agree to provide each other with any information which may come to their attention regarding veterinary products and which may be germane to either agency's enforcement functions under VSTA or FDCA. Such information shall be provided to the liaison officers of the agencies who are named in paragraph V of this agreement. In addition, the liaison officers shall provide information to each other regarding pending investigations and enforcement actions on a regular basis.

B. New Products and Products Which Raise Definitional or Jurisdictional Questions

The development of genetic engineering technology, monoclonal antibodies, and the preparation of synthetic vaccines has introduced a new generation of biological products for use in the treatment of disease in animals. Aspects of these new products may differ significantly from prior products. For example, the immunological and physiological responses to the products may differ. Thus, the procedures used in the past by APHIS and FDA for determining which administrative agency would have responsibility in regulating a given biological product may no longer clearly fit or apply to these new products.

Therefore, APHIS and FDA agree to establish and maintain a standing committee of not less than three persons from each agency to address the status of such new products as well as to consider regulatory responsibilities over them. The standing committee shall meet at least once each year and at such other times as it may be called into session at the request of either agency's liaison officer or designee. Interested persons may contact the liaison officer of either agency regarding the regulatory status of new products or other products which raise questions of a jurisdictional or a definitional nature. The committee's decisions regarding such questions will be subject to both policy and legal reviews by each agency. This agreement is intended to change neither the regulatory responsibilities of the agencies nor the classification of products already licensed, approved, or otherwise regulated by the agencies. Changes may be agreed upon by both parties for orderly and effective regulation.

*IV. Name and Address of Participating Agencies*

Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 12th St. and Independence Ave. SW., Washington, DC 20250.

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

*V. Liaison Officers*

Individuals in the following positions are designated as the liaison officers for the purposes of this agreement and shall be the primary points of contact regarding any matters relevant to the agreement.

A. For the Animal and Plant Inspection Service: Senior Staff Veterinarian, (currently R. J. Price, D.V.M.), Veterinary Biologics Staff, Animal and Plant Health Inspection Service, 301–436–9245.

B. For the Food and Drug Administration: Associate Director for Surveillance and Compliance, (currently Max L. Crandall, D.V.M.), Bureau of Veterinary Medicine, Food and Drug Administration, 301–443–3400.

**VI. Period of Agreement**

This agreement, when accepted by both parties, will be effective indefinitely. It may be modified by mutual written consent or terminated by either party upon a 30-day written notice to the other.

Approved and Accepted for the Animal and Plant Health Inspection Service:

By: s/Samuel V. Ladd,

Title: *Acting Administrator, Animal and Plant Health Inspection Service.*

Date: May 7, 1982.

Approved and Accepted for Food and Drug Administration:

By: s/Joseph P. Hile,

Title: *Associate Commissioner for Regulatory Affairs.*

Date: April 21, 1982.

*Effective date.* This Memorandum of Understanding became effective May 7, 1982.

Dated: June 11, 1982.

**William F. Randolph,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 82–16500 Filed 6–17–82; 8:45 am]

BILLING CODE 4160–01–M

## Office of the Secretary

### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 11.

PUBLIC HEALTH SERVICE
Health Services Administration
Subject: Grants for Development, Construction, and Operation of Facilities and Services—Indian Health Services—NEW
Respondents: American Indians, Alaskan Native Tribes, and Tribal Organizations
Office of the Assistant Secretary for Health
Subject: Demonstration of Efficiency Payment System for Nursing Homes (0937–0037)—Revision

Respondents: Long-term care facilities and their patients
OMB Desk Officer: Richard Eisinger
Food and Drug Administration
Subject: Quantity and Nature of Patient Interactions with Physicians and Pharmacists re: Prescriptions—NEW
Respondents: Practicing physicians in selected specialities/retail pharmacists
OMB Desk Officer: Fay S. Iudicello
Health Care Financing Administration
Subject: Medicare/Medicaid Laboratory Personnel Qualifications Appraisal (0938–0049)—Extension/No Changes
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strand, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524.F, Washington, D.C. 20201
OMB Reports Management Branch New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer)

Dated: June 18, 1982.

**Dale W. Sopper,**

*Assistant Secretary for Management and Budget.*

[FR Doc. 82–16362 Filed 6–14–82; 8:45 am]

BILLING CODE 4150–04–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[NEV. 057587]**

### Nevada; Order Providing for Opening of Public Lands; Correction

June 10, 1982.

In the FR Doc. 81–33158, published on Wednesday, November 18, 1981, on page 56661, the second column, the first two paragraphs are hereby deleted and the following inserted:

Beginning at a point 85.00 feet left of the centerline of the Railroad Corridor (Project No. RR–130 (1)) at City Engineer's Station "W" 466+13.70 P.O.C., said point of beginning being further described as bearing S. 81°33'40" W. a distance of 3048.80 feet from the NE corner of said Section 22; Thence N. 37°18'33" W. a distance of 274.49 feet to a point; Thence N. 57°37'27" E. a distance of 187.69 feet to a point; Thence N. 37°18'33" W. a distance of 183.00 feet to a point; Thence N. 57°35'27" E. a distance of 185.25 feet to a point; Thence N. 37°18'33" W. a distance of 100.00 feet to a point; Thence N. 57°35'27" E. a distance of 150.92 feet to a point; Thence S. 37°18'33" E. a distance of 100.00 feet to a point; Thence N. 57°35'27" E. a distance of 50.00 feet to a point; Thence N. 37°18'33" W. a distance of 100.00 feet to a point; Thence N. 57°34'40" E. a distance of 49.99 feet to a point; Thence S. 37°18'34" E. a distance of 455.86 feet to a point; Thence S. 41°03'26" W. a distance of 443.95 feet to a point; Thence S. 37°59'37" E. a distance of 21.58 feet to a point; Thence S. 37°59'34" E. a distance of 146.01 feet to a point; Thence S. 59°26'27" W. a distance of 190.05 feet to a point; Thence N. 37°18'33" W. a distance of 186.41 feet to the point of beginning;

The area described above comprises 6.64 acres in Elko County, Nevada.

This notice was published in accordance with a deed of correction on the land reconveyed to the United States.

**Wm. J. Malencik,**

*Acting Chief, Division of Operations.*

[FR Doc. 82–16521 Filed 6–17–82; 8:45 am]

BILLING CODE 4310–84–M

### Nevada; Classification Vacated

June 11, 1982.

Pursuant to the authority designated by Bureau Order 701 and amendments thereto, public land sale classification N–3475 is hereby vacated in its entirety. The land affected is described as follows:

**Mount Diablo Meridian, Nevada**

T. 18 N., R. 24 E.,
Sec. 26, N½NE¼NW¼.

The area described comprises 20 acres in Storey County, Nevada.

The authority under which this classification was accomplished has been repealed.

The segregative effect of the classification order is removed upon publication of this notice in the **Federal Register.**

**Edward F. Spang,**

*State Director, Nevada*

[FR Doc. 82–16522 Filed 6–17–82; 8:45 am]

BILLING CODE 4310–84–M

**[W–75437]**

### Realty Action; Noncompetitive Sale of Public Land in Lincoln County, Wyoming

June 10, 1982.

The surface estate of the following described public land has been determined to be suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 116 W.,
Sec. 15, lots 1, 2, 3, and 4.
Containing 16.34 acres.
Fair Market Value: $98,000.

The land is to be sold noncompetitively to The Pittsburg and Midway Coal Mining Company for fair market value. The land will not be offered for sale until 60 days after the date of this Notice.

The above public land is an isolated tract, approximately 140 feet wide and 5,000 feet long which Kemmerer Coal Company inadvertently included in the design and survey of their Kemmerer Industrial Park No. 1, a commercial and light industrial complex development at Kemmerer, Wyoming. Kemmerer Coal Company subsequently discovered the land belonged to the United States and asked the Bureau of Land Management to sell the land. Kemmerer Coal Company dissolved December 31, 1981 and was acquired by The Pittsburg and Midway Coal Mining Company.

The authorized officer has determined the land is an integral part of a definitely proposed community expansion project of public importance and direct sale of the land as proposed would best serve the public interest. Sale of the land through competitive bidding could jeopardize timely completion and economic viability of the project. Sale of the land as proposed is consistent with Bureau and local governmental land use planning.

No permits, leases or other authorizations for livestock grazing affect the land.

Conveyance of the land shall be subject to:

1. Reservation to the United States of all mineral deposits in the land, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;

2. Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945;

3. All valid existing rights (e.g., rights-of-way, easements, and leases of record).

Detailed information concerning the sale is available for review at the Bureau of Land Management Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82901.

On or before July 26, 1982, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001. 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 of the Department of the Interior.

Harold G. Stinchcomb,

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 82-16523 Filed 6-17-82; 8:45 am]

BILLING CODE 4310-84-M

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## Lower Gila North Grazing Management; Intent To Prepare Environmental Impact Statement

IN FR Doc. 82-13551, Vol. 46, No. 87, appearing on pages 25353 and 25354 of the issue for May 6, 1981, the following change should be made:

The Final Environment Statement for the Lower Gila North Planning Area will not contain a draft Rangeland Program Summary. The Rangeland Program Summary is now scheduled to be published in February 1983, and will summarize the planning objectives and decisions for all rangeland uses and set forth those decisions that affect livestock grazing. It will include the forage allocation, by allotment, for livestock and other consumptive uses.

For information concerning the Environmental Impact Statement, contact: Bill Carter, Team Leader, Phoenix District, BLM, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, Telephone FTS 261-2852, Commercial (602) 241-2852.

Dated: June 10, 1982.

Tom Allen,

*Acting State Director*

[FR Doc. 82-16524 Filed 6-17-82; 8:45 am]

BILLING CODE 4310-84-M

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[AA-6698-E]

## Alaska Native Claims Selection

Section 1432 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2543) (ANILCA), directs the Secretary of the Interior to implement the agreement of August 17, 1979, signed by Salamatof Native Association, Inc. Cook Inlet Region, Inc., and the Secretary of the Interior. The agreement provided for an exchange of all selections or selection rights the corporation for the Native village of Salamatof had, or may have had, within the Kenai National Moose Range (now the Kenai National Wildlife Refuge) for those lands described in the agreement, a portion of which are herein approved for conveyance. (A copy of the agreement of August 17, 1979, is filed in case file AA-6698-E.)

The lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. The conveyance shall be considered and treated as a conveyance under ANCSA.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 15,029.98 acres, will be conveyed, pursuant to Sec. 1432 of ANILCA, to Salamatof Native Association, Inc.

Seward Meridian, Alaska (Partially Surveyed)

T. 4 N., R. 10 W.,
Sec. 1, lots 5, 7, 8, 9, and 11 to 14, inclusive, S½NW¼, NE¼SW¼, and SE¼SE¼;
Sec. 2, lots 7, 8, 9, SE¼NE¼, and those portions of lots 5, 10, 11, 12, W½SW¼, SE¼SW¼, SW¼SE¼, northerly of Funny River Road;
Sec. 3, those portions of S½N½, S½, easterly of Funny River Road;
Sec. 6, lot 4, and those portions of lots 3, 5, 7, and 8, SE¼NW¼, westerly of Sterling Highway;
Sec. 7, those portions of NW¼NW¼, westerly of Sterling Highway;
Sec. 10, those portions of N½ and SE¼, northeasterly of Funny River Road;
Sec. 11, those portions northerly of Funny River Road;
Sec. 12, those portions of lots 1, 2, and NE¼, S½NW¼, S½, northerly of Funny River Road.

Containing approximately 1,978.98 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 4 N., R. 9 W.,
Sec. 5, those portions of NE¼NW¼, S½NW¼, and SW¼, westerly of Funny River Road;
Sec. 6, those portions of S½N½, S½, westerly of Funny River Road;
Sec. 7, those portions northerly of Funny River Road.

Containing approximately 851 acres.

T. 6 N., R. 10 W.,
Secs. 13, 14, and 15;
Secs. 22 to 27, inclusive;
Sec. 28, E½, E½W½;
Sec. 32, W½,E½,W½;
Sec. 33, E½, E½W½;
Secs. 34, 35, and 36.

Containing approximately 9,120 acres.

T. 6 N., R. 11 W.,
Sec. 1, NW¼, N½SW¼, SE¼SW¼;
Sec. 2, NE¼, N½NW¼.

Containing approximately 520 acres.

T. 7 N., R. 11 W.,
Sec. 23;
Sec. 25, W½;
Sec. 26;
Sec. 35;
Sec. 36, W½.

Containing approximately 2,560 acres.
Aggregating approximately 15,029.98 acres.

Excluded from the above-described lands is the Kenai River and any islands

therein and any submerged lands covered by that river as defined by 43 U.S.C. 1301(a).

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to the agreement of August 17, 1979 as authorized by Sec. 1432(b) of the Alaska National Interest Lands Conservation Act (94 Stat. 2543), the following public easements are reserved to the United States:

Two easements, one along each bank of the Kenai River, shall be reserved for the use of the public at large to walk upon or along such banks, to fish from such banks or to launch or beach a boat upon such banks; provided, however, that persons will not be permitted to use such easements for purposes of travel by vehicle (except any wheelchair) or for the purpose of constructing any structure other than a structure to provide immediate relief from inclement weather as and when occasionally required, provided that this does not include the right to cut down any bush or tree except in an emergency, and provided further that this shall not be construed to imply that the two easements may be used as a campsite. Each easement along each bank of the Kenai River shall be for the full length of the Kenai River as it traverses the lands conveyed to Salamatof and described in Secs. 6(c) and 6(d) of this agreement; each easement shall be 25 feet in width and shall extend from the edge of the submerged land retained by the United States in the Kenai National Wildlife Refuge pursuant to Sec. 6 of this agreement to a line 25 feet from and upland to such submerged lands and parallel to such submerged lands.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. The terms and conditions of the agreement of August 17, 1979, a copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in case file AA–6698–E. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 701 C Street, Anchorage, Alaska 99513;

4. The provisions of Sec. 9 of the agreement of August 17, 1979, namely the following covenant, running with the land: Salamatof Native Association, Inc., its successors and assigns, shall not interfere with the right of the public to use the easements reserved to the United States in this conveyance; further, Salamatof Native Association, Inc., shall have the right to build or permit building upon the easements reserved, provided Salamatof provides an easement 25 feet in width around such construction or obstruction and clearly indicates that such detour is for the use of the public and does not use such construction or obstruction for the purpose of interfering with the right of the public to have travel along the side of the Kenai River or to fish in the river from the bank or to have a reasonable opportunity to launch or beach a boat upon the river or bank;

5. A right-of-way, A–051168, for a Federal Aid Highway, located in Secs. 6 and 7, T. 4 N., R. 10 W., Seward Meridian, granted to the State of Alaska, Department of Highways, under the act of August 27, 1958, as amended (23 U.S.C. 317);

6. Any right-of-way interest in the Sterling Highway (FAP Route Number 21) transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the Authority of the Alaska Omnibus Act, Pub. L. 86–70 (73 Stat. 141) located in Secs. 6 and 7, T. 4 N., R. 10 W., Seward Meridian;

7. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

8. The following third-party interests, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

a. A right-of-way, E–78–KE, for an electric distribution line forty (40) feet in width, located in Sec. 6, T. 4 N., R. 10 W., Seward Meridian, granted to Homer Electric Association, Inc., under the act of February 15, 1901, as amended (43 U.S.C. 959);

b. A right-of-way, Permit No. R–3, granted to the State of Alaska for highway purposes in Secs. 2, 3, 10, 11, and 12, T. 4 N., R. 10 W., Seward Meridian, and Secs. 5, 6, and 7, T. 4 N., R. 9 W., Seward Meridian.

Salamatof Native Association, Inc., is entitled to 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA, subject to reduction incurred by relinquishments made by the said corporation in the Lake Clark area as required by Sec. 12(a) of Pub. L. 94–204 (89 Stat. 1151). Pursuant to Sec. 7 of the agreement of August 17, 1979, Salamatof's entitlement will be reduced by 57,480 acres in exchange for the 16,535 acres described in the agreement for conveyance to Salamatof Native Association, Inc., of which 15,029.98 acres are herein approved for conveyance. The remaining entitlement will be conveyed at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board before June 30, 1982, or to the Interior Board of Land Appeals after June 30, 1982; provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken *before June 30, 1982*, the notice of appeal must be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

If an appeal is taken *after June 30, 1982*, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960) address given above. Do not send the appeal directly to Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, address given above.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 19, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board or the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

The avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Salamatof Native Association, Inc., P.O. Box 2682, Kenai, Alaska 99611
Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

**Ann Johnson,**

*Chief, Branch of ANCSA Adjudication.*

[FR Doc. 82–16538 Filed 6–17–82; 8:45 am]

BILLING CODE 4310–84–M

## Agency Forms Submitted for Review

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Bureau of Forms Submitted for Review.

**SUMMARY:** The proposal for the collection of information listed below has been submitted to the office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202–395–7340.

Title: Special Recreation Application and Permit
Bureau Form Number: 8370–1
Frequency: Annual
Description of Respondents: Commercial recreation operators (outfitters and guides), participants in competitive recreation events, and users of special recreation areas on the public lands.
Annual Responses: 1,500
Annual Burden Hours: 750
Bureau Clearance Officer (alternate): Linda Gibbs 202–653–8853

**James M. Parker,**

*Acting Director.*

May 21, 1982.

[FR Doc. 82–16548 Filed 6–17–82; 8:45 am]

BILLING CODE 4310–84–M

## Minerals Management Service

### Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following revised OCS Official Protraction Diagrams, approved on the dates indicated, are available at the Minerals Management Service, Alaska Outer Continental Shelf Region, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area represented.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAMS

| Description | Revision date |
|---|---|
| NR 5–4 Harrison Bay | May 13, 1982. |
| NR 6–3 Beechey Point | Feb. 25, 1982. |

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Minerals Management Service, Alaska Outer Continental Shelf Region, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 620 East 10th Avenue, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

**Esther C. Wunnicke,**

*Acting Manager, Alaska Outer Continental Shelf Region.*

[FR Doc. 82–16549 Filed 6–17–82; 8:45 am]

BILLING CODE 4310–84–M

## INTERSTATE COMMERCE COMMISSION

**[Ex Parte No. 137]**

### Contracts for Protective Services; Proposed Exemption

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed exemption.

**SUMMARY:** The Commission is proposing to exempt contracts for protective services against heat or cold, provided to or on behalf of rail carriers and express companies, from the requirements of 49 U.S.C. § 11105. The proposed exemption is intended to remove burdensome and unnecessary regulation of these contracts. In a separate decision published elsewhere in this issue, the Commission is also proposing the elimination of the regulations which currently govern the contracts.

**DATE:** Comments are due July 19, 1982.

**ADDRESS:** An original and, if possible, 15 copies of comments should be sent to: Ex Parte No. 137, Interstate Commerce Commission, Room 5340, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Douglas Galloway, (202) 275–7277.

**SUPPLEMENTARY INFORMATION:** The Commission is proposing to exempt contracts for protective services against heat or cold, provided to or for rail carriers and express companies,[1] from the requirements of 49 U.S.C. 11105. Section 11105 permits a person to provide protective services to rail carriers only when the Commission finds the arrangement to be reasonable and in the public interest. We are seeking comments on the merits of this proposal.

The Commission's exemption authority for rail services is found in 49 U.S.C. 10505. Section 10505, as amended by the Staggers Rail Act of 1980, states that the Commission shall exempt a person, transaction, or service from regulation if: (1) regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction or service is of limited scope, or regulation is not needed to protect shippers from abuse of market power.

We are currently in the process of examining railroad regulation and are proposing to eliminate or reduce regulatory restrictions on railroad rates and services wherever the regulations are found to be no longer necessary or meaningful. Congress has focused on the need to pursue exemptions from economic regulation for railroads where regulatory control appears unnecessary to protect against abuses of market power. It appears that the proposed exemption for protective service contracts is consistent with Congressional intent.

[1] Section 11105 refers to both rail and express carriers. However, no express carriers are currently operating.

For perishable commodities, rail carriers generally provide protection against heat or cold through arrangements with wholly-owned subsidiaries acting as car line companies. The shipper pays two charges, one for transportation and another for protective service, both of whcih are covered by tariffs filed with the Commission. *Southern Ry. Co.* v. *United States*, 412 F. Supp. 1122, 1129 (D.C. 1976).

The Commission sought enactment of § 11105 [former section 1(14)(b)] in 1940, because doubts as to the Commission's jurisdiction over car line companies prevented close scrutiny of their relationship with the parent roads in determining the actual cost of providing protective services. *Id* at 1130. Believing that protective service companies were being paid too much, the Commission argued that this was a matter of public concern, because it affected the prosperity of the carriers. *Contracts for Protective Services*, 246 I.C.C. 145 (1941).

Following enactment of section 11105, there were numerous proceedings concerning various protective service contracts. In 1962, the Commission prescribed regulations for the filing and content of these contracts. *Contracts for Protective Services*, 318 I.C.C. 111 (1962). The regulations define the costs that may be recovered by persons providing protective services, and require that no contract provide for a charge to a nonproprietary railroad different from that to a proprietary railroad for the same service under substantially similar conditions. 49 CFR 1032.

There is reason to believe that protective service contracts may meet section 10505 requirements for exemption from regulation. The service appears to be of limited scope. A relatively small portion of railroad traffic requires protective service. Moreover, to the extent the transportation of perishables is no longer regulated by the Commission either under the exemption for fresh fruits and vegetables or for TOFC/COFC service, the need for scrutiny has diminished. Regulation may also no longer be needed to protect shippers. The statute in section 11105 is concerned with the relationship between rail carriers and companies providing protective services. Shippers' rights to protective service and to reasonable charges are not affected. All but one of the contracts submitted for our approval in the past three years have been found acceptable.

Exemption also appears compatible with the national rail transportation policy, particularly 10101a(2), since it lessens Federal regulatory control in an area where control does not appear to be necessary to protect the public interest. Since contracts are readily approved by the Commission, their continued examination may serve little purpose. Thus, regulation may be a burden that serves no useful purpose. Finally, section 10505 provides persons an opportunity to petition for a revocation of an exemption if problems should develop.

*Regulatory Flexibility*

Under the Regulatory Flexibility Act of 1980, we must consider whether this proceeding will have a significant impact on a substantial number of small entities. We certify that this proceeding will not have such an impact. This finding is based on the fact that the proceeding affects only the relationship between carriers and protective service companies, a group unlikely to constitute a "substantial number of small entities."

It is also unlikely that this proposal will have a significant environmental or energy impact. However, comments are invited.

**Authority:** 49 U.S.C. 11105, 10505 and 5 U.S.C. 553.

Decided: June 11, 1982.

By the Commission. Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16529 Filed 6-17-82; 8:45 am]

**BILLING CODE 7035-01-M**

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**[Ex Parte 387 (Sub-153)]**

## The Denver & Rio Grande Western Railroad Co.; Exemption for Contract Tariff ICC-DRGWP0023

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of provisional exemption.

**SUMMARY:** Petitioner is grantd a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Tom Smerdon, (202) 275-7277.

**SUPPLEMENTARY INFORMATION:** The Denver and Rio Grande Western Railroad Company (DRGW) filed a petition on June 1, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-DRGW-C-0023 filed on May 27, 1982 to become effective on one day's notice. The contract involves the storage of lead and zinc concentrates.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The smelter which purchases the shipper's total output of lead and zinc concentrates has announced a short term shutdown of its facilities beginning around June 20, 1982. In order for the shipper to continue operations, it must be able to begin storing its concentrates by June 15, 1982. The contract provides for such storage in cars normally used to transport the concentrates. Short notice effectiveness of the contract will thus enable the shipper to continue production and will adversely affect car supply. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract ICC-DRGW-C-0023 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(e) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(d) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Date: June 14, 1982.

By the Commission, Division 1, Commissioners, Sterrett, Gilliam, and Andre.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16528 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

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**[Finance Docket No. 29828]**

### New York State Department of Transportation—Purchase—Consolidated Rail Corporation Between Montgomery and Walden, NY; Intent To Purchase

On June 1, 1982, the New York State Department of Transportation (NYSDOT) filed a notice of its intent to request the Commission to require the sale of trackage. NYSDOT seeks to acquire the Wallkill Valley Ind. Track of the Consolidated Rail Corporation (Conrail) between Montgomery (33.0) and Walden (milepost 28.8), a distance of 4.2 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

NYSDOT's application may be filed after August 30, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29828 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Louis Rossi, Director, Rail Division, N.Y.S. Department of Transportation, 1220 Washington Avenue, NY 12232.

For further information contact Wayne A. Michel (202) 275–7657 or Louis E. Gitomer (202) 275–7245 at the Commission.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16527 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

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**[Finance Docket No. 29824]**

### New York State Department of Transportation—Purchase—Consolidated Rail Corporation Between Painted Post and Bath, NY; Notice of Intent To Purchase

On June 8, 1982, the New York State Department of Transportation (NYSDOT) filed a notice of its intent to request the Commission to require the sale of trackage. NYSDOT seeks to acquire the Bath secondary track of the Consolidated Rail Corporation (Conrail) between Painted Post (milepost 267.1) and Bath (milepost 285.6), a distance of 8.26 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

NYSDOT's application may be filed after September 6, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29824 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Louis Rossi, Director, Rail Division, N.Y.S. Department of Transportation, 1220 Washington Avenue, Albany, NY 12232.

For further information contact Wayne A. Michel (202) 275–7657 or Louis E. Gitomer (202) 275–7245 at the Commission.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16526 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

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**[Finance Docket No. 29829]**

### New York State Department of Transportation—Purchase—Consolidated Rail Corporation Between Sayre and Milliken, NY; Intent To Purchase

On June 8, 1982, the New York State Department of Transportation (NYSDOT) filed a notice of its intent to request the Commission to require the sale of trackage. NYSDOT seeks to acquire the Ithaca Secondary Track of the Consolidated Rail Corporation (Conrail) between Sayre (milepost 271.0) and Milliken (milepost 321.0), a distance of 5.00 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

NYSDOT's application may be filed after September 6, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29829 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Louis Rossi, Director, Rail Division, N.Y.S. Department of Transportation, 1220 Washington Avenue, NY 12232.

For further information contact Wayne A. Michel (202) 275–7657 or Louis E. Gitomer (202) 275–7245 at the Commission.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16525 Filed 6-16-82; 8:45 am]

BILLING CODE 7035-01-M

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### Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the below-named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. The parent corporation: Allied Corporation, a New York Corporation, Columbia Road, Morris Township, N.J. (mailing address P.O. Box 1087R, Morristown, NJ 07960.

2. The wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principle offices are as follow:

(a) Allied Chemical Canada, Ltd., 201 City Center Drive, Mississauga, Ontario, Canada L5B 2T4.

(b) Bunker Ramo-Eltra Corporation, P.O. Box 1013R, Columbia Rd. and Park Ave., Morristown, NJ 07960. State of Incorporation: Delaware.

(c) Union Texas Petroleum Corp., 1 Riverway, Houston, Texas 77001. State of Incorporation: Delaware.

(d) Texgas Corporation, 1 Riverway, Houston, Texas 77001. State of Incorporation: Delaware.

(e) Fisher Scientific Company, 711 Forbes Avenue, Pittsburgh, PA 15219. State of Incorporation: Delaware.

1. Name and address of parent corporation or organization: Bairnco Corporation, 200 Park Ave., New York, NY 10166.

2. Wholly-owned subsidiaries:

a. Keene Corporation (same address as above).

b. Lightolier Incorporated, 346 Claremont Avenue, Jersey City, NJ 07305.

c. Coastal Fast Freight, Inc., P.O. Box 445, Jersey City, NJ 07303.

1. Parent corporation and address of principal office: Fleetwood Enterprises, Inc., 3125 Myers Street, Riverside, California 92523.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Fleetwood Motor Homes of California, Inc., 5300 Via Ricardo, Riverside, CA 92502.
Fleetwood Motor Homes of Indiana, Inc., 1410 West Patterson Street, Decatur, IN 46733.
Fleetwood Motor Homes of Pennsylvania, Inc., Route 487, R.F.D. #1, Paxinos, PA 17860.
Fleetwood Travel Trailers of Indiana, Inc., 1635 Elmore Street, Crawfordsville, IN 47933.
Fleetwood Travel Trailers of Maryland, Inc., 35 South Street, Hancock, Maryland 21750.
Fleetwood Travel Trailers of Maryland, Inc., Governor Lane Boulevard, Williamsport, Maryland 21795.
Fleetwood Travel Trailers of Texas, Inc., 810 Prowler Drive, Longview, TX 75607.
Fleetwood Travel Trailers of Texas, Inc., 8300 Imperial Drive, Waco, TX 76710.
Fleetwood Travel Trailers of Nebraska, Inc., 13737 Industrial Road, Omaha, Nebraska 68137.
Fleetwood Travel Trailers of Ohio, Inc., 407 W. Railroad Street, Edgerton, Ohio 43517.
Fleetwood Travel Trailers of Oregon, Inc., 121 N.W. 46th Street, Pendleton, Oregon 97801.
Fleetwood Travel Trailers of Oregon, Inc., Pierce Lane, LaGrande, Oregon 97850.
Fleetwood Travel Trailers of California, Inc., 145 S. Larch Avenue, Rialto, CA 92376.
Fleetwood Travel Trailers of California, Inc., 255 S. Pepper Avenue, San Bernardino, CA 92403.
Fleetwood Travel Trailers of Virginia, Inc., Battaile Drive, Winchester, Virginia 22601.
Avion Coach Corporation, 1300 E. Empire Avenue, Benton Harbor, Michigan 49022.
Fleetwood Canada Ltd., 70 Mount Hope Street, Lindsay, Ontario, Canada.
Fleetwood Homes of Idaho, Inc., 112 Industrial Road, Nampa, Idaho 83651.
Fleetwood Homes of Idaho, Inc., 2611 East Comstock Avenue, Nampa, Idaho 83651.
Fleetwood Homes of Washington, Inc., 211 5th Street, Woodland, WA 98674.
Fleetwood Homes of Washington, Inc., 2925 Index Road, Washougal, WA 98671.
Fleetwood Homes of Oregon, Inc., 2655 Progress Way, Woodburn, Oregon 97071.
Fleetwood Homes of California, Inc., 7007 Jurupa Avenue, Riverside, CA 92514.
Fleetwood Homes of California, Inc., 6001 20th Street, Rubidoux, CA 92519.
Fleetwood Homes of California, Inc., 18 North County Road 101, Woodland, CA 95695.
Fleetwood Homes of Texas, Inc., 2801 Gholson Road, Waco, TX 76705.
Fleetwood Homes of Texas, Inc., 2800 East Industrial Road, Waco, TX 76703.
Fleetwood Homes of Texas, Inc., 1101 Foundation Drive, Waco, TX 76710.
Fleetwood Homes of Texas, Inc., 2901 East Industrial Drive, Waco, TX 76703.
Fleetwood Homes of Texas, Inc., Como Street, Sulphur Springs, TX 75482.
Fleetwood Homes of Georgia, Inc., Northside Industrial Park, Douglas, GA 31533.
Fleetwood Homes of Georgia, Inc., Highway 441 North, Douglas, GA 31533.
Fleetwood Homes of Georgia, Inc., Railroad Street, Pearson, GA 31642.
Fleetwood Homes of Florida, Inc., 2433 AZ Park Road, Lakeland, FL 33803.
Fleetwood Homes of Florida, Inc., 1603 Grove Avenue, Haines City, FL 33844.
Fleetwood Homes of Florida, Inc., 700 S. Bartow Road, Auburndale, FL 33823.
Fleetwood Homes of Florida, Inc., 4848 Sydney Airport Road, Plant City, FL 33566.
Fleetwood Homes of Mississippi, Inc., Fleetwood Circle, Lexington, Mississippi 39095.
Fleetwood Homes of Tennessee, Inc., Fleetwood Drive at Hawkins Street, Westmoreland, Tennessee 37186.
Fleetwood Homes of Virginia, Inc., Highway 40 West RFD 4, Rocky Mount, Virginia 24151.
Fleetwood Homes of Alberta, Ltd., 4050 77th Street, Red Deer, Alberta, Canada T4N 5H2.
Gold Shield Interiors, Inc., Federal Way & Apple, Boise, Idaho 83705.
Gold Shield Interiors, Inc., West 4750 Prairie Avenue, Post Falls, Idaho 83854.
Gold Shield Fiberglass, Inc., 11751 Industry Avenue, Fontana, CA 92335.

1. Parent Corporation—Household International, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070.

2. Wholly-owned subsidiaries of Household International, Inc., which will participate in the operations, and the addresses of their respective principal offices:

A. Household Finance Corporation, 2700 Sanders Road, Prospect Heights, Illinois 60070.
B. Household Merchandising, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018.
C. Coast-to-Coast Stores (Central Organization) Inc., 10801 Red Circle Drive, Minnetonka, Minnesota 55343.
D. Huffman-Koos Co., Route 4 at Main Street, North Hackensack, New Jersey 07661.
E. T.D.S. Transportation, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018.
F. T.G. & Y Stores Co., 3815 North Santa Fe, Oklahoma City, Oklahoma 73125.
G. Vons Grocery Co., 10150 Lower Azusa Road, El Monte, California 91731.
H. Wallace Murray Corporation, 299 Park Avenue, New York, New York 10017.
I. Hydrometals, Inc., 299 Park Avenue, New York, New York 10017.
J. Thorsen Tool Co., 299 Park Avenue, New York, New York 10017.
K. Cameron Manufacturing Co., 299 Park Avenue, New York, New York 10017.
L. Peru Mining Co., 299 Park Avenue, New York, New York 10017.
M. Shannon Mining Co., 299 Park Avenue, New York, New York 10017.
N. United States Brass Corporation, 299 Park Avenue, New York, New York 10017.
O. King-Seeley Thermos Co., 2700 Sanders Road, Prospect Heights, Illinois 60070.
P. National Car Rental Systems, Inc., 7700 France Avenue, South, Minneapolis, Minnesota 55437.

1. Parent corporation and address of principal office: RSR Corporation, 1111 West Mockingbird Lane, Dallas, Texas 75247.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Bestolife Corporation, a California corporation.
(ii) Murph Metals Incorporated, a Texas corporation.
(iii) Quemetco, Inc., a Delaware corporation.
(iv) Revere Smelting and Refining Corporation of New Jersey, a Delaware Corporation.
(v) Riteway Trucking, Inc., a Texas corporation.

1. Parent corporation and address of principal office: Tampa Wholesale Liquor Company, Inc., 5515 Anderson Road, P.O. Box 15397, Tampa, Florida 33684.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(a) Florida Specialty Supply, Inc., Florida.
(b) The House of Midulla, Inc., Florida.
(c) The House of Midula of Central Florida, Inc., Florida.
(d) The House of Midulla of Southwest Florida, Inc., Florida.

**James H. Bayne,**
*Acting Secretary.*

[FR Doc. 82-16532 Filed 6-17-82; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29905 (Sub-1)]

## Rail Carrier; Centrail Corp.—Control—Enid Central Railway, Inc.; Exemption

Enid Central Railway, Inc. (ECR) is a wholly-owned subsidiary of Centrail Corporation (Centrail). ECR has applied for authority to acquire and operate 70.03 miles of rail line owned by the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island). See Finance Docket No. 29905. Centrail also owns Virginia Central Railway (VCR), which holds permanent authority to operate a one-mile line in the Fredericksburg, VA area. Three other wholly-owned subsidiaries of Centrail are currently providing service pursuant to Service Order No. 1473 on portions of the line formerly operated by the Rock Island, but do not hold any permanent operating authority.

The proposed acquisition of control is included in a class of transactions which is exempt under 49 CFR 1111.2(d)(2). None of Centrail's subsidiaries is a Class I carrier. The line to be acquired by ECR does not connect with the lines operated by any of Centrail's subsidiaries. There is no evidence that the acquisition by Centrail of the ECR line is part of a series of anticipated transactions that could connect the railroads.

The Commission has determined that the employee protective provisions found in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements for the protection of employees involved in control and merger transactions. Accordingly, these conditions will be imposed as a condition to use of the exemption.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16603 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

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[Permanent Authority Decisions Volume No. 268]

## Motor Carriers; Restriction Removal Decision-Notice

Decided: June 11, 1982.

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.

### Canadian Carrier Applicants

In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

**James H. Bayne,**

*Acting Secretary.*

MC 19105 (Sub-69)X, filed May 24, 1982. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, NC 27893. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304. Sub 16, 18, 21, 26, 41, 45, 47, 48, 49, 51, 53, 54, 57, 58, 59, 63, 64, 65, 67X certificates (A) Broaden to (1) "chemicals and related products" from fertilizer and fertilizer materials in sub 16 and 21; from adhesives, paint and paint products in sub 48 and 58; (2) "clay, concrete, glass and stone products" "from gypsum and gypsum products in sub 18, 16, 48 and 58; from lime in sub 48 and 58; from glass containers in sub 49, 53 and 65; from pipe and pipe fittings in sub 54 and 63; (3) "lumber and wood products" from plywood panels and plywood in sub 45; from wood fiber mulch in sub 47 and 58; from lumber in sub 56; (4) "building materials" from composition board and molding in sub 45 and 58; from asbestos board in sub 16 and 18; (5) "metal products" from steel pipe in sub 26; pipe in sub 54 and 63; from iron and steel articles, metal decking, and accessories for steel joists in sub 57; from accessories for glass and plastic containers in sub 65; (6) "furniture and fixtures" from furniture in sub 26; (7) "rubber and plastic products" from plastic articles in sub 45; from pipe and pipe fittings in sub 54 and 63; from plastic containers in sub 65; (8) "food and related products" from malt beverages in sub 51; (9) "pulp, paper and related products" from paper in sub 58; from accessories for glass and plastic containers in sub 65; (10) "ores and minerals" from mineral fiber products in sub 58; (11) general commodities (except those of unusual, value classes A and B explosives, household goods and commodities requiring special equipment and those injurious to other lading) to "general commodities (except classes A and B explosives and household goods)" in sub 67X; (B) replace city with county-wide authority: Kinston, NC, with Lenoir County in sub 21 and 67; Wilmington, NC, with Brunswick, Pender, and New Hanover Counties in sub 21 and 26; Charleston, SC, with Charleston and Berkeley Counties in sub 21; Morehead City, NC, with Carteret County in sub 26; Chamblee, GA, with DeKalb and Guinnett Counties and Murrow, GA, with Fulton, Clayton, and Henry Counties in sub 41; Spring Hope, NC, with Nash and Franklin Counties in sub 47; Wilson, NC, with Wilson County in sub 49, 53, and 67; Charlotte, NC, with Mecklenburg County and Bakers, NC, with Union County in sub 54 and 63; Florence, SC, with Florence and Darlington Counties in sub 57; Charleston Heights, SC, with Charleston and Berkeley Counties, Rocky Mount, NC, with Nash and Edgecombe Counties and Greensville, NC, with Pitt County in sub 67; facilities at Charleston Heights, SC, to Charleston and Berkeley Counties in sub 59; points within 75 miles of Wilson, NC, with Alamance, Beaufort, Bertie, Bladen, Carteret, Chatham, Chawan, Craven, Cumberland, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnette, Hertford, Hoke, Johnston, Jones, Lee, Lenoir, Martin, Nash, Northhampton, Onslow, Orange, Pamlico, Pender, Person, Pitt, Sampson, Vance, Wake, Warren, Washington, Wayne and Wilson Counties, NC, and Brunswick, Greenville, Halifax, Lunenberg, Mecklenburg, Southampton and Sussex Counties, VA, in sub 67; (C) removing

"in bulk" restrictions in subs 16, 26, 41, 45, 48, 58, 59, and 64; (D) removing plantsite restrictions in subs 41, 45, 48, 53, 54, 59, and 63; (E) remove originating at and destined to restrictions in sub 41, 45, and 48; (F) remove originating at or destined to restriction to authorize service between named facilities at points in several states, on the one hand, and, on the other, points in the several states in sub 58; (G) replacing one-way with round-trip authority in sub 16, 26, 41, 45, 47, 49, 51, 54, 56, 57, 59, 64, and 67; (H) delete the exception against service to: Greensboro, NC, in Sub-No. 21; and Kinston and Wilmington, NC, in sub 21; and (I) delete the dry, in bags, restriction in Sub-21.

MC 88845 (Sub-12)X, filed June 3, 1982. Applicant: PARCEL DELIVERY SERVICE, INC., 600 Belleville Turnpike, Kearny, NJ 07032. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10016. Sub 2 permit: broaden (1) to "general commodities (except commodities in bulk, household goods, and classed A and B explosives)," from general commodities, in packages not exceeding 36 inches in width, breadth or length, or 100 lbs. in weight; and (2) to "between points in the United States," under continuing contracts).

MC 119700 (Sub-81)X, filed February 8, 1982, previously noticed in the **Federal Register** of March 2, 1982, republished as follows: Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Alex M. Lewandowski, Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Applicant seeks to broaden territrorial points to countywide authority in its lead and Sub-Nos. 9 and 50F certificates, as follows: to Cuyahoga, Medina, Summit, Portage, Geauga, and Lake Counties, OH (Cleveland, OH), and to Tulsa, Rogers, Waggoner, Creek and Osage Counties, OK (Tulsa, OK). The purpose of this republication is to correct the omissions of "Portage County, OH" and "Rogers, Waggoner, Creek and Osage Counties, OK."

MC 121589 (Sub-12)X, filed March 30, 1982, previously published in **Federal Register** of May 7, 1982, republished as follows: Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: James F. Crosby, Suite 210B, 7363 Pacific St., Omaha, NE 68114. Sub 3 certificate: Notice is hereby given that applicant seeks to expand Kansas City, MO, to "Jackson, Lafayette, Cass, Ray, Clay, Clinton, and Platte Counties, MO, and Wyandotte, Johnson and Leavenworth Counties, KS. The purpose of this republication is to correct the omission of Lafayette, Ray, and Clinton Counties, MO.

MC 126241 (Sub-3)X, filed June 3, 1982. Applicant: PRYOR TRUCKING, INC., 816 Orleans Ave., Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Lead and Subs 1 and 2 permits: (1) broaden pulpboard, fiberboard, pulpboard and fiberboard products, machinery, materials and supplies used in the manufacture of paper and boxes, and starch and chemicals used in the manufacture of glue (except commodities in bulk), lead and Sub 2, and pulpboard and fiberboard, pulpboard and fiberboard products, and materials and supplies (except commodities in bulk), Sub 1, to "pulp, paper and related products, chemicals and related products, and machinery"; and (2) change the territorial description to between points in the U.S., under continuing contract(s) with named shipper, lead and Subs 1 and 2.

MC 129849 (Sub-2)X, filed May 11, 1982. Applicant: TRANSPORTS R.P.R., INC., P.O. Box 230, Cowansville, Quebec, Canada J2K 3H6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005. Lead certificate and Sub 1 permit, broaden: lead, paper and raw materials for the manufacture of paper, to "pulp, paper and related products", Groveton and Northumberland to Coos County, NH; and to radial authority; Sub 1, limestone, in bags, to "clay, concrete, glass, or stone products", and to between points in the United States under continuing contract(s) with named Canadian shipper.

MC 145044 (Sub-9)X, filed June 3, 1982. Applicant: FOREDECK TRANSPORTATION, INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Sub-No. 3F: broaden (1) confectionery to "food and related product"; (2) delete plantsite restrictions at St. Louis, MO and (3) remove originating at or destined to limitations.

[FR Doc. 82-16531 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Notes.**—All applications are for authority to operate as a motor common carrier in

interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

**Volume No. OP1-98**

Decided: June 8, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 4491 (Sub-24), filed May 27, 1982. Applicant: GREAT COASTAL EXPRESS, INC., 5600 Midlothian Turnpike, Richmond, VA 23225. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282-3809. Transporting *general commodities* (except classes A and B explosives and household goods), (1) between those points in the U.S. in and west of MN, IA, MO, AR, and LA (except AK and HI); and (2) between those points in the U.S. in and west of MN, IA, MO, AR, and LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 75281 (Sub-25), filed June 3, 1982. Applicant: BOOTHEEL TRANSPORTATION COMPANY, INC., P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404)-451-0401. Transporting (1) *printed matter;* and (2) *pulp, paper and related products,* between points in Scott, Cape Girardeau, and Butler Counties, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 75281 (Sub-26), filed June 3, 1982. Applicant: BOOTHEEL TRANSPORTATION COMPANY, INC., P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404)-451-0401. Transporting *such commodities as are used, sold or dealt in by retail grocery stores,* between Scott and Butler Counties, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 95540 (Sub-1174), filed May 27, 1982. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: K. Edward Wolcott, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303, (404) 522-2322. Transporting *classes A and B explosives,* between points in the U.S. (except AK and HI). Condition: This certificate shall expire 5 years from date of issuance.

MC 107960 (Sub-14), filed June 1, 1982. Applicant: SUMMERFORD TRUCK LINE, INC., P.O. Box 487, Ashford, AL 36312. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205)-578-3212. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV and PA.

MC 113271 (Sub-88), filed June 1, 1982. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Kenneth G. Thomas (same address as applicant), (406) 727-7500. Transporting *metal products,* between Los Angeles, CA, and the ports of entry on the international boundary line between the U.S. and Canada.

MC 119531 (Sub-187), filed April 21, 1982 and previously noticed in **Federal Register** issue of May 7, 1982. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482-1031. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Note.—This republication clarifies the territory description.

MC 121281 (Sub-17), filed June 1, 1982. Applicant: BIG MAC TRUCKING COMPANY, 2400 Augusta Dr., Suite 150, Houston, TX 77057. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827-1407. Transporting *concrete products,* between points in Austin and Tarrant Counties, TX, on the one hand, and, on the other, points in AR, LA and OK.

MC 129410 (Sub-32), filed June 3, 1982. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *chemicals and related products,* between Chicago, IL, Dallas, TX, Atlanta, GA, and points in NJ, McHenry County, IL, Montgomery and Schuykill Counties, PA, Talledega County, AL, Cuyahoga County, OH, Hillsborough County, FL, St. Charles County, MO, Manistee County, MI, Iberia County, LA, Los Angeles County, CA, and Forsyth County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140361 (Sub-8), filed June 1, 1982. Applicant: CPS DELIVERY SYSTEM, INC., 1009 Joyce Ave., Columbus, OH 43219. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, KY, MI, NY, OH, PA and WV. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 144951 (Sub-3), filed May 24, 1982. Applicant: RAYMOND G. AND BARBARA A. CEBULSKI, d.b.a. CEBULSKI TRUCKING, P.O. Box 103, Seeley Lake, MT 59868. Representative: Raymond G. Cebulski, (same address as applicant), (406) 677-2280. Transporting *steel products, lumber and building materials,* between points in AZ, AR, CA, CO, ID, IL, IA, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146590 (Sub-10), filed May 28, 1982. Applicant: J.R.P., INC., 1300 Island Avenue, McKees Rocks, PA 15136. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222, (412) 471-3300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Circleville Metal Works, Inc., of Circleville, OH; and Flexion, Inc., of Pittsburgh, PA.

MC 148620 (Sub-17), filed June 1, 1982. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., N.W., Atlanta, GA 30303, (404) 658-8045. Transporting *meats, meat products, meat-byproducts and articles distributed by meat-packing houses,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 149481 (Sub-2), filed May 24, 1982. Applicant: RITEWAY-WESTERN, INC., 7701 Wilbur Way, Sacramento, CA 95828. Representative: Frank Culy III (same address as applicant), (916) 682-2146. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) Frys Food Stores of Arizona, Inc. and Associated Grocers of Arizona, Inc., both of Phoenix, AZ.

MC 149581 (Sub-4), filed June 1, 1982. Applicant: LUJO TRUCKING CO., INC., 21 Braley Road, East Freetown, MA 02717. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Publishers Shipping Cooperative Association, Inc., of Westwood, NJ.

MC 150571 (Sub-2), filed June 1, 1982. Applicant NORSEMAN TRUCKING, INC., Route 2, Box 37A, Waseca, MN 56093. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting (1) *automotive accessories;* and (2) *petroleum products,* between points in MN, on the one hand, and, on the other, points in IL, IN, KS, MT, ND, OK, LA, MO, MI, SD, WY and TX.

MC 150641 (Sub-2), filed June 1, 1982. Applicant: D & R CARTAGE, INC., 5110 Praha, Cleveland, OH 44127. Representative: Ruth Ann Parks (same address as applicant), (216) 271–7530. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OH, IL, IN, KY, MI, NY, PA and WV.

MC 151791 (Sub-2), filed June 1, 1982. Applicant: LES LINDEMAN & SON, INC., 117 West Main Street, Morenci, MI 49256. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400. Northville, MI 48167, (313) 349–3980. Transporting *chemicals and related products,* between points in Lenawee County, MI, on the one hand, and, on the other, points in KY, under continuing contract(s) with Vulcan Material Co., of Wichita, KS.

MC 152640 (Sub-5), filed June 2, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202)–296–3555. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with J. R. Simplot Company, of Boise, ID.

MC 155741, filed June 1, 1982. Applicant: J & S, INC., 1111 East 54th St. Indianapolis, IN 46220. Representative: Walter F. Jones, Jr. (same address as applicant), (317)–257–4066. Transporting *general commodities* (except classes A and B explosives), between points in IN, on the one hand, and, on the other, points in AL, CO, IL, KY, MI, MO, OH, PA, TN, TX, IN and WV.

MC 157061 (Sub-1), filed June 1, 1982. Applicant: ATLAS CARRIERS, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *such commodities* as are dealt in or used by discount stores, between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 157371 (Sub-2), filed June 3, 1982. Applicant: CHEM-WASTE INCORPORATED, 4435 Washington, Rd., P.O. Box 250, Evans, GA 30809, Representative: Robert M. Haynie (same address as applicant) (404)–863–8685. Transporting *hazardous waste,* between points in Union, Anson, Richmond, Davidson, Stanley and Montgomery Counties, NC, on the one hand, and, on the other, points in Sumter County, AL, and Sumter County, SC.

MC 159000, filed June 1, 1982. Applicant: FLEETWOOD FORWARDING, LTD., 175 Underhill Blvd., Syosset, NY 11791. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374–4565, (212) 275–1000. Transporting *food and related products,* between points in NJ and NY.

MC 160391 (Sub-1), filed June 1, 1982. Applicant: WILLIAM H. WERTZ, JR., d.b.a. TRANSPORT SPECIALTIES, 9722 E. 6th St., Rancho Cucamonga, CA 91730. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Kern, San Luis Obispo, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Riverside and Imperial Counties, CA.

MC 160461, filed June 1, 1982. Applicant: LLOYD HOOD, d.b.a. HOOD ENTERPRISES, Route 1, Jasper, TN 37347. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *metal products,* (1) between points in TN and Jackson County, AL, on the one hand, and, on the other, points in IN, PA, OH, IL and MI; and (2) between points in KY, AL, MO and VA, on the one hand, and, on the other, points in TN.

MC 160521 (Sub-1), filed June 1, 1982. Applicant: TIMBERLINE EXPRESS, INC., 2204 Ohio Ave., Superior, WI 54800. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *petroleum-coke briquets and coal briquets,* between points in Douglas County, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, NE, ND, SD, and WI.

MC 160651 (Sub-1), filed June 1, 1982. Applicant: MOVE AMERICA, INC., 2 Olmstead Place, Norwalk, CT 06855. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a broker of *household goods* as defined by the Commission, between points in the U.S. (except AK and HI).

MC 160721 (Sub-1), filed June 1, 1982. Applicant: RICHARD BELLERUD and ORVIN HELGESON, d.b.a. B & H ENTERPRISES, P.O. Box 344, Grafton, ND 58237. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Chef-Reddy Foods Corp.-Midwest, of Clark, SD.

MC 160760, filed May 28, 1982. Applicant: DAV-GLO INTERNATIONAL CO., 3065 S.E. Condor, Gresham, OR 97030. Representative: David L. Lord (same address as applicant), (503) 663–6222. Transporting *malt beverages,* between points in King County, WA, and Multnomah County, OR, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Manchesters Distributors, Inc., of Gresham, OR.

MC 161170 (Sub-3), filed June 1, 1982. Applicant: TRAFCON SERVICES, INC., 2310 Orange Ave., N.E., Roanoke, VA 24012. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *machinery and metal products,* between points in the U.S., under continuing contract(s) with General Electric Company, Medium Turbine Department (E&M), of Lynn, MA.

MC 161771, filed June 2, 1982. Applicant: ROBERT H. HICKS TRUCKING, INC., 65668 Brick Church Rd., Cassopolis, MI 49031. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting (1) *furniture and fixtures;* and (2) *food service equipment,* between points in Alameda County, CA, Elkhart County, IN, and Berrien County, MI, on

the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161841, filed May 4, 1982, previously published in the **Federal Register** on May 27, 1982. Applicant: PRMMI TRUCKING, INC., 30 Maritime and Faragate Sts., Jacksonville, FL 32203. Representative: Morris R. Garfinkle, 1054 Thirty-first St., N.W., Washington, DC 20007, (202) 342–5200. Transporting *general commodities* (except classes A and B explosives), (1) between points in the Commercial Zone of Elizabeth, NJ, restricted to traffic having prior or subsequent movement by water; (2) between points in the Commercial Zone of Baltimore, MD, restricted to traffic having prior or subsequent movement by water; (3) between points in the Commercial Zone of Charleston, SC, restricted to traffic having a prior or subsequent movement by water; (4) between points in the Commercial Zone of Jacksonville, FL, restricted to traffic having prior or subsequent movement by water; (5) between points in the Commercial Zone of Miami, FL, restricted to traffic having prior or subsequent movement by water; (6) between points in the Commercial Zone of New Orleans, LA, restricted to traffic having prior or subsequent movement by water; and (7) between points in the Commercial Zone of Houston, TX, restricted to traffic having prior or subsequent movement by water.

**Note.**—This republication corrects the territorial description.

MC 162110, filed May 20, 1982. Applicant: PORTLAND CORPORATION, 35 Duffield Avenue, Jersey City, NJ 07306. Representative: William F. Cuthbert, 711 E. Main Street, Bridgewater, NJ 08807, (201) 526–8700. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between points in CT, DE, MD, MA, NJ, NY, RI, DC, and those points in PA on and east of a line beginning at the MD–PA State line and extending along Interstate Hwy. 81 to Harrisburg, PA, then along U.S. Hwy. 15 to PA–NY State line.

MC 162250, filed May 28, 1982. Applicant: SCOA INDUSTRIES, INC., 155 East Broad Street, 10th Floor, Columbus, OH 43215. Representative: William K. Friend (same address as applicant), (614) 221–7262. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in the U.S., under continuing contract(s) with Burroughs Corporation, Office Products Group, of Columbus, OH; Federated Department Stores, Inc., of Cincinnati, OH; and William Brooks Shoe Company, of Nelsonville, OH.

MC 162251, filed May 28, 1982. Applicant: WARD TRUCKING, INC., 2002 Ladoga Road, Crawfordsville, IN 47933. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *printed matter*, between points in IL, IN, KY, OH, and TN.

MC 162261, filed June 1, 1982. Applicant: RICHARD WILLE, d.b.a. WILLE TRANSPORT, P.O. Box 304, Inger Road, Deer River, MN 56636. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *lumber and lumber products*, between points in MN, WI and the Upper Peninsula of MI.

MC 162270, filed June 1, 1982. Applicant: CORNERSTONE TRUCKING, INC., 1760 Industrial Rd., Las Vegas, NV 89101. Representative: Gerald D. Smith, 328 Antelope Way, Las Vegas, NV 89128, (702) 870–2847. Transporting (1) *metal products;* (2) *lumber and wood products;* and (3) wallboard, between points in the U.S., under continuing contract(s) with Century Steel, Inc. and Grove, Inc., each of Las Vegas, NV.

MC 162310, filed June 1, 1982. Applicant: STORER'S PERSONALIZED TOURS, INC., 3519 McDonald Ave., Modesto, CA 95351. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. As a *broker*, at Modesto, CA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162311, filed June 1, 1982. Applicant: TERRENCE M. KNAPP, d.b.a. AMERICAN EAGLE MOVERS, 7221 West Touhy Avenue, Chicago, IL 60648. Representative: Joel H. Steiner, 29 South LaSalle, Suite 905, Chicago, IL 60603, (312) 236–9375. Transporting *Household goods and furniture and fixtures*, between points in IL, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, IN, KY, MA, MI, MN, NV, NY, TX, and WI.

MC 162330, filed June 3, 1982. Applicant: BIG M TRANSPORTATION, INC., 1894 Z Brooks Rd., Memphis, TN 38116. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901)–526–4114. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Memphis, TN, on the one hand, and, on the other, points in GA, IL, IN, KY, LA, MO, and TX.

**Volume No. OP1–100**

Decided: June 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 19311 (Sub-78), filed June 3, 1982. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant), (313) 939–7000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with International Harvester Company, of Chicago, IL.

MC 98391 (Sub-5), filed June 3, 1982. Applicant: JEKEL MOVING & STORAGE CO., 405 36th St. S.E., Grand Rapids, MI 49508. Representative: Tom Mieras same address as applicant), (616) 245–2133. Transporting *coat hangers*, between points in Ottawa County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with John Thomas Butts, Inc., of Zeeland, MI.

MC 114761 (Sub-16), filed June 7, 1982. Applicant: GETTER TRUCKING, INCORPORATED, 1635 North Frontage Road, Billings, MT 59101. Representative: John R. Davidson, Suite 805, First Bank Bldg., Billings, MT 59101, (406) 248–9156. Transporting *mining and construction materials, equipment, and supplies, building materials, iron and steel articles, farm machinery, and those commodities which because of size or weight require the use of special equipment*, (a) between points in AR, AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, and (b) between points in AR, AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147411 (Sub-3), filed June 7, 1982. Applicant: LDL TRUCKING, LTD., Box 391, Bancroft, IA 50517. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *machinery, construction materials, metal products, and chemicals and related products*, between points in the U.S., under continuing contract(s) with Bradley Supply Company and Bradley Construction, Inc., both of Burt, IA.

MC 147800 (Sub-4), filed June 7, 1982. Applicant: ABBLEY TRANSPORT, INC., 176 98th Ave., Oakland, CA 94621. Representative: Myron F. Tower, 2257

Bancroft Ave., San Leandro, CA 94577, (415) 352–7246. Transporting *containers and packaging materials,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 150911 (Sub-2), filed June 3, 1982. Applicant: ROCKY MOUNTAIN CHARTER COACH COMPANY, 5822 West 56th Avenue, Arvada, CO 80002. Representative: Richard J. Bara, 1155 Sherman Street, Suite 315, Denver, Co 80203, (303) 831–7272. As a broker at Denver and Jefferson County, CO, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in CO, on the one hand, and, on the other, points in the U.S.

MC 151400, filed May 14, 1982. Applicant: M.L. LEWIS DISTRIBUTING, 790 Woodland, El Paso, TX 79922. Representative: Martin L. Lewis (same address as applicant), (915) 584–4720. Transporting (1) *metal products,* (2) *building materials,* and (3) *livestock feed,* between points in El Paso County, TX, on the one hand, and, on the other, points in the U.S., under continuing contract(s) in (1) above with Border Steel Rolling Mills, The Banes Company, Paleon, Inc., and Texas Turning Company, a Division of General Steel and Wire, Inc., in (2) above with Georgia-Pacific Corporation, and O'Malley's Building materials, and in (3) above with Claude Barry & Company, all of El Paso, TX.

MC 162320, filed June 3, 1982. Applicant: BOLES BUS LINES, 160 Gibbs Ave., Greenwood, SC 29646. Representative: Glynn S. Boles (same address as applicant) (803) 223–4426. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in SC and extending to points in FL, GA, NC, VA, MA, MD, NY, PA, LA, TN, WV, OH, AL, MS, DE, KY, and DC.

MC 162321, filed June 3, 1982. Applicant: FLORA B. HARRINGTON TOURS, P.O. Box 579, Sanford, NC 27330. Representative: Flora B. Harrington (same address as applicant) (919) 776–4847. As a *broker,* at Sanford, NC, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, beginning and ending at points in Lee, Harnett, Moore, Chatham, Cumberland, Wake, Guilford, and Randolph Counties, NC, and extending to points in the U.S.

MC 162340, filed June 4, 1982. Applicant: FLORIDA FOOD PRODUCTS, INC., 845 West 16th St., Chicago, IL 60608. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782–8880. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with J. W. Allen & Company, of Wheeling, IL.

MC 162350, filed June 3, 1982. Applicant: BRISTOL/INTERSTATE MOTOR COACH, INC., West Highway 50, Winter Garden, FL 32787. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103 (413) 781–8205. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Charlotte, Collier, Hillsborough, Lake, Lee, Manatee, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, and Seminole Counties, FL, and extending to points in the U.S. (including AK but excluding HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 1, room 6354.

MC 162360, filed June 7, 1982. Applicant: MAVERICK EXPRESS, INC., 832 Wheeler St., Hubbard, OH 44425. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420, (216) 545–3081. Transporting *metal products, machinery, and transportation equipment,* between points in OH, IN, IL, and PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and WI.

**James H. Bayne,**

*Acting Secretary.*

[FR Doc. 82-16604 Filed 6-17-82; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

**[Order No. 979-82]**

### Opinion and Order Regarding Application of Seattle Times Co. and Hearst Corp. for Approval of Joint Operating Arrangement

#### I. Background

On March 27, 1981, the Seattle Times Company, publisher of the Seattle Times, and the Hearst Corporation, publisher of the Seattle Post-Intelligencer ("Applicants"), filed an application for approval of a proposed joint operating arrangement in Seattle pursuant to the Newspaper Preservation Act, 15 U.S.C. 1801 *et seq.* The Act authorizes a limited antitrust exemption for a joint operating arrangement if the parties obtain the prior written consent of the Attorney General.

Before granting approval of a joint operating arrangement, the Attorney General must find that one of the newspapers involved is a "failing newspaper", defined in the statue to mean "a newspaper publication which, regardless of its ownership or affiliations, is in probable danger of financial failure." 15 U.S.C. 1803(b), 1802(5). He must also find that approval of the arrangement would effectuate the policy and purpose of the Act. The applicants have the burden of proving the proposed arrangement satisfies the requirements of the Act. 28 CFR 48.10(a)(4). Here the application alleged that the Seattle Post-Intelligencer was a "failing newspaper."

The term "joint newspaper operating arrangement" is defined to include almost any form of arrangement or joint venture between two or more independently-owned newspapers "pursuant to which joint or common production facilities are established or operated," provided that separate editorial and reportorial staffs are maintained, and "the editorial policies be independently determined." 15 U.S.C. 1802(2). Thus, a joint operating arrangement is a means of preserving the independent editorial voice of a newspaper found to be "failing" within the purview of the Act.

Pursuant to the regulations which govern the review and approval of joint operating arrangements under the Act (28 CFR Part 48) and after a review of the application, the May 29, 1981 Report of the Assistant Attorney General for the Antitrust Division and public comments, I ordered that a hearing be convened in Seattle to resolve material issues of fact. Order No. 953-81 (August 7, 1981). In order to prevent unnecessary delays in the presentation of evidence, Order No. 953-81 required that the hearing record be closed within 60 days of the appointment of an Administrative Law Judge.

On September 29, 1981, I granted the intervention petitions of several groups opposed to the application. Order No. 959-81. These groups included the Committee for an Independence P-I; People Opposed to a One Newspaper Town; Committee for a Free Press; Longview Publishing Co.; Robinson Newspapers, Inc.; Fournier Publishing Co.; and the Northshore Citizen (hereafter referred to collectively as "Intervenors"). The Intervenors were

jointly represented by single counsel and together with the Applicants and the Antitrust Division constituted the parties to the hearing.

On September 30, 1981, Daniel H. Hanscom was appointed Administrative Law Judge and presided over the development of the hearing record, including discovery and the adversarial presentation of documentary and testimonial evidence. During the course of the proceedings the Antitrust Division sought interlocutory review by the Attorney General of a ruling by the Administrative Law Judge which barred discovery or presentation of evidence concerning "incremental analysis," a means of evaluating the economic relationship between the Hearst Corporation and its subsidiary, the Seattle Post-Intelligencer ("P–I"), which the Antitrust Division contends is relevant to the determination of whether the P–I is a "failing newspaper" under the Act. I declined to entertain the Antitrust Division petition on the merits at that time due to its interlocutory character and in view of the need for expedition. However, I expressly reserved judgment on the question whether as a matter of law "incremental analysis" is a relevant area of inquiry under the Act. Order No. 962–81 (November 9, 1981). The Antitrust Division was permitted to make its incremental analysis presentation in the form of an offer of proof.

A voluminous record of testimonial and documentary evidence was developed at the hearing, which concluded with oral argument and the submission by the parties of proposed findings and memoranda of law to the Administrative Law Judge. At that time both the Antitrust Division and the Intervenors opposed approval of the application. On January 14, 1982, the Administrative Law Judge issued a Recommended Decision, including 162 Findings of Fact and a Memorandum Opinion which recommended that the proposed joint operating arrangement be approved. On March 4, 1982, after the parties had filed exceptions to the Recommended Decision and responses to those exceptions, the matter became ripe for my decision.

## II. Findings and Conclusions

The Newspaper Preservation Act requires the Attorney General to pass upon the merits of applications by newspapers for limited exemptions from the antitrust laws. Manifestly, unfettered competition in the marketplace should be promoted whenever possible. When the Congress, however, has been fit to provide for exemptions from the procompetitive mandate of the antitrust laws, the legislative purpose must be observed. Moreover, while exemptions from the antitrust laws must be construed narrowly, they must not be construed more narrowly than the express language of the statute and other reliable indicators of legislative purpose permit.

Upon review of the applicable law, the hearing record, the recommendation of the Administrative Law Judge and the exceptions and responses filed with respect to that recommendation, I have decided to adopt the findings and conclusions of the Administrative Law Judge with the exception of that portion of Finding 158 which provides that the P–I could be sold "to a person or firm who could, and would, continue it in operation as an independent metropolitan daily." I cannot find evidentiary support for such a finding in the record upon which my decision must be based. *See* 28 CFR 48.13.

By its plain terms, the Newspaper Preservation Act provides a limited antitrust exemption for newspaper joint operating arrangements if the Attorney General determines that "not more than one of the newspaper publications involved * * * is a publication other than a failing newspaper" and that "approval of such arrangement would effectuate the policy and purpose of [the Act]." 15 U.S.C. 1803(b). The Act defines a "failing newspaper" as "a newspaper publication which, regardless of its ownership or affiliations, is in probable danger of financial failure." 15 U.S.C. 1802(5).

Under well-established canons of statutory construction, I must give effect to the words chosen by Congress. It is apparent from the express language of the statute that the "failing newspaper" analysis under the Act must focus upon the financial condition of the particular publication at issue, and that "danger of financial failure" must be assessed as a matter of probabilities, not certainties. The legislative history, moreover, corroborates this construction. The hearings and House and Senate reports concerning the Act evince a strong congressional concern about the large number of newspaper closings since World War II and an express desire to create a test for newspaper joint operating arrangements "less stringent" than the "failing company" test set forth in *Citizen Publishing Co.* v. *United States*, 394 U.S. 131 (1969). This new test was to provide a special means of ensuring the preservation of editorial voices in individual communities. *See, e.g.*, S. Rep. No. 91–535, 91st Cong., 1st Sess. 4, 6 (1969); H.R. Rep. No. 1193, 91st Cong., 2d Sess. 10 (1969).

In this case, the Administrative Law Judge reviewed in some detail the record evidence, including substantial expert testimony, concerning the P–I's past, present and expected future financial condition in light of evidence concerning the Seattle market and the newspaper industry generally. The Administrative Law Judge found, *iner alia*, that the P–I had lost in excess of $14.3 million since 1969, that its competitive share of newspaper circulation and advertising revenue in Seattle had eroded substantially (and continues to decline), and that new management probably could not, based upon the record, return the P–I to profitability (*See, e.g.*, Finding 109).

Based upon my consideration of the evidentiary record in light of the language and legislative history of the Act, I am satisfied that the Administrative Law Judge's findings concerning the financial condition and prospects of the P–I and conclusion that the P–I is in probable danger of financial failure are supported by the evidence.

The second determination I am required to make is whether approval of the proposed joint operating arrangement would effectuate the "policy and purpose" of the Act, which is "to preserve the publication of newspapers in [the] city, community or metropolitan area" at issue, "[i]n the public interest of maintaining a newspaper press editorially and reportorially independent and competitive in all parts of the United States." 15 U.S.C. 1801. Upon review of the evidence concerning the financial condition of the P–I and the terms of the proposed joint operating arrangement, I have found that the proposed joint operating arrangement will preserve the separate and independent editorial voice of the P–I in Seattle and I agree with the Administrative Law Judge's conclusion that this arrangement will effectuate the policy and purpose of the Act.

### *A. Incremental Analysis*

The Administrative Law Judge reviewed at length the intracorporate financial transactions between the P–I and its parent the Hearst Corporation and found them to be generally reasonale and mutually beneficial. However, the Antitrust Division, joined by Intervenors, contends that the Administrative Law Judge committed an error of law in refusing to admit and fully to consider proferred evidence concerning "incremental analysis" of these transactions.

The proferred evidence was intended to focus upon the financial impact of the P–I's operations upon its parent corporation in order to establish that although the P–I is operating at a loss, its parent, Hearst, can receive a net financial benefit by operating it. This seeming anomaly is resolved through incremental analysis by disregarding certain concededly legitimate depreciation expenses for balance sheet purposes while including depreciation in the computation of tax benefits accruing to Hearst, and by disregarding certain P–I expenses for Hearst news and management services which are provided on comparable terms throughout the Hearst chain.

The Administrative Law Judge found that the express inclusion of the phrase "regardless of ownership or affiliations" in the definition of "failing newspaper," when read in light of the legislative history of the Act, evinces a congressional intent to focus factual inquiry upon the operations and performance of the particular newspaper alleged to be failing, rather than upon the identity, financial resources or other operations of the owner of that newspaper, and that the application of incremental analysis would be inconsistent with such an inquiry. I agree.

As suggested in Order 962–81 (November 9, 1981), financial relationships between parent corporations and their newspaper subsidiaries are not entirely irrelevant to the "failing newspaper" determination. As the legislative history provides, a parent which "create[s] [a] 'failing newspaper' by artificial bookkeeping entries" can not secure the benefit of the limited antitrust immunity provided by the Act. Sen. Rep. No. 91–535, 91st Cong., 1st Sess. at 5 (1969). Here, however, the Administrative Law Judge found based upon the record that the various intracorporate transactions between Hearst and the P–I were reasonable and that no allegation of culpable mismanagement could be supported by the record. (*See, e.g.*, Findings 80, 92, 94, 109). Accordingly, I am satisified that the appropriate review of the financial relationship between Hearst and the P–I was made, and that a more wide-ranging inquiry into Hearst's financial resources and operations is not permitted either by the express language of the Act or its legislative history.

*B. The Alternative Purchaser Issue*

Both the Intervenors and the Antitrust Division contend that the application must be rejected because Hearst has not offered the P–I for sale and has not made a goodfaith effort to find a purchaser ready, willing and able to operate it as in independent publication. They argue that the P–I cannot be considered a "failing newspaper" under the Act because of this failure on the part of Hearst since, in their view, the definition of "failing newspaper" containes such a *per se* requirement.

The plain language of the definition of "failing newspaper" under the Act does not, in terms, contain the *per se* rule advanced by Intervenors and the Antitrust Division. Neither, when read as a whole and in context, does the legislative history suggest that Congress intended inclusion of such a rule. As previously discussed, a thorough review of that history points to the conclusion that through its definition of "failing newpaper", Congress intended generally to ameliorate the effect of *Citizen Publishing Co. v. United States, supra*, 394 U.S. 131 (1969), on the ability of newspapers to enter into joint operating arrangements. In *Citizen Publishing*, the Supreme Court applied a strict "failing company" test, including a requirement that proponents of a proposed joint operating arrangement prove the nonexistence of other qualified prospective purchasers of the allegedly failing newspaper. I must concur with the Administrative Law Judge that in enacting the Newspaper Preservation Act, Congress intended specifically to eliminate any *per se* rule requiring that a newspaper be offered for sale before it can be found to be a "failing newspaper," and I decline the invitation to engraft such a rule onto the statute.[1]

* * * * *

In view of the foregoing, I conclude from a review of the Act and its legislative history that Congress intended the determination whether a newspaper is "failing" to be made case-by-case, based upon a weighing of all relevant factors and without application of particular *per se* rules. Relevant factors are those which bear upon the financial prospects of the particular newspaper publication alleged to be failing (considered as an independent entity) within the particular market which it serves. These factors must be considered in light of evidence of the economic and competitive realities of the newspaper industry. I am satisfied that the Administrative Law Judge's ultimate conclusion that the Seattle Post-Intelligencer is a failing newspaper under the Act was based upon such a consideration of all relevant factors.

Having considered each factual and legal contention raised by the parties, I hereby adopt the Findings of Fact, with the exception of those portions of Finding 158 indicated above, and Conclusions of Law set forth in the January 14, 1982 Recommended Decision of the Administrative Law Judge.

**III. Order**

Upon consideration of the entire record and the applicable law, it is hereby ordered that the Application by Seattle Times Company and the Hearst Corporation for Approval of a Joint Operating Arrangement Pursuant to the Newspaper Preservation Act, 15 U.S.C. 1801, *et seq.* is approved, said approval to become effective on the tenth day after the filing of this decision.

Dated: June 15, 1982.

**William French Smith,**

*Attorney General.*

[FR Doc. 82–16559 Filed 6–17–82; 8:45 am]

BILLING CODE 4410–01–M

[1] While the Act does not contain a *per se* requirement that applicants establish the absence of qualified purchasers as an element of the "failing company" case, evidence of purchase offers or negotiations may be pertinent in assessing the financial condition and prospects of the allegedly failing newspaper. Here, however, the Administrative Law Judge concluded, based upon the record, that new management probably could not improve the financial prospects of the P–I.

The Administrative Law Judge also concluded that the P–I could be sold "to a person or firm who could, and would, continue it in operation as an independent metropolitan daily." (Finding 158). As noted previously this fairly speculative conclusion is simply without evidentiary support in the hearing record upon which I am constrained to rely exclusively in rendering my decision, 28 CFR 48.13. Nonetheless, I have carefully considered the record evidence of individuals interested in discussing the purchase of the P–I. In light of that evidence, and the evidence of the P–I's financial performance and prospects, I find that the Administrative Law Judge's conclusions both that the new management probably would not improve P–I's financial prospects and that the P–I is a "failing newspaper" under the Act are amply supported by the record.

## Drug Enforcement Administration

### Manufacturer of Controlled Substances; Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 26, 1982, Western Fher Laboratories, Inc., Carretera 132, KM. 25.3, P.O. Box 7468, Ponce, Puerto Rico 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Phenmetrazine (1630).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21

CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA, Federal Register Representative (Room 1203), and must be filed no later than July 19, 1982.

Dated: June 11, 1982.

**Francis M. Mullen, Jr.,**

*Acting Administrator, Drug Enforcement Administration.*

[FR Doc. 82-16567 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-09-M

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[Docket No. 81-24]

## Marlin A. Thompson, R. Ph., d.b.a. Paramount Drugs, Inc., Springfield, Oregon; Hearing

Notice is hereby given that on August 31, 1981, the Drug Enforcement Administration, Department of Justice, issued to Marlin A. Thompson, R. Ph., d.b.a. Paramount Drugs, Inc., an Order To Show Cause as to why the DEA Certificate of Registration AP9207019 issued to Paramount Drugs, Inc., pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be revoked.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, July 7, 1982, in the Ninth Floor Hearing Room, 1001 S.W. Fifth Avenue, Portland, Oregon.

Dated: June 11, 1982.

**Francis M. Mullen, Jr.,**

*Acting Administrator, Drug Enforcement Administration.*

[FR Doc. 82-16569 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-09-M

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## W. F. Merchant Pharmaceutical Co., Inc.; Denial of Application

On March 24, 1982, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause proposing to deny the application for reregistration as a manufacturer with authority to repackage and relabel controlled substances in Schedules III, III-N, IV and V executed July 17, 1981 by W. F. Merchant Pharmaceutical Co., Inc., 3704 Otis Street (Rear), Mt. Rainier, Maryland 20712. The statutory predicate for the Order was the apparent continuing relationship of Martin A. Bramson with W. F. Merchant Pharmaceutical Co., Inc. Martin A. Bramson is the brother of Ronald Bramson, D. Pod., the acting President of W. F. Merchant, the husband of Iris Bramson, the assistant secretary treasurer of W. F. Merchant and the son of Norman Bramson, president of the firm. Martin A. Bramson was convicted January 23, 1981 in the United States District Court for the District of Columbia of four (4) counts of knowing and unlawful sale, distribution or dispensing of a controlled substance in violation of 21 U.S.C. 841(a)(1), and two (2) counts of conspiracy to distribute controlled substances in violation of 21 U.S.C. 846, felony convictions related to controlled substances. Since no response was forthcoming to the Order, the Acting Administrator finds pursuant to 21 CFR 1301.54 that W. F. Merchant Pharmaceutical Company has waived its right to a hearing and enters his final order on the record as it appears.

Based upon the record, the Acting Administrator has no choice but to deny the application of W. F. Merchant. The applicant was given the opportunity to come forward with evidence showing that Martin Bramson is not involved in the management of its affairs. It has chosen not to avail itself of that opportunity. For the reasons set forth below, its application must be denied.

DEA has consistently held that persons who are registered with DEA to handle controlled substances hold a public trust. The public expects that individuals or corporations who handle controlled substances are trustworthy and honest, willing to abide by the Controlled Substances Act and its regulations, and cooperative with the agency Congress charged with monitoring compliance with the law. Upon examination of the record, the Acting Administrator concludes that W. F. Merchant is unworthy of that public trust.

The first ground for revocation is the relationship of Martin A. Bramson with W. F. Merchant, 21 CFR 1301.76(a) provides that a registrant shall not employ as an agent or employee having access to controlled substances any person who has had an application for registration denied or has had his registration revoked at any time. The Administrator of DEA revoked the registration of St. Jude Apothecary based upon the controlled substances felony convictions of Martin Bramson, its proprietor and managing pharmacist. The record is replete with the evidence of a long relationship between Martin Bramson and W. F. Merchant. For example, a shareholder of W. F. Merchant stock was the St. Jude Apothecary Employee Benefits Trust Fund. St. Jude Apothecary was Martin Bramson's corporate alter ego and the location from which he sold the controlled substances for which he was convicted. On one occasion DEA personnel encountered Martin Bramson at the W. F. Merchant registered location. W. F. Merchant management told DEA that Martin Bramson was an "unpaid consultant" for the firm. On another occasion DEA personnel telephoned W. F. Merchant to inquire about the firm's security arrangements. The DEA employee asked for "Dr. Bramson", meaning Ronald Bramson, the firm's acting president; the receptionist connected the DEA employee with Martin Bramson, a pharmacist. Martin Bramson conversed knowledgably about W. F. Merchant's security arrangements. Another indication of Martin Bramson's relationship with W. F. Merchant concerned North East Unit Dose, a firm sharing facilities with the applicant. W. F. Merchant management told DEA that North East Unit Dose is an entirely separate research operation of Martin Bramson. However, a Dun & Bradstreet financial report shows that North East Unit Dose is a 60% owned subsidiary of W. F. Merchant and located at the same address. The report states, "Intercompany relations involve similar officers and office space and subsidiary doing packaging for parent." The information for the financial report was furnished by W. F. Merchant management. There is ready access between the facilities of the two firms.

This Administration has consistently held it may look behind a corporate veil to revoke or deny a registration when a responsible official of a corporate registrant has been convicted of violating the laws relating to controlled substances. See *In the Matter of Serling Drug., Inc.* (Docket No. 74-12), 40 FR 11918, aff'd without written opinion by the Sixth Circuit Court of Appeals at 524 F. 2d 1406 (1975); *In the Matter of Nicholas G. Gakidis t/a New Seabury Pharmacy* (Docket No. 76-2), 41 FR 52555 (1976); *In the Matter of Lynnfield Drug, Inc.* (Docket No. 76-6), 42 FR 8435 (1977). As the administrator stated in his Final Order in *S & S Pharmacy*, 46 FR 13052 (1981), the law will not be read to permit corporate registrants to evade a congressionally mandated sanction by permitting a convicted individual to simply shed his various offices and financial interests, by transferring them to a member of his family, and then continue to do business as usual. The Acting Administrator finds that Martin

Bramson had an ongoing relationship with W. F. Merchant and exercised influence and took an active role in the running of the firm through his father, wife and brothers. It is precisely such control that the Administrator addressed in *S & S Pharmacy, Inc.* and the other cases cited. W. F. Merchant management has maintained that Martin Bramson has no relationship with the firm beyond that of advisor concerning sales to pharmacies. The firm has stated that Martin Bramson was never a corporate officer and never received compensation from W. F. Merchant. The Acting Administrator finds that even this advisory function, if such it is, is sufficient to warrant denial of the application. A convicted drug felon need not be an officer or employee to exert influence and control over a corporate registrant, especially if the firm is closely held or family run as is W. F. Merchant.

The second ground for the denial of this application under 21 U.S.C. 824(a)(6) is the way in which W. F. Merchant has conducted itself with DEA. The Acting Administrator seriously questions the sincerity and integrity of the management of W. F. Merchant. The DEA Office of Chief Counsel offered W. F. Merchant management the opportunity to discuss the firm's status with DEA. Two meetings between DEA personnel and W. F. Merchant were scheduled; individuals claiming to represent the firm broke both appointments on the morning of the scheduled meetings. The Acting Administrator concludes that such actions and many others in a similar vein demonstrate a lack of sincerity and desire to deal with DEA in good faith. For example, W. F. Merchant management told DEA that Martin Bramson was an "unpaid consultant" for the firm. On a latter occasion an individual purporting to be Leonard Bramson denied in a telephone conversation that anyone at W. F. Merchant used the term "unpaid consultant" regarding Martin Bramson and intimated that DEA was harassing W. F. Merchant for statistical purposes and that DEA personnel were embellishing facts for their reports. The Acting Administrator finds that DEA has not harassed W. F. Merchant, nor have DEA employees embellished facts concerning the firm for reports to their superiors. The Acting Administrator finds that W. F. Merchant management has been generally uncooperative and even hostile with DEA personnel. Unfortunately W. F. Merchant management is not above bending the truth when it suits its needs. During one of the telephone conversations a representative of W. F. Merchant stated that the firm no longer needed DEA registration since it had disposed of its stock of controlled substances. However, a telephone recording at the firm continued to take orders for controlled substances and asked would-be purchasers for their DEA registration numbers. Clearly this continued order taking is not indicative of a firm without controlled substances stock.

Based on the relationship of Martin Bramson to W. F. Merchant and the way the firm has conducted its controlled substances business, the Acting Administrator finds that the continued registration of W. F. Merchant Pharmaceutical Co., Inc., is not in the public interest. Accordingly, the Acting Administrator hereby denies the application executed by W. F. Merchant Pharmaceutical Co., Inc. for continued registration as a manufacturer with authority to repackage and relabel controlled substances in Schedules III, III-N, IV, and V, effective July 19, 1982.

**Francis M. Mullen, Jr.,**

*Acting Administrator, Drug Enforcement Administration.*

June 11, 1982.

[FR Doc. 82-16564 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-09-M

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**[Docket No. 82-17]**

## Northwestern Drug Co., Auburn, Washington; Hearing

Notice is hereby given that on April 14, 1982, the Drug Enforcement Administration, Department of Justice, issued to Northwestern Drug Company an Order To Show Cause as to why the Drug Enforcement Administration should not deny the applications executed by Respondent on November 2, 1979, September 22, 1980 and September 16, 1981 to distribute Schedule II, III, IV and V controlled substances under Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, July 13, 1982, in Courtroom 514, New Federal Building, 915 Second Avenue, Seattle, Washington.

Dated: June 11, 1982.

**Francis M. Mullen, Jr.,**

*Acting Administrator, Drug Enforcement Administration.*

FR Doc. 82-16568 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-09-M

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## Manufacturer of Controlled Substances; Registration

By Notice dated January 27, 1982, and published in the **Federal Register** on February 4, 1982, (47 FR 5370), Knoll Pharmaceutical Company, Production Department, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Dihydromorphine (9145) | I. |
| Hydromorphone (9150) | II. |

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations Section 1301(54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: June 11, 1982.

**Francis M. Mullen, Jr.,**

*Acting Administrator, Drug Enforcement Administration.*

[FR Doc. 82-16570 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-09-M

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## Manufacturer of Controlled Substances; Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 26, 1982, Ganes Chemicals, Inc., Lessee of Siegfried Chemical, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Amobarbital (2125) | II. |
| Pentobarbital (2270) | II. |
| Secobarbital (2315) | II. |
| Dextropropoxyphene (9273) | II. |

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than July 19, 1982.

Dated: June 11, 1982.

**Francis M. Mullen, Jr.,**

*Acting Administrator, Drug Enforcement Administration.*

[FR Doc. 82-16565 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-09-M

## Bureau of Prisons

### Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet in conjunction with the Committee on the Administration of the Probation System of the Judicial Conference of the United States on June 28, 1982, at the Harbor View Hotel, Edgartown, Massachusetts.

The purpose of the meeting is to discuss release notification to law enforcement agencies and other crimimal justice issues.

Signed at Washington, D.C., this 11th day of June 1982.

**Norman A. Carlson,**

*Director, Bureau of Prisons.*

[FR Doc. 82-16579 Filed 6-17-82; 8:45 am]

BILLING CODE 4410-05-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 28, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 28, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of May 1982.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Adriatic Original (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,471 | Coats, ladies'. |
| Alorna Coat Corp. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,472 | Coats, ladies'. |
| Arvin Outerwear, Inc. (ILGWU) | Union City, NJ | 5/18/82 | 5/13/82 | TA-W-13,473 | Coats, ladies'. |
| Campi Fashions, Inc., (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,474 | Coats, ladies'. |
| Clara Fashions (ILGWU) | Jersey City, NJ | 5/18/82 | 5/13/82 | TA-W-13,475 | Coats, ladies'. |
| Danielle Fashions (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,476 | Coats, ladies'. |
| Delcor Fashions (ILGWU) | Jersey City, NJ | 5/18/82 | 5/13/82 | TA-W-13,477 | Coats, ladies'. |
| Diamond Coat (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,478 | Coats, ladies'. |
| Elizabeth Fashion, Inc. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,479 | Coats, ladies'. |
| Florence Coat Co., Inc. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,480 | Coats, ladies'. |
| Fortune Fashions, Inc. (ILGWU) | Jersey City, NJ | 5/18/82 | 5/13/82 | TA-W-13,481 | Coats, ladies'. |
| H & P Garment Co. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,482 | Coats, ladies'. |
| Italian Fashions (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,483 | Coats, ladies'. |
| J & M Fashions, Inc. (ILGWU) | Union City, NJ | 5/18/82 | 5/13/82 | TA-W-13,484 | Coats, ladies'. |
| John DePinto Enterprises (ILGWU) | West New York, NJ | 5/18/82 | 5/13/82 | TA-W-13,485 | Coats, ladies'. |
| Junior Gallery, Ltd (ILGWU) | Secaucus, NJ | 5/18/82 | 5/13/82 | TA-W-13,486 | Coats—ladies' cutting & shipping. |
| Lello Fashions (ILGWU) | North Bergen, NJ | 5/18/82 | 5/13/82 | TA-W-13,487 | Coats, ladies'. |
| Lucy Rose Anna Coat Co., Inc. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,488 | Coats, ladies'. |
| Lunar Fashions (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,489 | Coats, ladies'. |
| Maria Fashions, Inc. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,490 | Coats, ladies'. |
| Mel Coat Fashions, Inc. (ILGWU) | Weehawken, NJ | 5/18/82 | 5/13/82 | TA-W-13,491 | Coats, ladies'. |
| Mona Lisa Coat Co. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,492 | Coats, ladies'. |
| Natalie Ann Fashions (ILGWU) | Union City, NJ | 5/18/82 | 5/13/82 | TA-W-13,493 | Coats, ladies'. |
| Nicoletta Fashions (ILGWU) | Jersey City, NJ | 5/18/82 | 5/13/82 | TA-W-13,494 | Coats, ladies'. |
| Stephanie Coat, Inc. (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,495 | Coats, ladies'. |
| V & A Coat (ILGWU) | Hoboken, NJ | 5/18/82 | 5/13/82 | TA-W-13,496 | Coats, ladies'. |
| West New York, Sportswear (ILGWU) | West New York, NJ | 5/18/82 | 5/13/82 | TA-W-13,497 | Coats, ladies'. |
| Brisco Manufacturing, Inc. (ILGWU) | Elizabeth, NJ | 5/19/82 | 5/13/82 | TA-W-13,498 | Uniforms, military robes, ladies. |
| Bunge Corp. Indiana (workers) | Logansport, Indiana | 5/24/82 | 5/17/82 | TA-W-13,499 | Meal, bean oil, bean. |
| Champion Spark Plug Corp. (UAW) | Burlington, Iowa | 4/2/82 | 3/30/82 | TA-W-13,500 | Plug—spark assembly plant. |
| Champion Spark Plug Corp. (UAW) | Cambridge, Ohio | 4/2/82 | 3/30/82 | TA-W-13,501 | Insulators—ceramic for spark plugs. |
| Hellertown Manufacturing Co. (UAW) | Hellertown, PA | 4/2/82 | 3/30/82 | TA-W-13,502 | Spark plugs. |
| Donna-Hanna Coke Joint Venture (USWA) | Buffalo, NY | 5/25/82 | 5/24/82 | TA-W-13,503 | Coke—furnace, blast. |
| General Instrument Corp., Keyboard Business Section, Computer Products Div. (workers). | Post Falls, Idaho | 4/12/82 | 4/7/82 | TA-W-13,504 | Keyboards—aircraft switches, indicator. |
| Hecla Mining Co., Sherman Mine (workers) | Leadville, CO | 5/18/82 | 5/8/82 | TA-W-13,505 | Zinc, lead, silver ore—mining & milling. |
| Hecla Mining Co., Star Mine (workers) | Wallace, ID | 5/18/82 | 5/8/82 | TA-W-13,506 | Zinc, lead, silver ore—mining & milling. |

APPENDIX—Continued

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Hecla Mining Co., Consolidated Silver Mine (workers). | Osburn, ID | 5/18/82 | 5/8/82 | TA-W-13,507 | Zinc, lead, silver ore—mining & milling. |
| Honey Bunch Handbags, Inc. (workers) | Brooklyn, NY | 5/25/82 | 5/22/82 | TA-W-13,508 | Handbags—ladies' & men's. |
| Kennecott Corp., Kennecott Minerals Co., Utah Copper Div. (USWA). | Magna, Utah | 5/25/82 | 5/21/82 | TA-W-13,509 | Copper—mine, refine, smelter, concentrate. |
| McIndustries, Inc. (company) | Brilliant, AL | 5/20/82 | 5/12/82 | TA-W-13,510 | Slacks, casual—men's & boys. |
| Medusa Cement Co., Charlevoix Plant (Cement Lime Gypsum & Allied Workers). | Charlevoix, Mi | 5/17/82 | 5/5/82 | TA-W-13,511 | Cement, portland. |
| Mesta Machine Co. (workers) | New Castle, Pa | 5/21/82 | 5/18/82 | TA-W-13,512 | Rolling mill machinery equipment. |
| Molded Acoustical Products of Michigan, Inc. (workers). | Marshall, Michigan | 5/21/82 | 5/10/82 | TA-W-13,513 | Fiberglass, molded—custom. |
| National Torch Tip Company, Inc. (IUE) | Aspinwall, Pa | 5/19/82 | 5/10/82 | TA-W-13,514 | Equipment, supplies—welding. |
| Richton Headwear Co. (IAMAW) | Buffalo, NY | 5/27/82 | 5/24/82 | TA-W-13,515 | Hats & scarfs. |
| Rugi Industries, Inc. (workers) | Miami, Fla | 4/30/82 | 4/26/82 | TA-W-13,516 | Blouses—ladies. |
| Saxon Industries, Inc., Saxon Business Products Div. (wkrs.). | Miamilakes, Fla | 5/21/82 | 5/17/82 | TA-W-13,517 | Machines—copy, office assemble. |
| Taylor & Gaskin, Inc. (workers) | Detroit, Michigan | 5/17/82 | 5/11/82 | TA-W-13,518 | Conveyor systems & industrial washer fabrication. |
| Timkin Company (USWA) | Columbus, Ohio | 5/19/82 | 5/14/82 | TA-W-13,519 | Bearings, steel. |
| U.S. Steel Corp., Geneva Works (workers) | Provo, Utah | 5/26/82 | 5/20/82 | TA-W-13,520 | Steel products. |
| U.S. Steel Corp., Research Laboratory (workers) | Monroeville, Pa | 5/26/82 | 5/24/82 | TA-W-13,521 | Research, laboratory. |

[FR Doc. 82-16085 Filed 6-17-82; 8:45 am]

BILLING CODE 4510-30-M

## Mine Safety and Health Administration

**[Docket No. M-82-53-C]**

### Mathies Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mathies Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mathies Mine (I.D. No. 36-00963) located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air courses be examined in their entirety by a competent person on a weekly basis.

2. The entries in 17 Face were driven 22 to 27 years ago. Numerous roof falls and deteriorating conditions have resulted and substantial water has accumulated, leaving the return and intake air courses extremely hazardous to travel and examine. These air courses ventilate only worked out areas of the mine and contribute no air to active working sections.

3. Petitioner states that rehabilitation of the air courses would expose miners to extremely hazardous conditions.

4. As an alternative method, petitioner proposes to establish and maintain seven specified checkpoints, where air measurements will be made of the intake and return air courses. Results of these examinations will be recorded as required by the standard.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

**Request for Comments**

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 19, 1982. Copies of the petition are available for inspection at that address.

Date: June 9, 1982.

**Patricia W. Silvey,**

*Acting Director, Office of Standards, Regulations and Variances.*

[FR Doc. 82-16600 Filed 6-17-82; 8:45 am]

BILLING CODE 4510-43-M

**[Docket No. M-82-15-M]**

### Rio Blanco Oil Shale Co.; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 2851 South Parker Road, Suite 500, Aurora, Colorado 80014 has filed a petition to modify the application of 30 CFR 57.21-46 (crosscut intervals) to its Federal Oil Shale Lease Tract C-a (I.D. No. 05-03131) located in Rio Blanco County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that crosscuts be made at intervals not in excess of 100 feet between entries and between rooms.

2. Petitioner seeks a modification of the standard for a single entry ramp upward from C level. The ramp will be driven upward at fifteen percent grade for a distance of approximately 500 feet as a single heading.

3. As an alternate method, petitioner states that during development of the single entry, the quantity of fresh ventilating air coursed through the last open crosscut will be maintained as required by 30 CFR 57.21-33 and 57.21-34. A quantity of air sufficient for the operation of diesel powered equipment and methane dilution will ventilate the face, and the inby end of the ventilation tubing from the blowing fan will be maintained within 30 feet of the face. A second larger auxiliary fan located out of the ramp will exhaust the air from the face area. The capacity of the exhausting fan will be approximately twice that of the blowing fan so that recirculation is prevented and adequate fresh air is available throughout the ramp. The exhausting auxiliary fan will vent directly into a return air course.

4. Petitioner states that the alternate method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

**Request for Comments**

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 19, 1982. Copies of the petition are available for inspection at that address.

Dated: June 9, 1982.

**Patricia W. Silvey,**

*Acting Director, Office of Standards, Regulations and Variances.*

[FR Doc. 82-16601 Filed 6-17-82; 8:45 am]

BILLING CODE 4510-43-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Communication) to the National Council on the Arts will be held on July 8-9, 1982, from 9:00 a.m.—5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

**John H. Clark,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 82-16518 Filed 6-17-82; 8:45 am]

BILLING CODE 7537-01-M

### Design Arts Advisory Panel (Demonstration); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Demonstration) to the National Council on the Arts will be held on July 12-13, 1982, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

**John H. Clark,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

June 11, 1982.

[FR Doc. 82-16520 Filed 6-17-82; 8:45 am]

BILLING CODE 7537-01-M

### State Programs Advisory Panel to the National Council on the Arts; Meeting

Pursuant to section 10(a)92) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the State Programs Advisory Panel to the National Council on the Arts will be held on July 8, from 9:00 a.m.-5:30 p.m. and on July 9, from 8:00 a.m.-4:30 p.m. in the first floor conference room of the Shoreham Building, 806 15th St., NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on July 8, from 9:00 a.m.-10:00 a.m. and 12:30 p.m.-5:30 p.m.; on July 9, from 8:00 a.m.-4:30 p.m. to discuss policy and regionalism.

The remaining sessions of this meeting on July 8, from 10:00 a.m.-12:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

**John H. Clark,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

June 11, 1982.

[FR Doc. 82-16519 Filed 6-17-82; 8:45 am]

BILLING CODE 7537-01-M

## NATIONAL SCIENCE FOUNDATION

### National Science Board; Commission on Precollege Education in Mathematics, Science, and Technology; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: National Science Board Commission on Precollege Education in Mathematics, Science and Technology.

Date and Time: July 9-10, 1982; 9 a.m.-5 p.m., July 9; 9 a.m.-2 p.m., July 10.

Place: National Science Foundation, 1800 G Street, NW., Room 540 (Board Room), Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Richard S. Nicholson, Executive Director, Commission on Precollege Education in Mathematics, Science and Technology, Room 527, National Science Foundation, Washington, D.C. 20550.

Summary Minutes: Contact Dr. Richard S. Nicholson at the above address.

Purpose of Commission Meeting and Agenda: To come to an agreement on a problem definition statement regarding precollege mathematics and science education, to establish working subgroups within the Commission and to develop an agenda for future activities.

**M. Rebecca Winkler,**

*Committee Management Coordinator.*

June 15, 1982.

[FR Doc. 82-16499 Filed 6-17-82; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

I. 1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: Environmental Qualification of Electrical Equipment, 10 CFR 50.49.

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Power Plant Licensees.

6. An estimate of the number of responses: 340.

7. An estimate of the total number of hours needed to complete the requirement or request: 27,920.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: Licensees are required to qualify essential electrical equipment to assure that the equipment will perform its accident mitigation functions.

II. 1. Type of submission, new, revision or extension: Extension (no change).

2. The title of the information collection: Certificate of Medical History, 10 CFR 55.60.

3. The form number if applicable: NRC Form 396.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Individuals or households.

6. An estimate of the number of responses: 3,000.

7. An estimate of the total number of hours needed to complete the requirement or request: 750 hours.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: Provides basic data for agency review of the medical history of applicants' original and renewal requests for operator and senior operator licenses.

III. 1. Type of submission, new, revision or extension: New.

2. The title of the information collection: Three Mile Island-1 Restart, Psychological Stress Survey.

3. The form number if applicable: Not applicable.

4. How often the collection is required: One time only.

5. Who will be required or asked to report: Individuals and households.

6. An estimate of the number of responses: 1,705.

7. An estimate of the total number of hours needed to complete the requirement or request: 853.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: A random telephone survey of the residents within a 20 and 100 mile radius of Three Mile Island will be conducted to assess the psychological stress TMI–1's restart will have on the well-being of the residents of surrounding communities.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Gwendolyn W. Pla, (202) 395–6880.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 15th day of June 1982.

For the Nuclear Regulatory Commission.

**Patricia G. Norry,**

*Acting Director, Office of Administration.*

[FR Doc. 82–16597 Filed 6–17–82; 8:45 am]

BILLING CODE 7590–01–M

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**[Docket Nos. 50–440 and 50–441]**

## Cleveland Electric Illuminating Co., et al.; Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Perry Nuclear Power Plant, Units 1 and 2, to be located on the southern shore of Lake Erie, about 35 miles northeast of Cleveland, Ohio. Notice of receipt of the application of the Cleveland Electric Illuminating Company, the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company and the Toledo Edison Company to operate the Perry Nuclear Power Plant, Units 1 and 2 was published in the **Federal Register** on February 13, 1981 (46 FR 12372).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at Perry Public Library, 3735 Main Street, Perry, Ohio 44081 for inspection and copying. The report (Document No. NUREG–0887) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention Sales Manager, Washington, D.C. 20555. GPO deposit holders can call (301) 492–9530.

Dated at Bethesda, Maryland, this 3rd day of June 1982.

For the Nuclear Regulatory Commission,

**A. Schwencer,**

*Chief, Licensing Branch No. 2, Division of Licensing.*

[FR Doc. 82–16609 Filed 6–17–82; 8:45 am]

BILLING CODE 7590–01–M

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**[Docket No. 50–219]**

## GPU Nuclear Corp. and Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Provisional Operating License No. DPR–16, issued to GPU Nuclear Corporation and Jersey Central Power & Light Company (the licensees), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment authorizes a one time only change to Section 1.12, Definition of Refueling Outage, to extend the time between successive tests of surveillances, prior to cycle 10 only, from not exceeding 20 months to not exceeding 30 months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1982, (2) Amendment No. 61 to License No. DPR–16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commisson's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Local Public Document Room, 101 Washington Street, Toms River, New Jersey 08753. A single 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 11th day of June, 1982.

For the Nuclear Regulatory Commission.

**Dennis M. Crutchfield,**

*Chief Operating Reactors Branch No. 5, Division of Licensing.*

[FR Doc. 82-16610 Filed 6-17-82; 8:45 am]

BILLING CODE 7590-01-M

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### Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena; Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on July 7, 1982, Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittee will review the Research proposed FY 1984 and FY 1985 research funding and programs in this area for the Long-Range Research Plan.

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 Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Wednesday, July 7, 1982—5:00 p.m. Until the Conclusion of Business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 14, 1982.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 82-16616 Filed 6-17-82; 8:45 am]

BILLING CODE 7590-01-M

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### Advisory Committee on Reactor Safeguards, Subcommittee on Perry Nuclear Power Plant Units 1 and 2; Time Change

The ACRS Subcommittee on Perry Nuclear Power Plant Units 1 and 2 scheduled for June 28th will start at *1:30 p.m.* instead of 2:30 p.m. and June 29th will start at *8:30 a.m.*, at the Marriott Inn, 4277 West 150th Street, Cleveland, OH.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Thursday, June 3, 1982 (47 FR 24238).

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 the Staff Engineer, Mr. Anthony Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 14, 1982.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 82-16617 Filed 6-17-82; 8:45 am]

BILLING CODE 7590-01-M

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### Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on Reliability and Probabilistic Assessment will hold a meeting on July 7, 1982, Room 1167, at 1717 H Street, NW, Washington, DC. The Subcommittee will review the proposed FY 1984 and FY 1985 research funding and programs for the Risk Analysis Decision Unit.

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 Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Wednesday, July 7, 1982—4:00 p.m. Until the Conclusion of Business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. J. Michael Griesmeyer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

Dated: June 15, 1982.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 82-16614 Filed 6-17-82; 8:45 am]

BILLING CODE 7590-01-M

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### Advisory Committee on Reactor Safeguards, Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on the Safety Research Program will hold a meeting on July 7, 1982, Room 1046 at 1717 H Street, NW., Washington, DC. The Subcommittee will continue to discuss the NRC Safety Research Program and budget for FY 1984 and FY 1985; it will discuss also a draft ACRS report to the Commission on the NRC FY 1984 and FY 1985 safety research program and budget.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (45 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 Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Wednesday, July 7, 1982—8:30 a.m. Until the Conclusion of Business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this matter. It will then discuss a draft ACRS report to the Commission on the NRC Safety Research Program and budget for FY 1984 and FY 1985.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 14, 1982.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 82–16615 Filed 6–17–82; 8:45 am]

BILLING CODE 7590–01–M

## OFFICE OF PERSONNEL MANAGEMENT

### SES Performance Review Board

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the name of a new member of the OPM Performance Review Board.

**DATE:** June 18, 1982.

**FOR FURTHER INFORMATION CONTACT:** James DeFrance, Chief, Policy Development Branch, Office of Personnel and EEO, Office of Personnel Management, 1900 "E" Street, N.W., Washington, D.C. 20415 (202–632–5430).

**SUPPLEMENTARY INFORMATION:** Sec. 4314(c) (1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Office of Personnel Management.

**Donald J. Devine,**

*Director.*

The following Senior Executive Service member has been selected to fill a vacancy on the Performance Review Board of the Office of Personnel Management: Robert E. Matson, Acting Assistant Director, Federal Executive Institute 6325–01.

[FR Doc. 82–16562 Filed 6–17–82; 8:45 am]

BILLING CODE 6325–01–M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 22532; 70–6740]**

### Gulf Power Co.; Proposed Financing of Pollution Control and Waste Disposal Equipment Through County Revenue Bonds; Exception From Competitive Bidding

June 11, 1982.

In the matter of Gulf Power Company, 75 North Pace Boulevard, Pensacola, Florida 32520 (70–6740).

Gulf Power Company, an electric utility subsidiary of The Southern Company, has filed an application-declaration pursuant to Sections 6(a), 7, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) thereunder.

Gulf proposes that certain pollution control and solid waste disposal facilities ("Facilities") at its Crist and Lansing Smith Steam Plants located, respectively, in Escambia and Bay Counties, Florida, be financed through revenue bonds ("Revenue Bonds") issued by each county ("County") or for both plants by Escambia County. The issuance of such bonds is authorized by the Florida Industrial Development Financing Act, Chapter 159, Florida Statutes ("the Statute").

It is presently estimated that the aggregate principal amount of Revenue Bonds to be issued from time to time by either or both Counties will not exceed $32,000,000 in the aggregate.

Gulf proposes to enter into a separate Loan Agreement with either or both Counties relating to each issue of the Revenue Bonds (the "Agreement"). Under each Agreement, the County will loan to Gulf the proceeds of the sale of the County's Revenue Bonds, and Gulf will issue a non-negotiable promissory note thereof (the "Note"). Such proceeds will be deposited with a Trustee (the "Trustee") under an indenture to be entered into between the County and such Trustee (the "Trust Indenture"), pursuant to which such Revenue Bonds are to be issued and secured, and will be applied by Gulf to payment of the Cost of Construction of the related Project. Each Note will provide for payments thereon to be made at times and in amounts which shall correspond to the payments with respect to the principal of, premium, if any, and interest on the related series of Revenue Bonds whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or declaration or otherwise. Each Agreement will provide for the assignment to the Trustee of the County's interest in, and of the moneys receivable by the County under, the Agreement and the Note. Each Agreement will also obligate Gulf to pay the fees and charges of the Trustee and will provide that Gulf may at any time, so long as it is not in default thereunder, prepay the amount due under the Note, including interest thereon, in whole or in part. Such payment would be sufficient to redeem or purchase the related Revenue Bonds outstanding in the manner and to the extent provided in the Trust Indenture.

Each Trust Indenture will provide that the Revenue Bonds will be redeemable. If redemption, in whole or in part, is at Gulf's option and occurs at any time on or after a date not later than 10 years from the date of issuance, the initial premium would be of up to 3% of the principal amount, declining by not less than ½ of 1% annually thereafter. If redeemed in whole, at Gulf's option, because of undue burdens of excessive liabilities imposed with respect to the related Project, its destruction or damage beyond practicable or desirable repairability or condemnation or taking by eminent domain, or if operation of the related plant is enjoined and Gulf determines to discontinue operation thereof, redemption would be at the principal amount thereof plus accrued interest, but without premium. It is proposed that the Revenue Bonds will mature from one to 30 years from the first day of the month in which they are initially issued and may, if they have a maturity of 15 to 30 years and if it is deemed advisable for purposes of the

marketability of the Revenue Bonds, be entitled to the benefit of mandatory redemption sinking funds calculated to retire a portion of the aggregate principal amount of the issues prior to maturity.

Gulf may determine to secure its obligations under each Note by delivering to the Trustee, to be held as collateral, a separate series of its first mortgage bonds (the "Collateral Bonds") in principal amount equal to the principal amount of the related series of Revenue Bonds. Gulf has been advised that such an arrangement would cause the Revenue Bonds to have a rating equivalent to the rating of its first mortgage bonds outstanding under the indenture dated as of September 1, 1941 between Gulf and The Chase Manhattan Bank (National Association), and The Citizens and Peoples National Bank of Pensacola, as Trustees (the "Indenture Trustees"), as supplemented and amended (the "Mortgage"). The Collateral Bonds will be issued under a supplemental indenture to the Mortgage (the "Supplemental Indenture") to be dated as of the first day of the month in which the Collateral Bonds are to be issued and delivered, will bear interest at a rate equal to the interest rate to be borne by the related series of Revenue Bonds, will mature on the maturity date of such Revenue Bonds and will be non-transferable by the Trustee. The Collateral Bonds will be issued on the basis of unfunded net property additions.

The Supplemental Indenture will provide, however, that the obligation of Gulf to make payments with respect to each series of Collateral Bonds will be satisfied to the extent that payments are made under the related Note sufficient to meet payments when due of the related series of Revenue Bonds. The Supplemental Indenture will provide that, upon acceleration by the Trustee of the principal amount of all outstanding Revenue Bonds of any series under a Trust Indenture, such Trustee may demand the mandatory redemption of the related series of Collateral Bonds then held by it as collateral. The redemption price would be equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The Supplemental Indenture may also provide that, upon optional redemption of a series of Revenue bonds, in whole or in part, at any time after they have been outstanding for a period not longer than 10 years, an equal principal amount of the related series of Collateral Bonds will be redeemed at an initial premium of up to 3%, declining by not less than ½% every year.

The Trust Indenture will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of a series of Revenue Bonds, or upon direction of the Trustee by Gulf to so apply funds available therefor, or upon delivery of outstanding Revenue Bonds of such series to the Trustee by or for the account of Gulf, the Trustee will be obligated to deliver to Gulf, or for the account of Gulf, the related Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

As an alternative to or in conjunction with Gulf's securing its obligations through the issuance of the Collateral Bonds as above described, Gulf may cause irrevocable Letters of Credit (the "Letters of Credit") of a bank (the "Bank") to be delivered to the Trustee. The respective Letters of Credit would be irrevocable obligations of the Bank to pay the Trustee, upon request, up to an amount necessary in order to pay principal of and accrued interest on the respective series of Revenue Bonds when due. Pursaunt to a separate agreement with the Bank, Gulf would agree to pay to the Bank on demand all amounts that are drawn under the Letters of Credit, as well as certain fees and expenses. Such delivery of the Letters of Credit to the Trustee would obtain for the Revenue Bonds the benefit of a rating equivalent to the credit rating enjoyed by the Bank. In the event that the Letters of Credit are delivered to the Trustee as an alterantive to the issuance of the Collateral Bonds, Gulf may also convey to the Counties subordinated security interests in the Projects or other property of Gulf as further security for Gulf's obligations under the respective Agreements and Notes. Such subordinated security interests would be assigned by the Counties to the Trustee.

As a further alternative to, or in conjunction with, securing its obligations under each Agreement and Note as above described, and in order to obtain a "AAA" rating for the Revenue Bonds by Standard and Poor's Corporation, Gulf may cause an insurance company to issue separate policies of insurance guaranteeing the payment when due of the principal of and interest on each series of the Revenue Bonds. Each such insurance policy would extend for the term of the related Revenue Bonds and would be non-cancelable by the insurance company for any reason. Non-refundable, one-time insurance premiums for the policies would be fully paid by Gulf at the time the policies are issued. In addition, Gulf may be obligated to make payments of certain specified amounts into separate escrow funds and to increase the amounts on deposit in such funds under certain circumstances. The amount in each escrow fund would be payable to the insurance company as indemnity for any amounts paid pursuant to the related insurance policy in respect of principal of or interest on the related Revenue Bonds.

If, due to insufficiency of coverages or for other reasons, Gulf is unable or determines not to issue the Collateral Bonds or to deliver the Letter of Credit to the Trustee as above described or to cause insurance policies to be issued, the Revenue Bonds would be issued without the benefit of such security. In that event Gulf may convey to the Counties subordinated security interests in the respective Projects or other property of Gulf as security for its obligations under the respective Notes. Such subordinated security interests would be assigned by the Counties to the Trustee.

It is contemplated that the Revenue Bonds will be sold by each County pursuant to an agreement between the County and one or more underwriters. In accordance with the laws of the State of Florida, the interest rate to be borne by the Revenue Bonds will be fixed by the County and will be either a fixed rate or a rate which will fluctuate in accordance with a specified prime or based rate or rates, and, if Collateral Bonds are issued, such a fluctuating rate will not exceed a specified maximum rate or fall below a specified minimum rate. Interest on the Revenue Bonds will be exempt from federal income taxation and the interest rates on such obligations have been and can be expected at the time of issue of the Revenue Bonds, to be approximately three or four percentage points lower than the interest rates on instruments of like tenor and comparable quality, but subject to federal income taxation.

In the event that both Projects are financed through the issuance by Escambia County of its Revenue Bonds, there may be only one Agreement, Trust Indenture, series of Revenue Bonds and series of Collateral Bonds.

Gulf seeks an exception from the competitive bidding requirement of Rule

50 pursuant to subparagraph 50(a)(5) for the issuance of its Notes and Collateral Bonds because such instruments are to be issued and pledged solely to secure Gulf's obligations to the Counties and no public offering is to be made.

The application-declaration and any amendments thereto are available for public inspection through the Commmission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 6, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 82-16578 Filed 6-17-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 12482; 812-5127]**

## Sentinel Group Funds, etc.; Filing of Application

June 11, 1982.

In the matter of Sentinel Group Funds, Inc., One Exchange Place, Jersey City, NJ 07302 and Sentinel Advisors, Inc., Equity Services, Inc., National Life Drive, Montpelier, VT 05602, (812-5127).

Notice is further given that Sentinel Group Funds, Inc. ("Fund"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management investment company, and its distributors, Sentinel Advisors, Inc. ("Advisor") and Equity Services, Inc. ("Equity," collectively with the Fund and Advisor, "Applicants"), filed an application on March 8, 1982, and an amendment thereto on May 20, 1982, for an order, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales of shares of the Fund at net asset value to the non-employee directors and existing and retired agents and employees of National Life Insurance Company and its subsidiaries (including sales to their spouses and minor children) who are participants in a non-tax qualified employee benefit plan. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Fund is a series fund which is engaged in the continuous public offering of each of its four existing classes of stock through Advisor and Equity, as underwriters, at public offering prices equal to net asset value plus a sales charge. Applicants further represent that the sales charge, which is borne by the purchaser, varies from 8.5% of the Fund's offering price for purchases of less than $12,500, to 1% of purchase in excess of $1,000,000. Applicant states that dividends and distributions of capital gains, at the shareholder's election, can be reinvested in the Fund's shares at net asset value without the imposition of a sales charge. The minimum initial purchase is $250 for all classes of the Fund except the Sentinel Bond Fund class, which is $2,500. Applicants further state that the minimum subsequent investment for all classes is $25.00.

As stated in the application, Advisor and Equity are both wholly-owned subsidiaries of National Life Investment Management Company, Inc., which in turn is a wholly-owned subsidiary of National Life Insurance Company, a mutual life insurance company incorporated under the laws of Vermont. Other subsidiaries of National Life Insurance Company, all stock life insurance companies formed in Vermont in December 1981, are: Vermont Life Insurance Company, National Pension Life Insurance Company, and Champlain Life Insurance Company. National Life Insurance Company, which was founded in 1850, is licensed to do business in all 50 states and the District of Columbia with $11,296,384,000 of life insurance in force at December 31, 1981, and $2,567,085,470 of assets at the same date. (The above companies and subsidiaries thereof which now exist or may be formed subsequent to the date of this application are hereinafter referred to as the "National Life Companies.") Applicants represent that as of December 31, 1981, the personnel (including persons who have retired) of the National Life Companies (hereinafter referred to as "National Life Affiliated Personnel") total approximately 2,680, including approximately 934 home office employees, 70 general agents, 947 agents, 351 agency office employees, 14 non-employee directors, 231 retired home office employees, 10 retired general agents, 31 retired agents and 91 retired agency office employees.

Applicants propose to permit National Life Affiliated Personnel to participate in a plan (the "Plan") which would permit National Life Affiliated Personnel, including trustees, custodians and other fiduciaries acting on their behalf, to invest in and purchase shares of the Fund at net asset value without the payment of a sales charge and in addition to permit spouses or minor children of National Life Affiliated Personnel to invest in and purchase shares at net asset value so long as the purchase order is directed by a member of the National Life Affiliated Personnel. Applicants represent that each such purchase would have to meet the Fund's minimum initial purchase and any add-on investment requirements and would be made (1) by direct purchase at any time sent from the participant to the distributors, (2) by regular payroll deduction (except for non-employee directors, retirees, spouses, minor children, custodians or fiduciaries) in the amount of $25 or more for each investment and (3) by automatic periodic bank checking account withdrawal plans in the amount of $25 or more for cash investments. Applicants state that a single check representing all payroll deduction investments will be submitted to the Fund within one or two days after the date of distribution of which the payroll checks from which the deductions are to be made.

According to the application, no individual or in-person group sales solicitation or presentations concerning the Plan will be made. Applicants state that there will be no additional selling effort or literature developed in connection with the Plan; only existing sales brochures will be used. Certificates for shares acquired through participation in the Plan will not be issued and dividends and capital gains distributions with respect to such shares will automatically be invested at net asset value. Applicants represent that all National Life Affiliated Personnel will receive, at least annually, notice from their employers concerning the Plant at the expense of their employers. The notice will describe the Fund and the investment objectives of each of its classes, indicate that investments in any of the classes of the Fund can be made at net asset value and detail the method by which investments can be made. Applicants state that the notice will also indicate that addition information

concerning the Plan and Fund can be obtained from the National Life Companies and will inform the National Life Affiliated Personnel of the availability of prospectuses and application forms from the National Life Companies. In addition, Applicants state that each Plan participant will be furnished a copy of the Fund's prospectus at least annually, which will contain appropriate disclosure concerning the Plan.

Applicants represent that all expenses of administering the Plan, such as those associated with notification of eligible National Life Affiliated Personnel of the existence of the Plan, preparation, review and approval of account applications, and administration of the payroll deduction investments, will be borne by the National Life Companies and not by the Fund.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class or security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Rule 22d–1 permits reductions in, or eliminations of, the sales load charged upon the sale of shares under certain circumstances.

Applicants submit that the sale of the Fund's shares to National Life Affiliated Personnel at net asset value under the Plan may conflict with the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. While Rule 22–d(1) permits sales without any sales charge to certain employees of affiliated persons of the Fund, the Applicants assert that this would not be available to National Life Affiliated Personnel except for employees of Advisor or Equity. Applicants further assert that an argument may also be made that purchases of the Fund's shares at net asset value by National Life Affiliated Personnel under the Plan are permitted by Rule 22d–1(f), which permits elimination of sales charges upon the sale pursuant to a "uniform offer" described in the prospectus and made to, *inter alia*, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expenses. While the Applicants believe that the net asset value sales to the National Life Affiliated Personnel covered by the Plan would meet the "uniform offer" requirements of Rule 22d–1(f) since all such personnel would be eligible to join the Plan, they are not absolutely certain. In addition, there is also uncertainty concerning whether all National Life Affiliated Personnel, and in particular the retirees and non-employee directors, would be deemed to be "employees" under Rule 22d–1(f). Accordingly, to clarify these uncertainties, Applicants week an exemption from Section 22(d) of the Act and Rule 22d–1 thereunder, pursuant to Section 6(c) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that investment by or on behalf of National Life Affiliated Personnel in shares of the Fund at net asset value under the Plan should result in demonstrable economies in sales effort and sales related expense as compared with other sales and would not be unjustly discriminatory, and that the grant of the exemption requested by the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further assert that the affiliation of the Fund's distributors with the other National Life Companies is the basis for a unique relationship of the National Life Insurance Company to the Fund which can be expected to result in economies of sales effort and sales related expenses that justify elimination of all sales charges on the Fund's shares purchased by National Life Affiliated Personnel in the Plan without discrimination against other employee benefit plans or other purchasers of the Fund's shares. Applicants further represent that sales of the Fund's shares to such persons serve legitimate corporate purposes by promoting incentive, goodwill and loyalty. In addition, Applicants state that under the Plan there would be no adverse effects on the interests of investors and such sales would not involve any of the abuses against which Section 22(d) is directed. Applicants also state that the Fund's prospectus will reflect this special limitation on imposition of the normal sales charge.

Applicants further submit that sales of the Fund's shares to retired personnel and non-employee directors of the National Life Companies as well as to the spouses and minor children of all National Life Affiliated Personnel will result in the same economies of sales effort and sales related expenses as result from sales to the other National Life Affiliated Personnel.

Notice is further given that any interested person may, not later than July 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 82–16576 Filed 6–17–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12483; 812-5162]

## Wingate Housing Partners, Ltd., and Continental Wingate Co., Inc.; Filing of Application

June 11, 1982.

In the matter of Wingate Housing Partners, Ltd., and Continental Wingate Company, Inc., Suite 2020, One Boston Place, Boston, Massachusetts 02108 (812-5162).

Notice is hereby given that Wingate Housing Partners, Ltd. (the "Partnership"), a California limited partnership, and its general partner, Continental Wingate Company, Inc. ("General Partner" and, together with the Partnership, referred to herein as "Applicants"), filed an application on April 13, 1982, and amendments thereto on May 27, 1982, and June 7, 1982, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representatations contained therein, which are summarized below.

Applicants state that the Partnership was formed under the Uniform Limited Partnership Act of the State of California, on April 7, 1982, for the purpose of investing in government-assisted rental housing for low and moderate income persons in accordance with the express determination made by Congress in Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants represent that the Partnership will operate as a "two-tier" partnership, i.e., the Partnership, a limited partnership, will invest in other limited partnerships ("Local Limited Partnerships"), which, in turn, will be engaged in the development, rehabilitation, ownership and operation of housing for low and moderate income persons ("Housing Developments"). The application states that the Housing Developments will be rehabilitated, financed and/or operated with assistance from federal, state and/or local governments or agencies and will be classified as "Certified Historic Structures" and/or "Low Income Housing" under the Internal Revenue Code of 1954, as amended ("Code"). Applicants represent that the Partnership is organized as a limited partnership because a limited partnership is the only form of organization which provides investors with both (1) the ability to claim on their individual tax return the deductions, losses, credits and other tax items arising from the rehabilitation and operation of the Housing Developments, and (2) liability limited to their capital investment.

The application states that on April 8, 1982, the partnership filed a registration statement on Form S-11 (File No. 2-76932), covering the sale of a minimum of 5,750 and a maximum of 15,000 Interests (not including 1,500 Interests subject to an open-allotment option), to be offered at $1,000 per Interest including selling commissions, with a minimum subscription of 5 units ($5,000). It is asserted that offers to sell and sales of Interests to the public are proposed to be effected, on a best-efforts basis, by Continental Wingate Capital Corporation, a wholly-owned subsidiary of the General Partner, and other registered broker-dealers. Applicants maintain that no subscription for units will be accepted unless it is approved by the General Partner, which approval shall be conditioned upon representations as to the suitability of the investment for each subscriber, including a representation that each subscriber will (1) have a net worth (exclusive of home, furnishings, and automobiles) of $200,000 or more, or (2) have a net worth (exclusive of home, furnishings and automobiles) of $50,000 or more and some part of his income will be subject to a federal income tax rate of 39% or more. The application states that the Partnership anticipates having a minimum of $5,117,500 and a maximum of $14,767,500 available for investment from this offering. It is represented that the Partnership will invest substantially all of its available capital in Local Limited Partnerships which will own, rehabilitate and operate Housing Developments. The application states that the Partnership has agreed to invest approximately 66% of the net proceeds of an offering of 15,000 Interests in three Local Limited Partnerships. Applicants represent that affiliates of the General Partners are codevelopers/general partners of these Local Limited Partnerships.

Applicants represent that the Partnership will invest any net proceeds not immediately utilized to acquire interests in Local Limited Partnerships or for other Partnership purposes (such as the establishment of a reserve equal to 3% of the gross proceeds of the offering), in United States Government securities, including Treasury bills, United States Government guaranteed obligations, securities of governmental agencies if covered by a repurchase agreement, bankers' acceptances, certificates of deposit or time deposits in banks, notes or bonds with maturities not exceeding one year or money market funds (which invest only in United States Government securities and/or certificates of deposit). The application states that it is unlikely that the Partnership will hold temporary investments for more than one year; however, the Partnership will own and hold these securities on a temporary basis pending full investment in interests in Local Limited Partnerships, and it is the Partnership's intention to be engaged, as soon as is reasonably possible, in a business other than that of owning, holding, investing or reinvesting any of these temporary investments.

The application states that the Partnership will be controlled by the General Partner, pursuant to the Partnership Agreement, and that the Limited Partners, consistent with their limited liability status, will not be entitled to participate in the control of the Partnership's business. It is asserted, however, that a majority in interest of the Limited Partners will have the right to dissolve the Partnership, to remove the General Partner, to elect a successor general partner and to approve or disapprove a sale of all or substantially all the assets of the Partnership. Applicants represent that, under the Partnership Agreement, each Limited Partner is entitled to review the records of the Partnership at reasonable times.

Applicants state that, as provided in the Partnership Agreement, annual reports will be distributed to each Limited Partner within 75 days after the end of each fiscal year containing a balance sheet, statement of income, partners' equity and changes in financial position for such fiscal year, all of which will be prepared in accordance with generally accepted accounting principles and accompanied by a report and opinion of a certified public accountant. It is asserted that such annual report shall also include a report of the Partnership's activities during the year and a cash flow statement setting forth distributions to Limited Partners and specifying the sources of such cash. Applicants state that the General Partner will distribute the following interim reports to the Limited Partners: (1) A semi-annual report within 60 days after the end of the first six-month period of each year containing an unaudited balance sheet, statement of income, cash flow statement and other pertinent information concerning the Partnership's activities, and a report setting forth the fees from the Partnership or the Local Limited Partnerships which the General Partner or its affiliates received and the services they rendered; and (2) until 75% of the proceeds of the offering of Interests are

invested, a special report within 30 days of the end of each quarter in which the Partnership acquires or disposes of any Local Limited Partnership interest, detailing the material terms of such transaction and the aggregate investments to that date. The application represents that the Partnership will also file with the Commission, pursuant to Section 15(d) of the Securities and Exchange Act of 1934, all required annual reports, quarterly reports and current reports on Forms 10–K, 10–Q and 8–K, as well as any other reports required by that Act, all of which will be available to Limited Partners at the Commission's offices.

Applicants state that the General Partners and their officers, directors, employees and agents will be indemnified against personal liability for their action or inactions if done on a basis other than bad faith, misconduct, fraud or negligence. It is asserted that, notwithstanding the foregoing, neither the General Partner nor any officer, director, employee or agent of the General Partner will be indemnified from any liability incurred by him in connection with any claim or settlement involving an allegation that federal or state securities laws were violated unless such indemnification is approved by a court.

The application states that, as set forth in the Partnership Agreement, the General Partner and its affiliates will receive substantial reimbursements, fees, and other compensation from the proceeds of the sale of Interests and from the operation of the two Local Limited Partnerships of which affiliates of the General Partner are the Local General Partners. It is asserted that such reimbursements, fees, and other compensation are comparable to those which would be paid to third parties for the services rendered and are competitive with those generally paid or received for similar services in the multi-family, government-assisted housing industry. Applicants believe and represent further that such fees and reimbursements are reasonable and fair, do not involve over-reaching and are competitive from the point of view of the Partnership, the Local Limited Partnerships, and the Limited Partners in the Partnership.

Section 6(c) of the Act provides in part that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In submitting this application, neither the Partnership nor the General Partner concedes that the Partnership is an investment company, as that term is defined by the Act. Applicants assert that the Partnership does not fit within the several definitions of an investment company contained in the Act. Applicants assert that the Partnership's exemption from the provisions of, and the rules and regulations promulgated pursuant to, the Act is both necessary and appropriate in the public interest.

In support of their request, Applicants assert that, by investing in Limited Partnership interests in Local Limited Partnerships developing government-assisted, low-income housing, the Partnership is emplementing the national policy enunciated by Congress in Section 901 of Title IX. Applicants represent that such investment is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. Applicants assert that the limited partnership structure is the only way to bring substantial private equity capital into government-assisted housing. The application maintains, however, that the limited partnership form of organization is incompatible with the Act, and that it would be impossible for the Partnership to comply with certain provisions of the Act. Applicants state that to discourage two-tier limited partnership arrangements by the application of the Act would result in the elimination of a prime format with which to attract private equity capital into government-assisted housing, and would frustrate national policy.

Applicants state that the contemplated arrangement is not susceptible to abuses of the sort the Act was designed to remedy. It is asserted that the regulations imposed on each Local Limited Partnership by various state, federal, and municipal agencies, and the Partnership Agreement provide protection to investors comparable to, and in some cases greater than, that provided by the Act. Applicants also note that Interests will be sold only to investors who have special qualifications and who the Applicants expect will have both the ability and incentive to inform themselves concerning their investment and to exercise sound judgment in connection therewith.

Notice is further given that any interested person may, not later than July 6, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 82–16577 Filed 6–17–82; 8:45 am]

BILLING CODE 8010–01–M

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**[Relase No. 22534; 70–6306]**

## Consolidated Natural Gas Co.; Issuance of Common Stock to ESOP and DRP Plans

June 14, 1982.

The Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed with this Commission a post-effective amendment to its declaration previously filed and amended pursuant to sections 6(a), 7 and 12(c) of the Public Utilty Holding Company Act of 1935 ("Act") and Rules 42 and 50(a)(5) promulgated thereunder.

By order of June 7, 1979 (HCAR No. 21089), Consolidated was authorized to issue and sell 1,000,000 shares of common stock, $8 par value, from time to time through December 31, 1981, to the agent for Consolidated's common stockholders participating in its dividend reinvestment plan ("DRP Plan") and to the Trustees of the employee stock ownership plan ("ESOP Plan") of Consolidated and its

participating subsidiaries. By order dated February 12, 1982 (HCAR No. 22388) the Commission authorized extension of the period for issuing the remaining 899,978 shares through December 31, 1983. On March 19, 1982, the Commission issued an order (HCAR NO. 22424), authorizing, among other things, Consolidated to solicit proxies for stockholder approval of an amendment to its Certificate of Incorporation by increasing and reclassifying its authorized common stock from 22,000,000 shares, $8 par value, to 50,000,000 shares, $4 par value, primarily for the purpose of effecting a two-for-one stock split. Each share of issued and unissued $8 par value common stock would be changed into two shares of $4 par value common stock. On May 17, 1982, Consolidated issued 58,868 shares of its common stock, $8 par value, to Morgan Guaranty Trust Company of New York, Agent for the DRP Plan, thereby leaving 780,153 shares of those originally authorized by the Commission for issuance to such Agent and to the Trustees of the ESOP unissued. At the close of business on May 18, 1982, the two-for-one stock split became effective, and all shares of the common stock were reclassified as $4 par value.

By post-effective amendment, Consolidated seeks authorization to issue through December 31, 1983, to the Agent for the DRP Plan and to the Trustees of the ESOP Plan, 1,560,306 shares of its common stock, $4 par value, or twice the number of $8 par value shares remaining unissued immediately prior to the stock split.

The declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 8, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended by the post-effective amendment or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-16621 Filed 6-17-82; 8:45 am]

BILLING CODE 8010-01-M

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**[Rel. No. 34-18808; File No. SR-NSCC-82-9]**

## Filing and Immediate Effectiveness of Proposed Rule Change by the National Securities Clearing Corporation

June 14, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 4, 1982, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

NSCC has published the processing time schedules for both listed and over-the-counter activity and securities processing at its San Francisco clearing center.

In its filing, NSCC stated that the proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulation thereunder because publication of the time schedules will assist NSCC clearing members in the prompt and accurate clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before July 8, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-82-9.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-16620 Filed 6-17-82; 8:45 am]

BILLING CODE 8010-01-M

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**[File No.: 81-659]**

## The Equitable Life Assurance Society of the United States; Application and Opportunity for Hearing

June 14, 1982.

Notice is hereby given that the Equitable Life Assurance Society of the United States ("Applicant"), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an exemption from the periodic reporting requirements under Sections 13 and 15(d) of the 1934 Act with respect to the operation of Separate Accounts Nos. 4 and 100.

The Application states in part:

In the absence of an exemption, Applicant would continue tob e required to file periodic reports required by sections 13 and 15(d) of the 1934 Act.

Applicant believes that the exemptive order it requests is appropriate in view of the lack of a trading market for the units of participation, the information presently being furnished to participants through prospectuses, annual and semi-annual reports, and the duplicative nature of and the expense involved in filing periodic reports under the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file at the Offices of the Commission, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 9, 1982 may submit to the Commission in writing his views or any substantial facts bearing on the application or the

desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

**George A. Fitzsimmons,**

*Secretary.*

[FR Doc. 82-16575 Filed 6-17-82; 8:45 am]

**BILLING CODE 8010-01-M**

## SMALL BUSINESS ADMINISTRATION

**[License No. 10/13-5029]**

### Model Capital Corp.; License Surrender

Notice is hereby given that Model Capital Corporation (Model), 105 14th Avenue, Seattle, Washington 98122, has completed their requirement for surrender of its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Model was licensed by the Small Business Administration on August 18, 1971.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 3, 1982, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 11, 1982.

**Robert G. Lineberry,**

*Acting Deputy Associate Administrator for Investment.*

[FR Doc. 82-16611 Filed 6-17-82; 8:45 am]

**BILLING CODE 8025-01-M**

**[Proposed License No. 06/06-0260]**

### Omega Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.)* has been filed by Omega Capital Corporation, 755 South 11th Street, Beaumont, Texas 77704 (applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the applicant are as follows:

| | Percent |
|---|---|
| T. E. Moor, Jr., President and Director, 755 South 11th Street, Beaumont, Texas 77704 | 20 |
| Ervin L. Eggleston, Secretary and Treasurer, 7390 Pindo Circle, #156, Beaumont, Texas 77708 | 0 |
| Donald S. McGregor, Vice-President, 1127 Texas Bank & Trust Tower, Houston, Texas 77036 | 10 |
| Vivian Hulsopple, Assistant Secretary, 525 Long Meadow, Beaumont, Texas 77707 | .04 |
| Edward Dunn Stedman, Jr., Director, 1360 Audubon Place, Beaumont, Texas 77706 | 5 |
| T. E. Moor & Co., 755 South 11th Street, Beaumont, Texas 77704 | 44.2 |

The applicant, a Texas Corporation, with its principal place of business at 755 South 11th Street, Beaumont, Texas 77704, will begin operations with $530,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Texas.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Beaumont, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 11, 1982.

**Robert G. Lineberry,**

*Acting Deputy Associate Administrator for Investment.*

[FR Doc. 82-16612 Filed 6-17-82; 8:45]

**BILLING CODE 8025-01-M**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### Treasury Current Value of Funds Rate

**AGENCY:** Bureau of Government Financial Operations.

**ACTION:** Notice of rate for use in Federal cash management operations.

**SUMMARY:** This notice provides the percentage rate based on the current value of funds to the Treasury. This rate is required by the Treasury Fiscal Requirements Manual (I TFRM 6-8000) to be used in Federal billing, collection, and disbursement operations and is provided here as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 14.26%.

**DATES:** The rate will be in effect for the period beginning on July 1, 1982 and ending on September 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Inquiries should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, (PB-711), Washington, D.C. 20226 (Telephone: 202/634-5707).

**SUPPLEMENTARY INFORMATION:** Revisions to I TFRM 6-8000 in June 1980, provided that the current value of funds rate would be used in assessing charges for late payments to the Government (except where prohibited by law or where a different rule is prescribed by statute), and in determining whether it is cost-effective for the Government to avail itself of prompt payment discounts. This rate reflects the short-term value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95-147, 91 Stat. 1227. It should be noted that the Federal Claims Collection Standards (4 CFR 102.12) also require that interest be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6-8000.

Dated: June 11, 1982.

**W. E. Douglas,**

*Commissioner.*

[FR Doc. 82-16540 Filed 6-17-82; 8:45 am]

**BILLING CODE 4810-35-M**

## Public Information Collection Requirements Submitted to OMB for Review

During the period June 4 through June 10, 1982, the Department of the Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of each entry.

Date Submitted: June 9, 1982.
Submitting Bureau: Alcohol, Tobacco and Firearms.
OMB No.: 1512–0065.
Form No.: ATF F 1450 (5150.13).
Type of Submission: Revision.
Title: Application and Withdrawal Permit to Procure Spirits Free of Tax.
Purpose: The holder of a tax free alcohol user permit submits this application to obtain spirits free of tax. This form acts as a permit which lists the quantity allowed to be withdrawn, and serves as a record of how much was actually withdrawn.
OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

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Date Submitted: June 9, 1982.
Submitting Bureau: Alcohol, Tobacco and Firearms.
OMB No.: 1512–0070.
Form No.: ATF F 1477.
Type of Submission: Revision.
Title: Application and Withdrawal Permit of Bonded Dealer to Procure Specially Denatured Spirits.
Purpose: This application is filed by authorized dealers in order to procure specially denatured spirits. The approved form serves as a permit to list the amount allowed to be withdrawn and also serves to record the quantity actually withdrawn.
OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: June 9, 1982.
Submitting Bureau: Alcohol, Tobacco and Firearms.
OMB No.: 1512–0076.
Form No.: ATF F 1485 (5150.12).
Type of Submission: Revision.
Title: Application and Withdrawal Permit of User to Procure Specially Denatured Spirits.
Purpose: In order to control the amount of alcohol which permittees receive and use, they apply for and receive withdrawal permits. These permits limit the amount of alcohol they can receive and helps to ensure that they do not receive more than their bond covers.
OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: June 8, 1982.
Submitting Bureau: Internal Revenue Service.
OMB No.: 1545–0425.
Form No.: 6269.
Type of Submission: Revision.
Title: Initial Contact Letter Requesting Verifying Information.
Purpose: Form used to notify taxpayers of examination appointments and informs them of the need to provide verifying records used as a basis for the items requested at the end of the letter. IRS uses this information to determine and recommend an increase, decrease, or no change to the tax liability for a given year.
OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date submitted: June 10, 1982.
Submitting Bureau: Internal Revenue Service.
OMB No.: N/A (new Submission).
Form No.: 6671.
Type of Submission: New.
Title: Year 'Round Bounce Back Card Specialized Media Feature Service.
Purpose: The Specialized Media program is the Taxpayer Service Division's means of disseminating print materials, (i.e., features, new releases, etc.) to special media outlets in order to reach targeted audiences. The bounce-back card will provide feedback enabling us to better target our materials to meet the special audiences' needs.
OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

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Date Submitted: June 9, 1982.
Submitting Bureau: Internal Revenue Service.
OMB No.: N/A (new submission).
Form No.: W–3 S&L.
Type of Submission: New.
Title: Transmittal of Income and Tax Statements for State and Local Governmental Employers.
Purpose: Taxpayers report income, tax withholding, and advance EIC payments, if any, on Form W–2, Form W–3 S&L is used by state and local governmental employers to transmit Form W–2 to SSA for processing.
OMB Reviewer: Michael Abrahams, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

**Joy Tucker,**

*Departmental Reports Management Officer.*

June 14, 1982.

[FR Doc. 82–16553 Filed 6–17–82; 8:45 am]

BILLING CODE 4810–25–M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## Trade Restrictions; Regarding Machine Tools From Japan Public Comment Period

On May 12, 1982, the USTR published a notice (47 FR 20411) inviting interested parties to submit comments no later than June 30, 1982 on a petition filed pursuant to section 103 of the Revenue Act of 1971 (26 U.S.C. 48(a)(7)(D)) by Houdaille Industries of Fort Lauderdale, Florida.

The USTR is now providing an additional period of time, until c.o.b. July 31, 1982, for further written submissions by interested parties. The primary purpose for providing the additional time is to afford interested parties an opportunity to submit statements of rebuttal to comments received on or before June 30. However, in view of the scope of the material contained in the petition and the fact that many interested parties have not yet received copies of the petition, interested parties who were unable to submit comments before June 30 may do so no later than c.o.b. July 31. Furthermore, interested parties who submit written comments on or before June 30, may supplement those comments on or before July 31.

Interested parties should file their submissions in accordance with the procedures set forth in the **Federal Register** notice of May 12.

**Donald E. deKieffer,**

*General Counsel.*

[FR Doc. 82–16507 Filed 6–17–82; 8:45 am]

BILLING CODE 3190–01–M

## Services Policy Advisory Committee and Advisory Committee for Trade Negotiations; Meetings and Determination of Closing of Meetings

Meetings of the Services Policy Advisory Committee (SPAC) and the President's Advisory Committee for Trade Negotiations (ACTN) will take place on July 13 and July 14, 1982, respectively. More specific information is as follows:

Services Policy Advisory Committee, Federal Deposit Insurance Corporation, Executive Dining Room, 550 17th Street, N.W., Washington, D.C., Tuesday, July 13, 1982, 2:00 to 5:00 p.m.

President's Advisory Committee, for Trade Negotiations, Federal Home Loan Bank Board, Amphitheater, 1700 G Street, N.W., Washington, D.C., Wednesday, July 14, 1982, 2:00 to 5:00 p.m.

These meetings will involve a review and discussion of current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committees under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committees have all necessary security clearances. Consistent with previous determinations concerning other advisory committees, established under Section 135(c) of the Act, I hereby determine that the meetings of the Advisory Committees will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, these meetings will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

**William E. Brock,**

*United States Trade Representative.*

[FR Doc. 82-16563 Filed 6-17-82; 8:45 am]

BILLING CODE 3190-01-M

# Sunshine Act Meetings

Federal Register
Vol. 47, No. 118
Friday, June 18, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**DATE AND TIME:** 9:30 a.m. (eastern time), Tuesday, June 22, 1982.

**PLACE:** Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

**STATUS:** Part will be open to the public and part will be closed to the public.

**MATTERS TO BE CONSIDERED:** Open to the public:

1. Freedom of Information Act Appeal No. 82-5-FOIA-32-SL, concerning a request for copies of documents contained in an ADEA complaint file.
2. Freedom of Information Act Appeal No. 82-4-FOIA-20-ME, concerning a request for the full copy of a recommended decision on a Federal sector EEO complaint.
3. Proposed Modification to a Contract.
4. Proposed Section 93 of the EEOC Compliance Manual.
5. State and Local Program: Recommended Mid-Year Modification to FY '82 New Charge Resolution Contracts.
6. Proposed Principles of EEOC's Title VII Program for State and Local Fair Employment Practices Agencies for Fiscal Year 1983.
7. Proposed Principles of EEOC's Program for State and Local ADEA Charge Resolution Contracts for Fiscal Year 1983.
8. A Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations.

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting.

(In addition to publishing notices on EEOC Commission Meetings in the **Federal Register,** the Commission also provides recorded announcements *a full week in advance* on future Commission sessions. Please telephone (202) 634-6748 at all times for information on the time, place and subject matter of such meetings).

**CONTACT PERSON FOR MORE INFORMATION:** Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued June 15, 1982.

[S-901-82 Filed 6-15-82; 4:02 pm]

**BILLING CODE 6570-06-M**

### 2

**FEDERAL ENERGY REGULATORY COMMISSION**

**TIME AND DATE:** 10 a.m., June 22, 1982.

**PLACE:** Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

(1) Docket Nos. RP75-105 and RP75-106, Columbia Gas Transmission Company and Columbia Gulf Transmission Company.
(2) Docket No. RI75-112-000, Certain Pipeline and Producer Respondents.
(3) Docket Nos. AR64-2, *et al.*, Conoco, Inc.
(4) Docket No. CI81-14-000, Inexco Oil Company.
(5) Commission Deliberations Concerning the Conduct of a Private Investigation.
(6) Docket No. CP75-93, Black Marlin Pipeline Company.
(7) Docket No. CP82-203-000, Gas Gathering Corporation.
(8) Docket No. CP82-236-001, Northern Natural Gas Company.
(9) Docket No. ST82-330, Valero Transmission Company.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

**Kenneth F. Plumb,**

*Secretary.*

[S-904-82 Filed 6-16-82; 3:06 pm]

**BILLING CODE 6717-02-M**

### 3

**FEDERAL RESERVE SYSTEM**

Board of Governors

**TIME AND DATE:** 10 a.m., Wednesday, June 23, 1982.

**PLACE:** 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTER TO BE CONSIDERED:**

1. Personnel actions (appointments, promotion, assignments, reassignments, and salary action) involving individual Federal Reserve System Employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated June 15, 1982.

**James McAfee,**

*Associate Secretary of the Board.*

[S-902-82 Filed 6-16-82; 9:20 am]

**BILLING CODE 6210-01-M**

### 4

**SECURITIES AND EXCHANGE COMMISSION**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of June 14, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, June 16, 1982, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, June 16, 1982, at 2:30 p.m., will be:

Settlement of administrative proceedings of an enforcement nature.
Formal order of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272-2178.

June 15, 1982.

[S-903-82 Filed 6-16-82; 10:43 am]

**BILLING CODE 8010-01-M**

federal register

Friday
June 18, 1982

Part II

# Department of Labor

**Employment Standards Administration, Wage and Hour Division**

**Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination**

## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

#### Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

#### 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.

| | |
|---|---|
| Connecticut: | |
| CT82-3001 | Feb. 5, 1982. |
| CT81-3032 | May 15, 1981. |
| Iowa: | |
| IA81-4096 | Nov. 27, 1981 |
| IA81-4098 | Nov. 27, 1981. |
| Kansas: KA82-4014 | Apr. 16, 1982. |
| New York: NY80-3054 | Sept. 5, 1980. |
| Massachusetts: MA82-3005 | Apr. 30, 1982. |
| Oregon: OR82-5100 | Mar. 12, 1982. |
| Louisiana: | |
| LA82-4020 | May 7, 1982. |
| LA82-4021 | May 7, 1982. |
| LA82-4022 | May 7, 1982. |
| LA82-4023 | May 7, 1982. |
| Pennsylvania: | |
| PA81-3051 | Sept. 4, 1981. |
| PA81-3068 | Sept. 25, 1981. |
| PA81-3069 | Sept. 25, 1981. |
| PA81-3076 | Oct. 9, 1981. |
| PA81-3077 | Oct. 9, 1981. |
| PA79-3020 | July 20, 1979. |
| Texas: | |
| TX80-4087 | Nov. 7, 1980. |
| TX80-4088 | Nov. 7, 1980. |
| TX81-4009 | Jan. 6, 1981. |
| TX81-4044 | June 26, 1981. |
| TX81-4052 | July 10, 1981. |
| TX82-4001 | Jan. 29, 1982. |
| TX82-4002 | Jan. 15, 1982. |
| TX82-4019 | May 7, 1982. |
| Colorado: CO82-5104 | Feb. 26, 1982. |

#### 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.

| | |
|---|---|
| Iowa: | |
| IA81-4021 (IA82-4032) | Apr. 10, 1981. |
| IA81-4088 (IA82-4030) | Nov. 13, 1981. |
| IA81-4089 (IA82-4030) | Nov. 13, 1981. |
| IA81-4090 (IA82-4030) | Dec. 11, 1981. |
| IA81-4091 (IA82-4030) | Nov. 13, 1981. |
| IA81-4092 (IA82-4030) | Nov. 27, 1981. |
| IA81-4093 (IA82-4030) | Nov. 27, 1981. |
| IA81-4094 (IA82-4030) | Nov. 27, 1981. |
| IA81-4097 (IA82-4030) | Nov. 27, 1981. |
| New Mexico: NM81-4087 (NM82-4031) | Oct. 31, 1981. |
| Texas: | |
| TX81-4036 (TX82-4026) | June 5, 1981. |

| | |
|---|---|
| TX81-4074 (TX82-4024) | Oct. 2, 1981. |
| TX81-4075 (TX82-4033) | Oct. 2, 1981. |
| TX81-4076 (TX82-4025) | Oct. 2, 1981. |
| TX81-4078 (TX82-4027) | Oct. 2, 1981. |
| TX81-4079 (TX82-4029) | Oct. 2, 1981. |
| TX82-4005 (TX82-4028) | Jan. 29, 1982. |

Please note that we are changing the format for **Federal Register** wage decisions to coincide with the provisions of All Agency Memorandum No. 132 dated January 29, 1980, which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which can not be stated in monetary terms will be shown in footnotes. This procedures is being phased in gradually.

Signed at Washington, D.C., this 11th day of June 1982.

**Dorothy P. Come,**

*Assistant Administrator, Wage and Hour Division.*

BILLING CODE 4510-30-M

Modification Page 1

| DECISION NO. CT82-3001 - MOD. #7 (47 FR 5621 - February 5, 1982) FAIRFIELD, LITCHFIELD AND WINDHAM COUNTIES, CONN. | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: Heading which reads Mod. #5 and appeared in the Federal Register on June 4, 1982 to read Mod. #6. | | |
| LINE CONSTRUCTION | | |
| Area 2 | | |
| Linemen, cable splicers & dynamite man | 15.15 | 1.80+3 3/4% |
| Heavy equipment operator | 13.79 | " |
| Equipment operator, tractor trailer driver, field mechanic | 13.01 | " |
| Material man | 12.79 | " |
| Groundman truck driver | 11.69 | " |
| Groundman | 10.34 | " |
| TRAFFIC CONTROL, ILLUMINATION & MAINTENANCE (Litchfield Co.; Windham Co.; and Fairfield Co. except Darien, Greenwich, New Cannan, Stanford and the portion of Norwalk west of Five Mile River) | | |
| Linemen, technicians & cable splicers | 14.25 | 1.80+3 3/4% |
| Equipment Operator | 12.11 | " |
| Driver Groundman | 10.69 | " |
| Groundman | 9.98 | " |
| PLUMBERS AND PIPEFITTERS | | |
| Area 2 | 17.82 | 2.22+ 5% |
| ADD: | | |
| TRUCK DRIVERS | | |
| CLASS 3 | 11.46 | 2.59+a |

| DECISION NO. CT81-3032 - MOD. #14 (46 FR 27040 - May 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONN. | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: Heading which reads Mod. #9 and appeared in the Federal Register on June 4, 1982 to read Mod. #13. | | |
| LINE CONSTRUCTION | | |
| Linemen, cable splicers & dynamite man | 15.15 | 1.80+3 3/4% |
| Heavy equipment operator | 13.79 | " |
| Equipment operator, tractor trailer driver, field mechanic | 13.01 | " |
| Material man | 12.79 | " |
| Groundman truck driver | 11.69 | " |
| Groundman | 10.34 | " |
| TRAFFIC CONTROL AND HIGHWAY LIGHTING | | |
| Linemen, technicians and cable splicers | 14.25 | " |
| Equipment Operator | 12.11 | " |
| Driver Groundman | 10.69 | " |
| Groundman | 9.98 | " |
| PLUMBERS:* | | |
| Area 1 | 16.21 | 2.69 |
| PLUMBERS; STEAMFITTERS:* | | |
| Area 5 | 17.17 | 2.80+r |
| STEAMFITTERS:* | | |
| Area 1 | 14.53 | 3.84 |

Modification Page 2

| DECISION NO. IA81-4096 - MOD. #8 (46 FR 58023 - 11/27/81) Woodbury County, Iowa | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ADD: | | |
| Glaziers | $15.51 | |

| DECISION NO. IA81-4098 - MOD. #4 (46 FR 58021 - 11/27/81) Scott County, Iowa | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Painters: | | |
| Brush, roller | 14.92 | 3.04 |
| Spray, structural steel | 15.42 | 3.04 |

| DECISION #KS82-4014-MOD. #2 (47FR 16522-April 16, 1982) SEDGWICK COUNTY, KANSAS | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Roofers: | | |
| Roofers | $11.35 | .94 |
| Pitch | 12.10 | .94 |

| Decision No. NY-80-3054-Mod.#3 (45 FR 59104 - September 5, 1980) Jefferson County, New York | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Plumbers, Pipefitters & Steamfitters | 14.95 | 2.02 |

| DECISION NO. MA82-3005 - MOD. #1 (47 FR 18737 - April 30, 1982) BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE, MASSACHUSETTS | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| LINE CONSTRUCTION: | | |
| Linemen, cable splicers, & dynamite man | 15.15 | 1.80+3 3/4% |
| Heavy equipment operator | 13.79 | " |
| Equipment operator, tractor trailer driver, field mechanic | 13.01 | " |
| Material man | 12.79 | " |
| Groundman truck driver | 11.69 | " |
| Groundman | 10.34 | " |
| MARBLE, TILE AND TERRAZZO FINISHERS: | | |
| Berkshire and Hampden Co. | 11.45 | |
| SPRINKLER FITTERS | 15.80 | 2.43 |
| TRUCK DRIVERS | | |
| Class I | 11.86 | 2.65+a +b |
| Class II | 12.03 | " " |
| Class III | 12.10 | " " |
| Class IV | 12.22 | " " |
| Class V | 12.32 | " " |
| Class VI | 12.61 | " " |
| Class VII | 12.90 | " |

DECISION NO. OR82-5100 - Mod #6
(47 FR 10954 - March 12, 1982)
Statewide Oregon

| CHANGE: | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| BRICKLAYERS; STONEMASONS: | | |
| Area 1 | $17.64 | 3.23 |
| TILE SETTERS: | | |
| Area 1 | 17.31 | 3.05 |
| TILE and TERRAZZO HELPERS: | | |
| Area 1 | 15.70 | 1.70 |
| LABORERS (Base Rate, Zone I): | | |
| Group 1 | 12.84 | 4.30 |
| Group 2 | 13.19 | 4.30 |
| Group 3 | 13.49 | 4.30 |
| Group 4 | 13.74 | 4.30 |
| ZONE DIFFERENTIAL: | | |
| (Add to Base Rate) | | |
| Zone 2 $ .65 | | |
| Zone 3 1.15 | | |
| Zone 4 1.70 | | |
| Zone 5 2.75 | | |
| Zone 6 3.55 | | |
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 (Base Rate, Zone I): | 15.00 | 4.15 |
| Group 2 | 15.18 | 4.15 |
| Group 3 | 15.33 | 4.15 |
| Group 4 | 15.53 | 4.15 |
| Group 5 | 15.56 | 4.15 |
| Group 6 | 15.67 | 4.15 |
| Group 7 | 15.74 | 4.15 |
| Group 8 | 15.87 | 4.15 |
| Group 9 | 15.96 | 4.15 |
| Group 10 | 16.04 | 4.15 |
| Group 11 | 16.06 | 4.15 |
| Group 12 | 16.15 | 4.15 |
| Group 13 | 16.25 | 4.15 |
| Group 14 | 16.48 | 4.15 |
| Group 15 | 16.67 | 4.15 |
| Group 16 | 16.91 | 4.15 |
| Group 17 | 17.10 | 4.15 |
| Group 18 | 17.34 | 4.15 |
| Group 19 | 17.52 | 4.15 |
| ZONE DIFFERENTIAL : | | |
| (Add to Base Rate) | | |
| Zone 2 $ .65 | | |
| Zone 3 1.15 | | |
| Zone 4 1.70 | | |
| Zone 5 2.75 | | |
| Zone 6 3.55 | | |

| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| (Base Rate, Zone I) | | |
| Group 1 | $14.69 | 3.74 |
| Group 2 | 14.74 | 3.74 |
| Group 3 | 14.79 | 3.74 |
| Group 4 | 14.84 | 3.74 |
| Group 5 | 14.89 | 3.74 |
| Group 6 | 14.99 | 3.74 |
| Group 7 | 15.09 | 3.74 |
| Group 8 | 15.19 | 3.74 |
| Group 9 | 15.29 | 3.74 |
| Group 10 | 15.46 | 3.74 |
| Group 11 | 15.56 | 3.74 |
| Group 12 | 15.66 | 3.74 |
| Group 13 | 15.76 | 3.74 |
| Group 14 | 15.86 | 3.74 |
| ZONE DIFFERENTIAL: | | |
| (Add to Base Rate) | | |
| Zone 2 $ .65 | | |
| Zone 3 1.15 | | |
| Zone 4 1.70 | | |
| Zone 5 2.75 | | |
| Zone 6 3.55 | | |



| DECISION NO. LA82-4020 - MOD. #2 (47 FR 19880 - 5/7/82) Statewide Louisiana | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | $16.35 | 2.315 |
| Electricians: | | |
| Zone 3 - Electricians | 17.70 | 1.50+3-5/10% |
| Cable splicers | 18.20 | " |
| Zone 8 - Electricians | 14.58 | .80+3½% |
| Cable splicers | 14.79 | .80+3½% |
| Elevator constructors: | | |
| Zone 2 - Mechanics | 13.66 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers(Prob.) | 50%JR | |
| Ironworkers - Zone 1 | 14.20 | 2.08 |
| Laborers: | | |
| Zone 9: | | |
| Group 1-Laborers,plasterer tender,asphalt rakers & smoothers | 8.55 | .75 |
| Group 2-Mason tenders | 8.65 | .75 |
| Group 3-Mortar mixers | 8.70 | .75 |
| Group 4-Sewer pipe layers & wipers, burners on demolition,mechanical tool ops.(incl. but not limited to jackhammer, tamper,vibrator,chipping hammer,etc.) | 8.75 | .75 |
| Line construction: | | |
| Zone 3: | | |
| Linemen, equipment ops. | 17.70 | 1.50+3-1/10% |
| Cable splicers | 18.20 | " |
| Groundmen | 15.70 | " |

| DECISION NO. LA82-4021 - MOD. #2 (47 FR 19877 - 5/7/82) Bossier & Caddo Pars., Louisiana | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Elevator constructors: | | |
| Mechanics | 13.66 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| Laborers: | | |
| Group 1-Laborers,plasterer tenders,asphalt rakers & smoothers | 8.55 | .75 |

| DECISION NO. LA82-4021 MOD. #2 (CONT'D) | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Laborers (Cont'd): | | |
| Group 2-Mason tenders | $ 8.65 | .75 |
| Group 3-Mortar mixers | 8.70 | .75 |
| Group4-Sewer pipelayer & wipers,burners on demolition,mechanical tool ops.(incl. but not limited to jackhammer,tamper,vibrator chipping hammer,etc. | 8.75 | .75 |

| DECISION NO. LA82-4022 - MOD. #2 (47 FR 19877 - 5/7/82) Calcasieu Par.,Louisiana | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Electricians: | | |
| Other electricians: | | |
| Electricians | 17.70 | 1.50+3-5/10% |
| Cable splicers | 18.20 | " |

| DECISION NO. LA82-4023 - MOD. #1 (47 FR 19878 - 5/7/82) Allen,Beauregard,Bossier, Caddo,Calcasieu,Cameron, Jefferson,Jefferson Davis,Orleans,Plaquemines,St. Bernard & St. Charles Pars.,Louisiana | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Electricians: | | |
| Zones 3, 4 & 5: | | |
| Electricians | 17.70 | 1.50+3-5/10% |
| Cable splicers | 18.20 | " |
| Line construction: | | |
| Zones 3, 4 & 5: | | |
| Group 1 | 17.70 | 1.50+3-1/10% |
| Group 2 | 18.20 | " |
| Group 3 | 15.70 | " |

| DECISION NO. PA81-3051 - MOD. #5 (46 FR 44653 - Sept. 4, 1981) LUZERNE CO., PA. | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| CEMENT MASONS: | | |
| Pittston, Yatesville, Laflin, Exter Wyoming, Deruea and Avoca | 14.00 | |
| ELECTRICIANS: | | |
| That portion east of a line following the Susquehanna River south to the City of Pittston, east & south on the limits of Pittston but excluding it, to U.S. Highway 11, east on 11 to Dupont Borough & Highway 215, and southeast on 215. Also that portion of Luzerne Co. south and east of a line following the Thornhurst Road, southwest to State Highway 115 and southeast on 115 to the Monroe County line. | | |
| Zone A - From 20 to 30 miles from zero milestone marker | 14.40 | 2.75+ 3% |
| Zone B - All distance beyond 30 miles | 14.90 | " |
| STEAMFITTERS | 15.09 | 2.60 |

| DECISION NO. PA81-3068 - MOD. #6 (46 FR 47403 - Sept. 25, 1981) LABABON CO., PA | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| GLAZIERS: | | |
| Twps. of Bethel, Jackson, Mill Creek, Lebanon, E. of Rte. 72 Heilberg & Richland | 12.79 | 1.465 |
| PAINTERS: | | |
| East of Rte. 72 | | |
| Brush | 12.15 | 2.25 |
| Structural Steel & Spray | 13.20 | 2.25 |
| Highway Bridge | 13.60 | 2.25 |
| PLUMBERS & STEAMFITTERS: | | |
| East of Route 501 | 18.33 | 2.64 |
| SHEET METAL WORKERS | 15.01 | 3.04 |

| DECISION NO. PA81-3069 - MOD. #4 (46 FR 47401 - Sept. 25, 1981) BERKS COUNTY, PA | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| BRICKLAYERS & STONEMASONS | 12.35 | 2.35 |
| CARPENTERS | 13.18 | 2.22 |
| ELECTRICIANS: | | |
| Herford, Longswamp and Washington Twps., portion of Maxatawney Twps., east of Sacony Creek | 14.55 | 1.84+ 3% |
| GLAZIERS | 12.79 | 1.465 |
| LABORERS: | | |
| General Laborers | 10.70 | 1.00 |
| Operator of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools coming under the jurisdiction of laborer, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies | 10.93 | 1.00 |
| Cofferdam, (below 10') tunnel free air muckers | 10.98 | 1.00 |
| Handling and using cutting or burning torches in the wrecking of buildings, plasterer tenders, scaffold builders and removal for plasterers | 11.09 | 1.00 |
| Mason tenders, scaffold builders, removal for mason and power buggies | 11.13 | 1.00 |
| Blasters | 11.15 | 1.00 |



| DECISION NO. PA81-3069 - (CONT'D) | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| MILLWRIGHTS | 15.92 | 2.02 |
| PAINTERS: | | |
| Brush | 12.15 | 2.25 |
| Bridge, tower, stacks & tanks | 13.60 | 2.25 |
| Spray & Steel | 13.20 | 2.25 |
| PLUMBERS | 18.33 | 2.64 |
| POWER EQUIPMENT OPERATORS: | | |
| Group 1 | 14.85 | 25.6%+ a |
| Group 2 | 14.56 | " " |
| Group 3 | 13.69 | " " |
| Group 4 | 12.92 | " " |
| Group 5 | 12.45 | " " |
| Group 6 | 11.54 | " " |
| Group 7 | 15.10 | " " |
| Group 7-A | 15.35 | " " |
| Group 7-B | 15.59 | " " |
| SHEET METAL WORKERS | 15.01 | 3.04 |
| SPRINKLER FITTERS | 16.92 | 2.83 |
| STEAMFITTERS | 17.86 | 3.11 |

| DECISION NO. PA81-3076 - MOD. #4 (46 FR 50263 - October 9, 1981) SCHUYLKILL COUNTY, PA | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| GLAZIERS | 12.79 | 1.465 |
| PAINTERS: | | |
| Remainder of County | | |
| Brush | 12.15 | 2.25 |
| Steel | 13.20 | 2.25 |
| Spray | 13.20 | 2.25 |

| DECISION NO. PA81-3077 - MOD. #4 (46 FR 50265 - October 9, 1981) LANCASTER COUNTY, PA | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| BRICKLAYERS & STONEMASONS | 12.35 | 1.20 |
| PAINTERS: | | |
| Remainder of County | | |
| Brush | 12.15 | 2.25 |
| Steel | 13.20 | 2.25 |
| Spray | 13.20 | 2.25 |
| Roller | 12.15 | 2.25 |
| SHEET METAL WORKERS | 15.01 | 3.04 |

| DECISION NO. PA79-3020 MOD. NO. 8 (44 FR 42880 - July 20, 1979) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Electricians: | | |
| Monroe County: Polk, Eldred, Chestnut Hill, Ross, Hamilton, Jackson, Pocono, Stroud, Smithfield and Middle Smithfield Townships | $16.00 | 2.69+3% |
| Monroe County: Barrett, Coolbaugh, Pardise and Price Townships, and that portion of Tobyhanna and Tunkhannock Townships east of State Highway 115. | | |
| Zone A- From 20 to 30 miles from Zero Milestone marker | 14.40 | 2.75+3% |
| Zone B- All distance beyond 30 miles | 14.90 | 2.75+3% |
| Pike County: | | |
| Porter, Delaware and Lehman Twps. in their entirety | 16.00 | 2.69+3% |
| Remainder of County: | | |
| Zone A - From 20 to 30 miles from Zero milestone marker | 14.40 | 2.75+3% |
| Zone B- All distances beyond 30 miles from Zero marker | 14.90 | 2.75+3% |
| Glaziers: | | |
| Zone 1 | 12.79 | 1.465 |
| Marble Setters | | |
| Zone 1 | 12.50 | 3.00 |
| Laborers: | | |
| Zone 2 | | |
| Class 1 | 9.44 | 1.81 |
| Class 2 | 9.69 | 1.81 |
| Class 3 | 9.94 | 1.81 |
| Class 4 | 10.46 | 1.81 |
| Class 5 | 10.19 | 1.81 |
| Painters: Zone 3: Brush | 14.70 | 2.28 |
| Spray | 15.70 | 2.28 |
| Steel | 15.00 | 2.28 |
| Roofers: Zone 3: | | |
| Composition & Kettlemen | 13.32 | 2.13 |

| DECISION NO. TX80-4087 - MOD. #7 (45 FR 74365 - 11/7/80) Gregg County, Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | $16.35 | 2.315 |
| Electricians: | | |
| Electricians | 13.90 | .80+3⅛% |
| Cable splicers | 14.25 | .80+3⅛% |

| DECISION NO. TX80-4088 - MOD. #8 (45 FR 74364 - 11/7/80) Harrison County, Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | 16.35 | 2.315 |
| Electricians: | | |
| Electricians | 13.90 | .80+3⅛% |
| Cable splicers | 14.25 | .80+3⅛% |

| DECISION NO. TX81-4009 - MOD. #7 (46 FR 1549 - 1/6/81) Taylor County, Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | 16.35 | 2.315 |
| Electricians: | | |
| Electricians | 12.50 | 1.30+3⅛% |
| Cable splicers | 12.75 | " |
| Line construction: | | |
| Lineman | 12.50 | 1.30+3⅛% |
| Cable splicers | 12.75 | " |
| Groundman | 9.33 | " |
| Equipment operators | 10.21 | " |
| Flat bed truck driver | 7.67 | " |
| Plumbers & pipefitters | 12.48 | 1.45 |

| DECISION NO. TX81-4044 - MOD. #7 (46 FR 33194 - 6/26/81) Bowie County, Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | 16.35 | 2.315 |

| DECISION NO. TX81-4052 - MOD. #5 (46 FR 35903 - 7/10/81) Cameron, Hidalgo, Starr & Willacy Cos., Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | 16.35 | 2.315 |

| DECISION NO. TX82-4001 - MOD. #3 (47 FR 4463 - 1/29/82) 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 | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | $16.35 | 2.315 |
| Ironworkers - Zone 1 | 13.50 | 2.65 |

| DECISION NO. TX82-4002 - MOD. #2 (47 FR 2472 - 1/15/82) Wichita County, Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | 16.35 | 2.315 |

| DECISION NO. TX82-4019 - MOD. #2 (47 FR 19935 - 5/7/82) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CHANGE: | | |
| Boilermakers | 16.35 | 2.315 |
| Carpenters: | | |
| Zone 2 - Carpenters | 15.26 | 1.78 |
| Millwrights | 14.76 | 2.93 |
| Electricians: | | |
| Zone 1: | | |
| Electricians | 15.15 | .80+8% |
| Cable splicers | 15.40 | .80+8% |
| Zone 2: | | |
| Electricians | 16.15 | .80+9% |
| Cable splicers | 17.77 | .80+9% |
| Lathers | 15.42 | 1.54 |



| DECISION NO. CO82-5104 - Mod. #5 (47 FR 8497-February 26, 1982) El Paso County, Colorado | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Change: | | |
| Carpenters: | | |
| Zone 1 | $13.57 | $3.36 |
| Zone 2 | 14.07 | 3.36 |
| Zone 3 | 14.32 | 3.36 |
| Electricians | 16.12 | 2.06+3% |
| Roofers | 12.71 | 1.64 |
| Sheet Metal Workers | 17.03 | 3.26+3% |
| Tile Setters | 15.53 | 3.79 |
| Drywall Installers | 14.87 | 2.31 |
| Tile, Marble, and Terrazzo Finishers: | | |
| Finishers | 10.75 | 3.80 |
| Floor Grinders | 10.75 | 3.80 |
| Base Grinders | 11.45 | 3.80 |
| Power Equipment Operators: | | |
| Zone 1: | | |
| Group 3 | 13.60 | 2.97 |
| Group 4 | 13.75 | 2.97 |

SUPERSEDEAS DECISION

STATE: Iowa COUNTIES: Statewide (except Cerro Gordo, Scott & Webster Cos.)

DECISION NO.: IA82-4032 DATE: Date of Publication

Supersedes Decision No. IA81-4021, dated 4/10/81. in 46 FR 21560.

DESCRIPTION OF WORK: Heavy & Highway Projects (does not include building structures in rest area projects & work on or pertaining to the Mississippi & Missouri Rivers & not to be used for Water & Sewer Treatment Plants in Black Hawk, Clinton, Des Moines, Dubuque, Johnson, Linn, Polk & Pottawattamie Cos.)

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CARPENTERS & PILEDRIVERMEN: | | |
| ZONE 1 | $10.71 | 1.65 |
| ZONES 2 & 3 | 11.12 | 1.00 |
| ZONE 4 | 8.78 | .90 |
| ZONE 5 | 8.53 | |
| ZONES 6 & 7 | 7.92 | |
| ZONE 8 | 7.66 | |
| CEMENT MASONS: | | |
| ZONE 1 | 10.30 | 1.27 |
| ZONES 2 & 3 | 11.12 | 1.00 |
| ZONE 4 | 8.78 | .90 |
| ZONE 5 | 8.53 | |
| ZONE 6 | 7.92 | |
| ZONE 7 | 7.78 | |
| ZONE 8 | 7.66 | |
| LABORERS: | | |
| ZONE 1 - GROUP 1 | 9.64 | 1.55 |
| GROUP 2 | 9.76 | 1.55 |
| GROUP 3 | 9.87 | 1.55 |
| GROUP 4 | 9.93 | 1.55 |
| GROUP 5 | 9.99 | 1.55 |
| GROUP 6 | 10.22 | 1.55 |
| GROUP 7 | 10.37 | 1.55 |
| ZONES 2 & 3 - GROUP 1 | 9.76 | 1.20 |
| GROUP 2 | 9.46 | 1.20 |
| GROUP 3 | 9.26 | 1.20 |
| ZONE 4 - GROUP 1 | 7.00 | .95 |
| GROUP 2 | 6.70 | .95 |
| GROUP 3 | 6.50 | .95 |
| ZONE 5 - GROUP 1 | 7.00 | .82 |
| GROUP 2 | 6.35 | .40 |
| GROUP 3 | 5.90 | .40 |
| ZONES 6, 7 & 8 - GROUP 1 | 6.05 | .95 |
| GROUP 2 | 5.75 | .95 |
| GROUP 3 | 5.55 | .95 |
| POWER EQUIPMENT OPERATORS: | | |
| ZONE 1 - GROUP 1 | 11.66 | 1.90 |
| GROUP 2 | 11.16 | 1.90 |
| GROUP 3 | 10.56 | 1.90 |
| ZONE 2 - GROUP 1 | 11.91 | 2.00 |
| GROUP 2 | 11.26 | 2.00 |
| GROUP 3 | 10.56 | 2.00 |
| ZONE 3 - GROUP 1 | 11.40 | 2.13 |
| GROUP 2 | 9.79 | 2.13 |
| GROUP 3 | 8.94 | 2.13 |
| ZONE 4 - GROUP 1 | 9.64 | 1.10 |
| GROUP 2 | 9.64 | 1.10 |
| GROUP 3 | 9.25 | 1.10 |
| GROUP 4 | 8.84 | 1.10 |
| POWER EQUIP. OPS. (CONT'D): | | |
| ZONE 5 - GROUP 1 | $9.03 | .70 |
| GROUP 2 | 8.54 | .70 |
| GROUP 3 | 8.11 | .70 |
| GROUP 4 | 7.31 | .70 |
| ZONE 6 - GROUP 1 | 8.35 | .70 |
| GROUP 2 | 7.93 | .70 |
| GROUP 3 | 7.31 | .70 |
| GROUP 4 | 6.57 | .70 |
| ZONE 7 - GROUP 1 | 7.95 | .70 |
| GROUP 2 | 7.52 | .70 |
| GROUP 3 | 6.90 | .70 |
| GROUP 4 | 6.16 | .70 |
| ZONE 8 - GROUP 1 | 7.69 | .70 |
| GROUP 2 | 7.25 | .70 |
| GROUP 3 | 6.64 | .70 |
| GROUP 4 | 5.90 | .70 |
| TRUCK DRIVERS: | | |
| ZONE 1: | | |
| Single axle | 7.73 | 1.00 |
| Tandem axle;euclids; power lift form truck | 7.79 | 1.00 |
| Three axle tandem | 7.84 | 1.00 |
| Lowboys;tractor trailers;water pulls | 7.92 | 1.00 |
| Tandem dump with aux. end dump trailer | 7.97 | 1.00 |
| Lumber carrier | 8.09 | 1.00 |
| ZONES 2 & 3 | 10.18 | .75 |
| ZONE 4 | 8.35 | .65 |
| ZONE 5 | 7.02 | .35 |
| ZONE 6 | 6.15 | .35 |
| ZONE 7 | 6.27 | .30 |
| ZONE 8 | 6.00 | .30 |

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)).



ZONE DEFINITIONS

ZONE 1 - City of Council Bluffs

ZONE 2 - Black Hawk, Linn & Polk Cos.; Cities of Ames, Dubuque & Iowa City

ZONE 3 - Cities of Burlington (including Burlington Ordnance Plant) & Clinton

ZONE 4 - Pottawattamie Co. (area west of the eastern boundaries of Minden, York, Washington & Silver Creek Townships); Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren Cos.; the Cities of Fort Madison, Keokuk, Muscatine & their abutting Municipalities (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque & Iowa City & their abutting municipalities

ZONE 5 - Des Moines, Louisa & Muscatine Cos. (excluding Cities of Burlington (including Burlington Ordnance Plant), Muscatine & abutting municipalities)

ZONE 6 - Allamakee, Appanoose, Bremer, Butler, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mahaska, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth & Wright Cos. (excluding Cities of Keokuk, Fort Madison & abutting municipalities)

ZONE 7 - Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne & Woodbury Cos. & Pottawattamie Co. (east of Minden, York, Washington & Silver Creek Townships)

ZONE 8 - Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas & Sioux Cos.

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LABORERS CLASSIFICATION DEFINITIONS - ZONE 1

GROUP 1 - Common Laborer

GROUP 2 - Towboat & dredge deckhands

GROUP 3 - Form setter tender

GROUP 4 - Pipelayer; concrete saw operator

GROUP 5 - Chain saw op.; raker and screedman on asphalt; mortar mixer

GROUP 6 - Tunnelers, free air

GROUP 7 - Form setter & precast manhole setter; inlet builders & manhole setter

LABORERS CLASSIFICATION DEFINITIONS - ZONES 2 thru 8

GROUP 1 - Sandblasters;Powderman & blaster;Powderman tender;Pipelayer,sewer, water,telephone conduits,etc.; Sewer utility topman & laser op.;Gunnite nozzleman;Diamond & core drills,powered by air;All work performed by Laborers working from a bos'n chair,swinging stage,tag line or block & tackle;Drill ops. of air tracs,wagon drills & similar drillings;Tree climber; Form setters;Rakers;Automatic asphalt & concrete power curbing machines; Potmen,not mechanical;Timbermen;Underpinning & shoring;Caissons over 12' depth; Grade checker & cutting torches on demolition work;Trencher;Self-propelled vibrating compactors;Farm type tractors;Safety boat ops.

GROUP 2 - Power buggymen;Concrete & paving sawmen;Form liner;Expansion joint assembler;Bottom man;Caulker,jointer & painter;Timber & chair-sawman;Mechanical grouters;Stresser or stretcherman on post tension or prestressed concrete on or off the job;Form tamper;Air gas,electric tool ops.;Vibrator, barco hammer,paving breakers,spaders,tampers,electric drills,hammer & jack hammers;Tree groundman;Chuck tender;Drill tender;Tool room men & checkers; Sandblaster tender;Concrete processing material & monitors;Cement finisher tenders;Stringman or paving work & power broom op.

GROUP 3 - Fence erectors;Handling & placing of metal mesh,dowel bars,reinforcing bars & chairs;Dumpmen & spotters;Carrying reinforcing rods;Corrugated culvert pipe; Stake chaser,seeding & mulching & planting of trees, shrubs & flowers;Mechanic tenders;Group greaser tender;Water pumps;Compressors;Common Labor;Carpenter tender & hot asphalt labor

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 1, 2 & 3

GROUP 1 - Power Shovel, Crane, Backhoe & Dragline; Central Mix Plant; Dredge Engineer; Dredge Leverman; Paver or Spreader; Hoisting Engineer (steel erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat; Master Mechanic; CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equip. Greaser; Concrete Pump; Self-propelled Curb Machine

GROUP 2 - Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber Greene, Haiss Loader or similar machine; Tractor-pulling ripper, disc, sheepsfoot or flat roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bullfloat; Form Grader; Water Wagon on Compaction

GROUP 3 - Boiler; Mechanical Broom; Oiler; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom & Winch Truck; Compressor; Tank Car Heater (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant, dry; Light Plants; Compressors; Mechanical Heaters; Pumps; Welding Machines; Conveyors

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 4, 5, 6, 7 & 8

GROUP 1 - Power Shovel; Crane; Backhoe (3/4 cu. yd. or larger); Dragline; Dredge Engineer & Leverman; Hoisting Engineer (steel erection); Motor Patrol (finish); Piledriver; Master Mechanic; Sideboom Tractor; Horizontal Boring Machine

GROUP 2 - Central Mix Plant; Paver or Self-propelled Spreader; Tow or Push Boat; CMI Paver, Subgrader or equivalent; Asphalt Plant; Scraper (over 12 cu. yd.); Bulldozer (finish); Push Cat; Mechanics-Welders; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer; Concrete Pump; Self-propelled Curb Machine

GROUP 3 - Motor Patrol (rough); Front End Loader (3 cu. yd. or over); Scraper (12 cu. yd. & under); Bulldozer (rough); Backhoe (under 3/4 cu. yd.); Asphalt Roller; Group Equip, Greaser; Concrete Curb Breaking Machine; Concrete Widening Machine; Paving Breaker; Barber Greene, Haiss Loader or similar machine; Crawler Tractor (pulling disc, sheepsfoot, ripper or flat roller); Self-propelled Sheepsfoot Roller; Self-propelled Roller; Distributor; Screening & Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flex Plane; Bullfloat; Form Grader

GROUP 4 - Boiler; Mechanical; Boom; Oiler; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump (other than dredge); Boom & Winch Trucks; Compressor; Tank Car Heater (combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat; Batch Plant, dry; Spreader attachments; Utility Tractor with attachments

SUPERSEDEAS DECISION

STATE: Iowa

COUNTIES: ZONE 1-Black Hawk; ZONE 2-Cerro Gordo; ZONE 3-Clinton; ZONE 4-Des Moines ZONE 5-Dubuque; ZONE 6-Johnson ZONE 7-Linn & ZONE 8-Polk

DECISION NO.: IA82-4030 DATE: Date of Publication

Supersedes Decision Nos. IA81-4088 thru 4094 & 4097, dated 11/13/81, 11/27/81 & 12/11/81 in 46 FR 56121, 58016, 56122, 60752, 56123, 58025, 58018 & 58019.

DESCRIPTION OF WORK: Building (does not include single family homes & apts. up to & including 4 stories). DOES NOT APPLY TO WATER & SEWER TREATMENT PLANTS

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS: | | |
| ZONES 1,3,4,5,6 & 7 | $16.21 | 2.15 |
| ZONES 2 & 8 | 15.45 | 2.415 |
| BOILERMAKERS | 14.97 | 2.575 |
| BRICKLAYERS & STONEMASONS: | | |
| ZONE 1 | 12.93 | 2.52 |
| ZONE 2 | 12.92 | 1.07 |
| ZONE 3 | 14.03 | .52 |
| ZONE 4 | 15.08 | 1.57 |
| ZONES 5,6 & 7 | 15.29 | .57 |
| ZONE 8 | 13.40 | 2.57 |
| CARPENTERS: | | |
| ZONE 1: | | |
| Carpenters, soft floor layers, piledrivermen | 11.89 | 2.68 |
| Millwrights | 12.49 | 2.68 |
| ZONE 2: | | |
| Carpenter & floor layer | 10.91 | 1.65 |
| Millwright & piledrivermen | 11.16 | 1.65 |
| ZONE 3: | | |
| Carpenters | 12.73 | 2.06 |
| Piledrivermen | 13.23 | 2.06 |
| Millwrights | 15.00 | 2.06 |
| ZONE 4: | | |
| Carpenter & floor layer | 15.70 | 2.13 |
| Millwright & piledrivermen | 16.40 | 2.13 |
| ZONE 5: | | |
| Carpenters | 12.87 | 1.04 |
| Piledrivermen | 13.27 | 1.04 |
| Millwrights | 13.37 | 1.04 |
| ZONES 6 & 7: | | |
| Carpenter & floor layers | 14.59 | 1.90 |
| Piledrivermen | 15.09 | 1.90 |
| Millwrights | 16.29 | 2.00 |
| ZONE 8: | | |
| Carpenters | 12.75 | 2.20 |
| Millwrights | 13.10 | 2.20 |
| CEMENT MASONS: | | |
| ZONE 1 | 11.35 | 2.40 |
| ZONE 2 | 11.45 | |
| ZONE 3 | 13.53 | .52 |
| ZONE 4 | 17.55 | |
| ZONE 5 | 13.93 | |
| ZONES 6 & 7 | 13.67 | .90 |
| ZONE 8 | 13.28 | .94 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ELECTRICIANS: | | |
| ZONE 1 - Electricians | $15.64 | .65+ 3-3/4% |
| Cable splicers | 16.11 | " |
| ZONE 2 | 15.26 | .65+ 3-3/4% |
| ZONE 3--Electricians | 16.34 | .76+8% |
| Cable splicers | 17.34 | .76+8% |
| ZONE 4 | 15.77 | 1.40+ 3-3/4% |
| ZONE 5 | 14.85 | 1.25+ 3-3/4% |
| ZONES 6 & 7 | 15.52 | 1.85+ 3-3/4% |
| ZONE 8 | 15.18 | 2.35+ 3-3/4% |
| ELEVATOR CONSTRUCTORS: | | |
| ZONES 1, 5, 6 & 7: | | |
| Mechanics | 14.33 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| ZONE 8: | | |
| Mechanics | 14.21 | 2.33+a |
| Helpers | 70%JR | 2.33+a |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS: | | |
| ZONES 2 & 8 | 13.64 | 1.31+ 4.35%+b |
| ZONES 3, 4, 5, 6 & 7 | 15.71 | 1.77 |
| IRONWORKERS: | | |
| ZONES 1,2 (except SE part of Dubuque Co.), 6 & 7 | 14.11 | 1.96 |
| ZONES 2 & 8 | 13.02 | 2.24 |
| ZONE 3 & SE Part of Dubuque Co. | 16.40 | 2.375 |
| ZONE 4 | 16.45 | 1.91 |
| LABORERS: | | |
| ZONE 1 - GROUP 1 | 10.17 | 1.50 |
| GROUP 2 | 10.32 | 1.50 |
| GROUP 3 | 10.42 | 1.50 |
| ZONE 2 - GROUP 1 | 7.99 | .70 |
| GROUP 2 | 8.24 | .70 |
| GROUP 3 | 8.49 | .70 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS (CONT'D): | | |
| ZONE 3 - GROUP 1 | $11.63 | 1.35 |
| GROUP 2 | 11.88 | 1.35 |
| GROUP 3 | 11.93 | 1.35 |
| ZONE 4 - GROUP 1 | 13.40 | 1.70 |
| GROUP 2 | 13.56 | 1.70 |
| GROUP 3 | 13.66 | 1.70 |
| GROUP 4 | 13.77 | 1.70 |
| GROUP 5 | 13.87 | 1.70 |
| ZONE 5 - GROUP 1 | 10.55 | 1.08 |
| GROUP 2 | 10.65 | 1.08 |
| GROUP 3 | 10.80 | 1.08 |
| ZONE 6 - GROUP 1 | 11.40 | 1.35 |
| GROUP 2 | 11.75 | 1.35 |
| ZONE 7 - GROUP 1 | 12.46 | 1.56 |
| GROUP 2 | 12.81 | 1.56 |
| ZONE 8 - GROUP 1 | 11.645 | 1.42 |
| GROUP 2 | 11.745 | 1.42 |
| GROUP 3 | 11.77 | 1.42 |
| GROUP 4 | 11.795 | 1.42 |
| GROUP 5 | 11.845 | 1.42 |
| GROUP 6 | 11.945 | 1.42 |
| LATHERS: | | |
| ZONE 8 | 13.50 | 2.20 |
| LINE CONSTRUCTION (excluding ZONES 3 & 5) | | |
| GROUP 1 - Lineman; all rigs setting assembled "H" fixtures & steel transmission structures | 14.65 | .45+ 7½%+c |
| GROUP 2-Blaster;Special equip. operations(hole digging machs.,all tractors, transmission line pole hauling & setting equip. other than assembled "H" fixtures | 11.72 | " |
| GROUP 3-Groundman | 9.52 | " |
| GROUP 4-Groundman-truck driver | 9.67 | " |
| GROUP 5-Pole treating truck driver | 9.38 | " |
| GROUP 6-Pole treating specialist | 11.28 | " |
| MARBLE,TILE & TERRAZZO WORKERS: | | |
| ZONE 1 - Tile setters | 12.88 | .90 |
| ZONE 3 - Marble, tile & terrazzo workers | 11.50 | 1.80 |
| ZONE 5 - Marble, tile & terrazzo workers | 10.59 | .97 |
| ZONE 6 & 7 - Tile setters | 13.93 | .80 |
| ZONE 8 - Marble, tile & terrazzo workers | 14.79 | |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS: | | |
| ZONE 1: | | |
| Brush; roller | $ 9.51 | .33 |
| Tapers | 9.62 | .33 |
| Spray | 10.01 | .33 |
| ZONE 2: | | |
| Brush | 9.75 | .50 |
| Tapers | 9.85 | .50 |
| Spray | 10.25 | .50 |
| ZONE 3: | | |
| Brush | 14.92 | 3.04 |
| Spray; structural steel | 15.42 | 3.04 |
| ZONE 4: | | |
| Brush & paperhangers | 13.00 | .50 |
| Rollers | 13.10 | .50 |
| Sign | 13.50 | .50 |
| Structural steel over 25 ft. from the ground or floor, water towers & stage work | 13.70 | .50 |
| Spray & sandblasting | 14.00 | .50 |
| ZONE 5: | | |
| Brush or roller epoxy; paperhanging; tapers | 11.65 | 1.60 |
| High work & steel; spraying | 12.20 | 1.60 |
| ZONES 6 & 7: | | |
| Brush & rollers | 12.82 | .03 |
| Paperhangers | 13.07 | .03 |
| Sandblasting | 13.82 | .03 |
| Spray | 13.47 | .03 |
| ZONE 8: | | |
| Brush, roller, drywall finisher | 13.57 | .85 |
| Spray; structural steel sandblasting; swing stage | 14.07 | .85 |
| Paperhangers | 13.82 | .85 |
| Stack; tower work over 100 ft. | 14.67 | .85 |
| PLASTERERS: | | |
| ZONE 1 | 11.75 | .45 |
| ZONE 2 | 9.00 | |
| ZONE 3 | 14.03 | .52 |
| ZONE 4 | 17.18 | |
| ZONE 5 | 13.50 | |
| ZONES 6 & 7 | 16.47 | |
| ZONE 8 | 13.355 | .90 |
| PLUMBERS & PIPEFITTERS: | | |
| ZONE 1 | 14.96 | 2.95 |
| ZONE 2 | 14.29 | 1.65 |
| ZONE 3 | 16.65 | 2.32 |
| ZONE 4 | 15.15 | 2.40 |
| ZONE 5 | 14.42 | 1.98 |
| ZONES 6 & 7 | 15.85 | 1.60 |
| ZONE 8 | 14.90 | 2.80 |



| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| POWER EQUIPMENT OPERATORS: | | |
| ZONES 1, 2, 5, 6, 7 & 8: | | |
| GROUP 1 | $13.12 | 2.10 |
| GROUP 2 | 12.865 | 2.10 |
| GROUP 3 | 11.47 | 2.10 |
| GROUP 4 | 10.645 | 2.10 |
| ZONES 3 & 4: | | |
| GROUP 1 | 14.80 | 1.98 |
| GROUP 2 | 13.40 | 1.98 |
| GROUP 3 | 12.35 | 1.98 |
| ROOFERS: | | |
| ZONE 1 | 12.15 | |
| ZONE 2 | 9.52 | |
| ZONE 3 | 14.30 | 1.50 |
| ZONE 4 | 14.13 | |
| ZONE 5: | | |
| City of Dubuque & 30 mile radius from city limits | 12.16 | .50 |
| Remainder of County | 12.00 | .50 |
| ZONES 6 & 7 | 11.95 | |
| ZONE 8 | 11.79 | 1.85 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| SHEET METAL WORKERS: | | |
| ZONE 1 | $15.56 | 1.66 |
| ZONE 2 | 12.43 | 1.86 |
| ZONES 3, 4 & 5 | 14.45 | 2.61 |
| ZONES 6 & 7 | 17.20 | 1.11 |
| ZONE 8 | 16.05 | 2.49 |
| SPRINKLER FITTERS | 16.47 | 2.83 |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | |
| Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)). | | |

FOOTNOTES

a - Employer contributes 8% of basic hourly rate for over 5 yrs. service & 6% of basic hourly rate for 6 mos. to 5 yrs. service as Vacation Pay Credit. Also Seven Paid Holidays A thru G

b - Six Paid Holidays A thru F

c - Seven Paid Holidays A thru G

PAID HOLIDAYS - 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

LABORERS CLASSIFICATIONS DEFINITIONS - ZONE 1

GROUP 1 - Common laborers; carpenter tenders; moving, wrecking & demolition

GROUP 2 - Mason tenders; hod carriers; machine & air tool operators

GROUP 3 - Powderman

LABORERS CLASSIFICATION DEFINITIONS - ZONE 2

GROUP 1 - Construction laborers; Tenders; Power tools, barco ops.; Mortar mixers; Concrete saw; Sand point setter

GROUP 2 - Caissons, after 6 ft. depth; Dynamite men; Gunniting-nozzleman & backup man; laborers working on swinging stage work, wood hoist, towers, scaffolds or ladders at a height of 35 ft. or over

GROUP 3 - Laborers working on swinging stage work, wood hoist, towers, scaffold or ladders at a height of 75 ft. or over

LABORERS CLASSIFICATION DEFINITIONS - ZONE 3

GROUP 1 - Common laborers

GROUP 2 - Op. on air or power tools; mortar mixer man; any work 35 ft. high or over; cement dumper, puddlers or vibrator man & men working with concrete pump hose; ditch work 8 ft. below ground level; any man working with creosote materials

GROUP 3 - Cutting torch burner; caisson & cofferdam workers

LABORERS CLASSIFICATION DEFINITIONS - ZONE 4

GROUP 1 - Common laborers, wrecking, deckhand

GROUP 2 - Plaster tender, mortar mixer, mason tender, stone & marble setter tender, drill op., air tamper, air spade (electric or pneumatic spraying equip.), & all mechanically operated tools, excavation over 6 ft. deep below ground level or basement level

GROUP 3 - Tile layers (sewer); Jackhammer & pavement breaker 80 lbs. & over, on side walls & overhead

GROUP 4 - Gunniting & sandblasting

GROUP 5 - Tunnel & sewer mucker & miner over 6 ft. deep, powderman

LABORERS CLASSIFICATION DEFINITIONS - ZONE 5

GROUP 1 - Common laborers

GROUP 2 - All air operated tools; bricklayer tenders; caisson workers; carpenter tenders; handling & cleaning of all steel floor pans & wall forms; mortar mixers; plasterers tenders; tile setters (4"-6"-8")

GROUP 3 - Tile setters (10" & up)

LABORERS CLASSIFICATIONS DEFINITIONS - ZONE 6

GROUP 1 - Common laborers

GROUP 2 - Mason mortar mixers; all jack & chipping hammers; all water & sewer tile layers; chain saw; cutting torches; power buggies; Rock drills; tampers; vibrators; well point work

LABORERS CLASSIFICATION DEFINITIONS - ZONE 7

GROUP 1 - Common laborers

GROUP 2 - Machine rock drills, vibrators, air, electric or gasoline powered jackhammers, tampers, chipping hammers, power driven buggies, cutting torches, chain saws, sewer tile layers, mason mortar mixers

LABORERS CLASSIFICATION DEFINITIONS - ZONE 8

GROUP 1 - General laborers

GROUP 2 - Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete, vibrator, gunnite nozzlemen, electric drills & hammers)

GROUP 3 - Plasterers' tenders

GROUP 4 - Powdermen

GROUP 5 - Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over

GROUP 6 - Paving breakers weighing 50 lbs & over

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 1, 2, 5, 6, 7 & 8

GROUP 1 - Cranes,incl. those being used as backhoe,dragline,clamshell,etc.; tower cranes;truck cranes & cherry pickers 12-1/2 ton & over rated capacity;derricks;piledrivers & extractors; caisson rigs;sideboom & winch truck used for erection of structural steel & moving & setting of heavy machinery; 3 drum hoist;welders;mechanics;locomotive;dredge (levermen)

GROUP 2 - 1 & 2 drum hoists;air & electric tuggers (on power plants or setting & grating); econombiles; plant mixers;farm type tractors(with loaders,backhoes,attachments,etc.); scrapers(tournapull,etc.);endloaders;dredge(engineer);sideboom & winch truck other than Group No. 1;motor patrol;bulldozers;push cat;truck cranes & cherry pickers(under 12-1/2 ton); concrete mixers(1 yd. & over);ditching machines (8" & over);fork lifts(on steel erection & machinery moving or hoisting above one complete story);concrete pump;dewatering pumps; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader(Gomaco, C-450 or equal)

GROUP 3 - Tractors(under 35 HP) with or without attachments;endloaders(under 35 HP) with or without attachments;air compressors(one or a combination of 250 cfm or more);pumps 3" or over; welding machine 600 amps or combination thereof;conveyors;firemen(boiler);generator (75 KW & over);fork lifts (other than above Group No. 2);gunnite machine;self-propelled rollers; stump chippers;self-propelled tampers;air & electric tuggers(other than above);ditching machine under 8"

GROUP 4 - Oilers;mechanical heaters;truck crane drivers; permanent elevators



POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS - ZONES 3 & 4

GROUP 1 - All hoists or steel erecting equip.; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Op., Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 ops. required), Piledriver, Boom Tractor, Stationary, Portable or Floating Mixing Plant. Trenching Machine (over 40 HP). Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump, Concrete Spreader (servicing 1 paver). Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull & similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor operating Scoop or Scraper; Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plant (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-propelled Sheepsfoot Roller or Compactor (used in conjunction with Grading Spread), Asphalt Spreader Screen Op., Aspco Spreader or similar machine, Slusher, Forklift (over 6000 lbs. capacity or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Booster, Fireman & pump Op. at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machines, Form Grader with Roller on Earth, Mixers (3 bag to 16 E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Op. (more than 1 well point pump), Portable Crusher, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressors (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machines (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement & Gravel Batch Plant (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

SUPERSEDEAS DECISION

STATE: NEW MEXICO COUNTY: STATEWIDE
DECISION NO. NM82-4031 DATE: Date of Publication
SUPERSEDES DECISION NO. NM81-4087 dated October 31, 1981 in 46FR53940
DESCRIPTION OF WORK: General Building and Heavy Engineering construction shall include the construction, alteration, repair and demolition of buildings, including residential buildings, office buildings, warehouses, industrials and commercial buildings, institutional and public buildings, and all air conditioning, conduit, heating and other mechanical and electrical works and site preparation for building or heavy engineering projects under this classification, stadia; and shall include electrical, gas, water, sewer lines, and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure; and include construction, alteration, repair and demolition of heavy engineering work such as power generating plants, pump stations, natural gas compressing stations; covered reservoirs and covered sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kilins, silos, shafts and tunnels (other than highway shafts and tunnels), hydro-electric projects; and well drilling, telephone and electrical transmission lines which are part of general building and heavy engineering projects; mining appurtenances such as tipples, washeries and loading and discharfing chutes, and specialized structures for testing, launching and recovering space and other rocket-type missiles, (ALSO INCLUDING RESIDENTIAL PROJECTS IN SANTA FE, BERNALILLO, RIO ARRIBA, TAOS, SANDOVAL AND VALENCIA COUNTIES)



| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS - Zone I | $14.91 | $2.26 |
| ASBESTOS WORKERS - Zone II | 13.60 | 2.37 |
| BOILERMAKERS | 13.75 | 3.44 |
| BRICKLAYERS-STONEMASONS: | | |
| Zone I-A | 12.71 | 1.47 |
| Zone I-B | 14.21 | 1.47 |
| Zone I-C | 14.96 | 1.47 |
| Zone II | 12.80 | 1.37 |
| Zone III | 14.30 | 1.37 |
| Zone IV | 12.91 | 1.27 |
| Zone V | 14.41 | 1.27 |
| Zone VIA | 12.51 | 1.27 |
| Zone VIB | 14.01 | 1.77 |
| Zone VII | 14.13 | 1.17 |
| Zone VIII | 14.13 | 1.17 |
| Zone IX | 12.39 | 1.17 |
| CARPENTERS (Dwelling houses & apartments not to exceed two stories in height: | | |
| Zone I-A | 8.15 | 2.70 |
| Zone I-B | 9.65 | 2.70 |
| Zone I-C | 10.40 | 2.70 |
| CARPENTERS (Building, Heavy & Residential Construction Dwelling houses and apartments over two stories in height): | | |
| Zone 2-A | 12.70 | 2.70 |
| Zone 2-B | 14.20 | 2.70 |
| Zone 2-C | 14.95 | 2.70 |
| CARPENTERS (San Juan County Only) | | |
| Zone I | 12.70 | 2.70 |
| Zone II | 14.20 | 2.70 |
| Zone III | 14.95 | 2.70 |
| CEMENT MASONS: | | |
| Area I | 11.07 | 1.67 |
| Area II: | | |
| Zone 1 | 11.07 | 1.67 |
| Zone 2 | 12.57 | 1.67 |
| Zone 3 | 12.82 | 1.67 |
| CEMENT MASONS (Residential): | | |
| Sandoval, Bernalillo and Valencia Counties | 8.67 | 1.67 |
| Rio Arriba, Santa Fe and Taos Counties | 10.87 | 1.67 |
| CEMENT MASONS (HEAVY) | 11.17 | 1.67 |
| CEMENT MASONS (COMPOSITION & MACHINE OPERATORS): | | |
| AREA I | $11.32 | 1.67 |
| AREA II - Zone I | 11.32 | 1.67 |
| Area II - Zone II | 12.82 | 1.67 |
| Area II - Zone III | 13.07 | 1.67 |
| ELECTRICIANS: | | |
| ZONE I | | |
| Area 1-A | 14.85 | Y |
| Area 1-B | 16.04 | Y |
| Area 1-C | 16.93 | Y |
| Area 1-D | 18.56 | Y |
| ZONE II | 16.93 | Y |
| Y-3-3/4% + $1.80 | | |
| ZONE III | | |
| 3-A | 11.90 | Z |
| 3-B | 13.35 | Z |
| Z-3-1/10% + $0.60 | | |
| ZONE IV | | |
| 4-A | 14.70 | 3%+.61 |
| 4-B | 15.15 | 3%+.61 |
| 4-C | 15.30 | 3%+.61 |
| CABLE SPLICERS: | | |
| ZONE I | | |
| Area 1-A | 16.34 | K |
| Area 1-B | 17.53 | K |
| Area 1-C | 18.42 | K |
| Area 1-D | 20.05 | K |
| ZONE II | 18.42 | K |
| K - 3-3/4% + $1.80 | | |
| ZONE III | | |
| 3-A | 12.15 | M |
| 3-B | 13.60 | M |
| M - 3-1/10% + $0.60 | | |
| ZONE IV | | |
| 4-A | 15.05 | 3%+.61 |
| 4-B | 15.50 | 3%+.61 |
| 4-C | 15.65 | 3%+.61 |
| 4-D | 15.90 | 3%+.61 |
| ELEVATOR CONSTRUCTORS: | | |
| AREA I | 13.645 | JJ |
| AREA II | 10.82 | JJ |
| JJ - $2.32 + seven paid Holidays; and Employees with 6 to 5 years of service 6%; over 5 yrs. 8% of basic hourly rate. | | |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| GLAZIERS | $11.39 | $1.04 |
| IRONWORKERS - Zone I | 13.30 | 2.53 |
| IRONWORKERS - ZONE II: | | |
| Area 1 | 13.30 | 2.53 |
| Area 2 | 14.55 | 2.53 |
| Area 3 | 15.30 | 2.53 |
| Area 4 | 15.55 | 2.53 |
| IRONWORKERS - ZONE III | 12.55 | 2.35 |
| IRONWORKERS - ZONE IV | 13.45 | 2.45 |
| LABORERS (BUILDING): | | |
| Group I | 8.73 | 1.53 |
| Group II | 9.03 | 1.53 |
| Group III | 9.33 | 1.53 |
| Group IV | 9.48 | 1.53 |
| LABORERS(BUILDING) FARMINGTON AREA ONLY: | | |
| ZONE I | | |
| Group 1 | 8.73 | 1.53 |
| Group 2 | 9.03 | 1.53 |
| Group 3 | 9.33 | 1.53 |
| Group 4 | 9.48 | 1.53 |
| ZONE II | | |
| Group 1 | 9.98 | 1.53 |
| Group 2 | 10.28 | 1.53 |
| Group 3 | 10.58 | 1.53 |
| Group 4 | 10.73 | 1.53 |
| ZONE III | | |
| Group 1 | 10.48 | 1.53 |
| Group 2 | 10.78 | 1.53 |
| Group 3 | 11.08 | 1.53 |
| Group 4 | 11.23 | 1.53 |
| LABORERS (HEAVY CONSTRUCTION) | | |
| ZONE I | | |
| Group 1 | 8.73 | 1.53 |
| Group 2 | 9.03 | 1.53 |
| Group 3 | 9.13 | 1.53 |
| Group 4 | 9.33 | 1.53 |
| Group 5 | 9.48 | 1.53 |
| ZONE II | | |
| Group 1 | 10.23 | 1.53 |
| Group 2 | 10.53 | 1.53 |
| Group 3 | 10.63 | 1.53 |
| Group 4 | 10.83 | 1.53 |
| Group 5 | 10.98 | 1.53 |
| GROUP III | | |
| Group 1 | 10.73 | 1.53 |
| Group 2 | 11.03 | 1.53 |
| Group 3 | 11.13 | 1.53 |
| Group 4 | 11.33 | 1.53 |
| Group 5 | 11.48 | 1.53 |
| LABORERS(RESIDENTIAL) | | |
| Group I | 5.02 | 1.53 |
| Group II | 5.32 | 1.53 |
| Group III | 5.62 | 1.53 |
| LATHERS: | | |
| Zone I | 12.70 | 2.70 |
| Zone II | 14.20 | 2.70 |
| Zone III | 14.95 | 2.70 |
| LEAD BURNERS | | |
| Zone I | 15.75 | 3.06 |
| Zone II | 16.50 | 3.06 |
| Zone III | 18.00 | 3.06 |
| Zone IV(Specific Area) | 16.55 | 3.06 |
| COMMERCIAL LINE WORK | | |
| AREA A | | |
| LINEMEN-TECHNICIANS | | |
| Zone I | 15.35 | P |
| Zone II | 16.58 | P |
| Zone III | 17.50 | P |
| Zone IV | 19.19 | P |
| CABLE SPLICERS | | |
| Zone I | 16.89 | P |
| Zone II | 18.12 | P |
| Zone III | 19.04 | P |
| Zone IV | 20.73 | P |
| EQUIPMENT OPR. (includes helicopter op.) | | |
| Zone I | 14.58 | P |
| Zone II | 15.81 | P |
| Zone III | 16.73 | P |
| Zone IV | 18.42 | P |
| EQUIPMENT MECHANIC (include helicopter mech.) | | |
| Zone I | 13.35 | P |
| Zone II | 14.58 | P |
| Zone III | 15.50 | P |
| Zone IV | 17.19 | P |
| POWDERMAN | | |
| Zone I | 13.35 | P |
| Zone II | 14.58 | P |
| Zone III | 15.50 | P |
| Zone IV | 17.19 | P |
| GROUNDMAN & JACKHAMMER OPRS. | | |
| Zone I | 10.90 | P |
| Zone II | 12.13 | P |
| Zone III | 13.05 | P |
| Zone IV | 14.74 | P |
| P - 3½% + $1.30 | | |
| AREA B | | |
| LINEMEN-TECHNICIANS | | |
| Zone I | 10.15 | 3½%+.60 |
| Zone II | 11.60 | 3½%+.60 |
| CABLE SPLICERS | | |
| Zone I | 10.40 | 3½%+.60 |
| Zone II | 11.85 | 3½%+.60 |
| EQUIPMENT OPR.(includes helicopter oprs.) | | |
| Zone I | 9.64 | 3½%+.60 |
| Zone II | 11.02 | 3½%+.60 |



| COMMERCIAL LINE WORK(contd) | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| AREA B (cont'd) | | |
| EQUIPMENT MECHANIC (includes helicopter mechanic) and POWDERMAN | | |
| Zone I | 8.93 | 3½%+.60 |
| Zone II | 10.21 | 3½%+.60 |
| GROUNDMAN-JACKHAMMER OPRS. | | |
| Zone I | 7.21 | 3½%+.60 |
| Zone II | 8.24 | 3½%+.60 |
| AREA C | | |
| LINEMEN-TECHNICIANS | | |
| Zone I | 14.70 | 3½%+.60 |
| Zone II | 15.15 | 3½%+.60 |
| Zone III | 15.30 | 3½%+.60 |
| Zone IV | 15.55 | 3½%+.60 |
| CABLE SPLICERS | | |
| Zone I | 15.05 | 3½%+.60 |
| Zone II | 15.50 | 3½%+.60 |
| Zone III | 15.65 | 3½%+.60 |
| Zone IV | 15.90 | 3½%+.60 |
| EQUIPMENT OPR.(includes helicopter opr.) | | |
| Zone I | 13.28 | 3½%+.60 |
| Zone II | 13.68 | 3½%+.60 |
| Zone III | 13.83 | 3½%+.60 |
| Zone IV | 14.08 | 3½%+.60 |
| EQUIPMENT MECHANIC (including helicopter mechanic) | | |
| Zone I | 13.68 | 3½%+.60 |
| Zone II | 13.68 | 3½%+.60 |
| Zone III | 13.83 | 3½%+.60 |
| Zone IV | 14.08 | 3½%+.60 |
| POWDERMAN | | |
| Zone I | 13.23 | 3½%+.60 |
| Zone II | 13.23 | 3½%+.60 |
| Zone III | 13.38 | 3½%+.60 |
| Zone IV | 13.62 | 3½%+.60 |
| GROUNDMAN-JACKHAMMER OPRS. | | |
| Zone I | 10.44 | 3½%+.60 |
| Zone II | 10.89 | 3½%+.60 |
| Zone III | 11.04 | 3½%+.60 |
| Zone IV | 11.29 | 3½%+.60 |
| MARBLE, TILE & TERRAZZO WORKERS | 12.30 | .82 |
| MARBLE, TILE & TERRAZZO FINISHERS | 10.34 | .82 |
| MILLWRIGHTS-PILEDRIVERMEN: | | |
| Zone 1 | 13.10 | 2.70 |
| Zone 2 | 14.60 | 2.70 |
| Zone 3 | 15.35 | 2.70 |
| PAINTERS (ZONE I) | | |
| Class-A | 10.90 | 1.25 |
| Class-B | 11.40 | 1.25 |
| Class-C | 11.15 | 1.25 |
| Class D | 11.48 | 1.25 |
| Class E | 11.23 | 1.25 |

| PAINTERS (cont'd) | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS (ZONE II) | | |
| Class-A | $ 9.90 | 1.25 |
| Class-B | 10.90 | 1.25 |
| Class-C | 10.55 | 1.25 |
| Class-D | 10.75 | 1.25 |
| Class-E | 11.48 | 1.25 |
| Class-F | 11.23 | 1.25 |
| PAINTERS (ZONE III) | | |
| Class-A | 9.13 | .85 |
| Class-B | 9.55 | .85 |
| Class-C | 9.275 | .85 |
| Class-D | 9.98 | .85 |
| PAINTERS (RESIDENTIAL CONSTRUCTION in Santa Fe, Taos & Rio Arriba Cos.: | | |
| Brush & roller | 8.60 | 1.25 |
| Spray & sandblast | 9.25 | 1.25 |
| Paperhangers | 8.82 | 1.25 |
| Drywall finisher | 10.63 | 1.25 |
| Drywall finisher toll | 10.88 | 1.25 |
| PLASTERERS | 12.31 | 1.57 |
| PLUMBERS-PIPEFITTERS: | | |
| Area I | 15.25 | 3.06 |
| Area II | 16.00 | 3.06 |
| Area III | 17.50 | 3.06 |
| Specific Area | 16.05 | 3.06 |
| Residential | 9.95 | 1.42 |
| POWER EQUIPMENT OPERATORS: | | |
| RESIDENTIAL AND GENERAL | | |
| BUILDING CONSTRUCTION | | |
| Group I | 10.53 | 1.60 |
| Group II | 11.62 | 1.60 |
| Group III | 11.65 | 1.60 |
| Group IV | 11.71 | 1.60 |
| Group V | 11.77 | 1.60 |
| Group VI | 11.87 | 1.60 |
| Group VII | 11.97 | 1.60 |
| Group VIII | 13.15 | 1.60 |
| POWER EQUIPMENT OPERATORS | | |
| HEAVY CONSTRUCTION | | |
| Group I | 10.48 | 1.65 |
| Group II | 11.57 | 1.65 |
| Group III | 11.65 | 1.65 |
| Group IV | 11.66 | 1.65 |
| Group V | 11.72 | 1.65 |
| Group VI | 11.82 | 1.65 |
| Group VII | 11.92 | 1.65 |
| Group VIII | 13.10 | 1.65 |
| ROOFERS(Building Const.) | 10.62 | .50 |
| ROOFERS (Residential Const.) | 7.96 | .50 |
| SHEET METAL WORKERS: | | |
| Zone IA | 15.37 | 2.12 |
| Zone IB | 16.37 | 2.12 |
| Zone IC | 18.22 | 2.12 |
| Zone 1D | 17.62 | 2.12 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| SHEET METAL WORKERS (cont'd) | | |
| Zone IIA | $12.75 | 1.45 |
| Zone IIB | 14.00 | 1.45 |
| Zone IIC | 15.00 | 1.45 |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| SOFT FLOOR LAYERS | 10.64 | 1.24 |
| SOUND INSTALLERS: | | |
| SOUNDMAN | | |
| ZONE I | 12.15 | 3½%+.60 |
| Zone II | 13.67 | 3½%+.60 |
| Zone III | 16.71 | 3½%+.60 |
| Zone IV | 13.45 | 3%+.61 |
| TECHNICIANS | | |
| ZONE I | 9.72 | 3½%+.60 |
| Zone II | 11.24 | 3½%+.60 |
| Zone III | 14.28 | 3½%+.60 |
| Zone IV | 10.76 | 3%+.61 |
| SOUND INSTALLERS | | |
| ZONE I | 7.90 | 3½%+.60 |
| Zone II | 9.42 | 3½%+.60 |
| Zone III | 12.46 | 3½%+.60 |
| Zone IV | 8.74 | 3%+.61 |
| TRUCK DRIVERS (BLDG. CONST.) | | |
| ZONE I | | |
| Group I | 8.96 | 1.54 |
| Group II | 9.06 | 1.54 |
| Group III | 9.16 | 1.54 |
| Group IV | 9.28 | 1.54 |
| Group V | 9.33 | 1.54 |
| Group VI | 9.43 | 1.54 |
| Group VII | 9.53 | 1.54 |
| Group VIII | 9.67 | 1.54 |
| Group IX | 9.82 | 1.54 |
| ZONE II | | |
| Group I | 10.71 | 1.54 |
| Group II | 10.83 | 1.54 |
| Group III | 10.91 | 1.54 |
| Group IV | 11.03 | 1.54 |
| Group V | 11.08 | 1.54 |
| Group VI | 11.18 | 1.54 |
| Group VII | 11.28 | 1.54 |
| Group VIII | 11.42 | 1.54 |
| Group IX | 11.57 | 1.54 |
| ZONE III | | |
| Group I | 11.21 | 1.54 |
| Group II | 11.33 | 1.54 |
| Group III | 11.41 | 1.54 |
| Group IV | 11.53 | 1.54 |
| Group V | 11.58 | 1.54 |
| Group VI | 11.68 | 1.54 |
| Group VII | 11.78 | 1.54 |
| Group VIII | 11.92 | 1.54 |
| Group IX | 12.07 | 1.54 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| TRUCK DRIVERS (cont'd) | | |
| RESIDENTIAL CONSTRUCTION | | |
| Group I | $ 8.66 | 1.54 |
| Group II | 8.78 | 1.54 |
| Group III | 8.86 | 1.54 |
| Group IV | 8.98 | 1.54 |
| Group V | 9.03 | 1.54 |
| Group VI | 9.13 | 1.54 |
| Group VII | 9.23 | 1.54 |
| Group VIII | 9.37 | 1.54 |
| Group IX | 9.52 | 1.54 |
| TRUCK DRIVERS (HEAVY CONSTRUCTION | | |
| ZONE I | | |
| Group I | 9.11 | 1.54 |
| Group II | 9.23 | 1.54 |
| Group III | 9.31 | 1.54 |
| Group IV | 9.43 | 1.54 |
| Group V | 9.48 | 1.54 |
| Group VI | 9.58 | 1.54 |
| Group VII | 9.68 | 1.54 |
| Group VIII | 9.82 | 1.54 |
| Group IX | 9.97 | 1.54 |
| ZONE II | | |
| Group I | 10.66 | 1.54 |
| Group II | 10.73 | 1.54 |
| Group III | 10.81 | 1.54 |
| Group IV | 10.93 | 1.54 |
| Group V | 10.98 | 1.54 |
| Group VI | 11.08 | 1.54 |
| Group VII | 11.18 | 1.54 |
| Group VIII | 11.32 | 1.54 |
| Group IX | 11.47 | 1.54 |
| ZONE III | | |
| Group I | 10.91 | 1.54 |
| Group II | 10.98 | 1.54 |
| Group III | 11.06 | 1.54 |
| Group IV | 11.18 | 1.54 |
| Group V | 11.23 | 1.54 |
| Group VI | 11.33 | 1.54 |
| Group VII | 11.43 | 1.54 |
| Group VIII | 11.57 | 1.54 |
| Group IX | 11.72 | 1.54 |



## CLASSIFICATIONS' AREA AND ZONE DEFINITIONS

ASBESTOS WORKERS:
ZONE I - Statewide, except Union, Lea, Harding, Curry, Roosevelt and Quay Counties.
ZONE II - Union, Lea, Harding, Curry, Roosevelt and Quay Counties

BRICKLAYERS-STONEMASONS:
ZONE 1-A; 1-B and 1-C - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo, Cobila and Los Alamos Counties
FROM BASING POINT OF ALBUQUERQUE MAIN POST OFFICE:
Zone 1-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
ZONE II - Curry and Roosevelt Counties
ZONE III - DeBaca, Guadalupe and Quay Counties
ZONE IV - Chaves County
ZONE V - Lincoln County
ZONE VIA - Lee and Eddy Counties (except at Mine and Refinery sites outside Municipal Limits)
ZONE VIB - Lee and Eddy Counties (Employees at Mine and refinery sites outside Municipal Limits
ZONE VII - Otero County
ZONE VIII - Luna and Grant Counties, communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hildago and Sierra Counties
ZONE IX - Dona Ana County

CARPENTERS:
STATEWIDE - From nearest basing points of the following cities or towns; Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg. Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos and Tucumcari:
ZONES I AND II
Zone 1-A and 2-A - 0 to 15 road miles from neaeest basing point
Zone 1-B and 2-B - 15 to 35 road mi. from nearest basing point
Zone 1-C and 2-C - Over 35 road mi. from nearest basing point
SAN JUAN COUNTY (ONLY)
Zone I - Within 15 rd. mi. of the City of Farmington
Zone II - Over 15 mi. but less than 35 mi. from Farmington
Zone III - 35 miles ofr more from the City of Farmington

CEMENT MASONS:
AREA I - Statewide except Farmington, San Juan County
AREA II - Farmington, San Juan County
Zone I - 0-15 miles from Farmington City Hall
Zone II - 15-35 miles from Farmington City Hall
Zone III - 35 miles and over from Farmington City Hall

ELECTRICIANS-CABLE SPLICERS:
ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra, San Juan, Chaves, Curry, Lincoln, Cibola and Roosevelt Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

ELECTRICIANS-CABLE SPLICERS (Cont'd):
Area 1-A - From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 10 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 6 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over 2 mi. distant from the main post office in that town will be zoned out of Santa Fe.
Area 1-B - extending up to 20 miles beyond Area 1-A
Area 1-C - Extending up to 30 miles from Area 1-A
Area 1-D - anything beyond 30 miles from Area 1-A
ZONE II - Los Alamos County
ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 3-A - Within 10 miles radius from the p.o. in Las Cruces & within a 5 mi. radius from the p.o. in Alamogordo
Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in zone 3-A0
ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main p.o. in Artesia, Carlsbad, Hobbs and Lovington
Zone 4-A - 0 to 12 miles from main post office
zone 4-B - 12 - 22 miles from main post office
Zone 4-C - 22 - 40 miles beyond main post office
Zone 4-D - 40 miles and beyond main post office

ELEVATOR CONSTRUCTORS:
AREA I - Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties
AREA II - Chaves, Hidalgo, Dona, Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties

IRONWORKERS:
ZONE I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro, Taos, Torrance, Cibola and Valencia Counties.
ZONE II - Farmington, San Juan County
Area 1 - Shall extend a distance of 6 road miles inclusive beyond City Hall
Area 2 - Shall extend a distance of 8 road miles inclusive beyond the outer perimeter of area 1



CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

IRONWORKERS (Cont'd):
ZONE II - Farmington, San Juan County (cont'd)
Area 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of area 2
Area 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of area 3
Other areas not within area 1, 2, 3, and 4 shall revert to the $15.00 per day subsistence.
ZONE III - Dona Ana county with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except that Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.
ZONE IV - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

LABORERS BUILDING & HEAVY CONSTRUCTION ZONE DEFINITION (FARMINGTON AREA ONLY)
ZONE I - 0-15 miles from the City Hall in Farmington
ZONE II - 15-35 miles from the City Hall in Farmington
ZONE III - 35 miles and over from the City Hall in Farmington

BUILDING LABORERS CLASSIFICATION DEFINITION
GROUP I - Unskilled; building and common laborers, carpenter tenders, concrete workers, concrete buggy operators
GROUP II - Semi-skilled; air and power tool operator, asphalt rakers, demolition, gunite, rebound men, fog machine operator, power buggy operators, sandblasters (potmen), window washers, wagon core diamond drillers, tender; outside scaler, grade setter
GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzlemen
GROUP IV - Powdermen and blasteres

HEAVY CONSTRUCTION LABORERS' CLASSIFICATION DEFINITIONS
GROUP I - Unskilled - Construction and general laborers, carpenter tenders, concrete workers, concrete buggy operators
GROUP II - Semi-skilled - Air and power tool operators, asphalt rakers, cutting torch operators demolition, gunite rebound men, grade setters, power buggy operators, sand blasters (pot men), nozzlemen, wagon core and diamond drillers' tenders, outside scalers, fog machine operators
GROUP III - Wagon core, diamond drillers
GROUP IV - Miscellaneous - concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzleman
GROUP V - Powdermen and blasters

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS
GROUP I - Unskilled - Building and common laborers, carpenter tenders, concrete workers, concrete buggy operators, hand
GROUP II - Semi-skilled - air and power tool operator, asphalt rakers, demolition, gunnite rebound men, fog machine operator, power buggy

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS (Cont'd):
GROUP II (CONT'D)
operator, sand blasterers (pot men), window washers, wagon core and diamond drillers, tender outside
GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunnite nozzleman, pipelayer, pumpcrete nozzleman

LATHERS BASING POINTS & ZONE DEFINITIONS:
Alamogordo, Albuquerque, Antosia, Bayard, Belen, Carlbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordobango, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Socorro, Taos, Tucumcari.
ZONE I - Jobs within 15 miles of Base points
ZONE II - Jobs 15 to 35 miles
ZONE III - Jobs 35 miles and more

LEADS BURNERS BASING POINT & AREA DEFINITIONS
BASING POINT CITIES OR TOWNS:
Albuquerque, Alamorgordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Portales, Raton, Socorro, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari and Truth of Consequence
ZONE I - Shall include a distance of seven road miles inclusive beyond the city or town limits
ZONE II - Shall extended a distance of 4 road miles inclusive beyond the outer perimeter of area I.
ZONE III - Shall apply to all areas not within 1 or 2, or not within the specific areas.
ZONE IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving Grounds

COMMERCIAL LINE WORK
AREA A - Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandova, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico
ZONE I

| Cities and Towns Basing Points - Miles from Main Post Offices | |
|---|---|
| Albuquerque - 15 miles | Ruidoso - 12 miles |
| Santa Fe - 10 miles | Portales - 12 miles |
| Las Vegas - 8 miles | Clovis - 12 miles |
| Farmington - 6 miles | Gallup - 12 miles |
| Raton - 6 miles | |
| Tucumcari - 6 miles | |
| Aztec - 6 miles | |
| Roswell - 12 miles | |

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.
ZONE II - Extending up to 20 miles beyond zone 1
ZONE III - Extending up to 30 miles beyond zone 1



CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

COMMERCIAL LINE WORK (Cont'd)
ZONE IV - Anything beyond 30 miles from zone 1
Las Alamos County - Use ZONE III rates
AREA B - Applies to switching stations and su-stations adjacent to power plants in Zone 1 and Zone 2 in Luna, Dona Ana, Otero, and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico
ZONE I - That area within 25 miles radius from the downtown Post Office of El Paso, Texas. Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer established or maintains his place of business; the area within ten mile radius form the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico.
ZONE II - All other areas of the jurisdiction except those specified in zone 1
AREA C - Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs & Lovington,
ZONE I - 0 - 12 miles
ZONE II - 12 - 22 miles
ZONE III - 22 to 40 miles
ZONE IV - 40 miles and beyond

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS
BASING POINT - FROM ALBUQUERQUE CITY LIMITS:
ZONE 1 - 0 to 15 road miles from basing point
ZONE 2 - 15 to 35 road miles from basing point
ZONE 3 - Over 35 road miles from basing point

PAINTERS' ZONE AND CLASSIFICATION DEFINITION
ZONE I - San Juan, McKinley, Bernalillo, Torance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierrra, Grant, Hidalgo, Curry, Lea, Eddy and Sandoval, Counties, New Mexico.
CLASS A - Painters, roller and hand textures
CLASS B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
Class C - Paperhanger
CLASS D - Drywall finisher; ames tool operator
CLASS E - Hand finisher machine texture
ZONE II - Colfax, Harding, Los Alamos, Mora, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties
Class A - Painters and roller
Class B - Paperhangers
Class C - Spray, Sandblast, steel, special coating applicator
Class D - Sing Painters
Class E - Drywall finisher tool and machine texture
Class F - Hand finisher
ZONE III - Luna, Otero, and Dona Ana Counties
Class A - Brush, paperhangers
Class B - Spray, sandblasting, swing stage, striping machine
Class C - Ames tool and steel brush after erection
Class D - Radio towers, water tanks smoke stake 70 - 100 ft.

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

PLUMBERS - PIPEFITTERS' ZONES DEFINITIONS
BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcary, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas 1 or 2 or not within the specific area.

Specific Area - Los Alamos, White Rock, South Meas, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp and Dona Ana and Otero Co.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION

GROUP I - Fireman, oiler, screedman, scale operator such as bin-a batch, rubber tired farm type tractor, tractors under 50 HP without attachments, breakman, concrete paving curing machine (bridgetype), helper; (mechanic, welder, grease truck)

GROUP II - Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM & over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor farm type (under 50 HP with attachments) motorman and industrial locomotive operator, winch truck, front end loaders (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III - Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment; (refrigeration, slusher, jumbo forms), trenching machines (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants

GROUP IV - Front end loaders (2 thru 10 CY), rollers steel wheeled-all types, bulldozers, scrapers (motor or towed), elevating graders, concrete batching plants, self-propelled rollers -- equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate, three bowl scraper (60¢ over basic rate)

GROUP V - Hydraulic cranes-with less than 50 feet of boom (20 tons and under), concrete paver-double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader

GROUP VI - Mucking machines - all types, motor grader (finish) mechanic - welder

GROUP VII - Steam engineers, loader (front end over 10 CY), concrete pump (snorkel type)



CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION (CONT'D)

GROUP VIII - All shovel type equipment; cranes, draglines, backhoes, derricks, guy & stiff leg, pipemobile (No. 2 operator), piledriver, hydraulic cranes (20 tons & over), mine hoist, belt loader ("C.M.I." Type), boom & jibs 150 ft. through 199 ft. - 25¢ per hour above base pay 200 ft. and over - 50¢ per hour above base pay. Shove (wheel type), boring machine (tunnel or shaft mole), pipe mobile

SHEET METAL WORKERS ZONE & CLASSIFICATION DEFINITIONS

ZONE I - Bernalillo, Catron, Chaves, Colfax, Curry, De Baca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arribo, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties.

ZONE IA - Any area within a five (5) mile radus of the city limits of Albuquerque, Santa Fe, Farmington, Roswell and Kirtland AFB, East and West; Rio Rancho; Paradise Hills; An area including ten (10) miles each direction east and west of interstate Highway 25 and extending north and south, terminating with but including, Santa Fe and Belen; an area identified by corner reference points beginning at and including Pojoaque, to Chimayo, to Velarde, to Abiquiu and back to Pojaque; An area identified by corner reference points beginning at the including Farmington to Aztec, to Bloomfield and back Farmington.

ZONE IB - Los Alamos County

ZONE IC - San Juan (except that area in Zone 1A)

ZONE ID - All area not in Zone iA, IB, or IC.

ZONE II - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.

ZONE IIA - Any area within a five (5) mile radus of the city limits of Carlsbad, Las Cruces, Artesia, Alamogordo, Hobbs and Sunland Park.

ZONE IIB - White Sands, Including Holloman, McGregor and Lyndon B. Johnson.

ZONE IIC - All area not in Zone IIA or IIB.

SOUND INSTALLERS ZONE DEFINITIONS

ZONE I - Thirty mile radius of main post office in Albuquerque

ZONE II - Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased for twelve and one-half (12½) percent of journeymen rate of pay for Zone I.

ZONE III - Chavez, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arribo, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I

ZONE IV - Eddy and Lea Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

TRUCK DRIVERS ZONE PAY BASING POINTS AND DEFINITIONS LISTED BELOW FOR BUILDING AND HEAVY CONSTRUCTION

BASING POINTS ARE AS FOLLOWS:

Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, Tucumcari

ZONE I - Shall be jobs or projects within 15 road miles from the starting points listed above

ZONE II - Shall be jobs or projects which are more than fifteen road miles, but less than thirty-five road miles from base points, also, includes all of Los Alamos Co.

ZONE III - Shall be those jobs or projects which are thirty-five road miles or more from the base points.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, HEAVY AND RESIDENTIAL CONSTRUCTION)

GROUP I - Pickup 3/4 ton and under, lubrication, light tire repair and washer, swamper, 2 or 4 and up.

GROUP II - Dump or batch truck under 8 C.Y.W.L.C.: flat bed (bobtail) 2 ton and under; warehouseman including material checker, fork lift under 5 tons MRC.

GROUP III - Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons

GROUP IV - Distributor driver, heavy tire repair, lumber carrier driver, young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment, scissor truck, bulk cement bobtail 2 or 3 axles, semi-trailer flatbed or van single axle, forklift 5 ton and over M.R.C.

GROUP V - Dumpsters and dumpcrete driver; water, fuel or oil truck 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.

GROUP VI - Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

GROUP VII - Transit mix or agitator semi or 4 axle equipment driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump truck (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.

GROUP VIII - Euclid diesel power turnarocker; terra coba-DW20-Le-Tourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster-lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all

GROUP IX - Lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)



PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

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)).

STATE: Texas COUNTY: Lubbock
DECISION NO.: TX82-4026 DATE: Date of Publication
Supersedes Decision No. TX81-4036, dated 6/5/81, in 46 FR 30286.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $13.60 | 2.37 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS & STONEMASONS | 12.02 | .33 |
| CARPENTERS | 12.15 | 1.34 |
| CEMENT MASONS | 8.15 | |
| ELECTRICIANS: | | |
| Electricians | 14.25 | .80 + 3-1/10% |
| Cable splicers | 14.50 | " |
| IRONWORKERS: | | |
| Structural, ornamental & reinforcing | 12.30 | 2.35 |
| All ironworkers on jobs 30 miles or more from the city of Lubbock | 12.425 | 2.35 |
| LABORERS: | | |
| GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tender, reinforcing, shoring, digging, loading & unloading materials, wrecking bldgs. & all structures & all construction laborers except those named below | 7.31 | .57 |
| GROUP 2 - Air tool op. (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (conc. & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe | 7.58 | .57 |
| GROUP 3 - Mortar mixers, mason tenders, plasterers tenders, cement finisher tender, lather tender | 7.51 | .57 |
| GROUP 4 - Wagon drill | 7.66 | .57 |
| GROUP 5 - Blasters & powderman | 7.91 | .57 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LINE CONSTRUCTION: | | |
| Linemen | $14.25 | .80+ 3-1/10% |
| Operators | 80%JR | " |
| Groundmen | 55%JR | " |
| Truck drivers | 70%JR | " |
| PAINTERS: | | |
| Brush | 10.45 | |
| Spray, sandblasters | 11.20 | |
| PLUMBERS & STEAMFITTERS | 13.45 | 1.09 |
| SHEET METAL WORKERS | 14.72 | 1.39 |
| POWER EQUIPMENT OPERATOR: | | |
| GROUP 1 | 10.025 | 1.425 |
| GROUP 2 | 10.925 | 1.425 |
| GROUP 3 | 11.325 | 1.425 |
| 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)).

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); 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 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear)
GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes - power operated (to 100 ft. of boom); Derricks, power operated, all types; Gradall; Hy-Ho; Hop-To; Paving Mixer (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 Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressors & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: TX82-4024 DATE: Date of Publication
Supersedes Decision No. TX81-4074, dated 10/2/81, in 46 FR 48861.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $14.70 | 2.43 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS & STONEMASONS | 13.54 | 2.21 |
| CARPENTERS: | | |
| Carpenters | 14.01 | 1.57 |
| Millwrights | 14.26 | 1.57 |
| CEMENT MASONS | 12.69 | 1.15 |
| ELECTRICIANS & CABLE SPLICERS | 15.60 | .80+ 8-8/10% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 13.06 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS | 12.06 | .52 |
| IRONWORKERS | 13.35 | 2.62 |
| LABORERS: | | |
| GROUP 1 - General laborer & pier hole men | 8.43 | .72 |
| GROUP 2 - Mason tender; Pipelayer (conc. & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool op. | 8.58 | .72 |
| GROUP 3 - Plaster tender; hod carrier; Mortar mixer; lather tender | 8.755 | .72 |
| GROUP 4 - Gunnite over 1½" thick; Nozzlemen; Machine op.; Powderman & blaster | 8.83 | .72 |
| LATHERS | 11.525 | .01 |
| LINE CONSTRUCTION: | | |
| Linemen | 16.59 | .80 + 3½% |
| Groundmen | 9.12 | " |
| MARBLE, TILE & TERRAZZO WORKERS | 11.90 | .75 |
| MARBLE, TILE & TERRAZZO FINISHERS: | | |
| Marble, tile, terrazzo | 8.62 | |
| Floor machine operator | 8.82 | |
| Base machine operator | 8.97 | |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS: | | |
| GROUP 1 - Journeyman painters, taping & floating of sheetrock | $11.50 | |
| GROUP 2 - Spray; sand-blasting swing stage | 12.00 | |
| PLASTERERS | 13.74 | 1.16 |
| PLUMBERS & PIPEFITTERS | 15.40 | 1.07 |
| ROOFERS: | | |
| Roofers; deckmen | 9.24 | .50 |
| Kettlemen | 8.19 | .50 |
| Waterproofers | 8.69 | .50 |
| SHEET METAL WORKERS | 14.87 | 2.09 + 3% |
| SOFT FLOOR LAYERS | 14.40 | 1.56 |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP 1 | 14.24 | .85 |
| GROUP 2 | 13.07 | .85 |
| GROUP 3 | 11.70 | .85 |
| GROUP 4 | 11.60 | .85 |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | |

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 yrs. - 8% of basic hourly rate. Also 7 paid holidays A thru G

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)).



POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; Crawler dozers or loaders; derricks, power operated (all types); Dragline; cableway; backhoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts and loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machines (all sizes); gradall; foundation boring machine; scoopmobile; shovel power operated; pump crete machine; rock crusher operated on job; well points including installations; riding compactor; forklift over 1500 lbs. capacity; flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; conventional truck crane driver and oiler; combination man; hoist, single drum; pneumatic roller; high-lifts and loaders, 1/3 cu. yd. or less; forklift 1500 lbs. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX82-4033 DATE: Date of Publication
Supersedes Decision No. TX81-4075, dated 10/2/81, in 46 FR 48863.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction For Galveston (excluding Galveston Island) & Harris Counties).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $16.20 | 2.71 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS & STONEMASONS | 15.95 | 2.15 |
| CARPENTERS: | | |
| Carpenters | | |
| Piledrivermen | 14.90 | 2.02 |
| Millwrights | 15.285 | 2.02 |
| CEMENT MASONS: | | |
| Galveston County | 14.50 | 1.80 |
| Harris County | 15.20 | 2.13 |
| ELECTRICIANS: | | |
| Galveston County: | | |
| Electricians | 16.47 | 1.39+ 10% |
| Cable splicers | 17.47 | " |
| Harris County | 16.35 | 1.08+ 12% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 15.34 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS | 13.39 | 1.575 |
| IRONWORKERS | 15.46 | 2.90 |
| LABORERS: | | |
| GROUP 1 - Common | 10.95 | 1.56 |
| GROUP 2 - Air tool op. (jackhammer-vibrator); mason tender; pipelayer (conc. & clay); Sand blasterer; power buggy | 11.135 | 1.56 |
| GROUP 3 - Lather tender; mortar mixers; plaster tenders & hod carriers | 11.245 | 1.56 |
| GROUP 4 - Well driller | 11.54 | 1.56 |
| GROUP 5 - Well driller tender | 11.085 | 1.56 |
| GROUP 6 - Blaster, powderman | 11.405 | 1.56 |
| LATHERS (Harris Co. only) | | |
| LINE CONSTRUCTION: | | |
| ZONE 1-Galveston Co. & that part of Harris Co. from Loop 610 east to State Hwy. 59, north on State Hwy. 59, Hwy. 1960 west on Hwy 1960 to Hwy. 6, south on Hwy. 6 to State Hwy. 59, southeast on State Hwy. 59 to Loop 610 around Loop 610 to State Hwy. 59 North: | | |
| Linemen & cable splicer | $16.85 | .80+3½% |
| Groundman | 9.77 | .80+3½% |
| ZONE 2 - Remainder of Harris Co.: | | |
| Linemen & cable splicer | 16.45 | .80+3½% |
| Groundman | 9.54 | .80+3½% |
| MARBLE, TILE & TERRAZZO WORKERS: Galveston Co. | 13.76 | |
| Harris Co. | 15.17 | 1.65 |
| MARBLE, TILE & TERRAZZO FINISHERS | 9.70 | 1.05 |
| PAINTERS: | | |
| EAST HARRIS COUNTY: | | |
| GROUP 1-All brush, hand rolling & all other work other than that below | 16.73 | |
| GROUP 2-All pneumatic & elec. tools & steam cleaning | 17.085 | |
| GROUP 3-All tape & float on drywall | 16.825 | |
| GROUP 4-All paper & vinyl hanging | 16.98 | |
| GROUP 5 - All spray, sandblasting & waterblasting | 17.125 | |
| GROUP 6-Steeple jack work, hot materials | 17.39 | |
| REMAINDER OF HARRIS CO. | | |
| GROUP 1-All brush, hand roller, steam cleaning all pneumatic tools | 13.095 | 1.815 |
| GROUP 2-All spray, sandblasting, waterblasting | 13.47 | 1.815 |
| GROUP 3-Tape, float & drywall | 13.22 | 1.815 |
| GROUP 4-Steeple jack work, hot materials | 13.72 | 1.815 |
| PAINTERS (CONT'D): | | |
| GALVESTON COUNTY: | | |
| GROUP 1 - Painters on new work | $14.345 | 3.05 |
| GROUP 2 - Painters on swinging stage work or using materials injurious to the skin | 14.645 | 3.05 |
| GROUP 3 - Painters on rework & repaint | 13.59 | 3.05 |
| PIPEFITTERS | 16.20 | 2.03 |
| PLASTERERS | 15.20 | 1.69 |
| PLUMBERS | 17.51 | 1.65 |
| ROOFERS: | | |
| Composition | 13.86 | 1.58 |
| Slate & tile | 14.61 | 1.58 |
| Kettlemen | 12.90 | 1.58 |
| SHEET METAL WORKERS | 15.26 | 1.87+3% |
| SOFT FLOOR LAYERS | 14.40 | 1.56 |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| TRUCK DRIVERS: | | |
| GROUP 1 - Under 1½ tons | $10.79 | |
| GROUP 2 - 1½ thru 2½ tons; dump less 7 yds. | 11.21 | |
| GROUP 3 - Over 2½ tons | 11.61 | |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP 1 | 15.09 | 2.09 |
| GROUP 2 | 13.23 | 2.09 |
| GROUP 3 | 12.60 | 2.09 |
| GROUP 4 | 12.39 | 2.09 |
| 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)). | | |

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

FOOTNOTE FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate. Also Seven Paid Holidays A thru G

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-powered (all types); clamshell; draglines; push cat; bulldozer & all types cat tractors; cableway; backhoe; shovel, power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mixmobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat op., assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cu. ft. or more; paving mixer (all types); piledriver; scraper, heavy type, over 3 cu. yds.; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine; turnapulls; DW-10 Caterpillar, S-18 euclid & similar tractors; asphalt plant mixer on job; crusher op. on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant; pneumatic rollers, self-propelled.
GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cu. ft.; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cu. yd. or less; wagon drill; conveyor; generator gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachment; a light equipment op. may run 1 or 2 150 cfm compressors
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX82-4025 DATE: Date of Publication
Supersedes Decision No. TX81-4076, dated 10/2/81, in 46 FR 48857.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $16.20 | 2.71 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS & STONEMASONS | 15.95 | 2.15 |
| CARPENTERS: | | |
| Carpenters | 12.80 | |
| Millwrights | 15.285 | |
| CEMENT MASONS | 15.20 | 2.13 |
| ELECTRICIANS | 14.715 | 1.08+ 12% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 15.34 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS | 13.39 | 1.575 |
| IRONWORKERS | 15.46 | 2.90 |
| LABORERS: | | |
| GROUP 1 | 6.30 | 1.00 |
| GROUP 2 | 6.40 | 1.00 |
| GROUP 3 | 6.50 | 1.00 |
| GROUP 4 | 6.45 | 1.00 |
| GROUP 5 | 6.55 | 1.00 |
| GROUP 6 | 6.70 | 1.00 |
| LINE CONSTRUCTION: | | |
| Linemen & cable splicers | 15.09 | .80+3½% |
| Groundmen | 8.75 | .80+3½% |
| MARBLE, TILE & TERRAZZO WORKERS | 15.17 | 1.65 |
| PAINTERS: | | |
| GROUP 1 - All brush, hand roller, steam cleaning, all pneumatic tools | 13.095 | 1.815 |
| GROUP 2 - All spray, sandblasting, waterblasting | 13.47 | 1.815 |
| GROUP 3 - Tape, float & drywall | 13.22 | 1.815 |
| GROUP 4 - Steeple jack work, hot materials | 13.72 | 1.815 |
| PIPEFITTERS | 16.20 | 2.03 |
| PLASTERERS | 15.20 | 1.69 |
| PLUMBERS | 17.51 | 1.65 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP 1 | 15.09 | 2.09 |
| GROUP 2 | 13.23 | 2.09 |
| GROUP 3 | 12.60 | 2.09 |
| GROUP 4 | 12.39 | 2.09 |
| SHEET METAL WORKERS | $15.26 | 1.87+ 3% |
| SOFT FLOOR LAYERS | 14.40 | 1.56 |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | |

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs - 6%; over 5 yrs. - 8% of basic hourly rate; Seven Paid Holidays A thru G

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 - Construction labor, including excavation, concrete work, reinforcing, mason handler & wheeler (stock pile), asphalt ironer & raker, pipe layer (non-metallic), pump crete pipe (handling & laying) & all building construction labor excepting that hereinafter classified;carpenters tender, cement masons tender, vibrator operator, other mechanic tender (except as otherwise classified); dumper & spotter
GROUP 2 - Air tool operator
GROUP 3 - Well driller
GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling from first stock pile; concrete pipe (handling & laying); sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender
GROUP 5 - Tool room tender; mortar mixer (hoe or otherwise); blaster, powder man; gunnite worker
GROUP 6 - Gunnite nozzleman

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick - power operated (all types); clam shell; dragline; push cat; bulldozer & all types cat tractor; cable-way; backhoe; shovel, power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cu. ft. or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cu. yds.; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine; turnapulls; DW-10 Caterpillar, S-18 euclid & similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant; pneumatic rollers, self-propelled
GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cu. ft.; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cu. yds. or less; wagon drill operator; conveyor; generator, gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX82-4027 DATE: Date of Publication
Supersedes Decision No. TX81-4078, dated 10/2/81, in 46 FR 48865.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | $14.70 | 2.43 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS & STONEMASONS | 13.28 | 1.27 |
| CARPENTERS: | | |
| Carpenters | 12.50 | 2.13 |
| Millwrights | 12.80 | 2.13 |
| CEMENT MASONS | 12.72 | 1.15 |
| ELECTRICIANS: | | |
| Electricians | 14.29 | .60+6% |
| Cable splicers | 14.54 | .60+6% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 13.43 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| IRONWORKERS | 12.55 | 2.87 |
| LABORERS: | | |
| GROUP 1 - General laborer | 7.77 | 1.22 |
| GROUP 2 - All power tools & equipment ops.; cutting torch man; power buggy op.; wagon drill; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants; asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender | 8.02 | 1.22 |
| GROUP 3 - Mortar mixer; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sandblaster; bell hole man; blaster, powderman; gunnite nozzleman | 8.27 | 1.22 |
| LINE CONSTRUCTION: | | |
| Lineman | 14.63 | .80+3⅛% |
| Cable splicer | 14.88 | " |
| Groundman | 8.05 | " |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| MARBLE, TILE & TERRAZZO WORKERS | $12.22 | 1.22 |
| MARBLE, TILE & TERRAZZO FINISHERS: | | |
| Marble, tile & terrazzo | 8.62 | |
| Floor machine operators | 8.82 | |
| Base machine operators | 8.97 | |
| PAINTERS: | | |
| Brush; paperhanger; taper & floater; roller | 10.65 | .65 |
| Brush on all structural steel; spray on any other surface other than steel | 10.90 | .65 |
| PLUMBERS & PIPEFITTERS | 15.93 | 1.73 |
| ROOFERS: | | |
| Roofers; deckman | 9.24 | .50 |
| Kettlemen | 8.19 | .50 |
| Waterproofers | 8.69 | .50 |
| SHEET METAL WORKERS | 14.87 | 2.09+3% |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP 1 | 12.52 | 2.00 |
| GROUP 2 | 11.15 | 2.00 |
| GROUP 3 | 9.40 | 2.00 |
| GROUP 4 | 9.02 | 2.00 |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | |

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs - 6%; over 5 yrs. - 8% of basic hourly rate. Also 7 Paid Holidays A thru G

Unlisted classification 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)).



POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine; rock crusher on job; scoopmobile; scrapers; shovel, power operated; turnapulls; trenching machines (all sizes); winch truck
GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces of equipment of equal or similar nature
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX82-4029

DATE: Date of Publication

Supersedes Decision No. TX81-4079, dated 10/2/81, in 46 FR 48867.

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories).

| BUILDING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS: | | |
| ZONE 1-Bell,Coryell,Falls | $14.70 | 2.43 |
| ZONE 2-Bosque,Hill, McLennan | 14.71 | 2.475 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS | 13.45 | 1.28 |
| CARPENTERS: | | |
| ZONE 1 - Bell & Coryell: | | |
| Carpenters | 12.00 | |
| Millwrights | 12.25 | |
| ZONE 2 - Remaining Cos.: | | |
| Carpenters | 11.42 | .66 |
| Millwrights | 12.44 | .66 |
| CEMENT MASONS | 12.69 | 1.15 |
| ELECTRICIANS: | | |
| ZONE 1-Bell(that part which is nearer to Waco than Austin but excl. that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & City of Killeen), Bosque,Coryell (except that part of Ft. Hood south of Cowhouse Creek),Falls,Hill & McLennan: | | |
| Electricians | 14.10 | .82+3½% |
| Cable splicers | 15.10 | .82+3½% |
| ZONE 2-Bell(that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the SE boundary line of Coryell Co., Gray Field & City of Killeen) & Coryell(that part south of Cowhouse Creek): | | |
| Electricians & cable splicers | 15.60 | .80+8-8/10% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 12.87 | 2.33+a |
| Helpers | 70%JR | 2.33+a |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS | $ 7.50 | |
| IRONWORKERS | 13.35 | 2.62 |
| LABORERS: | | |
| Unskilled | 3.35 | |
| Mason tender,mortar mix | 3.55 | |
| LINE CONSTRUCTION: | | |
| ZONE 1-Bell(that part which is nearer to Waco than Austin but excl. that part of Ft. Hood boundary which presently located approx. 2 miles inside the Bell Co. line & City of Killeen),Bosque,Coryell (except part of Ft.Hood south of Cowhouse Creek),Falls,Hill & McLennan: | | |
| Linemen | 12.46 | .60+8½% |
| Cable splicers | 13.71 | .60+8½% |
| Groundman | 8.72 | .60+8½% |
| Operators | 13.08 | .60+8½% |
| ZONE 2-Bell(that part which is nearer to Austin that Waco), & Coryell (south of Cowhouse Creek): | | |
| Linemen | 14.30 | .60+8½% |
| Cable splicers | 15.73 | .60+8½% |
| Groundman | 10.01 | .60+8½% |
| Operators | 15.02 | .60+8½% |
| PAINTERS: | | |
| GROUP 1 - Brush | 9.40 | .04 |
| GROUP 2-Boiler pipe & steel,structural steel, window jacks,roofs, stage work,smoke stack, water towers,boatswain chair | 9.90 | .04 |
| GROUP 3-Ames tools for drywall | 10.00 | .04 |
| GROUP 4-Spray work & self-feeding rollers | 10.15 | .04 |
| GROUP 5-Steam cleaning sandblasting & hazardous work | 10.50 | .04 |
| PLASTERERS | 13.74 | 1.16 |



| BUILDING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PLUMBERS & PIPEFITTERS: | | |
| ZONE 1-McLennan Co. basic rate | $12.51 | .99 |
| ZONE 2-20 to 45 miles from McLennan Courthouse incl. towns of Temple, Marlin,Clifton,Hillsboro & Belton | 13.01 | .99 |
| ZONE 3- All other areas | 14.01 | .99 |
| ROOFERS: | | |
| GROUP 1-Slate,tile,asbestos roofing & siding | 6.93 | .03 |
| GROUP 2-Composition,built up,damp & waterproofing | 6.80 | .03 |
| GROUP 3 - Kettlemen | 5.10 | .03 |
| SHEET METAL WORKERS: | | |
| ZONE 1-Within a radius of 20 miles from the McLennan Courthouse | 12.13 | 1.58+3% |
| ZONE 2-Over 20 miles up to & incl. 45 miles | 12.61 | 1.58+3% |
| ZONE 3-Over 45 miles | 13.58 | 1.58+3% |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| TRUCK DRIVERS | 3.35 | |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP 1 | 14.24 | .85 |
| GROUP 2 | 13.07 | .85 |
| GROUP 3 | 11.70 | .85 |
| GROUP 4 | 11.60 | .85 |

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS

a - 1st 6 mos.-none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; Also seven paid holidays A thru G

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses(29 CFR, 5.5 (a)(1)(ii)).

| INCIDENTAL PAVING & UTILITIES | Basic Hourly Rates |
|---|---|
| Asphalt Heaterman | $ 4.55 |
| Asphalt Raker | 5.55 |
| Carpenter | 6.50 |
| Carpenter Helper | 5.00 |
| Concrete Finisher (Structures) | 5.50 |
| Conc. Finisher Helper(Structures) | 4.25 |
| Concrete Rubber | 4.70 |
| Electrician | 9.00 |
| Electrician Helper | 5.90 |
| Form Builder (Structures) | 5.50 |
| Form Builder Helper (Structures) | 4.50 |
| Form Setter (Structures) | 5.00 |
| Form Setter Helper (Structures) | 4.40 |
| Laborer, Common | 4.10 |
| Laborer, Utility Man | 4.45 |
| Mechanic | 6.55 |
| Oiler | 5.50 |
| Serviceman | 4.75 |
| Pipelayer - Bosque,Falls, Hill & McLennan Cos. | 6.00 |
| Pipelayer (Conc. & clay) - Bell & Coryell Cos. | 6.00 |
| Plumbers (Bell & Coryell): | |
| Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton | 14.00 |
| Zone 2 - all area not included in Zone 1 | 15.00 |
| Reinforcing Steel Setter(Struc.) | 5.85 |
| Reinforcing Steel Setter Helper | 5.00 |
| Sign Erector | 4.65 |
| Spreader Box Man | 4.80 |
| Power Equipment Operators: | |
| Asphalt Distributor | 5.65 |
| Asphalt Paving Machine | 5.25 |
| Broom or Sweeper Operator | 4.65 |
| Bulldozer 150 HP & Less | 5.15 |
| Bulldozer over 150 HP | 6.00 |
| Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY) | 5.25 |
| Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over) | 6.50 |
| Crusher or Screening Plant Op. | 4.60 |
| Front End Loader (2½ CY & Less) | 5.15 |
| Front End Loader (Over 2½ CY) | 6.15 |
| Motor Grader Operator,Fine Grade | 7.00 |
| Motor Grader Operator | 5.50 |
| Roller,Steel Wheel(Plant-Mix Pavements) | 4.50 |
| Roller, Steel Wheel(Other-Flat Wheel or Tamping) | 4.95 |

| INCIDENTAL PAVING & UTILITIES | Basic Hourly Rates |
|---|---|
| Power Equipment Ops. (Cont'd): | |
| Roller, Pneumatic (Self-Propelled) | $ 4.45 |
| Scrapers (17 CY & Less) | 5.10 |
| Scrapers (Over 17 CY) | 5.25 |
| Tractor (Crawler Type) 150 HP & Less | 4.10 |
| Tractor (Pneumatic) 80 HP & Less | 4.65 |
| Tractor (Pneumatic) over 80 HP | 5.20 |

| INCIDENTAL PAVING & UTILITIES | Basic Hourly Rates |
|---|---|
| Truck Drivers: | |
| Single Axle, Light | $ 4.65 |
| Single Axle, Heavy | 5.50 |
| Tandem Axle of Semitrailer | 5.60 |

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING CONSTRUCTION)

GROUP 1 - Heavy duty mechanic; Blade grader, self-propelled; Crawler dozers or loaders; Derricks, power operated (all types); Dragline, Cableway; Backhoe; Cranes, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven two drums or more; Mixmobile; High-lifts and loaders, over 1/3 cu. yd. capacity; Winch truck; Locomotive; Mixer, 14 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Gradall; Foundation boring machine; Scoopmobile; Shovel, power operated; Pump crete machine; Rock crusher operated on job; Well points including installations; Riding compactor; Forklift over 1500 lbs. capacity; Flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)

GROUP 2 - Blade grader, towed; Flex plane; Form grader; Mixer, less than 14 cu ft ; Pulsometer; Conventional truck crane driver and oiler; Combination man; Hoist, single drum; Pneumatic roller; High-lift and loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Jefferson & Orange
DECISION NO.: TX82-4028 DATE: Date of Publication
Supersedes Decision No. TX82-4005, dated 1/29/82 in 47 FR 4465.
DESCRIPTION OF WORK: Building (including Residential) Projects

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS: | | |
| Jefferson County | $16.20 | 2.71 |
| Orange County | 16.755 | 2.215 |
| BOILERMAKERS | 16.35 | 2.315 |
| BRICKLAYERS & STONEMASONS | 17.28 | 2.10 |
| CARPENTERS: | | |
| Carpenters - Commercial | 15.67 | 1.765 |
| Carpenters - residential const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes | 13.69 | 1.765 |
| Millwrights | 15.925 | 1.75 |
| Piledrivermen | 15.81 | 1.70 |
| CEMENT MASONS | 16.12 | |
| ELECTRICIANS | 17.70 | 1.135+ 3% |
| ELEVATOR CONSTRUCTORS: | | |
| Mechanics | 15.34 | 2.465+a |
| Helpers | 70%JR | 2.465+a |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS: | | |
| Northern 1/2 Jefferson Co | 13.90 | .87 |
| Southern 1/2 Jefferson Co & all of Orange Co.: | | |
| Commercial | 15.36 | .87 |
| Residential | 11.95 | .65 |
| IRONWORKERS | 14.80 | 2.95 |
| LABORERS: | | |
| GROUP 1 | 9.71 | 1.25 |
| GROUP 2 | 9.91 | 1.25 |
| GROUP 3 | 10.01 | 1.25 |
| GROUP 4 | 10.16 | 1.25 |
| LATHERS | 15.67 | 1.765 |
| LINE CONSTRUCTION: | | |
| Linemen & cable splicers | 18.24 | .80+ 3-1/2% |
| Groundmen | 13.32 | " |
| PAINTERS: | | |
| Southern 1/2 of Jefferson Co. & all of Orange Co.: | | |
| COMMERCIAL: | | |
| GROUP 1 - Brush, steel wood & wallpaperhanger | 15.36 | .87 |
| GROUP 2 - Spray, roller, sandblaster, power cleaning, all time spent rigging; hot paint or creosote brush | $15.81 | .87 |
| GROUP 3 - Hot paint or creosote spray or roller | 16.16 | .87 |
| RESIDENTIAL: | | |
| Brush | 11.95 | .65 |
| Paperhanger | 12.20 | .65 |
| Spray | 12.47 | .65 |
| Sandblaster, power cleaning | 12.21 | .65 |
| North 1/2 Jefferson Co.: | | |
| Brush | 13.90 | .87 |
| Drywall | 13.90 | .87 |
| Spray | 14.32 | .87 |
| Paper & vinyl | 14.15 | .87 |
| Sign | 14.32 | .87 |
| Hand cleaning operation | 13.90 | .87 |
| Power tool operations | 14.32 | .87 |
| 25¢ per hour above the prevailing wage rate when working on window sills or legde, swing stage, bosun chair, cat walks, spider & skates in all classifications | | |
| PIPEFITTERS | 16.17 | 2.02 |
| PLASTERERS | 15.20 | 1.69 |
| PLUMBERS | 15.71 | .99 |
| POWER EQUIPMENT OPERATORS: | | |
| GROUP 1 | 16.735 | .75 |
| GROUP 2 | 14.11 | .75 |
| GROUP 3 | 12.99 | .75 |
| GROUP 4 | 12.74 | .75 |
| ROOFERS: | | |
| Composition | 13.86 | 1.58 |
| Slate & tile | 14.61 | 1.58 |
| Kettlemen | 12.90 | 1.58 |

DECISION NO. TX82-4028 PAGE 2

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| SHEET METAL WORKERS: | | |
| Commercial | $14.48 | 1.87+3% |
| Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apt. is individually conditioned by a separate & independent unit or system | 9.41 | 1.87+3% |
| SPRINKLER FITTERS | 16.17 | 2.83 |
| TILE SETTERS | 15.77 | 2.10 |
| TRUCK DRIVERS: | | |
| GROUP 1 - Under 1-1/2 ton | 12.60 | .79 |
| GROUP 2 - 1-1/2 tons thru 2-1/2 tons | 13.39 | .70 |
| GROUP 3 - Dump truck less than 7 yds. | $13.39 | .79 |
| GROUP 4 - Over 2-1/2 tons; euclids (not self-loading) | 13.68 | .79 |

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)).

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

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; Also seven paid holidays A thru G

LABORERS CLASSIFICATION DEFINITIONS
GROUP 1 - All hand digging & dirt work;backfilling;loading & unloading of material to & frcm hoist or cages;loading & unloading of tools & equip.; handling of lumber,steel,cement;distribution of materials;wrecking & razing of bldgs. & struc.; storing materials & tools in & out of receiving lots & sheds;dumper;spotter; carpenter tender & all construction work not hereinafter classified
GROUP 2 - Air power tool op.;cutting torch op,;gunnite rebound man;machine ops.; power buggy;sandblaster(potmen);drill tenders;concrete grademen;wagon drill op.; metal pan & steel form men
GROUP 3 - Conc. burner;cement mason tender;hod carrier,mortar mixers,plaster tenders & brick mason tenders;pipelayer,pumpcrete nozzlemen;scaffold builder;water pump op.;tank cleaning;all pipe cleaning & wrapping;mortar & plaster mixing machines,grout machines;pumpcrete machines;gunnite mixing machines,incl. placing & cleaning of all pipe & conduits used in placing of conc.
GROUP 4 - Powdermen & blasters;sandblaster;gunnite workers;terrazzo grinders

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic;Blade grade,self-propelled;Bullclam;Backfiller; Derrick,power operated,all types;Dragline;Push cat;Bulldozer & all types of cat tractors;Cableway;Backhoe;Shovel;Cranes,power operated,all types;Elevating grader,self-propelled;Hoist-motor driven,two drum or more;Mixmobile;Winch truck; Locomotive crane;Mixer,14 cu. ft. or more;Paving mixer,all sizes;Piledrivers; Scraper-heavy type,over 3 cu. yds.;Trench machine,all sizes;Gradeall;High-lift; Foundation boring machines;Gasoline or diesel driven welding machines-7 to 12 machines;Pumpcrete machine;Drill op.-Water well; DW-10 euclid;Tournapulls;Asphalt plants;crushing machine & Batch plants;Scoopmobiles;Fingerlift op.; Elevator when used to haul men or material on const. work;Well point system & operation of similar dewatering devices
GROUP 2 - Air compressor;Blade grade-towed; Flex plane;Form grader;Mixer,less than 14 cu. ft.;Pump,Pulsometer;Truck crane driver;Gasoline or diesel welding mach., 3 to 6 machs.;Hoist,single drum;Scraper,3 cu. yds. or less;Conveyors,power op.
GROUP 3 - Fireman
GROUP 4 - Oiler

[FR Doc. 82-16223 Filed 6-17-82; 8:45 am]

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federal register

Friday
June 18, 1982

Part III

# Department of Labor

## Occupational Safety and Health Administration

## Occupational Exposure to Lead; Deferral of Effective Date

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1910**

**[Docket No. H-004G]**

## Occupational Exposure to Lead; Deferral of Effective Date

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Notice of deferral of effective date.

**SUMMARY:** This notice defers the effective date of paragraphs (e)(3)(ii) (B) and (E) of the lead standard (§ 1910.1025) for the primary and secondary lead smelting industries and the battery manufacturing industry, until August 30, 1982. The action is necessary to provide the additional time needed by the Agency to consider the appropriateness of the proposed administrative stay of these provisions pending the reconsideration of the lead standard. The proposed administrative stay appears in today's **Federal Register.**

**DATES:** The effective date is deferred until August 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-8148.

**SUPPLEMENTARY INFORMATION:** The lead standard (29 CFR 1910.1025) requires, among other things, that employers establish and implement a written compliance program to reduce employee exposures to or below the permissible exposure limit (or the interim level) by means of engineering and work practice controls in accordance with the implementation schedule found in paragraph (e)(1) of the standard (§ 1910.1025(e)(3)(i)). For three industries, the primary and secondary smelting of lead and battery manufacturing, the date by which the written compliance plan must be completed and available to the Agency is June 29, 1982.

OSHA is currently undertaking a thorough reconsideration of the lead standard which will be directed, among other objectives, at improving the cost-effectiveness of the standard. Aware of the lead reconsideration, several representatives of the primary and secondary smelting and battery manufacturing industries have petitioned OSHA to issue an administrative stay of paragraphs (e)(3) and (r)(7) (B) and (C) pending the outcome of the reconsideration.

In view of OSHA's reconsideration of the lead standard, which may affect the provisions of the standard with respect to the use of engineering controls, the agency agrees that to require the commitment of substantial resources to establish a comprehensive compliance program under the existing standard would not be appropriate and should be deferred pending the outcome of the reconsideration. Therefore, OSHA proposes to stay the requirements of 29 CFR 1910.1025(e)(3)(ii) (B) and (E), which would require costly engineering plans and studies as well as detailed compliance schedules with specific evidence that the schedule is being implemented. However, OSHA also believes that the development of more general compliance plans, which will necessitate an evaluation by employers of their current operations and available data and encourage the development of general options and strategies for compliance, is not premature, will assist both the industry and OSHA in realistically assessing methods for eventual compliance, and will not involve significant resource commitments. A separate document effecting the proposed administrative stay is being published in today's **Federal Register.**

Since some of the requests were received by OSHA as recently as April 26, 1982, since adequate consideration and review of such petitions requires careful examination prior to agency action, and since the compliance date would otherwise be due before the end of the comment period and before the decisionmaking could be completed on the matter, a temporary stay deferring the effective date of these sections is hereby issued until August 30, 1982. This action should allow adequate time for the comment period and for the decisionmaking without frustrating the very purposes of this regulatory effort. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.S.C. 533 and 29 U.S.C. 655(b).

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, D.C. 20210. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), 5 U.S.C. 553, Secretary's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911.

Signed at Washington, D.C. this 15th day of June, 1982.

**Thorne G. Auchter,**

*Assistant Secretary of Labor.*

[FR Doc. 82-16535 Filed 6-17-82; 8:45 am]

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federal register

Friday
June 18, 1982

Part IV

# Department of Labor

## Occupational Safety and Health Administration

## Occupational Exposure to Lead; Proposed Administrative Stay

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1910**

**[Docket No. H-004G]**

## Occupational Exposure to Lead; Proposed Administrative Stay

**AGENCY:** Occupational Safety and Health Administration, (Labor).

**ACTION:** Proposed Administrative Stay.

**SUMMARY:** OSHA is proposing to administratively stay paragraphs (e)(3)(ii)(B) and (E) of the lead standard (§ 1910.1025) for the primary and secondary lead smelting industries and the battery manufacturing industry. The outcome of the current reconsideration of the lead standard may render unnecessary some or all of the expenditures required by these provisions. A stay pending the reconsideration would prevent such inequities without adversely affecting worker health.

**DATES:** Data, views, and arguments regarding this proposed stay are invited and must be received by July 19, 1982.

**ADDRESSES:** Comments should be sent to Docket Officer, Docket H-004G, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone: (202) 523-8148.

**SUPPLEMENTARY INFORMATION:** The lead standard (29 CFR 1910.1025) requires, among other things, that employers establish and implement a written compliance program to reduce employee exposures to or below the permissible exposure limit (or the interim level) by means of engineering and work practice controls in accordance with the implementation schedule found in paragraph (e)(1) of the standard (§ 1910.1025(e)(3)(i)).

For three industries, the primary and secondary smelting of lead and battery manufacturing, the date by which the written compliance plan must be completed and available to the Agency is June 29, 1982. The original standard required a much earlier startup date which was delayed by successive judicial stays pending appellate litigation. (*United Steelworkers of America* v. *Marshall*, 647 F. 2d 1189 (1980), *cert. denied*, 101 S. Ct. 3148 (1981).) The lead standard was affirmed for these three industries by the D.C. Circuit and petitions for *certiorari* were denied by the Supreme Court on June 29, 1981, thus lifting the earlier stay which had been granted by the Supreme Court. June 29, 1981, is therefore the "effective date" of the standard for the purpose of calculating startup dates for the portions of the standard that were affected by the Supreme Court stay. Since paragraphs (r)(7)(B) and (C) of § 1910.1025 require compliance plans in the primary and secondary smelting and battery manufacturing industries to be completed within one year of the effective date, the compliance date for these three industries with regard to paragraph (e)(3) of the standard is June 29, 1982.

The purpose of the written plan is summarized in the November 14, 1978, preamble to the lead standard (43 FR 52952):

> This plan is required primarily to promote systematic and rational compliance by employers and to assist OSHA in its enforcement function by enabling compliance personnel to monitor employers' compliance activities. (p. 52991).

In order to comply with this requirement, an employer would need to conduct an industrial hygiene survey, icluding environmental sampling, to identify sources of lead exposure and then devise methods to reduce exposure to within permissible limits. Such a plan must include certain costly elements such as a description of the specific means that will be employed to achieve compliance with the permissible exposure limit, including engineering plans and studies and a detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.

Obviously, completion of these elements involves development of extensive information about specific means of implementing engineering controls. It also necessitates the expenditure of substantial monies to obtain the information through engineering studies, and the likely contractual obligation of even larger sums for construction and implementation of engineering controls under the provisions of paragraph (e)(3)(ii)(B) and (E).

OSHA is currently undertaking a thorough reconsideration of the lead standard which will be directed, among other objectives, at improving the cost-effectiveness of the standard. Cost-effectiveness analysis will be applied to the control technologies to be used by an industry to meet particular health goals. If an outcome of this reconsideration is a modification in the mix of engineering controls and personal protective equipment required to meet the permissible exposure limit, such an action would clearly result in major changes in the employers' compliance programs.

Aware of the lead reconsideration, several representatives of the primary and secondary smelting and battery manufacturing industries have petitioned OSHA to issue an administrative stay of paragraphs (e)(3) and (r)(7)(B) and (C) pending the outcome of the reconsideration. These petitioners and the industries they represent are as follows:

(1) Battery Council International (BCI) representing the battery manufacturing industry;

(2) St. Joe Lead Company (St. Joe) representing the primary lead smelting industry;

(3) Lead Industries Association, Inc. (LIA) representing all three industries;

(4) ASARCO representing the primary and secondary lead smelting industries; and

(5) Secondary Lead Smelters Association (SLSA) representing the secondary lead smelting industry.

Petitioners argue that without such relief they will be compelled to make substantial expenditures to complete projects which OSHA's decision following reconsideration of the lead standard may render totally unnecessary. If such is the case, petitioners argue that it is inefficient and wasteful to require employers to expend a significant amount of their limited resources in an attempt to comply with requirements which may never be applicable. Petitioners further point out that the Agency has already recognized the type of inequities and waste that, absent a stay, would occur. In the Revised Supplemental Statement published December 11, 1981 (46 FR 60758, at 60761) the Agency stated, "If prior to such a reconsideration affected employers are required to implement the policies being reexamined, the purposes of any resulting agency action may be frustrated."

Petitioners further argue that the imposition of such a stay would not adversely affect the health of employees whose blood lead levels have recently been, and continue to be, reduced by a combination of control methods and hygiene practices which will remain in effect pending the reconsideration. Currently, OSHA requires that the PEL of 50 $\mu g/m^3$ be achieved through some combination of engineering, work

practice and respiratory protection controls.

In view of OSHA's reconsideration of the lead standard, which may affect the provisions of the standard with respect to the use of engineering controls, the agency agrees that to require the commitment of sustantial resources to establish a comprehensive compliance program under the existing standard would not be appropriate and should be deferred pending the outcome of the reconsideration. Therefore, OSHA proposes to stay the requirements of 29 CFR 1910.1025(e)(3)(ii) (B) and (E), which would require costly engineering plans and studies as well as detailed compliance schedules with specific evidence that the schedule is being implemented. However, OSHA also believes that the development of more general compliance plans, which will necessitate an evaluation by employers of their current operations and available data and encourage the development of general options and strategies for compliance, is not premature, will assist both the industry and OSHA in realistically assessing methods for eventual compliance, and will not involve significant resource commitments. Additionally, the proposed stay is limited in scope. The stay would not affect the required PEL of 50 $\mu g/m^3$ currently being enforced by OSHA. Industry has been required for over three years to meet the PEL by a combination of engineering work practice and respiratory protection controls. OSHA has much evidence that over this period worker blood leads have declined significantly and continue to decline—a fact that can be attributed to industry compliance and OSHA enforcement efforts. Therefore worker protection will not be adversely affected by such a stay.

Interested parties are invited to submit written data, views, and arguments with respect to this proposed administrative stay, including particularly the scope of the proposed stay and whether other provisions of paragraph (e)(3) should be included. These comments must be received on or before July 19, 1982, and must be submitted in quadruplicate to the Docket Officer, Docket H–004G, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

All data, views, and arguments that are received will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding and will be considered in making a determination on this proposed stay.

Since some of the requests were received by OSHA as recently as April 26, 1982, since adequate consideration and review of such petitions requires careful examination prior to agency action, and since the compliance date would otherwise be due before the end of the comment period and before the decisionmaking could be completed on the matter a temporary stay on these sections is being issued until August 30, 1982. This action should allow adequate time for the comment period and for the decisionmaking without frustrating the very purposes of this regulatory effort. A separate document effecting the temporary stay is being published concurrently in the "Rules and Regulations" section of the **Federal Register.**

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, D.C. 20210. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), 5 U.S.C. 553, Secretary' Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911.

Signed at Washington, D.C. this 15th day of June 1982.

**Thorne G. Auchter,**

*Assistant Secretary of Labor.*

[FR Doc. 82–16536 Filed 6–17–82; 8:45 am]

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Friday
June 18, 1982

Part V

# Environmental Protection Agency

## Grants and Cooperative Agreements Assistance Programs; General Regulations

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 30

[AAA-FRL-2043-2]

### General Regulation for Assistance Programs

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** EPA is proposing major changes to its general assistance regulation governing grants and cooperative agreements. The proposed regulation includes only those assistance requirements which are mandated by statute, Office of Management and Budget (OMB) Circulars, or which are necessary for effective program management. The proposed regulation also implements the Federal Grant and Cooperative Agreement Act and Executive Order 12291.

**DATE:** Comments must be received on or before July 19, 1982.

**ADDRESS:** You should submit your comments (in duplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, Docket No. G-80-01, 401 "M" Street, SW., Washington, D.C. 20460.

Docket No. G-80-01 contains material relevant to this rulemaking and is located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2902, 401 "'M" SW., Washington, D.C. 20460. You may inspect the docket between 8 a.m. and 4 p.m. on weekdays; we may charge a reasonable fee for copying.

**FOR FURTHER INFORMATION CONTACT:** John P. Davey, Grants Policy Specialist, Grants Policy and Procedures Branch, Grants Administration Division (PM-216), 401 "M" Street, SW., Washington, D.C. 20460, (202) 755-0860.

**SUPPLEMENTARY INFORMATION:** On April 8, 1980, 45 FR 23706, EPA published an "Advance Notice of Proposed Rulemaking" (ANPR) in the **Federal Register** and a request for comments on recommended changes to our general regulation governing grants and cooperative agreements. We also announced our intent to modify the regulation to reflect the Federal Grant and Cooperative Agreement Act. At the same time, we intended to make other changes necessary to implement Executive Order 12044 by using plain English and reviewing for unnecessary or burdensome requirements. We therefore requested public comments as to the readability of the regulation and suggestions for areas which require clarification.

Subsequent to the ANPR, President Reagan issued Executive Order 12291 which replaced Executive Order 12044. It required all Federal departments and agencies to review their regulations and to reduce the burden of those regulations. Therefore, this regulation includes only items mandated by law, those required by OMB Circulars, and certain additional minimum requirements that EPA considers necessary for sound and effective financial assistance management. We have eliminated from this regulation most of the detailed procedures directing recipients of EPA assistance how to comply with specific requirements. Also, we have reduced considerably the EPA internal operating procedures. Further, we will not repeat or summarize requirements contained in other EPA regulations. We will simply reference those requirements.

In conjunction with this effort to simplify these requirements, 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 recipients in managing and carrying out EPA's assistance programs. Use of the information in the guidance documents will be discretionary. That is, other procedures adopted by recipients which are sufficient to meet the requirements of the revised regulation will be acceptable. In your comments, please address priority areas which will require additional guidance.

The following table shows the relationship between the current Part 30 and the revised Part 30. In some cases, the proposed sections will not include all provisions of the current sections.

| Current section and current title | Proposed section |
|---|---|
| 30.100 Purpose | 30.100. |
| 30.101 Authority | 30.101. |
| 30.105 Applicability and scope | 30.100. |
| 30.110 Publication | Deleted. |
| 30.115 Copies | Deleted. |
| 30.120 Citation | Deleted. |
| 30.125 Public comment | Deleted. |
| 30.130 Grant information | 30.302. |
| 30.135 Definitions | 30.200. |
| 30.135-1 Administrator | Deleted. |
| 30.135-2 Agency | Deleted. |
| 30.135-3 Allowable costs | 30.200. |
| 30.135-4 Applicant | 30.200. |
| 30.135-5 Budget | Deleted. |
| 30.135-6 Budget period | 30.200. |
| 30.135-7 Educational institution | Deleted. |
| 30.135-8 Eligible costs | Deleted. |
| 30.135-9 Federal assistance | Deleted. |
| 30.135-10 Grant | Deleted. |
| 30.135-11 Grant agreement | 30.200. |
| 30.135-12 Grant approving official | Deleted. |
| 30.135-13 Grant award official | 30.200. |
| 30.135-14 Grantee | Deleted. |
| 30.135-15 In-kind contribution | 30.200. |
| 30.135-16 Nonprofit organization | Deleted. |
| 30.135-17 Project | 30.200. |
| 30.135-18 Project costs | 30.200. |
| 30.135-19 Project officer | 30.200. |
| 30.135-20 Project period | 30.200. |
| 30.135-21 Regional Administrator | Deleted. |
| 30.135-22 Subagreement | 30.200 |
| **Subpart A—Basic Policies** | |
| 30.200 Grant simplification goals and policy | Deleted. |
| 30.205 Role of EPA | 30.100. |
| 30.210 Role of the grantee | 30.309. |
| 30.215 Records of grant actions | 30.500. |
| 30.220 Consolidated grants | 30.200. |
| 30.225 Foreign grants | 30.200. |
| 30.225-1 Clearance requirements | Deleted. |
| 30.225-2 Criteria for award | Deleted. |
| 30.225-3 Allowability of costs | Deleted. |
| 30.225-4 Payments | Deleted. |
| 30.230 Grants administration review | Deleted. |
| 30.235 Disclosure of information | 30.304. |
| 30.245 Fraud and other unlawful of corrupt practices. | 30.610 |
| **Subpart B—Application and Awards** | |
| 30.300 Preapplication procedures | Deleted. |
| 30.305 A-95 procedures | App. A. |
| 30.305-1 Specific areas of clearinghouse evaluation. | Deleted. |
| 30.305-2 Notification of intent (A-95, Part 1) | App. A. |
| 30.305-3 Time limitations | App. A. |
| 30.305-4 EPA processing | Deleted. |
| 30.305-5 Programs requiring state plans and jointly funded projects (A-95, Part III). | App. A. |
| 30.305-6 Coordination of planning in multi-jurisdictional areas (A-95, Part IV). | App. A. |
| 30.305-7 Confidential information | Deleted. |
| 30.305-8 Specific requirements for the Construction Grant Program. | App. A. |
| 30.310 Unsolicited proprosal | 30.302. |
| 30.315 Application requirements | Deleted. |
| 30.315-1 Signature | 30.303. |
| 30.315-2 Forms | Deleted. |
| 30.315-3 Time of submission | Deleted. |
| 30.315-4 Place of submission | Deleted. |
| 30.320 Use and disclosure of information | 30.304. |
| 30.325 Evaluation of application | Deleted. |
| 30.330 Supplemental information | Deleted. |
| 30.335 Criteria for award of grant | Deleted. |
| 30.340 Responsible grantee | 30.301. |
| 30.340-1 General policy | Deleted. |
| 30.340-2 Standards | 30.301. |
| 30.340-3 Determination of responsibility | 30.301. |
| 30.345 Award of grant | 30.305. |
| 30.345-1 Amount and terms of grant | Deleted. |
| 30.345-2 Federal share | Deleted. |
| 30.345-3 Grant agreement | 30.305. |
| 30.345-4 Cost incurred prior to execution | 30.308. |
| 30.345-5 Effect of grant award | Deleted. |
| 30.350 Limitation on award | Deleted. |
| 30.355 Continuation grants | 30.306 |
| **Subpart C—Other Federal Requirements** | |
| 30.400 General grant conditions | Deleted. |
| 30.405 Statutory conditions | 30.601. |
| 30.405-1 National Environmental Policy Act | 30.601(a). |
| 30.405-2 Uniform Relocation Assistance and Real Property Acquisition Policies Act. | 30.601(h). |
| 30.405-3 Civil Rights Act of 1964 | 30.601(e). |
| 30.405-4 Federal Water Pollution Control Act Amendments of 1972, Section 13. | 30.601(d). |
| 30.405-5 Title IX of the Education Amendments of 1972. | Deleted. |
| 30.405-6 Hatch Act | 30.601(j) |
| 30.405-7 National Historic Preservation Act | 30.601(a). |
| 30.405-8 Public Law 93-291 | 30.601(a). |
| 30.405-9 Demonstration Cities and Metropolitan Development Act. | 30.601(b). |
| 30.405-10 Flood Disaster Protection Act | 30.601(b). |
| 30.405-11 Clean Air Act, Section 306 | 30.601(c). |
| 30.405-12 Federal Water Pollution Control Act, Section 508. | 30.601(d). |
| 30.410 Executive Orders | 30.601. |
| 30.410-1 Executive Order 11246 | 30.601(e). |
| 30.410-2 Executive Order 11988 | 30.601(a) & (b). |
| 30.410-3 Executive Order 11514 | 30.601)(a). |
| 30.410-4 Executive Order 11738 | 30.601(c) & (d). |
| 30.410-5 Executive Order 11990 | 30.601(a). |
| 30.415 Additional requirements—federally assisted construction. | 30.603. |
| 30.415-1 Davis-Bacon Act | 30.603(a). |
| 30.415-2 The Copeland Act | 30.603(b). |

| Current section and current title | Proposed section |
|---|---|
| 30.415-3 The Contract Work Hours and Safety Standards Act. | 30.603(c). |
| 30.415-4 Convict labor | Deleted. |
| 30.420 Additional requirements—all EPA grants. | Deleted. |
| 30.420-1 Prohibition against contingent fees | 30.611. |
| 30.420-2 Officials not to benefit | 30.613. |
| 30.420-3 Prohibition against violating facilities. | 30.601. |
| 30.420-4 Conflict of interest | 30.612. |
| 30.420-5 Employment practices | Deleted. |
| 30.420-6 Conservation and efficient use of energy. | Deleted. |
| 30.425 Special conditions | 30.200(c). |
| 30.430 Noncompliance | 30.900 |
| Subpart D—Patents, Data and Copyrights | |
| 30.500 General | 30.1100. |
| 30.502 Definitions | Deleted. |
| 30.505 Required provision regarding patent and copyright infringement. | App. B. |
| 30.510 Patents and inventions | 30.1101. |
| 30.515 Required patent provision | Deleted. |
| 30.520 Optional patent provision | App. B. |
| 30.525 Data and copyrights | App. C. |
| 30.530 Required data and copyright provision. | Deleted. |
| 30.540 Deviations | 30.1104 |
| Subpart E—Administration and Performance of Grants | |
| 30.600 General | Deleted. |
| 30.605 Access | 30.502. |
| 30.610 Rebudgeting of funds | Deleted. |
| 30.615 Payment | Deleted. |
| 30.615-1 Method of payment | 30.400. |
| 30.615-2 Cash depositories | 30.400. |
| 30.615-3 Withholding of funds | 30.902. |
| 30.615-4 Assignment | 30.405. |
| 30.620 Grant-related income | 30.525. |
| 30.620-1 Proceeds from sale of real or personal property. | 30.525. |
| 30.620-2 Royalties received from copyrights and patents. | 30.525. |
| 30.620-3 Interest earned on grant funds | 30.526. |
| 30.625 Grantee publications and publicity | 30.515. |
| 30.625-1 Publicity | Deleted. |
| 30.625-2 Publications | 30.515. |
| 30.625-3 Signs | 30.515. |
| 30.630 Surveys and questionnaires | 30.515. |
| 30.635 Reports | 30.515. |
| 30.635-1 Interim progress reports | 30.505. |
| 30.635-2 Final report | 30.505. |
| 30.635-3 Financial reports | 30.505. |
| 30.635-4 Invention reports | 30.505. |
| 30.635-5 Property reports | 30.505. |
| 30.635-6 [reserved] | |
| 30.635-7 Compliance | Deleted. |
| 30.640 Utilization of Government procurement sources. | 30.538. |
| 30.645 Force account work | 30.520 |
| Subpart F—Project Costs | |
| 30.700 Use of funds | Deleted. |
| 30.705 Allowable costs | 30.410. |
| 30.705-1 Payment to consultants | Deleted. |
| 30.710 Federal Cost principles | 30.410. |
| 30.715 Direct and indirect costs | 30.412. |
| 30.715-1 Direct costs | 30.412. |
| 30.715-2 Indirect costs | 30.412. |
| 30.720 Cost sharing | 30.307. |
| 30.725 Cost and price analysis | Deleted. |
| 30.725-1 Policy | Deleted. |
| 30.725-2 Price analysis | Deleted. |
| 30.725-3 Cost analysis | Deleted. |
| 30.725-4 Requirements | Deleted. |
| Subpart G—Grantee Accountability | |
| 30.800 Financial management | 510. |
| 30.805 Records | 30.500. |
| 30.810 Property | 30.531. |
| 30.810-1 Definitions | 30.200. |
| 30.810-2 Purchase of property | 30.530. |
| 30.810-3 Property management standards | 30.531. |
| 30.810-4 Title to property | 30.530. |
| 30.810-5 Real property | 30.535. |
| 30.810-6 Federally-owned nonexpendable personal property. | 30.536. |
| 30.810-7 Nonexpendable personal property acquired with Federal funds. | 30.532. |
| 30.810-8 Expendable personal property acquired with grant funds. | 30.532. |
| 30.810-9 Property reports | Deleted. |
| 30.815 Final settlement | 30.802. |
| 30.820 Audit | 30.540 |
| Subpart H—Modification, Suspension and Termination | |
| 30.900 Project changes and grant modifications. | 30.700. |
| 30.900-1 Formal grant amendments | 30.701. |
| 30.900-2 Administrative grants changes | Deleted. |
| 30.900-3 Transfer of grants; change of name agreements. | Deleted. |
| 30.900-4 Grantee project changes | Deleted. |
| 30.915 Suspension of grants—stop-work orders. | 30.901. |
| 30.915-1 Use of stop-work orders | Deleted. |
| 30.915-2 Contents of stop-work orders | Deleted. |
| 30.915-3 Issuance of stop-work order | Deleted. |
| 30.915-4 Effect of stop-work order | 30.901. |
| 30.915-5 Disputes provision | Deleted. |
| 30.920 Termination of grants | 30.903. |
| 30.920-1 Termination agreement | Deleted. |
| 30.920-2 Project termination by grantee | Deleted. |
| 30.920-3 Grant termination by EPA | Deleted. |
| 30.920-4 Effect of termination | 30.903. |
| 30.920-5 Annulment of grant | 30.904 |
| Subpart I—Deviations | |
| 30.1000 General | Deleted. |
| 30.1000-1 Applicability | 30.1100. |
| 30.1000-2 Request for deviation | 30.1002. |
| 30.1000-3 Approval od deviation | 30.1004 |
| Subpart J—Disputes | |
| 30.1100 Final Disputes decision | 30.1200. |
| 30.1105 Grantee appeal | 30.1200. |
| 30.1115 Rights of the grantee and the government. | 30.1205. |
| 30.1120 Decision of the Administrator | 30.1210. |
| 30.1125 Questions of law | Deleted. |
| 30.1130 Delegation of authority | Deleted. |
| 30.1150 Appeal procedures | Deleted. |
| Appendix A—General Grant Conditions | Deleted. |
| Appendix B—Patents and Inventions | Deleted. |
| Appendix C—Rights in Data and Copyrights | App. C |

## Summary of Major Changes

### *Federal Grant and Cooperative Agreement Act*

Pub. L. 95-224, the Federal Grant and Cooperative Agreement Act of 1977, 41 U.S.C. 501 *et seq.*, and the implementing guidance and study issued by OMB, underline the need for providing uniform and consistent requirements for all assistance programs. A fundamental element of uniform and consistent requirements is clear language and word usage. Therefore, throughout this document, we use the terminology introduced in the Federal Grant and Cooperative Agreement Act; "assistance agreement" is substituted for "grant," and "recipient" is substituted for "grantee."

In line with the recommendations in OMB's report on Pub. L. 95-224, we are also proposing a question/answer format designed to make the regulation more readable and understandable and to lead a new applicant through the entire assistance process. We specifically request public comment as to the readability of the proposed rule and suggestions for areas which need further clarification.

### *Patent Rights*

Public Law 96-517, enacted December 12, 1980, and OMB Circular A-124, (47 FR 7556), permit small business firms and nonprofit organizations, including universities, to elect to retain title to any invention within a reasonable time after disclosure. If the small business firm or nonprofit organization retains title, the Federal Government has a nonexclusive, nontransferable, irrevocable, paid-up license to use the invention throughout the world. These new provisions have been incorporated into the proposed Subpart K of Part 30.

### *Property Management*

Our experiences indicated a need to strengthen our property management standards and to manage better the acquisition of new property and equipment. Therefore, we have added section 30.530 which requires award officials to approve the purchase of all property and equipment with a unit acquisition cost of $5,000 or more. EPA will review those large purchases considering all alternatives, including transferring excess property from one recipient to another.

### *Peer Review for Publications*

EPA Order 2200.4 (December 28, 1981) establishes a peer review process for scientific, informational and educational documents attributable to EPA. The purpose of this review process is to protect the technical and scientific quality of these materials and ensure that they are based on the best scientific and technical evidence available. Section 30.518 requires that recipients of EPA assistance comply with this order. At your request, EPA will provide you a copy of ERA Order 2200.4. Contact John Davey for your copy at (202) 755-0860.

### *Debarment*

EPA has eliminated the provision under which we find a recipient "nonresponsible" for failing to comply with its assistance agreement. We now refer to EPA's proposed debarment regulation, 40 CFR Part 32 (47 FR 7194). Under Part 32, EPA may debar an individual, agency or organization, thereby making them ineligible to receive EPA assistance or contracts under assistance awards.

### *Regulation Development*

Under Executive Order 12291, EPA is required to determine if this is a major rule. EPA has determined that this is not a major rule. This rule will not have a substantial impact on the Nation's economy or large numbers of individuals or businesses. There will be no major

increase in cost or prices for consumers, individuals, industries, Federal, State or local government agencies. This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* (the Act), the reporting and recordkeeping provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget under section 3504(h) of the Act. Any final rule will include an explanation of how the reporting or recordkeeping provisions reflect comments from OMB and the public.

The programs listed in the Catalog of Federal Domestic Assistance that must comply with this regulation and all applicable requirements of the OMB Circular A-95 are those found in the Table in Appendix A, paragraph 3.

**List of Subjects in 40 CFR Part 30**

Administrative practice and procedure, Copyright, Environmental protection, Grant programs—Environmental protection, Inventions and patents, Reporting and recordkeeping requirements.

Dated: June 14, 1982.

**Anne M. Gorsuch,**

*Administrator.*

For the reasons set forth in the preamble, EPA proposes to revise 40 CFR Part 30 to read as follows:

## PART 30—GENERAL REGULATION FOR ASSISTANCE PROGRAMS


**Subpart A—What Is the Purpose and Scope of This Regulation?**

Sec.
30.100 What is the purpose of this regulation?
30.101 What is the scope of this regulation?
30.102 What laws authorize EPA to issue this regulation?

**Subpart B—What Definitions Apply to This Regulation?**

30.200 What definitions apply to this regulation?

**Subpart C—How do I Apply for and Receive Assistance?**

30.300 What activities does EPA fund?
30.301 To whom does EPA award assistance?
30.302 How do I apply for assistance?
30.303 What steps must I take before I file a standard application?
30.304 Is the information I submit to EPA confidential?
30.305 How do I find out if EPA has approved or disapproved my application?
30.306 How long will I have to complete my project?
30.307 How much must I contribute to the funding of my project?
30.308 When may I begin incurring costs?
30.309 What is the effect of accepting an assistance agreement?

**Subpart D—How does EPA Pay Me?**

30.400 How does EPA make payments?
30.405 Can I assign my payments to anyone else?
30.410 How does EPA determine allowable costs?
30.412 How are costs categorized?

**Subpart E—How do I Manage my Award?**

30.500 What records must I maintain?
30.501 How long must I keep these records?
30.502 To whom must my contractors and I show these records?
30.505 What reports must I submit?
30.510 What type of financial management system must I maintain?
30.515 What restrictions on signs, surveys and questionnaires must I observe?
30.518 Are there any restrictions on publishing scientific, informational and educational documents?
30.520 When may I use my own employees ("force account")?
30.525 How should I treat program income?
30.526 How do I treat interest earned on EPA funds?
30.530 May I purchase property or equipment using EPA assistance funds?
30.531 What property management standards must I follow for personal property purchased with an EPA award?
30.532 How do I dispose of personal property?
30.535 May I purchase real property with EPA-awarded funds?
30.536 How do I manage Federally-owned property?
30.538 May I use General Services Administration (GSA) supplies and services?
30.540 Will EPA audit my project?

**Subpart F—What Other Federal Requirements Must I Comply With?**

30.601 What Federal laws and policies affect my award?
30.603 What additional requirements apply to EPA-assisted construction projects?
30.610 What are my responsibilities for preventing and detecting fraud and other corrupt practices?
30.611 Can I hire a person or agency to solicit EPA assistance for me?
30.612 May an EPA employee act as my representative?
30.613 What is EPA's policy on conflict of interest?
30.615 May I employ a former EPA employee and still receive assistance?

**Subpart G—Can an Assistance Agreement Be Changed?**

30.700 What changes to my assistance agreement require a formal amendment?
30.705 What changes can I make to my assistance agreement without a formal amendment?
30.710 Can I terminate a part or all of my assistance agreement?

**Subpart H—How do I Close out my Project?**

Sec.
30.800 What records and reports must I keep after I complete my project?
30.802 Under what conditions will I owe money to EPA?

**Subpart I—What Sanctions Will EPA Impose for Noncompliance?**

30.900 What are the sanctions for non-compliance?
30.901 What are the consequences of a stop-work order?
30.902 What are the consequences of withholding payments?
30.903 What are the consequences of termination for cause?
30.904 What are the consequences of annulment?
30.905 What are the consequences of debarment?
30.906 May I appeal a termination, annulment, or debarment?

**Subpart J—Can I get an Exception ("Deviation") From These Regulations?**

30.1001 Will EPA grant any exceptions to these regulations?
30.1002 Who may request a deviation?
30.1003 What information should I include in a deviation request?
30.1004 Who approves/disapproves a deviation request?
30.1005 May I appeal a deviation decision?

**Subpart K—What Policies Apply to Patents, Data and Copyrights?**

30.1100 What assistance agreements are subject to EPA patent rules?
30.1101 What Federal patent laws or policies govern my assistance agreement?
30.1102 What are my invention rights and my reporting requirements if I am a small business or non-profit organization?
30.1103 What are my invention rights and obligations if I am a profitmaking firm?
30.1104 Can I get a waiver from the President's Statement on Government Patent Policy?
30.1106 Do the patent rules apply to subagreements?
30.1108 Does EPA require any type of licensing of background patents that I own?
30.1112 Are there any other patent clauses or conditions that apply to my award?
30.1130 What rights in data and copyrights does EPA acquire?
30.1131 May I assert copyright protection for data developed using assistance funds?

**Subpart L—How Are Disputes Resolved?**

30.1200 How can an applicant or recipient appeal an award official's decision?
30.1205 What are my rights in the appeal?
30.1210 What decisions may not be appealed?

Appendix A—A-95 Requirements.
Appendix B—Additional Patents and Copyrights Clauses.
Appendix C—Rights in Data and Copyrights.


**Authority:** Authorities cited in § 30.102.

## Subpart A—What is the Purpose and Scope of This Regulation?

### § 30.100 What is the purpose of this regulation?

(a) The U.S. Environmental Protection Agency (EPA) is responsible for protecting and enhancing the quality of the environment. To achieve these objectives, EPA may award assistance in the form of grants, cooperative agreements or fellowships to support: (1) State and local pollution control programs; (2) research, demonstration, or training projects; and (3) other projects that advance EPA's mission.

(b) This regulation tells how to apply for and manage an EPA project, describes EPA involvement throughout the process, and identifies recipients' responsibilities. Other EPA assistance regulations supplement these. They are found in 40 CFR Part 32 (Debarment), Part 33 (Procurement Under Assistance Agreements), Part 35 (State and Local Assistance), Part 40 (Research and Demonstration), Part 45 (Training) and Part 46 (Fellowships).

(c) This regulation incorporates the requirements of Office of Management and Budget (OMB) Circulars and EPA Orders.

### § 30.101 What is the scope of this regulation?

This regulation covers financial assistance awards made as grants or cooperative agreements under requirements of the Federal Grant and Cooperative Agreement Act (Pub. L. 95-224). It does not cover direct EPA contracts under which EPA acquires property or services for its use.

### § 30.102 What laws authorize EPA to issue this regulation?

Reorganization Plan Number 3 of 1970 and the following statutes authorize the Administrator of the Environmental Protection Agency to issue this regulation.

(a) The Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*);

(b) The Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*);

(c) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*);

(d) The Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*);

(e) The Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*);

(f) The Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*);

(g) The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 *et seq*), and

(h) The Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 *et seq.*).

## Subpart B—What Definitions Apply to This Regulation?

### § 30.200 What definitions apply to this regulation?

"*Allowable costs.*" Those project costs that are: eligible, reasonable, necessary, and allocable; permitted by the appropriate Federal cost principles, and approved by EPA in the assistance agreement.

"*Applicant.*" Any entity that files an application or unsolicited proposal for EPA financial assistance under this subchapter.

"*Assistance agreement.*" The legal instrument EPA uses to transfer money, property, services, or anything of value to a recipient to accomplish a public purpose. It may be a grant or cooperative agreement that specifies: budget and project periods; the Federal share of eligible project costs; a description of the work to be accomplished, and any special conditions the recipient must meet to assure that the project will be completed.

"*Award official.*" The EPA official with the authority to execute assistance agreements and to take other actions authorized by this subchapter and by EPA Orders.

"*Budget period.*" The length of time EPA specifies in an assistance agreement during which EPA authorizes the recipient to expend, obligate, or commit awarded Federal funds.

"*Consolidated assistance.*" An assistance agreement awarded under more than one EPA program authority or funded together with one or more other Federal agencies. Applicants for consolidated assistance submit only one application.

"*Continuation award.*" An assistance agreement after the initial award, for a project with an approved project period of more than one budget period (see § 30.306).

"*Contractor.*" Any party to whom a recipient awards a subagreement.

"*Cooperative agreement.*" An assistance agreement in which substantial EPA involvement is anticipated during the performance of the project.

"*Cost sharing.*" The portion of project costs that a recipient must contribute toward completing its agreement and is not paid by EPA (i.e., non-Federal share, matching share).

"*Expendable personal property.*" All tangible property other than nonexpendable personal property and real property.

"*Force account work.*" The use of the recipient's own employees or equipment for construction, construction-related activities (including A & E services), or for repair or improvement to a facility.

"*Foreign grants.*" An EPA award of assistance when all or part of the project is performed in a foreign county by (1) U.S. recipient, (2) a foreign recipient, or (3) an international organization.

"*Formal amendment.*" A written modification of an assistance agreement signed by both the authorized representative of the recipient and the award official.

"*Grant agreement.*" An assistance agreement that does not substantially involve EPA in the project and the recipient has the authority and capability to complete all elements of the program.

"*In-kind contribution.*" The value of a non-cash contribution to meet your cost sharing requirements. An in-kind contribution may consist of charges for real property and equipment or the value of goods and services directly benefiting the EPA funded project.

"*Nonexpendable personal property.*" Personal property with a useful life of at least two years and an acquisition cost of $500 or more.

"*Personal property.*" Property other than real property. It may be tangible (having physical existence), or intangible (having no physical existence), such as patents, inventions, and copyrights.

"*Program income.*" Gross income the recipient earns during its project period from charges for the project. This may include income from service fees, royalties on patents or copyrights, sale of commodities or unwanted property, trade-in allowances or usage or rental fees. NPDES and similar application fees are not program income.

"*Project.*" The activities or tasks EPA identifies in the assistance agreement for which the recipient may expend, obligate or commit funds. The term may also refer to a program such as the air pollution control program.

"*Project costs.*" All costs the recipient incurs in carrying out the project that are allowable in computing the final EPA assistance amount.

"*Project officer.*" The EPA official designated in the assistance agreement as EPA's program contact with the recipient. Project officers are responsible for monitoring the project.

"*Project period.*" The length of time EPA specifies in the assistance agreement for completion of all project

work. It may be composed of more than one budget period.

*"Real property."* Land, including land improvements, and structures and appurtenances, excluding movable machinery and equipment.

*"Recipient."* Any entity which has been awarded and accepted an EPA assistance agreement.

*"Subagreement."* A written agreement between an EPA recipient and another party (other than another public agency) or any lower tier of such an agreement for services, supplies, equipment, or construction necessary to complete the project.

*"Violating facility."* Any facility that is owned, leased, or supervised by an applicant, recipient, contractor or subcontractor that EPA lists under 40 CFR Part 15 as not in compliance with Federal, State or local requirements under the Clean Air Act or Clean Water Act. A facility includes any building, plant, installation, structure, mine, vessel or other floating craft.

*"Unsolicited proposal."* A written offer to perform EPA-funded work for which EPA did not publish a solicitation; unsolicited proposals need not be submitted on an EPA standard application form.

## Subpart C—How Do I Apply for and Receive Assistance?

### § 30.300 What activities does EPA fund?

EPA awards assistance to support various activities that protect the environment and reduce or control pollution. EPA groups these activities into the following types of assistance programs:

(a) State and local pollution control;

(b) Construction of wastewater treatment works;

(c) Research;

(d) Demonstration;

(e) Training;

(f) Fellowships;

(g) Special investigations, surveys or studies; and

(h) Consolidated assistance.

### § 30.301 To whom does EPA award assistance?

(a) EPA awards assistance only to applicants which are eligible under applicable statutes and regulations and which are responsible based on the following criteria:

(1) Financial resources, technical qualifications, experience, organization and facilities adequate to carry out the project, or a demonstrated ability to obtain these;

(2) Resources to meet the project completion schedule contained in the assistance agreement;

(3) A satisfactory performance record for completion of projects and contracts;

(4) Accounting and auditing procedures adequate to control property, funds and assets, as required in Subpart H of this Part;

(5) Procurement standards that comply with Part 33 of this Subchapter;

(6) Property management systems for acquiring, maintaining, safeguarding and disposing of property, as required in Subpart H of this Part; and

(7) Demonstrated compliance or willingness to comply with the civil rights, equal employment opportunity, labor law and other statutory requirements under Subpart C of this part.

(b) EPA considers your submission of an assistance application as your assurance that you can and will meet these standards. If EPA does not question your ability to meet these standards, you are presumed responsible. However, EPA may conduct a preaward audit or other review to determine your capabilities.

(c) EPA must notify you in writing if it finds you unable to meet these standards. The written notice will state the reasons for the finding. You may appeal EPA's findings under the procedures in Subpart L.

### § 30.302 How do I apply for assistance?

(a) You may apply by submitting either a standard application in response to an EPA solicitation or an unsolicited proposal.

(b) If you choose to submit a standard application, you can get information and an application kit with instructions from the EPA grants office which is responsible for administering that program. Regional EPA grants offices provide and review applications and award assistance for State and local pollution control projects. State water pollution control agencies provide and review applications for construction grants. Headquarters offices provide and review applications for research, demonstration, fellowships and training assistance.

(c) If you submit an unsolicited proposal, EPA will apprise you of your proposal's potential for funding before you file a standard application.

### § 30.303 What steps must I take before I file a standard application?

(a) You must complete the forms according to the instructions. At least one copy of the completed application must have an original signature of the person authorized to obligate you or your organization to the terms and conditions of EPA's regulations and assistance agreement.

(b) If you apply for assistance for a demonstration project, a State or local pollution control project, or construction grant, you must have the application evaluated by the State and areawide clearinghouses before you submit it to EPA, as required by OMB Circular A–95. See Appendix A of this Part for details.

### § 30.304 Is the information I submit to EPA confidential?

(a) Generally, the information is not confidential. When EPA receives your assistance application or unsolicited proposal the information you submit becomes part of the agency's records. As such, it is subject to EPA's disclosure of information policy (40 CFR Part 2) which is based on the provisions of the Freedom of Information Act, 5 U.S.C. 552, and on the provision for patents and rights in data and copyrights under Subpart K of this Part.

(b) If you submit data, documents or parts of documents which you consider to be confidential, you should clearly identify them with the words "trade secret," "proprietary" or "business confidential." For further instructions on assertion of confidentiality claims, see 40 CFR Part 2, Subpart B—Confidentiality of Business Information.

### § 30.305 How do I find out if EPA approved or disapproved my application?

(a) If EPA approves your application, the award official will prepare and sign an assistance agreement and send it to you for signature. You or your authorized representative must either sign and return the agreement to EPA within three calendar weeks after you receive it or request EPA to extend the time for acceptance. If you do not sign or request an extension, the assistance agreement is null and void.

(b) If EPA disapproves your application, it will promptly notify you in writing. You may appeal EPA's disapproval under Subpart L.

(c) Sometimes, EPA will defer your application. You will be notified in writing of this decision.

### § 30.306 How long will I have to complete my project?

(a) Your assistance agreement will state the length of your approved project period and budget period(s). Subject to statutory provisions, your approved project period may include more than one budget period. In this case, you must submit a continuation application to EPA to request funding for each budget period after the initial one. EPA makes continuation awards subject to availability of funds and Agency priorities.

(b) The continuation application must include: (1) A detailed progress report for the current budget period; (2) a financial statement for the current budget period that includes estimates of the amount you expect to spend by the end of the current budget period and the amount of any uncommitted funds which you proposed to carry over beyond the term of the current budget period; (3) a budget for the new budget period; (4) a detailed work plan revised to account for your actual accomplishments during the current budget period; (5) an annual invention report, and any other reports that the assistance agreement may require.

(c) If approved by the award official, you may carry over unexpended prior year funds in lieu of new funds, to complete work started in prior years or to supplement the new award. You must meet all program and cost sharing requirements to carry over funds.

(d) If EPA executes a continuation agreement, EPA will reimburse you for allowable costs you incur between the end of a budget period and date of award for the next budget period.

**§ 30.307 How much must I contribute to the funding of my project?**

(a) Most assistance programs have a specific cost sharing requirement (see 40 CFR Part 35). However, where there is no statutory or regulatory requirement, you must contribute at least a 5 percent share of the total allowable project costs for each budget period.

(b) You may satisfy the requirement for cost sharing with cash or with in-kind contributions when not prohibited by statute or regulations. Your contribution may not be paid with Federal funds, property or services received under another assistance agreement, unless authorized by statute. Additionally, your contributions must be:

(1) Negotiated before and specified in your assistance agreement;

(2) Verifiable from your records;

(3) Used exclusively for a single project; and

(4) Properly allocable to and allowable under the assistance project.

**§ 30.308 When may I begin incurring costs?**

Except as permitted in § 30.306(d) or other EPA regulations, you and EPA must sign an EPA assistance agreement before you incur costs.

**§ 30.309 What is the effect of accepting an assistance agreement?**

(a) When the award official signs the assistance agreement, EPA will obligate Federal funds for the amount stated in your assistance agreement for the purposes of the award. EPA is not obligated to provide Federal funds for any costs incurred by you in excess of your approved budget.

(b) The award of an assistance agreement constitutes a public trust. By signing and accepting an assistance agreement, you become responsible for complying with this subchapter and all terms and conditions of your assistance agreement. You must efficiently and effectively manage your project, successfully complete the project according to the schedule and meet all monitoring and reporting requirements. You may not delegate or transfer this responsibility.

## Subpart D—How Does EPA Pay Me?

**§ 30.400 How does EPA make payments?**

(a) Your assistance agreement will specify one of the following ways for EPA to pay you. You will receive the appropriate forms and instructions with your assistance agreement.

(1) *By letter-of-credit.* EPA will pay you by the letter of credit method, if you meet the Treasury Department's criteria contained in Treasury Circular No. 1075, as revised. You must establish a separate bank account when payments under a letter of credit are made on a "check-paid" basis.

(2) *By advance.* If you do not qualify for letter of credit, EPA may pay you by the advance payment method. You must negotiate the amount of your initial advance with the award official. The negotiated amount should not exceed the cash you will need for the first three months of operation. You must request the initial advance on Standard Form 270 (SF 270, "Request for Advance or Reimbursement") which is included in your award package. EPA will issue a check for the first three months or one check each month (at EPA's option) to pay the advance. After your initial advance, you must submit an SF 270 at least quarterly, but not more often than monthly, for costs you incur under the assistance agreement.

(3) *By reimbursement.* If you fail to comply with letter of credit or advance requirements, EPA may pay you by reimbursement. Also, EPA will pay you under the reimbursement method if you are receiving assistance under EPA's construction grants program, (see 40 CFR Part 35, Subpart I). When EPA pays by this method, you will be reimbursed for costs which you have incurred and are currently and legally obligated to pay.

**§ 30.405 Can I assign my payments to anyone else?**

You cannot assign your right to receive payments under your assistance agreement. EPA will make payments only to the payee identified in the assistance agreement.

**§ 30.410 How does EPA determine allowable costs?**

To be allowable, costs must meet applicable statutory provisions and Federal cost principles. EPA uses the following cost principles in determining allowable costs for all EPA assistance agreements and subagreements under them, except as otherwise provided by statute or this Subchapter:

(a) *State and local governments* must comply with OMB Circular A–87 to determine allowable costs;

(b) *Educational institutions* must comply with: (1) OMB Circular A–21 cost principles for research and development, training and other educational services under grants, cooperative agreements, and subagreements, and (2) OMB Circular A–88 which provides principles for coordinating the establishment of indirect cost rates and the auditing of grants, cooperative agreements, and subagreements;

(c) *Other nonprofit institutions* must use OMB Circular A–122;

(d) *Profitmaking institutions* must use Federal procurement regulations (41 CFR Ch. I, Subpart 1–15.2 and, if appropriate, 1–15.4).

**§ 30.412 How are costs categorized?**

(a) Costs are categoriezed as being either a direct cost if they support a specific project only or as an indirect cost if they support more than the specific project. To receive payment for indirect costs, you must have an approved indirect cost rate and your assistance agreement must provide for the use of that rate.

(b) You may negotiate and use a special indirect cost rate, if (1) your project is conducted at an off-site location, or (2) your project is a large, one-time project and its costs would distort the normal direct cost base used in computing the indirect cost rate.

## Subpart E—How Do I Manage My Award?

**§ 30.500 What records must I maintain?**

You and your contractors must establish official records for each assistance award you receive and identify them with identification numbers. These records must contain the following information:

(a) Amount received and expended for the project, including all Federal and cost sharing funds;

(b) Program income;

(c) Total cost of the project (both direct and indirect costs);

(d) Property purchased under the award or used as part of your in-kind contribution;

(e) Time records and other supporting data; and

(f) Documentation of compliance with applicable statutes and regulations.

**§ 30.501 How long must I keep these records?**

(a) Generally you and your contractors must keep all records for three years from the end of the project. Except for your property records, the exact beginning date of your three-year period depends on the type of project you are conducting, as follows:

(1) For research, demonstration, and training programs, the submission date of a final financial status report (SF–269);

(2) For State and local assistance programs, the submission date of the final annual financial status report (SF–269); or

(3) For construction awards, the approval date of EPA's final payment for the project.

(b) If EPA terminated your award, you must keep all records for three years from the final settlement date.

(c) If litigation, a claim, an appeal or an audit is begun before the end of the three-year period, you must keep all records either until the three years have passed or until the litigation, claim or audit is completed and resolved, whichever is longer.

(d) You must keep your property records for nonexpendable property for three years from the date of final disposition.

**§ 30.502 To whom must my contractors and I show these records?**

You and your contractors must allow the project officer and any authorized representative of EPA, including the Office of Inspector General, the Comptroller General of the United States or the Department of Labor to inspect, copy, and audit records pertinent to the project at any reasonable time during the project period and until the end of the three-year record retention period.

**§ 30.505 What reports must I submit?**

(a) *Interim and final reports.* You must submit interim and final progress reports if the assistance agreement or EPA regulations require them. See 40 CFR Parts 35, 40, and 45 for specific requirements.

(b) *Financial reports.* Except for fellowships and construction grants, you must submit a financial status report (SF–269) to EPA within 90 days after the end of each budget period, and at project completion or termination. Under the wastewater treatment construction assistance program, your final Outlay Report and Request for Reimbursement for Construction Programs will serve as a final financial statement.

(c) *Invention report.* You must report all inventions (see Subpart K for details). You must submit a final invention statement to the award official within 90 days after completion of a project. If you have a continuation award, you must submit an annual invention statement with your continuation application. Also, if you change your project manager on a research project, you must submit an invention report at that time to the award official.

(d) *Property report.* You must submit an annual inventory of all Federally owned property used on your project. At the end of the project period, you must submit a final inventory of Federally owned property which states the present condition of each item and requests disposition instructions.

**§ 30.510 What type of financial management system must I maintain?**

You must maintain a financial management system that consistently applies accepted accounting principles and practices and at least includes:

(a) An accurate, current and complete accounting of all financial transactions for your project;

(b) Records together with supporting documents, showing the source and application of all project funds, including assisance awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and incomes;

(c) Control over, and accountability for, all project funds, property and other assets, and an assurance that you used these solely for their authorized purpose;

(d) A comparison of actual costs versus budgeted object class amounts;

(e) Procedures to ensure prompt disbursement of Federal funds after you receive them;

(f) Procedures for determining allowable, allocable, and reasonable costs;

(g) Audits at least every other year on an organization-wide basis (see § 30.540); and

(h) A systematic method to resolve audit findings and recommendations.

**§ 30.515 What restrictions on signs, surveys and questionnaires must I observe?**

(a) *Signs.* You must place a visible project identification sign at a construction site. The sign must give project information and credit EPA for funding. Your project officer will give you specifications for sign design, content and placement. The cost of making and erecting the sign is an allowable cost.

(b) *Surveys and questionnaires.* If your survey or questionnaire states that information is being collected for the Federal Government, you must request written approval from EPA to use Agency funds to cover the costs of data collection. To assure compliance with the Paperwork Reduction Act of 1980, Pub. L. 96–511 (44 U.S.C. 3501 et seq.), the project officer can grant approval only with the agreement of the EPA Headquarters reports management officer. You must also receive the project officer's approval to list EPA as a recipient of the survey information.

**§ 30.518 Are there any restrictions on publishing scientific, informational and educational documents?**

You must comply with EPA's peer and administrative review process on publishing scientific, informational and educational documents attributable to EPA. The process is designed to assure that all documents attributable in any way to EPA are result-oriented, cost effective, consistent with Agency policy, and based on the best scientific and technical evidence available. Documents attributable to EPA that will be released to the general public are subject to this review and include final reports on research and demonstration projects, educational materials, manuals, newsletters and audiovisual materials developed under assistance agreements.

(a) Except for articles published under paragraph (b) of this section, you must submit three copies of all documents to your project officer for EPA's peer and administrative review process. EPA has initial publication rights to print and distribute these documents.

(1) EPA will evaluate the general content, organization and scope, presentation and quality of data, validity of analytical techniques, soundness of conclusions, and consistency of the text, tables, figures, illustrations and maps.

(2) The appropriate Associate, Assistant or Regional Administrator or Staff Office Director in the Office of the Administrator will approve or disapprove all documents for

publication, will determine the most cost effective way to print and distribute all approved documents and ensure that all documents conform to EPA's graphic standards.

(3) All approved documents must include the following statement:

The information in this document has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement number to *(name)*, it has been subject to the Agency's peer and administrative review, and it has been approved for publication. The contents reflect the views and policies of the Agency.

(b) You may choose to publish an article in a scientific journal if the journal has a peer review process in lieu of Agency peer. You must submit a copy of the article to your project officer when you send it for publication.

The article must include the following statement:

Although the research described in this article has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement number to *(name)*, it has not been subjected to the Agency's required peer and administrative review and therefore does not necessarily reflect the view of the Agency and no official endorsement should be inferred.

(c) If EPA does not approve your document for publication by EPA, before printing and distributing the documents you must:

(1) Comply with the Government Printing and Binding Regulations and receive approval to publish from the Joint Committee on Printing;

(2) Fund the publication with your own money. The cost is nonallowable.

(3) Include the following statement in the document:

Although the information in this document has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement number to *(name)*, it has been subjected to the Agency's peer and administrative review process and was not approved for publication and therefore does not necessarily reflect the views or policies of the Agency.

(d) Documents that are not attributable to EPA and are a part of a recipient's regular pollution control activities are not subject to the EPA peer and administrative review process, e.g., state pollution control agency-published newsletters and operation and maintenance manuals under the construction grant program. EPA encourages you to establish a similar peer and administrative review process before publishing any documents. You may publish such documents only if:

(1) The cost is allowable under your project; and

(2) You include the following statement:

This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement number to *(name)*. The contents do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

**§ 30.520 When may I use my own employees ("force account")?**

If costs will exceed $25,000, you must get written authorization from your project officer to use your own employees or equipment for construction, construction-related activities, or for repairs or improvements to a facility ("force account"). You must demonstrate that (a) your employees can competently and more economically conplete the work than contractors or (b) an emergency circumstance makes "force account" necessary.

**§ 30.525 How should I treat program income?**

(a) You may use program income to fund additional eligible project activities, or if approved by the award official, to meet your non-federal share of project costs.

(b) If you are not permitted to use program income to meet your non-federal share of project costs, EPA will subtract the income from the total allowable project cost to determine the net cost on which the Federal share will be based.

(c) Unless the assistance agreement provides otherwise, you do not owe EPA any of the royalties you earn on copyrights or patents produced under the assistance agreement. (See Subpart K of this Part for EPA's rights regarding copyrights and patents.)

(d) You must keep complete records showing all receipts and expenditures related to program income.

**§ 30.526 How do I treat interest earned on EPA funds?**

If you earn interest on an EPA advance, you must return it to EPA unless you are:

(a) A State, or State agency as defined under section 203 of the Intergovernmental Cooperation Act of 1968, (42 U.S.C. 4213), or

(b) A tribal organization as defined under sections 102, 103 or 104 of the Indian Self-Determination Act (25 U.S.C. 450j(b), 450f, 450g, and 450h).

**§ 30.530 May I purchase property or equipment using EPA assistance funds?**

You may purchase property or equipment with EPA assistance funds. Title will be vested in you, subject to the following conditions:

(a) The award official must approve the purchase of all property and equipment with a unit acquisition cost of $5,000 or more;

(b) EPA may reserve the right to transfer the title for real and non-expendable personal property having a unit acquisition cost of $1,000 or more to the Federal Government or a third party, when the project is completed. EPA must identify such property in the assistance agreement;

(c) You must use the property in the EPA-assisted project for which it was acquired as long as needed, whether or not the project continues to be supported with EPA funds;

(d) You must assure that EPA's interest (the percentage of EPA's participation in the total award) is adequately reflected and protected in compliance with all recordation or registration requirements of the Uniform Commercial Code or other applicable local laws on all real and nonexpendable personal property with a unit acquisition cost of $10,000 or more; and

(e) You must follow the disposition requirements in § 30.532.

**§ 30.531 What property management standards must I follow for personal property purchased with an EPA award?**

You may use your own property management standards and procedures if your system includes the following:

(a) Accurate records reflecting:

(1) A description of the property;

(2) Manufacturer's serial number, model number, or other identification number;

(3) Source of the property, including assistance identification number;

(4) Whether title is vested in the recipient or the Federal Government;

(5) Unit acquisition date and cost;

(6) Federal share of the cost;

(7) Location, use, condition of property, and date the information was recorded; and

(8) Ultimate disposition data, including sales price or the method used to determine the price, or the method used to determine current fair market value where a recipient compensates EPA for its share under § 30.532 of this Part.

(b) A physical inventory of property, and reconciliation of the results with the property records, at least once every two years. Your inventory must verify the current use and continued need for the property.

(c) A control system to prevent loss, damage or theft. (You must thoroughly

investigate and document any loss, damage or theft of nonexpendable personal property.)

(d) Adequate maintenance procedures that ensure the property is in good condition and that instruments used for precision measurements are periodically calibrated.

(e) Proper sales procedures which provide for competition to the extent resulting in the highest possible return.

(f) Identification of Federally owned property.

**§ 30.532 How do I dispose of personal property?**

When personal property is no longer needed for the original project, you may use it on other EPA projects or other Federal projects. If you wish to use the property on other activities you must comply with the following requirements:

(a) Generally, if you purchased property for less than $1,000, per unit, you may either keep it or sell it and keep the proceeds. However, if you are a profitmaking organization, you may keep nonexpendable personal property only if you reimbuse EPA for its proportionate share of the current market value of the property.

(b) EPA is entitled to compensation on property you purchased for more than $1,000. You may keep it, provided you compensate EPA for its proportionate share of the current fair market value. If you do not want to keep the property, your project officer will give you instructions for disposition.

**§ 30.535 May I purchase real property with EPA-awarded funds?**

You may purchase real property subject to the following conditions:

(a) The award official must approve the purchase.

(b) You must use the real property only for the purpose for which it was purchased under the assistance award.

(c) You get approval from your project officer to use the property for other Federally supported projects or programs when it is no longer needed for the original project.

(d) You comply with the requirements in 40 CFR Part 4.

(e) You contact your project officer for instructions on disposing of the property when it is no longer needed for the purposes stated in paragraphs (b) or (c) of this section. The project officer may (i) permit you to retain title to the property provided you compensate EPA for its share; or (ii) direct you to sell the property and to compensate EPA for its share, less your expenses; or (iii) direct you to transfer the title of the property to the Federal Government and to compensate you an amount equal to your percentage of participation in the cost of the project to the current fair market value of the property.

(f) You comply with 40 CFR Part 35, Subpart E, Appendix A if your award is a construction grant.

**§ 30.536 How do I manage Federally owned property?**

You must negotiate with the award official the use of Federally owned property and comply with your lease agreement and § 30.505(d). You must inform the project officer of the availability of the property when the property is no longer needed for the assistance project or when you have completed the project. EPA will give you instructions on where to return the property.

**§ 30.538 May I use General Services Administration (GSA) supplies and services?**

You may not use GSA sources of supplies and services, or excess Government property. Excess Government property consists of property under the control of any Federal agency that is not required for its needs.

**§ 30.540 Will EPA audit my project?**

EPA may perform pre-award or interim audits as well as a final audit of your project. In accordance with Attachment P of Circulars A–102 and A–110, EPA will rely on the recipient's audit (if done in accordance with the Attachment P standards) instead of reauditing the same records. However, EPA will keep audit cognizance over contracts under construction grants.

## Subpart F—What Other Federal Requirements Must I Comply With?

**§ 30.601 What Federal laws and policies affect my award?**

You must comply with the following statutes and Executive Orders.

(a) *National Environmental Policy Act.* You must comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as amended and other related environmental laws and executive orders that require you to assess the environmental impact of your project. See 40 CFR Part 6 for specific requirements.

(b) *Flood Disaster Protection Act.* If your project involves construction in, or acquiring property in, a special flood hazard area, you must comply with the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, December 13, 1973). If your project is located in a community participating in the National Flood Insurance Program (42 U.S.C. 4001–4128), the Act requires you to purchase flood insurance as a condition of receiving EPA assistance. If the community is not participating in the National Flood Insurance Program and the special flood hazard area has been designated by the Federal Insurance Administration of the Federal Emergency Management Agency for at least one year, EPA will not award assistance for your project until the community enters the program and flood insurance is purchased. See 44 CFR Parts 59 through 79 for specific requirements.

(c) *Clean Air Act.* Section 306 of the Clean Air Act (42 U.S.C. 7606), as amended, and Executive Order 11738 prohibit EPA from awarding assistance to you if you intend to use any facility on EPA's List of Violating Facilities to complete work on your agreement. You must include a clause in all subagreements that requires the recipients of those subagreements to comply with the requirements of 40 CFR Part 15.

(d) *Federal Water Pollution Control Act.* Section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1368), as amended, and Executive Order 11738 prohibit EPA from awarding assistance to you if you intend to use any facility on EPA's List of Violating Facilities to complete work on your agreement. You must include a clause in all subagreements that requires the recipients of those subagreements to comply with the requirements of 40 CFR Part 15. Section 13 of the 1972 Amendments to the Act prohibits sex discrimination under any program or activity receiving assistance under the Act. See 40 CFR Part 12 for specific requirements.

(e) *Civil Rights Act.* You must comply with Sec. 602, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and related non-discrimination laws and Executive Order 11246. These authorities prohibit you from excluding any person from participating in, denying them the benefits of, or discriminating against them on the basis of race, color, or national origin under any program or activity involving Federal financial assistance. See 40 CFR Part 7 for specific requirements.

(f) *Rehabilitation Act.* You must comply with Sec. 504 of The Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, which prohibits discrimination on the basis of handicap in Federally assisted programs.

(g) *Age Discrimination Act.* You must comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*), which prohibits discrimination on the basis of age in Federally assisted programs.

(h) *Title IX of the Education Amendments of 1972.* You must comply with Title IX of the Education Amendments of 1972, (20 U.S.C. 1681 *et seq.*) which prohibits sex discrimination in Federally assisted education programs.

(i) *Uniform Relocation Assistance and Real Property Acquisition Policies Act.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621 et seq.), if your project involves acquiring interest in real property or any displacement of persons, businesses, or farm operations. See 40 CFR Part 4 for specific requirements.

(j) *The Indian Self-Determination and Education Assistance Act.* You must comply with the Indian Self-Determination and Education Assistance Act of 1975 (Pub. L. 93–638). If your project will benefit Indians, the Act requires you to give Indians preference in training and employment opportunities and in the award of subagreements.

(k) *The Hatch Act.* If you are a State or local government recipient, you must ensure compliance with the Hatch Act, (5 U.S.C. 1501 et seq.), as amended. This Act requires State and local government employees to comply with the restrictions on political activities imposed by the Act if their principal employment activities are funded wholly or in part by Federal assistance. See 5 CFR Part 151 for specific prohibitions and exemptions.

(l) *Safe Drinking Water Act.* Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300–h–3(e)) prohibits EPA from awarding assistance to you if EPA determines that your project may contaminate a sole source acquifer so as to result in a significant hazard to public health. See 40 CFR Part 149.

**§ 30.603 What additional requirements apply to EPA-assisted construction projects?**

If you receive EPA assistance for a project involving construction, you must ensure compliance with the following additional requirements:

(a) *The Davis-Bacon Act.* The Davis-Bacon Act (40 U.S.C. 276a *et seq.*) as amended, and implementing regulations of the Department of Labor under 29 CFR Part 5 require you to ensure that on contracts in excess of $2,000, your contractors and subcontractors pay wages to laborers and mechanics at least equal to the minimum wages specified by the Secretary of Labor.

(b) *The Copeland Act.* The Copeland (Anti-Kickback) Act, and the regulations of the Department of Labor under 29 CFR Part 3 prohibit your contractors and subcontractors from inducing any person involved in your project to give up any part of the compensation to which he/she is entitled under an employment contract.

(c) *The Contract Work Hours and Safety Standards Act.* The Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) and the regulations of the Department of Labor under 29 CFR Part 5 require your contractors and subcontractors to pay wages to laborers and mechanics on the basis of an 8-hour work day and 40-hour work week and to pay at least time-and-a-half for work performed in excess of these time limitations. Also, the Act prohibits your contractors and subcontractors from requiring laborers and mechanics to work in hazardous, unsanitary or dangerous conditions (see 29 CFR Part 1926).

(d) *Convict labor.* You may not use convict labor unless the convicts are on work release, parole or probation (see 18 U.S.C. 436).

**§ 30.610 What are my responsibilities for preventing and detecting fraud and other corrupt practices?**

(a) You bear the primary responsibility for preventing, detecting, and prosecuting corrupt practices under your assistance agreement.

(b) If you become aware of allegations, evidence, or the appearance of corrupt practices, you must:

(1) Immediately inform the EPA project officer of this; and

(2) Promptly pursue available State and local legal and administrative remedies.

**§ 30.611 Can I hire a person or agency to solicit EPA assistance for me?**

You may not employ or retain any person, corporation, partnership, agency or other entity to solicit or secure EPA assistance for you in exchange for a commission, a percentage fee, a brokerage fee, or a contingent fee paid for with EPA funds.

**§ 30.612 May an EPA employee act as my representative?**

(a) An EPA employee may not represent you as an agent or attorney in any proceeding before EPA or any other Federal agency in which the United States is a party or has a direct or substantial interest unless:

(1) You are a State or local government agency;

(2) The EPA employee is on detail to the agency under the Intergovernmental Personnel Act, 5 U.S.C. 3371–3376; and

(3) The representation takes place in the context of carrying out programs for which EPA and the agency have a joint responsibility under the environmental statutes.

(b) Except as provided for in paragraph (a) an EPA employee must not act as an agent or attorney for a recipient, or for a contractor or subcontractor of a recipient in any claim against the United States.

**§ 30.613 What is EPA's policy on conflict of interest?**

EPA's policy is to prevent personal or organizational conflict of interest, or the appearance of such conflict of interest in the award and administration of EPA assistance, including subagreements. (For restrictions on EPA employees, see 40 CFR Part 3.)

(a) An official or employee of a recipient may not participate in any activity relating to EPA assistance if any of the following persons or organizations, to the official or employee's knowledge, has a financial interest in the activity:

(1) The official or employee himself;

(2) The official or employee's spouse or minor child;

(3) A partner of the official or employee;

(4) An organization (other than a public agency) in which the official or employee serves as an officer, director, trustee, partner or employee; or

(5) Any person or organization with whom the official or employee is negotiating or has any arrangement concerning prospective employment.

(b) Officials and employees of recipients must avoid any action which might result in, or create the appearance of:

(1) Using official position for private gain;

(2) Giving preferential treatment to any person;

(3) Losing independence or impartiality;

(4) Making an official decision outside official channels; or

(5) Undermining public confidence in the integrity of EPA programs.

**§ 30.615 May I employ a former EPA employee and still receive assistance?**

You may hire a former EPA employee and still receive assistance provided the former employee complies with the restrictions on post-employment activities established by 18 U.S.C. 207. These restrictions are explained in regulations issued by the Office of Personnel Management under 5 CFR Part 737 and EPA regulations under 40 CFR Part 3.

## Subpart G—Can an Assistance Agreement Be Changed?

### § 30.700 What changes to my assistance agreement require a formal amendment?

You must receive from the award official a formal amendment before implementing:

(a) A change of the recipient;

(b) Changes in the objectives or scope of the project;

(c) Changes in the assistance amount;

(d) Substantial changes within the scope of the project; or

(e) A rebudgeting of the following:

(1) Amounts budgeted for either construction or non-construction activities if transferred from one activity to the other;

(2) Amounts budgeted for indirect costs to absorb increases in direct costs; or

(3) Amounts budgeted for training allowances if transferred to other cost categories.

### § 30.705 What changes can I make to my assistance agreement without formal amendment?

Minor changes in the project work that are consistent with the objective of the project and within the scope of the assistance agreement do not require the execution of a formal amendment before the recipient's implementation of the change. However, such changes do not obligate EPA to provide Federal funds for any costs incurred by you in excess of the assistance amount, unless approved in advance under § 30.700.

### § 30.710 Can I terminate a part or all of my assistance agreement?

(a) You and EPA may terminate a part or all of your assistance agreement, when both parties agree that the continuation of the project will not produce beneficial results. You and the award official must agree on the conditions of the termination, the effective date, and in the case of partial termination, the portion to be terminated. EPA may terminate for cause your assistance agreement under Subpart I.

(b) EPA will pay you the federal share of allowable costs incurred up to the date of termination and allowable costs related to commitments you made prior to termination that you cannot cancel.

## Subpart H—How Do I Close Out My Project?

### § 30.800 What records and reports must I keep after I complete my project?

You and your contractors must keep all books, records, documents and other evidence (including accounting procedures and practices and subagreement documents) that track the progress of your project in accordance with the requirements under § 30.501.

### § 30.802 Under what conditions will I owe money to EPA?

(a) After you have submitted your final financial status report to EPA, you must reimburse EPA for any unobligated Federal funds. Final settlement is not complete until all claims, audits, apeals and litigation are resolved (see § 30.501). If a final determination is made that you owe additional funds, you must reimburse the Federal government the additional amount before the project is considered closed. EPA will take appropriate legal action to collect the amount you owe the Agency. EPA may offset the debt against funds owed to you under another EPA assistance agreement only where you have already incurred costs under that agreement for which reimbursement is due from EPA.

(b) Interest will be charged if you fail to pay within 30 days from the date you receive notice of the final determination. The interest rate will be the rate established by the Secretary of Treasury in accordance with the Treasury Fiscal Requirements Manual 6–8020.20. The rates are published in the **Federal Register** quarterly. (See § 30.1200(a)(3) for interest charged during an appeal.)

## Subpart I—What Sanctions Will EPA Impose for Non-Compliance?

### § 30.900 What are the sanctions for non-compliance?

If you do not comply with all or a portion of the terms of your assistance agreement, the award official may apply any of the following sanctions:

(a) Issue a stop-work order;

(b) Withhold payment;

(c) Suspend or terminate your assistance agreement for cause;

(d) Annul your assistance agreement;

(e) Debar you as an eligible recipient; or

(f) Take other appropriate legal action.

### § 30.901 What are the consequences of a stop-work order?

(a) A stop-work order requires you to immediately stop the work or activities described in the order and to take all reasonable steps to minimize costs incurred on the work. The award official will issue the order in writing. The order will be in effect for forty-five (45) days after you receive it unless cancelled or extended by mutual agreement between you and EPA. If the problem cannot be resolved during the stop-work period and EPA is likely to terminate or annul the agreement, the award official will so inform you.

(b) If the stop-work order is cancelled and it caused any increase in the cost of and/or the time for completing the project, you may request an adjustment in the project period, budget period, or assistance amount. You must submit a request for adjustment to the project officer within sixty (60) days after the stop-work order ended.

### § 30.902 What are the consequences of withholding payments?

(a) The award official may withhold payments when you fail to comply with the tasks, reporting requirements or conditions of your assistance agreement. The award official will provide you reasonable notice in writing before withholding payment.

(b) The award official may withhold only the amount necessary to assure compliance with your assistance agreement.

(c) The award official may withhold payment to the extent you are indebted to the United States, unless the collection of the indebtedness will impair the accomplishment of the project and the continuation of the project is in the best interest of the United States.

### § 30.903 What are the consequences of termination for cause?

(a) The award official may terminate your agreement in whole or in part at any time before the date of completion, whenever he determines that you have failed to comply with the conditions of your agreement. The award official will provide you an opportunity for consultation before issuing a notice of termination.

(b) If EPA terminates your agreement, the award official will notify you in writing of his determination, the reasons for the termination and the effective date. Upon receiving the termination notice, you must stop work immediately and make no new commitments.

(c) EPA will pay you the federal share of allowable costs incurred up to the date of termination and allowable costs related to commitments you made prior to termination that you cannot cancel.

### § 30.904 What are the consequences of annulment?

(a) The award official may unilaterally annul in whole or part your assistance agreement in any of the following cases:

(1) You have made no substantial progress on the project without good cause;

(2) You obtained an assistance agreement by fraud or misrepresentation;

(3) You are found to practice corrupt administrative procedures;

(4) You have inordinately delayed project completion without good cause; or

(5) You have failed to meet the project purpose by ignoring or altering the purpose stated in the agreement.

(b) The award official will provide you an opportunity for consultation before issuing a notice of annulment. If EPA intends to issue an annulment, the award official will inform you of the annulment in writing. You must then return all funds received for the project including those already expended. EPA may pursue other available remedies under Federal, State and local laws.

**§ 30.905 What the the consequences of suspension or debarment?**

EPA may suspend or debar you in accordance with 40 CFR Part 32. You may not apply for or receive assistance or a subagreement if your name or organization appears on EPA's Master List of Debarred or Suspended Persons.

**§ 30.906 May I appeal a termination, annulment, or debarment?**

(a) You may appeal EPA's decision to terminate or annul an assistance agreement. Within thirty (30) days after the notice of termination or annulment is issued, you must file a written request for appeal to the award official. Your appeal must follow the procedures under Subpart L of this Part.

(b) You may not appeal a suspension or debarment decision to EPA's Board of Assistance Appeals under Subpart L of this Part.

## Subpart J—Can I Get an Exception ("Deviation") From These Regulations?

**§ 30.1001 Will EPA grant any exceptions to these regulations?**

On a case-by-case basis, EPA will consider requests for exceptions to these regualtions.

(a) EPA may issue a "deviation" from any of its assistance related regulations, except for those that implement statutory and executive order requirements.

(b) The award official may "waive" certain requirements of this subchapter for foreign grants. All provisions waived will be stated in the assistance agreement.

**§ 30.1002 Who may request a deviation?**

You, your project officer, or an EPA program office may request a deviation from EPA regulations. If you are the initiator, you should send your written request to your project officer who will then forward the request to the Director, Grants Administration Division, with a recommendation for approval or disapproval.

**§ 30.1003 What information should I include in a deviation request?**

Your request should include the following information:

(a) Your name, the assistance idlentification number, and the dollar value of the application or award;

(b) The section of the regulation from which you need a deviation;

(c) A complete description of what the deviation will do and the circumstances which make it necessary; and

(d) A statement of whether the same or a similar deviation has been previously requested. If such a request has been made previously, explain why it was made and the outcome.

**§ 30.1004 Who approvers or disapproves a deviation request?**

(a) The Director, Grants Administration Division (GAD), approves or disapproves your deviation request. Assistant Administrators in the affected program areas must review and concur on deviations affecting a class of applicants or recipients.

(b) If EPA approves the deviation before an award, the revised requirement will be included in your assistance agreement. Approval of a deviation before an award does not guarantee an award.

**§ 30.1005 May I appeal a deviation decision?**

You may not appeal a deviation decision under the procedures in Subpart L of this Part. However, you may request the Director of GAD to reconsider his decision.

## Subpart K—What Polices Apply to Patents, Data and Copyrights?

**§ 30.1100 What assistance agreements are subject to EPA patent rules?**

Except for construction grants, all EPA assistance agreements involving experimentation, development, special investigations, surveys, studies or research are subject to the EPA patent rules.

**§ 30.1101 What Federal patent laws or policies govern my assistance agreement?**

The nature of your organization will determine which laws and policies govern your assistance agreement:

(a) Small business firms and nonprofit organizations, including educational institutions, must comply with Pub. L. 96–517, (35 U.S.C. 200 *et seq.*) and OMB Circular A–124 (47 FR 7556).

(b) A profitmaking firm that is not defined as a small business, and whose assistance agreement is funded under the Resource Conservation and Recovery Act (RCRA), must comply with section 6891(c) of RCRA.

(c) If you are neither a small business firm nor profitmaking firm with a RCRA award, you are subject to the guidelines in the President's Statement on Government patent policy issued on August 23, 1971, (36 FR 16887). See Federal Procurement Regulations, 41 CFR Part 1–9 for specific requirements.

**§ 30.1102 What are my invention rights and my reporting requirements if I am a small business or nonprofit organization?**

You must report all inventions to EPA and decide whether you wish to retain domestic and/or foreign rights to your invention. You must notify EPA of your decision within the time period specified in the patent rights clause included in OMB Circular A–124, Attachment A. If you do not decide to retain rights to your invention within the time specified, EPA may acquire title from you. If you retain title, EPA acquires a royalty-free, irrevocable license to use the invention throughout the world by, and on behalf of the Federal Government.

**§ 30.1103 What are my invention rights and obligations if I am a profitmaking firm?**

If you are not a small business and your assistance agreement does not indicate otherwise, you must comply with the patent rights clause, entitled "Patent Rights Acquisition by the Government," (41 CFR 1–9.107–5(a)) which implements section 1(a) of the President's Statement on Government Patent Policy. Under this clause, EPA normally obtains title to your invention.

**§ 30.1104 Can I get a waiver from the President's statement on Government patent policy?**

On a case-by-case basis, you may ask EPA for a deviation from the President's Statement. You must follow the procedures in Subpart J.

**§ 30.1106 Do the patent rules apply to subagreements?**

Yes, if they involve experimentation, development, special investigations, surveys, studies or research, you must include the appropriate patent rights clause in all subagreements. Small Business firms or nonprofit organizations under subagreements are entitled to the benefits of Pub. L. 96–517 and the requirements of OMB Circular A–124.

**§ 30.1108 Does EPA require any type of licensing of background patents that I own?**

Generally, EPA does not require such licensing. However, in awards subject to

Pub. L. 96–517 the Administrator may approve such a requirement under exceptional circumstances.

**§ 30.1112 Are there any other patent clauses or conditions that apply to my award?**

Your award is subject to both the Notice and Assistance clause and the Authorization and Consent clause in Appendix B to this Part.

**§ 30.1130 What rights in data and copyrights does EPA acquire?**

As set forth in Appendix C, the Federal Government has an unrestricted right to use any data or information generated using assistance funds or specified to be delivered to EPA in the assistance agreement. The Federal Government has a royalty-free, irrevocable license to use any copyrighted data in any manner for Federal Government purposes.

## Subpart L—How Are Disputes Between the Award Official and Me Resolved?

**§ 30.1200 How can an applicant or recipient seek review of a decision of an award official?**

(a) Except as limited by § 30.1210, you may request the EPA Board of Assistance Appeals (Board) under a delegation of authority from the Administrator, to review the award official's decision.

(b) To appeal, you must send a notice of appeal by registered mail, return receipt requested to the award official and to the Docket Clerk, EPA Board of Assistance Appeals (A–130), United States Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, within thirty days of your receipt of the written final decision of the award official.

(c) Your notice of appeal must include:

(1) A copy of the award official's written final decision that is signed by the award official and states explicitly that it is a final decision appealable under this subpart;

(2) A statement of the amount in dispute; and

(3) An explanation of the reasons you believe the decision is erroneous.

(d) If you do not appeal a written final decision of an award official within thirty days of your receipt of the decision, it will become final and conclusive, unless the Board extends the thirty-day limit for good cause.

(e) Interest will be accrued on any amounts of money due and payable to EPA beginning thirty days from the date of an award official's written final decision requesting payment.

The interest rate will be the rate established quarterly by the Secretary of the Department of Treasury in accordance with the Treasury Fiscal Requirements Manual 6–8020.20. Your appeal of the award official's decision does not prevent the accrual of interest. Only full payment of the debt or resolution of the appeal in your favor will prevent the accrual of interest on the amount outstanding. If the Board decides that you owe money to EPA, you will be charged the interest accrued on the amount finally determined to be due.

**§ 30.1205 What are my rights in the appeal?**

(a) Upon receipt by the Board of your notice of appeal, the Board will send you a copy of its procedures. The procedures were publised in the **Federal Register** at 44 FR 46770 (August 8, 1979).

(b) You may be represented before the Board by an attorney or other representative.

(c) You may request a full evidentiary hearing if:

(1) The amount in dispute is over $50,000; or

(2) The issue is a question of compliance with EPA's nondiscrimination rules (40 CFR Parts 7 and 12).

(d) You may submit documentary evidence and briefs for inclusion in the appeal record. You also have the right to examine and object to all evidence submitted by the attorney representing the award official. The Board will decide your appeal solely upon the appeal record, and the record will be available to all parties.

(e) The Board will decide whether the award official's decision was reasonable and in accordance with applicable statutes, regulations, and EPA policies. The Board is required to follow regulations, EPA policies published in the **Federal Register**, and the policy decisions of the EPA Audit Resolution Board. Generally, the Board will issue a written decision explaining the reasons for its decision.

(f) The Board may reconsider appeals if either party demonstrates that there was a clear error of fact or law, or that significant evidence has become available which was not available at the time of the decision.

(g) The Board's decision is final and conclusive unless a court of competent jurisdiction determines it to have been fraudulent, arbitrary, capricious, so grossly erroneous as to imply bad faith, or not supported by substantial evidence.

**§ 30.1210 What decisions may not be appealed?**

You may not appeal:

(a) Disapprovals of deviations under Subpart J;

(b) Bid protest decisions under Part 33;

(c) National Environmental Policy Act decisions under Part 6;

(d) Advanced wastewater treatment decisions of the Administrator; or

(e) Policy decisions of the EPA Audit Resolution Board.

**Appendix A—A–95 Requirements**

1. *What is OMB Circular A–95?* A–95 is a procedural circular requiring Federal agencies and Federal assistance applicants to give State and local goverments an opportunity to assess the relationship of proposals to State, areawide, and local plans and programs. EPA's potential applicants must notify State and areawide clearinghouses of intended proposals for planning, demonstration, and construction projects or State and local assistance programs. Clearinghouses having jurisdiction in the proposed project areas must then review these notices to ensure that proposed activities will not conflict with or duplicate other Federally assisted acitivities in their areas.

2. *Are all EPA applicants required to comply with A–95?* You must comply with A–95 unless you are applying for assistance under an EPA research, training, fellowship or special studies or you are a Federally recognized Indian tribe.

3. *What requirements must I meet if I am subject to A–95?* Parts I and III under Attachment A of A–95 set forth required procedures. Part I, "Project Notification and Review System," deals with State and local review of applications. Part III, "State Plans," provides for gubernatorial review of certain assistance programs that require a State plan as part of an application.

The following chart identifies which EPA assistance programs are covered by A–95, and which Parts are applicable to each program.

ENVIRONMENTAL PROTECTION AGENCY

| Program description | A–95 | |
|---|---|---|
| | Part I | Part III |
| CFDA No. and Title | | |
| 66.001 Air Pollution Control Program | X | X |
| 66.003 Air Pollution Control Manpower Training. | | |
| 66.418 Construction Grants for Wastewater Treatment Works. | X | |
| 66.419 Water Pollution Control—State and Interstate Program. | X | X |
| 66.420 Water Pollution Control—State and Local Manpower Program Development. | X | |
| 66.426 Water Pollution Control—State and Areawide Water Quality Management Planning Agency. | X | |
| 66.428 Water Pollution Control—Professional Training. | | |
| 66.432 State Public Water System Supervision Program. | X | X |
| 66.433 State Underground Water Source Protection Program. | X | X |

ENVIRONMENTAL PROTECTION AGENCY—Continued

| Program description | A-95 | |
|---|---|---|
| | Part I | Part III |
| 66.435 Water Pollution Control—Lake Restoration Cooperative Agreements. | X | |
| 66.438 Construction Management Assistance. | X | |
| 66.451 Solid and Hazardous Waste Management Program Support. | X | X |
| 66.453 Solid Waste Management Training. | | |
| 66.500 Environmental Protection—Consolidated Research. | | |
| 66.501 Air Pollution Control Research. | | |
| 66.502 Pesticides Contol Research | | |
| 66.504 Solid Waste Disposal Research. | | |
| 66.505 Water Pollution control—Research, Development, and Demonstration. | X | |
| 66.506 Safe Drinking Water Research and Demonstration. | X | |
| 66.507 Toxic Substances Research | | |
| 66.600 Environmental Protection Consolidated Grants—Progam Support. | X | X |
| 66.602 Environmental Protection Consolidated Grants—Special Purpose. | X | |
| 66.700 Pesticides Enforcement Program Grants. | X | |

4. *What does Part I require?*

(a) You must send the State and areawide clearinghouses having jurisdiction over your proposed project location a notice of your intent (NOI) to apply for EPA assistance well before you send EPA your standard application. Your NOI may be either a summary description of your proposed project, a Standard Form 424, if acceptable to the clearinghouse, a NOI form the clearinghouse developed, or a complete application. If your proposed project may impact Statewide rather than locally, you do not need to send a NOI to the areawide clearinghouse.

(b) If you do not receive any comments from the clearinghouses within 30 days after their receipt of your NOI or 60 days after their receipt of your standard application, you may assume there are no issues to be resolved and that you may submit your completed application to EPA. You must include a statement with your application saying that you followed these procedures and that you did not receive clearinghouse comments or recommendations.

(c) If you do receive clearinghouse comments, you must include them in your application along with a statement saying that you considered all of them.

(d) If you are applying for construction grant assistance under 40 CFR Part 35, Subpart I, you must submit the facilities plan to the clearinghouses 30 calendar days or more before you submit the application. This action will be your notice of intent to apply for Step 3, or Step 2 + 3 assistance. If you receive "negative" comments, you must address them in your application and submit your application to the clearinghouse for an additional 30-day review.

5. *What information should I include with my notice of intent?*

(a) You must include the following information in your notice of intent:

(i) The legal name of the agency or individual applying for assistance;

(ii) The geographic location of your project, including a map if appropriate;

(iii) A brief description of your project. Include type, purpose, size or scale, estimated cost, beneficiaries and other characteristics so that the clearinghouses can identify plans, programs or projects of State or local government agencies that your proposal might affect;

(iv) A statement of whether EPA has told you that you must submit environmental impact information in connection with the proposed project;

(v) The Catalog of Federal Domestic Assistance title and number of the EPA program for which you wish to apply. (You should refer to the Table in paragraph 3 of this appendix or contact the appropriate EPA grants administration office if you cannot identify the program.)

(vi) The date you expect to submit a formal application.

(vii) Any other detailed documentation describing the proposed project, such as plans or specifications.

6. *What does Part III require?*

Part III requires applicants for Federal formula grant programs which require a State plan as part of an application to provide a copy of the application to the Governor, or designated agency, for review and comment before submitting an application to the funding agency.

**Appendix B**

*Notice and Assistance Clause*

(a) The recipient must report to the Project Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this agreement of which the recipient has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this agreement or out of the use of any supplies furnished or work or services performed hereunder, the recipient must furnish to the Government, when requested by the project officer, all evidence and information in possession of the recipient pertaining to such suit or claim. Such evidence and information must be furnished at the expense of the Government except where the recipient has agreed to indemnify the Government.

(c) The recipient must include in each subagreement (including any lower tier subagreement) in excess of $10,000 a clause substantially similar to the foregoing provisions.

*Authorization and Consent Clause*

EPA gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of an assistance agreement and any subagreement.

**Appendix C**

*Rights in Data and Copyrights*

1. The term "Subject Data" as used in this clause includes writing, technical reports, sound recordings, magnetic recordings, computer programs, computerized data bases, data bases in hard copy, pictorial reproductions, plans, drawings, including engineering or manufacturing drawings, specifications, or other graphical representations, and works of any similar nature (whether or not copyrighted) which an applicant submits or which EPA specifies to be delivered under this assistance agreement or which a recipient develops or produces and EPA pays for under this assistance agreement. The term does not include financial reports, cost analyses, and other information incidental to assistance agreement administration.

2. Except as may otherwise be provided in this assistance agreement, when publications, films or similar materials are developed directly or indirectly from a project supported by the Environmental Protection Agency, the author is free to arrange for copyright without approval. However such materials shall be subject to the provisions of 40 CFR 30.515. The recipient agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of and to authorize others so to do, all Subject Data, or copyrightable material based on such data, covered by copyright now or in the future.

3. The recipient shall not include in the Subject Data any copyrighted matter without the written approval of the project officer, unless he provides the Government with the written permission of the copyright owner for the Government to use the copyrighted matter in the manner provided in Article 2 above.

4. Nothing contained in this Appendix shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the Government under any patent.

5. Unless otherwise limited below, the Government may, without additional compensation to the recipient, duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data.

6. Notwithstanding any provisions of this assistance agreement concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking restricting disclosure of Subject Data if the marking is not authorized by the terms of this assistance agreement.

7. Data need not be furnished for standard commercial items or services which are normally or have been sold or offered to the public commercially by any supplier and which are incorporated as component parts in or to be used with the product or process being developed or investigated under this assistance agreement, if in lieu thereof identification of source and characteristics (including performance specifications, when necessary) sufficient to enable the Government to procure the part or practice

the process, or acquire an adequate substitute, are furnished.

8. In addition to any data specified elsewhere in this assistance agreement to be furnished to EPA, the recipient shall retain and upon written request of the project officer at any time during project performance or within two years after project performance is completed, deliver any Subject Data not previously delivered.

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Part VI

# Department of Health and Human Services

Food and Drug Administration

## Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content and GRAS Safety Review of Sodium Chloride

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 101 and 105**

**[Docket No. 80N-0314]**

# Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content

**AGENCY:** Food and Drug Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend the food labeling regulations to (1) establish definitions for the terms "sodium free," "low sodium," "moderately low sodium," and "reduced sodium," (2) provide for the proper use of these terms in the labeling of foods, (3) provide for the inclusion of potassium content information in the nutrition labeling format on a voluntary basis, (4) provide for the appropriate use of such terms as "without added salt," "unsalted," and "no salt added," and (5) specify that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on foods labels. FDA is also issuing a statement of policy on the appropriate use of comparative labeling statements.

This proposal is a result of FDA's evaluation of the health aspects of sodium chloride as a food ingredient and FDA's investigation of the public health significance of excessive sodium in the diet. This proposal would encourage meaningful label declarations of sodium and potassium.

There has been and continues to be considerable discussion and activity in this area. In the United States House of Representatives there have been several legislative proposals discussed which center on the issue of whether sodium labeling should be mandatory or voluntary. In addition, the food industry has initiated very positive actions to add, as a voluntary matter, sodium labeling. This proposal primarily emphasizes the voluntary addition of sodium information to the food label and provides flexibility on how this information is presented. The definitions discussed herein are only applicable if a manufacturer chooses to promote his product by use of one of the definitions. The only foods, based on this proposal, that must bear sodium labeling are those that must bear nutrition labeling or when the manufacturer chooses to do so voluntarily. Nutrition labeling is provided for public health reasons—to assist people in knowing the nutrition content of foods. Because of the public health importance of sodium, such information would be incomplete if it were not included as part of nutrition labeling. It is important to note that the FDA, through a statement of policy contained in this document, is reaffirming the fact that if a manufacturer voluntarily chooses to put sodium information on the label that act will not trigger full nutrition labeling.

**DATES:** Written comments by August 17, 1982.

The agency proposes that any final rule that may issue based upon this proposal become effective in accordance with a uniform effective date for compliance with food labeling requirements which is announced by notice in the **Federal Register** and which is not sooner than 1 year following publication of any final rule based upon this proposal. See Supplementary Information for full discussion of proposed effective date.

**ADDRESS:** Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** F. Edward Scarbrough, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

**SUPPLEMENTARY INFORMATION:**

## Background

Hypertension is the leading cause of strokes in the United States, and is a major contributor to heart attacks, heart failure, and kidney failure (Ref. 1). There has been considerable scientific discussion about the possible health effects posed by sodium intake in excess of physiological needs (Refs. 2 and 3). The scientific concerns have focused primarily on the possible utility of restricting sodium intake as a supportive measure in treating hypertension (Refs. 4 and 5). Essential hypertension (high blood pressure of unknown origin) is the most prevalent of several disorders or diseases in which restriction of sodium intake is frequently needed, and in which control of potassium intake may be required also (Ref. 6). Edema associated with heart, liver, or kidney disease usually also requires sodium restriction (Ref. 6). Dietary control may need to be lifelong for patients suffering from chronic health problems such as hypertension (Ref. 6).

Sodium is ubiquitous in the food supply—nearly every food contains at least a measurable amount—and it is an essential nutrient in human nutrition (Ref. 7). It is an important electrolyte component of all body fluids. Common salt, sodium chloride, is the single greatest contributor of sodium in the American food supply. Thus, a reduction in sodium intake almost always means reducing one's salt intake.

There is a wide range in the amount of sodium contained in individual foods. Some foods such as certain fruits contain less than 1 milligram (mg) per serving, while other foods such as some smoked fish products contain as much as 5,000 mg per serving (Ref. 8). Drinking water supplies in the United States also vary considerably in sodium content (Refs. 9, 10, and 11). For example, one major study showed the sodium content of water to range from 0 to 402 mg per liter (Ref. 11).

As early as 1904, scientific reports began to implicate excess dietary intake of sodium in the development of hypertension (Ref. 6). Since then many studies on humans and animals have suggested a relationship between sodium intake and hypertension in genetically susceptible subjects (Refs. 2 and 12). A number of other factors including stress, age, body weight, genetic profile, chronic kidney infection, and potassium intake may also be significant in the development of hypertension (Ref. 12).

Data on the prevalence of essential hypertension amply demonstrate that it is among the major health concerns in the United States today. The Hypertension Task Force of the National Heart, Lung, and Blood Institute (NHLBI) has estimated that 23 to 60 million persons in the United States are hypertensive (Ref. 1). NHLBI uses this range because the estimated prevalence depends on the criteria used to define this condition, the age groups included, whether persons on adequate treatment are included, and whether institutionalized persons are included (Refs. 13 and 14). The main source of data supporting these estimates is the first National Health and Nutrition Examination Survey (NHANES-1) of the National Center for Health Statistics (NCHS) (Ref. 13).

Of the estimated 60 million hypertensive people, more than 28 million have definite high blood pressure, that is, 160/95 or higher in conventional medical terms. Another 26 million people have borderline high blood pressure (less than 160/95, but not less than 140/90) (Ref. 13). NHLBI also estimates that more than 5 million hypertensives have achieved normal or borderline blood pressure as a result of antihypertensive drug therapy or other kinds of medical care (Ref. 13). By another hypertension classification

scheme commonly used in the United States (Ref. 4) it is estimated that 30 to 40 million persons have mild hypertension (diastolic pressure between 90 and 104), and the remaining 20 to 30 million persons have either moderate (diastolic pressure between 105 and 114) or severe (diastolic pressure of 115 or greater) hypertension (Ref. 15).

**Sodium Intake and Hypertension**

Although many epidemiological studies indicate a relationship between sodium intake and the prevalence of hypertension (Refs. 2 and 12), the evidence that sodium consumption is a major factor in causing hypertension is not fully conclusive (Ref. 12). Nevertheless, the evidence is strong enough for most members of the medical and scientific community to conclude that a substantial portion of the U.S. population which is predisposed to hypertension would benefit from a reduction in dietary sodium.

As a result of its safety review of those ingredients heretofore "generally recognized as safe" (GRAS), FDA received a report entitled "Evaluation of the Health Aspects of Sodium Chloride and Potassium Chloride as Food Ingredients" from the Select Committee on GRAS Substances of the Federation of American Societies for Experimental Biology (FASEB) (Ref. 2). The report can be summarized as follows: Sodium chloride is an essential constituent of the body and is present in many foods. For man, the daily requirement of sodium chloride is less than 1 gram, but most diets contain a larger amount as a naturally occurring ingredient. Because the daily requirement of sodium chloride is subject to considerable fluctuation from such conditions as profuse sweating and diarrhea, it is not possible, on the basis of currently available data, to recommend an optimal level of intake.

Because the sodium content of the food and water supply varies so widely, consumer intake of sodium is also quite variable. However, estimates of the "usual" sodium intake indicate that most Americans are consuming in excess of physiological needs (Refs. 2 and 5). The National Academy of Sciences/National Research Council (NAS/NRC) estimates that individuals eat between 2,300 and 6,900 mg of sodium per day (equivalent to 6,000 to 18,000 mg of sodium chloride or common salt) (Ref. 5). FASEB estinates the "average" intake to be about 4,000 to 4,800 mg sodium per day (equivalent to 10,000 to 12,000 mg of sodium chloride) (Ref. 2). By comparison, the latest NAS/NRC estimate of a safe and adequate daily dietary intake of sodium for adults is 1,100 to 3,300 mg in the absence of unusual stresses such as heavy physical activity accompanied by profuse sweating, in which the sodium needs may be transiently higher (Ref. 7).

A number of organizations have recommended that consumers limit their salt intake because of the role of excess dietary sodium in the development of hypertension. Some examples of these recommendations follow.

The Council on Scientific Affairs of the American Medical Association stated in 1979 that "Prudence suggests that moderation in salt intake is desirable for the entire population" (Ref. 16). The Senate Select Committee on Nutrition and Human Needs recommended that Americans limit their daily intake of salt to about 5 grams (g) (5,000 mg) of added salt (Refs. 17 and 18). The Select Committee recommended that the public limit the daily intake of sodium to less than an equivalent of 8 g of salt per day from all sources, assuming a nondiscretionary contribution of 3 g of salt that occurs naturally in foods. Because salt is 40 percent sodium by weight, this recommendation lies within the sodium intake range designated as safe and adequate by NAS/NRC (Ref. 7).

The NHLBI Hypertension Task Force issued a report recommending additional research that would lead to a better understanding of the role of salt in the etiology and treatment of hypertension. The Task Force also reported that it would be prudent for all individuals—both those with normal blood pressure and those with hypertension—to avoid the injudicious use of salt whenever possible, and recommended that the sodium content of commercially available food be declared on the label (Ref. 3).

NAS/NRC prepared a report in 1979 on sodium-restricted diets stating: "In the United States, consumption of sodium in the diet well exceeds metabolic needs." The report also stated: "It now appears that combined use of sodium restriction and of an appropriate diuretic agent is usually the safest and most efficacious approach for treating diseases whose manifestations are related to retention of sodium" (Ref. 5).

Additionally, NAS/NRC in its report "Toward Healthful Diets" recommended that consumers "use salt in moderation; adequate but safe intakes are considered to range between 3 and 8 g of sodium chloride daily" (Ref. 19).

In its report to FDA, FASEB also concluded that 10 to 30 percent of the U.S. population is genetically predisposed to hypertension, and is exposed to a higher risk by ingestion of sodium chloride at current levels. FASEB believes that a reduction in sodium chloride consumption by the population would reduce the frequency of hypertension. The FASEB report also stated that adequate labeling of the sodium content of foods would help meet this objective (Ref. 2).

The Department of Health and Human Services (DHHS), in conjunction with the Department of Agriculture (USDA), has recently issued a pamphlet entitled "Nutrition and Your Health—Dietary Guidelines for Americans" which contains the statement, "The major hazard of excessive sodium is for persons who have high blood pressure * * *. Since most Americans eat more sodium than is needed, consider reducing your sodium intake. Use less table salt. Eat sparingly those foods to which large amounts of sodium have been added" (Ref. 20).

A common theme emerges from these recommendations. Adult intake of sodium in the United States is in excess of physiological needs, and it would be prudent for the general population to reduce sodium intake whenever possible. The role of excess dietary sodium in the development of hypertension needs to be defined more clearly, but there is no evidence that a moderate reduction in sodium intake for the general public would have any adverse health effects, and there is a strong indication that such a reduction would be beneficial to a large segment of the population (Refs. 1, 4, and 21).

FDA's entire sodium program, including this labeling proposal, is properly directed toward the general public. The program is intended to assist individuals in lowering their intake of sodium should they so desire and to assist the medical profession in managing their patients. Thus, the proposal pertains to the nutrition labeling of all food, not just to those for special dietary use (21 CFR 105.69).

Persons already suffering from hypertension or other sodium-related disorders who are advised by their physician to limit their consumption of sodium would be aided in the dietary management of their disorder. In its report on sodium-restricted diets, NAS/NRC suggests that dietary restrictions be classified as mild (2,000 to 3,000 mg/day), moderate (1,000 to 1,500 mg/days), severe (500 to 700 mg/day), or extreme (200 to 300 mg/day) (Ref. 5). Patients restricted to such diets and others wishing to restrict their sodium intake would have much more sodium information available as a result of

FDA's initiatives. Consequently, they would be better able to maintain their sodium intake at the desired level.

**FDA Initiatives**

To respond to the public health concerns expressed in the FASEB report and in the many other scientific articles dealing with hypertension, FDA developed the following five-point program (Ref. 22):

1. To propose the labeling changes announced in this document.
2. To encourage the food industry to reduce voluntarily the amount of sodium added to processed foods and to market a greater variety of foods with lowered sodium.
3. To encourage consumer education that will explain the relationship between sodium and high blood pressure.
4. To monitor the changes in the nation's sodium consumption through the agency's annual total diet study, labeling surveys, and other programs to determine whether FDA's efforts are meeting the goals the agency has set—less sodium in the food supply and more sodium information on food labels.
5. To consider the need for new legislation—only if the voluntary efforts of the food industry fail.

The Department of Health and Human Services (HHS) and FDA announced this program on April 14, 1981 (Ref. 22). At that time, and in numerous other public forums, both HHS and FDA have stressed that the goals of the sodium program are to provide more sodium information to the public and to reduce the amount of sodium in processed food.

FDA is relying on voluntary action by the food industry to achieve these goals. On June 30, 1981, the Secretary of Health and Human Services and the Commissioner of Food and Drugs met with food industry representatives to enlist their help in reaching these goals. Subsequently, FDA's Bureau of Foods has met individually with firms and trade associations. FDA is encouraged by the industry's cooperation to date, and hopeful that the agency can achieve its goal without any regulatory efforts other than the labeling initiatives in this proposal. It is premature at this point, however, to make that determination.

This proposal is the only element in the agency's program that requires a regulation, and is not meant to supersede or overshadow the emphasis that FDA places on the voluntary efforts of the food industry. Moreover, FDA may determine that parts of this labeling regulation are not necessary after the agency has evaluated the comments received and the level of industry's voluntary effort.

In that respect, private sector activity and voluntary efforts by the food industry have been encouraging to date. Many of the major food companies have advised FDA that they are providing or intend to provide sodium information on their product labels. In addition, many food companies are now actively working on ways to reduce the sodium content of their foods where feasible. Coupled with industry's efforts to reduce sodium content is activity directed towards educating the public with regard to sodium. FDA has cooperated with several trade associations in developing sodium information pamphlets and has worked with consumer groups to disseminate sodium information to the public. FDA has collaborated with the National Institutes of Health, specifically, the National Heart, Lung, and Blood Institute, and the United States Department of Agriculture to provide educational information to the public. A number of professional groups have been actively involved in these efforts as well, most notably the American Medical Association which held a consensus conference on the need for sodium information and how it should be provided on the label.

The proposal has three primary purposes: (1) To define certain terms, some of which are now used in the marketplace, to ensure consistency in their meaning and applicability to the general food supply; (2) to eliminate the requirement that sodium be listed in milligrams per 100 grams and require only listing of sodium in milligrams per serving; and (3) to make certain that sodium appears on nutrition labels. This proposal also reiterates the current agency policy that sodium may be quantitatively listed by itself on the label without triggering full nutrition labeling.

The agency is anxious to receive comments on all aspects of the proposal and on any other means to achieve the goals of the agency's sodium program.

**Food Labeling**

An FDA marketing study conducted in 1977 of the retail packaged food supply found that 61 percent of the brands sampled listed sodium-containing ingredients in the ingredients statement (Ref. 23). Sales of foods with quantitative sodium information as part of the nutrition label accounted for only 7.5 percent of total packaged food sales, however. Quantitative sodium labeling appeared mainly in the following food groups: cereals, baking mixes, diet and "health" foods, flour, canned juices, dry pasta, salad dressings, shortening/oils, syrups/molasses, frozen breakfast foods, and refrigerated bread/pastry products. That percentage increased to 13.4 percent of total packaged food sales in 1979–1980 (Ref. 24).

The agency has sought information from a variety of sources including industry and consumers before developing its sodium program. FDA, USDA, and the Federal Trade Commission's (FTC) Bureau of Consumer Protection conducted a comprehensive review of food labeling laws and regulations, including a series of tripartite public hearings. A notice requesting comments on food labeling policy was published in the **Federal Register** of December 21, 1979 (44 FR 75990).

One of the issues discussed at the hearings was the declaration of sodium and potassium content of foods on the product label. In preparing this proposal FDA has examined and considered the information pertaining to sodium labeling that it received at the hearings and as comments on the December 21, 1979 notice. Nearly 25 percent of all comments discussed the sodium or potassium content of foods in their written or oral statements, making this labeling issue the second most frequently discussed topic. The results of FDA's Consumer Food Labeling Survey (Ref. 25), like the opinions expressed at the hearings and in written comments on food labeling policy, show the strong public concern about sodium in foods.

The public's concern stems from scientific discussions about the possible health problems posed by dietary intake of sodium in excess of physiological needs. Comments also reflect the view that the sodium and potassium content of foods is important nutrition information and that consumers have a right to be informed about the levels of these nutrients in foods. Other consumers stressed that regardless of the outcome of the scientific debate about the health consequences of increased levels of sodium in the diet, the general public should be provided with enough information about the foods they eat to be able to restrict their sodium intake to levels recommended by physicians and health professionals.

Consumers often used the terms "salt" and "sodium" interchangeably. In fact, these terms are not the same. Sodium chloride or ordinary salt, containing almost 40 percent sodium, is only one of several sources of sodium in the diet. The public should be aware that there are other common sources of sodium. For example, baking powder, monosodium glutamate, baking soda, sodium alginate, and water from many

sources are all ingredients used in food processing that contribute to the sodium content of foods, and thus to the total dietary intake of sodium.

**Quantitative Declaration—Nutrition Labeling**

*Sodium.* Currently, FDA requires a label declaration of the sodium content of a food only when a claim is made regarding the usefulness of the food in regulating sodium or salt intake (21 CFR 105.69). Present FDA regulations permit, but do not require, the labels of a food to declare its sodium content either alone (21 CFR 101.9(a)) or as part of complete nutrition labeling (21 CFR 101.9(c)(6)(iv)).

FDA has reexamined these regulations in light of the published views and recommendations of various public and private scientific organizations concerning the impact of sodium consumption on the public health. FDA has also considered the consumer information desires expressed in the record of the food labeling hearings and in FDA's own food surveys.

As a result, FDA is proposing to amend the food labeling regulations in 21 CFR 101.9(c)(6)(iv) to require that the sodium content of foods be included as part of nutrition labeling information, whenever nutrition labeling is required or is provided voluntarily. FDA is not changing the current exemption in 21 CFR 101.9(a) which permits manufacturers to provide information on sodium content alone without triggering a requirement for full nutrition labeling. By so doing, the agency hopes to encourage quantitative sodium labeling.

Current regulations require sodium content, when declared, to be expressed in terms of milligrams per serving and milligrams per 100 grams of food. This dual declaration is inconsistent with the general FDA policy that nutrients be declared only on a per-serving basis. In addition, industry and consumer groups have frequently advised the agency that the dual declaration is confusing and unnecessary. The agency is therefore proposing to amend 21 CFR 105.69 to require a declaration of sodium only in terms of milligrams of sodium per serving.

This proposal requires that the quantitative declaration of sodium content be expressed to the nearest 5-milligram increment. If the serving contains 5 milligrams or less, the proposal would allow the label to bear an appropriate statement to that effect or to declare the sodium content rounded to the nearest 5-milligram increment, that is, 0 or 5 mg/serving. FDA is also proposing to amend 21 CFR 105.69 to provide that the label of a food for special dietary use as a means of regulating one's sodium intake that contains 5 milligrams or less of sodium per serving must bear either of the declarations explained above.

The proposal also amends 21 CFR 101.9(e)(5) to add a compliance standard for sodium labeling. As is the case with calories, carbohydrates, and fats (see 21 CFR 101.9(c)(5)), a food would be deemed to be misbranded unless its sodium content is no greater than 20 percent in excess of the sodium value declared on the label. For example, if a manufacturer labels a product as containing 100 milligrams of sodium per serving and the analysis of several composites of the product shows that the sodium content varies from 90 to 120 milligrams of sodium, the product would be in compliance. If, however, the variation in sodium content from one composite analysis to another is in the range of 100 to 130 milligrams of sodium per serving, some of the product may be found to be misbranded, and the manufacturer would have to revise the label declaration in order for the product to be free of any risk that the agency would consider it misbranded.

*Potassium.* Potassium is an element chemically similar to sodium. Alone, or in combination with sodium chloride, its salts can provide taste effects similar to salt (Ref. 2). For this reason potassium salts are often used as replacements for sodium chloride by those who are reducing their sodium intake. The biological and physiological functions of these elements are also interrelated.

A number of clinical conditions which require dietary control of sodium, such as hypertension and kidney disease, also may require dietary control of potassium under certain circumstances (Ref. 6). Control of potassium intake can be of particular importance in the presence of severe kidney disease. Label information about both potassium and sodium content would assist patients who have these conditions.

Current nutrition labeling regulations contain no provisions for the quantitative declaration of potassium content. However, health professionals and consumers frequently have requested the inclusion of potassium information in nutrition labeling. In the comments received in response to the 1978 food labeling hearings, the American Medical Association, among others, suggested that both sodium and potassium information on food labels would be of value (Ref. 26).

In light of the concerns discussed above, the agency is also proposing to amend 21 CFR 101.9 to provide for the inclusion of potassium content information on a voluntary basis in nutrition labeling. The agency will monitor the potassium content of common items in the food supply, as well as the presence of potassium declarations in nutrition labeling, and will periodically reexamine the possible need for more extensive potassium labeling.

The agency welcomes comments and suggestions on the proposed labeling initiatives for both sodium and potassium. The agency will consider and respond to all such comments in any final regulation published on this matter.

*Nutrient data base.* FDA has also concluded that nutrient data bases may be useful for determining the sodium and potassium levels of individual products. Data bases may be generated for segments of a particular industry or for an individual firm's products. A nutrient data base is simply the accumulation of analytical findings about the nutrient content of specific food items. A nutrient data base allows a manufacturer to base quantitative label declarations of nutrient content on information in the data base rather than on repetitive analysis of production lots of the individual products being labeled. In order to use nutrient data base information properly for the declaration of a specific nutrient in nutrition labeling, a firm must select a representative value that reflects both the variation in the level of this nutrient in the specific product and the requirements of nutrition labeling. Interested persons are invited to submit comments on this proposal that include how industry-wide and product-specific nutrient data bases may be established and used for sodium labeling purposes.

In the past, FDA has explored with industry the establishment and utilization of nutrient data bases for nutrition labeling purposes and has worked with industry in developing appropriate nutrient values for milk, ice cream, and several other foods. In addition, the December 21, 1979 notice on food labeling issues stated, "If products bearing nutrition labeling in accordance with properly evaluated nutrient data bases and manufactured in accordance with good manufacturing practices are found not to be in compliance with applicable nutrition labeling regulations, the agencies will work with the firms responsible for the product in question and with the appropriate authorities who are maintaining the applicable nutrient data base to correct the problem * * *" (44 FR 76003). FDA reaffirms these principles. If the manufacturer requests FDA's help, the agency is willing to

review the nutrient values selected for the respective foods, but such a review is not required before a firm may use a scientifically valid nutrient data base.

*Sodium in water.* The agency recognizes that processed foods that contain large amounts of water may have varying amounts of sodium because of the differences in sodium content of local water supplies. Thus, under some circumstances, manufacturers may have difficulty in setting a uniform level for the sodium content of such foods. Manufacturers may, of course, label such products to reflect the highest levels of sodium that are likely to occur in the food. FDA welcomes suggestions or other comments to address this matter.

*Analytical methodology.* Sodium and potassium are assayed directly by one of several "wet chemical" or instrumental methods. Sodium is sometime assayed indirectly by analysis of chloride content. FDA does not believe that any indirect method (for example, estimating the sodium content by determining the chloride content) is appropriate for purposes of nutrition labeling and is proposing that only direct methods be used. In addition, instrumental methods such as flame photometry are generally more economical, more sensitive, and more reliable than "wet chemical" methods. Flame photometric analysis of sodium and potassium is perhaps less expensive than analysis for any other food component. FDA is therefore proposing that appropriately adapted, direct instrumental methods for performing sodium and potassium analyses be employed.

**Definitions**

As discussed earlier, as many as 60 million individuals may have hypertension. Those individuals and people with other chronic diseases may require lifelong sodium restriction. In addition, because of the pervasive nature of the health concerns associated with excessive sodium intake, scientific and health care organizations have urged that the general public consider moderate reductions in sodium intake. FDA believes that label information is a convenient and effective way of helping all consumers monitor their sodium intake, and wishes to encourage manufacturers to include sodium content on all food labels intended for use by the general public, not just on those foods specifically marketed for use by persons on sodium-restricted diets.

In addition to proposing quantitative sodium labeling requirements, this proposal would establish definitions for the terms "sodium free," "low sodium," "moderately low sodium," and "reduced sodium," would provide for the proper use of these terms in the labeling of foods in general, and would provide for the appropriate use of the terms "without added salt," "unsalted," and "no salt added." The agency is also issuing a policy statement on the appropriate use of comparative labeling statements.

FDA is proposing these definitions under sections 201(n) and 403(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(n) and 343(a)). Those sections authorize the agency to prohibit labeling that is false or misleading in that it fails to reveal material facts with respect to consequences which may result from the use of the article. Because many people are concerned about and want to restrict their intake of sodium, it is important that label statements not convey a misleading impression about the sodium content of a food. The agency believes that specific definitions are necessary to standardize the terms used by manufacturers to describe the sodium content of a food. For example, FDA has tabulated the sodium content of a small number of foods currently marketed as "low sodium dietetic foods," and has found that the sodium levels of these foods range between less than 10 mg/serving and 102 mg/serving (Ref. 27). Without clear guidance as to what constitutes a "sodium free," "low sodium," "moderately low sodium ," or "reduced sodium" food, the agency is concerned that manufacturers might use terms that connote varying levels of sodium reduction to different persons.

FDA requests comments on the proposed definitions and any suggestions as to other definitions that might more effectively inform consumers about a food's sodium content. The agency will consider and respond to all such comments in any final regulations published on this matter.

FDA is proposing the definitions in terms of milligrams per serving because (1) current nutrition labeling regulations require nutrient declarations on this basis, (2) sodium and potassium are to be included in the nutrition labeling format as part of this proposal, and (3) sodium-restricted diets are usually prescribed on the basis of the total milligrams of sodium per day in the diet. In addition, labeling claims should relate as simply and directly as possible to consumer experience and understanding. Definitions in terms of 100 kilocalories (kcal) of food or per 100 g of food are less meaningful to the public because these units are not ordinarily used by consumers in the preparation or consumption of food.

This proposal does not distinguish between added sodium and sodium naturally occurring in ingredients, because the total amount of sodium in the finished product, regardless of the source, is the human health concern. The same reasoning applies to quantitative declarations of potassium content.

The agency recognizes that opinions may vary about what constitutes a "low sodium" or "moderately low sodium" food. In an effort to propose reasonable and appropriate definitions, FDA has considered available recommendations of national and international scientific groups, including the American Medical Association (AMA) and the Joint FAO/WHO Codex Alimentarius Commission (Codex), regulations of the Canadian Bureau of Nutritional Sciences, and current policies of the United States Department of agriculture, regarding the definitions for "low" and "moderately low" sodium foods. The agency has also attempted to correlate these definitions with the levels of sodium intake recommended for persons on diets with varying degrees of sodium restriction (Refs. 28, 29, and 30) and has evaluated a number of scientific studies suggesting what levels of sodium restriction will contribute to lowering of blood pressure (Refs. 4, 31, 32, and 33).

The definitions for "sodium free," "low sodium," and "moderately low sodium" consider the number of servings that the average American consumes each day. Data obtained from the first National Health and Nutrition Examination Survey (NHANES–I), which included young children, indicate that the average number of servings (including multiple servings) per sample person was 18 (Ref. 34). Similar data from NHANES–II indicate that the average number of servings per sample person was 17 (Ref. 34). Because some individuals consume multiple servings at one setting, and because young children often have fewer servings than adults, the agency proposes to adopt 20 servings per day as a reasonable average number of servings for adult individuals.

In its recommended standard, the Codex defines two classes of foods with lowered sodium content: "very low sodium" food and "low sodium" food (Ref. 35). According to the Codex definition, a "very low sodium" food may contain no more than 40 mg/100 g, must be processed with no added sodium, and may contain no more than one-half the sodium in a comparable normal product. A Codex "low sodium"

food may contain no more than 120 mg/100 g, must be processed with no added sodium, and may contain no more than one-half of the sodium in a comparable normal product.

The Canadian regulations also define a "low sodium" food and provide that such a food may contain no more than 40 mg sodium/100 g of food (Ref. 36). A Canadian "low sodium" food must be processed with nó added salt and may contain no more than one-half of the sodium in a comparable normal product. The regulations provide some exceptions for meat, fish, poultry, and cheddar cheese.

Both of the above-described approaches are based on amounts of nutrients per 100 g of food, while FDA's approach has consistently been based on amounts of nutrients per serving of food. Although many foods have approximately 100 g serving sizes, many do not. Moreover, the Codex and Canadian approaches focus on specially processed foods, while FDA's proposal is aimed at the general food supply.

The definitions that explain the sodium content of foods should be understandable and useful to physicians as well as to those who purchase food. Physicians, prescribing for patients on sodium-restricted diets, may set the patients' diets in terms of milliequivalents (mEq) of sodium. FDA has considered both groups in developing the definitions being proposed herein because the levels for "low sodium" and "moderately low sodium" are readily convertible from milligrams to their milliequivalent counterparts.

FDA is aware that there is some consumer interest in requiring foods containing more than a specified level of sodium per serving to be labeled as "high in sodium" or "highly salted." The agency believes that imposing such a requirement is not justifiable at this time, because there is no general scientific agreement on what "high in sodium" is. Accordingly, the agency is not proposing any definitions for the terms "high in sodium" or "highly salted." FDA advises any persons interested in developing definitions for those terms and including those terms in food labeling to submit their rationale and supporting data as comments to this proposal.

*Sodium free.* FDA is proposing that the term "sodium free" be defined to apply only to those foods which contain 5 mg or less of sodium per serving. The agency recognizes that no definition for "sodium free" has been provided by either the Codex recommendation or the Canadian regulations. FDA believes, however, that the establishment of a definition for a "sodium free" food would be useful to the consumer and would provide an incentive to industry to make available foods containing trivial amounts of sodium and to further reduce the sodium content of some foods which are already low in sodium. Finally, a definition for "sodium free" foods would assist all patients on sodium-restricted diets.

FDA has historically recognized that less than 10 mg of sodium per serving is, for all practical purposes, dietetically insignificant for all but individuals on severe or extreme sodium restrictions. FDA recognizes that the term "sodium free" may imply that no sodium can be analytically detected in the food. In fact, with modern methodology sodium can be detected and quantified in concentrations of a few parts per million or less. FDA does not want to create any misconceptions about the meaning of the term "sodium free." Accordingly, the definition proposed is below the level of 10 milligrams or less of sodium per serving that the agency has traditionally considered dietetically insignificant.

"Sodium free" foods, as defined by this proposal, would provide a trivial amount of sodium to the total diet for all individuals, except for those on extremely stringent sodium restrictions. Even those persons could consume 20 servings of "sodium free" foods per day and consume no more than 100 mg of sodium per day. The agency recognizes that it would be almost impossible to consume a balanced diet consisting of nothing but "sodium free" foods, but the availability of such foods would be helpful in balancing the sodium intake of foods that necessarily contain larger amounts of sodium.

*Low sodium.* FDA is proposing that "low sodium" be defined to apply only to those foods which contain 35 mg or less of sodium per serving. This level is similar to that set by the Codex recommendation and the Canadian regulations for "very low" and "low" sodium foods, respectively, and is consistent with the policies of USDA with respect to "low sodium" labeling of meat products. These factors, taken together, persuaded FDA that 35 mg sodium per serving is an appropriate maximum level to propose for "low sodium" foods.

The agency recognizes that it is extraordinarily difficult to plan an adequate diet solely from low sodium foods. For example, animal protein products—poultry, fish, and meat—naturally contain varying amounts of sodium. Most people want to include some animal protein in their diets, however, and the physician will usually try to accommodate this desire by building a sodium-restricted diet around a daily allotment of animal protein and supplementing the diet with low sodium foods. The agency believes that "low sodium" should be defined with this common medical practice in mind. Even with the addition of some animal protein to the diet, the 35 mg/serving level, because it is low, will provide the consumer with a broad safety factor in adhering to sodium restrictions. A person on mild to moderate sodium restrictions can thus consume "low sodium" foods, as FDA proposes to define them, almost at will, without exceeding dietary restrictions. For example, persons on a sodium-restricted diet of 1,000 to 1,500 mg of sodium per day ("Moderate" sodium restrictions, as defined by NAS/NRC) and consuming 20 servings of low sodium foods per day would still be able to consume 300 to 800 mg of sodium derived from drinking water and the addition of modest amounts of sodium during cooking or at the table. The American Heart Association has suggested a sodium-restricted diet plan of this type (Ref. 37).

Finally, physicians, prescribing for patients on sodium-restricted diets, often use the term milliequivalents (mEq) of sodium. As an aid to physicians when they are advising patients, 35 mg approximates the weight of 1.5 mEq of sodium; i.e., foods labeled as "low sodium" foods would contain not more than approximately 1.5 mEq of sodium per serving.

*Moderately low sodium.* FDA is proposing that "moderately low sodium" be defined to apply only to those foods which contain 140 mg or less of sodium per serving. A daily diet consisting of 20 servings of foods, "moderately low in sodium" would contribute about 2,800 mg of sodium per day. Thus, a person consuming a "mildly" sodium-restricted diet (Ref. 5) could consume 20 servings of foods, "moderately low in sodium," as defined by this proposal. No allowance has been made, however, for sodium in drinking water, or sodium added during cooking or at the table. The agency believes that persons on "mildly" restricted diets are likely to consume a number of "sodium free" or "low sodium" foods. This would give some flexibility to the diet and would permit consumption of sodium from other sources.

In addition, 140 mg approximates the weight of 6 mEq of sodium (138 mg) and more than 50 percent of the foods in the 1979 FDA survey fall below this level (Ref. 27), including nearly all of the currently marketed "low sodium" foods.

*Reduced sodium.* FDA recognizes that there are many foods, which through special processing, have significantly lower sodium content than those for which the reduced sodium foods serve as direct replacements. Many of these foods are currently labeled as "reduced in sodium." With the establishment of definitions for "low sodium" and "moderately low sodium" the term "reduced sodium" would be especially useful for those situations in which the food, after sodium reduction, still contains more than 140 milligrams of sodium per serving. Because these products would still contain significant amounts of sodium, FDA believes that there must be a substantial reduction in the level of sodium in order to justify a claim. FDA is, therefore, proposing a definition for the term "reduced sodium." That term may be used only on the labels of foods that have achieved, through special processing, at least a 75-percent reduction in sodium content over foods for which the reduced sodium foods serve as direct replacements.

Opinions may differ about what factor constitutes a significant reduction of sodium in a food product. For example, the proposed reduction is substantially less than the 97 percent reduction achieved in low sodium colby and cheddar cheese (21 CFR 133.121 and 133.116). FDA is soliciting comments regarding its choice of 75 percent as the defining criterion. Comments supporting other definitions for this term or alternative terms should include data that demonstrate that some other value more effectively prevents consumers from being misled by the label term.

The agency is also interested in receiving comments about the appropriateness of using four different definitions for sodium claims. Interested persons are encouraged to comment about the need for more or fewer definitions for sodium claims. The comments should include reasons that justify a different approach.

**Use of the Defined Terms**

The definitions proposed by FDA do not stipulate any conditions other than sodium content in order for a food to qualify as "sodium free," "low sodium," or "moderately low sodium," but the terms must be declared on the label in a manner that is not misleading. The definitions are like claims that describe the sodium content of a food. They are not statements of identity or names for that food. The meaning of these definitions to consumers does not depend on their being appended to and made a part of the name of the food. Moreover, FDA believes that the use of the defined terms in the statement of identity of a food would be misleading, because it might imply to consumers that the low sodium food differs in some way other than lowered sodium content from a food not so labeled, or that only that particular brand is low in sodium, when, in fact, any brand might contain a low level of sodium.

A food may be specially processed to lower its sodium content or it may normally contain small amounts of sodium, and both types of food may use the proposed terms. Accordingly, any food that meets the definition may be labeled as a "sodium free," a "low sodium," or a "moderately low sodium" food, but, to avoid being misleading, these terms must be placed on the label adjacent to or otherwise apart from the statement of identity. For example, canned green beans that have been specially processed and that met the "low sodium" standard should continue to be identified as "green beans," but the label of such a food may include a box or other highlighted portion of the label containing the term "low sodium."

If a salt substitute is used to replace salt in a food that has a standardized or familiar composition, the label of that food must disclose the use of the salt substitute to prevent consumers from being misled. For example, the standards for low sodium cheeses require an additional label statement disclosing the use of salt substitutes.

In order for a food to qualify as a "reduced sodium" food, it may contain only 25 percent as much sodium as the food for which it is a replacement. As is the case for a "low sodium" or "moderately low sodium" food, the "reduced sodium" food must be labeled in a fashion that is not misleading. Thus, to be labeled correctly, the term "reduced sodium" must appear on the label adjacent to or otherwise apart from the statement of identity of a food that achieves a 75 percent reduction in sodium. The label of such a food may include a box or other highlighted device containing the term "reduced sodium." If a food is labeled "reduced sodium", the label must bear information comparing the product's sodium content per serving with that of the food it replaces.

Further, FDA is retaining its policy of permitting manufacturers to truthfully label foods to show the comparative sodium reduction. In order to insure that consumers are not mislead into believing that an inconsequential reduction in sodium content will provide significant health benefits, the agency believes that manufacturers should use comparative labeling statements only in those cases where the sodium level is at least 10 percent lower than the food for which it is a replacement. For example, a manufacturer could truthfully label a product called "Cucumber Pickles" to show that "these pickles contain 20 percent less sodium than our regular pickles." The labeling must also provide quantitative sodium information in conformance with 21 CFR 101.9 or 105.69. The agency wishes to make it clear that it is not establishing any regulations governing these comparative claims, but it merely issuing this statement of policy to provide guidance to manufacturers on the appropriate use of these terms.

A manufacturer that is unsure about how to use any of the proposed terms may request assistance from FDA's Bureau of Foods.

**Other Sodium or Salt Claims**

Foods may be produced without the addition of sodium chloride. Manufacturers have often labeled such products as having "no salt added" or being "unsalted." Although these claims do advise the consumer that no salt was used in the processing or preparation of the food, they have the potential of being misleading or confusing. These same foods could contain significant amounts of endogenous sodium or sodium contained in food ingredients other than salt that are added during processing. Therefore, FDA is proposing that any food for which a claim is made regarding processing without salt must bear quantitative information on sodium content in accordance with 21 CFR 105.69 or 21 CFR 101.9.

FDA considers the term "salt free" to be false and misleading unless the term is used in labeling products that contain 5 mg or less of sodium per serving and thus meet the test for a "sodium free" product.

**References**

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

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15. Statement of Dr. R. I. Levy, Director, National Heart, Lung, and Blood Institute, *in* "Sodium in Food and High Blood Pressure," Hearings before the Subcommittee on Investigations and Oversight of the Committee on Science and Technology, U.S. House of Representatives, 1st Session, April 13 and 14, 1981, U.S. Government Printing Office, Washington, DC, 1981, pp. 12-28.

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The agency periodically announces by notice in the **Federal Register** uniform effective dates for compliance with food labeling requirements. (See, for example, the **Federal Register** of October 31, 1980 (45 FR 72111).) The agency proposes that any final rule that may issue based upon this proposal become effective in accordance with a uniform effective date for compliance with food labeling requirements which is announced by notice in the **Federal Register** and which is not sooner than 1 year following publication of any final rule based upon this proposal. The final rule would apply to affected products initially introduced or initially delivered for introduction into interstate commerce.

**Environmental Impact**

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

**Economic Impact**

FDA has examined the economic implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-345, 94 Stat. 1166). The agency concludes that approximately 3,500 food manufacturing firms will incur a total first year cost of as much as $14.7 million and recurring annual costs of $0.5 million to comply with this proposed regulation. These costs are

expected to be passed on through the food distribution chain to consumers in the form of higher retail food costs. The first year cost increase represents about one one-hundredth of one percent (0.01 percent) of consumer expenditures for FDA-regulated food products, or about three one-hundredths of one percent (0.03 percent) of consumer expenditures for the 41 percent of all foods that are nutritionally labeled. The anticipated costs of this proposal are not of sufficient magnitude to warrant designation as a major rule under any of the criteria specified under section (b) of Executive Order 12291.

The agency believes that this proposal has several inherent flexibilities that will moderate any significant burdens on small firms. For example, the proposal permits considerable variability in the accuracy of sodium labeling declarations. It provides for freedom to determine sodium content by means other than testing, and it allows the option of declaring higher than average sodium value to minimize multiple labels. In addition, a majority of firms affected by this proposal may exercise the option of discontinuing voluntary nutrition labeling, if they find disclosure of sodium content to be excessively costly.

The agency has conducted a discretionary Regulatory Flexibility Analysis to confirm that this proposal will not have a significant impact on small businesses. As a result of this analysis, the agency certifies that this proposed rule will not if promulgated have a significant economic impact on a substantial number of small entities. If certain products or sectors of the industry anticipate unique burdens from this proposal, FDA is interested in minimizing these burdens by special provisions. The exemption of very small firms, special labeling variations for certain products, or extension of the effective date are alternatives the agency is willing to consider if information on the need for, and anticipated cost savings of, such flexibilities are reasonably demonstrated.

Copies of the threshold assessment and the regulatory flexibility analysis are on file and available for review in the Dockets Management Branch (address above).

**List of Subjects**

*Part 101*

Food labeling; Misbranding; Nutrition labeling; Warning statements.

*Part 105*

Dietary foods; Food labeling; Infant foods; Nutrition; Vitamins and minerals.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701, 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371)) and under 21 CFR 5.11 (see 47 FR 16010; April 14, 1982), it is proposed that Parts 101 and 105 be amended as follows:

## PART 101—FOOD LABELING

1. In Part 101:

a. In § 101.9 by revising the introductory text of paragraph (c), revising the introductory text of paragraph (c)(6), removing paragraph (c)(6)(iv), adding new paragraph (c)(8), and revising paragraph (e)(5), to read as follows:

**§ 101.9 Nutrition labeling of food.**

* * * * *

(c) The declaration of nutrition information on the label and in labeling shall contain the following information in the following order, except for sodium and potassium which shall follow fat and cholesterol information, using the headings specified, under the overall heading of "Nutrition Information Per Serving (Portion)." The terms "Per Serving (Portion)" are optional and may follow or be placed directly below the terms "Nutrition Information."

* * * * *

(6) "Fat content" or "Fat": A statement of the number of grams of fat in a serving (portion) expressed to the nearest gram, except that if a serving (portion) contains less than 1 gram, the statement "Contains less than 1 gram" or "less than 1 gram" may be used as an alternative. Fatty acid composition and cholesterol content may also be declared in compliance with § 101.25.

* * * * *

(8)(i) "Sodium content" or "sodium": A statement of the number of milligrams of sodium in a specified serving (portion) of food, expressed to the nearest multiple of 5 milligrams shall be placed on the label immediately following the statement on fat content (and fatty acid and/or cholesterol if stated). If the serving (portion) contains 5 milligrams or less of sodium, this fact shall be indicated by an appropriate statement. The label may declare that the food contains 5 milligrams or less of sodium, or it may contain a declaration of sodium content to the nearest 5-milligram increment (0 mg or 5 mg). Sodium content shall be determined by flame photometric or atomic absorption spectrophotometric methods for sodium ion in accordance with applicable methods of analysis of the Association of Official Analytical Chemists (AOAC), 13th ed., 1980, which is incorporated by reference, or, if no AOAC method is applicable, by an equivalent direct instrumental analysis method for sodium ion. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of The Federal Register, 1100 L St. NW., Washington, DC 20408.

(ii) Potassium may be declared voluntarily on the label. Information on potassium shall be placed on the label immediately following the sodium content and shall include a statement of the number of milligrams of potassium in a specified serving (portion) of food, expressed to the nearest multiple of 5 milligrams. If the serving (portion) contains 5 milligrams or less of potassium, this fact shall be indicated by an appropriate statement. The label may declare that the food "contains 5 milligrams or less" or it may contain a declaration of potassium content to the nearest 5-milligram increment (0 mg or 5 mg). Potassium content shall be determined by flame photometric or atomic absorption spectrophotometric methods for potassium ions in accordance with applicable methods of analysis of the Association of Official Analytical Chemists (AOAC), 13th ed., 1980, which is incorporated by reference, or, if no AOAC method is applicable, by an equivalent direct instrumental analysis method for potassium ion. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

(e) * * *

(5) A food with a label declaration of calories, carbohydrates, fat, or sodium shall be deemed to be misbranded under section 403(a) of the act unless the nutrient content of the composite is no greater than 20 percent in excess of the value for that nutrient declared on the label.

* * * * *

b. By adding new § 101.13, to read as follows:

**§ 101.13 Sodium labeling.**

(a) Certain descriptive terms about the quantitative sodium content of foods may be used on the label and in labeling provided such statements comply with the following rules:

(1) The term "sodium free" may be used on the label and in labeling of foods that contain 5 milligrams or less of sodium per serving.

(2) The term "low sodium" may be used on the label and labeling of foods that contain 35 milligrams or less or sodium per serving.

(3) The term "moderately low sodium" may be used on the label and in the labeling of foods that contain 140 milligrams or less of sodium per serving.

(4) The term "reduced sodium" may be applied to foods that have been formulated to serve as and are represented as direct replacements for foods containing at least four times the sodium content (75 percent reduction). The label of such a food shall provide information comparing the sodium content per serving with that of the food it replaces.

(5) When any of the definitions set forth in paragraph (a) (1), (2), (3), or (4) of this section are used in labeling or when any other truthful statement about sodium content is used in labeling, quantitative information shall be provided on the label in conformity with § 105.69 or § 101.9 of this chapter.

(b) The term "salt" is not synonymous with "sodium." Salt refers to sodium chloride. References to salt content such as "unsalted," "no salt added," or "without added salt" or an equivalent term may be used on the label and in labeling of food only if:

(1) No salt is added during processing;

(2) The food that it resembles and for which it substitutes is normally processed with salt; and

(3) Sodium content information is provided in conformity with § 105.69 or § 101.9 of this chapter.

## PART 105—FOODS FOR SPECIAL DIETARY USE

2. By revising § 105.69 to read as follows:

### § 105.69 Foods used to regulate sodium intake.

If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), the label shall bear either nutrition labeling in conformance with § 101.9 of this chapter or a statement of the number of milligrams of sodium in a specified serving of such food. The number of milligrams of sodium shall be declared to the nearest multiple of 5 milligrams, as determined by appropriate analysis, except that, if such food contains not more than 5 milligrams of sodium in a specified serving of the food, the label shall bear a statement to that effect. The label may declare that the food "contains 5 milligrams or less of sodium" or it may contain a declaration of sodium content to the nearest 5-milligram increment (0 mg or 5 mg).

Interested persons may, on or before August 17, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Three copies of any comments are to be submitted, except that the individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 15, 1982.

**Arthur Hull Hayes, Jr.,**

*Commissioner of Food and Drugs.*

Dated: April 28, 1982.

**Richard S. Schweiker,**

*Secretary of Health and Human Services.*

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BILLING CODE 4160-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**[Docket No. 81N-0234]**

## GRAS Safety Review of Sodium Chloride; Policy Notice; Solicitation of Views

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Adminstration (FDA) is announcing its decision to defer any revision in the regulatory status of salt (sodium chloride). Salt is currently considered to be generally recognized as safe (GRAS) for use as an ingredient in food. There is considerable health concern about the levels of use of salt in the food supply. FDA is not now proposing any change in the regulatory status of salt, however, because the agency believes that the proposed sodium labeling regulations, published elsewhere in this issue of the Federal Register, will respond to those concerns. FDA is also announcing its policy of encouraging food manufacturers to reduce voluntarily the amount of added salt and other sodium-containing substances in processed foods. The agency requests comments on this approach and on the other regulatory options presented in this notice.

**DATE:** Comments may be submitted until August 17, 1982.

**ADDRESS:** Written comments and data to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Richard C. Kraska, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-4750.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

Salt occurs abundantly in nature in sea water, salt lakes, mineral springs, and other natural waters, and in the form of large underground deposits in various parts of the world. The mineral form is called halite. Commercially, salt is obtained by direct mining from underground and surface deposits, and by evaporation and crystallization from natural brines and seawater.

Historically, salt has been considered an essential part of the diet and has been used as a preservative and a seasoning agent. The traditional foods of many cultures contain salt. Salt is found in almost every home and restaurant as a condiment. In the food industry, salt is widely employed for a number of different purposes: e.g., as a seasoning agent and flavor enhancer, a preservative and curing agent, a formulating and processing aid, a nutritional supplement, and a dough conditioner.

In this century, excessive sodium consumption has been cited as one of the factors contributing to the development of hypertension. Salt is the principal source of dietary sodium. A number of professional and governmental organizations have expressed the view that salt consumption by Americans far exceeds their nutritional needs, that high salt intake may contribute to hypertension, and that it would be prudent if people reduced their salt intake. Examples of groups supporting this position are the Food and Nutrition Board of the National Academy of Sciences, the Council on Scientific Affairs of the American Medical Association, and the National Heart, Lung, and Blood Institute (NHLBI).

FDA has also been conducting a review of the health implications of salt in the food supply as part of the agency's comprehensive safety review of substances added to food to determine whether they are GRAS for use as food ingredients.

FDA has traditionally regarded salt as GRAS both for direct use in food (21 CFR 182.1) and as a substance that migrates to food from paper and fabric packaging materials (21 CFR 182.70 and 182.90). Salt is an optional or required ingredient in many food standard regulations promulgated by FDA or the U.S. Department of Agriculture (USDA).

As part of the GRAS review, a committee of scientific experts from the Federation of American Societies for Experimental Biology (FASEB) evaluated the safety of salt as a food ingredient, and submitted a tentative report to FDA in 1978. In the Federal Register of June 13, 1978 (43 FR 25487), FDA announced that FASEB would provide an opportunity to present at a hearing scientific data, information, and views on the safety of salt. After holding this public hearing on September 25, 1978, FASEB submitted a final report to the agency in 1979. This notice presents FASEB's findings and conclusions, discusses the regulatory options considered by FDA, and explains other factors that affect FDA's decision on an appropriate approach to take in determining the regulatory status of salt. Finally, this notice announces an agency policy encouraging manufacturers to reduce voluntarily the salt and sodium content of processed foods.

### II. Salt Usage in Foods

FDA surveyed a representative cross-section of food manufacturers to determine the specific foods in which salt is used and the levels of use. The agency combined that information with information from surveys of consumer consumption to estimate consumer exposure to salt. The total amount of salt used by the U.S. food industry in 1970 was estimated to be greater than 3 billion pounds. Because salt is used extensively as a processing aid and in brines that are often discarded, the per capita use of salt for all purposes in the manufacturing of processed foods is greater than the actual per capita intake of salt.

Many attempts have been made to estimate the total dietary intake of sodium. Available estimates are summarized in the table below, which is taken from FASEB's 1979 final report.

SOURCES OF DIETARY SODIUM AND ESTIMATES OF TOTAL SODIUM INTAKE[1]

| Sodium intake (expressed as sodium chloride) | Grams per day | Comment |
|---|---|---|
| A. Nondiscretionary sources of sodium: | | |
| 1. Naturally occurring sodium in foods. | 2.5-4.5 | Estimated food composition. |
| | 3.0 | Chemical analysis (institutional diet). |
| 2. Sodium added by industrial processing. | 7.1 | 1970 NRC estimate (~3200-kcal diet). |
| a. Salt | 8. | 1966-70 Bureau of Mines data. |
| | 8.4 | Total 1975 usage by food industry. |
| b. Other sodium-containing ingredients. | 1.0 | Calculated from 1970 NRC survey. |
| 3. Total nondiscretionary sodium. | 12-12.5 | Calculated from 1972-73 and 1976 FDA Selected Minerals in Food Survey (~3900-kcal diet). |
| B. Discretionary addition of salt to foods by the consumer. | 3.4 | 1968 retail sales. |
| | 4.4-6 | 1965 USDA survey. |
| | 6.5 | 1966-70 |
| C. Total salt usage | 8.9 | 1977 sales of food-grade salt. |
| D. Total sodium intake | 10-11 | Urinary excretion. |
| | 14.5 | 1966-70 Bureau of Mines data. |
| | 12 | Estimated from review of literature in 1976. |
| | 17.1 | 1976 FDA Selected Minerals in Food Survey (~3900-kcal diet). |

[1] These values are not necessarily additive.

Given the diversity of the data and the range of individual intakes, these estimates are rough approximations. Based on these data, the best estimate of sodium intake by adults is an average daily intake, expressed as salt, of about 10 grams (g) to 12 g. Discretionary use by the consumer may account for about one-third of this total; estimates vary from about one-fourth to one-half (3.4 g to 6.5 g). The nondiscretionary intake,

expressed as salt, is about 3 g from sodium occurring naturally in foods and about 4 g to 6 g from salt and other sodium-containing ingredients that are added to foods during commercial processing.

Although the 1970 survey showed that many other sodium-containing ingredients were added to processed foods, salt accounted for about 90 percent of the sodium used by the food industry in 1970. Available data are insufficient to determine the contribution of other sodium-containing ingredients to the sodium content of specific foods. However, on the basis of the total poundage of sodium-containing ingredients used by food processors, FDA estimates that as much as 1 g of sodium might be added daily to the average diet by ingredients other than salt that are used in processed foods.

### III. Statutory Background and the GRAS Review

Generally recognized as safe (GRAS) and "prior sanctioned" categories of food substances were established by Congress when it enacted the Food Additives Amendment of 1958 (Pub. L. 85–929, 72 Stat. 1784–1789). In that amendment to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*), Congress defined the term "food additive" in section 201(s) (21 U.S.C. 321(s)) as follows:

> The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food to be safe under the conditions of its intended use; except that such term does not include—
> * * * * *
>
> (4) Any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C. 71 and the following); * * *

Under the statute, substances that are GRAS, or that are subject to a prior sanction, are not food additives and, thus, are not subject to the premarketing safety review of food additives established by the 1958 amendment (see section 409 of the act (21 U.S.C. 348)). Prior-sanctioned substances remain subject, however, to the general adulteration provisions in section 402 of the act (21 U.S.C. 342) which prohibit, among other things, the use of added substances that "may render [the food] injurious to health."

In order to clarify the food additive status of many substances that were being used in food at the time the 1958 amendment was enacted, and thus facilitate implementation of the new provision requiring premarket approval of food additives, FDA established partial lists of substances that the agency considered to be GRAS (21 Part 182) or subject to a prior sanction (21 CFR Part 181). The regulations establishing the original lists of GRAS and prior-sanctioned substances became final in 1959 and 1960 (see 24 FR 9368; November 20, 1959 and 25 FR 866; February 2, 1960). The statute, however, does not preclude manufacturers from making their own decisions concerning the GRAS status of ingredients before marketing them. If FDA disagrees with a manufacturer's determination that a substance is GRAS (and thus eligible for marketing without the FDA safety review and approval required for food additives), it is FDA's burden to take appropriate action.

FDA's decisions to place substances on the original GRAS lists were based on the data available at the time the lists were established and on the then current state of knowledge in the field of toxicology. Likewise, the pre-1958 approvals by FDA and USDA that qualified substances for prior-sanctioned status reflected the best safety judgments that could be made at the time based on existing knowledge. During the ensuing years, however, as more data became available on the properties of particular substances and as the science of toxicology developed, it became apparent that, in order to ensure the safety of the food supply, the agency's earlier safety determinations should be reviewed and modified where appropriate. Thus, FDA initiated the GRAS review program in 1970.

To implement the GRAS review, FDA conducted surveys of food manufacturers and searched the scientific literature to collect current data on the levels of consumption and toxicity of substances that are listed as GRAS or subject to a prior sanction. Under a contract with FDA, FASEB acting through its Select Committee on GRAS Substances (Select Committee), evaluated the data and made recommendations to the agency concerning the appropriate action to take with respect to each substance under review. In preparing its recommendations on particular substances, FASEB held public hearings to provide an opportunity for interested persons to submit additional information and to express their views about the tentative report. A detailed discussion of the role FASEB plays in the GRAS review is provided in *Federation Proceedings*, Vol. 36, No. 11 (October 1977) (Ref. 1).

FDA reviews FASEB's evaluation of the data and its recommendation and considers any additional information not available to FASEB. The agency then makes its own determination concerning the GRAS status of the substance. The procedures and the criteria that FDA applies in making this determination are set forth in 21 CFR 170.30, 170.35, 184.1, and Part 186.

If FDA concludes that the substance is GRAS it proposes to remove the substance from the original GRAS list (21 CFR Part 182) and proposes a regulation for inclusion in 21 CFR Part 184 or 186 affirming the substance's GRAS status and specifying the conditions of use for which the substance is considered GRAS. That regulation may also establish or prescribe any specific limitation(s) necessary to the safe use of the substance. If the agency concludes that a substance can no longer be considered GRAS, the usual course of action is to propose to remove the substance from the GRAS list, and to declare that the substance is a food additive that cannot be used in food unless approved under section 409 of the act (21 U.S.C. 348). FDA may also permit the continued use of the substance on an interim basis, notwithstanding the safety questions that preclude affirming GRAS status if the agency finds that "* * * there is a reasonable certainty that the substance is not harmful and that no harm to the public health will result from the continued use of the substance for a limited period of time while the question raised is being resolved by further study." (21 CFR 180.1(a).) Substances approved on this basis are referred to as "interm food additives."

As part of the rulemaking process FDA uses to implement the conclusion reached in the GRAS review process, FDA routinely determines whether any prior sanctions exist for the substance under review. If a prior sanction for a particular use is found to exist, then, of course, the substance is exempt from regulation as a food additive.

## IV. Scientific Evidence

As part of the GRAS review, FDA searched the scientific literature from 1920 to the present for articles on salt's toxicity and other data. The literature search covered 3,643 abstracts; 181 particularly pertinent reports were summarized in a scientific literature review (Ref. 2).

FASEB considered the scientific literature review and biological studies. In a report entitled "Evaluation of the Health Aspects of Sodium Chloride and Potassium Chloride as Food Ingredients" (Ref. 3), FASEB expressed the following opinion:

> Sodium chloride, an essential constituent of the body and present in many foods, exhibits acute and chronic toxic effects when ingested in excessive amounts. Excess sodium chloride may induce hypertension in rats. There is a strong genetic component in the hypertensive response, and by selective breeding, strains of "spontaneously" hypertensive rats have been developed. Hypertension has been evoked by excess sodium chloride in the food or drinking water of dogs but the effects were reversible and related to osmotic factors.
>
> Salt appetite is an important expression of personal preference in relation to diet, and salt contributes to palatability of foods. For some, salt-containing foods have important cultural values. Foods in which salt is important for preparation or preservation are a prominent component of many diets.
>
> The causes of hypertension in man are related to genetic and environmental factors: race, family history, variations in endocrine and kidney function, degree of obesity, and lifestyle. Although the findings of epidemiological studies suggest a relationship between salt intake and onset of hypertension, the evidence that salt consumption is a major factor in causing hypertension is not conclusive. However, available data suggest that 10 to 30 percent of the U.S. population is genetically predisposed to hypertension and is exposed to a higher risk by ingestion of sodium chloride at current levels. The Select Committee believes that a reduction of sodium chloride consumption by the population will reduce the frequency of hypertension.
>
> For man, the daily requirement of sodium chloride is less than 1 g (17 mg per kg), an amount exceed by that present as a naturally-occurring ingredient of most diets. The daily requirement is subject to considerable fluctuation from such conditions as excessive sweating and diarrhea. It is not possible, on the basis of currently available data, to recommend a level of intake of sodium chloride that could be considered optimal for health. Other dietary sources of sodium, the level of potassium, and the sodium to potassium ratio in the diet need to be considered.
>
> Because of increasing use of processed foods in the diet, individuals who prefer to restrict salt intake find it difficult. The amount of sodium chloride consumed as a result of commercial food processing is about 70 to 100 mg per kg per day. The average daily intake of sodium expressed as sodium chloride from all sources is about 180 mg per kg for an adult (10 to 12 g per day). Such an intake exceeds estimates of the amount (range 2 to 10 g per day) that may elicit hypertension in susceptible individuals. A lower daily consumption of sodium chloride promises health benefits for the proportion of the population susceptible to hypertension.
>
> It is the prevalent judgment of the scientific community that the consumption of sodium chloride in the aggregate should be lowered in the United States. The Select Committee agrees and favors development of guidelines for restricting the amount of salt in processed foods, a major contributor of dietary sodium. Adequate labeling of the sodium content of foods would help meet these objectives.

The Select Committee then concluded that:

> The evidence on sodium chloride is insufficient to determine that the adverse effects reported are not deleterious to the health of a significant proportion of the public when it is used at levels that are now current and in the manner now practiced.

In a study not reviewed by the Select Committee, salt did not exhibit genetic activity in a series of in vitro microbial assays, either with or without metabolic activation (Ref. 4).

Although scientists disagree about the role of salt intake as a basic causative factor in essential hypertension, there is a broad consensus in the scientific community that salt is one of the factors in the development of hypertension in susceptible individuals, and that excessive sodium consumption aggravates hypertension.

## V. Regulatory Options

The agency considered five regulatory options in determining a rational response to the current concern about salt intake. These five options are:

1. To propose to revoke the GRAS status of salt, declare it to be a food additive, and propose a food additive regulation that prescribes the permitted uses and use levels of salt in manufactured food.

2. To propose to revoke the GRAS status of salt, declare it to be a food additive, and propose an interim food additive regulation that prescribes the permitted uses and use levels of salt in manufactured foods to current uses and use levels pending the completion of additional safety studies.

3. To defer action on the GRAS status of salt, but to propose a regulation requiring the labels of all manufactured foods containing added salt to declare quantitatively the total sodium content of the food.

4. To propose to affirm salt as GRAS with specific limitations, and to define those limitations as informative labeling that would adequately alert the public to the health risks associated with a high level of sodium intake.

5. To defer any action on the current GRAS status of salt until the agency can assess the impact of the sodium labeling regulations proposed elsewhere in this issue of the **Federal Register** and the efforts by manufacturers to reduce voluntarily the salt and sodium content of their products.

## VI. Option Tentatively Selected

For the reasons discussed below, FDA has tentatively selected option five. Although the agency is not acting at this time to revise the GRAS status of salt, it has developed and is implementing a program aimed at alerting the public to the health risks associated with excessive salt consumption and encouraging manufacturers to reduce the amount of salt and other sodium-containing substances in processed foods. As noted above, FDA is publishing elsewhere in this issue of the **Federal Register** proposed changes in the agency's regulations concerning nutrition labeling and definitions for "sodium free," "low sodium," "moderately low sodium," and "reduced sodium" foods. On June 30, 1981, the Secretary of Health and Human Services and the Commissioner of Food and Drugs held a meeting with industry representatives to discuss the agency's pending sodium program and to ask for industry's cooperation. FDA has since begun meeting individually with firms and trade associations to discuss voluntary steps that might lead to a lower sodium content in processed foods. These steps include the use of alternative nonsodium-containing ingredients that perform the same technical effect as salt, reevaluation of the need for that technical effect, and reevaluation of the amount of salt necessary to accomplish the intended technical effect. The agency will continue to monitor the sodium content of the food supply and the extent to which the proposed labeling, if adopted, is used.

## VII. Factors Affecting FDA's Decision

The question of the safety of current levels of salt usage was the impetus for FDA's review of the regulatory status of salt. However, a number of other factors had a bearing on FDA's tentative selection of a regulatory approach.

Salt occupies a special place in our food supply. It is used directly by consumers as well as added by food processors. Salt and other sodium compounds occur naturally in food. Salt added to processed food constitutes about one-third to one-half of the total sodium intake of American consumers.

The use of salt as a table condiment adds another dimension to the regulatory issue because the amount used is controlled by the consumer rather than by manufacturers directly subject to FDA's authority. In order to limit the sale of table salt, the agency would have to establish that salt "bears or contains (a) poisonous or deleterious substance" under section 402(a)(1) of the act. These practical considerations further support FDA's decision to seek a reduction of salt intake through voluntary efforts and informative labeling.

As discussed above, scientists do not fully understand the association between sodium and hypertension. Nonetheless, the relationship is suficiently well established that a significant portion of the medical community believes that current levels of American salt consumption may not be healthful, at least for that part of the population that is predisposed to hypertension.

FDA agrees with FASEB that "a reduction of sodium chloride consumption by the population will reduce the frequency of hypertension" (Ref. 3). The issue before the agency is how to accomplish this goal effectively and expeditiously. As the FASEB report makes clear, salt is harmful to hypertensive patients in varying degrees, depending on each patient's genetic make-up, individual diet, and other variables. Hypertensive patients also may be on widely varying degrees of sodium restriction—from 200 to 300mg/day for extreme restrictions to 2,000 to 3,000 mg/day for mild restrictions. Thus, setting some upper level on the amount of salt that can safely be used in a particular food is almost impossible. Most hypertensive patients can eat some salt, and almost everyone would prefer to decide how and from which foods to select a daily allotment of sodium. FDA has decided to address the concerns about sodium consumption and hypertension, announced by FASEB and echoed throughout the scientific literature, by providing the public with information on the sodium content of foods. Thus, consumers can allocate their sodium intake as they choose. The agency believes that the sodium labeling proposals published elsewhere in this issue of the **Federal Register** and the other measures described above will provide the consumer with information on the sodium content of about half of all processed food.

Because FDA believes that information on sodium content and not restrictions on sodium usage is an appropriate approach at this time, FDA is deferring action on the GRAS status of sodium chloride. After publication of the sodium labeling proposal, FDA will assess the market to determine how many processed foods include sodium labeling and the impact of that labeling.

The agency wishes to emphasize that if there is no substantial reduction in the sodium content of processed foods and if information sodium labeling is not adopted after a resonable time period, FDA will consider additional regulatory actions, including proposing a change in salt's GRAS status.

## VIII. Options Not Selected

A. *Declaring salt to be a food additive.* Based on the FASEB report, FDA considered revoking salt's GRAS status and declaring it to be a food additive. The agency rejected this option for three reasons. First, FDA believes that informative labeling is more responsive to the health concerns about sodium. Second, it would be extremely difficult to prescribe and enforce fair use limitations for salt that would be safe for all consumers (including those hypertensive patients on severe sodium restrictions). Third, FDA believes that many uses of salt are prior sanctioned. Although the existence of prior-sanctioned uses of salt does not affect FDA's authority to regulate other uses, the practical effect of regulating salt as a food additive might be quite small.

1. *Goal of regulation should be information disclosure.* FDA recognizes the significance of the health concerns associated with sodium. The agency believes, however, that consumers will ultimately have to limit their sodium intake themselves. The American food supply is too diverse and complex for the Federal government to be able to regulate successfully an individual's sodium consumption. FDA encourages the food industry to reduce the amount of sodium added to processed foods and to market a greater variety of foods that are lower in sodium. The agency believes that this effort, coupled with the sodium labeling proposal published elsewhere in this issue of the **Federal Register**, will produce a wider selection of foods that contain low or moderately low amounts of sodium and will also increase consumer awareness of the beneficial aspects of a lower sodium intake.

2. *Difficulty of setting and enforcing limitations.* Although most consumers think of salt principally as a flavoring agent, it has numerous other uses in a wide variety of processed foods, as noted above. Thus, it would be exceptionally difficult to establish limitations for the addition of salt to processed foods. Substances that are food additives or GRAS food ingredients perform 32 different technical functional effects (21 CFR 170.3(o)) in 43 food categories (21 CFR 170.3(n)). FDA would have to establish a limitation for each technical effect for which salt is used in each food category. That difficulty is compounded by the fact that salt may often be used for several different technical effects in a single food.

The promulgation and enforcement of limitations for salt would constitute an extraordinary regulatory burden. Moreover, the risk of excessive salt consumption is associated with high levels of sodium in the total diet and not the level in a particular food. FDA's decision to seek reduction in salt levels in processed foods avoids the difficulties and regulatory burdens posed by mandatory limitations.

3. *Existence of prior sanctions.* Many uses of salt are prior sanctioned. Some food standard promulgated before September 6, 1958, the effective date of the Food Additives Amendment, list salt as an ingredient. For example, 21 CFR Part 133 (Cheeses) (formerly Part 19) was originally promulgated in 1948, and additional sections were incorporated in 1950. Most of these cheese standards list salt either as an optional ingredient or as a required ingredient. Salt is a required ingredient in certain cereal flours (21 CFR 137.180 and 137.270, published in 1948 in 21 CFR Part 15) and in catsup (21 CFR 155.194, published in 1948 in 21 CFR Part 53). The original regulation (21 CFR Part 17, now Part 136) establishing standards for bakery products, bread, rolls, and buns included salt as a mandatory seasoning ingredient. (Since that time, the standard for bakery products has been modified to include salt as an optional rather than mandatory ingredient.) In the period from 1948 to 1951 FDA promulgated a number of food standards that included salt as an optional ingredient. Those standards cover noodle and macaroni products, jellies and preserves, cacao products, margarine, and food dressings and flavorings (21 CFR Parts 139, 150, 155, 156, 161, 163, 166, and 169).

Evidence of approval for a number of uses is contained in correspondence and press releases. For example, in 1924 USDA's Bureau of Chemistry (FDA's predecessor) issued a press release discussing certain specifications for table salt (Ref. 5). The press release in turn refers to a 1915 ruling concerning the quality of salt that may be offered for sale for food purposes. A 1957 letter from FDA to a salt company addresses when iodized salt may be substituted for ordinary salt in food production and the

labeling requirements in the event of such substitution (Ref. 6).

FDA's burden in regulating a prior-sanctioned ingredient is considerably greater than in regulating a food additive. Under section 409 of the act, a food additive may be used only in a manner and under conditions in which it has been shown to be safe. By contrast, FDA may take regulatory action against a prior-sanctioned ingredient only under the general adulteration provisions of the act (21 U.S.C. 342(a)(1)). To establish that the use of salt renders a manufactured food adulterated, FDA would have the burden of showing that salt in food is a "poisonous or deleterious substance." The current uncertainty about the precise role of salt as a basic causative factor in essential hypertension, however, leaves unclear whether the use of salt in a particular food would render that food uniformly injurious to health.

In sum, FDA believes that providing information om sodium content will offer the consumer the opportunity to select foods containing appropriate amounts of sodium. Such an approach offers more public health benefit than attempting the cumbersome job of setting tolerances for the safe use of salt in manufactured food and dealing with those uses of salt that are prior sanctioned.

B. *Interim food additive regulation.* FDA also considered removing salt from GRAS status and permitting its use on an interim basis, under 21 CFR Part 180, while studies are being conducted to resolve the questions about the health concerns associated with sodium chloride. An interim food additive regulation can be issued only for a food additive. As noted above, many uses of salt are prior sanctioned and therefore are not subject to control under an interim food additive regulation. Moreover, if FDA were to regulate salt as an interim food additive when used in processed food, the agency would need to define the nature of the required studies and to monitor their progress. There are already numerous studies planned or in progress to determine the causes of hypertension. It is not clear that any of these studies will resolve the basic questions about whether excess salt consumption causes hypertension, and there is no general agreement that a definitive study could be designed. Instead, additional basic scientific research is required so that eventually the causes of hypertension will become clear. Interim food additive regulations are most appropriately used where specific studies can promptly be undertaken to resolve safety questions, rather than where a general advance in scientific knowledge is necessary. Therefore, FDA has concluded that an interim food additive regulation for sodium chloride is not appropriate.

C. *Sodium content labeling.* The third option considered and rejected by FDA was to defer action on the GRAS status of salt but to promulgate a regulation that proposed to require that the labeling of manufactured foods containing added salt declare quantitatively the total sodium content of the food. Elsewhere in this issue of the **Federal Register**, FDA is proposing a revision of the nutrition labeling regulations to require the declaration of sodium content whenever nutrition labeling is required or is provided voluntarily. The proposal also requires quantitative sodium declaration whenever a food is labeled "sodium free," "low sodium," "moderately low sodium," or "reduced sodium," and it provides definitions for those terms.

In deciding to propose the declaration of sodium content as part of nutrition labeling. FDA considered and rejected mandatory sodium content labeling. FDA believes that the regulatory burden that would be imposed by mandatory sodium labeling is not justified at this time for the reasons discussed in the following section.

D. *Affirm sodium chloride as GRAS with specific limitations.* One of the regulatory options available to FDA is to affirm salt as GRAS with certain specific limitations. Normally, such limitations restrict the amount of a substance that can safely be used in food. Unlike a substance that is generally toxic above certain known level, the threshold level for chronic toxicity of salt in specific segments of the population has not been determined. Moreover, because of the practical difficulties inherent in regulating salt as a food additive and setting fair use levels, the agency has concluded that labeling requirements would be more informative to the consumer and thus more useful in helping individuals restrict salt intake. Thus, FDA considered proposing a regulation in accordance with § 184.1(b)(2) (21 CFR 184.1(b)(2)) affirming sodium chloride as GRAS subject to certain specific limitations on its use. The specific limitations would have consisted of informative labeling, such as including information on sodium in the nutrition labeling.

Although FDA believes that this option would accomplish the desired goals, the agency rejected it at this time because the Commissioner believes that a voluntary program will produce the desired results with less regulatory burden. Moreover, the food industry is in the best position to reduce sodium levels in processed food and to provide more information to consumers. The Commissioner believes that the industry should be given a chance to do so.

FDA is committed to working with industry to accomplish the goal of reducing the amount of sodium in processed foods and in providing more information on sodium to consumers. If no significant progress occurs toward these goals in a reasonable time, the agency will consider additional regulatory actions, including one or more of the options discussed in this notice.

## IX. Other Actions

FDA is currently pursuing several other courses of action that may affect the regulatory status of salt.

The agency currently monitors, both qualitatively and quantitatively, the national food supply for certain contaminants, toxins, and nutrients. Sodium is, and will continue to be, one of the elements included in the monitoring, which will be one of the means of monitoring sodium intake that the selected option requires.

The agency intends to continue participating with other public and private groups in education programs that acquaint the public with scientific views about the relationship between sodium usage and hypertension. FDA will also continue to keep the public informed of this topic through its Consumer Affairs Officers in the field and its Public Affairs Office.

## X. Request for Comments

To provide for public participation in its decisionmaking process, FDA requests the submission of comments on its tentative decision to defer any revision in the GRAS status of salt and to seek a reduction in salt intake through proposed sodium labeling regulations and voluntary reductions in salt usage by food manufacturers. Comments may suggest options in addition to those presented here, including suggestions for implementation.

As discussed above and in the preamble to the notice of availability of information on the status of review of GRAS and prior-sanctioned direct human food ingredients (38 FR 20054; July 26, 1973), many substances currently considered to be GRAS were approved for specific uses by USDA or by FDA before 1958. Thus, many of these ingredients are subject to specific prior sanctions for specific uses in addition to GRAS status. No

comprehensive list of such prior sanctions exists.

Persons who believe they hold proof of a prior sanction for the use of salt are requested to submit proof of the existence of the prior sanction. Prior-sanctioned status constitutes an exemption from section 409 of the act (21 U.S.C. 348). The agency has therefore concluded that prior-sanctioned status should be construed narrowly and the burden of coming forward with the evidence of the sanction properly rests upon the person who asserts it.

## XI. References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. Siu, R. G. H., et al., "Evaluation of Health Aspects of GRAS Food Ingredients: Lessons Learned and Questions Unanswered," *Federation Proceedings*, 36:11:2519–2562, October 1977.

2. Tracor Jitco, Inc., "Monograph on Sodium Chloride and Potassium Chloride," Submitted under DHEW Contract No. FDA 72–100, Rockville, MD, 1974.

3. FASEB/SCOGS Report (SCOGS–102), "Evaluation of the Health Aspects of Sodium Chloride and Potassium Chloride as Food Ingredients."

4. Mutagenic Evaluation of Compound FDA 71–70, Sodium Chloride Reagent, ACS. LBI Project Number 2468, Submitted to FDA by Litton Bionetics Inc., January 31, 1976.

5. Press release issued by USDA's Bureau of Chemistry, December 24, 1924.

6. Letter from FDA to Morton Salt Company, July 12, 1957.

Copies of the full report of the Select Committee, the scientific literature review, and mutagenic and teratogenic evaluations are also available for review at the Dockets Management Branch, Food and Drug Administration, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151, as follows:

| Title | Order No. | Price code | Price [1] |
|---|---|---|---|
| Sodium chloride, potassium chloride (scientific literature review). | PB241-973/AS | A13 | $16.00 |
| Sodium chloride (mutagenic evaluation). | PB257-870/AS | A04 | 7.00 |
| Sodium chloride (teratogenic evaluation). | PB234-878/AS | A03 | 6.00 |
| Sodium chloride, potassium chloride (Select Committee report). | PB298-139/AS | AO4 | 7.00 |

[1] Price subject to change.

Interested persons may, on or before August 17, 1982, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 8, 1982.

**Arthur Hull Hayes, Jr.,**

*Commissioner of Food and Drugs.*

Dated: April 28, 1982.

**Richard S. Schweiker,**

*Secretary of Health and Human Services.*

[FR Doc. 82-16501 Filed 6-17-82; 8:45 am]

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federal register

Friday
June 18, 1982

Part VII

# Department of the Interior

## Office of Surface Mining Reclamation and Enforcement

## Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Coal Mine Waste

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Parts 701, 816 and 817**

# Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Coal Mine Waste

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

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to revise the rules covering the disposal of coal mine waste from surface and underground mining activities. The existing rules would be revised to follow the definitions and requirements of the Mine Safety and Health Administration (MSHA) rules regarding coal refuse piles and impounding structures and eliminate any duplication. The proposed rules would allow qualified professional engineers to design coal refuse disposal sites to accomodate site-specific conditions. This gives emphasis to the use of innovative technology and provides more opportunity for increased efficiency and cost-effective operations.

**DATES:**

*Written comments* Accepted until further notice.

*Public hearings:* Held on request only, on August 5, 1982 at 9:00 a.m.

*Public meetings:* Scheduled on request only.

**ADDRESSES:** *Written comments: Hand-deliver* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.20), Room 5315, 1100 L Street, NW., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.20), Room 5315L, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

*Public hearings:* Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets, NW.; Lexington, KY—Holley Hotel, 2143 North Broadway; and Denver, Colo—Brooks Tower, 2d Floor Conference Room, 1020 15th Street.

*Public meetings:* OSM offices in Washington, D.C.; Charleston, W. Va.; Knoxville, Tenn.; Indianapolis, Ind.; and Denver, Colo.

**FOR FURTHER INFORMATION CONTACT:**

*Public hearings and information:* Jose del Rio, Civil Engineer, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; 202–343–4022.

*Public meetings:* Jose del Rio, 202–343–4022.

**SUPPLEMENTARY INFORMATION:**

I. Public Commenting Procedures.
II. Background.
III. Discussion of Proposed Rules.
IV. Procedural Matters.

## I. Public Commenting Procedures

*Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see "Addresses"). Comments received at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking. The comment period will remain open until the close of the comment period on the draft supplemental environmental impact statement that will consider this proposed rule.

*Public Hearings*

Persons wishing to comment at the public hearings should contact the person listed under "For Further Information Contact" by the close of business *three working days* before the date of the hearing. If no one requests to comment at a public hearing at a particular location by that date, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

Public hearings will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

*Public Meetings*

Persons wishing to meet with OSM representatives to discuss these proposed rules may request a meeting of any at the OSM offices listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L St.). A written summary of each public meeting will be made a part of the Administrative Record.

## II. Background

The Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 *et seq.*, recognizes the threat posed by improper disposal of coal waste. Congress included in the Act several provisions concerning coal processing waste and underground development waste. The Act mandates that this material be handled and disposed of in a manner which would not threaten the health and safety of the general public or adversely affect the surrounding environment.

For the surface disposal of wastes in areas other than mine workings or excavations, section 515(b)(11) of the Act provides that waste piles are to be stabilized in designated areas through compaction. The final contour of waste pile must also be compatible with the natural surroundings and the site must be revegetated according to this section of the Act. Section 515(b)(13) and 515(f) of the Act provide that all existing and new coal mine waste piles used as dams or embankments must be regulated in accordance with standards and criteria concurred in by the Corps of Engineers. The provision is repeated in section 516(a)(5) of the Act for underground mining operations. In addition, section 515(b)(14) of the Act requires specific treatment or burial for all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard. A court decision, *In re: Permanent Surface Mining Regulation Litigation*, No. 79–1144, D.D.C., on February 26, 1980, held that the Secretary derives authority to regulate dams impounding waste from section 515(b)(10) of the Act.

The authority of the Chief of Engineers in assisting the Secretary to regulate new and existing coal waste piles as dams and embankments is contained in section 515(f) of the Act. The standards and criteria used by OSM must conform to the standards and criteria used by the Corps of Engineers to insure that flood control structures are safe and effectively perform their intended function.

There are three sections in the Act that address coal mine waste produced from underground coal mining operations. First, section 516(b)(3) regulates the return of mine and processing waste and tailings to the mine workings or excavations. Second,

section 516(b)(4) covers the surface disposal of wastes the same as section 515(b)(11). Third, section 516(b)(5) covers all new and existing coal mine waste piles similar to section 515(b)(13), with the same responsibilities for the Corps of Engineers.

To control coal waste disposal practices, the existing rules were proposed on September 13, 1978, 43 FR 41661, and promulgated as final on March 13, 1979, 44 FR 14901. The existing rules in 30 CFR 816.81 through 816.93 cover all types of coal processing waste, coal mine waste and solid waste generated during surface coal mining activities. These rules address the disposal of all types of waste in waste banks, and dams and embankments. The same rules are found in 30 CFR 817.81 through 817.93 for the surface effects of underground mining operations. A plan for the disposal of coal processing waste, whether to be placed in a dam or embankment, is required to be submitted and approved by the regulatory authority under 30 CFR 780.25 for surface mining and 30 CFR 784.25 for underground mining.

Since the promulgation of the permanent program rules on coal mine waste in March 1979, there have been two additions to the rules. In an August 18, 1980, **Federal Register** notice (45 FR 54753) the approval of incorporation by reference of technical material in the coal waste rules in §§ 816.85(c)(2) and 817.85(c)(2) was extended to July 1, 1982, by the Director of the Federal Register.

On November 20, 1980, (45 FR 76932) §§ 816.83(a) and 817.83(a) were revised to provide an exception from the subdrainage requirement for a coal processing waste bank if the operator could demonstrate to the regulatory authority that a subdrainage system is not required to ensure structural integrity and water quality. The change was prompted as a result of litigation challenging the requirement, *In re: Permanent Surface Mining Regulation Litigation*, No. 79–1144, D.D.C. Before the court ruled on the issue, OSM concluded that a subdrainage system may not be necessary in all cases as long as the operator is responsible for assuring the structural integrity of the coal waste bank.

All existing OSM rules on coal mine waste have been reviewed and are proposed to be rewritten to follow the directive of the Secretary of the Interior to remove burdensome and excessive requirements. Review of the existing rules revealed duplication of Mine Safety and Health Administration (MSHA) rules for coal mine refuse piles and water, sediment, or slurry impoundments and impounding structures. The proposed change in OSM rules would eliminate this duplication by cross-referencing MSHA's rules. Portions of OSM's existing rules complement MSHA's rules (30 CFR 77.214–77.216) on coal waste disposal and incorporate standard engineering practices (44 FR 15209, March 13, 1979). All designs, however, would still have to meet the requirements of the Act and be approved by the appropriate regulatory authority.

OSM informally circulated drafts of these proposed rules prior to this publication and all comments received will continue to be considered during the course of this rulemaking.

The disposal of waste from surface coal mining operations is regulated by rules found in 30 CFR 816.81 through 816.93 and a definition of "coal processing waste" is found in 30 CFR 701.5. The rules for coal processing waste disposal are contained in §§ 816.81 through 816.88 and cover nonimpounding structures and the handling of burning and burned coal mine waste. Section 816.89 governs the storage and final disposal of noncoal wastes generated during surface mining activities. If dams and embankments are constructed of coal processing waste or impound coal processing waste, §§ 816.91 through 816.93 cover the design and construction of these structures.

Similarly, §§ 817.81 through 817.93 regulate the disposal of waste from underground coal mining activities. The sections contain the same headings and language used for surface mining activities.

The major provisions of existing §§ 816.81 through 816.93 and 817.81 through 817.93 are presented in the following discussion before introducing the proposed change for each section. For more detailed discussions of the existing rules, the reader is referred to the preamble for the existing rules in 44 FR 15209–15220 (March 13, 1979).

Existing §§ 816.81–816.93 are essentially the same as existing §§ 817.81–817.93. The only difference is that §§ 816.81–816.93 refer to surface mining and §§ 817.81–817.93 refer to underground mining. Under this proposal all the changes to Part 816 would be essentially the same as the Part 817. To simplify this preamble, OSM will discuss changes to §§ 816.81–816.93 with the understanding that the discussion will also apply to proposed §§ 817.81–817.93. The only difference to be noted is that surface mine rules will refer to Part 780—*Surface Mining Permit Applications* and underground mine rules will refer to Part 784—*Underground Mining Permit Applications*.

**III. Discussion of proposed rules.**

OSM is proposing to revise the rules governing the storage and final disposal of coal mine waste and other solid waste from the coal mining operations (§§ 816.81–816.93 and 817.81–817.93). The proposed rules would eliminate duplication with the Mine Safety and Health Administration (MSHA) rules on refuse piles and impounding structures (30 CFR 77.214–77.217). Where OSM proposes to use provisions from the MSHA rules, there would be a reference to the specific requirement in the MSHA rules. This change would clearly identify the interaction of the two sets of rules regarding coal mine waste placed in refuse piles and dams and embankments. In addition the proposed rules would clarify the relationship between the excess spoil rules (§§ 816.71–816.74 and §§ 817.71–817.74) and the coal waste rules, cited above.

In the proposed rules, the disposal of coal mine waste would be governed by §§ 816.81 through 816.85 which covers nonimpounding structures. Proposed § 816.86 would be a combination of existing §§ 816.91, 816.92 and 816.93 and cover impounding structures—dams and embankments constructed of coal mine waste and impounding water, slurry, sediment, etc. Proposed § 816.87 would govern removal of burned or unburned coal mine waste from a disposal area and include, from existing § 816.86, standards for extinguishing a coal mine waste fire. Proposed § 816.88 would govern the return of coal mine waste to underground workings and proposed § 816.89 would set requirements for disposal of noncoal wastes.

The proposed rules, rather than mandating design criteria, would allow competent professional engineers to design coal refuse disposal sites based on the requirements and topography of specific sites. Approval, supervision, and inspection activities by the regulatory authority would ensure that the performance standards of the Act are met. OSM believes that the additional flexibility will aid engineers in designing more efficient and cost-effective coal refuse disposal sites.

OSM also proposes to revise certain definitions in § 701.5 by adopting the same terminology used by MSHA to clarify the types of waste material from coal mining and processing operations covered by OSM rules. These proposed changes in terminology and section references will be carried through to the permitting portions of the existing rules

when the proposed rules are published as final.

**Part 701—Permanent Regulatory Program**

*Section 701.5 Definitions.*

OSM proposes to modify the existing definition of "coal processing waste" by deleting the phrase "combustible, physically unstable, or acid-forming and toxic-forming which are" and the phrase "and slurried or otherwise transported from coal preparation plants, after". The phrases to be removed are descriptive of waste material and do not add anything to the meaning of the definition.

OSM proposes to add three new definitions: "coal mine waste," "impounding structure," and "refuse pile," making them correspond with MSHA rules.

MSHA's rule 30 CFR 77.217(e) defines "refuse pile" as "a deposit of coal mine waste which may contain a mixture of coal, shale, claystone, siltstone, sandstone, limestone, and related materials that are excavated during mining operations or separated from mined coal and disposed of on the surface as waste by-products of either coal mining or preparation operations. 'Refuse pile' (sic) does not mean temporary spoil piles of removed overburden material associated with surface mining operations."

OSM proposes to adopt and revise MSHA's definition for "refuse pile" separating it into three parts:

(1) "Refuse pile", would be defined as a surface deposit of coal mine waste;

(2) "Coal mine waste", would be defined as underground development waste and coal processing waste; and

(3) "Underground development waste", would be defined as a waste rock mixture of coal, shale, claystone, siltstone, sandstone, limestone, or related materials that are excavated, moved, and disposed of in connection with underground operations.

The existing definition of "underground development waste" in § 701.5 includes earthen material removed as part of the surface operations incident to preparation for underground extraction of coal. In a separate rulemaking, a proposed change was made in the rules for excess spoil (§ 816.71) so that the definition of underground development waste would mean only earthen materials removed during underground construction activities including the development of drifts, shafts and adits. The same definition for underground development waste would be used in these proposed rules for coal mine waste.

The last sentence in MSHA's definition for "refuse pile" that states that "refuse pile does not mean temporary spoil piles of overburden material" would be deleted from the definitions proposed by OSM. OSM proposes to use the existing definitions of "coal processing waste" and "underground development waste" to describe the material in a refuse pile, and these definitions clearly exclude overburden materials from a refuse pile.

OSM also proposed to incorporate in § 701.5 a new definition for "impounding structure" to mean a structure of earth or other materials used to impound water, sediment, slurry, or any combination of such materials.

This new definition should not be confused with the existing definition of "impoundment" in § 701.5 which refers to the entire facility including both the impounding structure and the retaining area. Also, an impoundment may be a totally excavated basin with no impounding structure. The MSHA rules use the term "impounding structure" rather than dams or embankments and so OSM's proposal to use the terms discussed above would make the terminology the same for both sets of rules.

**Part 816—Surface Mining Activities**

*Section 816.81 Coal mine waste: General requirements.*

Under the existing rules, all coal processing waste is to be placed in new or existing disposal areas that are within the permit area and approved by the regulatory authority. Waste banks must be designed, constructed and maintained to prevent combustion and must meet the requirements of the rules for excess spoil fills and the requirements for waste banks. The regulatory authority may approve the disposal of coal processing waste materials from outside the permit area based on a showing that the materials would not adversely affect the area, create public hazards and cause instability in the disposal area.

Under this proposal, § 816.81 would contain only general requirements that would apply to all methods of coal mine waste disposal.

Proposed § 816.81(a)(1) would retain the requirement that all coal mine waste be placed in new or existing disposal areas approved by the regulatory authority. In this same first sentence, the reference to hauling and conveyance of coal mine waste would be deleted. The Act does not require any particular means of material handling or method of transportation between the coal processing facility and the disposal area. Any material handling technique is acceptable as long as the material is placed in 2-foot lifts and compacted (See proposed § 816.85(a)). The transportation method and placement technique which is used at a particular site is, OSM feels, more appropriately selected during the design of the individual disposal facility.

The second sentence in existing § 816.81(a)—"These (disposal) areas shall be within the permit area."—would be removed as a duplication of rules. Section 771.2 of this chapter already requires that all surface coal mining and reclamation operations be conducted only under permits. So all such operation activities, including disposal of coal mine waste, must be conducted under a permit, which sets the boundaries of the affected area. (See "surface coal mining and reclamation operations" definition in §700.5 and the definition for "permit" and "permit area" in § 701.5.)

The provision in existing § 816.81(a)(1) that references the requirements for excess spoil fills (§§ 816.71 and 816.72) would be deleted from proposed § 816.81(a)(2). In its place for this proposal would be specific provisions from §§ 816.71 and 816.72 that would be used in designing, constructing and maintaining refuse piles. These specific provisions from §§ 816.71 and 816.72 will be discussed in the proposed § 816.85.

The reference to §§ 816.82–816.88 in existing § 816.81(a)(1) would be revised in proposed § 816.81(a)(2) to read §§ 816.82–816.86. Proposed §§ 816.82–816.86 would contain all design and construction requirements for nonimpounding (§§ 816.82–816.85) and impounding structures (§ 816.86). The provisions of existing § 816.86—burning coal waste—would be moved to existing § 816.87 to make room for all the provisions for impounding structures to be moved up from §§ 816.91, 816.92 and 816.93. This change in existing § 816.86 is discussed later in this preamble. The provisions for handling burning and burned coal mine waste, now combined in proposed § 816.87, and for the return of coal mine waste to underground workings in proposed § 816.88, were seen as not applicable to the design and construction standards for coal mine waste structures, thus their deletion from references in proposed § 816.81(a)(2).

It was felt that the standards in existing § 816.81 (b)(1), (b)(2), (b)(3), and (a)(2) should refer to disposal of all coal mine waste, not just that from activities located outside the permit area. There is no tactical basis for limiting these standards. So in proposed § 816.81(a)(3) these four standards would be included as general requirements for coal mine

waste structures. Under this proposal coal mine waste structures would be designed and constructed to: (1) Not adversely affect ground or surface water quality or quantity; (2) not create a public hazard; (3) be stable; and (4) minimize the potential for combustion.

Existing § 816.81(a)(2), which has the provision "to prevent combustion" in the waste bank, would be modified under proposed § 816.81(a)(3)(iv). It would require that coal mine waste be disposed of in a manner that minimizes the potential for combustion rather than the present standard of preventing combustion. To minimize the potential for combustion is a more realistic goal, because prevention is an absolute standard that is difficult to attain.

Existing § 816.81(b) is proposed to be modified in proposed § 816.81(b) by deleting the phrase "such as those activities at other mines or abandoned mine waste piles". Since this only gives an unnecessary explanation of the phrase "activities located outside a permit area," the language would be remove. Also deleted would be the specific engineering analyses which are site specific and best left to the judgement of the design engineer who would be bound by the performance standards of proposed § 816.81(a). The performance standards in existing (b)(1), (b)(2) and (b)(3) would be moved to proposed Paragraph (a) as mentioned above.

*Section 816.82 Coal mine waste: Refuse piles: Site inspection.*

Under existing § 816.82(a) a qualified registered engineer or other person approved by the regulatory authority is to inspect each coal processing waste bank at least quarterly until the bank is covered with topsoil. The inspections are to begin 7 days after construction is started on the disposal area and are to ensure that proper construction and maintenance are occurring according to the plan submitted under § 780.25 of this title. The regulatory authority may require more frequent inspections if there is potential danger to the health and safety of the public and potential harm to land, air and water resources. Copies of the inspection report are to be maintained at the mine site.

Existing § 816.82(b) provides for prompt notification to the regulatory authority if a potential hazard exists and also provides for the emergency procedures for public protection and remedial action. If emergency procedures are inadequate, the regulatory authority is to notify the appropriate emergency agencies that other emergency procedures are required to protect the public from the danger posed by the coal processing waste area.

Proposed § 816.82 would be modified slightly from existing § 816.82. Except for the items discussed below, the proposed rule would follow the existing rule.

Proposed § 816.82(a) would modify existing § 816.82(a) by deleting the requirement that the inspection could be performed by "other persons approved by the regulatory authority." Substituted would be a provision that the inspection can be made by a "qualified professional specialist who is under the direct supervision of the responsible qualified registered professional engineer". This change would be made so that the regulatory authority would not be placed in a position of approving the qualifications of the other individuals inspecting the refuse piles. The inspection performed by a qualified specialist would still have to be certified by the responsible engineer.

OSM proposes to add in § 816.82(a)(1) the following critical periods of construction during which the site should be inspected: (i) Removal of all organic material and topsoil, (ii) placement of underdrains and protective filter systems, (iii) installation of surface drainage systems, (iv) placement and compaction of fill materials, and (v) revegetation. OSM has identified these periods for inspection in the belief that they are important to the stability and long-term function of the coal mine waste structure.

Proposed § 816.82(a)(1) would modify existing § 816.82(a)(1) by adding that the operator shall also be required to make more inspections, as well as the regulatory authority requiring more, if a potential danger exists. This would place the responsibility for monitoring a potentially dangerous situation on the operator as well as the regulatory authority.

The topsoil requirement reference to § 816.24 in existing § 816.82(a)(1) would be deleted making this paragraph correspond only to the requirements in proposed § 816.85, which includes reference to §§ 816.21–816.25.

During this review of OSM and MSHA rules, it was discovered that inspection findings under OSM rules could form the basis for the certification that is required by 30 CFR 77.215–3(a) in the MSHA rules for a refuse pile that may be a hazard. An inspection report for MSHA would suffice for OSM if it contained the required information.

Proposed § 816.82(a)(2) would revise existing § 816.82(a)(2), and would remove the requirement that inspections verify removal of all organic material and topsoil as it is now included in proposed § 816.82(a)(1). A more comprehensive statement would be added requiring that observations be conducted which are necessary to evaluate compliance with the regulatory standards and the approved plan. (Proposed § 816.85(d) would require the removal of all vegetation and organic material from the disposal area.)

Existing § 816.82(a)(3) is proposed to be deleted because the requirement that the registered professional engineer or the approved inspector take into consideration steepness of slope, seepage and other visible signs of potential failure which endanger human life and property is only advisory, does not direct that certain action be taken, and does not establish any particular standard.

Existing § 816.82(a)(4) is proposed to be modified and renumbered as proposed § 816.82(a)(3). The modification would consist of adding after "inspection findings" the words "shall be certified by a qualified registered professional engineer * * *". This addition makes it possible for the same engineer who performs the OSM inspection to submit a certification to MSHA as required by § 77.215–3(a) of this title.

Existing § 816.82(b) would be modified to require that if adequate remedial action cannot be started, the regulatory authority and appropriate emergency agencies must be notified immediately. Under the existing rules, the regulatory authority would be notified and then the regulatory authority notifies the emergency agencies asking that appropriate procedures be taken to protect the public. OSM is concerned that such a two-step procedure may result in unnecessary delay in the implementation of the emergency measures needed for public protection. Also, a provision would be added to the rule that would require starting any emergency procedures that are identified in the prepared emergency plan.

*Section 816.83 Coal mine waste: Refuse piles: Water control measures.*

The provisions for proposed § 816.83 for water control measures for refuse piles follow the requirements in existing § 816.83. The section would be modified to make it easier to understand, but its intent would remain the same.

The provisions in existing § 816.83(a) would not be changed in proposed § 816.83(a). It would require a properly designed subdrainage system to be installed unless the operator satisfactorily demonstrates to the regulatory authority that a system is not

needed for the disposal area. The subdrainage system would have to (1) intercept all ground water sources, (2) be protected by an adequate filter and (3) be covered so as to protect against the entrance of surface water or leachate from the coal mine waste refuse pile.

Proposed § 816.83(b) would be a modification of existing § 816.83(b). The requirement for diverting all the drainage from the area above the refuse pile and from the crest and face of the disposal area in accordance with existing § 816.72(d) would be deleted. In place of the present provisions, the proposed § 816.83(b) would require that all drainage above the refuse pile and from the surface of the refuse pile be controlled to prevent the impoundment of water and to minimize water infiltration and erosion. Rather than specifying that all surface drainage be diverted, the proposed rules would state that the surface drainage must be controlled. The new requirement would allow the qualified registered professional engineer to design a site specific drainage system to protect the refuse pile, which could include the present requirement of diversion ditches around the refuse pile. In addition, selected drainage systems may include lined ditches through the refuse pile, conduits under the fill to carry the water, or some other site the specific design that controls the runofff water in the area of the refuse pile.

These proposed surface drainage requirements would not conflict with or duplicate MSHA drainage requirements in § 77.215 of this title.

Proposed § 816.83(b) would slightly revise and specifically state the applicable provisions of existing § 816.72(d) relating to diversion channels making the reference to § 816.72(d) unnecessary.

Proposed § 816.83(b) would change the 100-year, 24-hour precipitation event requirement referenced from existing § 816.72(d) to a 100-year, 6-hour precipitation event. (This same design storm is used in the proposed revision of excess spoil fill rules.)

The change in storm design criteria would follow the recommendation of MSHA guidlines. (U.S. Mining enforcement and Safety Administration, 1975, pp. 6.65–6.77 and U.S. Mining Safety and Health Administration, 1979, p. 8.) For complete citations see reference material listing at end of preamble. OSM recognizes the 24-hour duration storm generally results in a runoff volume and peak higher than the 6-hour storm for the same area (See 44 FR 15210). However, OSM now believes structures built to accommodate the 100-year, 6-hour design storm provide adequate protection for the coal refuse piles. Where there is no downstream impoundment, the failure or overflow of a diversion ditch is normally not a critical concern. For this reason, OSM believes the storm design can safely be lowered to minimum standards suggested by MSHA.

By deleting the reference to § 816.72(d) in proposed § 816.83(b) the reader would be referred directly to § 816.43 requirements on diversion channels. This would remove one step in the reference sequence.

Proposed § 816.83(c) would clarify that all disturbed areas must be vegetated unless it is a diversion channel in which case it may be riprapped. It would also change the existing § 816.83(c), by adding that diversion channels may be protected by means other than riprap. This change would be effected by adding the phrase "or otherwise protected." The decision to allow use of other lining material, such as asphalt or concrete, is supported in the preamble for existing § 816.43 on diversion channels in 44 FR 15157. This gives the engineer added flexibility in design of the channels.

Proposed § 816.83(d) would modify the existing § 816.83(d) in that reference to §§ 816.42, 816.45, 816.46, 816.52 and 816.55 would be deleted. Reference to § 816.41, which contains the general requirements for hydrologic balance, would be retained and the rule would read that all water discharged shall comply with this section. Existing § 816.41(d)(3) is poorly phrased (to be clarified in a separate rulemaking) but OSM interprets the paragraph to mean that if the requirements in § 816.41 can not be met using the listed acceptable practices the remaining sections on hydrologic balance would apply.

The deleted referenced rules include sediment control measures for the water quality and effluent limitations (§ 816.42), disturbed area (§ 816.45), sedimentation ponds (§ 816.46), surface and ground water monitoring (§ 816.52) and the discharge of water into an underground mine (§ 816.55). These sections, according to OSM interpretation of § 816.41(d)(3), would be applicable if the practices suggested in § 816.41 will not meet the section's performance standards.

*Section 816.85 Coal mine waste: Refuse piles: Construction requirements.*

Existing § 816.85 sets the construction requirements for coal processing waste banks by—(1) Using the standards of existing §§ 816.71 and 816.72 (Disposal of excess spoil); (2) the compaction requirement of 90 percent of the maximum dry density determined by test procedures of the American Association of State Highway and Transportation Officials (AASHTO); (3) topsoil rules from § 816.22; and (4) revegetation rules from §§ 816.111 and 816.117.

It has been discovered in this review that general reference to §§ 816.71 and 816.72 includes standards that do not apply to coal processing waste, such as returning excess spoil to underground mine workings. To tighten proposed § 816.85 the general reference in § 816.85(a) would be deleted and more specific references and text portions of the excess spoil rules would be added. These will be discussed later in this preamble.

A new proposed § 816.85(a) would require that coal refuse piles be located and constructed in accordance with MSHA rules—30 CFR §§ 77.214 and 77.215(a)–(h). These are not necessarily new requirements as these MSHA rules have always had to be met by the operator. They are inserted here in an effort to further reduce duplication.

Proposed § 816.85(a) would, by reference to 30 CFR § 77.214, include the requirement that the refuse pile be located a safe distance from all underground facilities and surface installations, and that the refuse pile not be located over abandoned mine openings or streams. Also 30 CFR § 77.214 requires clay or inert material to be placed between new refuse piles and old refuse piles or exposed coal beds. Roadways to refuse piles would also be fenced or otherwise guarded to restrict the entrance of unauthorized persons.

Under the proposed change § 816.85(b) would be revised requiring that if the configuration of the refuse pile meets the definition of valley fill, it would have to meet, in addition to the provisions in proposed § 816.85, the requirements in existing § 816.72. Only for a specific type of fill would the operator now be required to refer to the requirements for the construction of excess spoil fills in § 816.72. An upcoming proposed revision to § 816.72 would combine requirements for valley fills with head-of-hollow fills (§ 816.73). Therefore, it is proposed that any final rule adopting proposed § 816.85(b) would refer to the combined section for valley/head-of-hollow fills if such a rule is adopted.

A technical amendment would be made when publishing this as a final rule to reflect the numbering changes that may occur in the excess spoil rules due to their proposed revision.

The minimum static safety factor of 1.5 for coal processing waste banks in existing § 816.85(b) is proposed to be deleted. A fill compacted in 2-foot lifts with slopes of less than 27 degrees will usually be stable, thus the 1.5 static safety factor is not needed to ensure its stability. For this reason the MSHA requirement (30 CFR § 77.215(h)) is adequate that only slopes exceeding 27 degrees or fills constructed in lifts exceeding 2 feet must have the 1.5 minimum safety factor OSM does not need to repeat this in its rules.

The compaction requirements in existing § 816.85(c) require that (1) the waste be spread in layers no thicker than 24 inches and (2) the material be compacted to 90 percent of maximum dry density. The 24-inch layer requirement would be deleted in the proposal. Instead OSM would rely on the MSHA rules, at 30 CFR § 77.215(h), to require these same standards. The MSHA rules specify that the refuse pile be constructed in layers not exceeding 2 feet in thickness and be constructed in compacted layers. The side slopes shall not exceed 2h:1v (approximately 27 degrees). The district manager may approve thicker layers and steeper side slopes where engineering data substantiates that a minimum static safety factor of 1.5 for the refuse pile will be attained.

The requirement of compacting the refuse in 2-foot layers is to minimize air and water infiltration into the refuse pile and reduce the possibility of combustion. Lifts thicker than 2 feet should not be a problem when limited by the 1.5 safety factor because there have been situations where refuse, left in nonstructural, uncompacted lifts five-feet thick, existed for many years without burning problems (U.S. Mining Enforcement and Safety Administration, 1975, p. 8.69).

The 90 percent compaction requirement in existing § 816.85(c) was a test for stability of the waste bank. This test was difficult, but possible when coal processing waste was the only material involved. Now, however, with the inclusion of underground development waste (through the new proposed definition and application of the term "coal mine waste") with its variable characteristics, the test would be even more difficult and probably would not accomplish its goal.

In some cases a waste bank may never reach 90 percent compaction and yet be very stable. Therefore, in these proposed rules the assurance of waste bank stability would be accomplished by the requirement for compacted 2-foot lifts at less than a 27 degree slope or meeting the 1.5 static safety factor. The 90 percent compaction requirement in existing § 816.85(c) would be deleted.

This change in compaction requirements would also follow the recommendation of the Mine Safety and Health Administration in the publication "Design Guidelines for Coal Refuse Piles and Water, Sediment or Slurry Impoundments and Impounding Structures (U.S. Mining Safety and Health Administration, 1979, p. 19). After stating that alternative designs may be used as long as a 1.5 minimum static safety factor is met, it says these safety factors were selected to allow a substantial margin of error because sampling a coal waste embankment and testing these samples in the laboratory is difficult. It is because of this testing difficulty that OSM believes the 90 percent compaction factor should be deleted. The reference to AASHTO in existing § 816.85(c)(2), which explains testing procedures for compaction, would also be deleted.

Three new paragraphs would be added to proposed § 816.85 from existing § 816.71. Proposed § 816.85(c) would include the requirement that the refuse pile be designed using recognized professional standards, certified by a qualified registered professional engineer and approved by the regulatory authority. Proposed § 816.85(d) would cover the removal of vegetative and organic materials and the requirements for topsoil removal and redistribution. The stability of the foundation and abutments and the necessary foundation investigation and laboratory testing would be in proposed § 816.85(e). These three requirements were taken from § 816.71 to replace the general reference to §§ 816.71 and 816.72 in existing § 816.81(a)(1), that would be deleted under this proposal.

The existing requirement that variations may be allowed for the disposal of dewatered fine coal waste (minus 28 sieve size) with approval of the regulatory authority would be retained in the proposed rule as § 816.85(f).

Proposed § 816.85(g) would contain parts of existing § 816.85(d) which provides that following grading of the coal processing waste bank, the site is required to be covered with a minimum of 4 feet of the best available non-toxic and non-combustible material and then revegetated. Under the existing rules the capacity of the subdrainage system must not be impeded by the cover material on the waste bank. If physical and chemical analyses show favorable conditions for revegetation, the depth of cover may be reduced by the regulatory authority. Existing backfilling and grading rules (§ 816.103(a)(1)) contain the same 4-foot topsoil requirement as in existing § 816.85(d). On November 27, 1979, the 4-foot topsoil rule in § 816.103 was suspended by OSM (44 FR 79430) after it was remanded by court decision.

In the proposed revision of the backfilling and grading rules (a separate rulemaking) the topsoil requirement was revised to require that exposed acid and toxic forming materials are to be covered with noncombustible material or treated. No minimum amount of cover was specified. In order to make the two rulemakings correspond, proposed § 816.85(g) would delete the 4-foot depth requirement and specify that the refuse pile be covered with earth material capable of sustaining vegetation in accordance with §§ 816.111 through 816.117. This will ensure that the environmental protection required by Section 515(b)(11) of the Act is fulfilled. By requiring that the amount of cover material be sufficient to sustain vegetation the objective of preventing the exposure of toxic materials is achieved without establishing rigid design specifications.

*Section 816.86 Coal mine waste: Impounding structures.*

To make room for a new § 816.86, *Impounding structures*, existing § 816.86 would be redesignated as proposed § 816.87(b) thereby putting all rules relating to burning or burned coal mine waste together in one section. This will be discussed later in the preamble for proposed § 816.87.

A new § 816.86 would combine requirements relating to construction of dams made of coal waste or used to impound wastes from existing §§ 816.91, 816.92 and 816.93. This proposed § 816.86 would be offered as two different alternatives. Option 1 would include performance standards from existing §§ 816.91, 816.92 and 816.93. Option 2 would delete the site preparation and diversion ditch requirements and so would include performance standards from only §§ 816.91 and 816.93.

**Option 1**

Proposed § 816.86(a) would include the requirement from the existing § 816.91(a) that these provisions apply to dams and embankments constructed of coal mine waste or intended to impound coal mine waste. Instead of stating that these rules apply whether the structures were completed before or after adoption of the regulatory program, the proposed rules would apply to all new and existing impounding structures with no change of meaning. Thus, proposed paragraph (a) contains the same

requirements as existing § 816.91(a) except for the terminology changes.

The proposed § 816.86(b) would revise existing § 816.91(b) which concerns the stability of the structure and the downstream detrimental effect of any acid seepage. The portion in existing § 816.91(b) which provides that before waste can be used in the construction of an impounding structure it must be demonstrated to the regulatory authority that the structure is stable and the waste material will not have a detrimental effect on downstream water quality would be deleted.

The demonstration requirements would be deleted because it is unclear as to the extent and type of demonstration. A new provision would be substituted requiring that the potential impact of acid mine seepage through the impounding structure be discussed in detail in the design plan submitted to the regulatory authority in accordance with § 780.25. The stability and water quality requirements would be retained since coal mine wastes can only be used in an impounding structure if they are not detrimental to the environment. They would, however, be set out in specific rules in proposed § 816.86(g).

The clearing and grubbing requirements for the proposed § 816.86(c) would be the same as in existing § 816.92(a) except that the term "coal mine waste" would be used instead of "coal processing waste".

Proposed § 816.86(d) would revise existing § 816.92(b) which requires surface drainage be diverted away from the embankment by diversion ditches that are built according to § 816.43. Under the existing rule diversion ditches are to have adequate outlets and those that are upstream of the embankment are to carry the peak runoff from a 100-year, 24-hour precipitation event. Also, these diversion ditches may not be blocked and they are to include adequate sediment control measures at the discharge points.

The proposed rule would revise the existing requirement that diversion ditches be designed to safely pass a 100-year, 24-hour precipitation event. Instead, a 100-year, 6-hour precipitation event would be set. The same reasoning as applied in the preamble for proposed § 816.83(b) would apply for the design change in this section. The person designing the structure should, however, recognize the water contribution from the area above the diversion ditch to the impoundment in the event of a storm that exceeds the capacity of the diversion ditch.

Proposed § 816.86(e) would follow existing § 816.93(a), which refers to the requirements in existing § 816.49 for the design of permanent and temporary impoundments. Existing § 816.49 is proposed to be revised in a separate rulemaking, but would still incorporate the existing provisions of § 816.49(a)(5) and (e) through (i), although the paragraph labels may be different. Through this reference to § 816.49 the proposed rules for coal mine waste would also be under the requirements of MSHA rules §§ 77.216–77.216–5.

Existing § 816.93(a)(1), which requires at least 3 feet of design freeboard between the lowest point on the embankment crest and maximum water elevation would be deleted. The freeboard distance should be site specific based on considerations that include duration of high water level in the pond, effective wind fetch, water depth potential, wave runup on embankment slope, and the ability of the embankment to resist erosion. (U.S. Mining Safety and Health Administration, 1979, p. 8). There are standard procedures for the design of the freeboard distance that the qualified registered professional engineer would commonly use during design of the structure that would cover this requirement. (Schwab and others, 1966, pp. 311–314). Therefore, the proposed § 816.86(f) would state only that the impoundment is to have adequate freeboard to protect the structure.

Proposed § 816.86(g) would contain all of existing § 816.93(a)(2) stating the minimum safety factors for the impounding structure. The partial pool with steady seepage saturation conditions would have a minimum safety factor of 1.5 and the seismic safety factor would be at least 1.2.

Proposed § 816.86(h) would slightly modify existing § 816.93(a)(3) which requires foundation and abutment stability for the impounding structure and sufficient foundation investigation and laboratory testing. The phrase "or the publication referred to in § 816.49" would be deleted because such documents would not be contained in the revised § 816.49.

Proposed § 816.86(i) would revise the phrasing of existing § 816.93(b) only to clarify that protection against erosion and corrosion is to be designed into the spillways and outlet works. Inlets shall also be protected against blockage.

Proposed § 816.86(j) would retain the requirements of existing § 816.93(c) on designing an impounding structure so that at least 90 percent of the water stored during a design precipitation event would be removed within a 10-day period.

**Option 2**

*Section 816.86 Coal mine waste: Impounding structures.*

Option 2 is the same as Option 1 except that the site preparation requirements (proposed paragraph (c)) and the diversion ditch provisions (proposed paragraph (d)) would not be included.

These two provisions would not be included because the requirements contained in these paragraphs can be found in any geotechnical, engineering-related publication. (Havers and Stubbs, 1971; U.S. Bureau of Reclamation, 1974; U.S. Soil Conservation Service, 1975; and Woods and others, 1960.) Since the requirements merely reflect common site preparation and diversion ditch practices, deletion of the two paragraphs would not result in any important change in the method in which embankment sites are prepared. Since construction of each impoundment structure is under the strict inspection rules (§ 816.82) and must be certified by a qualified registered professional engineer, these common practices would be used without a rule defining them.

The proposed paragraphs in Option 2 would be redesignated accordingly.

*Section 816.87 Coal mine waste: Burning and burned waste utilization.*

Under this proposal all rules relating to burning or burned coal mine waste (existing §§ 816.87 and 816.86) would be combined in proposed § 816.87. Existing § 816.86, *Coal processing waste: Burning*, would be deleted and its provisions would be placed in proposed § 816.87 as Paragraph (a). There would be no change in content for proposed Paragraph (a) and it would provide that when extinguishing coal mine waste fires, the person who conducts the surface mining activities would follow a plan approved by the regulatory authority and MSHA. The plan must ensure that only persons authorized by the operator and who understand the special fire extinguishing procedures shall be involved in extinguishing the fire.

Existing § 816.87, *Coal processing waste: Burned waste utilization*, is proposed to be modified and labeled § 816.87(b). The modification consists of removing the first two sentences and substituting a statement that an approved plan is required for removal of burned or unburned coal mine waste from a disposal area. The change is only minor and the requirements and substance remain the same. All plans, including those for burned waste utilization, must be approved by the

regulatory authority prior to removal of the material from any disposal area. The requirements for consideration of the local community in designing the plan, the certification of the plan by a qualified registered professional engineer and approval by the regulatory authority would remain unchanged.

*Section 816.88 Coal mine waste: Return to underground workings.*

Existing § 816.88 allows for coal processing waste to be returned to underground mine workings in accordance with a disposal program approved by the regulatory authority and MSHA under § 784.25.

In proposed § 816.88 the wording would be revised to clarify that "coal mine waste may be returned to underground mine workings under a waste disposal program designed according to § 784.25 and jointly approved by the regulatory authority and MSHA." There would also be a terminology change of "coal processing waste" to "coal mine waste." This change to "coal mine waste" would allow both coal processing waste and underground development waste to be returned to underground mine workings.

The reference to § 784.19 in existing § 817.88 is not needed for the return of underground development waste, now "coal mine waste," to underground mine workings and would be deleted.

*Section 816.89 Disposal of non coal wastes.*

Existing § 816.89 would be slightly modified, but would retain all of the same requirements in the same order.

Under the existing rules, non coal wastes, such as garbage, lumber and other combustibles generated during surface mining activities, are to be placed and stored in a designated portion of the disposal area. The storage of non coal wastes must be handled as to ensure that surface or ground water is not degraded, fires are prevented and that the area is suitable for reclamation and revegetation.

Existing § 816.89 also states that final disposal of non coal wastes is to be in a designated site in the permit area. The site is to be constructed and operated according to sanitary landfill principles which include compacting and covering the waste materials. Operation of the disposal site is to be conducted in accordance with all local, State and Federal requirements. Solid waste materials are not to be deposited at refuse embankments or impoundment sites. Also, no excavation for a solid waste disposal site is to be done within 8 feet of any coal outcrop or coal storage area.

Modifications would consist of deleting the word "suface" from the phrase "generated during surface mining activities" which appears in the first sentence of existing § 816.89(a). Also, the word "mine" would be inserted between the words "non coal" and "waste" in the heading and through the text of existing § 816.89 to make clear what the rule pertains to.

Existing § 816.89(b) and (c) would remain essentially unchanged except for the terminology "solid waste" in Paragraph (c) would be replaced by "coal mine waste" to remain consistent with the preceding paragraph.

**Reference Materials**

Reference materials used to develop these proposed rules are as follows:

Havers, J.A., and Stubbs, F.W., Jr., editors. 1971. Handbook of heavy construction. Second edition. McGraw-Hill Book Co., New York. Sections 1–31 (various pagings).

Schwab, G.O., Frevert, R.K., and Edminster, T.W. 1966. Soil and water conservation engineering. Second edition. The Ferguson Foundation Agricultural Engineering Series. John Wiley & Sons, New York. 683 pp.

U.S. Bureau of Reclamation. 1974. 1974 Earth manual. U.S. Department of the Interior, Bureau of Reclamation. 710 pp.

U.S. Mining Enforcement and Safety Administration. 1975. Engineering and design manual—coal refuse disposal facilities. (Prepared by D'Appolonia Consulting Engineers, Inc., Pittsburgh, Pa.) U.S. Mining Enforcement and Safety Administration report. Various pagings.

U.S. Mining Safety and Health Administration. 1979. Design guidelines for coal refuse piles and water, sediment or slurry impoundments and impounding structures. U.S. Department of Labor, Mine Safety and Health Administration, IR 1109. 29 pp.

U.S. Soil Conservation Service, 1975. Engineering field manual for conservation practices. U.S. Department of Agriculture, Soil Conservation Service. Various pagings.

U.S. Soil Conservation Service. 1977. Pond. Practice standard 378. U.S. Department of Agriculture, Soil Conservation Service 8 pp.

Woods, K.B., Berry, D.S., and Goetz, W.H. 1960. Highway engineering handbook. McGraw-Hill Book Co., Inc., New York. 28 sections. Various pagings.

**IV. Procedural Matters**

*National Environmental Policy Act*

OSM has prepared an Environmental Assessment (EA) of the cumulative impacts on the human environment of this rulemaking and related rulemakings under the Act. This cumulative EA is on file in the OSM Administrative Record Office at the address listed in the "**ADDRESSES**" section of this preamble. OSM is also preparing a Supplemental Environmental Impact Statement that will consider this proposed rule. (See 47 FR 18920, May 3, 1982.)

*Federal Paperwork Reduction Act*

The information collection requirements in existing 30 CFR Parts 816 and 817 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned new clearance numbers 1029–0047 and 1029–0048 on April 1, 1981. This approval was identified in notes at the introduction to 30 CFR Parts 816 and 817 under the old numbers R0618 and R0619 (all under No. B–190462). OSM would delete those notes and codify the OMB approvals under the new §§ 816.10 and 817.10. The information required by 30 CFR Parts 816 and 817 would be used by the regulatory authority in monitoring and inspecting surface and underground mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act. This information required by 30 CFR Parts 816 and 817 is mandatory.

*Determinations Under Executive Order 12291 and the Regulatory Flexibility Act*

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers. In addition, the proposed regulations emphasize the use of performance standards instead of design criteria which will allow operators to utilize the most cost-effective means of achieving the performance standards.

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The proposed regulations will allow small coal operators increased flexibility in meeting performance standards and should especially ease

the regulatory burden on small coal operators in Appalachia.

**List of Subjects**

*30 CFR Part 701*

Coal mining, Surface mining, Underground mining.

*30 CFR Part 816*

Coal mining, Environmental protection, Reporting requirements, Surface mining.

*30 CFR Part 817*

Coal mining, Environmental protection, Reporting requirements, Underground mining.

For the reasons set out in the preamble, it is proposed to amend 30 CFR Parts 701, 816 and 817 as set forth herein.

Dated: June 8, 1982.

**William P. Pendley,**

*Acting Assistant Secretary of the Interior.*

## PART 701—PERMANENT REGULATORY PROGRAM

1. In § 701.5 the definitions listed below are added alphabetically to read as follows:

**§ 701.5 Definitions.**

* * * * *

*Coal mine waste* means underground development waste and coal processing waste.

* * * * *

*Impounding structure* means a structure of earth or other materials used to impound water, sediment, slurry or any combination of these materials.

* * * * *

*Refuse pile* means a surface deposit of coal mine waste.

* * * * *

2. In § 701.5, the definition of *Coal processing waste* is revised to read as follows:

* * * * *

*Coal processing waste* means earth materials which are separated and wasted from the product coal during physical or chemical processing, cleaning, or concentrating.

* * * * *

## PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

3. Section 816.81 is revised to read as follows:

**§ 816.81 Coal mine waste: General requirements.**

(a) All coal mine waste shall:

(1) Be placed in new or existing disposal areas approved by the regulatory authority;

(2) Be placed in structures designed, constructed, inspected and maintained in accordance with §§ 816.82 through 816.86;

(3) Be placed in structures designed and constructed to:

(i) Not adversely affect ground or surface water quality or quantity;

(ii) Not create a public hazard;

(iii) Be stable; and

(iv) Minimize the potential for combustion.

(b) Coal mine waste material from activities located outside a permit area may be disposed of in the permit area only if approved by the regulatory authority. Approval shall be based upon a showing that such disposal will be in accordance with the standards in paragraph (a) of this section.

4. Section 816.82 is revised to read as follows:

**§ 816.82 Coal mine waste: Refuse piles; Site inspection.**

(a) All refuse piles shall be inspected, on behalf of the person conducting mining activities, by a qualified registered professional engineer or other qualified professional specialist who is under the direct supervision of the responsible qualified registered professional engineer.

(1) Inspection shall occur at least quarterly, beginning within 7 days after preparation of the disposal area begins. Inspections shall also be made during the following critical construction periods: (i) Removal of all organic material and topsoil, (ii) placement of underdrains and protective filter systems, (iii) installations of surface drainage systems, (iv) placement and compaction of fill materials, and (v) revegetation. The regulatory authority shall require more inspections, and more frequent inspections shall be required to be made by the operator, if a potential danger or harm exists to the health and safety of the public or to the land, air and water resources. Inspections may terminate when the refuse pile has been graded and covered in accordance with § 816.85 or at a later time as required by the regulatory authority.

(2) Inspections shall include such observations as are necessary to evaluate the potential hazard to human life and property and verify that construction and maintenance are occurring in accordance with the standards of this chapter and the plan approved under § 780.25 of this chapter.

(3) Copies of the inspection findings shall be certified by a qualified registered professional engineer and shall be maintained at the minesite.

(b) If any inspection discloses that a potential hazard exists, the regulatory authority shall be informed promptly of the finding, of emergency procedures formulated for public protection, and remedial action. Emergency procedures shall be started according to the prepared emergency plan. If adequate procedures have not been or cannot be formulated or implemented, the regulatory authority and any appropriate emergency agencies shall be immediately notified of any measures necessary to protect the public.

5. Section 816.83 is revised to read as follows:

**§ 816.83 Coal mine waste: Refuse piles: Water control measures.**

(a) Unless the operator satisfactorily demonstrates to the regulatory authority that a subdrainage system is not required to ensure the structural integrity of a coal mine waste refuse pile and to protect the surface and ground water quality in the immediate vicinity of the disposal area, a properly designed subdrainage system shall be provided, which shall—

(1) Intercept all ground water sources;

(2) Be protected by an adequate filter; and

(3) Be covered so as to protect against the entrance of surface water or leachate from the coal mine waste.

(b) All drainage from the area above, and from the surface of the refuse pile, shall be controlled to prevent the impoundment of water and to minimize water infiltration and erosion. Each diversion channel constructed for water control shall be designed to safely carry the runoff from a 100-year, 6-hour precipitation event and shall meet the diversion channel requirements of § 816.43.

(c) Slope protection shall be provided to minimize surface erosion at the site. All disturbed areas shall be vegetated upon completion of construction. Diversion channels may be riprapped or otherwise protected instead of being vegetated.

(d) All water discharged from a coal mine waste refuse pile shall comply with § 816.41 on controlling and minimizing water pollution.

6. Section 816.85 is revised to read as follows:

**§ 816.85 Coal mine waste: Refuse pile construction requirements.**

(a) Coal refuse piles shall be located and constructed in accordance with the requirements of §§ 77.214 and 77.215(a)–(h) of this title.

(b) Coal refuse piles that meet the definition of valley fills in § 701.5 of this chapter shall be constructed in accordance with the special requirements of § 816.72 in addition to the requirements in this section.

(c) The pile shall be designed using recognized professional standards, certified by a qualified registered professional engineer, and approved by the regulatory authority.

(d) All vegetative and organic materials shall be removed from the disposal area and the topsoil shall be removed, segregated, and stored or redistributed in accordance with §§ 816.21–816.25. If approved by the regulatory authority, organic material may be used as mulch or may be included in the topsoil to control erosion, promote growth of vegetation, or increase the moisture retention of the soil.

(e) The foundation and abutments of the pile shall be stable under all conditions of construction and operation. Sufficient foundation investigation and laboratory testing of foundation materials shall be performed in order to determine the design requirements for stability of the foundation. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.

(f) Variations may be allowed in these requirements for the disposal of dewatered fine coal waste (minus 28 sieve size) with approval of the regulatory authority.

(g) The final surface of the coal refuse pile shall be covered with materials capable of sustaining adequate vegetation and providing environmental protection in accordance with §§ 816.111 through 816.117.

**§ 816.86 [Removed]**

7. Part 816 is amended by removing § 816.86.

**Option 1 for New § 816.86**

8. Sections 816.91, 816.92, 816.93 are combined, redesignated as new § 816.86 and revised to read as follows:

**§ 816.86 Coal mine waste: Impounding structures.**

(a) This section shall apply to all new and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste.

(b) The use of coal mine waste material for impounding structures shall not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the regulatory authority in accordance with § 780.25 of this chapter.

(c) All trees, shrubs, grasses, and other organic materials shall be cleared and grubbed from the site, and all combustibles shall be removed and stockpiled in accordance with the requirements of this part.

(d) Surface drainage that may cause erosion to the embankment area or the embankment features, whether during construction or after completion, shall be diverted away from the embankment by diversion ditches that comply with the requirements of § 816.43. Adequate outlets for discharge from these diversions shall be in accordance with § 816.47. Diversions that are designed to divert drainage from the upstream area away from the impoundment area shall be designed to carry the peak runoff from a 100-year, 6-hour precipitation event. The diversion shall be maintained to prevent blockage and the discharge shall be in accordance with § 816.47. Sediment control measures shall be provided at the discharge of each diversion ditch before entry into natural water courses in accordance with §§ 816.41 and 816.46.

(e) Each coal mine waste impounding structure or a structure intended to impound coal mine waste shall be designed, constructed and maintained in accordance with § 816.49(a)(5) and (e) through (i).

(f) The impoundment shall have adequate freeboard between the lowest point on the embankment crest and the maximum water elevation to protect the structure.

(g) The impounding structure shall have a minimum safety factor of 1.5 for the partial pool with steady seepage saturation conditions, and the seismic safety factor shall be at least 1.2.

(h) The foundation and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing shall be performed to determine the safety factors of the impounding structure for all loading conditions appearing in paragraph (g) of this section and for all increments of construction.

(i) Protection against erosion and corrosion shall be designed into the spillways and outlet works. Inlets shall be protected against blockage.

(j) Impounding structures constructed of or impounding waste materials shall be designed so that at least 90 percent of the water stored during the design precipitation event shall be removed within a 10-day period.

**Option 2 for New § 816.86**

9. Section 816.92 is removed and §§ 816.91 and 816.93 are combined, redesignated as new § 816.86 and revised to read as follows:

**§ 816.86 Coal mine waste: Impounding structures.**

(a) This section shall apply to all new and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste.

(b) The use of coal mine waste material for impounding structures shall not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The potential impact on acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the regulatory authority in accordance with § 780.25.

(c) Each coal mine waste impounding structure or a structure intended to impound coal mine waste shall be designed, constructed and maintained in accordance with § 816.49(a)(5) and (e) through (i).

(d) The impoundment shall have adequate freeboard between the lowest point on the embankment creast and the maximum water elevation to protect the structure.

(e) The impounding structure shall have a minimum safety factor of 1.5 for the partial pool with steady seepage saturation conditions, and the seismic safety factor shall be at least 1.2.

(f) The foundation and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impounding structure. Sufficient foundation investigations and laboratory testing shall be performed to determine the safety factors of the impounding structure for all loading conditions appearing in paragraph (e) of this section and for all increments of construction.

(g) Protection against erosion and corrosion shall be designed into the spillways and outlet works. Inlets shall be protected against blockage.

(h) Impounding structures constructed of or impounding waste material shall be designed so that at least 90 percent of the water stored during the design precipitation event shall be removed within a 10-day period.

10. Section 816.87 is revised to read as follows:

**§ 816.87 Coal mine waste: Burning and burned waste utilization.**

(a) Coal mine fires shall be extinguished by the person who conducts the surface mining activities, in accordance with a plan approved by the regulatory authority and the Mine Safety and Health Administration. The plan shall contain, at a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedures to be used, shall be involved in the extinguishing operations.

(b) No burning or burned coal mine waste shall be removed from a disposal area without an approved removal plan. Consideration shall be given to potential hazards which may be created by removal to persons working or living in the vicinity of the structure. The plan shall be certified by a qualified registered professional engineer and approved by the regulatory authority.

11. Section 816.88 is revised to read as follows:

**§ 816.88 Coal mine waste: Return to underground workings.**

Coal mine waste may be returned to underground mine workings under a waste disposal program designed according to § 784.25 of this chapter and jointly approved by the regulatory authority and MSHA.

12. Section 816.89 is revised to read as follows:

**§ 816.89 Disposal of noncoal mine wastes.**

(a) Noncoal mine wastes including, but not limited to grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, lumber and other combustible materials generated during mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface runoff do not degrade surface or ground water, that fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

(b) Final disposal of noncoal mine wastes shall be in a designated disposal site in the permit area. Disposal sites shall be designed and constructed with appropriate water barriers on the bottom and sides of the designated site. Wastes shall be routinely compacted and covered to prevent combustion and wind-borne waste. When the disposal is completed, a minimum of 2 feet of soil cover shall be placed over the site, slopes stabilized, and revegetation accomplished in accordance with §§ 816.111–816.117. Operation of the disposal site shall be conducted in accordance with all local, State, and Federal requirements.

(c) At no time shall any noncoal mine waste be deposited in a refuse pile or impounding structure, nor shall an excavation for a noncoal mine waste disposal site be located within 8 feet of any coal outcrop or coal storage area.

## PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

13. Section 817.81 is revised to read as follows:

**§ 817.81 Coal mine waste: General requirements.**

(a) All coal mine waste shall:

(1) Be placed in new or existing disposal areas approved by the regulatory authority;

(2) Be placed in structures designed, constructed, inspected and maintained in accordance with §§ 817.82 through 817.86;

(3) Be placed in structures designed and constructed to:

(i) Not adversely affect ground or surface water quality or quantity;

(ii) Not create a public hazard;

(iii) Be stable; and

(iv) Minimize the potential for combustion.

(b) Coal mine waste materials from activities located outside a permit area may be disposed of in the permit area only if approved by the regulatory authority. Approval shall be based upon a showing that such disposal will be in accordance with the standards in paragraph (a) of this section.

14. Section 817.82 is revised to read as follows:

**§ 817.82 Coal mine waste: Refuse piles: Site inspection.**

(a) All refuse piles shall be inspected, on behalf of the person conducting mining activities, by a qualified registered professional engineer or other qualified professional specialist who is under the direct supervision of the responsible qualified registered professional engineer.

(1) Inspection shall occur at least quarterly, beginning within 7 days after preparation of the disposal area begins. Inspections shall also be made during the following critical construction periods: (i) Removal of all organic material and topsoil, (ii) placement of underdrains and protective filter systems, (iii) installation of surface drainage systems, (iv) placement and compaction of fill materials, and (v) revegetation. The regulatory authority shall require more inspections, and more frequent inspections shall be required to be made by the operator, if a potential danger or harm exists to the health and safety of the public or to the land, air and water resources. Inspections may terminate when the refuse pile has been graded and covered in accordance with § 817.85 or at a later time as required by the regulatory authority.

(2) Inspections shall include such observations as are necessary to evaluate the potential hazard to human life and property and verify that construction and maintenance are occurring in accordance with the standards of this chapter and the plan approved under § 784.16 of this chapter.

(3) Copies of the inspection findings shall be certified by a qualified registered professional engineer and shall be maintained at the minesite.

(b) If any inspection discloses that a potential hazard exists, the regulatory authority shall be informed promptly of the finding, of emergency procedures formulated for public protection, and remedial action. Emergency procedures shall be started according to the prepared emergency plan. If adequate procedures have not been or cannot be formulated or implemented, the regulatory authority and any appropriate emergency agencies shall be immediately notified of any measures necessary to protect the public.

15. Section 817.83 is revised to read as follows:

**§ 817.83 Coal mine waste: Refuse piles: Water control measures.**

(a) Unless the operator satisfactorily demonstrates to the regulatory authority that a subdrainage system is not required to ensure the structural integrity of a coal mine waste refuse pile and to protect the surface and ground water quality in the immediate vicinity of the disposal area, a properly designed subdrainage system shall be provided, which shall—

(1) Intercept all ground water sources;

(2) Be protected by an adequate filter; and

(3) Be covered so as to protect against the entrance of surface water or leachate from the coal mine waste.

(b) All drainage from the area above, and from the surface of the refuse pile, shall be controlled to prevent the impoundment of water and to minimize water infiltration and erosion. Each diversion channel constructed for water control shall be designed to safely carry the runoff from a 100-year, 6-hour precipitation event and shall meet the diversion channel requirements of § 817.43.

(c) Slope protection shall be provided to minimize surface erosion at the site.

All disturbed areas shall be vegetated upon completion of construction. Diversion channels may be riprapped or otherwise protected instead of being vegetated.

(d) All water discharged from a coal mine waste refuse pile shall comply with § 817.41 on controlling and minimizing water pollution.

16. Section 817.85 is revised to read as follows:

**§ 817.85 Coal mine waste: Refuse pile construction requirements.**

(a) Coal refuse piles shall be located and constructed in accordance with the requirements of §§ 77.214 and 77.215(a)–(h) of this title.

(b) Coal refuse piles that meet the definition of valley fills in § 701.5 of this chapter shall be constructed in accordance with the special requirements of § 817.72 in addition to the requirements in this section.

(c) The pile shall be designed using recognized professional standards, certified by a qualified registered professional engineer, and approved by the regulatory authority.

(d) All vegetative and organic materials shall be removed from the disposal area and the topsoil shall be removed, segregated, and stored or redistributed in accordance with §§ 817.21–817.25. If approved by the regulatory authority, organic material may be used as mulch or may be included in the topsoil to control erosion, promote growth of vegetation, or increase the moisture retention of the soil.

(e) The foundation and abutments of the pile shall be stable under all conditions of construction and operation. Sufficient foundation investigation and laboratory testing of foundation materials shall be performed in order to determine the design requirements for stability of the foundation. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.

(f) Variations may be allowed in these requirements for the disposal of dewatered fine coal waste (minus 28 sieve size) with approval of the regulatory authority.

(g) The final surface of the coal refuse pile shall be covered with materials capable of sustaining adequate vegetation and providing environmental protection in accordance with §§ 817.111 through 817.117.

**§ 817.86 [Removed]**

17. Part 817 is amended by removing § 817.86.

**Option 1 for New § 817.86**

18. Sections 817.91, 817.92, 817.93 are combined, redesignated as new § 817.86 and revised to read as follows:

**§ 817.86 Coal mine waste: Impounding structures.**

(a) This section shall apply to all new and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste.

(b) The use of coal mine waste material for impounding structures shall not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the regulatory authority in accordance with § 784.16 of this chapter.

(c) All trees, shrubs, grasses, and other organic materials shall be cleared and grubbed from the site, and all combustibles shall be removed and stockpiled in accordance with the requirements of this part.

(d) Surface drainage that may cause erosion to the embankment area or the embankment features, whether during construction or after completion, shall be diverted away from the embankment by diversion ditches that comply with the requirements of § 817.43. Adequate outlets for discharge from these diversions shall be in accordance with § 817.47. Diversions that are designed to divert drainage from the upstream area away from the impoundment area shall be designed to carry the peak runoff from a 100-year, 6-hour precipitation event. The diversion shall be maintained to prevent blockage and the discharge shall be in accordance with § 817.47. Sediment control measures shall be provided at the discharge of each diversion ditch before entry into natural watercourses in accordance with §§ 817.41 and 817.46.

(e) Each coal mine waste impounding structure or a structure intended to impound coal mine waste shall be designed, constructed and maintained in accordance with § 817.49(a)(5) and (e) through (i).

(f) The impoundment shall have adequate freeboard between the lowest point on the embankment crest and the maximum water elevation to protect the structure.

(g) The impounding structure shall have a minimum safety factor of 1.5 for the partial pool with steady seepage saturation conditions, and the seismic safety factor shall be at least 1.2.

(h) The foundation and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impoundment. Sufficient foundation investigations and laboratory testing shall be performed to determine the safety factors of the impounding structure for all loading conditions appearing in Paragraph (g) of this section and for all increments of construction.

(i) Protection against erosion and corrosion shall be designed into the spillways and outlet works. Inlets shall be protected against blockage.

(j) Impounding structures constructed of or impounding waste materials shall be designed so that at least 90 percent of the water stored during the design precipitation event shall be removed within a 10-day period.

**Option 2 for New § 817.86**

19. Section 817.92 is removed and §§ 817.91 and 817.93 are combined, redesignated as new § 817.86 and revised to read as follows:

**§ 817.86 Coal mine waste: Impounding structures.**

(a) This section shall apply to all new and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste.

(b) The use of coal mine waste material for impounding structures shall not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structures. The potential impact of acid and mine sepage through the impounding structures shall be discussed in detail in the design plan submitted to the regulatory authority in accordance with § 784.16.

(c) Each coal mine waste impounding structure or a structure intended to impound coal mine waste shall be designed, constructed and maintained in accordance with § 817.49(a)(5) and (e) through (i).

(d) The impoundment shall have adequate freeboard between the lowest point on the embankment crest and the maximum water elevation to protect the structure.

(e) The impounding structure shall have a minimum safety factor of 1.5 for the partial pool with steady seepage saturation conditions, and the sesimic safety factor shall be at least 1.2.

(f) The foundation and abutments for the impounding structure shall be designed to be stable under all conditions of construction and operation of the impounding structure. Sufficient foundation investigations and laboratory testing shall be performed to determine the safety factors of the

impounding structure for all loading conditions appearing in paragraph (e) of this section and for all increments of construction.

(g) Protection against erosion and corrosion shall be designed into the spillways and outlet works. Inlets shall be protected against blockage.

(h) Impounding structures constructed of or impounding waste materials shall be designed so that at least 90 percent of the water stored during the design precipitation event shall be removed within a 10-day period.

20. Section 817.87 is revised to read as follows:

**§ 817.87 Coal mine waste: Burning and burned waste utilization.**

(a) Coal mine waste fires shall be extinguished by the person who conducts the underground mining activities, in accordance with a plan approved by the regulatory authority and the Mine Safety and Health Administration. The plan shall contain, at a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedures to be used, shall be involved in the extinguishing operations.

(b) No burning or burned coal mine waste shall be removed from a disposal area without an approved removal plan. Consideration shall be given to potential hazards which may be created by removal to persons working or living in the vicinity of the structure. The plan shall be certified by a qualified registered professional engineer and approved by the regulatory authority.

21. Section 817.88 is revised to read as follows:

**§ 817.88 Coal mine waste: Return to underground workings.**

Coal mine waste may be returned to underground mine workings under a waste disposal program designed according to § 784.25 of this chapter and jointly approved by the regulatory authority and MSHA.

22. Section 817.89 is revised to read as follows:

**§ 817.89 Disposal of noncoal mine wastes.**

(a) Noncoal mine wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, lumber and other combustible materials generated during mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface runoff do not degrade surface or ground water, that fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

(b) Final disposal of noncoal mine wastes shall be in a designated disposal site in the permit area. Disposal sites shall be designed and constructed with appropriate water barriers on the bottom and sides of the designated site. Wastes shall be routinely compacted and covered to prevent combustion and wind-borne waste. When the disposal is completed, a minimum of 2 feet of soil cover shall be placed over the site, slopes stabilized, and revegetation accomplished in accordance with §§ 817.111–817.117. Operation of the disposal site shall be conducted in accordance with all local, State, and Federal requirements.

(c) At no time shall any noncoal mine waste be deposited in a refuse pile or impounding structure, nor shall any excavation for a noncoal mine waste disposal site be located within 8 feet of any coal outcrop or coal storage area.

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

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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 |
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| DOT/FHWA | USDA/SCS | | DOT/FHWA | USDA/SCS |
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| 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

**Last Listing June 9, 1982**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

**S. J. Res. 149 / Pub. L. 97–193** To designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week". (June 15, 1982; 96 Stat. 112) Price: $1.75.