

10-29-82
Vol. 47 No. 210
Pages 49005-49334

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Friday
October 29, 1982

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Air Pollution Control

Environmental Protection Agency

Animal Drugs

Food and Drug Administration

Authority Delegations (Government Agencies)

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Biologics

Food and Drug Administration

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Fiscal Service

Coal Mining

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Drugs

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Flood Insurance

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Food Stamps

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Fuel Additives

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Government Securities

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Selected Subjects

Marketing Agreements

Agricultural Marketing Service

Medical Devices

Food and Drug Administration

Natural Gas

Federal Energy Regulatory Commission

Waste Treatment and Disposal

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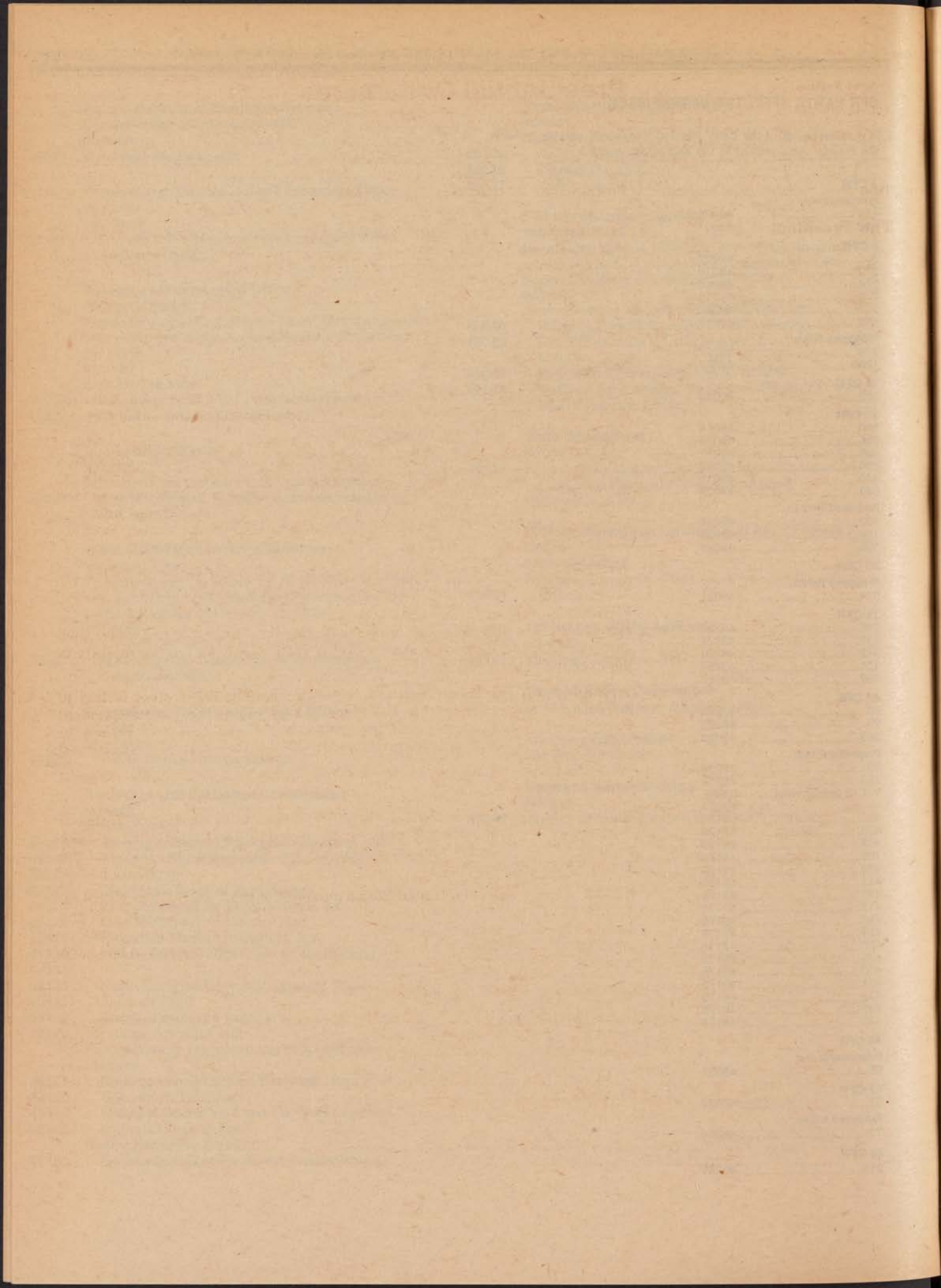
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Title 3—

Proclamation 4991 of October 27, 1982

The President

Suspension of the Application of Column 1 Rates of Duty of the Tariff Schedules of the United States to the Products of Poland

By the President of the United States of America

A Proclamation

WHEREAS, (1) The Government of the Polish People's Republic has undertaken certain import commitments under its Protocol of Accession to the General Agreement on Tariffs and Trade (19 UST 4331);

WHEREAS, (2) Pursuant to the authority vested in him by the Constitution and the statutes including, but not limited to, the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA") and the Trade Act of 1974, as amended (hereinafter referred to as "the Trade Act"), the President entered into, and proclaimed tariff rates under, trade agreements with the Polish People's Republic;

WHEREAS, (3) I have determined that since 1978, the Government of the Polish People's Republic has failed to meet its import commitments;

WHEREAS, (4) The President may, pursuant to his rights under a trade agreement, take action to suspend obligations of the United States under such agreement and to increase duties, or other restrictions, as are appropriate in the exercise of such rights;

WHEREAS, (5) The Polish martial law government has taken steps further to increase its repression of the Polish people by outlawing the independent trade union Solidarity, leaving the United States without any reason to continue withholding action on its trade complaints against Poland; and

WHEREAS, (6) I have determined in this case that the national interest requires expeditious action;

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States including, but not limited to, the TEA and the Trade Act do proclaim that:

(1) The obligations of the United States pursuant to the General Agreement on Tariffs and Trade to extend the rates of duty provided in column 1 of the Tariff Schedules of the United States (TSUS) to products of Poland, whether imported directly or indirectly, are suspended until this Proclamation has been modified or terminated.

(2) General Headnote 3(f) of the TSUS is modified

(i) by deleting the colon at the end of the first paragraph and inserting "or pursuant to Presidential Proclamation _____, dated _____:" in lieu thereof; and

(ii) by inserting "Polish People's Republic" in alphabetical order in the list of countries therein.

(3) This Proclamation shall take effect with respect to articles exported on and after the third day following the date of publication of this Proclamation in the Federal Register.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord nineteen hundred and eighty-two and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30013

Filed 10-27-82; 4:44 pm]

Billing code 3195-01-M

Presidential Documents

Proclamation 4992 of October 27, 1982

Theodore Roosevelt Day

By the President of the United States of America

A Proclamation

Today marks the beginning of a year-long celebration commemorating the one hundred twenty-fifth anniversary of the birth of Theodore Roosevelt, one of America's heroes and larger-than-life personalities.

Born with considerable physical handicaps, Theodore Roosevelt overcame his afflictions and drew strength from his triumph over personal adversity, a strength he would later devote to the public good. Through sheer willpower, he became a rugged outdoorsman and active conservationist, the organizer of the Rough Riders, a fearless crusader against corruption and for law and order, an explorer, a social reformer and author, our youngest President, and the first of our citizens to receive the Nobel Peace Prize. He was truly an American Renaissance man. His life was a voyage of discovery guided by deep principle and private morality.

He was also our first modern chief executive, rejecting isolationism and leading America into active participation in world decisions for which we shared responsibility. Never again would the leaders of the Old World act without regard to this new world power called the United States. He understood our people and our spirit. He identified the national character with the words, "Americanism means the virtues of courage, honor, justice, truth, sincerity, and hardihood—the virtues that made America." And I might add, the virtues that made Theodore Roosevelt.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 27, 1982, as a Day of National Celebration of the one hundred twenty-fifth anniversary of the birth of Theodore Roosevelt. I ask all Americans to join me in commemorating the birth of this fearless American hero. Let us redouble our efforts to confront adversity and promote the virtues and ideals of Americanism.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

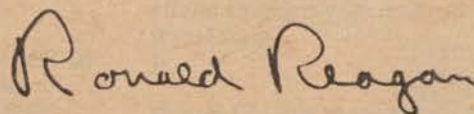


EXHIBIT NO. 10

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Rules and Regulations

Federal Register

Vol. 47, No. 210

Friday, October 29, 1982

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department to delegate to the Assistant Secretary for Marketing and Inspection Services and the Administrator, Animal and Plant Health Inspection Service, the authority to administer the Foreign Service personnel system for employees in the Animal and Plant Health Inspection Service, and to remove the delegation relating to administration of the Mexican Pink Bollworm Act.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Spencer G. Blackburn or John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, (301) 436-6466.

SUPPLEMENTARY INFORMATION: Section 202(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(2)) provides that the Secretary of Agriculture may utilize the Foreign Service personnel system in accordance with the Act with respect to (a) the personnel of the Foreign Agricultural Service, and (b) other personnel of the Department of Agriculture, to the extent the President determines to be necessary in order to enable the Department to carry out functions which require service abroad.

Pursuant to Executive Order 12363 of May 21, 1982, the President determined that it is necessary, in order to enable the Department of Agriculture to carry out functions which require service

abroad, for the Secretary of Agriculture to be able to utilize the Foreign Service personnel system with respect to personnel of the Animal and Plant Health Inspection Service. Accordingly, the delegations of authority to the Under Secretary for International Affairs and Commodity Programs, the Assistant Secretary for Marketing and Inspection Services, the Administrator, Foreign Agricultural Service, and the Administrator, Animal and Plant Health Inspection Service, are amended to accurately reflect the authority to administer the Foreign Service personnel system in the Department of Agriculture. In addition, the delegations of authority to the Assistant Secretary for Marketing and Inspection Services and the Administrator, Animal and Plant Health Inspection Service to administer the Mexican Pink Bollworm Act, 7 U.S.C. 145, are removed due to the repeal of the Act by the Congress, March 15, 1976.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 533, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 1229. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, unless otherwise noted.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.17 is amended by revising paragraph (b)(1) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Inspection Services.

* * * * *

(b) * * *

(1) Administer the Foreign Service personnel system for employees of the Animal and Plant Health Inspection Service in accordance with 22 U.S.C. 3922, except that this delegation does not include the authority to represent the Department of Agriculture in interagency consultations and negotiations with other foreign affairs agencies regarding joint regulations, nor the authority to approve joint regulations issued by the Department of State relating to administration of the Foreign Service.

3. Section 2.21 is amended by revising paragraph (d)(30) to read as follows:

§ 2.21 Delegations of authority to the Under Secretary for International Affairs and Commodity Programs.

* * * * *

(d) * * *

(30) Administer the Foreign Service personnel system for the Department in accordance with 22 U.S.C. 3922, except as otherwise delegated in § 2.17 (b)(1); but including authority to approve joint regulations issued by the Department of State and authority to represent the Department of Agriculture in all interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations.

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Inspection Services

4. Section 2.51 is amended by revising paragraph (a)(1) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) *Delegations.* * * *

(1) Administer the Foreign Service personnel system for employees of the Animal and Plant Health Inspection Service in accordance with 22 U.S.C. 3922, except that this delegation does not include the authority to approve joint regulations issued by the Department of State relating to administration of the Foreign Service, nor an authority to represent the Department of Agriculture in interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations.

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

5. Section 2.68 is amended by revising paragraph (a)(33) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.* * * *
(33) Administer the Foreign Service personnel system for the Department in accordance with 22 U.S.C. 3922, except as otherwise delegated in § 2.51(a)(1); but including authority to represent the Department of Agriculture in all interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations and authority to approve regulations issued by the Department of State relating to the administration of the Foreign Service.

Dated: October 25, 1982.

For Subpart C:

John R. Block,
Secretary of Agriculture.

For Subpart F:

C. W. McMillan,
Assistant Secretary for Marketing and Inspection Services.

For Subpart H:

Seeley G. Lodwick,
Under Secretary for International Affairs and Commodity Programs.

[FR Doc. 82-29860 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-34-M

Food and Nutrition Service

7 CFR Parts 272, 274, and 276

[Amdt. No. 227]

Food Stamp Program; Issuance Loss Liability

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rulemaking.

SUMMARY: This interim rulemaking will modify the Food Stamp Program in the following ways. It will make State agencies strictly liable to FNS, and in turn hold issuance agents strictly liable for the value of food stamps incorrectly issued due to the agent's failure to document the fact that the issuer has complied with the photographic identification (photo ID) card requirements. In addition, this rulemaking will require the State agency to include provisions establishing this liability in all agreements and contracts with issuance agents. This program modification is based on the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97-98), and is designed to control program losses and thus to conserve program funding.

DATES: This rule will be effective on October 29, 1982 and must be implemented January 1, 1983. Comments must be received on or before January 27, 1983 to be assured of consideration.

States must begin implementation of the issuing agent liability provisions of the rule immediately and complete implementation by October 27, 1983. The State liability provisions of the rule will be effective January 1, 1983.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302.

All written comments will be available for public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302, Room 708.

FOR FURTHER INFORMATION CONTACT: Mr. O'Connor at the above address. Phone (703) 756-3429.

SUPPLEMENTARY INFORMATION: This action has been reviewed in relation to the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1, and it has been determined that the action is a non-major rule as defined by that Order. It will not result in an annual effect on the economy of \$100 million or more because this rule does not mandate any State activities that will significantly increase expenditures. The rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Because the rule will not affect the business community, it will not result in

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

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). Samuel J. Cornelius, Administrator, Food and Nutrition Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Requirements are not placed on small businesses or small organizations. Some requirements are placed on State agencies. However, the requirements do not have significant economic impact on local governments.

This action does not contain reporting and recordkeeping requirements subject to OMB approval under the Paperwork Reduction Act.

This rulemaking is being published as an interim rule, in part effective immediately. Sections 1312 and 1321 of Pub. L. 97-98, dealing with issuance liability, were among provisions which, under section 1338 of that law, were originally scheduled to become effective on dates prescribed by the Secretary, taking into account the need for orderly implementation (Pub. L. 97-98, Title XII, section 1338, 95 Stat. 1285, December 22, 1981). However, the effective date provisions of Pub. L. 97-98 were modified by the Food Stamp Act Amendments of 1982 notwithstanding section 1338, made all of the food stamp provisions of Pub. L. 97-98 not already effective, effective upon enactment of the 1982 legislation (Pub. L. 97-253, Title I, Subtitle F, section 192(b), September 8, 1982). The 1982 provisions were signed into law September 8, 1982. The Department is therefore implementing the issuance liability provisions of Pub. L. 97-98 as rapidly as possible. For these reasons, Samuel J. Cornelius, Administrator, Food and Nutrition Service has determined, pursuant to 5 U.S.C. 553, that prior public comment on this rulemaking is impracticable and contrary to public interest and that good cause exists for making portions of this rule effective less than 30 days after publication. Public comment is solicited on this rule for 90 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Background

Issuing Agent Liability

On October 9, 1981 the Department published and implemented a final rule on photographic identification (photo ID) card systems (46 F.R. 50270). The rule specified those areas in which photo ID card systems were required to be used and provided that FNS would consider waivers of the requirements in certain circumstances.

The Food Stamp and Commodity Distribution Amendments of 1981, at section 1312, provide that State agencies be held strictly liable to FNS for the value of food stamps improperly issued in photo ID card areas where the issuing agent has not documented compliance with the photo ID regulations mentioned above. In addition, section 1321 of that law requires that State agencies, in turn, must hold the issuer liable for incorrect issuances, and must include in any contract or agreement a provision establishing this liability. The contract provision with issuing agents (in photo ID areas) must stipulate that the issuer shall comply with the photo ID regulations by (1) requiring a person transacting an ATP to present a valid photo ID card and, (2) annotating the ATP with the number appearing on the ID card. If the issuer does not fulfill these two requirements, and if the State agency through reconciliation later determines that the ATP was stolen or otherwise not transacted by the household certified as eligible to receive it, then the issuing agent shall be liable to the State agency for the full amount of food stamp coupons issued in the transaction. The State agency would be liable to FNS for losses in these circumstances.

The 1980 Amendments to the Food Stamp Act of 1977 (Pub. L. 96-249) required FNS to designate those areas in which photo ID card systems would have to be used. In the course of making these designations, FNS permitted State and local agencies to take alternative approaches on some specific components of the photo ID systems as long as the modified system would be as secure as the system set forth in regulations. In no case was an area relieved of the responsibility to employ an ID card system deemed necessary under regulations; rather, FNS allowed specific modifications to specific requirements of the regulations. Therefore, in those areas designated by FNS as required to use a photo ID card system where FNS has waived specific components of the system or allowed alternative approaches to components, State agencies will be held strictly liable to FNS for losses due to improper

issuances by issuing agents. Contracts with issuers in such areas must contain the contractual language conveying liability to the issuers for improper issuances as provided for in this rule.

Some State or local agencies have elected to improve the security of their issuance systems by using a photo or non-photo ID card system of their own volition. Since these areas have not been designated by FNS as required to use a photo ID card system, no liability for losses is conveyed on these areas by the legislation. However, this does not preclude State agencies from voluntarily including provisions holding issuance agents liable for losses in their contracts with the issuance agents.

During the usual monthly ATP reconciliation State agencies identify all duplicate issuance ATP's and check for the household's ID card number which the issuer is required to annotate on the card. Assuming two (or more) ATP cards were issued to a given household and redeemed by an issuing agent or agents, liability would be determined as follows:

1. If none of the ATP's issued to a household has the household's correct ID card number (i.e., if they are blank or have an incorrect number) the State agency would be liable under this rule to FNS for all of the ATP's transacted and the issuer would be liable to the State agency, because of the issuer's failure to comply with contractual obligations required under this rule.

2. If one transacted ATP has the household's correct ID card number, and others are either blank or have an incorrect number, the State agency would be liable to FNS, and the issuer liable to the State agency, for those ATP cards that do not have the household's correct ID card number.

3. If all of the transacted ATP's have the household's correct ID card number, and in other ways appear to have been transacted by the household, the household would be liable to the State agency for the overissuances in accordance with established claim determination procedures.

In situations one or two, neither the State agency nor the issuance agent would be liable for any ATP cards on which the ID number was omitted or incorrectly annotated if they could show that the ATP cards were rightfully transacted by households. In such cases, the household would be liable for any duplicate issuances as they would be in situation number three.

State agencies currently submit monthly ATP Reconciliation Reports, FNS-46 forms, on which they report duplicate issuances that have been

discovered during the reconciliation process. Duplicate issuances in which both the original and replacement ATP cards were transacted by a household and for which State agencies are not liable are reported on line 16 of the form. Duplicate issuances which were caused by the State agency and for which the State agency is liable are reported on line 14 of Section II. Since this rule would hold State agencies liable for duplicate issuances for which they have not been held liable heretofore, a change in reporting must be made. Therefore, beginning with the ATP Reconciliation Report (FNS-46) submitted for the first month these new liability provisions are in effect, State agencies are to report this type of duplicate issuance for which they will be held liable on line 14 of the report. Information reported on the FNS-46 will continue to be reviewed by FNS and State agencies for its accuracy.

Implementation

State agency liability to FNS for losses traced to issuance agents where reconciliation shows noncompliance with photo ID requirements will be assessed beginning with the fiscal quarter that begins on January 1, 1983.

Contract provisions establishing the liability of an issuing agent for these issuance losses must be included in the next contract or agreement between the State agency and the issuing agent that is entered into or renewed after publication of this rule. Not later than one year following such publication, all contracts or agreements must contain the required provision(s) establishing liability. However, FNS will hold State agencies liable for these losses beginning January 1, 1983 whether or not the State agencies have secured contractual recourse to issuing agents.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Records, Reporting requirements.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs—social programs, Penalties.

Therefore, 7 CFR Parts 272, 274 and 276 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(47) is being added to read as follows:

§ 272.1 General terms and conditions.

(g) Implementation. * * *

(47) Amendment 227.

(i) In accordance with § 276.2(b)(3) (iii), FNS will hold State agencies strictly liable for losses by issuance agents where reconciliation shows noncompliance with photographic identification (photo ID) card requirements beginning with the fiscal quarter that begins January 1, 1983.

(ii) State agencies shall include provisions establishing the liability to the State agency of an issuing agent for the issuance losses covered in § 274.1(b)(6) in the next contract or agreement between the State agency and the issuing agent that is entered into or renewed after publication of this rule. Not later than one year following such publication, all contracts or agreements shall contain the required provision establishing the liability. However, failure of State agencies to include this language in contracts will not absolve the State agencies of the liability referred to in paragraph (g)(47)(i) of this section.

PART 274—ISSUANCE AND USE OF FOOD COUPONS

2. In § 274.1 new paragraph (b)(6) is added after paragraph (b)(5) to read as follows:

§ 274.1 State agency issuance responsibilities.

(b) Contracting or delegating issuance responsibilities. * * *

(6) In project areas or parts of project areas where FNS has required a photograph identification (photo ID) card system to be used, the State agency shall include in any contract or agreement with an issuing agent a provision establishing the agent's liability to the State agency for the face value of coupons issued in any ATP transaction where the ATP is found to have been stolen or otherwise not received by the household certified as eligible, when the issuing agent's cashier has not fulfilled the requirements contained in § 274.2(e)(8). In project areas or parts of project areas where FNS has granted a waiver or waivers of any provision(s) of the photo ID requirements based on determinations that State agency alternatives will not compromise the security of the ID system, a provision must be included

conveying the same liability to issuing agents referred to in the preceding sentence.

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

4. In § 276.2 paragraph (b)(3), paragraphs (iii) and (iv) are redesignated (iv) and (v) respectively and a new paragraph (iii) is added. The addition reads as follows:

§ 276.2 State agency liabilities.

(b) *Coupon shortages, losses, unauthorized issuance and overissuances.* * * *

(3) * * *

(iii) Duplicate issuances in areas in which photographic identification (photo ID) cards are required to be used, where reconciliation shows that (1) and ATP was improperly transacted and, (2) that the issuing agent has not complied with the photo ID verification and documentation requirements specified in §§ 274.2(e) and 274.2(f). Where provisions of the photo ID requirements have been waived by FNS the State agency would be liable for duplicate issuances when reconciliation shows that an ATP was improperly transacted and that the issuance agent has not complied with the verification and documentation requirements substituted by the waiver.

(91 Stat. 958 (7 U.S.C. 2011-2029)
(Catalog of Federal Domestic Assistance
Program No. 10551, Food Stamps)

Dated: October 21, 1982.

Robert E. Leard,

Associate Administrator.

[FR Doc. 82-29861 Filed 10-28-82; 8:45 am.]

BILLING CODE 3410-30-M

Agricultural Marketing Service**7 CFR Part 910**

[Lemon Reg. 383; Lemon Reg. 382, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period October 31-November 6, 1982, and increases the quantity of lemons that may be shipped during the period October 24-30, 1982. Such action

is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective October 31, 1982, and the amendment is effective for the period October 24-30, 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 final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule.

The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule 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 6, 1982. The committee met again publicly on October 26, 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 weeks. 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 and amendment are based

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.683 is added as follows:

§ 910.683 Lemon Regulation 383.

The quantity of lemons grown in California and Arizona which may be handled during the period October 31, 1982, through November 6, 1982, is established at 210,000 cartons.

2. Section 910.682 Lemon Regulation 382 (47 FR 47000) is revised to read as follows:

§ 910.682 Lemon Regulation 382.

The quantity of lemons grown in California and Arizona which may be handled during the period October 24, 1982, through October 30, 1982, is established at 225,000 cartons.

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

Dated: October 28, 1982.

Charles R. Brader,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 82-30023 Filed 10-28-82; 11:24 am]

BILLING CODE 3410-02-M

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Increase in Payment Rates for Services With Respect to Reserve Tonnage Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation increases the rates of payment to raising handlers for receiving, storing, fumigating, and handling reserve tonnage raisins during and beyond the crop year of acquisition. This action is based on a recommendation of the Raisin Administrative Committee, which works with the Department in administering the marketing agreement and order program for California raisins.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division,

AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a "non-major" rule 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 20 handlers.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because: (1) Costs involved in providing these services such as labor, employee benefits, plant and administrative overhead and equipment have increased significantly, and handlers should be paid at the increased rates as soon as possible; and (2) postponing the effective date of this action would serve no useful purpose.

Notice of this action was published in the Federal Register on September 24, 1982 (47 FR 42111). In that notice interested persons were given the opportunity to submit comments until October 6, 1982. None was received.

To initiate the rate increases, it is necessary to amend § 989.401(a)(1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401). This action will be taken under § 989.66(f) of the marketing agreement and Order No. 989 (7 CFR 989), both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This action increases handler payment rates for: (1) Receiving, storing, fumigating, and handling reserve tonnage raisins during the crop year of acquisition from \$32.50 to \$36 per ton; and (2) holding reserve tonnage raisins beyond the crop year of acquisition from \$1.62 to \$1.80 per ton for each month of the three-month period ending November 30, and from 84 cents to 93 cents per ton for each month of the next nine months.

Funds to pay these costs are deducted from proceeds from the sale of reserve tonnage raisins held by handlers for the account of the Committee. Net proceeds from such sales are remitted to equity holders in the reserve pool.

After consideration of all relevant matter presented, including that in the

notice, the information and recommendation submitted by the Committee, and other information, the amendment of § 989.401(a)(1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401; 46 FR 37054), as hereinafter set forth, to make these rate increases is approved.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, California.

PART 989—[AMENDED]

Therefore, § 989.401 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition—(1) Receiving, storing, fumigating, and handling.* Each handler shall, beginning August 15, 1982, be compensated at the rate of \$36 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentage, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year: *Provided,* That reserve tonnage acquired during the 1981-82 crop year and held as of August 15, 1982, shall be compensated at the rate of \$36 per ton (natural condition weight at the time of acquisition).

(2) ***

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of \$1.80 per ton per month, or any part thereof, for each month of the three-month period ending November 30, and 93 cents per ton per month, or any part thereof, for each month of the next nine months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

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

Dated: October 22, 1982.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 82-29731 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Part 282

[Docket No. RM 79-14]

Order of the Director, OPR, of
Publication of Incremental Pricing
Acquisition Cost Thresholds Under
Title II of the NGPA

Issued: October 22, 1982.

AGENCY: Federal Energy Regulatory
Commission.**ACTION:** Order prescribing incremental
pricing thresholds.**SUMMARY:** The Director of the Office of
Pipeline and Producer Regulation is

issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT:
Kenneth A. Williams, Federal Energy
Regulatory Commission, 825 N. Capitol
Street, N.E., Washington, D.C. 20426
(202) 357-8500.

SUPPLEMENTARY INFORMATION: Section
203 of the NGPA requires that the
Commission compute and make
available incremental pricing

acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of November 1982 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

CALENDAR YEAR 1980

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold.....	\$1.702	\$1.738	\$1.750	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA Section 102 Threshold.....	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold.....	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold.....	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

CALENDAR YEAR 1981

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold.....	\$1.891	\$1.908	\$1.925	\$1.942	\$1.954	\$1.967	\$1.980	\$1.990	\$2.000	\$2.010	\$2.025	\$2.041
NGPA Section 102 Threshold.....	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold.....	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold.....	7.610	7.780	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES (CONTINUED)

CALENDAR YEAR 1982

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Incremental Pricing Threshold.....	\$2.057	\$2.071	\$2.085	\$2.099	\$2.106	\$2.113	\$2.120	\$2.129	\$2.139	\$2.149	\$2.159
NGPA Section 102 Threshold.....	3.003	3.003	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249
NGPA Section 109 Threshold.....	2.126	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234
130% of No. 2 Fuel Oil in New York City Threshold.....	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640

[FR Doc. 82-29722 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND
HUMAN SERVICESFood and Drug Administration
21 CFR Part 310

[Docket No. 81N-0219]

Inhalation Anesthetic Drug Products;
Revocation of Requirements for
Studies of Carcinogenic and
Teratogenic Potential**AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking a stayed regulation that requires manufacturers of inhalation anesthetic drug products to establish and conduct studies in animals to determine the potential of these drug products to cause cancer and birth defects. The stayed regulation is being revoked because recent studies together with all other available information have led FDA to conclude that additional studies are not necessary at this time.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT:
Howard P. Muller, National Center for
Drugs and Biologics (HFD-30), Food and
Drug Administration, 5600 Fishers Lane,
Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the
Federal Register of August 28, 1981 (46
FR 43465), FDA proposed to revoke
§ 310.511 (21 CFR 310.511) which
established certain requirements for
inhalation anesthetic drug products. The
regulation requires the holders of new
drug applications (NDA's) and
abbreviated new drug applications

(ANDA's) for halogenated inhalation anesthetic drug products to conduct animal studies on the potential of these drug products to cause cancer and to affect reproduction, including any potential for causing birth defects. The NDA and ANDA holders are required to submit reports on these studies to FDA to be used to determine whether the labeling of the products should be revised to provide for safer use of the drug products or whether approval of the applications for the products should be withdrawn. Section 310.511 became effective on August 22, 1977, but was stayed on March 2, 1979 (44 FR 11753), pending a further examination of the value of the animal studies.

The regulation was based on a review of 27 literature references and a recommendation by FDA's Anesthesiology Advisory Committee (formerly the Respiratory and Anesthetic Drugs Advisory Committee). The Committee concluded that sufficient evidence existed in the literature to cause concern about the carcinogenic and mutagenic potential of halogenated inhalation anesthetic drug products, as well as their effects on reproduction, including teratogenic potential. FDA agreed that animal studies on these products should be conducted to dispel that concern. In recommending that a regulation be adopted, the FDA Anesthesiology Advisory Committee relied to a large extent on a study conducted by Dr. Thomas A. Corbett entitled "Cancer and Congenital Anomalies Associated with Anesthetics".

As noted in the proposal to revoke the regulation, a subsequent study by Dr. Edmund E. Eger II, et al., found several deficiencies in the Corbett study and, in FDA's view, has refuted its conclusions. In addition, several other studies, listed in the proposal to revoke the regulation, have become available since the regulation was issued. These studies, together with the Eger study, led FDA to conclude tentatively that there was insufficient evidence upon which to base a requirement that NDA and ANDA holders conduct animal studies on the potential of these drug products to cause cancer or to affect reproduction.

The agency received five comments on the proposal. Four comments supported the proposal to revoke the regulation and one comment opposed it.

The comment that disagreed with the proposal contended that FDA should require the testing of inhalation anesthetic drug products because of their teratogenic potential. The comment claimed that two of the studies cited in the proposal, Corbett et al. and Ferstandig, fail to address teratogenic potential adequately, and that many pertinent studies were omitted from the proposal. In addition, the comment said that studies have shown that several inhalants have antimitotic effects (interference with cell proliferation), which should be sufficient cause for FDA to require testing for developmental effects. The comment also cited several studies which demonstrated teratogenic effects with several inhalants when delivered during organogenesis. Furthermore, the comment noted several reports which confirm that inhalants have long-lasting effects on the behavior of adult animals exposed in utero, and said that behavioral effects in human neonates exposed to inhalants during parturition have been reported by many investigators. The comment cited the results of her own study of the exposure of mice to nitrous oxide and halothane, which resulted in permanent behavioral differences. Finally, the comment said that research should give particular attention to personnel in medical professions who are accidentally exposed to clinical doses delivered to patients and to fetuses and neonates who are incidentally exposed during parturition.

The agency agrees that studies such as those cited by the Comment have demonstrated the teratogenic potential of these drug products. Teratogenic effects are a potential result of the use of many drugs. FDA does not, however, routinely require postapproval studies simply because of that potential, but it does require the information to be included in that product's labeling. Section 201.57(f)(6) (21 CFR 201.57(f)(6)) requires detailed information in a drug product's labeling concerning known or potential teratogenic effects of that drug product.

For example, where animal reproduction studies have shown an adverse effect on the fetus and there are no adequate and well-controlled studies in humans, yet the benefits from the use of the drug in pregnant women may be acceptable despite its potential risks, the regulations would require the labeling to include this information and to state that the drug should be used during pregnancy only if the potential benefit justifies the potential risk to the fetus.

It is a generally accepted fact that the anesthetic use of inhalation products should be avoided where possible by women in early pregnancy. The existing labeling of these drug products includes statements that the drugs should not be used in women of childbearing potential, particularly during early pregnancy, unless in the judgment of the physician the potential benefits outweigh the possible adverse effects upon fetal development. The administration of inhalation anesthetics, nonetheless, is not generally an elective matter. Because suitable alternatives are lacking, these drugs cannot be contraindicated in women of childbearing potential. Decisions regarding the use of these drugs, therefore, must be made on an individual benefit-versus-risk basis by the physician and the patient.

FDA acknowledges that additional teratogenicity studies might yield some new information, but given the lack of alternative therapy it is extremely unlikely that the information would alter the use of these drugs or would result in labeling changes because warnings are already present in the labeling.

Studies of this type are extremely expensive and should be required only if they may produce additional benefits. Because such benefits are unlikely to be achieved here, the agency has decided that the public will be better served if the health care industry's research capabilities are put to use in areas that are more likely to benefit the public health.

Thus, in the agency's view, the current labeling, based on the results of all available studies, is adequate for the safe use of these drugs. The agency does not believe that additional studies

would serve any useful purpose at this time.

The agency has carefully considered the potential environmental impact of this final rule and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The agency has examined the economic impact of this rule and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the agency has determined that because the effect of this final rule is to revoke a stayed regulation, no economic impact will result. Therefore, the agency concludes that the final rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, Medical devices, Reporting and recordkeeping requirements.

PART 310—NEW DRUGS

§ 310.511 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 310 is amended by removing § 310.511 *Inhalation anesthetic drugs*.

Effective date. November 29, 1982.

(Secs. 505, 701(a), 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a)))

Dated: October 6, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82-29728 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co., providing for additional labeling statements for use of monensin in cattle feeds, feed supplements, and premixes.

DATES: Effective October 29, 1982; revised labeling must be submitted by December 28, 1982.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION:

Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, submitted a supplemental NADA (95-735) revising the labeling for monensin cattle feeds, feed supplements, and premixes to add warning statements or clarify existing warning statements as follows: (1) Monensin cattle feeds are safe for use in cattle only; (2) premixes must not be fed undiluted; (3) feeds must be thoroughly mixed before use; (4) high concentrations of monensin could be fatal to cattle; (5) excess levels of monensin may result in reduced weight gains; (6) do not allow horses or other equines access to feeds containing monensin. Ingestion of monensin by horses has been fatal. These revisions are consistent with the changes provided for the Federal Register of May 4, 1982 (47 FR 19119) relating to use of monensin liquid feed supplements in the production of finished cattle feed.

On or before December 28, 1982, current holders who wish to maintain their approved medicated feed applications (MFA's) providing for the use of monensin in dry feeds must submit revised labeling to their application conforming to the new revised regulation. MFA holders who no longer wish to manufacture monensin dry feeds or supplements should request withdrawal of approval of their application(s) and waive the opportunity for a hearing. The agency will proceed to withdraw approval of any medicated feed application if it is not appropriately amended on or before December 28, 1982. Labeling bearing the statements required by this revised regulation and otherwise consistent with labeling

provided for by Elanco's supplemental NADA may be placed into effect in advance of approval of the supplemental MFA because the changes provide for safer use of monensin medicated feed. Revised labeling submitted, consistent with the provisions of 21 CFR 558.355 as amended, will be filed with the original application.

Approval of this supplement does not change the previously approved use of the drug, but provides added warnings for safer use. It results in no increased human risk from exposure to residues of the animal drug because the number of food-producing animals receiving the drug will not significantly increase. The drug will not be used at a higher dosage, for longer duration, or for different indications.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I supplemental approval, which does not require reevaluation of the effectiveness or human safety data supporting the parent NADA.

The supplement is approved, and the regulations are amended accordingly.

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 § 558.355 by adding new paragraph (d) (6), (7), (8), and (9), by removing the last five sentences in paragraph (f)(3)(i)(b) (1), by removing the last sentences in paragraph (f)(3)(ii)(b), and by removing the last two sentences in paragraph (f)(3)(iii)(b), as follows:

§ 558.355 Monensin.

(d) * * *

(6) The labeling of all formulations containing monensin shall bear the following caution statement: Do not allow horses or other equines access to formulations containing monensin. Ingestion of monensin by equines has been fatal.

(7) The labeling of all premixes and feed supplements (liquid and dry) containing monensin intended for use in cattle shall bear, in addition to the caution statement in paragraph (d)(6) of this section, the following caution statements:

(i) Monensin medicated cattle feed is safe for use in cattle only. Consumption by unapproved species may result in toxic reactions;

(ii) Feeding undiluted or mixing errors resulting in high concentrations of monensin could be fatal to cattle;

(iii) Must be thoroughly mixed in feeds before use;

(iv) Do not feed undiluted;

(v) Do not exceed the levels of monensin recommended in the feeding directions, as reduced average daily gains may result.

(8) The labeling of complete feeds containing monensin intended for use in cattle shall bear the caution statements specified in paragraph (d)(6) and (7) (i) and (v) of this section.

(9) The labeling of premixes containing monensin intended for use in chickens shall bear the caution statements specified in paragraph (d)(6) and (7) (iii) and (iv) of this section.

Effective date. October 29, 1982.

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

Dated: October 21, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-29491 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 600, 610, and 640

[Docket No. 79N-0405]

Platelet Concentrate (Human);
Additional Standards

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations by: (1) eliminating the volume limits required for the shipping, processing, and storage of Platelet Concentrate (Human); (2) requiring that the Rh and ABO blood

group be designated on the label of Platelet Concentrate (Human); and (3) reducing the dating period for Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich stored at 1° to 6° C from 72 hours to 48 hours from the time of collection of the source blood. These updated regulations, based on recently published scientific studies and experience, reflect an improvement in the safety, purity, potency, and efficacy of Platelet Concentrate (Human).

DATES: Effective November 29, 1982; labeling requirements shall become effective April 29, 1983.

FOR FURTHER INFORMATION CONTACT:

T. Rada Proehl, National Center for Drugs and Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA issued additional standards for Platelet Concentrate (Human) on January 29, 1975 (40 FR 4300) under §§ 640.20 through 640.26 (21 CFR 640.20 through 640.26). As a result of significant changes in platelet production since the publication of the additional standards for Platelet Concentrate (Human), FDA published a notice of proposed rulemaking in the *Federal Register* on January 15, 1980 (45 FR 2852) to amend the biologics regulations specifically by (1) eliminating the volume limits for Platelet Concentrate (Human), (2) requiring that Rh and ABO blood groups be designated on the label for Platelet Concentrate (Human), and (3) reducing the dating period for Platelet Concentrate (Human) and Single Donor Plasma (Human). These changes are discussed below.

A. Elimination of Volume Limits for Platelet Concentrate (Human)

Section 640.24(d) (21 CFR 640.24(d)) previously required that a specified volume of original plasma be used for the resuspension of platelets and that the plasma be stored at a specified temperature in order to maintain a pH of not less than 6.0 during the storage period. The required storage temperature and corresponding volume of resuspension plasma to be used continuously was: 20° to 24° C resuspended in 30 to 50 milliliters of plasma or 1° to 6° C resuspended in 20 to 30 milliliters of plasma. The pH was required to be measured on a sample of platelet concentrate at the selected storage temperature. As stated in the proposal, current manufacturing techniques produce a higher concentration of platelets in each unit of Platelet Concentrate (Human). This change in platelet concentration is

significant because the current upper limit of 50 milliliters for the volume of resuspension plasma for Platelet Concentrate (Human) no longer ensures the maintenance of the required pH of not less than 6.0 during the storage period. Platelet viability is known to be compromised at a pH of less than 6.0. Consequently, the present limits for the volume of resuspension plasma for Platelet Concentrate (Human) do not ensure the quality of the product or encourage the development of techniques that improve the yield of platelets from a unit of source blood. FDA therefore proposed to eliminate the volume limits and to require that the volume of resuspension plasma be determined solely by the maintenance of a pH of not less than 6.0 during the storage period. The proposal did not recommend change of the storage temperatures which continue to be 20° to 24° C or 1° to 6° C with pH measured on a sample of platelet concentrates stored for the maximum dating period at the selected storage temperature. Consistent with the elimination of the volume limits of resuspension plasma in § 640.24(d), FDA also proposed to amend § 640.20(a) (21 CFR 640.20(a)) to revise the wording concerning the volume of resuspension plasma in the definition of Platelet Concentrate (Human). Correspondingly, FDA proposed to eliminate references to the volume limits of the resuspension plasma for Platelet Concentrate (Human) in § 600.15(a) (21 CFR 600.15(a)) and § 640.25(a) (21 CFR 640.25(a)).

B. Requiring Label Designation of ABO and Rh Blood Group

Section 640.26(e) (21 CFR 640.26(e)) previously required the container label for Platelet Concentrate (Human) to bear the blood group designations. Although tests used to identify both the ABO and Rh blood groups are required for the blood from which plasma is separated for the preparation of Platelet Concentrate (Human), the existing labeling requirements were interpreted by many people to apply only to the ABO blood group designation because of its clinical use. The proposal explained that designation of the Rh blood group is important because platelet products are contaminated with significant number of red blood cells which can cause immunization to the Rh antigen. Therefore, FDA proposed to amend § 640.26(e) to specify that the container label for Platelet Concentrate (Human) bear the ABO and Rh blood group designation of the source blood.

C. Reduction of Dating Period

The previous dating period in § 610.53(a) (21 CFR 610.53(a)) for Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich stored at 20° to 24° C or 1° to 6° C was 72 hours from the time of collection of the source blood. Because published studies demonstrate that platelets stored at 1° to 6° C for 72 hours are substantially and significantly inferior to platelets stored at 20° to 24° C for the same period, FDA proposed to reduce the dating period for Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich stored at 1° to 6° C from 72 hours to 48 hours from the time of collection of the source blood. Consistent with the reduction in dating period in § 610.53(a), FDA proposed to amend § 640.25(b) (21 CFR 640.25(b)) to specify that quality control testing be performed at the end of the storage period.

Interested persons were given until March 17, 1980 to file written comments regarding the proposal with the agency. Ten comments were received on the proposal. Three comments completely supported the proposed changes. One comment proposed an amendment to 21 CFR 640.24(b) to extend the time from 4 hours to 6 hours for separating platelet concentrate after the collection of the unit of whole blood or plasma. Although this comment is outside the scope of the subject proposed, the agency advises that it is currently considering data and, if appropriate, will propose to amend the regulations using separate rulemaking procedures.

The remainder of the comments received and the agency's responses appear below:

1. One comment stated that proposed § 600.15(a) was confusing because it specified two shipping temperature ranges but did not specify what storage temperatures the shipping temperatures corresponded to. The comment recommended that the two shipping temperature requirements be related to the storage temperature requirements prescribed in § 610.53(a).

The agency agrees with this comment. For clarification, the agency is amending proposed § 600.15(a) to require that the temperature during shipping be between 1° and 10° C, if the label indicates storage between 1° and 6° C, or if the label indicates storage between 20° and 24° C, all reasonable methods to maintain the shipping temperature as close as possible to a range between 20° and 24° C.

2. One comment suggested clarifying proposed § 610.53(a), which prescribes the dating period for Platelet Concentrate (Human) stored at 20° to

24° C or 1° to 6° C. Proposed § 610.53(a) required that the dating period be "48 hours from the time of collection of source blood, provided labeling recommends storage at 1° to 6° C." The comment recommended that the phrase "if shipped and stored" be substituted for the phrase "provided labeling recommends storage." However, the comment did not explain why the suggested clarification was needed.

The agency disagrees with the comment because the shipping and storage temperatures for Platelet Concentrate (Human) are different. According to § 600.15(a), a shipping temperature of 1° to 10° C is permitted for Platelet Concentrate (Human) that is labeled for storage at 1° to 6° C. Under the proposed comment, the shipping temperature for Platelet Concentrate (Human) stored at 1° to 6° C would be limited to 1° to 6° C. This would be inconsistent with § 600.15(a). Accordingly, the comment is rejected.

3. Two comments on proposed § 610.53(a) objected to the proposed reduction in the dating period (expiration date) from 72 hours to 48 hours for Platelet Concentrate (Human) stored at 1° to 6° C. The comments acknowledged published data demonstrating a shortened survival in the long-term stored refrigerated (1° to 6° C) platelets. The comments further stated, however, that the reduction will result in burdens being imposed upon the attending physician, the hemorrhaging patient, and the night blood bank technician in emergency situations because platelets may be unavailable as a result of the reduced dating. The comments stated that the reduced risk of bacterial contamination of the product is an additional factor which should be considered for retaining the current 72-hour dating period for platelets stored at 1° to 6° C. One of the comments proposed a label statement to indicate that platelets stored for 72 hours between 1° and 6° C be permitted for use if the platelets stored at 48 hours are not available.

The agency emphasizes that the dating period established for Platelet Concentrate (Human) or for any biological product as prescribed in § 610.53(a) is "based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency provided the product is maintained at the recommended temperatures." According to section 351(d) of the Public Health Service (PHS) Act, licenses are issued to establishments for the manufacture of

products in interstate commerce only if the product meets standards designed to ensure the continued safety, purity, and potency of such products.

As stated in the preamble of the proposal, data available to the agency demonstrate that platelets stored at 1° to 6° C for 72 hours result in a product having inferior clinical efficacy when compared with platelets stored for 72 hours at 20° to 24° C. The approval by the agency of a flexible label statement that permits the use of platelets stored for a period beyond the stated dating period would violate § 610.53(a) of the biologics regulations and section 351(d) of the PHS Act that specifically provides for the continued potency of the product. The agency believes that, as with the dating periods of other drugs, procedures will be developed by hospitals to ensure the availability of sufficient quantities of platelets for emergencies and the efficient use of the product before the expiration date.

Published studies further demonstrate that bacterial contamination is not a limiting factor for platelets stored at 20° to 24° C, if venipuncture technique and donor selection are satisfactory. In fact, Platelet Concentrate (Human) units have been found by some laboratories to contain inherent bactericidal properties which reduce the risk of bacterial growth. The agency advises that the benefit to the patient of a superior platelet product stored at 1° to 6° C for 48 hours compared with storage at 1° to 6° C for 72 hours outweighs the cost, if any, to the manufacturer. For these reasons, therefore, the agency finds no basis for retaining the 72-hour dating period for platelets stored at 1° to 6° C or for permitting the use of a flexible label statement, and the comments are rejected.

4. One comment on proposed § 640.20(a) questioned how Platelet Concentrate (Human) is to be distinguished from Single Donor Plasma (Human), Platelet Rich if the volume limits of resuspension plasma are deleted for Platelet Concentrate (Human), as proposed in § 640.24(d).

The agency advises that with the elimination of the volume limits of resuspension plasma for Platelet Concentrate (Human), the method of preparing Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich by centrifugal spin continues to be a distinguishing feature between these plasma-derived products. Single Donor Plasma (Human), Platelet Rich is manufactured from the first centrifugal spin of a unit of whole blood. Single Donor Plasma (Human), Platelet Rich is then spun at a different time and

speed to produce Platelet Concentrate (Human). In the process of two centrifugal spins, plasma volume is decreased. Consequently, a significantly smaller volume of plasma should be used to resuspend the platelets in Platelet Concentrate (Human). This volume difference would be reflected on the label of the final product which would indicate the product name Platelet Concentrate (Human) or Single Donor Plasma (Human), Platelet Rich and the actual volume of original plasma that is suspending the platelets for the respective final product. Thus, Single Donor Plasma (Human), Platelet Rich can be distinguished from Platelet Concentrate (Human).

5. One comment suggested replacing the word "suspended" with the word "resuspended" in proposed § 640.20(a) to more accurately describe the processing of Platelet Concentrate (Human) in the original plasma of a single donor.

The agency agrees with this comment because the preparation of Platelet Concentrate (Human) involves the resuspension of platelets in original plasma. The term "resuspension" therefore more accurately describes the preparation of Platelet Concentrate (Human).

The agency is also making one other revision to the definition of Platelet Concentrate (Human). The proposed definition stated that the " * * * platelets [should be] collected from a single donor * * *". The agency has substituted the phrase "one unit of blood" for the proposed phrase "a single donor" to more precisely identify the method of collecting the platelets intended for the preparation of Platelet Concentrate (Human). The phrase "one unit of blood" makes clear that the preparation of Platelet Concentrate (Human) does not involve the pooling of more than one platelet unit collected by plateletpheresis from the single donor. The word and phrase substitutions provide no change in the intent of the proposed definition. Accordingly, the agency has revised § 640.20(a) to define the product as platelets collected from one unit of blood and resuspended in an appropriate volume of original plasma as prescribed in proposed § 640.24(d).

6. One comment recommended that the existing volume requirements of resuspension plasma for Platelet Concentrate (Human) in § 640.24(d) be retained. The comment criticized the FDA internal study identified in the proposal which demonstrated that 21 percent of the Platelet Concentrate (Human) units submitted as precensuring samples had a pH of less than 6.0. The comment stated that the samples tested

in this study were not representative of the routine preparation of platelet concentrate units because they were precensuring samples and consequently probably had a greater yield of platelets. The comment further questioned the clinical significance of 21 percent of platelet concentrate units with a pH of less than 6.0 and suboptimal activity. In addition, the comment stated that the original volume of 20 to 30 milliliters for 1° to 6° C storage and 30 to 50 milliliters for 20° to 24° C storage was determined to be adequate for an average yield of platelet concentrate. Therefore, the comment states the belief that the result of eliminating the volume limits of resuspension plasma for Platelet Concentrate (Human) could be the production of a greater yield of platelets that may produce more metabolic end products to drive the pH lower at the end of the dating period.

The agency disagrees with this comment. The agency has no basis for believing the comment's suggestion that platelet yield in the routine preparation of platelet concentrate units by blood establishments is significantly less than the platelet yield in the preparation of units submitted as precensuring samples. The agency maintains that platelets with a pH of less than 6.0 demonstrate inferior clinical behavior and, therefore, the 21 percent of platelet concentrate units with a pH of less than 6.0 may be clinically significant.

Moreover, the agency does not believe that eliminating the volume units will result in a greater yield of platelets. Each laboratory is required by § 606.100(b) to maintain a Standard Operating Procedure (SOP) in which a volume limit of resuspension plasma, required to maintain the platelet concentrate pH of not less than 6.0, is defined. The resuspension plasma volume established by each laboratory and stated in the SOP should apply to all platelet concentrate units processed by that laboratory and result in a similar yield of platelets for each unit of platelet concentrate prepared by each respective laboratory. Accordingly, the comment is rejected.

7. As a result of staff reviews, the agency discovered that § 640.24(d) did not specify the time when pH shall be measured on a sample of platelet concentrate stored at the selected storage temperature. The agency is therefore amending § 640.24(d) to require that pH be measured on a sample of platelet concentrate which has been stored "for the maximum dating period."

8. One comment on proposed § 640.24(d) expressed concern over an increase in cost of Platelet Concentrate

(Human), if the volume limits were removed. The comment believed that the increase could result because the technologist would not know how much plasma to leave on the platelet units.

The agency advises that the cost of Platelet Concentrate (Human) should not be increased by eliminating the volume requirements. Section 606.100(b) requires each laboratory to have a Standard Operating Procedure (SOP) which includes a description of all steps to be followed in the manufacture and distribution of blood and blood components. The SOP would, therefore, define a procedure to obtain a volume limit of resuspension plasma required to maintain the platelet concentrate pH of not less than 6.0. The SOP would apply to all platelet concentrate units processed by that laboratory and result in no cost increase for the recipient of a platelet unit. Accordingly, the comment is rejected.

9. One comment on proposed § 640.24(d) suggested that due to the availability of several methods to measure pH, a specific pH method for platelet concentrate should be required to promote uniformity.

The agency acknowledges that other methods, in addition to the pH meter, are available to measure pH. However, the agency does not believe it is necessary to recommend a standard pH measuring method for all laboratories as long as the method selected to measure pH of the Platelet Concentrate (Human) after storage accurately measures a pH of not less than 6.0 with a sensitivity to a tenth of a unit. Any method that does not measure pH with a sensitivity to a tenth of a unit is not acceptable. Accordingly, the comment is rejected.

10. As a result of staff reviews, the agency advises that it is necessary to change a proposed word in the first sentence of § 640.25(a) to ensure the performance of an essential step in the procedure for preparing Platelet Concentrate (Human). Two centrifugal spins are required to prepare Platelet Concentrate (Human) from a unit of whole blood. A product known as Single Donor Plasma (Human), Platelet Rich is produced from the first centrifugal spin. Single Donor Plasma (Human), Platelet Rich is then spun at a different time and speed to produce Platelet Concentrate (Human). It is essential to permit the platelet button produced by the second spin to stand undisturbed for a period of time in order to facilitate resuspension. This period of time, determined by each laboratory and stated in each laboratory's Standard Operating Procedure (SOP), is appropriately considered to be a part of processing a

unit of Platelet Concentrate (Human). The proposed first sentence stated that "Immediately after processing, Platelet Concentrate (Human) shall be placed in storage at the selected temperature range". The agency believes that the phrase "Immediately after processing * * *" could be misinterpreted by manufacturers of Platelet Concentrate (Human) to mean that the product should be placed in storage at the selected storage temperature immediately after the second centrifugal spin. In order to ensure that the platelet button is permitted to stand undisturbed for a period of time to facilitate resuspension, the agency is substituting the word "resuspension" for the proposed word "processing".

11. Two comments suggested modifying proposed § 640.25(b) to require that a minimum percentage of platelet concentrate units meet the pH 6.0 limitation in determining the storage volume. One comment suggested that the regulation require that more than 90 percent of units tested at the expiration date, over any 3-month period, have a pH greater than 6.0. In addition, one of the comments further stated that the quality control issue could be avoided by requiring that the pH be above 6.0, as stated in proposed § 640.24(d), on at least "x" percent of samples tested before storage.

The agency rejects these comments. As stated in the preamble of the proposal, units of Platelet Concentrate (Human) with high platelet concentrations are likely to demonstrate a decrease in pH due to inadequate plasma volumes and consequently become clinically ineffective. As a result, the agency proposed to eliminate the plasma volume limits to facilitate use of plasma volumes that will maintain units of Platelet Concentrate (Human) at a pH of not less than 6.0 during the storage period. Accordingly, the agency believes that all units for the quality control testing should reflect a pH of 6.0 or greater. The agency emphasizes that the 4 units required for quality control testing each month from different donors must be tested at the end, rather than at the beginning, of the storage period because it is the pH changes occurring during storage which present the problem. Section 640.25(b)(2) has been amended accordingly. In addition, the agency advises that it is currently reviewing the benefits of quality control testing for Platelet Concentrate (Human) and other biological products as part of the retrospective review of biologics regulations to identify and eliminate

regulations that are burdensome and unnecessary.

12. One comment on proposed § 640.25(b)(2) recommended specifying the temperature at which the pH is measured. The comment stated that if the pH of the same blood sample is measured at 4° C, the pH meter will read approximately 0.4 unit higher than if the sample is measured at 37° C.

The agency recognizes that pH varies with temperature. Through built-in electronic controls, the pH meter can compensate for any variation in temperature reading that occurs when measuring a solution not at room temperature. Accordingly, § 640.25(b)(2) is amended in the final regulation to require that the pH determination be measured at the storage temperature of Platelet Concentrate (Human).

13. One comment on proposed § 640.26(e) objected to the addition of the Rh designation on the label and questioned whether there was any evidence that the absence of the Rh designation on the label has caused a significant clinical problem. The comment further questioned how the pool would be labeled since a number of units of Platelet Concentrate (Human) are pooled before almost all transfusions, resulting in pooling both Rh positive and negative units together.

The agency advises that there have been reports of Rh sensitization in patients receiving Platelet Concentrate (Human) because of significant numbers of red blood cells contaminating the platelet products. The published data, which have been placed on file with the Dockets Management Branch, also support the contention that a recipient may be immunized to an Rh determinant with a total dose of 1 milliliter, or less, of red blood cells. In addition, one commentator who supports the proposal cited personal experience with three patients who became sensitized to the Rh factor by platelet transfusions. As stated in the preamble of the proposal, FDA believes that labeling is an important factor in safely administering blood products and that information regarding the Rh factor in platelet concentrate should be available for the physician. Any difficulty, as suggested by the comment, with labeling the Rh blood group should not occur since the label would specify the Rh blood group in the unit, or in the case of pooling Rh positive and negative units, the number of each Rh blood group used in the pooling process to make the platelet unit. Accordingly, the comment is rejected.

The economic impact of this rule has been reassessed in accordance with

Executive Order 12291. This rule is not a major rule as defined by that order. Specifically, this rule which eliminates the volume limits, reduces the dating period, and specifies that the ABO and Rh blood group be designated on the label for Platelet Concentrate (Human) ensures the production of a safer and more effective product without creating major increases in costs for manufacturers, physicians, or consumers. The assessment for making the determination that this is not a major rule has been placed on file with the Dockets Management Branch.

The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

List of Subjects

21 CFR Part 600

Biologics.

21 CFR Part 610

Biologics, Labeling.

21 CFR Part 640

Blood.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 701, 52 Stat. 1041-1042 as amended 1050-1051 as amended, 1055-1056 as amended (21 U.S.C. 321, 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drug (21 CFR 5.10), Chapter I of Title 21 of the Code of Federal Regulations is amended in Subchapter F as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

1. In Part 600, § 600.15(a) is amended by revising the entry for "Platelet Concentrate (Human)," as follows:

§ 600.15 Temperatures during shipment.

* * * * *

(a) * * *
Platelet Concentrate (Human).
Between 1° and 10° C if the label indicates storage between 1° and 6° C, or all reasonable methods to maintain the temperature as close as possible to a range between 20° and 24° C, if the label indicates storage between 20° and 24° C.
* * * * *

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. In Part 610, § 610.53(a) is amended by revising the entries for "Platelet

Concentrate (Human)" and "Single Donor Plasma (Human), Platelet Rich" as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

Platelet Concentrate (Human). (a) 72 hours from time of collection of source blood, provided labeling recommends storage at 20° to 24° C or, (b) 48 hours from time of collection of source blood, provided labeling recommends storage at 1° to 6° C. Section 610.51 does not apply.

* * * * *

Single Donor Plasma (Human), Platelet Rich. (a) 72 hours from time of collection of source blood, provided labeling recommends storage at 20° to 24° C or, (b) 48 hours from time of collection of source blood, provided labeling recommends storage at 1° to 6° C. Section 610.51 does not apply.

* * * * *

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

3. In Part 640:

a. Section 640.20(a) is amended by revising the last sentence to read as follows:

§ 640.20 Platelet concentrate (Human).

(a) * * * The product is defined as platelets collected from one unit of blood and resuspended in an appropriate volume of original plasma, as prescribed in § 640.24(d).

* * * * *

b. Section 640.24 is amended by revising paragraph (d), to read as follows:

§ 640.24 Processing.

* * * * *

(d) The volume of original plasma used for resuspension of the platelets shall be determined by the maintenance of a pH of not less than 6.0 during the storage period. The pH shall be measured on a sample of platelet concentrate which has been stored for the maximum dating period at the selected storage temperature. One of the following storage temperatures shall be used continuously:

- (1) 20° to 24° C.
- (2) 1° to 6° C.

* * * * *

c. Section 640.25 is amended by revising paragraphs (a) and (b), to read as follows:

§ 640.25 General requirements.

(a) *Storage.* Immediately after resuspension, Platelet Concentrate

(Human) shall be placed in storage at the selected temperature range. If stored at 20° to 24° C, a continuous gentle agitation of the platelet concentrate shall be maintained throughout the storage period. Agitation is optional if stored at a temperature between 1° and 6° C.

(b) *Quality control testing.* Each month four units prepared from different donors shall be tested at the end of the storage period as follows:

- (1) Platelet count.
- (2) pH of not less than 6.0 measured at the storage temperature of the unit.
- (3) Measurement of actual plasma volume.

(4) If the results of the quality control testing indicate that the product does not meet the prescribed requirements, immediate corrective action shall be taken and a record maintained of such action.

* * * * *

d. Section 640.26 is amended by revising paragraph (e), to read as follows:

§ 640.26 Labeling.

* * * * *

(e) The ABO and Rh blood group designations of the source blood.

* * * * *

Effective dates. This regulation becomes effective November 29, 1982. Labeling requirements shall become effective April 29, 1983. On or after April 29, 1983, no person may initially introduce or initially deliver for introduction into interstate commerce any licensed biological product to which the regulations apply, unless the product's labeling complies with the requirements set forth in the regulations.

(Secs. 201, 502, 701, 52 Stat. 1041-1042 as amended, 1050-1051 as amended, 1055-1056 as amended (21 U.S.C. 321, 352, 371); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: October 7, 1982.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29729 Filed 10-28-82; 6:45 am]

BILLING CODE 4160-01-M

21 CFR Part 884

[Docket No. 81P-0306]

**Schmid Laboratories, Inc.;
Reclassification of Condom With
Spermicidal Lubricant**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final

regulation that codifies the reclassification of the condom with spermicidal lubricant (nonoxynol-9) from class III (premarket approval) into class II (performance standards). FDA also is announcing that it issued an order in the form of a letter to a petitioner reclassifying the device. The effect of reclassifying a device into class II is to require that the device meet the general controls applicable to all devices and comply with the requirements of any performance standard applicable to the device. FDA reclassified this device in response to a petition from Schmid Laboratories, Inc., Little Falls, NJ 07424.

EFFECTIVE DATES: The reclassification was effective on August 9, 1982. This rule becomes effective November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Lillian Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION: On August 28, 1981, Schmid Laboratories, Inc., Little Falls, NJ 07424, submitted to FDA under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)), a petition requesting that a new device with the brand name "Condom with Spermicidal Lubricant (nonoxynol-9)" be reclassified from class III into class II. The device was classified by statute into class III because it was not in commercial distribution before enactment of the Medical Device Amendments of 1976 (Pub. L. 94-295) (see 21 U.S.C. 360c(f)(1)), nor is it substantially equivalent to another device that was in commercial distribution before the date of enactment or to another device that was classified by statute into class III and subsequently reclassified.

FDA referred the petition to the Obstetrics-Gynecology Device Section of the Obstetrics-Gynecology and Radiology Devices Panel (the Section) for a recommendation. On September 28, 1981, the Section reviewed the petition and recommended that FDA reclassify the device into class II, provided the labeling bear the following specific contraceptive effectiveness cautionary provision:

The condom with spermicidal lubricant is a contraceptive which combines a latex condom and a lubricant containing nonoxynol-9, a spermicide. Evidence of added contraceptive effectiveness has not been established with the addition of a spermicidal preparation to the condom.

The recommendation was based on the Section's belief that although general

controls alone are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

In a notice published in the *Federal Register* of April 30, 1982 (47 FR 18670), FDA announced the Section's recommendation that the condom with spermicidal lubricant be reclassified from class III into class II, provided the labeling bear the contraceptive effectiveness cautionary statement. FDA tentatively concluded that the statement could not provide a basis for reclassification because, under section 513(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(a)(3)) and § 860.134 (21 CFR 860.134), a device may not be reclassified absent a showing, by valid scientific evidence, that the reclassification requested will provide reasonable assurance of the effectiveness, as well as the safety, of the device. FDA suggested, however, that the following modification of the Section's proposed labeling would be both lawful and appropriate:

The presence of a spermicide in this product may be helpful in decreasing the risk of pregnancy should the condom fail or be misused.

The notice provided a period of 30 days for interested persons to submit to FDA written comments on FDA's tentative conclusions and the Section's recommendation that the condom with spermicidal lubricant be reclassified from class III into class II.

FDA received three comments on the notice. After reviewing the petition, the Section's recommendation, and the comments, FDA, in accordance with section 513(f)(2)(C)(i) of the act and § 860.134(b)(6) of the regulations, approved the petition and, by order dated August 9, 1982, and sent to the petitioner, reclassified the device from class III into class II, provided the device labeling bears the specific contraceptive effectiveness cautionary provision set forth below:

This product combines a latex condom and a spermicidal lubricant. The spermicide, nonoxynol-9, reduces the number of active sperm, thereby decreasing the risk of pregnancy if you lose your erection before withdrawal and some semen spill outside the condom. However, the extent of decreased risk has not been established. This condom should not be used as a substitute for the combined use of a vaginal spermicide and a condom.

The order requires the provision to appear prominently and conspicuously on the principal display panel, as defined in 21 CFR 801.60, of any package of the product and on any insert

included in the package of the product. The order also requires the provision to appear prominently and conspicuously on any condom with spermicidal lubricant that is individually labeled with representations that it bears or contains a spermicidal lubricant. In addition, the order requires labeling for the condom with spermicidal lubricant to bear the expiration date of the spermicidal agent, along with this statement, "The expiration date on this product applies only to the spermicidal agent in it." The data submitted by Schmid establish that the stability of the spermicidal agent in the condom with spermicidal lubricant is 44 months.

The reasons and basis for the reclassification of the device from class III into class II, as well as the reasons and the basis for the conditions of that reclassification, are set forth in the order. The order also contains FDA's responses to the comments received on the April 30, 1982 notice. The order and all the references cited in it are on public file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons, between 9 a.m. and 4 p.m., Monday through Friday.

As required by § 860.134(b)(7) of the regulations, FDA is announcing the reclassification of a generic type of device FDA calls a condom with spermicidal lubricant from class III into class II. In addition, FDA is issuing a final regulation that codifies in § 884.5310 (21 CFR 884.5310) the reclassification of the device. FDA advises that any device it determines to be substantially equivalent to the condom with spermicidal lubricant also will be reclassified from class III into class II. FDA further advises that the condom with spermicidal lubricant that has been reclassified into class II has been reclassified only insofar as its labeling bears the contraceptive effectiveness cautionary provision and expiration date statement set out above.

After considering the economic consequences of approving this reclassification, FDA certifies that this final rule requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Approval of this petition will not have a significant economic impact on a substantial number of small entities. The petitioner, and future manufacturers of devices that are determined to be substantially equivalent to the condom with spermicidal lubricant, will be relieved of the costs of complying with

the premarket approval requirements in section 515 of the act; whereas if the device had remained classified in class III, each manufacturer of the device would have been required to submit to FDA for its approval an application for premarket approval. There are no offsetting costs that the petitioner or other manufacturers would incur from reclassification into class II. The magnitude of the economic savings from approval of this petition depends on the extent of premarket approval studies that the petitioner would have conducted and the number of future competitors satisfying the same requirements. Neither of these parameters can be reliably calculated to permit quantification of the economic savings.

List of Subjects in 21 CFR Part 884

Medical devices, Obstetrical and gynecological devices.

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 884 is amended in Subpart F by adding new § 884.5310, to read as follows:

§ 884.5310 Condom with spermicidal lubricant.

(a) *Identification.* A condom with spermicidal lubricant is a sheath which completely covers the penis with a closely fitting membrane with a lubricant that contains a spermicidal agent, nonoxynol-9. This condom is used for contraceptive and prophylactic purposes (preventing transmission of venereal disease).

(b) *Classification.* Class II (performance standards).

Effective dates. This reclassification was effective August 9, 1982. This rule becomes effective November 29, 1982.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: October 7, 1982.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29593 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 256

[SW-9-FRL 2235-6]

Approval of the Guam Solid Waste Management Plan

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Final rule.

SUMMARY: As provided by the Resource Conservation and Recovery Act (RCRA), the Territory of Guam has received Federal financial assistance for development of a Territorial Solid Waste Management Plan. On July 13, 1982, the Territory of Guam submitted to the U.S. Environmental Protection Agency (EPA) its adopted Solid Waste Management Plan. Today, EPA is announcing its approval of the Guam Solid Waste Management Plan. Approval of the Guam plan indicates that the plan meets the requirements set forth in RCRA, which provides for the identification of responsibilities for solid waste management; the encouragement of resource conservation and recovery; and the development and application of State controls to provide for environmentally sound solid waste disposal practices.

The purpose of this notice is to inform the public that EPA is approving the Guam Solid Waste Management Plan. This approval should be of special interest because of two provisions of RCRA. First, RCRA requires that effective with the date of approval, plans prohibit the establishment of open dumps in the State. Second, only States with approved plans can establish compliance schedules, for purposes of RCRA, for entities engaged in open dumping. These compliance schedules lead to the upgrading of facilities classified as open dumps by September 13, 1984. Open dumping is prohibited by RCRA except where the practice is on a compliance schedule established under an EPA approved State plan.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Karen Schwinn, Toxics and Waste Programs Branch, U.S. EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105. (415) 974-8158.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1979, (44 FR 45066) EPA published Guidelines for the Development and Implementation of State Solid Waste Management Plans. These guidelines were required by

Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA). The guidelines reflected the statutory requirements for State plans and recommended methods and procedures to meet those requirements. Under Section 4007 of RCRA, the Administrator approves State plans which meet the requirements of paragraphs (1), (2), (3), and (5) of Section 4003 of RCRA and which contain provisions for revisions. Briefly, these requirements are:

1. The plan shall identify the responsibilities of State, local and regional authorities in the implementation of the State plan; the distribution of Federal funds to the authorities responsible for development and implementation of the State plan; and the means for coordinating regional planning and implementation under the State plan;

2. The plan shall prohibit the establishment of new open dumps within the State and contain requirements that all solid waste shall be utilized for resource recovery or disposed of in sanitary landfills, as defined by Section 4004(a) of RCRA, or otherwise disposed of in an environmentally sound manner. The State prohibition must be effective as of the date on which EPA approves the plan;

3. The plan shall provide for the closing or upgrading of all existing open dumps within the State;

4. The plan shall provide that no local government within the State shall be prohibited under State or local law from entering into long-term contracts for the supply of solid waste to resource recovery facilities; and

5. The plan must contain specific provisions for revision.

The guidelines also addressed Section 4005 of RCRA which requires a mechanism in the State plan for establishment of compliance schedules for entities engaged in the prohibited act of open dumping. The plan must provide that, in attempting to obtain such compliance schedules, entities must demonstrate their inability to utilize other public or private alternatives to comply with the prohibition.

Response to Public Comments

On August 20, 1982, (47 FR 36451) a notice was published in the *Federal Register* inviting the public to submit written comments on the Guam Solid Waste Management Plan by September 20, 1982. No comments were received during this period.

Finding

Section 4007 of RCRA contains the statutory policy for approval of State plans. The authority to approve State plans under Section 4007 of RCRA has been delegated to the Regional Administrator. EPA has reviewed the Solid Waste Management Plan submitted by the Territory of Guam and has found that the Guam plan meets the requirements of RCRA for approval. Under authority of Section 4007 of RCRA, EPA hereby approves the Guam Solid Waste Management Plan. The plan prohibits the establishment of open dumps. The plan also provides for compliance schedules for entities engaged in open dumping where those entities can demonstrate that they are unable to utilize other public or private alternatives for solid waste management to comply with the RCRA prohibition of open dumping. As of this date, entities engaged in open dumping may, pursuant to the plan, approach the Territory for further information on compliance schedules and necessary demonstrations. The RCRA prohibition of open dumping does not extend to open dumping under such compliance schedules.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that the approval of the Guam Solid Waste Management Plan will not have a significant economic impact on a substantial number of small entities. This approval will reduce burdens on small entities by establishing a mechanism to insulate them from citizen suits to enforce the open dumping prohibition. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 256

Grant programs, Environmental protection, Waste treatment and disposal.

[90 Stat. 2817, 42 U.S.C. 6947]

Dated: October 15, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82-29864 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS
COMMISSION

47 CFR Part 67

Letters Regarding Interpretations of
the Separations Manual

AGENCY: Federal Communications Commission.

ACTION: Final rule; letter(s) regarding interpretation of the Separation Manual.

SUMMARY: In response to written requests, the Commission is issuing interpretation of its February 1982 Orders in Docket No. 80-286 and amendments to its Jurisdictional Separations Manual that was published at 47 FR 9170, March 3, 1982, and corrected at 47 FR 15142, April 8, 1982. These interpretations are clarification of the Commission's Orders that will resolve problems and permit carriers to proceed with the implementation of the revisions to FCC-NARUC Separation Manual.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Wilson, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1965.

Gary M. Epstein,
Chief, Common Carrier Bureau.

July 21, 1982.

Mr. Lyle C. Roberts,

Director—Separations and Settlements,
Centel Corporation, O'Hare Plaza, 5725
East River Road, Chicago, IL 60631.

Dear Mr. Roberts: This letter is in response to your letters of April 14 and 22, 1982 which requests a clarification of the Commission's February 24, 1982 Decision and Order in Docket 80-286 that modified the existing Jurisdictional Separations Manual. In your correspondence you indicate that your particular concern relates to the treatment afforded to customer premises equipment (CPE) and the calculation of the related interstate balance. You state that Centel believes that the process for determining certain account totals is subject to two interpretations, each of which will produce different totals and different interstate and intrastate allocation percentages. You observe that not only are Accounts 100.1, 100.2, and net plant affected by the specific interpretation used, but also at least a dozen other investment or expense accounts which are allocated on the basis of assigned 100.1, 100.2, and net plant. The impact of the method selected is perceived to be even more significant because "cost basis" independent companies use the Separations Manual for determining intrastate toll settlements. Finally, you present illustrative examples of your two basic approaches. In your Example

A, the frozen balances in Accounts 231 and 234 are reduced each period to reflect the sale of CPE. In Example B, the frozen balances in these accounts remain frozen during the phase-out period.

The Bureau believes that neither of these approaches achieves the fundamental objectives adopted by both the Joint Board and the Commission in this proceeding. The method shown in Example A fails to meet one of the primary objectives enunciated by the Commission in its February 24, 1982 Order, that is, to "protect customers of those carriers who experience swift reductions in CPE cost, through either transfer, retirement or sale of equipment" (para. 31). The Commission adopted this language because of the potential burden the sale of CPE could place on some ratepayers. Although the "Gravelle Amendment" subsequently adopted by the Commission on May 24, 1982 permits greater flexibility by individual states seeking to initiate CPE sales prior to January 1, 1983, the above goal remains valid. The approach presented in Exhibit B conflicts with the Commission's recently adopted Addendum to the Separations Manual which states:

The plant balances attributable to customer premises equipment on the books as of December 31, 1982 shall constitute a base amount for allocation between state and

interstate operations during a phase out period of 60 months. Starting with January 1983 the base amount shall be reduced by one sixtieth each month. . . . (General Section)

The appropriate method of implementing the Separations Manual revisions for which you seek clarification can best be described by using the second example in your letter and modifying it to comply with the Commission's objectives. The modification, illustrated in an attachment to this letter, involves taking the frozen base for Accounts 231 and 234, established as of December 31, 1982, and reducing it by one sixtieth per month over the phase-out period. This approach will accomplish a measured and orderly reduction of the CPE from the interstate rate base and elimination of a sudden impact on customers of carriers that choose to sell CPE. As stated in the Commission's February 24, 1982 order, this plan appears to be "the most reasonable way of achieving two seemingly conflicting objectives regarding the public interest, the maintenance of reasonable rates and the relatively swift implementation of new public policies regarding terminal equipment" (para. 31).

If you have any questions concerning this interpretation, please contact Michael Wilson in our Accounting and Audits Division (202) 634-1861.

Sincerely yours,

Gary M. Epstein,
Chief, Common Carrier Bureau.

ATTACHMENT I.—HYPOTHETICAL EXAMPLE OF PHASE OUT OF CPE

	Actual, total book account balances (except CPE)	Interstate toll
December 31, 1982:		
Account 231, 234	\$1,000,000	(a) \$250,000
Other account 2XX	\$5,000,000	\$1,000,000
Total 100.1 percent	\$6,000,000	\$1,250,000
Distribution (percent)	100	20.83
January 31, 1984:		
Account 231, 234	\$783,333	(b) \$195,833
Other account 2XX	\$5,500,000	\$1,100,000
Total 100.1 percent	\$6,283,333	\$1,295,833
Distribution (percent)	100	20.62
January 31, 1985:		
Account 231, 234	\$383,333	(c) \$95,833
Other account 2XX	\$6,565,000	\$1,313,000
Total 100.1 percent	\$6,948,333	\$1,408,833
Distribution (percent)	100	20.27

	1	2	3=1×2	4	5=3×4
	Frozen CPE	×	Phase down	×	Inter- state SPF
(a)	\$1,000,000	×	60/60	×	.25
(b)	1,000,000	×	47/60	×	.25
(c)	1,000,000	×	23/60	×	.25

NOTE.—The basic data in this illustration was adopted from data provided in Centel's request of April 14 and 22, 1982. The figures for Accounts 231 and 234 that were presented in Centel's Exhibit B have been modified as shown in column 2 above to reflect the Commission's objective of achieving a measured and orderly reduction of CPE from the separations process. The adjustment resulted in a modification of the total investment in Account 100.1 that is assigned to interstate toll.

August 26, 1982.

Mr. William Stump,

Assistant Vice President, American Telephone and Telegraph Company, 195 Broadway, Room 01-930, New York, New York 10007.

Mr. Martin McCue,

Director of Government Relations, Centel Corporation, 1140 Connecticut Avenue, NW., Suite 603, Washington, D.C. 20036.

Mr. Donald Hirt,

Executive Director of Settlements, United States Independent Telephone Association, 1801 K Street, NW., Suite 1201, Washington, D.C. 20006.

Dear Sirs: In a letter dated August 6, 1982, Mr. William Stump requests further clarification of the Commission's February 24, 1982 Decision and Order in Docket 80-286, 89 FCC 2d 1 (1982), with respect to the correct treatment of taxes and indirect expenses associated with customer premises equipment (CPE). The letter states that, unlike the Order's treatment of maintenance and depreciation expense, no explicit provision has been made for these taxes and other expenses. The letter also notes AT&T's belief that the Commission intended that a base amount be established for each of the tax and indirect expense accounts related to CPE, and that such amounts would be decreased and apportioned over the sixty-month period consistent with the corresponding plant and maintenance phaseout. On August 12, 1982 we received a letter from Mr. McCue stating that Mr. Stump's aforementioned letter raises an issue that has already been fully addressed in a July 21, 1982 letter to Centel in which the appropriate method of phasing out CPE from the separations process was clarified, *viz.*, reduce by one-sixtieth per month the base amounts for Accounts 231 and 234 frozen as of December 31, 1982. Finally, Mr. Hirt's August 16, 1982 letter notes USITA's strong disagreement with AT&T and claims that the base amount treatment proposed by AT&T for tax and indirect expense accounts is neither necessary nor proper. The letter indicates that the reduction in Accounts 100.1, 100.2, net plant and wage related expenses caused by the CPE plant phaseout automatically produces the appropriate reductions in the tax and indirect expense account.

The Commission's intent in this regard has already been promulgated. In the April 1, 1982 Errata to its February 24, 1982 CPE phaseout Order, the Commission states (as noted by Centel in its August 12 letter):

A consistent treatment is required for the expense, taxes, and reserves associated with customer premises equipment. (General Section, Appendix B)

In essence, CPE-related expenses (direct and indirect), taxes and reserves are to be frozen at their December 31, 1982 level and then phased out by one-sixtieth each month for the five-year period beginning January 1, 1983, consistent with the February 24 Order. Maintenance and depreciation expense amounts would be allocated as specified in that order. The base expense, tax and reserve amounts specifically associated with CPE would be determined using the existing allocation methods. This treatment is consonant with the Commission's objectives

of a measured and orderly reduction of CPE from the interstate rate base and the maintenance of reasonable rates. In contrast, there is no assurance that the "automatic" phaseout described by USITA would by itself meet these goals during the five-year interval.

If you have any further questions concerning this matter, please contact Michael Wilson in the Bureau's Accounting and Audits Division at (202) 634-1965.

Sincerely yours,

Gary M. Epstein,
Chief, Common Carrier Bureau.
October 8, 1982.

Mr. Timothy J. Devlin,
State of Florida Public Service Commission,
Fletcher Building, 101 East Gaines
Street, Tallahassee, FL 32301.

Dear Mr. Devlin: This letter is in response to your letter of September 13, 1982, in which you requested an interpretation of the Commission's Order in Docket No. 80-286 adopted May 24, 1982, as it relates to the timing of a state commission order advancing the CPE freeze date. The particular issue about which your commission requested clarification is whether the effective date for freezing the CPE base for separations purposes prior to January 1, 1983 can be established after actual date on CPE balances becomes available.

The Commission in its May 24, 1982 Order described the objectives against which it was evaluating the Joint Board's CPE early freeze proposal. A primary goal was the removal of disincentives to the timely initiation of CPE sale programs which would further the development of a fully competitive market for CPE. The Commission determined that the Joint Board's plan would achieve this objective. This benefit was weighed against the potential detriments of the plan, *viz.*, added administrative costs, inequities among customers of various carriers in different states, or threats to the essential uniformity of the separations process. As you know, the Commission decided that, on balance, the benefits outweighed the costs, and the proposed Manual amendment was adopted with the modification that the concurrence of the affected company would be necessary to implement the early CPE freeze. As noted in the Order, the Commission "intend[s] to make the amendment effective prospectively only" (para. 7).

We believe that your proposal would be inconsistent with the intentions of this Commission and with its May 24, 1982 Order. The substantial increase in regulatory discretion granted to state PSCs under such an approach would introduce a degree of autonomy not specified in the May 24, 1982 Order. The plan would theoretically permit any state and its regulated telephone companies to institute an "early" freeze as late as December 31, 1982 since CPE balances would be frozen retrospectively. The predictable result of the proposal would be to encourage all states (and concurring carriers) to invoke the amendment and choose the most suitable freeze date during the period May 24-December 31, 1982. This action would hardly further the Commission's "removal of disincentives" goal in any significant way. We would also expect that there would be added administrative costs in

aggregate as states which otherwise might not order an early CPE freeze would now be strongly encouraged to do so. Finally, this retroactive approach would represent a departure from the uniformity of the current jurisdictional separations process beyond that apparently contemplated by the Commission.

In essence, the Commission expressly intended that any early CPE freeze date be implemented on a prospective basis, to be established in a given state by its commission and concurring telephone companies. The word "prospective" should be defined for these purposes as a forward-looking process in which a CPE freeze date is set to occur during the period May 24, 1982-December 31, 1982. For this specific case, given the perceived ambiguity, the earliest date for the freeze should be viewed as the date of your request for clarification, *viz.*, September 13, 1982.

If you have any further questions, contact Michael Wilson of our Accounting and Audits Division on (202) 634-1965.

Sincerely yours,

Gary M. Epstein,
Chief, Common Carrier Bureau.
October 8, 1982.

Mr. William Dunkel and Associates,
Rural Route Two, Pleasant Plains, IL 62677.

Dear Mr. Dunkel: This letter is in response to your letters of August 19 and August 30, 1982, in which you requested a clarification of the Commission's February 24, 1982, Decision and Order in Docket 80-286 that modified the existing Jurisdictional Separations Manual and froze the Subscriber Plant Factor (SPF). Specifically, you asked whether the Commission's freeze of SPF included a freeze on the allocation to ENFIA and whether ENFIA is to be included in the frozen SPF. Finally, you requested a copy of any written Order or agreement that specifies that ENFIA is to be included in the frozen SPF.

The Commission's freeze of SPF included a freeze on the total interstate minutes of use included in the SPF calculation. Although there is no Commission Order that specifies that ENFIA minutes of use are to be included in the frozen SPF, this is provided for in Paragraph 23.444 of the Separations Manual which describes the calculation of SPF, in part, as follows:

Interstate subscriber line use (SLU) representing the interstate use of subscriber plant as measured by the ratio of interstate holding time minutes of use to total holding time minutes of use * * *

Because ENFIA minutes of use are considered interstate minutes, the Commission Order adopted February 24, 1982 essentially requires a freeze on all interstate minutes of use including ENFIA minutes. On the other hand, the freeze on interstate minutes does not mean that there is a freeze on the assignment of interstate costs to ENFIA. The subscriber plant factor is used to assign certain of the carriers' costs to the interstate jurisdiction. After total interstate costs have been calculated pursuant to the principles described in the Separations Manual, the Commission's Interim Cost Allocation Manual (Docket No. 79-245) is used to assign these costs to ENFIA and the other interstate services. Finally, while the

Commission's Order of February 24 placed a cap on SPF and some CPE-related costs, it did not place a ceiling on the overall level of costs to be assigned to the interstate jurisdiction. Therefore, costs assigned to the interstate jurisdiction which includes ENFIA costs will continue to change because of growth in various plant accounts and other usage factors.

In your letter of August 30, 1982, you submitted three items that you felt supported your position that the frozen SPF excluded ENFIA minutes. The first item was your reference to paragraph 7 of the order where the growth in SPF between 1970 and 1981 was discussed. You are correct when you note that the 1981 SPF of approximately 26.09 referred to in the order excludes ENFIA minutes. However, ENFIA minutes were excluded from this figure because the 26.09 was being compared with the 1970 average SPF figure of 16.71 which also excluded ENFIA minutes. The Commission's sole purpose in using the SPF of 26.09 was to compare it with a comparable figure of an earlier period and not to indicate that the frozen SPF should exclude ENFIA minutes.

Your second item of support was based on information supplied by AT&T to NARUC. Again you are correct in your observation that the SPF figures supplied by AT&T does exclude ENFIA usage. However, as noted in the letter that accompanied this material (a copy of which is attached), this information is supplied to NARUC on an ongoing basis and has traditionally excluded ENFIA usage. It is apparently excluded because NARUC requested SPF data for only the interstate MTS and WATS usage. Again, to include ENFIA minutes in this data would make it noncomparable with past data. Further, AT&T points out in the last paragraph of its letter that the SPF data excludes ENFIA usage and that this is different from the frozen SPF adopted by the Commission which includes ENFIA minutes.

Your final item of support was a copy of a supplement to the Division of Interstate Revenues Agreement between General Telephone Company of the Midwest and Southwestern Bell Telephone Company wherein the treatment of ENFIA minutes is discussed. Basically this supplement notes that ENFIA usage is excluded from the settlements process and each company will retain all of its costs and revenues associated with ENFIA. However, this does not mean that ENFIA usage is excluded from the separations process where total interstate costs are calculated. In fact, the first paragraph of this supplement refers to ENFIA as an interstate service. Therefore, it appears reasonable that ENFIA minutes should be included in the frozen interstate SPF.

If you have any questions concerning this interpretation, please contact Michael Wilson in our Accounting & Audits Division on (202) 634-1965.

Sincerely yours,

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-29746 Filed 10-28-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC-6, Notice 5]

Railroad Freight Car Safety Standards

AGENCY: Federal Railroad Administration (FRA), Transportation (DOT).

ACTION: Amendment of final rule.

SUMMARY: This document amends the final rule published on June 24, 1982 (47 FR 27293). That final rule extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent, from July 1, 1982 until November 1, 1982. This amendment further extends the compliance date until December 1, 1982. This action is being taken in response to a petition of the Association of American Railroads (AAR) for extension of the compliance date.

EFFECTIVE DATE: This amendment will become effective November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Leavitt A. Peterson, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-0897.

SUPPLEMENTARY INFORMATION: On June 24, 1982, FRA published a notice of public hearing and an amendment of final rule which extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent until November 1, 1982. The purpose of this four month extension was to enable FRA to hold public hearings and receive written comments from interested persons on the AAR's request to extend that compliance date until December 31, 1985.

A public hearing was held on August 3, 1982 at which testimony was offered by representatives of railroad labor and railroad management. Written comments were also received from interested persons.

To provide additional time to consider the AAR request before making a final decision, FRA is extending from November 1, 1982 to December 1, 1982, the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent.

To avoid the disruption of rail service and public inconvenience that would result if all plug door box cars not equipped with safety hangers were to be removed from service on the current

compliance date of November 1, 1982, this amendment shall become effective in less than 30 days on November 1, 1982.

Regulatory Impact

FRA has reviewed this amendment under the standards established by Executive Order 12291 and DOT's order on regulatory policies and procedures. FRA has concluded that the amendment is not a major rule under the terms of Executive Order 12291 or a significant rule under DOT criteria.

The amendment has been reviewed according to the requirements of the Regulatory Flexibility Act (Pub. L. 95-354, 94 Stat. 1184, September 19, 1980). FRA has not identified any significant economic impact from the rule change that will affect small entities. Based on this fact, it is certified that the amendment will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

The amendment does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety.

The Amendment

PART 215—[AMENDED]

In consideration of the foregoing, § 215.121(d) of Part 215 of Title 49, Code of Federal Regulations, is amended, effective November 1, 1982, to read as follows:

§ 215.121 Defective car body.

(d) After December 1, 1982, the car is a box car and its side doors are not equipped with operative hangers, or the equivalent, to prevent the doors from becoming disengaged.

(Secs. 202 and 209, 84 Stat. 971 and 975, 45 U.S.C. 431 and 433; and § 1.49(m) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m))

Issued in Washington, D.C. on October 27, 1982.

Robert W. Blanchette,
Administrator.

[FR Doc. 82-30018 Filed 10-28-82; 8:56 am]

BILLING CODE 4910-06-M

Proposed Rules

Federal Register

Vol. 47, No. 210

Friday, October 29, 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

Food and Nutrition Service

7 CFR Part 278

Food Stamp Program: Bonding of Retail Food Stores and Wholesale Food Concerns Under Penalty Sanctions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of intent to publish rulemaking.

SUMMARY: This action announces that the Department of Agriculture is considering an amendment to the Food Stamp Program Regulations implementing Section 176 of the Omnibus Budget Reconciliation Act of 1982. The rule would provide that a retail food store or wholesale food concern which has been disqualified or subjected to a civil money penalty will be required to furnish a bond to continue to participate or be reauthorized to participate in the Food Stamp Program.

DATE: Comments must be received on or before November 30, 1982, to be assured of consideration.

ADDRESS: Comments should be submitted to Herbert A. Scurlock, Director, Federal Operations Division, Food and Nutrition Service, United States Department of Agriculture, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm, Monday through Friday) at Park Office Center, 3101 Park Center Drive, Alexandria, Virginia 22302, Room 704.

FOR FURTHER INFORMATION CONTACT: Herbert A. Scurlock, Director, Federal Operations Division, Family Nutrition Programs, Food and Nutrition Service, Alexandria, Virginia 22302, telephone (703) 756-3485.

SUPPLEMENTARY INFORMATION: Classification

Executive Order No. 12291. This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512-1. This action would not result in an annual effect on the economy of \$100 million or more or a major increase in cost or price for consumers, individuals, Federal, State or local governments, or geographical regions. Additionally this action would not have significant 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. Therefore, this action has been classified "not major."

Background

Under the provisions of Section 176 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253), the Secretary has authority to require that a retail food store or wholesale food concern which has been previously disqualified or subjected to a civil money penalty furnish a bond to continue to participate or to be reauthorized to participate in the Food Stamp Program. The amount of the bond is to be based on an amount necessary to cover the value of food stamps which a store or concern may accept or redeem in violation of the Food Stamp Act. The Secretary is authorized to prescribe the terms, amounts, and conditions of the bond. If a store or concern accepts and redeems food stamps in violation of the Act, an amount which is equal to the value of the food stamps found to have been accepted and redeemed illegally will be forfeited under the bond.

The Department has not made any decision as to the terms, amounts or conditions of the required bond. Information received in response to this notice will be useful to the Department in its decision making. We encourage surety and bonding companies and any other interested parties to submit any comments they may have. The Department especially requests comments from those surety companies authorized under Sections 6 through 13 of Title 6 of the United States Code as accepted sureties to issued Federal bonds and listed in Treasury Department Circular No. 570. All

comments and suggestions will be given full consideration during the preparation of the rule.

(91 Stat. 958 (7 U.S.C. 2011-2029))

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

Dated: October 21, 1982.

Robert E. Leard,

Acting Administrator.

[FR Doc. 82-29389 Filed 10-26-82; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1250

[Docket No. ERPA-2]

Egg Research and Promotion Order: Proposed Amendments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum results: termination of rulemaking proceeding.

SUMMARY: This document announces that the requisite number of egg producers voting in a referendum failed to approve amendments to the Egg Research and Promotion Order. Therefore, the amendments published in the Federal Register on August 11, 1982, will not become effective and this proceeding is terminated.

DATE: The rulemaking proceeding is terminated effective October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 382-8132.

SUPPLEMENTARY INFORMATION: On August 11, 1982, a decision on proposed amendments to the Egg Research and Promotion Order and Notice of Referendum were published in the Federal Register (47 FR 34964). The amendments provided for an increase in the rate of assessment paid by egg producers from 5 cents per 30-dozen case of commercial eggs up to 10 cents to conduct research and promotion programs for their products. The initial increase would have set the assessment at 7½ cents the first 12 months following issuance of implementing regulations. Annual increases of no more than three-quarters of 1 cent were authorized upon recommendation of the American Egg Board up to the 10-cent maximum, subject to the approval of the Secretary

of Agriculture. The amendments also provided for the addition of two consumer members to the 18-producer-member American Egg Board. The amendments were authorized by the June 1980 amendments to the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) as amended.

As provided in Section 9 of the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.), the amendments could become effective only if approved by egg producers voting in a referendum. Under the procedure for the conduct of referenda (7 CFR 1250.200 et seq.) egg producers who, during the months of April, May, and June 1982, were engaged in commercial egg production and who were engaged in the production of eggs at the time of voting were eligible to vote. Producers with 3,000 or fewer hens and any flock of breeding hens whose production of eggs was primarily utilized for hatching of baby chicks were exempted. The referendum was conducted by mailed ballot September 3-27, 1982.

Results of the referendum show that of the 1,225 votes accepted, 499 producers voted in favor and 726 producers voted against the amendments. To go into effect, the changes had to be approved by at least two-thirds of the producers voting or by a majority of producers voting if they produced at least two-thirds of the commercial eggs of those voting. Since neither of these requirements was met, the amendments shall not become effective and the proceeding is terminated.

The failure of egg producers to approve the amendments, however, does not invalidate the current Order, as provided by 7 U.S.C. 2708.

Signed at Washington, D.C., on October 25, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-29863 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-02-M

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that sodium gluconate is generally recognized as safe (GRAS) as a direct human food ingredient, and that gluconic acid is GRAS as an indirect human food ingredient. FDA is proposing not to affirm zinc gluconate as GRAS as a direct human food ingredient and to remove it from the list of substances that are GRAS. In addition, the agency is proposing not to affirm the GRAS status of direct food uses of magnesium gluconate or potassium gluconate. The agency previously had stated in opinion letters that it considered these substances to be GRAS. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by December 28, 1982.

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: Robert L. Martin, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the *Federal Register* of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of magnesium gluconate, potassium gluconate, sodium gluconate, zinc gluconate, and gluconic acid has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of sodium gluconate and gluconic acid. The agency also proposes to remove zinc gluconate from the list of nutrients in Part 182 (21 CFR Part 182) because of the absence of any information that the substance is used for this purpose. FDA also proposes not to affirm the GRAS status of magnesium gluconate or potassium gluconate because of the absence of adequate food use information for these substances. The gluconate salts of iron, calcium, copper, and manganese are not covered by this proposal but will be covered in other proposals on the respective cations. Delta-gluconolactone also will be covered in a separate proposal.

Gluconic acid [$\text{CH}_2\text{OH}(\text{CHOH})_4\text{COOH}$] is readily produced from glucose by mild

oxidation. The oxidation may be accomplished chemically, electrolytically, or enzymatically. Commercially, glucose is enzymatically oxidized by various microorganisms: *Aspergillus niger*, *Aspergillus fumigatus*, *Aerobacter aceti*, *Penicillium chrysogenum*, other *Penicillia*, or *Acetobacter suboxydans*. The inoculum for this fermentative oxidation is developed through successive transfers of the culture to growth vessels of increasing volume. The gluconic acid solution thus formed is purified by filtration. Sodium gluconate is formed by continuous addition of sodium hydroxide to the growing culture, yielding a gluconate salt solution of approximately 28 percent. The solution is charcoal decolorized, filtered, and evaporatively concentrated. The final product is recovered by spray drying the concentrated solution. Other gluconate salts are prepared by neutralizing a purified gluconic acid solution with a basic salt of the desired metal ion. The reaction mixtures are charcoal decolorized and filtered. The crystallized products are centrifuged out of the cooled filtrate, are washed free of impurities with water, and are dried.

A regulation published in the *Federal Register* of November 20, 1959 (24 FR 9368) listed sodium gluconate as GRAS for use as a sequestrant. Sodium gluconate is now listed for this use in § 182.6757 (21 CFR 182.6757). In addition, FDA stated in an opinion letter in 1961 that it considered sodium gluconate to be GRAS for use as a sequestrant in boiler water additives.

The U.S. Department of Agriculture (USDA) permits the use of sodium gluconate for denuding the mucous membrane from tripe and for preventing the staining of the exteriors of canned goods by cooling and retort water (9 CFR 318.7(c)(4)). USDA also permits the use of sodium gluconate in cooling and retort water for the preparation of poultry products (9 CFR 381.147(f)(3)). A Meat and Poultry Inspection proposal published in the *Federal Register* of July 15, 1977 (42 FR 36474) would permit sodium gluconate to be used in hog scalds. Sodium gluconate and gluconic acid are listed as GRAS in § 182.99 (21 CFR 182.99) as pesticide adjuvants. In several opinion letters, FDA has stated that the use of gluconic acid as a sequestrant in food and in bottle rinsing aid formulations is safe. FDA has also issued an opinion letter indicating that the use of gluconic acid as a food ingredient in dietary supplementary is GRAS.

A regulation published in the *Federal Register* of January 31, 1961 (26 FR 938)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182, 184, and 186

[Docket No. 81N-0382]

Magnesium Gluconate, Potassium Gluconate, Sodium Gluconate, Zinc Gluconate, and Gluconic Acid; Proposed GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

listed zinc gluconate as a GRAS nutrient/dietary supplement. However, in a regulation published in the *Federal Register* of September 5, 1980, 1980 (45 FR 58837), FDA divided the nutrient/dietary supplement category into separate listings for GRAS dietary supplements and for GRAS nutrients. Therefore, zinc gluconate is now listed as GRAS in § 182.5988 (21 CFR 182.5988) for use in dietary supplements and in § 182.8988 (21 CFR 182.8988) for use in food as a nutrient. FDA has also issued opinion letters for potassium gluconate and magnesium gluconate that state that the agency considers their use as nutrients or dietary supplements to be GRAS.

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which magnesium gluconate, potassium gluconate, sodium gluconate, and zinc gluconate were used in the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. FDA estimates from the NAS/NRC survey that the total amount of sodium gluconate used by the U.S. food industry in 1970 was approximately 81,500 pounds. The NAS/NRC survey found that sodium gluconate is used as a sequestrant in nonalcoholic beverages and in processed fruit and fruit juices. However, NAS/NRC did not report any data on the amount of the other gluconates used in food. The survey indicated that gluconic acid was being used by the food industry, but no data on that use were submitted by industry.

Supplementary information provided by one firm indicated that gluconic acid currently is being used in a bottle rinse formulation. Another firm supplied used level information on potassium gluconate in special dietary foods in response to a request that FDA published in the *Federal Register* of May 31, 1977 (42 FR 27676) for additional information on gluconates. However, a subsequent followup on that information by the agency indicated that potassium gluconate is no longer used in special dietary foods.

In 1977, NAS/NRC conducted a second survey of food manufacturers and found that the U.S. food industry used 23,000 pounds of zinc gluconate in dietary supplements in 1976. No other exposure information is available for zinc gluconate. According to information supplied directly to FDA by one firm,

magnesium gluconate is also being used in dietary supplements.

Gluconate salts have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 90 abstracts was reviewed, and 28 particularly pertinent reports from the literature survey have been summarized in two scientific literature reviews.

Information from the scientific literature reviews and other sources has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all available safety information on gluconic acid and its salts.¹ In the Select Committee's opinion:

Gluconates are useful as nutritional supplements since their high solubility allows relatively rapid absorption of the cations. Evidence suggests that any possible toxicity is a function of the cation rather than of the gluconate portion of these substances. Thus, the acute toxic responses to the various gluconate salts are comparable with other salts of the same metals and long-term toxicities seem related to the tissue deposition of these metals. These observations could have been anticipated because gluconic acid is a normal metabolic product of glucose. The amount of gluconic acid produced endogenously is many times greater than the largest amounts likely to be consumed from food. Because the toxicological activities of these gluconates appear to be a function of their cationic components, safe and

acceptable levels in foods are limited only by the nature of the specific cations.¹

The Select Committee concludes that no evidence in the available information on potassium gluconate, magnesium gluconate, sodium gluconate, and zinc gluconate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future.¹

FDA has undertaken its own evaluation of the available information on these ingredients and concurs with this conclusion regarding sodium gluconate. Therefore, the agency concludes that no change in the current GRAS status of sodium gluconate is justified, and it proposes that this ingredient be affirmed as GRAS as a direct human food ingredient. The agency has also concluded that sufficient safety data exist to affirm that the use of sodium gluconate as a boiler water additive is GRAS.

However, FDA is proposing not to affirm the GRAS status of magnesium gluconate, potassium gluconate, or zinc gluconate as direct food ingredients. In previous GRAS affirmation proposals, FDA has emphasized that use information (i.e., foods to which the ingredient is added, the intended technical effect, and the levels of addition) is very important in assessing the safety of GRAS food ingredients. Because the agency does not have any evidence of conventional food² uses for zinc gluconate, magnesium gluconate, or potassium gluconate, FDA cannot evaluate the GRAS status of these food ingredients. Consequently, the agency is proposing not to affirm potassium gluconate and magnesium gluconate as GRAS for use as a nutrient or for dietary supplement use and is proposing to remove zinc gluconate from § 182.8988. FDA will reconsider the regulatory status of these ingredients if adequate use information of the type cited above is submitted as comments on this proposal. FDA is especially interested in comments on potassium gluconate because this ingredient is a possible substitute for sodium gluconate. The agency considers such a substitution desirable because of FDA's interest in reducing the level of total sodium consumption in the United States. Comments on the uses of potassium gluconate, magnesium gluconate, and zinc gluconate should provide specific

¹"Evaluation of the Health Aspects of Sodium Potassium, Magnesium, and Zinc Gluconates as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1978, pp. 5-9. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it will represent a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preambles to proposals that affirm GRAS status in accordance with current good manufacturing practice.

¹ *Ibid.*, p. 9.

² *Ibid.*

³ FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

information on use levels, food categories, and technical effects.

The only known current use of zinc gluconate and magnesium gluconate is a dietary supplement (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.). The GRAS status of this use is not affected by this proposal. The agency did not request data on the amounts of these ingredients used in dietary supplements when it initiated this review. Without these data, the agency cannot evaluate the safety of using these ingredients in dietary supplements. Therefore, as indicated in the *Federal Register* of September 5, 1980 (45 FR 58837), FDA is taking no action on the listing of zinc gluconate in § 182.5988 for use as a dietary supplement and is not listing magnesium gluconate in Part 182 or 184 for dietary supplement use.

The only reported use for potassium gluconate is as a nutrient in special dietary foods. Because the agency has no evidence of current use for this ingredient, FDA is proposing not to affirm potassium gluconate as GRAS.

The Select Committee did not specifically address the issue of the safety of the use of gluconic acid in food. It did note, however, that gluconic acid is a normal metabolic product of glucose, and that the amount of the acid produced endogenously is many times greater than the largest amounts likely to be consumed from food. Based upon an agency review of available safety data for gluconic acid, FDA proposes to affirm the GRAS status of gluconic acid for indirect use of a component of bottle rinse formulations. However, FDA has no information that suggests that gluconic acid currently is being used as a direct food ingredient. The agency, therefore, is not proposing to affirm gluconic acid as GRAS for direct human food use.

FDA has determined that it is not necessary that gluconic acid be of food-grade purity for its indirect use in bottle wash formulations. The agency believes that the general requirements that indirect GRAS ingredients be of a purity suitable for their intended use in accordance with § 170.30(h)(1) (21 CFR 170.30(h)(1)) and used in accordance with current good manufacturing practice are sufficient to ensure the safe use of this ingredient. Therefore, the agency has not proposed any specific purity specifications for the indirect use of gluconic acid.

Additionally, FDA is proposing not to include in the GRAS affirmation regulation for sodium gluconate the levels of use reported in the NAS/NRC food survey for this ingredient. Both

FASEB and the agency have concluded that a large margin of safety exists for the use of this substance, and that a reasonably foreseeable increase in the level of consumption of sodium gluconate will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of sodium gluconate when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of sodium gluconate is based on the evaluation of limited uses, the proposed regulation sets forth the technical effects and food categories that FDA evaluated.

In the *Federal Register* of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature reviews on gluconate salts and potassium gluconate, reports of mutagenic screening tests for sodium gluconate and zinc gluconate, and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price ¹
Gluconate salts (scientific literature review).	PB228-537/AS.	A03	\$6.00
Potassium gluconate (scientific literature review).	PB289-415/AS.	A02	5.00
Sodium gluconate (mutagenic evaluation).	PB254-516/AS.	A03	6.00
Zinc gluconate (mutagenic evaluation).	PB266-899/AS.	A04	7.00
Sodium, potassium, magnesium, and zinc gluconates (Select Committee report).	PB288-675/AS.	A02	5.00

¹ Price subject to change.

This proposed action does not affect the current use of magnesium gluconate, potassium gluconate, sodium gluconate, zinc gluconate, and gluconic acid for pet food or animal feed.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1757 and paragraph (b) § 186.1319 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including both the technical effect and the food categories listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (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.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients, Generally recognized as safe (GRAS) food ingredients, Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.6757 and 182.8988 [Removed]

1. Part 182 is amended by removing
§ 182.6757 *Sodium gluconate* and
§ 182.8988 *Zinc gluconate*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new
§ 184.1757, to read as follows:

§ 184.1757 *Sodium gluconate*.

(a) Sodium gluconate ($C_6H_{11}NaO_7$, CAS Reg. No. 527-07-1) is an air-stable white powder with a slight caramel odor and a saline taste. It is prepared by the continuous sodium hydroxide neutralization of gluconic acid as it is formed during the fermentative oxidation of glucose.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 286, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a sequestrant as defined in § 170.3(o)(26) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter and processed fruit and fruit juices as defined in § 170.3(n)(35) of this chapter. The ingredient may also be used as a component of boiler water additives.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. Part 186 is amended by adding new
§ 186.1319, to read as follows:

§ 186.1319 *Gluconic acid*.

(a) Gluconic acid ($C_6H_{12}O_7$, CAS Reg. No. 133-42-6) is an acid sugar composed of white crystals with a mild acidic taste. In aqueous solution gluconic acid is in equilibrium with gamma- and delta-gluconolactones. Gluconic acid is

prepared by enzymatic oxidation of glucose. The strains of the microorganism used to supply the enzyme action are nonpathogenic and nontoxicogenic to man or other animals.

(b) In accordance with § 186.1(b)(1), the ingredient is used as an indirect ingredient in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as an indirect human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used or intended for use as a component of bottle rinsing formulations.

(2) The ingredient is used at levels not to exceed current good manufacturing practice.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposed to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before December 28, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 4, 1982.

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

[FR Doc. 82-29730 Filed 10-29-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Receipt of Proposed Amendment From Indiana and Procedures for Public Comment Period and Hearing

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by Indiana to satisfy one of the conditions imposed by the Secretary of the Interior on the approval of the Indiana State Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Indiana program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATES: Written comments relating to Indiana's proposed modification of its program not received on or before 4:00 p.m. on November 29, 1982 will not necessarily be considered in the Secretary's decision on whether the proposed program amendment satisfies the condition.

If requested, a public hearing will be held on November 19, 1982 beginning at 10:00 a.m. at the location shown below under "Addresses."

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Richard D. McNabb, Director, Indiana Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

If a public hearing is held, its location will be at: OSM Indiana Field Office, Conference Room, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. McNabb, Director, Indiana Field Office, Federal Building & U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION:**I. Public Comment Procedures***Availability of Copies*

Copies of the Indiana program, the proposed modification to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Offices of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240
Office of Surface Mining Reclamation and Enforcement, Federal Building & U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204

Indiana Department of Natural Resources, Division of Reclamation, 309 West Washington Street, Room 202, Indianapolis, Indiana 46204

Indiana Department of Natural Resources, Division of Reclamation, 101 West Main Street, Jasonville, Indiana 47438.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commentor's recommendations. Comments received after the time indicated under "Dates" or at locations other than Indianapolis, Indiana, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing 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 the public hearing, 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.

The public hearing 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 Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office 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. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

Information pertinent to the general background to the Indiana State program including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 Federal Register (47 FR 32071-32108).

III. Discussion of Proposed Amendment

One of the conditions of the Secretary's approval, 30 CFR 914.11(b)(2), states that Indiana must amend its permit application forms to require the applicant to certify that all reclamation fees due under 30 CFR 870.12 have been paid.

On September 1, 1982, Indiana submitted its revised permit application forms to satisfy the condition set forth in 30 CFR 914.11(b)(2). See IN-0290.

The Secretary requests comments on the adequacy of the permit application forms to satisfy the condition listed above. No other provisions of the Indiana program are being addressed in this rulemaking.

Procedural Matters*Paperwork Reduction Act*

There are no information collection requirements in 30 CFR 914.11 requiring approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act

The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for

actions directly related to approval or conditional approval of State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, P.L. 96-354, I have certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 25, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-29882 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 67**

[Docket No. FEMA-6442]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood

elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or

pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a

local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, flood plains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Lincoln, Talladega County	Blue Eye Creek	Just upstream of McClain Avenue	*486
		Tributary 1	Just upstream of State Highway 77	*501
		Tributary 2	Approximately 200 feet upstream State Highway 77	*507
			Just upstream of Magnolia Avenue	*499
Maps available for inspection at Town Hall, Clerk's Office, Highway 78, Lincoln, Alabama 35096. Send comments to Mayor Carroll Watson or Ms. Kathleen Reaves, Town Creek, Town Hall, P.O. Box 172, Lincoln, Alabama 35096.				
Alaska	Kotzebue (City), Kotzebue Division	Kotzebue Sound	Center of intersection of Shore Avenue and Rurik Way	*10
			Center of intersection of Tundra Street and Eighth Avenue	*7
Maps available for inspection at City Hall, 3rd Avenue, Kotzebue, Alaska. Send comments to the Honorable Royal Harris, Box 46, Kotzebue, Alaska 99752.				
California	Farmersville (City), Tulare County	Deep Creek	Center of intersection of Shasta Avenue and Cottonwood Street	*358
Maps available for inspection at City Hall, 147 E. Front Street, Farmersville, California. Send comments to the Honorable Larry Miller, 147 E. Front Street, Farmersville, California.				
California	Porterville (City), Tulare County	Tule River	50 feet upstream from center of Jaye Street	*441
		Shallow Flooding	Center of intersection of Olive Avenue and Plano Street	#1
		Shallow Flooding	Center of intersection of Doris Avenue and Sunnyside Avenue	*447
Maps available for inspection at City Planning Department, 291 North Main Street, Porterville, California. Send comments to the Honorable Mary Dougherty, P.O. Box 432, Porterville, California 93258.				
California	Visalia (City), Tulare County	Shallow Flooding	Center of intersection of Airport Drive and Plaza Drive	#1
			Center of intersection of Main Street and Cain Street	#2
Maps available for inspection at City Department of Public Works, 707 W. Acequia Street, Visalia, California. Send comments to the Honorable Berkley Johnson, 707 W. Acequia Street, Visalia, California 93291.				
Florida	Dania, City, Broward County	Atlantic Ocean	50 feet inland from shoreline along Dania Beach	*11
		Atlantic Ocean/Inland Waterways	100 feet inland from shoreline along Dania Beach	*9
			Intersection of 7th Avenue S.E. and Pershing Street	*9
Maps available for inspection at the Office of the City Clerk, City Hall, 100 West Beach Boulevard, Dania, Florida. Send comments to Honorable John Bertino, Mayor, City of Dania, 100 West Beach Boulevard, Dania, Florida 33004.				
Florida	New Port Richey (City), Pasco County	Gulf of Mexico	Intersection of State Highway 55/U.S. Highway 19 and Avery Road	*12
		Pithlachascotee River	Intersection of Calhoun Street and Wyoming Avenue	*11
Maps available for inspection at Building Department, 320 E. Main Street, New Port Richey, Florida. Send comments to Honorable George Henry, 320 E. Main Street, New Port Richey, Florida 33552.				
Florida	New Port Richey (City), Pasco County	Gulf of Mexico	Intersection of U.S. Highway 19/State Highway 55 and River Gulf Road	*13
			Intersection of Old Post Road and Beach Drive	*15
Maps available for inspection at City Hall, 100 U.S. 19, Port Richey, Florida. Send comments to Honorable Harold Loser, 100 U.S. 19, Port Richey, Florida 33568.				
Georgia	Unincorporated Areas of Fayette County	Line Creek	Just upstream of Castlewood Road	*857

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
		Whitewater Creek..... South Camp Creek..... Ginger Cake Creek..... Sandy Creek..... Sandy Creek Tributary..... Whitewater Creek Tributary..... Flint River..... Camp Creek.....	Just upstream of Palmetto Road.....	*870	
			Just upstream of Starrs Mill Pond Lake Dam.....	*752	
				Just upstream of Bernhard Road.....	*770
				Just upstream of Willow Pond Road.....	*785
				Just upstream of Redwine Road.....	*773
				Just downstream of E.A. Brown Dam.....	*780
				Just upstream of E.A. Brown Dam.....	*787
				Just upstream of State Highway 54.....	*812
				Just upstream of Hood Road.....	*822
				Just downstream of Sandy Creek Road.....	*818
				Just upstream of Sandy Creek Road.....	*820
				Approximately 2,050 feet upstream of confluence with Sandy Creek.....	*825
				Just downstream of Coleman Dam.....	*905
				Just upstream of Coleman Dam.....	*912
				Just upstream of Indian Road.....	*774
				Just upstream of McDonough Road.....	*784
				Just upstream of State Highway 54.....	*793
				Just upstream of State Highway 85 (southbound).....	*805
				Just upstream of Westbridge Road.....	*839
				Just downstream of Helmer Road.....	*816
				Just upstream of Helmer Road.....	*819
				Just downstream of State Highway 138.....	*831
Maps available for inspection at Zoning Administrator's Office, Fayette County Courthouse, 692 North Glynn Street, Fayetteville, Georgia 30214. Send comments to Mr. Jerry Barronton, Chairman, Fayette County Commission, or Ms. Betty Chafin, Zoning Administrator, Fayette County Courthouse, 692 North Glynn Street, Fayetteville, Georgia 30214.					
Georgia.....	City of Gainesville, Hall County.....	Flat Creek.....	Approximately 150 feet downstream of McEver Road..... Approximately 500 feet upstream of Old Flowery Branch Road..... Approximately 125 feet downstream of Jones and Dale Road.....	*1,095 *1,130 *1,140	
Maps available for inspection at Planning and Zoning Department, City-County Administration Building, 300 Green Street, Gainesville, Georgia 30503. Send comments to Mayor Robert Hamrick or Mr. Harry Hayes, Planning Director, City-County Administration Building, P.O. Box 2496, Gainesville, Georgia 30503.					
Georgia.....	Unincorporated areas of Newton County.....	South River..... Yellow River..... Dried Indian Creek..... Turkey Creek..... Big Haynes Creek..... Little Haynes Creek.....	Just upstream of Butler Bridge Road..... State Highway 20..... Just downstream of Rocky Plains Road..... Just upstream of the Georgia Railroad..... Just upstream of Flat Shoals Road..... Approximately 5,300 feet upstream of the confluence with Yellow River..... At Bald Rock Road..... Just upstream of Dials Mill Pond Dam..... Just upstream of State Highway 138.....	*592 *614 *560 *644 *584 *638 *652 *677 *687	
Maps available for inspection at Building Inspection Department, Newton County Courthouse, Covington, Georgia 30209. Send comments to Mr. Roy Varner, Chairman, Newton County Commission, or Mr. A. T. Stubbs, County Courthouse, Covington, Georgia 30209.					
Idaho.....	Firth (city), Bingham County.....	Snake River.....	Intersection of Pine Avenue and Wilson Street..... Intersection of Park Avenue and Lincoln Street..... Intersection of U.S. Highway 91 and Goshen Junction Road.....	*4,562 *4,563 *4,565	
Maps available for inspection at City Hall, Firth, Idaho. Send comments to the Honorable Lonnie R. Bowne, 109 Roosevelt Avenue, Firth, Idaho 83236.					
Illinois.....	(C) Bloomington, McLean County.....	Sugar Creek..... Goose Creek..... Skunk Creek..... High School Branch Sugar Creek..... Little Kickapoo Creek..... Brookridge Branch Little Kickapoo Creek.....	Just downstream of Interstate 55 at western corporate limit..... Just upstream of White Oak Road..... Just upstream of Linden Avenue..... Just downstream of Airport Road..... Just upstream of Sewage Plant Drive..... About 150 feet upstream of Springfield road..... Just downstream of Main Street..... About 200 feet upstream of Market Street..... About 2,600 feet upstream of Market Street..... About 100 feet upstream of Emerson Street..... Just downstream of Empire Street and Colton Avenue..... Just upstream of Empire Street and Colton Avenue..... Just upstream of Country Club Weir..... Just upstream of Ireland Grove Road..... Just upstream of Lincoln Street..... Just downstream of Oakland Avenue..... About 600 feet downstream of Hershey Road..... About 1,600 feet upstream of Hershey Road.....	*736 *749 *773 *808 *738 *786 *810 *745 *750 *773 *780 *785 *816 *820 *824 *825 *821 *825	
Maps available for inspection at the Department of Engineering, City Hall, 109 East Olive Street, Bloomington, Illinois. Send comments to Honorable Richard Buchanan, Mayor, City of Bloomington, City Hall, 109 East Olive Street, Bloomington, Illinois 61701.					
Illinois.....	(C) Danville, Vermilion County.....	Vermilion River..... North Fork, Vermilion River.....	About 4,000 feet downstream of Interstate 74..... Western corporate limits (about 4,500 feet upstream of Conrail)..... About 800 feet upstream of Conrail..... About 11,200 feet upstream of Water Treatment Plant Dam.....	*533 *542 *539 *559	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Stoney Creek	Just upstream of Griffin Street.....	*551
			About 250 feet downstream of Winter Avenue	*610
			Just upstream of Winter Avenue	*613
			Just downstream of Liberty Lane Road	*625
		Koehn Creek	Just upstream of Conrail (about 700 feet downstream of Fairchild Street)	*634
			About 100 feet upstream of Fairchild Street	*639
			Just downstream of Voorhees Street	*643
			Upstream corporate limit	*658
		West Branch Koehn Creek	At mouth	*643
			Just upstream of Bohn Aluminum Driveway-West	*644
			At upstream corporate limit	*654
		East Branch Lick Creek	Just downstream of East Main Street	*604
			About 1,800 feet upstream of East Main Street	*625
			Just upstream of Conrail	*637
			About 200 feet upstream of Old Lynch Road	*644

Maps available for inspection at City Clerk's Office, City Hall, 400 North Hazel Street, Danville, Illinois.

Send comments to Honorable David S. Palmer, Mayor, City of Danville, City Hall, 400 North Hazel Street, Danville, Illinois 61832.

Illinois	(Uninc.), McLean County	Little Kickapoo Creek	Just upstream of County Road 34	*750
			Just downstream of Norfolk and Western Railroad	*809
			Just upstream of Norfolk and Western Railroad	*820
		Sugar Creek	Just downstream of Lincoln Street	*824
			Just upstream of Six Points Road	*731
			Just downstream of Interstate 55	*736
			Just upstream of Washington Street	*744
			Just downstream of Norfolk and Western Railroad	*747
			Just upstream of Illinois Central Gulf Railroad near Vernon Avenue	*786
		Goose Creek	Just downstream of Airport Road	*808
			Just upstream of West Oakland County Road	*743
			Just downstream of Illinois Central Gulf Railroad	*756
			Just upstream of Illinois Central Gulf Railroad	*767
		Skunk Creek	Just downstream of Morris Avenue	*774
			At mouth Confluence of East and West Tributary of Skunk Creek	*757
		West Branch Sugar Creek	About 900 feet upstream of mouth	*756
			About 2,300 feet upstream of mouth	*760

Maps available for inspection at the County Building and Zoning Department, McLean County Courthouse, 202 West Main Street, Room 201, Bloomington, Illinois.

Send comments to Honorable Roscoe McPherrin, Chairman of the McLean County Board, McLean County Courthouse, 202 West Main Street, Bloomington, Illinois 61701.

Illinois	(T) Normal, McLean County	Sugar Creek	Just upstream of Cottage Avenue	*754
			Just downstream of Illinois Central Gulf Railroad	*760
			Just upstream of Illinois Central Gulf Railroad	*784
			Just upstream of Veteran Parkway	*791
		West Branch Sugar Creek	Southern Corporate Limit	*755
			Just downstream of Raab Road	*817
		North Branch Sugar Creek	Mouth at Sugar Creek	*764
			Just downstream of Fort Jesse Road	*786
		East Tributary Skunk Creek	Just downstream of Route 150 (White oak Road)	*762
			Just downstream of Parkside Drive	*766
		West Tributary Skunk Creek	About 700 feet downstream of Interstates 55 and 74	*776
			Just downstream of Gregory Street	*785

Maps available for inspection at the Housing Inspections Department, City Hall, 100 East Phoenix, Normal, Illinois.

Send comments to Honorable Richard Godfrey, Mayor, Town of Normal, City Hall, 100 East Phoenix, Normal, Illinois 61761.

Indiana	(T) Alton, Crawford County	Ohio River	About 0.68 mile downstream of confluence with Little Blue River	*423
			At confluence of Little Blue River	*424

Maps available for inspection at Town Hall, Rural Route 1, Leavenworth, Indiana.

Send comments to Honorable John Haney, Town Board President, Town of Alton, Town Hall, Rural Route 1, Leavenworth, Indiana 47137.

Indiana	(C) Auburn, De Kalb County	Cedar Creek	About 950 feet downstream of Cheesie System	*852
			About 0.36 mile upstream of First Street	*861

Maps available for inspection at City Hall, Auburn, Indiana.

Send comments to Honorable J. A. Sanders, Mayor, City of Auburn, City Hall, P.O. Box 506, Auburn, Indiana 46706.

Indiana	(C) Bluffton, Wells County	Wabash River	About 3,000 feet downstream of Norfolk and Western Railway	*807
			About 400 feet upstream of Main Street	*811
			At eastern corporate limits about 5,600 feet upstream of Main Street	*812

Maps available for inspection at the County-City Area Plan Office, Wells County Courthouse, Bluffton, Indiana.

Send comments to Honorable John Flanigan, Mayor, City of Bluffton, City Hall, 126 East Market Street, Bluffton, Indiana 46714.

Indiana	(C) Cannelton, Perry County	Ohio River	About 1.2 miles downstream of Lincoln Trails Highway	*401
			About 2.3 miles upstream of Lincoln Trails Highway	*402

Maps available for inspection at the City Hall, Cannelton, Indiana.

Send comments to Honorable Melvin McBrayer, Mayor, City of Cannelton, City Hall, Box 94, Cannelton, Indiana 47520.

Indiana	(T) Corydon, Harrison County	Indian Creek	About 1.8 miles downstream of confluence with Little Indian Creek	*537
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PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Little Indian Creek	About 0.5 mile upstream of Low Flow Dam No. 3	*578
			At mouth	*546
			About 0.4 mile upstream of Golf Course Drive	*585
Maps available for inspection at Town Hall, 113 North Oak, Corydon, Indiana. Send comments to Honorable Fred K. Commack, Town Board President, Town of Corydon, Town Hall, 113 North Oak, Corydon, Indiana 47112.				
Indiana	(C) Gas City, Grant County	Mississinewa River	About 0.7 mile downstream of State Route 22	*819
			About 0.9 mile upstream of State Route 22	*823
Maps available for inspection at City Hall, 211 East Main, Gas City, Indiana. Send comments to Honorable Eugene Linn, Mayor City of Gas City, City Hall, 211 East Main, Gas City, Indiana 46933.				
Indiana	(T) Grandview, Spencer County	Ohio River	Within the community	*394
Maps available for inspection at Town Hall, Grandview, Indiana. Send comments to Honorable Janet Sue Rudisil, Town President, Town of Grandview, Town Hall, P.O. Box 638, Grandview, Indiana 47615.				
Indiana	(C) Huntington, Huntington County	Wabash River	At downstream corporate limits	*705
			Just downstream of State Highway 221	*714
		Little River	About 300 feet upstream of confluence with Wabash River	*706
			About 300 feet upstream of Jefferson Street	*722
			About 600 feet upstream of Jefferson Street (Just upstream of dam)	*726
			Just downstream of North Broadway	*730
Maps available for inspection at City Building, 300 Cherry Street, Huntington, Indiana. Send comments to Honorable Maurice Robbins, Mayor, City of Huntington, City Building, 300 Cherry Street, Huntington, Indiana 46750.				
Indiana	(Uninc.), Huntington County	Wabash River	Just upstream of State Route 105	*693
			About 300 feet downstream of State Route 5	*727
		Little River	About 200 feet upstream of North Broadway	*730
			About 1,500 feet upstream of Norfolk and Western Railway	*755
		Calf Creek	At mouth	*753
			Just upstream of U.S. Route 24 and State Route 37	*754
			About 150 feet upstream of 1100 North Road	*763
		Loon Creek	About 450 feet downstream of Norfolk and Western Railway	*701
			Just upstream of 800 West Road	*720
			About 1,800 feet upstream of 800 West Road	*727
Maps available for inspection at the County Courthouse, Huntington, Indiana. Send comments to Honorable Alan Updike, Chairman of the County Commissioners, Huntington County, County Courthouse, Huntington, Indiana 46750.				
Indiana	(T) Jonesboro, Grant County	Mississinewa River	About 1,000 feet downstream of State Route 22	*819
			About 1.37 miles upstream of State Route 22	*825
Maps available for inspection at the Town Hall, 210 North Water, Jonesboro, Indiana. Send comments to Honorable Lester E. Lewis, Town Board President, Town of Jonesboro, Town Hall, 210 North Water, Jonesboro, Indiana 46930.				
Indiana	(T) Mauckport, Harrison County	Ohio River	Within the community	*436
Maps available for inspection at Town Hall, Mauckport, Indiana. Send comments to Honorable David Windell, Town Board President, Town of Mauckport, Town Hall, Box 247, Mauckport, Indiana 47142.				
Indiana	(C) Mount Vernon, Posey County	Ohio River	Within the corporate limits	*372
Maps available for inspection at City Hall, 526 Main Street, Mount Vernon, Indiana. Send comments to Honorable Jackson Higgins, Mayor, City of Mount Vernon, City Hall, 526 Main Street, Mount Vernon, Indiana 47620.				
Indiana	(T) New Amsterdam, Harrison County	Ohio River	Within the community	*434
Maps available for inspection at Town Hall, Central, Indiana. Send comments to Honorable Maynard Koffman, Town Board President, Town of New Amsterdam, Town Hall, Central, Indiana 47110.				
Indiana	(C) New Haven, Allen County	Maumee River	About 2.7 miles downstream of Norfolk and Western Railway	*747
			About 1.25 miles upstream of Landin Road	*751
		Martin Ditch	At mouth	*749
			Just downstream of Norfolk and Western Railway	*753
			About 250 feet upstream of Norfolk and Western Railway	*759
			Just downstream of Doyle Road	*766
		Trier Ditch	At mouth	*750
			Just upstream of Hartzell Road	*756
			Just downstream of Moeller Road	*762
		Bender Ditch	At mouth	*761
			Just upstream of Moeller Road	*767
			Just downstream of Seiler Road	*771
		Dannenfelser-Cocholt Ditch	At mouth	*757
			Just upstream of Walnut Road	*764
			Just upstream of Werling Road	*769
			Just downstream of Seiler Road	*782
Maps available for inspection at City Hall, 1235 Lincoln Highway East, New Haven, Indiana. Send comments to Honorable Terry Werling, Mayor, City of New Haven, City Hall, 1235 Lincoln Highway East, New Haven, Indiana 46774.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) Rockport, Spencer County	Ohio River	Within the community	*392
Maps available for inspection at City Hall, Box 151, Rockport, Indiana. Send comments to Honorable Ferman Yearby, Mayor, City of Rockport, City Hall, Box 151, Rockport, Indiana 47635.				
Indiana	(T) Troy, Perry County	Ohio River	Within the community	*396
Maps available for inspection at Town Hall, Troy, Indiana. Send comments to Honorable Wayne Hubert, Town Board President, Town of Troy, Town Hall, P.O. Box 57, Troy, Indiana 47588.				
Kansas	(C) Ellis, Ellis County	Big Creek Tributary No. 2	About 950 upstream of Dorrance Street	*2,123
		Big Creek Tributary No. 3	Just within community	*2,112
		Big Creek	About 1,750 feet downstream of Ellis Dam	*2,111
			About 700 feet upstream of West 11th Street (Near Baughman Street).	*2,129
Maps available for inspection at City Hall, P.O. Box 27, Ellis, Kansas. Send comments to Honorable Marvin Honas, Mayor, City of Ellis, City Hall, P.O. Box 27, Ellis Kansas 67637.				
Massachusetts	Adams, town, Berkshire County	Dry Brook	Confluence with South Branch Hoosic River	*847
			Leonard Street (upstream side)	*867
			Approximately 900 feet upstream of Leonard Street	*887
		Fisk Brook	Confluence with South Branch Hoosic River	*818
			Upstream of dam	*860
			Confluence of Pecks Brook	*930
			West Road (downstream side)	*979
		Hoxie Brook	Forest Park Avenue (upstream side)	*830
			Gilead Street (upstream side)	*870
			Approximately 200 feet upstream of West Road	*906
		Miller Brook	Confluence with Tophet Brook	*778
			Richmond Lane (upstream side)	*820
			Hoosac Street (upstream side)	*932
			East Road (downstream side)	*974
		Pecks Brook	Confluence with Fisk Brook	*930
			Fisk Street (downstream side)	*969
		South Branch Hoosic River	Downstream corporate limits	*721
			Confluence of Cheesbro Brook	*724
			Lime Street (upstream side)	*742
			Cook Street (upstream side)	*767
			Hoosac Street (upstream side)	*780
			Park Street (upstream side)	*795
			Downstream crossing of Commercial Street (upstream side).	*818
			Upstream crossing of Commercial Street (upstream side).	*852
			Grove Street (upstream side)	*873
			Upstream corporate limits	*928
		Southwick Brook	Confluence with South Branch Hoosic River	*743
			Judson Street (upstream side)	*797
			Approximately 150 feet upstream of East Road	*855
		Tophet Brook	Confluence with South Branch Hoosic River	*769
			North Summer Street (upstream side)	*790
			East Street (downstream side)	*1,008
		Tributary No. 4	Confluence with South Branch Hoosic River	*738
			Columbia Street (upstream side)	*754
			Burt Street (upstream side)	*760
			Approximately 200 feet upstream of Friend Street	*784
		Tributary No. 5	Confluence with South Branch Hoosic River	*743
			Downstream crossing of Powers Street (upstream side).	*775
			Upstream crossing of Powers Street (upstream side)	*884
			East Road (downstream side)	*894
		Tributary No. 6	Confluence with South Branch Hoosic River	*892
			Approximately 300 feet upstream of Grove Street	*965
			West Road (downstream side)	*1,093
Maps available for inspection at the Office of the Planning Board, Town Hall, 65 Park Street, Adams, Massachusetts. Send comments to Honorable Joseph A. Dean, Chairman of the Adams Board of Selectmen, Town Hall, 65 Park Street, Adams, Massachusetts 01220.				
Michigan	(C) Kalamazoo, Kalamazoo County	Kalamazoo River	Just upstream of Mosel Avenue	*760
			About 0.3 mile upstream of King Highway	*765
		Portage Creek	At mouth at Kalamazoo River	*762
			Just upstream of Alcott Street	*773
			Just upstream of the Bryant Mill Pond Dam	*788
			About 1,000 feet upstream of Cork Street	*801
			Just upstream of the Monarch Paper Mill Dam	*812
			Just downstream of Kilgore Road	*820
			About 0.44 mile upstream of Kilgore Road	*824
		Arcadia Creek	About 250 feet downstream of Harrison Street	*767
			About 100 feet upstream of Burdick Street	*779
			Just downstream of Lovell Street	*802
			Just downstream of Conrail (upstream of Oliver Street)	*816
			Just upstream of Conrail (upstream of Oliver Street)	*825
			Just downstream of Howard Street	*835
			Just upstream of Howard Street	*841
			Just downstream of Stadium Drive (upstream of Howard Street)	*845
			Just upstream of Stadium Drive (upstream of Howard Street)	*855
			About 1.4 miles upstream of Howard Street	*869

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Campus Drive Diversion.....	At confluence with Arcadia Creek.....	*827
			At divergence with Arcadia Creek.....	*833
		Axtell Creek.....	At mouth of Portage Creek.....	*765
			Just upstream of Westledge Avenue.....	*768
			About 1,450 feet upstream of Howard Street.....	*769
		West Fork Portage Creek.....	About 0.32 mile upstream of Kilgore Road.....	*853
			About 0.89 mile upstream of Kilgore Road.....	*854
		Pitcher Street Diversion.....	At confluence with Portage Creek.....	*762
			At divergence with Portage Creek.....	*764
		Howard Street Diversion.....	At confluence with Arcadia Creek.....	*845
			At divergence with Arcadia Creek.....	*855

Maps available for inspection at City Hall, 241 West South Street, Kalamazoo, Michigan.

Send comments to Honorable Carolyn Ham, Mayor, City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo, Michigan 49007.

Minnesota.....	(C) Georgetown, Clay County.....	Buffalo River.....	At downstream corporate limits.....	*882
			At upstream corporate limits.....	*884

Maps available for inspection at the Mayor's Office, City Hall, Main Street, Georgetown, Minnesota.

Send comments to Honorable Charles L. Asplin, Mayor, City of Georgetown, City Hall, Main Street, Georgetown, Minnesota 56546.

Minnesota.....	(Uninc.), Marshall County.....	Red River of the North.....	Just upstream of State Highway 317.....	*801
			Upstream county boundary.....	*813
		Tamarac River.....	About 1.2 miles downstream of County Highway 5.....	*822
			Just upstream of Burlington Northern Railroad.....	*830
			Just downstream of County Highway 109.....	*836
		Middle River.....	Just upstream of unnamed county road (about 3.7 miles downstream of Burlington Northern Railroad).....	*857
			About 3.1 miles upstream of Dam at City of Argyle.....	*1,066
			Just upstream of unnamed road (about 6.0 miles downstream of County Highway 28 in Newfolden).....	*1,075
			Just upstream of Township Road (about 3.8 miles downstream of County Highway 28 in Newfolden).....	*1,097
			Just downstream of County Highway 28 east of Newfolden.....	*1,100
			About 3.2 miles upstream of County Highway 28 east of Newfolden.....	*1,129
			Just upstream of unnamed road about 1.6 miles downstream of County Highway 47 (West of the City of Middle River).....	*1,132
			Just downstream of County Highway 47 (West of the City of Middle River).....	*1,135
			Just upstream of County Highway 47 (West of City of Middle River).....	*1,138
			City of Middle River (western corporate limit).....	*1,141
			City of Middle River (eastern corporate limit).....	*1,143
			Just downstream of County Highway 47 near County Highway 12.....	*1,145
			Just upstream of County Highway 47 near County Highway 12.....	*808
		Snake River.....	Just upstream of unnamed road (about 3.3 miles downstream of Soo Line Railroad).....	*814
			Just upstream of State Highway 220 (about 2.0 miles upstream of the Soo Line Railroad).....	*835
			Just upstream of County Highway 104.....	*850
			Just upstream of County Highway 15.....	*860
			About 3.0 miles upstream of County Highway 15 at City of Warren corporate limits.....	*874
		Mud River.....	About 7.4 miles upstream of County Highway 15.....	1,173
			Just upstream of unnamed road (about 1.2 miles downstream of County Highway 54).....	*1,179
			About 1.2 miles upstream of County Highway 54 (at county boundary).....	#3
		Shallow Flooding (Overflow from Middle River).....	South of County Highway 110 near U.S. Highway 75.....	#3
		Shallow Flooding (Overflow from Tamarac River).....	South of County Highway 5 and west of City of Stephen.....	#3
		Shallow Flooding (Overflow from Snake River).....	East of County Highway 15 and North of State Highway 1.....	#3
			West of County Highway 105 (at county boundary).....	*823
			West of County Highway 104 (at county boundary).....	*829

Maps available for inspection at the County Auditor's Office, Marshall County Courthouse, Warren, Minnesota.

Send comments to Honorable Kenneth Price, Chairman of the County Board, Marshall County, Marshall County Courthouse, Warren, Minnesota 56762.

Missouri.....	(C) Joplin, Jasper and Newton Counties.....	Baker's Branch.....	Mouth at Turkey Creek.....	*961
			About 200 feet downstream of Rangeline Avenue.....	*976
			About 800 feet upstream of Rangeline Avenue.....	*982
		Center Creek.....	About 1.3 miles downstream of County Road.....	*881
			About 400 feet upstream of County Road.....	*884
		County Line Creek.....	Mouth at Tin Cup Creek.....	*945
			About 160 feet upstream of Thirty-Second Street.....	*951
			Just upstream of Old Thirty-Second Street.....	*968
			About 0.3 mile upstream of Old Thirty-Second Street.....	*997
		Iowa Avenue Branch.....	Mouth at Jopline Creek.....	*966
			Just downstream of 7th Street.....	*975
			Just upstream of 7th Street.....	*980
			About 400 feet downstream of 15th Street.....	*993
			Just upstream of 15th Street.....	*999

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Joplin Creek	Just downstream of 26th Street	*1,038
			Mouth at Turkey Creek	*921
			Just downstream of Missouri Pacific Railroad	*984
			Just upstream of Missouri Pacific Railroad	*989
			Just downstream of Connecticut Avenue	*996
			Just upstream of Connecticut Avenue	*1,001
			About 1,000 feet downstream of Kansas City Southern Railroad	*1,041
			About 600 feet downstream of Kansas City Southern Railroad	*1,049
			Just downstream of Davis Boulevard	*1,059
		Shoal Creek	About 400 feet downstream of Joplin Water Work Company Dam	*884
			Just upstream of Joplin Water Work Company Dam	*891
		Silver Creek	About 0.6 mile upstream of State Highway 86	*912
			Mouth at Shoal Creek	*906
			Just downstream of State Highway 86	*907
			Just upstream of State Highway 86	*925
		Tin Cup Creek	Just downstream of U.S. Highway 71 and interstate 44 Interchange	*1,003
			Just upstream of U.S. highway 71 and interstate 44 Interchange	*1,017
			Just downstream of Duquesne Road	*1,054
			Mouth at Shoal Creek	*896
		Turkey Creek	About 100 feet downstream of McIntosh Circle Drive	*947
			Just upstream of McIntosh Circle Drive	*956
			About 850 feet downstream of 32nd Avenue (just downstream of unnamed drive)	*956
			About 750 feet downstream of 32nd Avenue (just upstream of unnamed drive)	*966
			About 100 feet upstream of 32nd Avenue	*972
			About 750 feet upstream of Jackson Avenue	*987
			About 800 feet downstream of St. Louis-San Francisco Railroad	*905
			Just downstream of Lone Elm Road	*916
			About 100 feet upstream of Lone Elm Road	*920
			Just upstream of Florida Avenue	*960
			About 1,300 feet upstream of Duquesne Road	*994

Maps available for inspection at the City Hall, 303 East Third Street, Joplin, Missouri.

Send comments to Honorable Don Goetz, Mayor, City of Joplin, City Hall, 303 East Third Street, Joplin, Missouri 64801.

Montana	Choteau (city), Teton County	Teton River	Intersection of 3rd Street, SW and 5th Avenue, SW	*3,807
		Spring Creek	Intersection of 4th Avenue, NE and 2nd Street, NE	*3,819

Maps available for inspection at City Hall, Choteau, Montana.

Send comments to the Honorable James A. Hamilton, City Hall, Choteau, Montana 59442.

Montana	Teton County (unincorporated areas)	Sun River	At upstream limit of detailed study	*3,576
		Teton River	50 feet upstream from center of Bellview Road	*3,803
		Spring Creek	50 feet upstream from center of road leading to airport	*3,833

Maps available for inspection at County Clerk, County Courthouse, Choteau, Montana.

Send comments to the Honorable Myron Wheeler, County Courthouse, Choteau, Montana 59422.

New Jersey	Dover, township, Ocean County	Atlantic Ocean	East Colony Road extended 900 feet seaward from its intersection with State Route 35N	*12
			Plainfield Avenue extended 800 feet seaward with State Route 35N	*12
			Holiday Road extended 1,100 feet seaward from its intersection with State Route 35N	*12
		Barnegat Bay	Intersection of Second Avenue and State Route 35S	*7
			Intersection of Amber Jack Way and State Route 35N	*7
			Intersection of Joseph Street and State Route 35S	*7
			Intersection of Shuster and Washington Avenues	*7
			Intersection of Harding Avenue and Bay Boulevard	*7
			Intersection of Collidge Avenue and State Route 35N	*7
			Intersection of Tamiami Drive and Strickland Boulevard	*7
			Little Sedge Island	*8
			Intersection of Catalina Avenue and St. Lawrence Avenue (on Pelican Island)	*8
			Intersection of Bahama Avenue and Nassau Drive	*7
			Intersection of Beachview Drive and Foster Road	*7
			Intersection of Harding and McKinley Avenues	*7
			Intersection of Fischer Boulevard and Matso Drive	*7
			Intersection of Lookout Drive and Windward Court	*7
			Intersection of Aldo Drive and Longman Street	*7
			Intersection of River, Bend and Point O'Woods Drives	*6
			Intersection of West Water and Irons Streets	*6

Maps available for inspection at the Office of the Township Clerk, Municipal Building, 33 Washington Street, Toms River, New Jersey.

Send comments to Honorable W. Thomas Renkin, Mayor, Township of Dover, P.O. Box 728, Toms River, New Jersey 08753.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Portville, town, Cattaraugus County	Oswayo Creek	Confluence with Allegheny River At upstream corporate limits	*1,437 *1,437
Maps available for inspection at the Town Office Building, Route 417, Portville, New York. Send comments to Honorable Conrad Linn, Jr., Supervisor of Portville, R.D. 2, Linn Road, Olean, New York 14760.				
New York	Rochester, town, Ulster County	Rondout Creek	Confluence of Rochester Creek Main Street (upstream) Upstream corporate limits	*239 *242 *253
Maps available for inspection at the Town Hall, Accord, New York. Send comments to Honorable Wayne G. Lawrence, Supervisor of Rochester, P.O. Box 65, Rochester, New York 12404.				
New York	Wawarsing, town, Ulster County	Rondout Creek	42nd Street (upstream) U.S. Route 44, State Route 55 (upstream) Ford Moore Road (upstream) Port Ben Road (upstream) Institution Road (upstream) U.S. Route 209 (upstream) Confluence with Rondout Creek Confluence of Fantine Kill Upstream corporate limits crossing Confluence with Rondout Creek U.S. Route 209, State Route 55 (upstream side)	*255 *258 *262 *271 *284 *300 *288 *300 *326 *268 *284
Maps available for inspection at the Wawarsing Town Hall, 108 Canal Street, Ellenville, New York. Send comments to Honorable Frank Spada, Supervisor of Wawarsing, 108 Canal Street, Ellenville, New York 12428.				
North Carolina	Unincorporated areas of Union County	Bearskin Creek	Approximately 200 feet downstream of Secondary Road 1007. Approximately 140 feet downstream of Secondary Road 1351.	*618 *833
		Crooked Creek	Approximately 400 feet upstream of U.S. Highway 601. At the confluence with North and South Forks Crooked Creek.	*562 *568
		Davis Mine Creek	Just upstream of confluence with Price Mill Creek.	*591
		East Fork Twelve Mile Creek	Approximately 190 feet upstream of Secondary Road 1008. Approximately 380 feet downstream of Secondary Road 1328. Just downstream of Secondary Road 1329. Just downstream of Secondary Road 1315.	*525 *528 *539 *545
		Goose Creek	Just upstream of State Highway 218. Just upstream of Secondary Road 1533. Approximately 100 feet upstream of Secondary Road 1004. Just upstream of Secondary Road 1525.	*499 *525 *537 *560
		Little Twelve Mile Creek	Just upstream of Secondary Road 1328. Just upstream of Secondary Road 1329.	*527 *542
		Meadow Branch	Approximately 500 feet downstream of Secondary Road 1002.	*528
		Meadow Branch West	Just upstream of confluence with Meadow Branch.	*525
		North Fork Crooked Creek	Just upstream of Secondary Road 1504. Approximately 100 feet upstream of Secondary Road 1514. Just downstream of Secondary Road 1520. Just downstream of Secondary Road 1582.	*581 *589 *607 *623
		North Fork Crooked Creek Tributary.	Approximately 100 feet downstream of Secondary Road 1524.	*643
		Price Mill Creek	Just upstream of Secondary Road 1336. Just upstream of State Highway 84. Just upstream of Secondary Road 1346.	*550 *564 *577
		South Fork Crooked Creek	Just upstream of Secondary Road 1004. Approximately 350 feet downstream of Secondary Road 1504. Just downstream of Secondary Road 1508.	*573 *585 *592
		Twelve Mile Creek	Just upstream of Secondary Road 1301. Just upstream of State Highway 16.	*496 *510
		West Fork Twelve Mile Creek	Just downstream of Secondary Road 1315. Just downstream of State Highway 84. Just upstream of Secondary Road 1338. Just upstream of Secondary Road 1346. Approximately 100 feet downstream of Secondary Road 1358.	*539 *564 *571 *582 *607
Maps available for inspection at Planning Department, Union County Courthouse, Monroe, North Carolina 28110. Send comments to Mr. Joe R. Hudson, Chairman, Union County Commission, or Mr. Luther McPherson, County Planner, Union County Courthouse, P.O. Box 218, Monroe, North Carolina 28110.				
Ohio	(C) East Liverpool, Columbiana County	Ohio River	About 0.7 mile downstream of Newell Bridge About 2.7 miles upstream of U.S. Route 30	*686 *690
Maps available for inspection at the Mayor's Office, 126 West Sixth Street, East Liverpool, Ohio. Send comments to Honorable John Payne, Mayor, City of East Liverpool, 126 West Sixth Street, East Liverpool, Ohio 43920.				
Ohio	(C) Gahanna, Franklin County	Big Walnut Creek	About 0.7 mile downstream of Hamilton Road.	*783
		McKenna Creek	Just downstream of Morse Road About 0.13 mile upstream of mouth Just downstream of Cherry Bottom Road Just downstream of Hamilton Road	*809 *799 *808 *887
		Sycamore Creek	At mouth	*793

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rocky Fork Creek	Just upstream of Granville Street.....	*799
			Just downstream of Larry Lane.....	*810
			At mouth.....	*793
			Just upstream of Granville Street.....	*799
			About 0.65 mile upstream of Hamilton Road.....	*822

Maps available for inspection at the Department of Public Service, 200 South Hamilton Road, Gahanna, Ohio.

Send comments to Honorable John Breen, Mayor, City of Gahanna, 200 South Hamilton Road, Gahanna, Ohio 43230.

Ohio	(C) Ironton, Lawrence County	Ohio River	About 2.2 miles downstream of Ironton-Russell Highway.	*545
			About 0.2 mile upstream of confluence with Ice Creek...	*547

Maps available for inspection at the Public Works Office, City Hall, Fourth and Railroad Streets, Ironton, Ohio.

Send comments to Honorable William Sheridan, Mayor, City of Ironton, City Hall, Fourth and Railroad Streets, Ironton, Ohio 45638.

Ohio	(Uninc.), Medina County	West Branch Rocky River	At northern county boundary.....	*784
			About 250 feet upstream of Columbia Road.....	*820
			About 1.4 miles upstream of Fern Road.....	*902
			Just upstream of State Route 18.....	*918
			Just downstream of Interstate 71.....	*941
		Mallet Creek	At mouth.....	*831
			Just downstream of New Lester Dam.....	*939
			Just upstream of New Lester Dam.....	*943
			Just downstream of State Route 18.....	*956
		East Branch Black River	Just upstream of Smith Road.....	*834
			About 3.4 miles upstream of Smith Road.....	*842
			About 1,800 feet upstream of State Route 162.....	*851
			Just upstream of dam about 1,200 feet upstream of Old Mill Road.....	*858
		West Fork	At confluence of West Fork and East Fork.....	*877
			About 200 feet upstream of Norfolk and Western Railway.....	*885
		East Fork	At confluence of Clear Creek.....	*904
			About 300 feet upstream of U.S. Route 42 and 224 west of State Route 83.....	*886
			About 0.5 mile downstream of U.S. Route 42 and 224 east of State Route 83.....	*925
			About 150 feet upstream of Kennard Road.....	*969
		Wolf Creek	Just downstream of Coon Club Road.....	*1,035
			Just upstream of Medina Line Road.....	*1,013
			Just upstream of Ridge Road.....	*1,033
		River Styx	About 100 feet downstream of Sharon-Copley Road.....	*1,042
			Just upstream of Eastern Road.....	*961
			Just upstream of Greenwich Road.....	*972
			About 100 feet upstream of Wadsworth Road.....	*993
		Tommy Run	At southern county boundary.....	*1,031
			Just downstream of dam.....	*1,047
			Just upstream of dam.....	*1,054
			Just downstream of Seville Road.....	*1,145
		Chippewa Creek	At southern county boundary.....	*974
			Just upstream of Mill Road.....	*982
			Just upstream of Interstate 76.....	*990
			About 0.6 mile upstream of Kennard Road.....	*995
		The Inlet	Just upstream of Chippewa Road.....	*995
			Just downstream of Wedgewood Road.....	*998
		Hubbard Creek	About 1.03 miles downstream of Greenwich Road.....	*994
		Kilbuck Creek	About 100 feet downstream of Interstate 76.....	*1,032
			About 400 feet downstream of Conrail.....	*948
			About 1,100 feet upstream of confluence with Camel Creek.....	*954
		Camel Creek	At mouth.....	*954
			Just upstream of Norfolk and Western Railway.....	*957
			About 200 feet upstream of Chessie System.....	*961
			Just downstream of Interstate 71.....	*972

Maps available for inspection at the County Engineer's Center, Medina County Administration Building, 144 North Broadway, Medina, Ohio.

Send comments to Honorable Sterling Seacrest, President of the County Commissioners, Medina County, Medina County Administration Building, 144 North Broadway, Medina, Ohio 44256.

Ohio	(V) Ripley, Brown County	Ohio River	At downstream corporate limits.....	*513
			At upstream corporate limits.....	*514

Maps available for inspection at Town Hall, 14 North Third Street, Ripley, Ohio.

Send comments to Honorable Donald Thacker Mayor, Village of Ripley, Town Hall, 14 North Third Street, Ripley, Ohio 45167.

Ohio	(Uninc.) Stark County	Tuscarawas River	About 700 feet downstream of Blough Avenue.....	*919
			About 1,500 feet upstream of Wooster Street.....	*924
			Just downstream of Highmill Avenue.....	*939
			About 1,300 feet upstream of confluence of Nimisilla Creek.....	*947
			Just upstream of Pontius Street.....	*1,115
			About 0.8 mile upstream of Mogadore Avenue.....	*1,126
		Nimishillen Creek	About 300 feet downstream of Chessie System.....	*982
			About 200 feet downstream of Mill Street.....	*1,003
		East Branch Nimishillen Creek	Just upstream of Conrail (about 1.1 miles downstream of Trump Avenue).....	*1,050
			Just upstream of Conrail (about 0.9 mile downstream of Trump Avenue).....	*1,054

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		East Branch Nimishillen Creek Diversion.	Just upstream of Beck Avenue..... About 1,600 feet upstream of State Route 44..... Just downstream of Meese Road..... At confluence with East Branch Nimishillen Creek.....	*1,083 *1,107 *1,120 *1,050
		Plum Creek.....	At divergence with East Branch Nimishillen Creek..... About 0.7 mile upstream of Leaver Road..... About 0.8 mile upstream of Strausser Street..... Just downstream of State Route 236.....	*1,083 *947 *975 *1,015
		Beech Creek.....	Just upstream of Vine Street..... Just downstream of Beeson Street.....	*1,052 *1,085
		West Branch Nimishillen Creek.....	About 800 feet downstream of Interstate 77..... About 400 feet downstream of Interstate 77..... About 150 feet upstream of 38th Street Northeast..... Just upstream of Schneider Street..... Just upstream of Mt. Pleasant Street..... Just downstream of Midway Street.....	*1,043 *1,044 *1,052 *1,086 *1,099 *1,127
		Chatham Ditch.....	About 1,050 feet downstream of Marquardt Avenue..... About 400 feet upstream of 7th Street Northeast.....	*1,090 *1,100
		Tributary No. 1.....	Within community.....	*1,054
		Hayden Ditch.....	At mouth at Sherrick Run..... About 150 feet downstream of Waynesburg Drive Southeast..... Just upstream of Waynesburg Drive Southeast..... About 2,000 feet upstream of Waynesburg Drive Southeast.....	*1,050 *1,051 *1,056 *1,057
		Black Run.....	About 1,100 feet downstream of Lincoln Street..... About 400 feet upstream of Robertsville Avenue.....	*1,063 *1,083
		Reemsynder Ditch.....	At mouth at McDowell Ditch..... Just upstream of Hiram Road..... About 1,500 feet downstream of Whipple Avenue..... Just downstream of Whipple Avenue.....	*1,048 *1,051 *1,051 *1,059
		Sandy Creek.....	Just downstream of Dam..... About 3,500 feet upstream of Waynesburg Drive..... About 2,400 feet downstream of State Highway 183.....	*960 *967 *1,058
		Indian Run.....	At mouth at Sandy Creek..... Just upstream of Goodland Road.....	*963 *969
		Little Sandy Creek.....	At mouth at Sandy Creek..... Just downstream of Minerva Road.....	*965 *966
		Sherrick Run.....	Just upstream of Allen Ford Avenue..... Just downstream of Cherry Avenue Southeast..... About 150 feet upstream of Cherry Avenue Southeast..... About 1,600 feet upstream of confluence of Hayden Ditch.....	*1,005 *1,023 *1,030 *1,054
		McDowell Ditch.....	At mouth at West Branch Nimishillen Creek..... Just upstream of Everhard Road..... At confluence of Zimber Ditch.....	*1,043 *1,059 *1,062
		McDowell Ditch Diversion Channel.....	At confluence with McDowell Ditch..... Just downstream of Interstate 77..... Just upstream of Interstate 77..... At divergence with McDowell Ditch.....	*1,048 *1,050 *1,055 *1,055
		Middle Branch Nimishillen Creek.....	About 1,800 feet downstream of Spangler Street Northeast..... Just upstream of Middlebranch Avenue Northeast..... Just downstream of Diamond Street.....	*1,048 *1,060 *1,103
		Zimber Ditch.....	Just upstream of Chessie System..... Just downstream of Mount Pleasant Street.....	*1,064 *1,086
		Freestone Ditch.....	At mouth at Middle Branch Nimishillen Creek..... About 150 feet downstream of Amsel Avenue..... Just upstream of Middlebranch Avenue..... Just downstream of Applegate Street.....	*1,078 *1,081 *1,087 *1,099
		Sippo Creek.....	Just upstream of Hankins Street..... At confluence of Johnney Ditch.....	*1,016 *1,031
		Johnney Ditch.....	Just upstream of Briardale Drive..... Just upstream of Roanoke Street..... Just downstream of Perry Drive.....	*1,035 *1,039 *1,043
		Fairhope Ditch.....	At mouth at East Branch Nimishillen Creek..... Just upstream of Conrail (upstream crossing)..... About 300 feet downstream of Atlantic Boulevard..... Just upstream of Atlantic Boulevard..... About 2,100 feet upstream of Broadview Avenue.....	*1,072 *1,078 *1,095 *1,101 *1,109

Maps available for inspection at the Subdivision Engineers' Office, Stark County Office Building, Canton, Ohio.

Send comments to Honorable Jerry Patrick, President of the County Commissioners, Stark County, Stark County Office Building, Canton, Ohio 44702.

Ohio.....	(V) Syracuse, Meigs County.....	Ohio River.....	About 700 feet upstream of confluence with Rose Creek..... About 3.2 miles upstream of confluence with Rose Creek.....	*580 *581
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Maps available for inspection at the Village Hall, State Route 124, Syracuse, Ohio.

Send comments to Honorable Eber Pickens, Mayor, Village of Syracuse, Village Hall, State Route 124, Syracuse, Ohio 45779.

Wisconsin.....	(V) Albany Greene County.....	Sugar River.....	About 0.7 mile downstream of Main Street (downstream corporate limits). About 0.6 mile upstream of Main Street (upstream corporate limits).	*801 *808
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Maps available for inspection at Village Hall, Albany, Wisconsin.

Send comments to Honorable Duane E. Dixon, Village President, Village of Albany, Village Hall, P.O. Box 342, Albany, Wisconsin 53502.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Delafield, Waukesha County	Bark River	About 150 feet downstream of Delafield Pond Dam	*877
			About 300 feet upstream of Delafield Pond Dam	*885
			Just upstream of Genessee Street	*890
			About 200 feet downstream of Nagawicka Road	*895
			About 200 feet upstream of Nagawicka Road	*899
			At upstream corporate limits	*902
		Nagawicka Lake	Shoreline	*891
Maps available for inspection at the City Clerk's Office, City Hall, 500 Genessee Street, Delafield, Wisconsin. Send comments to Honorable Ted Chentis, Mayor, City of Delafield, City Hall, 500 Genessee Street, Delafield, Wisconsin 53018.				
Wisconsin	(V) Monticello, Green County	Brayton Creek	Just downstream of Coates Avenue	*837
			About 150 feet upstream of Coates Avenue	*839
			About 2,500 feet upstream of Coates Avenue	*841
		West Branch Little Sugar River	About 2,500 feet downstream of Wisconsin Avenue	*828
			Just downstream of North Main Street	*833
			Just upstream of North Main Street	*836
			At confluence with Brayton Creek	*837
Maps available for inspection at the Village Hall, Monticello, Wisconsin. Send comments to Honorable John Stenbroten, Village President, Village of Monticello, Village Hall, P.O. Box 147, Monticello, Wisconsin 53570.				
Wisconsin	(C) Oconomowoc, Waukesha County	Oconomowoc River	About 100 feet downstream of County Trunk Highway BB	*850
			Just upstream of dam near Wisconsin Avenue	*853
			Just downstream of dam near Lake Road	*853
			Just upstream of dam near Lake Road	*861
			Just downstream of Grove Street	*861
			Just downstream of Lapham Street	*862
Maps available for inspection at the City Engineer's Office, City Hall, Oconomowoc, Wisconsin. Send comments to Honorable Florence Whalen, Mayor, City of Oconomowoc, City Hall, P.O. Box 27, Oconomowoc, Wisconsin 53066.				
Wisconsin	(C) Plymouth, Sheboygan County	Mullet River	About 660 feet downstream of County Highway PP	*799
			Just upstream of Brickbauer Dam	*814
			Just downstream of State Highway 67 (at downstream crossing)	*815
			About 200 feet upstream of State Highway 67 (at downstream crossing)	*820
			Just upstream of Frederick Street	*825
			Just downstream of Plymouth Dam	*833
			Just upstream of Plymouth Dam	*837
			About 4,000 feet upstream of Plymouth Dam	*837
Maps available for inspection at the Building Inspector's Office, City Hall, Plymouth, Wisconsin. Send comments to Honorable William Kiley, Mayor, City of Plymouth, City Hall, Plymouth, Wisconsin 53073.				
Wisconsin	(Uninc.) Waukesha County	Bark River	About 0.5 mile downstream of U.S. Highway 18	*862
			About 500 feet downstream of Mill Road	*873
			Just upstream of Mill Road	*878
			About 350 feet upstream of County Highway E	*903
			About 700 feet downstream of County Highway K	*923
			Just downstream of Dorn Road	*939
		Brandy Brook	At mouth	*808
			About 150 feet downstream of County Highway DT	*818
			About 200 feet upstream of County Highway DT	*823
			About 0.64 mile upstream of County Highway DT	*823
		Deer Creek	At mouth	*828
			Just upstream of Brookfield Avenue	*830
		Fox River	About 0.5 mile upstream of southern county boundary	*777
			About 0.47 mile upstream of Sunset Drive	*795
			About 0.61 mile downstream of Bluemound Road	*816
			About 1.7 miles upstream of State Highway 190	*828
		Genessee Creek	At mouth	*787
			About 300 feet upstream of County Highway X (just downstream of dam)	*794
			About 400 feet upstream of County Highway X (just upstream of dam)	*801
			About 100 feet downstream of Old Vill Road	*839
			Just upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad	*897
		Jericho Creek	At mouth	*816
			Just upstream of County Highway X	*925
		Mason Creek	At mouth	*900
			About 200 feet upstream of the Chicago and North Western Railroad	*902
		Mukwonago River	About 100 feet upstream of Mapleton Road	*942
			At mouth	*783
			About 400 feet downstream of County Highway I	*792
			About 150 feet downstream of Eagle Spring Lake Dam	*817
		Oconomowoc River	Just upstream of Morgan Road	*848
			About 600 feet upstream of Lapham Street	*862
			Just upstream of U.S. Highway 16 (just downstream of dam)	*863
			About 1,200 feet downstream of County Highway K	*875

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*913
			About 300 feet upstream of Funk Road (just downstream of dike).	*919
			About 100 feet downstream of County Highway F.....	*924
			Just upstream of County Highway F.....	*932
		Pebble Brook.....	At mouth.....	*784
			About 200 feet upstream of County Highway XX.....	*797
			Just upstream of Big Bend Road.....	*820
		Pebble Creek.....	Just downstream of County Highway X.....	*848
			At mouth.....	*793
			Just upstream of State Highway 59.....	*796
			Just upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*803
		Pewaukee Lake Tributary.....	About 0.74 mile upstream of County Highway TT.....	*808
			At mouth.....	*855
			About 100 feet upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*858
		West Branch Pewaukee Lake Tributary.....	About 1,900 feet upstream of U.S. Highway 16.....	*866
			At mouth.....	*860
		Pewaukee River.....	About 1,600 feet upstream of Yench Road.....	*861
			At mouth.....	*821
			Just upstream of Busse Road.....	*839
			Just downstream of County Highway SS.....	*847
			Just upstream of Lisbon Road.....	*882
		Poplar Creek.....	About 950 feet downstream of County Highway Y.....	*824
			Just downstream of County Highway SS.....	*830
		Sussex Creek.....	At mouth.....	*828
			Just upstream of Soo Line Railroad.....	*837
			Just upstream of County Highway JF.....	*855
			About 1.1 miles upstream of County Highway K (at Village of Sussex corporate limits).	*893
		Lac LaBelle.....	Shoreline.....	*854
		Upper Nemahbin Lake.....	Shoreline.....	*872
		Lower Nemahbin Lake.....	Shoreline.....	*872
		North Lake.....	Shoreline.....	*900
		Okauchee Lake.....	Shoreline.....	*875
		Pewaukee Lake.....	Shoreline.....	*855
		Upper Phantom Lake.....	Shoreline.....	*792
		Lower Phantom Lake.....	Shoreline.....	*792

Maps available for inspection at the Waukesha County Park and Planning Commission, 500 Riverview Avenue, Waukesha, Wisconsin.

Send comments to Honorable Lloyd G. Owens, County Board Chairman, Waukesha County, County Courthouse, 515 West Moreland Boulevard, Waukesha, Wisconsin 53186.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29171 Filed 10-28-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-700; RM-3919]

FM Broadcast Station in Lufkin, Texas, Termination of Proceeding

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule.

SUMMARY: This action dismisses a proposal to assign FM Channel 297 to Lufkin, Texas, in response to a petition filed by Jalene Manske.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 29, 1982.

Released: April 1, 1982.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM

Broadcast Stations. (Lufkin, Texas), BC Docket No. 81-700 RM-3919.

Memorandum opinion and order (Proceeding Terminated).

1. Before the Commission is the *Notice of Proposed Rule Making*, 46 FR 50570, published October 14, 1981, proposing the assignment of Channel 297 to Lufkin, Texas, in response to a petition filed by Jalene Manske. No comments were filed in the proceeding.

2. On December 1, 1981, petitioner advised the Commission that she is no

longer interested in pursuing the petition and requested that it be withdrawn. No other interest in the channel has been expressed and such an interest is normally required for a channel assignment.

3. In view of the foregoing, it is ordered, That the petition of Jalene Manske, proposing the assignment of FM Channel 297 to Lufkin, Texas, is hereby dismissed.

4. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

Note:—Due to an oversight, notice of this action was not previously published in the **Federal Register**.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29657 Filed 10-28-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 47, No. 210

Friday, October 29, 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 Stabilization and Conservation Service

Burley Tobacco; 1983 National Marketing Quota for Burley Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Proposed Determination of 1983-84 Marketing Quota.

SUMMARY: The Secretary of Agriculture proposes to determine and announce by February 1, 1983, the amount of the national marketing quota for burley tobacco for the 1983-84 marketing year, as required by the Agricultural Adjustment Act of 1938, as amended. The public is invited to comment on the amount of the national marketing quota, the reserve supply level, the amount of the national reserve, and the conduct of the referendum on marketing quotas as set forth in this notice.

DATE: Comments must be received on or before December 28, 1982, to be assured of consideration.

ADDRESS: Send comments to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-3391.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, Economist, Analysis Division, ASCS, USDA, Room 3736-South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-5187. The Preliminary Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformity with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified as "not major." This

action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) 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.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), requires the Secretary to proclaim by February 1, 1983, marketing quotas for the 1983-84, 1984-85, and 1985-86 marketing years and determine and announce the amount of the national marketing quota for the 1983-84 marketing year. Since the 1982-83 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect for burley tobacco, a referendum of farmers engaged in the 1982 production of burley tobacco will be conducted within 30 days after proclamation of such national marketing quota, to determine whether they favor or oppose marketing quotas for the 1983-84, 1984-85, and 1985-86 marketing years.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The phrase "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic

consumption and 65 percent of a normal year's exports as an allowance for a normal carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the yearly average quantity of burley tobacco produced and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined (1982-83), adjusted for current trends in such consumption. A "normal year's exports" is defined in section 301(b)(12) of the Act as the yearly average quantity of burley tobacco produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined (1982-83), adjusted for current trends in such exports.

The reserve supply level for the 1982-83 marketing year was determined to be 1,678 million pounds. This was based on a normal year's domestic consumption of 500 million pounds and a normal year's export of 135 million pounds (47 FR 5914). The proposed reserve supply level for the 1983-84 marketing year is 1,672 million pounds. This is based on a normal year's domestic consumption of 495 million pounds and a normal year's exports of 140 million pounds.

Section 301(b)(16)(B) of the Act defines "total supply" as the carryover at the beginning of the marketing year (October 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1982-83 marketing year is 1,836 million pounds based on carryover of 1,106 million pounds and estimated marketings of 730 million pounds.

Section 319(c) of the Act defines "national marketing quota" for burley tobacco for a marketing year as the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 5 percent of estimated domestic use and exports.

The amount of burley tobacco produced and utilized domestically during the 1981-82 marketing year is estimated to be 475 million pounds, and the amount exported is estimated to be 145 million pounds, farm sales weight basis. The amount of the national marketing quota for the 1982-83 marketing year is 681 million pounds, based upon estimated domestic utilization of 500 million pounds and exports of 163 million pounds with an upward adjustment of 18 million pounds to maintain adequate supplies (47 FR 5914). For the 1983-84 marketing year, utilization in the United States is estimated to be about 478 million pounds and exports are estimated to be about 162 million pounds. The total supply for the 1982-83 marketing year is 164 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered. However, the national marketing quota is proposed to be within the range of 646 to 680 million pounds for the 1983-84 marketing year.

For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 percent of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas have not been otherwise established). A reserve of 1,000,000 pounds was established for the 1983-83 marketing year (47 FR 5914). It is proposed that a national reserve be established for the 1983-84 marketing year.

Section 319(e) of the Act provides, in part, that each farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under section 319(c) (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year. However, such national factor shall not be less than 95 percent. The national factor for the 1982-83 marketing year was 1.03 (47 FR 5914). Section 319(h) of the Act provides that effective with the marketing year beginning October 1,

1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

Proposed Determinations

Accordingly, comments are requested regarding the following determinations with respect to burley tobacco for the 1983-84 marketing year:

1. A national marketing quota within the range of 646 to 680 million pounds.
2. A reserve supply level in the amount of 1,672 million pounds.
3. A national reserve within the range of 500,000 to 1,000,000 pounds.

Comments are not requested with respect to the national factor for the 1983-84 marketing year since the national factor is determined as the result of a mathematical computation in accordance with the formula prescribed in section 319(e) of the Act and does not involve administrative decisionmaking.

Comments are requested regarding the date or period of the Referendum on Quotas for the 1983-84, 1984-85 and 1985-86 marketing years for burley tobacco and whether the referendum should be conducted at polling places rather than by mail ballot as prescribed in 7 CFR Part 717.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741, South Building, 14th and Independence Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on October 26, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82-29847 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

Rural Electrification Administration

Plains Electric Generation and Transmission Cooperative, Inc., Adoption of Part of a Final Environmental Statement

AGENCY: Rural Electrification Administration, USDA.

ACTION: Adoption of part of a Final Environmental Statement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) is adopting a portion of the "Final Environmental Statement Star Lake-Bisti

Regional Coal" (FES) prepared by the Bureau of Land Management (BLM) in order to fulfill REA's requirements under the National Environmental Policy Act (NEPA) of 1969, in connection with providing financing assistance to Plains Electric Generation and Transmission Cooperative, Inc., (Plains), 2401 Aztec Road, NE., Albuquerque, New Mexico 87107, for possible ownership participation in the proposed Fruitland Coal Load 230 kV transmission line to be constructed by Plains and Public Service Company of New Mexico. The FES was prepared by BLM in 1978 for the proposed development of coal mines in the Star Lake-Bisti Region, northwestern New Mexico, related railroad lines and related transmission lines, known as the Fruitland Coal Load Transmission Line. The total length of the proposed transmission route is approximately 174 km (108 mi).

The FES was issued on February 26, 1979, by BLM. That portion of the FES REA is adopting discusses alternatives to the proposed line. REA has independently evaluated the alternatives to the proposed line. The alternatives include: (1) No action; (2) alternate corridors—one going along the south side of the coal fields, the other along the north side; and (3) the proposed action—constructing a 230 kV line from the Bisti Substation, to the Star Lake Substation to the Ambrosia Substation.

The selected alternative was the "proposed action" described above. REA has reviewed the portion of the FES concerning transmission and finds it adequate for REA purposes. Pursuant to 40 CFR 1506.3 of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, REA is adopting this portion of the statement as a Final Environmental Impact Statement. REA was not a cooperating agency when the FES was written, and REA has determined that the FES is not generally available. Thus, REA is circulating that portion of the FES it will adopt, and the sections REA prepared.

FOR INFORMATION CONTACT: The portion of the FES prepared by BLM that REA will adopt and other pertinent data may be examined during regular business hours at REA in the office of Mr. Frank W. Bennett, Room 0230, South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-0235, or at Plains' headquarters, Albuquerque, New Mexico, telephone (505) 884-1881.

Copies of the adopted portion of the FEIS are available upon request to Mr. Frank Bennett at the address above.

This Program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: October 22, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-29821 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Jere Whitson Park Critical Area Treatment RC&D Measure, Tennessee; 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 Jere Whitson Park Critical Area Treatment RC&D Measure, Putnam County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tennessee 37203, Telephone: 615/251-5471.

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, Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure concerns plan for treating of eroding areas and run-off water outlets on the grounds of Jere Whitson Park Putnam County, Tennessee. The planned works of improvement include sloping, fertilizing, liming, seeding of perennial grasses and legumes, and the installation of outlets with vegetative and masonry-type installations.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting the Soil Conservation Service Field Office, 900 Bunker Hill Road, Cookeville, Tennessee 38501. An environmental assessment has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(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: October 21, 1982.

Donald C. Bivens,

State Conservationist.

[FR Doc. 82-29857 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Upper Mud River Watershed, West Virginia

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: Rollin N. Swank, responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of West Virginia, is hereby providing notification that a record of decision to proceed with the installation of the Upper Mud River Watershed project is available. Single copies of this record of decision may be obtained from Rollin N. Swank at the address shown below.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone 304-291-4151.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and Local clearinghouse review of Federal and

federally assisted programs and projects is applicable)

Rollin N. Swank,

State Conservationist.

October 22, 1982.

[FR Doc. 82-29569 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Valliant Critical Area Treatment Number One RC&D Measure, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma, 74074, telephone 405-624-4360.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Valliant Critical Area Treatment Number One RC&D Measure, McCurtain County, Oklahoma.

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, Roland R. Willis, 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 controlling serious roadside erosion. The planned works of improvement include filling, grading and shaping, and bermuda grass sod mulching.

Valliant Critical Area Treatment Number One RC&D Measure, Oklahoma Notice of a Finding of No Significant Impact

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A

limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Billy R. Littlefield,

Assistant State Conservationist for Programs.
October 21, 1982.

[FR Doc. 82-29570 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Belmont County Road 16 RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of 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 County Road 16, RC&D Measure, Belmont County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone: (614)-469-6980.

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, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns critical area treatment along a two-mile section of County Road 16. The planned works of improvement include riprap, reinforced concrete walls and critical area seeding to protect streambank along the road.

The Notice of 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 Robert R. Shaw.

No Administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(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: October 15, 1982.

Robert R. Shaw,

State Conservationist.

[FR Doc. 82-29769 Filed 10-28-82; 6:45 am]

BILLING CODE 3410-16-M

Office of the Secretary

1983 Crop Extra Long Staple (ELS) Cotton; National Marketing Quota, National Acreage Allotment, and Loan Rate

ACTION: Notice of determinations of a national marketing quota, national acreage allotment and loan rate for the 1983 crop of extra long staple (ELS) cotton.

SUMMARY: The purpose of this notice is to affirm that it has been determined that a national marketing quota of 102,000 bales, a national acreage allotment of 80,131 acres, a loan rate of 96.25 cents a pound, and a seed cotton loan program shall be in effect for the 1983 crop of extra long staple (referred to as "ELS") cotton. This notice also apportions the national acreage allotment to States and counties and establishes the period for conducting a national marketing quota referendum in order to determine whether ELS producers favor or oppose the marketing quota. This notice is needed to satisfy statutory requirements of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act") and the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act").

EFFECTIVE DATE: October 6, 1982.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Deputy Director, Analysis Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7954. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determinations is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determinations has been reviewed in accordance with the

provisions of Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major" because it 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 geographic regions; or (3) significant adverse impacts on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the federal assistance program that this notice applies to are: Title—Cotton Production Stabilization, number—10.052, and Title—Commodity Loans and Purchases, number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published in accordance with 5 U.S.C. 553 or any other provisions of law with respect to the subject matter of these determinations.

A notice that the Secretary was preparing to make the determinations which are set forth herein was published in the **Federal Register** on August 13, 1982 (47 FR 35260). One comment was received recommending a national marketing quota of 108,198 bales, a national acreage allotment of 85,000 acres, and that the procedure followed in the past be used to apportion the national allotment to States and counties. This recommendation was considered in the determination of the quota and allotment levels.

Section 347(b)(1) of the 1938 Act provides that the Secretary shall proclaim the amount of the national marketing quota for the 1983 crop of ELS cotton by October 15, 1982. Such marketing quota shall be the number of standard bales of ELS cotton equal to the sum of the estimated domestic consumption and estimated exports, less estimated imports, for the 1983-84 marketing year beginning August 1, 1983, plus such additional number of bales, if any, as the Secretary determines necessary to assure adequate working stocks in trade channels until ELS cotton from the 1984 crop becomes readily available without resort to Commodity Credit Corporation (CCC) stocks. At present, CCC stocks are insignificant.

Section 344(a) of the 1938 Act provides that the national acreage allotment for a crop of ELS cotton shall be that acreage, based upon the national average yield per acre of cotton for the

four years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota. Accordingly, the national acreage allotment for the 1983 crop of EKS cotton is determined by multiplying the national marketing quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield per acre of ELS cotton for the four calendar years 1978, 1979, 1980, and 1981. The national average yield per planted acre during this four-year period was 611 pounds.

Sections 344 (b) and (e) of the 1938 Act provide that the national acreage allotment for the 1983 crop of ELS cotton shall be apportioned to States and counties on the basis of the acreage planted to ELS cotton, (including acreage regarded as having been planted) during the five calendar years 1977, 1978, 1979, 1980, and 1981, adjusted for abnormal weather conditions during such period.

Section 343 of the 1938 Act requires the Secretary to conduct a referendum by secret ballot of the farmers engaged in the production of ELS cotton during 1982 by December 15, 1982, to determine whether such farmers are in favor of or opposed to the quota. If more than one-third of the farmers voting in the referendum oppose the national marketing quota, such quota shall become ineffective upon proclamation of the results of the referendum.

Section 101(f) of the 1949 Act provides that if producers have not disapproved marketing quotas for any crop of ELS cotton, price support loans shall be made available to cooperators for such crop at a level which is not less than 75 per centum or more than 125 per centum in excess of the loan level established for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States.

Section 401 of the 1949 Act provides that in determining the level of support in excess of the minimum level prescribed for any commodity, including ELS cotton, consideration shall be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price support operation, the need for offsetting temporary losses of export markets, and the ability and willingness

of producers to keep supplies in line with demand.

The purpose of this notice is to affirm determinations that were announced by the Associate Administrator, Agricultural Stabilization and Conservation Service (ASCS), in a press release issued October 6, 1982. The following determinations were made on that date:

DETERMINATIONS

1. *National Marketing Quota.* In accordance with Section 347(b)(1) of the 1938 Act, the national marketing quota for the 1983 crop of ELS cotton is hereby determined to be 102,000 bales. This determination is based on the following:

	Bales
Estimated domestic consumption, 1983-84.....	65,000
Estimated exports, 1983-84.....	20,000
Less estimated imports, 1983-84.....	2,000
Plus stock adjustment.....	19,000
Total.....	102,000

2. *National Acreage Allotment.* In accordance with Section 344(a) of the 1938 Act, the national acreage allotment for the 1983 crop of ELS cotton is hereby determined to be 80,131 acres. This is determined by multiplying the national marketing quota of 102,000 bales by 480 pounds per bale and dividing the result by the four-year average yield per planted acre of 611 pounds.

3. *Apportionment of the national allotment to States.* The national acreage allotment has been apportioned to States in accordance with Sections 344(b) and (e) of the 1938 Act as follows:

State	Allotment (acres)
Arizona.....	35,155
California.....	185
Florida.....	101
Georgia.....	108
New Mexico.....	16,155
Texas.....	28,427
U.S. total.....	80,131

4. *State Reserves.* In accordance with Section 344(e) of the 1938 Act and the regulations at 7 CFR 722.508, it is hereby determined that State reserves for the 1983 crop of extra long staple cotton may be held to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, for small or new farms, or to correct inequities in farm allotments and to prevent hardship. State reserves must be approved by the Administrator, ASCS, and will be available for inspection at the respective State ASCS offices.

5. *County Allotments.* County allotments for the 1983 crop of extra long staple cotton shall be established in accordance with the regulations at 7 CFR 722.509. The amount of the State allotment apportioned to counties is available for inspection at the respective State and county ASCS offices.

6. *Dates for conducting a national marketing quota referendum of producers.* In accordance with Section 343 of the 1938 Act, a national marketing quota referendum shall be held December 6 through 10, 1982, inclusive, by mail ballot.

7. *Loan Rate for ELS Cotton.* The loan rate for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) has been determined to be 55.00 cents per pound. The possible range of the loan rate for ELS cotton is 96.25 to 123.75 cents per pound (75 percent to 125 percent in excess of the loan level in effect for upland cotton). Supplies of ELS cotton are considered to be adequate since stocks carried over into the 1983-84 marketing year are projected at 78,000 bales. Therefore, there is no need to increase the support rate above the statutory minimum to encourage production. Accordingly, it is determined that the loan rate for the 1983-crop ELS cotton is 96.25 cents per pound.

8. *Seed Cotton Loan Program.* It is hereby determined that a recourse loan program for 1983 ELS seed cotton shall be available under authority provided by the Commodity Credit Corporation Charter Act. Seed cotton shall be converted to a lint basis for loan-making purposes and loan levels with respect to such cotton will be the same as those applicable to lint cotton.

(Sec. 301, 343, 344, 347, 375; 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 86, as amended; Sec. 101(f), 66 Stat. 758, as amended (7 U.S.C. 1301, 1343, 1344, 1347, 1375, 1441).)

Signed at Washington, D.C. on October 26, 1982.

John R. Block,
Secretary.

[FR Doc. 82-29798 Filed 10-28-82; 8:45 am]
BILLING CODE 3410-05-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament

Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: November 15 and 16, 1982.

Time: 9:00 a.m. each day

Place: Old Executive Office Building, Washington, D.C.

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 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:

November 15

A.M.—U.S. START and INF Negotiating Positions

P.M.—Arms Control and Strategic Force Modernization

November 16

A.M.—Executive Session to discuss the foregoing and possibly other similar matters

Reason for Closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Acting Director of the U.S. Arms Control and Disarmament Agency dated October 20, 1982, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act, as amended.

John E. Grassle,

Committee Management Officer.

[FR Doc. 82-29707 Filed 10-28-82; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the

Civil Aeronautics Board has received an application, Docket 40961, from Trans Caribbean Airlines, Inc., P.O. Box 522760, 3100 N.W. 57th Avenue, Miami, Florida 33152, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the **Federal Register**. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-29822 Filed 10-28-82; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; (See, 14 CFR 302.1701 et seq.) week ended October 22, 1982.

Subpart Q Applications. The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Oct. 18, 1982	41056	Aero-Chago, S. A., c/o Andrew T.A. Macdonald, Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006. Application of Aero-Chago, S. A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing it to engage in non-scheduled (irregular) foreign air transportation of property and mail as follows: A. Between a point or points in the Dominican Republic, and the terminal point Miami, Florida; and B. Between a point or points in the Dominican Republic, the intermediate points Boringuen, Ponce and San Juan, Puerto Rico; St. Croix, Virgin Islands; and the terminal point St. Thomas, Virgin Islands.

Date filed	Docket No.	Description
Oct. 19, 1982	41058	Answers may be filed by November 15, 1982. Capitol Air, Inc., Smyrna Airport, Smyrna, Tennessee 37167. Application of Capitol Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its existing certificate of public convenience and necessity over Route 191-F, or for a new certificate, sufficient to authorize air transportation of persons, property, and mail as follows: Between a point or points in the United States and Tel Aviv, Israel. Conforming Applications, Motions to Modify Scope, And Answers may be filed by November 16, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-29823 Filed 10-28-82; 6:45 am]

BILLING CODE 6320-01-M

[Docket No. 40580]

**Samoa, Inc., d.b.a. Samoa Airlines, Inc.
Fitness Investigation; Notice of
Hearing**

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 12, 1982, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C. October 22, 1982.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 82-29824 Filed 10-28-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

**Annual Surveys in Manufacturing Area;
Determination**

In conformity with Title 13, United States Code (sections 131, 182, 224, and

225), and with due notice having been published on September 1, 1982 (47 FR 38567), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Most of the following commodity or product surveys provide data on shipments and/or production; some provide data on stocks, unfilled orders, orders booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. These surveys are listed under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for use of Federal Government statistical agencies.

- Major Group 20—Food and Kindred Products
 - Confectionery
- Major Group 22—Textile Mill Products
 - Broadwoven fabrics finished
 - Narrow fabrics
 - Yarn production
 - Knit fabric production
- Major Group 23—Apparel and Other

Finished Products Made From Fabrics and Similar Materials

Men's and boys' outerwear
Women's and children's outerwear
Underwear and nightwear
Brassieres, girdles, and allied garments
Gloves and mittens

- Major Group 24—Lumber and Wood Products, Except Furniture
 - Hardwood plywood
 - Softwood plywood
 - Lumber production and mill stocks
- Major Group 25—Furniture and Fixtures
 - Office furniture
- Major Group 26—Paper and Allied Products
 - Selected office supplies and accessories
 - Pulp, paper, and board
- Major Group 27—Printing, Publishing and Allied Industries
 - Business forms, binders, carbon paper, and inked ribbon
- Major Group 28—Chemicals and allied products
 - Industrial gases
 - Inorganic chemicals
 - Pharmaceutical preparations, except biologicals
 - Sulfuric acid
 - Paints, varnish, and lacquer
- Major Group 29—Petroleum Refining and Related Industries
 - Asphalt and tar roofing and siding products
- Major Group 30—Rubber and Miscellaneous Plastics Products
 - Rubber
 - Plastics products
 - Rubber and plastics hose and belting
- Major Group 31—Leather and Leather Products

Footwear (by method of construction)

- Major Group 32—Stone, Clay, and Glass Consumer, scientific, technical, and industrial glassware

Fibrous glass

- Major Group 33—Primary Metal Industries

Steel mill products

Insulated wire and cable

Magnesium mill products

Nonferrous castings

- Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Selected heating equipment

- Major Group 35—Machinery, Except Electrical

Internal combustion engines

Tractors, except garden tractors

Farm machinery and lawn and garden equipment

Mining machinery and mineral processing equipment

Air-conditioning and refrigeration equipment, including warm air furnaces

Computers and office and accounting machines

Pumps and compressors

Selected industrial air pollution control equipment

Construction machinery

Anti-friction bearings

Fluid power products (including aerospace)

Coin-operated vending machines

- Major Group 36—Electrical Machinery, Equipment, and Supplies

Radios, televisions, and phonographs

Motors and generators

Wiring devices and supplies

Switchgear, switchboard apparatus, relays, and industrial controls

Selected electronic and associated products, including telephone and telegraph apparatus

Electric housewares and fans

Electric lighting fixtures

Major household appliances

Transformers

- Major Group 37—Transportation Equipment

Aircraft propellers

- Major Group 38—Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks

Selected instruments and related products

Atomic energy products and services

- Major Group 39—Miscellaneous Manufacturing Industries

Pens, pencils, and marking devices.

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

- Major Group 32—Stone, Clay, and Glass Glass containers.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

- Major Group 20—Food and Kindred Products

Flour milling products

- Major Group 22—Textile Mill Products

Broadwoven fabric (gray)

Consumption of wool and other fibers, and production of tops and noils

Carpet and rugs

- Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Sheets, pillowcases, and towels

- Major Group 26—Paper and Allied Products

Converted flexible packaging products

- Major Group 30—Rubber and Miscellaneous Products

Plastics bottles

- Major Group 32—Stone, Clay, and Glass Glass containers

Refractories

Clay construction products

Flat glass

- Major Group 33—Primary Metal Industries

Iron and steel castings

Inventories of steel mill shapes

Inventories of brass and copper wire mill shapes

- Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Plumbing fixtures

Steel shipping drums and pails

Closures for containers

- Major Group 35—Machinery, Except Electrical

Construction machinery

- Major Group 36—Electrical Machinery, Equipment, and Supplies

Fluorescent lamp ballasts

Electric lamps

- Major Group 37—Transportation Equipment

New complete aircraft and aircraft engines, except military

Aerospace industry (orders and sales)

Truck trailers

The annual survey of manufactures, which is merged with the quinquennial census of manufactures for 1982, will collect industry statistics such as total value of shipments, employment, payroll, work hours, capital expenditures, cost of materials consumed, gross book value of assets, retirements, and

depreciation of fixed assets, rental payments, supplemental labor costs, and so forth. This survey, while conducted on a sample basis, will cover all manufacturing industries, including data on plants under construction but not yet in operation.

A survey of research and development (R&D) activities will be conducted. The major data to be obtained in this survey will include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

A survey of shipments to the Federal Government will be conducted to provide information on the effect of procurement by federal agencies on selected industries and geographic areas.

The annual survey of oil and gas will canvass the industry which provides most of the fuel produced in the United States as well as a substantial portion of the hydrocarbon raw material requirements of many industries. The survey will collect information on exploration, development, and production costs; sales volumes and values; drilling activity; and assets in the crude petroleum and natural gas industry.

The annual survey of pollution abatement expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to abate air and water pollution and solid waste. This survey will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The annual survey of plant capacity will obtain information such as the amount of time a plant is in operation; operating rates as related to preferred levels and practical capacity; the value of production and other statistics for actual, preferred, and practical capacity operating levels; and the reasons for operating at less than capacity. The survey will be done on a sample basis and will cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys. Copies of survey forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data as described.

Dated: October 26, 1982.

Bruce Chapman,
Director, Bureau of the Census.

[FR Doc. 82-29820 Filed 10-28-82; 8:45 am]
BILLING CODE 3510-07-M

International Trade Administration

Advisory Committee on East-West Trade; Notice of Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

TIME AND PLACE: November 10, 1982, 9:30 A.M.-3:30 P.M., U.S. Department of Commerce, Washington, D.C.

AGENDA: (Entire Meeting in Executive Session)

- (1) U.S. Financial Policy toward Eastern Europe.
- (2) Review of current export control policy issues.
- (3) Developments in Chinese oil industry.
- (4) Work on the OECD on East-West Issues.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the November 10, 1982 meeting should be exempt from the provisions of the Federal Advisory participation therein, because the agenda items to be discussed will be concerned with matters in 5 U.S.C. 552b(c)(1) and (9)(B); i.e., material specifically authorized and criteria established by Executive Order 12356 to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order; and whose premature public disclosure would be likely to significantly frustrate implementation of a proposed agency action. A copy of the Notice of Determination to close the aforementioned portion of the November 10, 1982 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-4217.

FOR FURTHER INFORMATION CONTACT: H. JeNelle Matheson, Committee Control Officer, Office of the PRC and Hong Kong International Trade

Administration, Room 20317, U.S. Department of Commerce, Washington, D.C. 202-377-3583.

Date: October 26, 1982.

Eugene K. Lawson,
Deputy Assistant Secretary for East Asia and the Pacific.

[FR Doc. 82-29838 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 2097, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00296R. Applicant: University of Idaho, Moscow, ID 83843. Instrument: NMR Spectrometer, Model JNM/FX-90Q with Accessories. Application is a resubmission, notice of which was published in the *Federal Register* of August 19, 1981.

Docket No. 82-00112R. Applicant: University of Maryland, College Park, Maryland 20742. Instrument: Excimer Laser, Model EM 200 (Instrument previously published as EMG 102 but should have been EMG 200). Application is a resubmission, notice of which was published in the *Federal Register* of March 30, 1982.

Docket No. 82-00309. Applicant: Illinois Masonic Medical Center, 836 West Wellington Avenue, Chicago, Illinois 60657. Instrument: Electron Microscope, EM 109 Complete with Accessories. Manufacturer: Carl Zeiss,

West Germany. Intended use of instrument: The instrument is intended to be used for research activities that include (a) publication of case reports of tumors of rare occurrence or unusual interest, and muscle diseases as seen in the neuromuscular consultation service in the Department of Pathology, and (b) study of viral associated cellular abnormalities in cervico-vaginal Papanicolaou smears and the relation to malignant cellular changes. The current study is in conjunction with the virology laboratory in the department, but viral or chlamydial cultures are not feasible to unselectively screen patients, so that the light microscopic impressions of the Papanicolaou smears frequently remain unconfirmed as to the presence of viral or chlamydial microorganisms. Application received by Commissioner of Customs: September 16, 1982.

Docket No. 82-00343. Applicant: Institute of Surgical Research, Ft. Sam Houston, TX 78234. Instrument: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is to be used in research projects and clinical diagnosis pertaining to any and all phases of the treatment and care of thermally injured patients. The types of material to be examined will include burned tissue, scar tissue, and tissue from any and all internal organ systems. Tissue may be from experimental animals as well as from thermally injured patients. Autopsy specimens are also examined. Research protocols investigated pertain to all phases of the care and management of thermally injured patients. This involves such investigations as hormonal changes, inhalation injury, scar formation, nutritional studies, vascularization of newly formed tissue, modes of invasion of the burn wound various microbes, the promotion of graft healing by the use of chemical agents and electrical stimulation, and the effects of a variety of agents on the internal organ systems of the body. Application received by Commissioner of Customs: August 20, 1982.

Docket No. 82-00347. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore CA 94550. Instrument: Scanning Electron Microscope Model JSM-35CF with Accessories. Manufacturer: JEOL, Japan. Intended use of instrument: The instrument is intended to be used for studies of great varieties of both metallic and non-metallic alloys, coatings, particles, stains, etc. which are used either directly in nuclear devices or

in support of weapons testing programs at LLNL. The phenomena to be studied are the morphological and microchemical characteristics which occur in these materials as they relate to bulk chemical compositions, history of the materials, and physical and chemical processing influences. These experiments to be conducted are examinations or autopsies of materials subjected to various physical tests or subjected to physical and/or chemical processes designed to alter the material's properties. These autopsies are performed to explain either an adverse behavior or to explain some unique behavior that the material may exhibit during testing. Application received by Commissioner of Customs: September 9, 1982.

Docket No. 82-00349. Applicant: North Carolina State University, Purchasing Department, P.O. Box 5935, Raleigh, NC 27650. Instrument: Ion Probe Microanalyzer System, IMS-3F. Manufacturer: CAMECA, France. Intended use of instrument: The instrument is intended to be used for research on ion-implanted semiconductors (Si and 3-5 compounds), silicon and boron carbides and nitrides, other ceramic and metal alloys, analysis of minerals (isotopes) and biological materials. Application received by Commissioner of Customs: September 16, 1982.

Docket No. 82-00351. Applicant: Texas A & M University, Department of Civil Engineering, Ocean Engineering Program, College Station, TX 77843. Instrument: 2 Wavemakers, Wave Height Gauge. Manufacturer: Seasm Controls Limited, United Kingdom. Intended use of instrument: The instrument is intended to be used in connection with the following courses:

- CE 336 Fluid Dynamics Laboratory—to familiarize students with laboratory techniques, fluid measurements and fluid properties
- OE 410 Measurements in the Ocean Laboratory—emphasis on laboratory and field techniques for measuring parameters in wave environment

In addition, the instrument will be used for occasional demonstrations to illustrate lecture materials in various courses including:

- OE 301 Dynamics of Waves and Structures
- OE 400 Basic Coastal Engineering
- OE 675 Coastal Engineering I
- OE 679 Theory of Fluid Mechanic Models

To achieve the educational objectives, students will operate the wave generators and use the wave height gauge to study properties of waves under various conditions and also to learn about the instrumentation required

for these measurements. Applications received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00352. Applicant: University of Missouri—Columbia, School of Medicine, 807 Stadium Rd. Health Sciences Center, Columbia, Missouri 65212. Instrument: Electron Microscope, EM 10CR. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for studies of materials and/or phenomena related directly to the analysis of the mammalian central nervous system and specifically to the ultrastructural correlates of neuroendocrine mechanisms and the fine structural localization of brain hormones and neuropeptides. The properties to be investigated for the phenomena relate to the capability of localizing radiolabeled neurohormones, neuropeptides and neurotransmitters with transmission electron microscopy in the mammalian central nervous system, that has been embedded in plastic and thin sectioned. Relevant regions of the primate brain including the hypothalamus, brain stem and other circumventricular organs will be analyzed as to their capacity to sequester various radioactive bioactive peptide molecules. The objectives of this broad interdisciplinary program of neuroendocrine morphology are simply to analyze and define the ultrastructural correlates of brain-endocrine interaction. In addition, the instrument will be used in the courses Research 450 and Research 490 to train students in the basic fundamental ultrastructural techniques to determine the fine anatomy of the central nervous system. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00354. Applicant: U.S. Environmental Protection Agency, Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida 32561. Instrument: Electron Microscope, EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for studies of the ultrastructure of cells and tissues of marine organisms. Morphological and histo-chemical properties of exposed animal tissues and cells will be compared to normal parameters at the ultrastructural level. Various marine organisms will be exposed to biorationals (e.g. virus, bacteria, etc.) to determine effects on non-target species. Effects will be determined by morphometric comparison with non-exposed specimens, observation for presence of biorational organisms in test animals, and pathological examination. Marine organisms will also be exposed

to pesticides, carcinogens, and other toxic compounds to determine the pathologic effects. Examination on tissue, cellular, and subcellular level will be performed. Comparisons will be made with normal or control specimens. The objectives of this research are to: (1) determine acute and chronic effects of toxic compounds on marine organisms, (2) study the tumor producing properties of carcinogens on marine organisms, (3) determine effects of biorationals on non-target species, (4) improve basic understanding of ultrastructural changes resulting from toxicant exposures, and (5) expand data base, at ultrastructural level, on marine species. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00355. Applicant: USDA, Agriculture Research Service, Arthropod-borne Animal Disease Research, Bldg. 45-S3, Denver Federal Center, Denver, Colorado 80225. Instrument: Electron Microscope, EM 410 and Accessories. Manufacturer: N.V. Phillips, The Netherlands. Intended use of instrument: The instrument is intended to be used for the study and identification of interrelationships of pathogen, vectors and animal hosts, for the study of the pathogenesis of viruses in ruminant tissue, insects and tissue culture cells, and for monitoring isolation and purification procedures. The objectives of this research are directed to: (a) Latent, venereal and congenital bluetongue virus infections in cattle, (b) development of inactivated and attenuated bluetongue virus vaccines for sheep and cattle, (c) effects of bluetongue virus on *C. variipennis* and interrelationships to the epizootiology of bluetongue disease, (d) characterization of bluetongue virus, epizootic hemorrhagic disease virus and equine encephalomyelitis virus antigens and circulating antibodies in sheep, cattle and horses, (e) isolation and serotyping of bluetongue virus and other orbiviruses from sheep and cattle, (f) alterations of Venezuelan equine encephalomyelitis vaccine virus by passage through mosquitoes and horses, (g) pathogenesis and immunologic relationship of equine encephalomyelitis viruses, and (h) pathogenesis and epizootologic cycle of Rift Valley fever virus in animal host and vector species. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00359. Applicant: Department of Health and Human Services, National Institutes of Health, National Cancer Institute, Building 37, Room 3B27, Bethesda Maryland 20205. Instrument: High Resolution Mass Spectrometer and Dual Processor Data

System, Model MM7070—F/2350. Manufacturer: V.G. Instruments Inc., United Kingdom. Intended use of instrument: The instrument will be used for analysis of pure organic compounds of high molecular weight of mixtures of gases, liquids or solids using rapid scanning techniques and high resolution. The types of substances to be analyzed are liquids, polypeptides, pharmaceuticals, carcinogens, synthetic experimental substances, and other bioactive substances. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 00360. Applicant: The University of Texas at Austin, Engineering Science Building, Room 403, Austin, Texas 78712. Instrument: JEM—1200 EX Analytical Electron Microscope and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used for studies of metals, alloys, ceramics, polymers and other solid materials. The crystallographic, surface, defect structure, impurities, precipitates, grain boundaries, etc. will be investigated. A course in theory and use of electron microscopy (both TEM and SEM) for graduate students from Materials Science and other disciplines will also use this instrument. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00361. Applicant: University of Vermont, Department of Anatomy and Neurobiology, College of Medicine, Given Building, Burlington, VT 05405. Instrument: Electron Microscope, Model JEM 100-CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used to study biological cells, tissue and macromolecular structures of biological origin employing a system offering TEM, SEM, STEM and analytical capabilities. In addition, the instrument will be used for educational purposes in Anatomy and Neurobiology 352, a course to introduce students to modern electron microscopical techniques in order that they may apply their methods to their research projects. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00362. Applicant: Duke University, Durham, North Carolina 27706. Instrument: First InSb Detector. Manufacturer: QMC Instruments, Ltd., United Kingdom. Intended use of instrument: The instrument will be used in experiments in millimeter and sub-millimeter spectroscopy and quantum electronics. The experiments are directed towards an understanding of basic physical principles as well as

toward improvements in sub-millimeter technology. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00364. Applicant: Cornell University Medical College, 1300 York Avenue, New York, NY 10021. Instrument: High Resolution Scanning Attachment, Model ASID-4D. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is an accessory to an existing electron microscope being used for studies of the following:

- Ultrastructural localization of monoclonal antibody binding sites on isolated myosin molecules.
- Ultrastructural analysis of spermatogonial morphogenesis in culture.
- Structure of cytofilament insertions at plasma membranes of developing skeletal and cardiac muscle, platelets, and leukocytes.
- Structure of the nucleoskeleton in spermatogonia.

The objectives of these studies are to correlate biochemical and ultrastructural data to elucidate structural basis of physiological processes such as: transcription, gene-splicing, contraction, motility, secretion, and protein synthesis. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00365. Applicant: University of California, Berkeley, Purchasing Department, 2405 Bowditch St., Berkeley, CA 94720. Instrument: Mass Spectrometer, MS-50 and Accessories. Manufacturer: Kratos Analytical Instruments, Inc., United Kingdom. Intended use of Instrument: The instrument is intended to be used for a wide range of research projects including but not limited to:

1. Studies of toxic substances from algae, psoralen-nucleic acid photo-adducts, and mutagens and carcinogens in diesel exhaust.
2. Research program directed toward the synthesis of phosphorus-containing compounds as enzyme inhibitors.
3. Research involving the utilization of soluble organotransition metal complexes to develop new synthetic reactions for forming carbon-nitrogen (as well as carbon-sulfur and carbon-oxygen) bonds in organic molecules, and to determine ways of understanding the mechanisms of these reactions.
4. A study concerned with the isolation and identification of the major monoaddition products formed in the photoreaction between RNA and a substituted psoralen, 4'-hydroxymethyl-4,5', 8-trimethylpsoralen (HMT).
5. Use of the aldol condensation to control relative stereochemistry in the synthesis of natural products which are biosynthesized from propionate and butyrate units; i.e., macrolide antibiotics and polyether ionophore antibiotics.
6. Research concerned with the development of new methods for carbon-

carbon bond formation and the application of these methods to the total synthesis of complex natural products.

7. Transition Metal Catalysts and Reagents in organic synthesis.

The instrument will also be used in the education of approximately 110 graduate students who work on the scheduled research projects, as well as some undergraduate students in various chemistry courses. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82-00366. Applicant: University of Delaware, Department of Chemical Engineering, Newark, DE 19711. Instrument: Potentiostat, CTD 400. Manufacturer: Santron, Sweden. Intended use of Instrument: The instrument is intended to be used to determine automatically critical pitting and crevice corrosion temperatures while the metal specimens are polarized to a constant pre-set potential. The instrument automatically raises the temperature of the corrosive solution in pre-set increments and records the results. The objective of these tests is to investigate the resistance to pitting and crevice corrosion of a large number of costly alloys which either are or might be used for exposures involving marine environments. A test method is being sought to predict long-time service performance of metal exposed to the ocean by means of a rapid laboratory test. The results are to be used to reduce the cost of corrosion of structures exposed to the ocean. In addition, the instrument will be used to train graduate students in corrosion research.

Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00367. Applicant: Texas A & M University, Department of Civil Engineering, Ocean Engineering Program, College Station, Texas 77843. Instrument: Bi-directional micro-propeller, current meter. Manufacturer: Hydrei Aps., Denmark. Intended use of Instrument: The instrument is intended to be used for studies of wave breaking turbulence and mean velocity profiles in the surf zone. Experiments will be conducted with the aim of understanding the physics of momentum drain and water wave energy decay in the surf zone. The instrument will also be used in the graduate research courses CE 691 and OE 691 to train engineering-scientists in ocean and coastal engineering. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00368. Applicant: University of Southern California, Department of Electrical Engineering, University Park, Los Angeles, California

90089. Instrument: Excimer Laser, Model 861S. Manufacturer: Lumonics, Ltd., Canada. Intended use of instrument: The instrument is intended to be used in the study of spectroscopy as well as the study of unimolecular and biomolecular processes of gas phase radicals which are produced by the excimer laser. The experiments will use the very intense (focused) output from the excimer laser to dissociate, via multiphoton absorption, polyatomic molecules to produce the radical of choice. The objectives of this research are to develop optical diagnostic techniques for radicals and to investigate their reactions, which are important in the study of combustion processes and air pollution. In addition, the instrument will be used in the course EE, Physics, or Chemistry 790, Thesis Research by graduate students working toward the M.S. or Ph.D. degree. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00369. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, Boulder, CO 80309. Instrument: Pulsed Dye Laser, FL 2002. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of instrument: The instrument will be used as an integral part of an investigation of translation-to-vibration, rotation (T-V,R) energy transfer between open shell atoms and diatomic molecules. The characterization of such energy transfer pathways is important for predicting the behavior of complex energetic reactions systems such as plasmas and chemical and molecular lasers. In the first of these studies, translationally "hot" H and D atoms have been prepared by photodissociation of H₂s, HBr or HI with a high energy laser pulse. These fast atoms produce highly excited vibrational states in diatomic collision partners such as HCl, HBr, CO or NO. The excited states have been detected by infrared emission. Future experiments will be conducted using other atoms such as O and Cl. The scheme for characterizing the excited vibrational and rotational states is being changed from infrared emission to laser-induced fluorescence. One postdoctoral student and one graduate will use the instrument for their research during which they will learn fundamental techniques of laser applications in chemical and physical research. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00370. Applicant: University of Connecticut, Department of Chemistry, U-60, Storrs, CT 06268. Instrument: Pulsed Fluorometer System,

Model 3000 with a Model 1740 Pulse Light Analysis/Multichannel Scaling Conversion Module for Phosphorescence Decay. Manufacturer: Photochemical Research Associates Inc., Canada. Intended use of instrument: The instrument is intended to be used for measuring the luminescence lifetimes of solid and liquid samples such as phototoxic compounds, chlorophyll, polyenes, ruthenium complexes, plasmas, alkaloids, polymers and zeolites. The objectives pursued in these areas of research are to understand the nature of processes involved in the measurement of luminescent lifetime decays. These particular materials are important in the areas of phototoxicity, pharmacology, energy transfer, electron transfer, photosynthesis and catalysis. In addition the instrument will be used for educational purposes in the courses Chemistry 211 and 213. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00371. Applicant: Cornell University, Applied and Engineering Physics, 212 Clark Hall, Ithaca, NY 14853. Instrument: FL 2002 High Performance Tunable Dye Laser. Manufacturer: Lambda Physik, West Germany. Intended use of instrument: The instrument will be used in the development of a laser-based combustion diagnostic probe for measurement of the concentrations of combustion radicals by multiple photon ionization. The instrument will also be used in thesis research. Application received by Commissioner of Customs: September 23, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29844 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Certain Carbon Steel Pipe and Tube Products From South Africa

AGENCY: International Trade Administration Commerce

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in South Africa of certain carbon steel pipe and tube products receive benefits

which constitute bounties or grants within the meaning of the countervailing duty law. If the investigation proceeds normally, we will make our preliminary determination on or before December 30, 1982.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377-5497.

SUPPLEMENTARY INFORMATION:

Petition

On October 6, 1982, we received a petition from counsel for the Committee on Pipe and Tube Imports. The petitioner alleges that manufacturers, producers, or exporters in South Africa of certain carbon steel pipe and tube products (certain pipes and tubes) receive benefits that constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and that certain pipes and tubes subject to this investigation are dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain pipes and tubes and have found that it meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in South Africa of certain pipes and tubes, as defined in the "Scope of the Investigation" section of this notice, receive benefits that constitute counties of grants within the meaning of section 303 of the Act. If the investigation proceeds normally, we will make our preliminary determination by December 30, 1982.

Scope of the Investigation

For purposes of this investigation, the term "certain carbon steel pipe and tube products" includes electric resistance welded (ERW) carbon pipes and tubes with walls not thinner than 0.065 inch, of circular cross section, and not over 4.5 inches in outside diameter including cold-rolled pipes and tubes with a wall thickness not exceeding 0.1 inch and ERW carbon pipes and tubes, of square and rectangular cross section, with a wall thickness not less than 0.156 inch, of any diameter, as currently provided for in items 610.3227, 610.3241, 610.3244 and 610.3955 of the *Tariff Schedules of the United States Annotated (TSUSA)*; and ERW carbon pipes and tubes not suitable for use in the manufacture of ball or roller bearings of square and rectangular cross section as currently provided for in TSUSA item 610.4975.

Excluded from this investigation are ERW carbon steel pipes and tubes, suitable for use in boilers, superheaters, heat exchangers, condensers, feedwater heaters, and ball or roller bearings; conforming to A.P.I. specifications for oil well tubing and casing, cold-drawn pipes and tubes, or ERWA carbon steel pipes and tubes imported with couplings.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters of certain pipes and tubes in South Africa benefit from the following bounties or grants: The Iron and Steel Export Promotion Scheme; preferential prices from a government-owned primary steel producer; the South African Department of Industries, Commerce and Tourism's export incentive program, categories A, B, and D; preferential pre- and post-shipment financing for exports; preferential harbor rates, ocean freight rates, and railroad rates; beneficiation investment allowances; and tax incentives for exporters located in certain development areas.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration,

October 26, 1982.

[FR Doc. 82-29843 Filed 10-28-82; 8:45]

BILLING CODE 3510-25-M

Washington University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and

Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00243. Applicant: Washington University, Purchasing Dept., Lindell and Skinker Blvd., St. Louis, MO 63130. Instrument: Two Analyser Sections, One GS 61 and One GS 98 Ion Sources with Spare Filaments and Holder. Manufacturer: Institut für Kristallographie und Petrographie, Switzerland. Intended use of instrument: See Notice on page 30538 in the *Federal Register* of July 14, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 81-00258 which was denied without prejudice to resubmission on March 26, 1982 for informational deficiencies. The foreign instrument with its symmetry feature of the source which provides focusing to a point at the exit slit when operated at an emission of 250 microamperes provides a source sensitivity of about four milliamperes per torr. The National Bureau of Standards advises in its memorandum dated September 20, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it known of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29842 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Products From Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands and the United Kingdom; Termination of Countervailing Duty and Antidumping Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Termination of countervailing duty and antidumping investigations.

SUMMARY: The petitioners the in investigations listed in Appendix I which follows this notice have withdrawn their petitions concerning the certain steel products listed and described in Appendix II to this notice. Therefore, we are terminating these countervailing duty and antidumping investigations.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT:

David Binder, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 377-1779.

Case Histories

Countervailing Duty Investigations of Certain Steel Products—Petitions Filed January 11, 1982

On January 11, 1982, we received petitions from the United States Steel Corporation; Bethlehem Steel Corporation; Republic Steel Corporation; Inland Steel Company; Jones & Laughlin Steel, Inc.; National Steel Corporation and Cyclops Corporation filed on behalf of the U.S. industry producing certain carbon steel products. The petitions alleged certain benefits constituting subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), were being provided, directly or indirectly, to the manufacturers producers or exporters in certain member states of the European Economic Community (EEC) of the carbon steel products listed and described in Appendices I and II to this notice. We found these petitions contained sufficient grounds upon which to initiate countervailing duty investigations and initiated such investigations on February 1, 1982 (47 FR 5748). On June 10, 1982 we issued our preliminary determinations in these investigations (47 FR 26300). We issued our final determinations on August 24, 1982 (47 FR 39304). These final determinations stated our conclusions that the governments of certain member states of the EEC were providing certain of their manufacturers, producers or

exporters of certain carbon steel products with benefits constituting subsidies within the meaning of the countervailing duty law.

Antidumping Investigations of Certain Steel Products—Petitions Filed January 11, 1982

On January 11, 1982 we received petitions from the United States Steel Corporation and Bethlehem Steel Corporation filed on behalf of the U.S. industry producing certain carbon steel products. The petitions alleged certain carbon steel products from certain member states of the EEC were being, or were likely to be, sold in the United States at less than fair value. After reviewing the petitions, we determined they contained sufficient grounds to initiate antidumping investigations and initiated such investigations on February 1, 1982 (45 FR 5745). On August 9, 1982 we issued our preliminary determinations in these investigations (47 FR 35646). These stated our preliminary conclusions that certain carbon steel products from certain member states of the EEC were being sold, or were likely to be sold, in the United States at less than fair value. Had these investigations continued, we were to have issued our final determinations no later than December 29, 1982.

Countervailing Duty Investigations of Carbon Steel Welded Pipe & Tube—Petitions Filed May 7, 1982

On May 7, 1982 we received a petition from the United States Steel Corporation filed on behalf of the U.S. industry producing carbon steel welded pipe and tube. The petition alleged certain benefits constituting subsidies within the meaning of the Act were being provided, directly or indirectly, to the manufacturers, producers or exporters in certain member states of the EEC of carbon steel welded pipe. We found these petitions contained sufficient grounds upon which to initiate countervailing duty investigations and initiated such investigations on May 27, 1982 (47 FR 24169). On October 4, 1982 we issued our preliminary determinations in these investigations (47 FR 44818). These stated our preliminary conclusions that the benefits provided by the governments of certain EEC member states to certain of their manufacturers, producers or exporters of carbon steel welded pipe and tube were de minimis. Therefore, we issued negative preliminary determinations. Had these investigations continued, we were to have issued our final determinations no later than December 20, 1982.

Countervailing Duty and Antidumping Investigations of Steel Rails—Petitions Filed September 3, 1982

On September 3, 1982 we received a petition from the CF&I Steel Corporation alleging certain benefits constituting subsidies within the meaning of the Act were being provided, directly or indirectly, to manufacturers, producers or exporters in the EEC of steel rails. The petition also alleged steel rails from certain member states of the EEC were being, or were likely to be, sold in the United States at less than fair value. After reviewing the petition, we determined it contained sufficient grounds to initiate countervailing duty and antidumping investigations and initiated such investigations on September 23, 1982 (47 FR 42744). Had these investigations continued, we were to have issued our preliminary determinations with respect to countervailing duties no later than November 29, 1982 and with respect to antidumping duties no later than February 10, 1982.

On October 21, 1982 representatives of the United States Government and the EEC concluded agreements with respect to imports into the United States of certain steel products from the EEC. The text of these agreements and the annexes thereto are set forth in Appendix III to this notice.

SUPPLEMENTARY INFORMATION:

On October 21, 1982 the petitioners in these investigations notified us they were withdrawing their petitions and requested that the investigations be terminated. Under sections 704(a) (countervailing duties) and 734(a) (antidumping) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. All parties to these investigations have been notified of petitioners' withdrawals. We have determined termination of these cases is in the public interest.

Customs Officers have been instructed to refund any estimated countervailing or antidumping duties collected and to release any bonds or deposits posted with respect to the certain steel products affected by these terminations.

By virtue of the withdrawal of the petitions and termination of these investigations, all the preliminary determinations and conclusions reached in all those investigations in which we had not yet issued a final determination as to whether the products under investigation benefit from subsidies or

are sold at less than fair value are henceforth without legal force or effect.

Gary N. Horlick,

Deputy Assistant Secretary For Import Administration.

October 21, 1982.

Appendix I.—Countervailing Duty (CVD) and Antidumping (AD) Petitions Withdrawn

- CVD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, (2) Bethlehem Steel Corporation (3) Republic Steel Corporation; Inland Steel Company; Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom, and the European Communities.
- AD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, and (2) Bethlehem Steel Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom.
- CVD petitions, filed on May 7, 1982, by United States Steel Corporation concerning carbon steel welded pipe and tube from France, the Federal Republic of Germany and Italy.
- CVD petition, filed on September 3, 1982, by CF&I Steel Corporation concerning steel rails from the European Communities.
- AD petitions, filed on September 3, 1982, by CF&I Steel Corporation concerning steel rails from France, the Federal Republic of Germany and the United Kingdom.

The individual cases subject to this termination of investigations are:

Product	Country
Steel Rails (AD)	UK, France, FRG.
Steel Rails (CVD)	EEC (France, FRG, Luxembourg, UK).
Hot-Rolled Sheet (AD)	France, Belgium, Italy.
Hot-Rolled Sheet & Strip (AD)	Belgium, FRG, Netherlands.
Cold-Rolled Sheet (AD)	France Netherlands
Cold-Rolled Sheet & Strip (AD)	FRG
Carbon Steel Plate (AD)	Belgium FRG UK
Structurals (AD)	France FRG Luxembourg UK
Carbon Steel Welded Pipe & Tube (CVD)	France, FRG.
Carbon Steel Plate (CVD)	Belgium, France, UK, FRG
Hot-Rolled Carbon Plate (CVD)	Belgium, France, FRG, Luxembourg, UK.
Structurals (CVD)	France
Hot-Rolled Sheet (CVD)	France
Cold-Rolled Sheet (CVD)	France
Hot-Rolled Sheet & Strip (CVD)	Belgium, FRG, Italy.
Cold-Rolled Sheet & Strip (CVD)	FRG, Italy.
Hot-Rolled Carbon Bar (CVD)	UK.
Cold-Rolled Carbon Bar (CVD)	UK.

Appendix II

The following product definitions are taken from the last published **Federal Register** notice of a determination in the cases subject to this notice of termination.

1. The term "*carbon steel structural shapes*" covers hot-rolled, forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule 6, Part 2 of the *Tariff Schedules of the United States Annotated* ("TSUSA"), for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any tubular products set forth in the TSUSA, having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the TSUSA. Such products are generally referred to as structural shapes.

2. The term "*hot-rolled carbon steel plate*" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615, or 607.94, of the *Tariff Schedules of the United States Annotated* ("TSUSA"); and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.11 of the TSUSA. Semifinished products of solid rectangular cross section with a width at least four times the thickness in the as cast condition or processed only through primary mill hot rolling are not included.

3. The term "*hot-rolled carbon steel sheet and strip*" covers the following hot-rolled carbon steel products. Hot-rolled carbon steel sheet is a hot-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 8 inches in width and in coils or if not in coils under 0.1875 inch in thickness and over 12 inches in width; as currently provided for in items 607.6610, 607.6700, 607.8320, 607.8342, or 607.9400 of the *Tariff Schedules of the United States Annotated* ("TSUSA"). Please note that the definition of hot-rolled carbon steel sheet includes some

products classified as "*PLATE*" in the TSUSA (Items 607.6610 and 607.8320). Hot-rolled carbon steel strip is a flat-rolled steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and not over 12 inches in width; as currently provided for in items 608.1920, 608.2120, or 608.2320 of the TSUSA. Hot-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

4. The term "*cold-rolled carbon steel sheet and strip*" covers the following cold-rolled carbon steel products. Cold-rolled carbon steel sheet is a cold-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness; as currently provided for in items 607.8320 or 607.8344 of the *Tariff Schedules of the United States Annotated* ("TSUSA"). Please note that the definition of cold-rolled carbon steel sheet includes some products classified as "*Plate*" in the TSUSA (Item 607.8320). Cold-rolled carbon steel strip is a flat-rolled carbon steel product; cold-rolled, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width; as currently provided for in items 608.1940, 608.2140, or 608.2340 of the TSUSA. Cold-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

5. The term "*galvanized carbon steel sheet*" covers hot- or cold-rolled carbon steel sheet which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710, 608.0730, 608.11 or 608.13 of the *Tariff Schedules of the United States Annotated* ("TSUSA"). Note that the definition of galvanized carbon steel sheet includes some products classified as "*Plate*" in the TSUSA (Items 608.0710 and 608.11). Hot- or cold-rolled carbon steel sheet which has been coated or plated with metal other than zinc is not included.

6. The term "*hot-rolled carbon steel bars*" covers hot-rolled carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles,

rectangles, hexagons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in items 606.8310, 606.8330, or 606.8350 of the *Tariff Schedules of the United States Annotated*.

7. The term "*hot-rolled alloy steel bars*" covers hot-rolled alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, as currently provided for in item 606.97 of the *Tariff Schedules of the United States*.

8. The term "*cold-formed carbon steel bars*" covers cold-formed carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, as currently provided for in items 606.8805 or 606.8815 of the *Tariff Schedules of the United States Annotated*.

9. The term "*cold-formed alloy steel bars*" covers cold-formed alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, as currently provided for in item 606.99 of the *Tariff Schedules of the United States*.

10. The term "*large diameter welded carbon steel pipes and tubes*" covers welded carbon steel pipes and tubes with walls not thinner than 0.065 of an inch of circular cross section and over 16 inches in outside diameter, as currently provided for in items 610.3211 and 610.3251 of the *Tariff Schedules of the United States Annotated* (TSUSA). Pipes and tubes suitable for use in boilers, superheaters, heat exchangers, condensers, and feedwater heaters, or conforming to A.P.I. specifications for oil well tubing, with or without couplings, cold-drawn pipes and tubes and cold-rolled pipes and tubes with wall thickness not exceeding 0.1 of an inch are not included.

11. The term "*Steel Rails*" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than 8 pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated* ("TSUSA").

Appendix III—Arrangement

Concerning trade in certain steel products between the European Coal

and Steel Community (hereinafter called "the ECSC") and the United States (hereinafter called "the U.S.").

1. *Basis of the Arrangement.* Recognizing the policy of the ECSC of restructuring its steel industry including the progressive elimination of state aids pursuant to the ECSC State Aids Code; recognizing also the process of modernization and structural change in the United States of America (hereinafter called the "USA"); recognizing the importance as concluded by the OECD of restoring the competitiveness of OECD steel industries; and recognizing, therefore, the importance of stability in trade in certain steel products between the European Community (hereinafter called "the Community") and the USA;

The objective of this Arrangement is to give time to permit restructuring and therefore to create a period of trade stability. To this effect the ECSC¹ shall restrain exports to or destined for consumption in the USA of products described in Article 3 (a) originating in the Community (such exports hereinafter called "the Arrangement products") for the period 1st November 1982 to 31st December 1985.

The ECSC shall ensure that in regard to exports effected between 1st August and 31st October 1982, aberrations from seasonal trade patterns of Arrangement products will be accommodated in the ensuing licensing period.

2. *Condition—Withdrawal of petitions; new petitions.* (a) The entry into effect of this Arrangement is conditional upon:

(1) The withdrawal of the petitions and termination of all investigations concerning all countervailing duty and antidumping duty petitions listed in Appendix A at the latest by 21st October 1982; and

(2) Receipt by the U.S. at the same time of an undertaking from all such petitioners not to file any petitions seeking import relief under U.S. law, including countervailing duty, antidumping duty, Section 301 of the Trade Act of 1974 (other than Section 301 petitions relating to third country sales by U.S. exporters) or Section 337 of the Tariff Act of 1930, on the Arrangement products during the period in which this Arrangement is in effect.

(b) If during the period in which the Arrangement is in effect, any such investigations² or investigations under

Section 201 of the Trade Act of 1974, Section 232 of the Trade Expansion Act of 1962, or Section 301 of the Trade Act of 1974 (other than Section 301 petitions relating to third country sales by U.S. exporters) are initiated or petitions filed or litigation (including antitrust litigation) instituted with respect to the Arrangement products, and the petitioner of litigation is one of those referred to in article 2a), the ECSC shall be entitled to terminate the Arrangement with respect to some or all of the Arrangement products after consultations with the U.S., at the earliest 15 days after such consultations.

If such petitions are filed or litigation commenced by petitioners or litigants other than those referred to in the previous paragraph, or investigations initiated, on any of the Arrangement products, the ECSC shall be entitled to terminate the Arrangement with respect to the Arrangement product which is the subject of the petition, litigation or investigation after consultations with the U.S., at the earliest 15 days after such consultations. In addition, if during the consultations it is determined that the petition, litigation or investigation threatens to impair the attainment of the objectives of the Arrangement, then the ECSC shall be entitled to terminate the Arrangement with respect to some or all Arrangement products, at the earliest 15 days after such consultations.

These consultations will take into account the nature of the petitions or litigation, the identity of the petitioner or litigant, the amount of trade involved, the scope of relief sought, and other relevant factors.

(c) If, during the term of this Arrangement, any of the above mentioned proceedings of litigation is instituted in the USA against certain steel products as defined in Article 3 (b) imported from the Community which are not Arrangement products and which substantially threaten its objective, then the ECSC and the U.S., before taking any other measure, shall consult to consider appropriate remedial measures.

3. *Product description.* (a) The products are:

Hot-rolled sheet and strip
Cold-rolled sheet
Plate
Structurals
Wire rods
Hot-rolled bars
Coated sheet
Tin plate
Rails
Sheet piling

as described and classified in Appendix B by reference to corresponding Tariff Schedules of the United States

Annotated (TSUSA) item numbers and EC NIMEXE classification numbers.

(b) For purposes of this Arrangement, the term "certain steel products" refers to the products described in Appendix E.

4. *Export Limits.* (a) For the period 1st November 1982 to 31 December 1983 (hereinafter called "the Initial Period") and thereafter for each of the years 1984 and 1985 export licenses shall be required for the Arrangement products. Such licenses shall be issued to Community exporters for each product in quantities no greater than the following percentages of the projected U.S. Apparent Consumption (hereinafter called "export ceilings") for the relevant period:

Product	Percentage
Hot-rolled sheet and strip.....	6.81
Cold-rolled sheet.....	5.11
Plate.....	5.36
Structurals.....	9.91
Wire rods.....	4.29
Hot-rolled bars.....	2.38
Coated sheet.....	3.27
Tin plate.....	2.20
Rails.....	8.90
Sheet piling.....	21.85

For the purposes of this Arrangement, "U.S. Apparent Consumption" shall mean shipments (deliveries) minus exports plus imports, as described in Appendix D.

(b) Where Arrangement products imported into the USA are subsequently re-exported therefrom, without having been subject to substantial transformation, the export ceiling for such products for the period corresponding to the time of such re-export shall be increased by the same amount.

(c) For the purposes of this Arrangement the USA shall comprise both the U.S. Customs Territory and U.S. Foreign Trade Zones. In consequence the entry into the U.S. Customs Territory of Arrangement products which have already entered into a Foreign Trade Zone shall not then be again taken into account as imports of Arrangement products.

5. *Calculation and revision of U.S. Apparent Consumption forecast and of export limits.* The U.S., in agreement with the ECSC, will select an independent forecaster which will provide the estimate of U.S. Apparent Consumption for the purposes of this Arrangement.

For the Initial Period, a first projection of the U.S. Apparent Consumption by product will be established as early as possible and in any event before 20th October 1982. A provisional export

¹To the extent that the Arrangement products are subject to the Treaty establishing the European Economic Community (the EEC), the term "ECSC" should be substituted by "EEC".

²With respect to any Section 337 investigation, the parties shall consult to determine the basis for the investigation.

ceiling for each product will then be calculated for that period by multiplying the U.S. Apparent Consumption of each product by the percentage indicated in Article 4 for that product. These figures for projected Apparent Consumption will be revised in December 1982, February, May, August and October of 1983, by the said independent forecaster, and appropriate adjustments will be made to the export ceilings for each product taking into account licenses already issued under Article 4.

The same procedure will be followed to calculate and revise the U.S. Apparent Consumption and export ceilings for 1984 and for 1985, the first projection being established by the independent forecaster by 1st October of 1983 and 1984, respectively.

In February of each year as from 1984, adjustments to that year's export ceiling for each product will be made for differences between the forecasted U.S. Apparent Consumption and actual U.S. Apparent Consumption of that product in the previous year or (in February 1984) in the Initial Period.

6. Export Licences and Certificates. (a) By Decisions and Regulations to be published in the Official Journal of the European Communities the ECSC will require an export licence for all Arrangement products. Such export licences will be issued in a manner that will avoid abnormal concentrations in exports of Arrangement products to the USA taking into account seasonal trade patterns. The ECSC shall take such action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licences. The ECSC will inform the U.S. of any violations concerning the export licences which come to its attention and the action taken with respect thereto.

Export licences will provide that shipment must be made within a period of three months.

Export licences will be issued against the export ceiling for the Initial Period or a specific calendar year as the case may be. Export licences may be used as early as 1st December of the previous year within a limit of eight (8) percent of the ceiling for the given year. Export licences may not be used after 31st December of the year for which they are issued except that licences not so used may be used during the first two months of the following year with a limit of (8) percent of the export ceiling of the previous year or eight (8) percent of eighty-six (86) percent of the export ceiling of the Initial Period, as the case may be.

(b) The ECSC will require that Arrangement products shall be

accompanied by a certificate substantially in the form set out in Appendix C, endorsed in relation to such a licence. The U.S. shall require presentation of such certificate as a condition for entry into the USA of the Arrangement products. The U.S. shall prohibit entry of such products not accompanied by such a certificate.

7. Technical adjustment. (a) The specific product export ceilings provided for in Article 4 may be adjusted by the ECSC with notice to the U.S. Adjustments to increase the volume of one product must be offset by an equivalent volume reduction for another product for the same period. Notwithstanding the preceding sentences, no adjustment may be made under this paragraph which results in an increase or a decrease in a specific product limitation under Article 4 by more than five (5) percent by volume for the relevant period.

The ECSC and the U.S. may agree to increase the above percentage limit.

(b) Normally, only one change in a specific product export ceiling in a given year or the Initial Period may be made by an adjustment under the preceding paragraph or use of licences in December or January/February under Article 6(a). Accordingly, changes in a given year or the Initial Period by use of more than one of those three provisions may be made only upon agreement between the ECSC and the U.S.

8. Short supply. On the occasion of each quarterly consultation provided for in Article 10 the U.S. and the ECSC will examine the supply and demand situation in the USA for each of the products listed in Appendix B. If the U.S. in consultation with the ECSC determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors) an additional tonnage shall be allowed for such product or products by a special issue of licences limited to 10 percent of the ECSC's unadjusted export ceiling for that product or products. In extraordinary circumstances as determined by the allowable level of special licences.

Each authorized special issue export licence and certificate derived therefrom shall be so marked. Each such licence must be used within 180 days after the start of the quarter when that special issue began.

9. Monitoring. The ECSC will within one month of each quarter and for the first time by 31st January 1983 supply the U.S. with such non-confidential

information on all export licences issued for Arrangement products as is required for the proper functioning of this Arrangement.

The U.S. will collect and transmit quarterly to the ECSC all non-confidential information relating to certificates received during the preceding quarter in respect of the Arrangement products, and relating to actions taken in respect of Arrangement products for violations of customs laws.

10. General. Quarterly consultations shall take place between the ECSC and the U.S. on any matter arising out of the operation of the Arrangement. Consultations shall be held at any other time at the request of either the ECSC or the U.S. to discuss any matters including trends in the importation of certain steel products which impair or threaten to impair the attainment of the objectives of this Arrangement.

In particular, if imports from the ECSC of certain steel products other than Arrangement products of alloy Arrangement products show a significant increase indicating the possibility of diversion of trade from Arrangement products to certain steel products other than Arrangement products or from carbon to alloy within the same Arrangement product, consultations will be held between the U.S. and the ECSC with the objective of preventing such diversion, taking account of the ECSC 1981 U.S. market share levels.

Should these consultations demonstrate that there has indeed been a diversion of trade which is such as to impair the attainment of the objectives of the Arrangement, then within 60 days of the request for consultations both sides will take the necessary measures for the products concerned in order to prevent such a diversion. For alloy Arrangement products, such measures will include the creation of separate products for purposes of Articles 3 and 4 at the 1981 U.S. market share levels. For certain steel products other than Arrangement products, such measures may include the creation of products for purposes of Articles 3 and 4.

Consultations will also be held if there are indications that imports from third countries are replacing imports from the ECSC.

11. Scope of the Arrangement. This Arrangement shall apply to the U.S. Customs Territory (except as otherwise provided in Article 4(c)) and to the territories to which the Treaty establishing the ECSC as presently constituted applies on the conditions laid down in that Treaty.

12. *Notices.* For all purposes hereunder the U.S. and the ECSC shall be represented by and all communications and notices shall be given and addressed to:

For the ECSC

The Commission of the European Communities (Directorates General for External Relations (I) and Internal Market and Industrial Affairs (III)).

Rue de la Loi, 200, 1049 Brussels, Belgium, Tel: 235.11.11, Telex: 21877 COMEU B.

For the U.S.

U.S. Department of Commerce, Deputy Assistant Secretary for Import Administration, International Trade Administration, Washington, D.C. 20230, Tel: 202/377-1780, Telex: 892536 USDOC WSH DAS/IA/ITA.

Appendix A.—List of Countervailing Duty (CVD) and Antidumping Duty (AD) Petitions ¹ to be Withdrawn

CVD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, (2) Bethlehem Steel Corporation, and (3) Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom, and the European Communities.

AD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, and (2) Bethlehem Steel Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the

¹ For purposes of this Arrangement, the term "petitions" covers all matters included in the petitions filed on the dates listed, whether or not the DOC initiated investigations on the products or countries concerned.

Netherlands, and the United Kingdom.

CVD petitions, filed on February 8, 1982, by Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, Keystone Consolidated, Inc., Korf Industries, Inc., Penn Dixie Steel Corporation and Raritan River Steel Company concerning carbon steel wire rod from Belgium and France.

CVD petitions, filed on May 7, 1982, by United States Steel Corporation concerning carbon steel welded pipe from France, the Federal Republic of Germany and Italy.

CVD petition, filed on September 3, 1982, by CF & I Steel Corporation concerning steel rails from the European Communities.

AD petitions, filed on September 3, 1982, by CF & I Steel Corporation concerning steel rails from France, the Federal Republic of Germany and the United Kingdom.

APPENDIX B—PRODUCT COVERAGE

Description	NIMEXE No. ¹	TSUSA Nos.
Hot Rolled Carbon Steel Sheet and Strip.	73.08-03, 73.08-05, 73.08-07, 73.08-21, 73.08-25, 73.08-29, 73.08-41, 73.08-45, 73.08-49, 73.12-19, 73.13-21, 73.13-23, 73.13-26, 73.13-32, 73.13-34, 73.13-36, 73.62-10, 73.64-20, 73.65-23, 73.65-25.	607.6610, 607.6700, 607.8342, 608.1920, 608.2120, 608.2320.
Hot Rolled Alloy Steel Sheet and Strip.	73.72-19, 73.74-29, 73.75-34, 73.75-39, 73.75-44, 73.75-49.	607.8100, ² 608.3820, ² 608.5520, ² 608.6720.
Cold Rolled Carbon Steel Sheet.	³ 73.12-29, 73.13-41, 73.13-43, 73.13-45, 73.13-47, 73.13-49, 73.13-50, ⁴ 73.64-50, 73.65-53, 73.65-55.	607.8320, 607.8344.
Cold Rolled Alloy Steel Sheet.	⁵ 73.74-54, ⁵ 73.74-59, 73.75-54, 73.75-59, 73.75-64, 73.75-69.	607.9320.
Carbon Steel Plate.	73.09-00, 73.13-17, 73.13-19, 73.13-78, 73.13-79, 73.62-30, 73.64-72, 73.64-75, 73.65-21.	⁶ 607.6615, 607.9400, 608.0710, 608.1100.
Alloy Steel Plate.	73.72-39, 73.75-24, 73.75-29.	⁶ 607.7800, 607.9100, 608.1420.

APPENDIX B—PRODUCT COVERAGE—Continued

Description	NIMEXE No. ¹	TSUSA Nos.
Carbon Coated Sheet: (Galvanized Carbon Steel Sheet and Other Carbon Coated Sheet).	⁷ 73.12-40, ⁷ 73.12-61, ⁷ 73.12-63, ⁷ 73.12-71, ⁷ 73.12-75, ⁷ 73.12-88, 73.13-67, 73.13-68, 73.13-72, 73.13-88, ⁷ 73.64-79, 73.65-70.	608.0730, 608.1300.
Alloy Coated: Sheet and Terne, Plate and Sheet.	⁷ 73.12-65, 73.13-74, ⁷ 73.74-72, ⁷ 73.74-74, ⁷ 73.74-89, 73.75-79.	608.0100, 608.1440.
Tinplate (not including blackplate).	⁷ 73.12-51, 73.12-59, 73.13-64, 73.13-65.	607.9600, 607.9700, 607.9900.
Carbon Steel Structural Shapes.	73.11-12, 73.11-14, 73.11-16, 73.11-19, 73.11-20, 73.11-31, 73.11-39, 73.63-10, ⁸ 73.63-29, 73.63-50.	609.8005, 609.8015, 609.8035, 609.8041, 609.8045.
Alloy Steel Structural Shapes.	⁹ 73.73-14, ⁹ 73.73-19, ⁹ 73.73-34, ⁹ 73.73-35, ⁹ 73.73-36, ⁹ 73.73-39, 73.73-49, 73.73-54, ⁹ 73.73-55, 73.73-59.	609.8200.
Carbon Wire Rod.	73.10-11, ¹⁰ 73.10-16, 73.63-21, ¹⁰ 73.63-29, ¹⁰ 73.63-72, ¹⁰ 73.63-79, ¹⁰ 73.73-35.	607.1400, 607.1700, 607.2200, 607.2300.
Hot Rolled Carbon Steel Bar.	¹¹ 73.10-16, ¹¹ 73.10-42, ¹¹ 73.10-49, ¹¹ 73.63-29, ¹¹ 73.63-72, ¹¹ 73.63-79, ¹¹ 73.73-35.	606.8310, 606.8330, 606.8350.
Hot Rolled Alloy Bar.	¹² 73.73-34, ¹² 73.73-35, ¹² 73.73-36, ¹² 73.73-39, ¹² 73.73-72, ¹² 73.73-89.	606.9700.
Carbon and Alloy Rails.	73.16-11, 73.16-14, 73.16-16, 73.16-17, 73.16-20.	610.2010, 610.2020, 610.2100.
Carbon and Alloy Sheet Piling.	73.11-50.	609.9600, 609.9800.

¹ Subject to further verifications and amendments to be agreed upon by experts of both parties before 1st November 1982.

² Covered if hot rolled.

³ Covered if over 12" in width.

⁴ Excluding semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill.

⁵ Covered if structural shapes.

⁶ Covered if contains up to 0.35 percent lead or sulfur.

⁷ Excluding coiled bar from 13 to 18.8 mm diameter.

⁸ Not covered if coated, plated or clad.

⁹ Excluded if cold finished.

¹⁰ Covered if hot rolled bar, excluding coiled bar from 13 to 18.8 mm diameter.

¹¹ Covered if hot rolled bar.

¹² Covered if hot rolled bar, and 0.35 percent or more lead or sulfur.

BILLING CODE 3510-25-M

Appendix C: Prototype Export Certificate

EUROPEAN COMMUNITY

Exporter (full name and address)	C E R T I F I C A T E FOR THE EXPORT OF STEEL PRODUCTS TO THE UNITED STATES OF AMERICA No. 000000
Consignee (full name and address)	3 Export licence No / Issued in
	4 Extract No / Issued in of export licence No / Issued in

NOTES

- . This certificate must be completed on typewriter.
- . This certificate and the export licence or the extract thereof to which it refers must be produced at the Customs office at which Customs formalities for export to the United States of America are completed.
- . This certificate duly endorsed by the Customs office shown in box no. 7, must be produced to the competent authorities in the United States of America at the time of importation.

Marks and numbers - Number and kind of packages - Category and Description of steel products	6 Quantity
---	-------------------

ENDORSEMENT BY THE COMPETENT CUSTOMS OFFICE IN THE EUROPEAN COMMUNITY

The net mass (weight) of steel products shown in box no 6 has been attributed ☐ to the export licence shown in box no 3 ☐ to the extract shown in box no (1)

Customs export document:
type:

Signature:

Stamp:

number:

APPENDIX D.—CONCORDANCE BETWEEN SHIPMENT, IMPORT AND EXPORT CATEGORIES FOR SELECTED GROUPS OF STEEL MILL PRODUCTS

Product	1965-81 shipments (AISI-10)	1979-81 exports (schedule B's)	1981 imports (TSUSA's)
1. HR carbon sheet and strip	Cat. 31, 36 (carbon only)	608.8610, 609.0910	607.6610, 607.6700, 607.8342, 608.1920, 608.2120, 608.2320.
HR alloy sheet and strip	Cat. 31, 36 (alloy only)	608.8620, 609.0920	607.8100, 608.3820, (HR only), 608.5520, (HR only), 608.6720, (HR only), 607.8344, 607.8320.
2. CR Carbon sheet	Cat. 32 (carbon only)	608.9120	607.9320.
CR alloy sheet	Cat. 32 (alloy only)	608.9135	607.9320.
3. Carbon plate	Cat. 6 (carbon only)	608.8112	607.6615 ¹ , 607.9400, 608.0710, 608.1100.
Alloy plate	Cat. 6 (alloy only)	608.8121	607.7800 ¹ , 607.9100, 608.1420.
4. Carbon structural shapes	Cat. 4 (carbon only)	609.8110, 609.8120	609.8005, 609.8015, 609.8035, 609.8041, 609.8045.
Alloy structural shapes	Cat. 4 (alloy only)	609.8130	609.8200.
5. Carbon wire rods	Cat. 3 (carbon only)	608.7400	607.1400, 607.1700, 607.2200, 607.2300.
6. HR carbon bar	Cat. 14 (carbon only)	608.4310	606.8310, 606.8330, 606.8350.
HR alloy bar	Cat. 14 (alloy only)	608.4340	606.9700.
7. Carbon and alloy coated sheet and	Cat. 33A, 33B, 34	609.1605, 609.1620, 609.1625, 609.1615	608.0100, 608.0730, 608.1300, 608.1440.
terne plate and sheet.			
8. Tin plate	Cat. 29	609.1613, 609.1610	607.9600, 607.9700, 607.9900.
9. Carbon and alloy rails	Cat. 7, 8	610.2205, 610.2215	610.2010, 610.2020, 610.2100.
10. Carbon and alloy sheet piling	Cat. 5	609.9700	609.9600, 609.9800.

¹Excluding semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill.

Appendix E

"Certain Steel Products" Definition

"Certain steel products" means all products included in the 1982 AISI import categories 1 through 36 excluding categories 14 through 19 (inclusive) and also excluding the following TSUSA item numbers:

606.6920	609.3020
607.2600	609.3320
607.2800	607.7205
607.3200	607.6900
607.3405	607.7220
607.3420	607.7610
607.4300	607.9010
607.4600	607.8805
607.4800	607.8800
607.5405	607.8820
607.5420	607.9020
607.7605	607.9315
607.9005	608.2600
608.9005	608.2900
608.9505	608.3100
608.9105	608.3405
608.9300	608.3420
608.9520	608.3810
608.9535	608.4300
608.9010	608.4700
608.9510	608.4905
608.9110	608.4920
608.9400	608.5510
608.9525	608.5700
608.9540	608.5900
609.4510	608.6405
609.4520	608.6420
609.4540	608.6710
609.4550	

[FR Doc. 82-29511 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-25-M

Gulf of Mexico Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery

Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet to review an amendment to the Shrimp Fishery Management Plan (FMP) and review a draft Calico Scallop FMP.

DATES: The public meeting will convene on Tuesday, November 30, 1982, at approximately 8 a.m. and will adjourn at approximately 4 p.m.

ADDRESS: The public meeting will take place at the Barclay Airport Inn-Best Western, Tampa Room, 5303 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; Telephone (813) 228-2815.

Dated: October 26, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-29841 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Taking of Marine Mammals; Issuance of Permit

On September 8, 1982, Notice was published in the *Federal Register* (47 FR 39559), that an application had been filed with the National Marine Fisheries Service by Marineland Amusements Corporation, P.O. Box 937, 6610 Palos Verdes Drive South, Rancho Palos Verdes, California 90274 for a permit to take six (6) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on October 22, 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 Public Display Permit for the above taking to Marineland Amusements Corporation, 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, N.W. Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: October 22, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-29839 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming public meeting with a partially closed session of the Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery

Conservation and Management Act (Pub. L. 94-265).

DATES: December 2-3, 1982 (A notice of determination signed by the Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, previously authorized the scheduling of this public meeting with a partially closed session for October 14-15, 1982.)

ADDRESS: The meetings will take place at the Makaha Resort, Makua Room, Makaha, Oahu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813; telephone (808) 523-1368.

SUPPLEMENTARY INFORMATION:

Agendas

Council (open meetings)—December 2-3, 1982 (10 a.m. to 5 p.m., on December 2; 9 a.m., to approximately 2 p.m., on December 3, 1982)—discuss 1983 programmatic priorities; discuss the status of the Billfish Fishery Management Plan (FMP); discuss the status of the framework for the Bottomfish FMP; review and adopt draft amendments to the Spiny Lobster FMP and discuss the status of the Taiwan coral industry.

Council (closed session)—December 2, 1982 (9 a.m. to 10 a.m.)—discuss personnel matters regarding the selection of an Executive Director to the Council and discuss the selection of individuals to fill vacancies on the Advisory Panel and the Scientific and Statistical Committee of the Council.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on July 28, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agency items covered in the closed session are exempt from the provisions of the Act relating to open meetings and public participation therein, because the session will be concerned with matters that are within purview of 5 U.S.C. 552b(c)(6). These portions of the closed session are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 6622, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: October, 26, 1982.

Jack L. Falls,
Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-29840 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1982 services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: December 1, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1982, November 12, 1981 (46 FR 55740):

SIC 0782

Grounds Maintenance, Social Security Administration Complex, 6401 Security Boulevard, Baltimore, Maryland

SIC 7349

Janitorial Services, Annex Building, Bureau of Engraving and Printing, 14th and C Streets, S.W., Washington, D.C.
Janitorial Service, Federal Building and U.S. Courthouse, 205 North 4th Street, Coeur d'Alene, Idaho
Custodial Service, Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minnesota
Janitorial Service, Pioneer Courthouse, 520 SW Morrison, Portland, Oregon

Janitorial Service, U.S. Courthouse, 1010 Fifth Avenue, Seattle, Washington

E. R. Alley, Jr.,
Acting Executive Director.

[FR Doc. 82-29804 Filed 10-28-82; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1982 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 29, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 25, 1982, July 9, 1982, and August 20, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 27596, 47 FR 29870, and 47 FR 36467) of proposed additions to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1982:

Class 7510

Pocket Planning Set, 7510-01-119-6368
Refill, Pocket Planning Set, 7510-01-113-2079

Class 7520

Pencil, Mechanical 7520-01-132-4996

Class 8105

Bag, Evidence 8105-00-NIB-0001 (18 x 20")
Bag, Evidence 8105-00-NIB-0002 (12 x 20")
Bag, Evidence 8105-00-NIB-0003 (8 x 14")
Bag, Evidence 8105-00-NIB-0004 (6 x 12")
Bag, Evidence 8105-00-NIB-0005 (5 x 8")

SIC 7349

Custodial Service (Grounds Maintenance), U.S. Army Reserve

Center, Memorial Parkway,
Huntsville, Alabama
Janitorial/Custodial, Springfield Federal
Building, Main and Bridge Streets,
Springfield, Massachusetts
Janitorial/Custodial, J. Marvin Jones
Federal Building and U.S. Courthouse,
205 E. 5th Street, Amarillo, Texas
Janitorial/Mechanical Maintenance,
Federal Building, U.S. Post Office, 403
West Lewis Street, Pasco,
Washington.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 82-29805 Filed 10-28-82; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to 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). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) To whom comments regarding the information collection are to be forwarded; (9) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Enlistee Financial Statement
(NAVCUIT 1130/13).

Used to collect data by which to make a determination as to the applicants' ability to meet his/her financial obligations on Navy pay.

Applicants for naval service with persons either wholly or partially dependent upon them: 75,000 responses, 25,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, Telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Mr.

Larry Nichols, Navy Recruiting Command, 4015 Wilson Blvd., Arlington, VA 22203 (ATTN: Code 216), telephone (202) 696-4860.

October 26, 1982.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 82-29835 Filed 10-28-82; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Correction to a System Notice

AGENCY: Department of the Navy, DOD.

ACTION: Correction to a system notice.

SUMMARY: The Department of the Navy proposes to make a correction to the notice for a system of records previously published. The corrected system notice is set forth below.

DATES: The proposed correction will be effective October 29, 1982.

ADDRESS: Send any comments to the System Manager as identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OPNAV 09B1P) Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: On May 10, 1982 in FR Doc. 82-12593 (47 FR 20018) the Navy published the notice for a new system of records identified as N01131-2, entitled: "U.S. Navy Academy Admission Records." This notice contained several typesetting errors. The system notice as it should appear is set forth below.

M. S. HEALY,

*OSD Federal Register Liaison Officer,
Department of Defense.*

October 26, 1982.

N01131-2

SYSTEM NAME:

U.S. Naval Academy Admissions Records.

SYSTEM LOCATION:

U.S. Naval Academy, Leahy Hall, Annapolis, Maryland 21402.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All candidates for admission to the Naval Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Admissions records, including information on nominations and appointments, and candidate guidance files. Admission files contain personal data, personal statements, transcripts

from previous academic institutions, admission tests results, physical aptitude exam results, recommendation letters from school officials and others, interest inventory, extracurricular activities report, and report of officer interview. Nominations and appointments records consist of card files of all Congressional Offices and who each congressman appointed; files of candidates nominated for the following academic year; status cards, indexed by nominating source, of all candidates appointed, admitted, and graduated or resigned prior to graduation. Similar files are separately kept on foreign candidates. Candidate guidance files consist of precandidate questionnaires concerning educational background, personal data, physical data, extracurricular activities and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 6956, 6957, and 6958, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Nominations and admissions records, including pre-candidate questionnaires, are the starting point of records for all future midshipment. They are used to keep track of all candidates nominated by Congress and other sources. All nominating sources have access to records. The Academy admissions department uses the records to determine qualification status for candidates. The records may also be used by various faculty department heads, and the Naval Academy Prep School.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are filed in folders or index boxes, and stored in file cabinets in the appropriate offices.

RETRIEVABILITY:

Basic admissions records are retrieved by use of a six digit candidate number. Nominations and Appointment records are indexed either by candidate names or by nomination source. Candidate guidance questionnaires are stored by candidates names alphabetically.

SAFEGUARDS:

Visitor control and all files are kept in locked file cabinets and locked offices.

RETENTION AND DISPOSAL:

Admissions records of admitted candidates are kept by the Registrar's office after a candidate reports. Unsuccessful candidate files are kept for one year in locked file, then destroyed. Nomination and Appointment files vary in retention. All Congressional Office card files are kept for 10 years on the premises. Status cards of admittees are kept until graduation or resignation, and then transferred to the Academy archives and microfilmed. Nominations files are disposed of yearly through normal refuse removal methods. Candidate guidance files are destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Admissions Officer, Office of the Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURES:

Written request may be made to the system manager.

RECORD ACCESS PROCEDURES:

Rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Educational institutions, nominating sources, individual candidates, school officials, personal statements, Blue and Gold officer interviews, and letters of recommendation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-29834 Filed 10-28-82; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary**Privacy Act of 1974**

AGENCY: National Security Agency, DOD.

ACTION: Amendment of a system notice.

SUMMARY: The National Security Agency proposes to amend the notice for a system of records.

DATES: This change shall be effective November 29, 1982.

ADDRESSES: Send any comments to Lt. R. N. Fielding, JAGC, USN, Office of the General Counsel, Room 9A-116, National Security Agency, Fort George C. Meade, MD 20755.

FOR FURTHER INFORMATION CONTACT: Lt. R. N. Fielding, JAGC, USN, Office of

General Counsel; telephone: 301/688-6054.

SUPPLEMENTARY INFORMATION: The National Security Agency proposes to change the retention and disposal procedures for a system of record. The change is necessitated by the need to maintain information from applicant files sufficiently to respond to a law suit recently filed against the agency.

The national Security Agency systems notice for systems of records subject to the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. Law 93-579, 88 Stat 1896, *et seq.*) were last published in the *Federal Register* at FR Doc. 82-674 (47 FR 2617) January 18, 1982.

This change does not require an altered system report as prescribed by 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

October 26, 1982.

GNSA 02

SYSTEM NAME: NSA/CSS Applicants

* * * * *

RETENTION AND DISPOSAL:

For applicants who are subsequently hired, records are transferred to Personnel File or destroyed as appropriate. For applicants not hired, records are retained for a period not to exceed one year or until completion of legal proceedings involving issues pertaining to these records, which ever is later, unless employment requirements necessitates retention for a longer period.

* * * * *

[FR Doc. 82-29812 Filed 10-28-82; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence School Panel of the National Defense University and the Defense Intelligence School; Meeting

Pursuant to the provisions of Sub-Section (d) Section 10 of Public Law 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a partially closed meeting of the Defense Intelligence School Panel of the Board of Visitors of the National Defense University and the Defense Intelligence School will be held on-site at the School in Washington, D.C. on 15, 16, and 17 November 1982.

Morning sessions on 15, 16 and 17 November will be devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and will therefore be closed to the public. Subject matter will

be concerned with specialized instructional requirements and related curricula content.

M. S. Healy,

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

October 25, 1982.

[FR Doc. 82-29803 Filed 10-28-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration**

[Docket No. PP-76]

Substitution of Applicant in Presidential Permit Application

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Substitution of Applicant in Presidential.

PERMIT APPLICATION DOCKET NO. PP-76.

SUMMARY: The Vermont Electric Transmission Company, Inc. (VETCO) has been substituted for the Vermont Electric Power company, Inc. (VELCO) as the applicant for the Presidential Permit in DOE Docket No. PP-76.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Office of Energy Emergency Operations (EP-42), Department of Energy, Forrestal Building, Mail Stop GB-270, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1714

Lise Courtney M. Howe, Office of General Counsel (GC-11) Department of Energy, Forrestal Building, Mail Stop 6F-094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900

SUPPLEMENTARY INFORMATION: On December 11, 1981, VELCO and the New England Electric Transmission Corporation (NEET) filed with DOE separate and competing applications to construct, operate and maintain electric power facilities at the border between the United States and Canada for the transmission of electric energy between Hydro-Quebec (HQ) and the New England Power Pool. Each application proposes the construction of a line running from an HQ substation located near Sherbrooke, Quebec, to a terminal facility at the Comerford Station located in Grafton County, New Hampshire. The U.S. portion of the VELCO line would be situated in part in Vermont, while the U.S. portion of the NEET line (DOE Docket No. PP-77) would be located exclusively in New Hampshire. DOE currently is reviewing both applications.

On September 15, 1982, VELCO notified DOE that VETCO had been substituted as the applicant for a Presidential Permit in DOE Docket No. PP-76 and that both VELCO and VETCO concur in this substitution.

VETCO is a wholly owned subsidiary of VELCO, duly organized in 1982 under the laws of the State of Vermont for the purpose of constructing and operating the proposed intertie with Hydro-Quebec, should the Vermont route described in the application by VELCO be selected.

Issued in Washington, D.C., October 20, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-29766 Filed 10-28-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-41-000]

Detroit Edison Co., Filing

October 25, 1982.

Take notice that on October 18, 1982, the Detroit Edison Company (Detroit) tendered for filing FERC Electric Tariff Original Volume No. 1, Seventh Revised Sheet No. 4.

Detroit requests that the Commission approve the Seventh Revised Tariff Sheet No. 4 effectively January 1, 1983 which extends availability of Service under the Company's Experimental Interruptible Service Option (Sheet No. 16a, Paragraph 3.5) to the City of Crosswell.

Detroit requests that the Commission grant such waivers and authorizations as are required to enable the implementation of this change.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protest 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 motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29764 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-743-000]

Carolina Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motion to Reject, and Establishing Hearing and Price Squeeze Procedures

Issued: October 22, 1982.

On August 23, 1982, Carolina Power & Light Company (CP&L) tendered for filing a proposed two-step increase in rates to eighteen cooperatives, three municipals, one private utility, and one partial requirements customer.¹ The proposed step-one rates would increase revenues by approximately \$15 million (8.0%) for the calendar 1983 test period. The step-two rates would increase revenues by an additional \$20 million (10%). CP&L requests that the step-one rates become effective on October 23, 1982, sixty days after filing, and that the step-two rates become effective on October 24, 1982.

Notice of the filing was published in the *Federal Register* with comments due on or before September 15, 1982. On September 9, 1982, South River Electric Corporation (South River) filed a motion to intervene, requesting rejection of CP&L's filing or, in the alternative, a five month suspension. In its pleading, South River raises issues concerning (1) CP&L's purported mismanagement in the operation of nuclear units; (2) nuclear safety; (3) the reasonableness of CP&L's fuel costs; and (4) the absence of more recent Period I test year data.

On September 14, 1982, the North Carolina Membership Corporation,² the Brunswick Electric Membership Corporation, and the Four County Electric Membership Corporation (Cooperatives) jointly filed a protest, motion to intervene, and request for a hearing and a five month suspension. The Cooperatives question the necessity of a two-step rate increase, stating that CP&L has not correlated the step-two rate increase to any event (such as the commercial operation of a major generating plant) that will cause costs to

¹ See Attachment A for customers and rate schedule designations.

² The North Carolina Membership Corporation represents 17 distribution electric membership cooperatives served by CP&L, including the Brunswick Electric Membership Corporation and the Four County Electric Membership Corporation.

increase. As a result, the Cooperatives view CP&L's phased rate increase as an attempt to circumvent the Commission's *West Texas*³ suspension policy. In addition, the Cooperatives raise a variety of cost of service issues⁴ and allege price squeeze. The Cooperatives request an expedited hearing on the price squeeze issue prior to the cost of service phase of the proceeding.⁵

On September 15, 1982, the Cities of Bennettsville and Camden, South Carolina (Cities) filed a protest, motion to intervene, motion to reject the filing or, in the alternative, to suspend for five months. Also on that date, a motion to intervene was filed by French Broad Electric Membership Corporation (Broad Electric), seeking the same relief as that requested by the Cities. In support of their motions to reject, Broad Electric and the Cities allege that the proposed two-step rate increase violates § 35.13(a) of the regulations inasmuch as CP&L has not provided separate cost of service studies for each phase of the two-step rate increase. In support of their request for a five month suspension, Broad Electric and the Cities raise cost of service issues similar to those propounded by the Cooperatives.⁶ They also state that a one day suspension would permit CP&L (in violation of the intent of the future test year regulations) to collect a rate increase prior to the commencement of the test year.

On October 15, 1982, Broad Electric filed a supplement to its September 15, 1982 pleading, providing additional

³ *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (February 26, 1982).

⁴ Those issues include: (1) The failure to properly credit CP&L's wholesale customers a portion of the profits realized from the sale of interests in major generating units to municipal wholesale customers; (2) excessive purchased power expenses due to poor maintenance of nuclear generating units; (3) unreasonable capital structure and rate of return on common equity; (4) the amortization period for nuclear plant cancellation costs; (5) excessive spent nuclear fuel disposal costs; (6) unreasonable cash working capital allowance; and (7) improper inclusion of EEI and other industry dues in the cost of service.

⁵ On September 29, 1982, the Cooperatives filed an addendum to their September 15, 1982 pleading which included a recent order of the North Carolina Utilities Commission (NCUC) as further support for a maximum suspension. (See, *In the Matter of Application of Carolina Power & Light Company for an Adjustment in its Rates and Charges Applicable to Electric Service in North Carolina*, Docket E-2, sub 444, Order Assessing Rate of Return Penalty and Granting Partial Increase In Rates, issued September 24, 1982.)

⁶ The Cities also challenge CP&L's stated levels of depreciation and administrative and general expenses, fuel stocks, and wages and salaries. In addition, they object to CP&L's cost of service inclusion of prior rate case expenses, the company's demand and energy forecasts, and the method of functionalizing accumulated deferred income taxes.

reasons⁷ in support of its motion for a five month suspension and requesting, for the first time, the initiation of price squeeze procedures. Regarding its request for the initiation of price squeeze procedures, Broad Electric alleges that CP&L's proposed wholesale rate increase will produce a severe price squeeze, because of the substantial reduction in the retail rate increase recently ordered by the NCUC (see note 5). In addition, Broad Electric argues that the Commission must not ignore its price squeeze allegations in determining the length of the suspension period. Broad Electric acknowledges that the Commission generally will not consider unproved price squeeze allegations as a separate factor in its suspension analysis. However, Broad Electric urges that its price squeeze allegations are supported by data and an analysis which demonstrate concrete and immediate harm to Broad Electric and to competition between CP&L and its other wholesale customers. Moreover, Broad Electric asserts that the Commission's failure to consider price squeeze allegations in its suspension analysis would be contrary to the policies relied upon in *Conway*.⁸

The Public Works Commission of the City of Fayetteville, North Carolina (Fayetteville) also filed a timely protest, motion to intervene, motion for a five month suspension, and request for a hearing. Fayetteville also raises several challenges to CP&L's cost of service, objects to the proposed billing demands, opposes the demand ratchet included in the partial requirements rate schedule, and alleges price squeeze. The North Carolina Eastern Municipal Power Agency (Power Agency) filed a timely protest and motion to intervene which raises only one cost of service issue, the reasonableness of CP&L's projected depreciation expenses. In addition, numerous individual retail customers

filed letters of protest requesting either rejection or a five month suspension of CP&L's proposed rates.

On September 28, and September 30, 1982, CP&L filed separate answers to five of the intervenors' pleadings. In its answers, CP&L opposes the intervenors' protests, requests for a five month suspension, and motions for summary rejection of the August 23, 1982 submittal.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), South River's, the Cooperatives', the Cities', Broad Electric's Fayetteville's, and the Power Agency's unopposed motions to intervene serve to make them parties to this proceeding.

As noted, Broad Electric and the Cities have challenged CP&L's efforts to phase the instant rate increase and Broad Electric objects to the absence of the separate cost of service study for the step-one rates. However, we find that CP&L's submittal substantially complies with the Commission's regulations⁹ and that the phased filing does not contravene our filing requirements or the provisions of the Federal Power Act. Therefore, consistent with prior orders permitting such phasing,¹⁰ we shall deny the motions to reject.

Our preliminary review of CP&L's filing and the pleadings indicates that the proposed rates 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 the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, *supra*, we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our preliminary review indicates that CP&L's proposed step-one increase may not yield excessive revenues, we shall suspend the step-one rates for one day

⁹ See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

¹⁰ See, e.g., *Kentucky Utilities Company*, 20 FERC ¶ 61,339 (1982); *Indiana & Michigan Electric Company*, 20 FERC ¶ 61,079 (1982); and *Jersey Central Power and Light Company*, 19 FERC ¶ 61,208 (1982).

¹¹ We do not share Broad Electric's and the Cities' view that collection of a rate increase by CP&L (as a result of a one day suspension) prior to the beginning of its Period II test year violates the future test year regulations. Section 35.13 of the

to become effective, subject to refund, on October 24, 1982.¹¹ With respect to CP&L's step-two rates, however, preliminary review suggests that the proposed increase may yield substantially excessive revenues. Accordingly, we shall suspend CP&L's proposed step-two rates for five months, to become effective, subject to refund, on March 24, 1982.¹²

In light of the intervenors' price squeeze allegations we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979).

As a final matter, the Commission observes that CP&L has utilized full tax normalization with respect to Accelerated Cost Recovery System (ACRS) property. According to our review, it appears that the instant filing reflects a normalization method of accounting for all post-1980 property additions, that CP&L's cost of service correctly reflects the effects of normalization, and that CP&L's submittal satisfies the requirements of the Economic Recovery Tax Act of 1981.

Commission's regulations permits the filing of a Period II test year which begins no later than three months after the proposed effective date. Consequently, CP&L's proposed October 23, 1982, and October 24, 1982 effective dates, together with the selected calendar 1983 test period, comport with the requirements of § 35.13.

¹² As noted above, Broad Electric has suggested that we consider the price squeeze claims in our suspension determination. We do not read *Conway* as requiring that the Commission consider unproved allegations of price squeeze in its determination of the length of the suspension period. Further, based on the information available (including reference to the recent NCUC order which substantially reduced CP&L's proposed retail rate increase), we are not persuaded that extraordinary circumstances exist which would warrant consideration of Broad Electric's price squeeze claims as a separate factor in the suspension analysis. A mere difference in rates does not establish price discrimination or price squeeze. (See generally, *Commonwealth Edison Company*, Opinion No. 63 (September 14, 1979) *Southern California Edison*, Opinion No. 62 (August 22, 1979)). An examination of costs underlying those differences in rates is necessary, and is more appropriately addressed in a hearing. Moreover, Broad Electric has not even demonstrated that there is a difference in rates, but has provided us with little more than a percentage reduction in the proposed rate increase at the retail level, with no indication as to the basis of the retail rate increase, the underlying costs, or the relationship between the originally proposed retail rate and the wholesale rate before us. Neither are we convinced, based on the information available, that we should at this time order a departure from the phasing practice established in *Arkansas Power & Light Company*. We note, however, that the price squeeze procedures provide the presiding judge with discretion to modify the hearing schedule if good cause is shown to do so.

⁷ Broad Electric points to certain aspects of the recent NCUC order (see, footnote 5, *supra*), which it believes are relevant to this Commission's determination of the length of the suspension period. According to Broad Electric, those aspects relate to (1) the state commission's reduction of CP&L's requested 18.5% return on equity to 14.5%, (2) the finding of serious and recurring deficiencies regarding CP&L's operation and maintenance of its nuclear generating units, (3) the reduction of the allowance for executive salaries in the retail cost of service, (4) and the reduction of CP&L's requested retail rate increase from \$173,705,000 to \$8,784,000.

⁸ Citing *Conway Corp. v. FPC*, 510 F.2d 1264, 1268, 1269 (D.C. Cir. 1975), *aff'd* 426 U.S. 271 (1976), Broad Electric refers to language which indicates that price squeeze "has a substantial and immediate impact that cannot be remedied by subsequent action," and that "the discriminatory charges may last for years before the wholesale rate is reduced."

The Commission orders

(A) The motions to reject CP&L's filing are hereby denied.

(B) CP&L's proposed step-one and step-two rates are hereby accepted for filing; the step-one rates are suspended for one day from sixty days after filing, to become effective, subject to refund, on October 24, 1982, and the step-two rates are suspended for five months to become effective, subject to refund, on March 24, 1983.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of CP&L's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before November 3, 1982.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to in the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Appendix A.—Carolina Power & Light Company Docket No. ER82-743-000 Rate Schedule Designations Filed: August 23, 1982

(Step One Rates)

Description: (1) Resale Service Schedule RS82-1; (2) Resale Service Schedule RS82-2; (3) Resale Service Schedule RS82-3; (4) Rider 82A; (5) Table of Contents; and (6) Index of Purchasers.

Designation: FPC Electric Tariff, First Revised Volume No. 1.

Sheet no.	Supersedes	Description
5th Revised Sheet Nos. 5, 6, 7	4th Revised Sheet Nos. 5, 6, 7	(1)
3rd Revised Sheet Nos. 7A, 7B, 7C	2nd Revised Sheet Nos. 7A, 7B, 7C	(2)
2nd Revised Sheet Nos. 7D, 7E, 7F, 7G	1st Revised Sheet Nos. 7D, 7E, 7F, 7G	(3)
4th Revised Sheet No. 8	3rd Revised Sheet No. 8	(4)
2nd Revised Sheet No. 8A	1st Revised Sheet No. 8A	(4)
1st Revised Sheet No. 2	Original Sheet No. 2	(5)
2nd Revised Sheet Nos. 21-23	1st Revised Sheet No. 21-23	(6)

Electric Tariff Customers—Electric Membership Cooperatives: Brunswick EMC, Carteret-Craven EMC, Central EMC, Four County EMC, French Broad River EMC, Jones-Onslow EMC, Lumbee River EMC, Pee Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, South River EMC, Tideland EMC, Tri-County EMC, Wake EMC.

Other Party	Rate schedule No.	Supplement No.	Supersedes supplement No.	Description
Town of Bennettsville.....	49	24, 25	22, 23	(2), (4)
Town of Camden.....	50	23, 24	21, 22	(2), (4)
City of Fayetteville.....	102	18, 19	16, 17	(3), (4)
Town of Waynesville.....	89	23, 24	21, 22	(2), (4)
Laurel Hill Electric Company.....	51	23, 24	21, 22	(2), (4)

(Step Two Rates)

Description: (7) Resale Rate Schedule RS82-1A; (8) Resale Rate Schedule RS82-2A; (9) Resale Rate Schedule RS82-3A.

Designation: FPC Electric Tariff, First Revised Volume No. 1.

Sheet No.	Supersedes	Description
6th Revised Sheet Nos. 5, 6, 7	5th Revised Sheet Nos. 5, 6, 7	(7)
4th Revised Sheet Nos. 7A, 7B, 7C	3rd Revised Sheet Nos. 7A, 7B, 7C	(8)
3rd Revised Sheet Nos. 7D, 7E, 7F, 7G	2nd Revised Sheet Nos. 7D, 7E, 7F, 7G	(9)

Other Party	Rate Schedule No.	Supplement No.	Supersedes Supplement No.	Description
Town of Bennettsville.....	49	26	24	(8)
Town of Camden.....	50	25	23	(8)
City of Fayetteville.....	102	20	18	(9)
Town of Waynesville.....	89	25	23	(8)
Laurel Hill Electric Company.....	51	25	23	(8)

[FR Doc. 82-29616 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of September 27 Through October 1, 1982

During the week of September 27 through October 1, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

California Energy Resources Conservation and Development Commission, 9/27/82; HFA-0080

The California Energy Resources Conservation and Development Commission filed an Appeal from a partial denial by the Director, Office of Policy and Management, Office of Conservation and Renewable Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). Specifically, the DOE found that drafts of proposed rulemakings, memoranda discussing those drafts, as well as documents containing preliminary results of analyses necessary for the issuance of the proposed rulemakings, were part of the deliberative process and, therefore, were properly withheld under Exemption 5. The DOE further found, however, that a portion of one document initially withheld under Exemption 5, as well as portions of one document, which were originally intended for release by the Director, should be released to the public. Accordingly, the Appeal was granted in part.

Stanton T. Friedman, 9/29/82; HFA-0081

Mr. Stanton T. Friedman filed an Appeal from a denial by the Disclosure Officer, Oak Ridge Operations Office, of a Request for Information that Mr. Friedman had submitted under the Freedom of Information Act (the FOIA). In his Appeal, Mr. Friedman contested the Disclosure Officer's determination that no documents responsive to his request exist at the Oak Ridge Operations Office. In considering the Appeal, the DOE found that the search for responsive documents conducted by the Disclosure Officer was adequate and that the Disclosure Officer had

fulfilled his obligation to inform Mr. Friedman of the possible routine destruction of files that may have been responsive. Accordingly, the Appeal was denied.

Remedial Order

Tom O'Neal, 9/29/82; BRO-1469

Tom O'Neal d/b/a O'Neal Service Center objected to a Proposed Remedial Order which the Western District Office of Enforcement of the ERA issued to the firm on February 24, 1981. In the Proposed Remedial Order, the ERA found that Mr. O'Neal made sales of motor gasoline at prices in excess of those permitted by 10 CFR 212.93. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final order. The important issues discussed in the Decision and Order include (i) whether a consent order which has been materially altered and signed only by the party is a valid consent order, (ii) whether a claim of voluntary restitution should be given effect, and (iii) whether § 205.199I(a) of the DOE procedural regulations, which details the remedies which the DOE may require in a remedial order proceeding, is applicable to motor gasoline retailers.

Motion for Modification and/or Rescission

Atlantic Richfield Company, 9/29/82; HRR-0032

In *Office of Special Counsel (Arco)*, 9 DOE ¶ 82,595 (1982), the DOE considered a motion filed by the Office of Special Counsel (OSC) to compel the production of 13 documents responsive to the discovery order in *Atlantic Richfield Co.*, 8 DOE ¶ 82,585 (1981) for which the Atlantic Richfield Company (Arco) had asserted privilege claims. In that decision, the DOE sustained none of the Arco privilege claims challenged by OSC. Arco was ordered to release three of the documents to OSC and to submit revised privilege claims for the remaining ten documents. Arco submitted these revised claims, and additionally requested that OHA reconsider its decision to require Arco to release three documents.

In reviewing Arco's revised privilege claims for the ten documents for which Arco had been instructed to submit new claims, the DOE concluded that the revised claims did establish that each of the ten documents was subject to the attorney work product doctrine. The DOE additionally rejected OSC's argument that Arco had waived its right to assert attorney work product claims because the firm had asserted a good faith reliance defense in the enforcement proceeding to which the OSC discovery requests related. The DOE determined that because Arco's good faith reliance claim was cursory in nature, a finding that Arco had waived its right to make attorney work product claims would be inappropriate. Accordingly, Arco was not ordered to release these documents to OSC.

In its Motion for Reconsideration, Arco argued neither that the decision which it sought reconsidered was incorrect nor that it was unaware of the standards applied to that decision to evaluate its privilege claims. Therefore, the DOE concluded that Arco had not presented compelling reasons that reconsideration was warranted. Accordingly, the Motion for Reconsideration was denied.

Interlocutory Order

Economic Regulatory Administration, in re Crown Central Petroleum Corp., 9/3/82; HRZ-0093

The Economic Regulatory Administration (ERA) filed a Motion for Document Preservation Order requesting that we order Crown Central Petroleum Corp. (Crown) to preserve all documents relevant to the enforcement proceeding (Case No. HRO-0072) as required by 10 CFR 210.92(a). The ERA stated that it believed Crown was destroying documents; however, the ERA did not state the basis for its belief. The DOE found that an order from the Office of Hearings and Appeals would merely reiterate the requirements of 10 CFR 210.92 and would do nothing to advance the proceeding. The motion was therefore denied. The DOE also dismissed the related Motion for Early and Limited Discovery of Crown's Record Retention Programs in which the ERA sought to examine Crown's records to determine if any documents had in fact been destroyed.

Dismissals

The following submissions were dismissed without prejudice:

Name and case No.

Christian's 66 Service, BRO-1538
Crystal U.S.A. Oil Co., HRO-0046
Leonard E. Belcher, Inc., HEG-0012
Roy's Civic Center Mobil, HRO-0057

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 22, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 82-29765 Filed 10-28-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51437; TSH-FRL 2237-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 (a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before

manufacture or import commences. Statutory requirements for section 5 (a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-45, 83-47, 83-48 & 83-49—Jan. 12, 1983.

PMN 83-50, 83-51 & 83-52—Jan. 15, 1983.

PMN 83-53, 83-54 & 83-55—Jan. 16, 1983.

PMN 83-56, 83-57, 83-58, 83-59 & 83-60—Jan. 17, 1983.

PMN 83-61 & 83-62—Jan. 18, 1983.

Written comments by:

PMN 83-45, 83-47, 83-48 & 83-49—Dec. 13, 1982.

PMN 83-50, 83-51 & 83-52—Dec. 16, 1982.

PMN 83-53, 83-54 & 83-55—Dec. 17, 1982.

PMN 83-56, 83-57, 83-58, 83-59 & 83-60—Dec. 18, 1982.

PMN 83-61 & 83-62—Dec. 19, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51437]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St. SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-45

Importer. Magnesium Elektron, Inc. Chemical. (S) Propionic acid, zirconium salt.

Use/Import. (S) Adhesion promoter for organic solvent based printing inks. Import range: 5-40 tons/yr.

Toxicity Data. No data submitted.

Exposure. Import: a total of 1 worker, up to 3 hrs/da, up to 35 da/yr.

Environmental Release/Disposal. Release to air. Disposal by incineration and approved landfill.

PMN 83-47

Manufacturer. Ashland Chemical Company.

Chemical. (G) Polymer of acrylic acid and acrylic esters.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 2-3 workers, up to 4-5 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 83-48

Manufacturer. Ashland Chemical Company.

Chemical. (G) Polymer of aliphatic and aromatic diacids, ester and an aliphatic diol.

Use/Production. (S) Cured, cross-linked coating for commercial articles. Prod. range: 30,000-335,000 lbs/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: an unknown number of workers.

Environmental Release/Disposal. Disposal by incineration and landfill.

PMN 83-49

Manufacturer. Confidential.

Chemical. (G) Substituted pyridine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral, crude: 2,000 mg/kg; Acute dermal, crude: > 5,000 mg/kg; Irritation: Skin—none; Eye—slight; Inhalation, LC₅₀ 4 hrs: 19 mg/l; Sub acute inhalation: 36 parts per million (ppm); Skin sensitization: Non-sensitizer.

Exposure. A total of 2 workers per 8 hr/shift.

Environmental Release/Disposal. Disposal by all applicable regulations.

PMN 83-50

Manufacturer. Confidential.

Chemical. (S) Polymer of: isophorone diisocyanate, 2-hydroxy ethyl acrylate, silicone fluid.

Use/Production. (G) Open use. Prod. range: 150-25,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal and inhalation, a total of 11 workers, up to 8 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 12 hrs/da, 30 da/yr. Disposal by approved landfill.

PMN 83-51

Importer. Sandoz Color & Chemicals. *Chemical.* (G) Alkoxyated alkyl amine.

Use/Import. (S) Dye leveling agent. Import range: Confidential.

Toxicity Data. Acute oral: 2,300 mg/kg; Irritation: Skin—slight, Eye—strong.

Exposure. Use: dermal.

Environmental Release/Disposal. Disposal by biological treatment system.

PMN 83-52

Manufacturer. Confidential.

Chemical. (S) Reaction product of N, N' 2-tris (6-Isocyanatoethyl) imidodicarbonic diamide with 3-(trimethoxysilyl)-1-propanethiol.

Use/Production. (G) Manufacture of curing sealant compositions. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Mild, Eye—Mild.

Exposure. Manufacture, a total of 9 workers, up to 80 hrs cycle time.

Environmental Release/Disposal. Disposal by incineration and landfill.

PMN 83-53

Importer. Confidential.

Chemical. (G) Cobalt complex of substituted phenolazophenylacetacetamide.

Use/Import. (S) Industrial dye for leather and paper. Import range: Confidential.

Toxicity Data. Irritation: Skin—Non, Eye—Moderate.

Exposure. Processing use and disposal dermal a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10-180 kg/max released to water with 10-100 kg/yr released to land. Disposal by publicly owned treatment works (POTW), approved landfill and processor treatment works.

PMN 83-54

Importer. Confidential.

Chemical. (G) Iron complex of substituted phenolazoresorcinol.

Use/Import. (S) Dye for leather and paper. Import range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Non irritant, Eye—Non-irritant.

Exposure. Processing, use and disposal: dermal, a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10-150 kg/max released to water with 10-100 kg/yr to land. Disposal by (POTW), incineration and approved landfill.

PMN 83-55

Manufacturer. Confidential.

Chemical. (G) Substituted alkanediol.

Use/Production. (G) Minor component of a formulation used by specialized commercial customers. Prod. range: 2,000-20,000 kg/yr.

Toxicity Data. Acute oral: 2200 mg/kg; Acute dermal: 10-20 ml/kg; Irritation: Skin—Strong.

Exposure. Manufacture and processing: dermal and inhalation, a total of 40 workers, up to 2 hrs/da, up to 40 da/yr.

Environmental Release/Disposal. Minimal release to air and water. Disposal by biological treatment system and incineration.

PMN 83-56

Importer. Confidential.

Chemical. (G) Substituted acetoxyhexahydroindene.

Use/Import. Confidential. Import range: 5-1,000 kg/yr.

Toxicity Data. Acute oral: > 5.0 g/kg; Acute dermal: > 2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Skin sensitization: Repeated insult patch test/photosensitization study in human subjects: Non-sensitizer.

Exposure. Processing: workplace air, a total of 2 workers, less than 2 hrs/da, less than 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, less than 1 hr/da, less than 20 da/yr.

PMN 83-57

Importer. Confidential.

Chemical. (G) Polymer of isophorone diisocyanate, polyhydroxyalkane, and an alkyl alkanate.

Use/Import. (S) Crosslinker for industrial coatings. Import range: Confidential.

Toxicity Data. Acute oral: > 5 gm/kg; Irritation: Skin—None, Eye—None; LC₅₀ 4 hr. (aerosol exposure): > 2,898 mg/m³ air.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 7 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW and incineration.

PMN 83-58

Importer. Confidential.

Chemical. (G) Bis (((substituted pyrazolyl) azo) substituted phenol) metallate and bis (((substituted pyrazolyl) azo) substituted phenol) metallate, inorganic salts.

Use/Import. (S) Industrial leather colorant. Import range: Confidential.

Toxicity Data. Acute oral: > 5.0 m/kg; fish toxicity (static test) 48 hr: Not toxic at a concentration of 20 mg/l; Irritation: Skin—Non-irritant, Eye—Slight; LC₅₀ (waste water bacteria): > 100 mg/l.

Exposure. Negligible.

Environmental Release/Disposal. Disposal by POTW or waste water treatment facility.

PMN 83-59

Importer. Confidential.

Chemical. (G) Acrylic acid, polymer with vinyl acetate, acrylate esters and substituted ethylene.

Use/Import. (S) Leather auxiliary. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-60

Importer. Confidential.

Chemical. (G) Metal complex of methyl-substituted-((substituted-hydroxyphenyl)azo)-oxo-dihydro-1H-pyrazole and substituted-((naphthyl)azo)-2-naphthol, and metal complex of methyl-substituted-((substituted-hydroxyphenyl)azo)-oxo-dihydro-1H-pyrazole and substituted-((naphthyl)azo)-2-naphthol, inorganic salts.

Use/Import. (S) Leather colorant. Import range: Confidential.

Toxicity Data. Acute oral: > 5.0 ml/kg; Irritation: Skin - Non-irritant, Eye - Slight; LC₅₀: > 100 mg/l.

Exposure. Processing: negligible.

Environmental Release/Disposal. No release. Disposal by POTW.

PMN 83-61

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzothiazole.

Use/Production. (G) Low-volume site-limited intermediate. Prod. range: 2-10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: minimal dermal and inhalation.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-62

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzothiazole salt.

Use/Production. (G) Low-volume site-limited intermediate. Prod. range: 5-15 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: minimal dermal and inhalation.

Environmental Release/Disposal. No release. Disposal by incineration.

Dated: October 22, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-29836 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-5 91 06; TSH-FRL 2236-8]

Polymer of Tall Oil Rosin, Gum Rosin, Paraformaldehyde, Calcium Hydroxide and Phenol; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the *Federal Register* of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written Comments by: November 15, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-5 91 06]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-5

Close of Review Period. November 28, 1982.

Manufacturer. American Hoechst.

Chemical. (S) Polymer of tall oil rosin, gum rosin, paraformaldehyde, calcium hydroxide and phenol.

Use/Production. Confidential. Prod. range: 6 mos.-400,000 kg (max).

Toxicity Data. No data submitted.

Exposure. Manufacture-dermal, a total of 2 workers, up to 80 hrs/each, total; processing-dermal, 160 man hrs., total; use-insignificant dermal contact.

Environmental Release/Disposal. No data submitted. Disposal by landfill.

Dated: October 22, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-29837 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2236-6]

Availability of Environmental Impact Statements Filed October 18 Through October 22, 1982, Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information 382-5075 or 382-5076

Corps of Engineers:

EIS No. 820687, Draft, COE, NY, Moriches Inlet Navigational Improvements, Suffolk County, Due: December 13, 1982

EIS No. 820686, Draft, COE, FL, Eastpoint Breakwater Harbor Construction, Franklin County, Due: December 13, 1982

EIS No. 820691, Report, COE, NC, Report—Fort Fisher Historic Site Flood Control, New Hanover County, Due: / /

Department of Interior:

EIS No. 820689, Draft, BLM, UT, Henry Mountain Livestock Grazing Mgmt. Plan, Kane/Wayne/Garfield County, Due: December 30, 1982

EIS No. 820685, Draft, BLM, WY, Newcastle Resource Area Grazing Mgmt Plan, Crook/Miobrara/Weston County, Due: December 31, 1982

EIS No. 820690, Final, BLM, WY, Green Mountain Livestock Grazing Management Program, Due: November 29, 1982

EIS No. 820693, Draft, MMS, SEY, ATL, NC, SC, GA, FL, 1983 OSC Oil and Gas Lease Sale #78, South Atlantic, Due: December 13, 1982

Department of Transportation:

EIS No. 820692, Draft, FHW, CA, Ventura Freeway/US 101 Improvement, Los Angeles and Ventura Counties, Due: December 13, 1982

EIS No. 820695, Draft, UMT, CA, Muni J Line Railway Connection, Construction, San Francisco County, Due: December 17, 1982

Environmental Protection Agency:

EIS No. 820697, Draft, EPA, Sey, MXG, FL, Tampa Harbor Ocean Dredged Material Disposal Site Designation, Due: December 13, 1982

Department of Housing and Urban Development:

EIS No. 820689, Draft, HUD, OH, Beckett Ridge Development, Mortgage Insurance, Butler County, Due: December 13, 1982

EIS No. 820696, Final, HUD, CA, Canyon Lake Hills, Mortgage Insurance,

Riverside County, Due: November 29, 1982

Department of Agriculture
EIS No. 820684, Final, AFS, CO, Mount
Emmons Molybdenum Mine, Gunnison
NF, Permit, Gunnison County, Due:
November 29, 1982
Veterans Administration:
EIS No. 820694, FSuppl, YAD, AL, Fort
Mitchell National Veterans Cemetery,
Russell County, Due: November 29, 1982
Dated: October 26, 1982.

Paul C. Cahill,
Director, Office of Federal Activities.

[FR Doc. 82-29816 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency (EPA), Region VII.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and, therefore, issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:

Thomas F. Lorenz, Environmental Review Branch, Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, Missouri 64106; telephone (Commercial) (816) 374-5593 (FTS) 758-5593.

SUMMARY: As lead agencies, the Duckett Creek Sewer District, Saint Charles County and cities of Saint Charles and Saint Peters, Missouri, have been awarded a Step 1 grant under Section 201 of the Clean Water Act (Pub. L. 95-217) for the preparation of a facility plan to update their area's wastewater treatment facilities. The planning area will include the cities of Saint Charles, Saint Peters, Portage des Sioux, Orchard Farm, Peruque, Kampville, and Weldon Spring, Missouri.

The EPA action to be evaluated in the EIS would be the approval of the facility plan (or plans) and issuance of grant funds pursuant to Section 201 of the Clean Water Act for construction of the proposed wastewater treatment facility (or facilities). The study area will include the municipalities mentioned above and certain adjacent unincorporated land.

Scoping

A scoping meeting will be conducted by EPA Region VII, to identify significant environmental issues and determine the scope of the draft EIS. The public scoping meeting is scheduled for November 17, 1982, at 7:30 p.m., in

Saint Charles City Council Chambers, 200 N. Second Street, Saint Charles, Missouri.

Timing

EPA estimates that the draft EIS will be available for public review and comment about May 1984. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the list to receive the draft EIS and related public notices.

Public Participation

The Duckett Creek Sewer District has been awarded a grant for full-scale public participation. The Sewer District has appointed an Advisory Committee.

Dated: October 26, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-29817 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. CC 81-351; Transmittal No. 13663]

American Telephone and Telegraph Co.; Terrestrial Television Transmission Services

Adopted: October 19, 1982.

Released: October 22, 1982.

In the matter of American Telephone and Telegraph Company revisions to tariff F.C.C. Nos. 258 and 260, and the establishment of tariff F.C.C. No. 269, for series 7000 terrestrial television transmission services.

1. Before the Bureau is a letter of October 14, 1982, from counsel to American Broadcasting Companies, Inc., CBS, Inc., and National Broadcasting Company, Inc. (Networks) requesting deferral of the date for comments in this proceeding from October 21, 1982 to December 6, 1982. In support, the Networks state that negotiations among principal customers are continuing, looking toward a settlement acceptable to the parties, American Telephone and Telegraph Company (AT&T), and the Commission. The Networks are requesting clarification from AT&T of particular informational items, such as user needs and revenue requirements, which the parties believe will facilitate these negotiations. The Networks state that AT&T and Cable News Network pose no objection to this deferral.

2. We agree that efforts to negotiate a settlement may ultimately be conducive to resolving the issues in this proceeding in an expeditious manner and freeing

Commissions resources for other tasks. Consequently, we will grant the request. However, we note that this is the second deferral we have granted to further these negotiations, and we expect any possible settlement to be negotiated within the additional time we are granting today.

3. Accordingly, it is ordered that the date for filing comments by interested parties in this proceeding on the answers to questions, illustrative tariff, and customer impact statement submitted by the American Telephone and Telegraph Company on July 19, 1982, is deferred to not later than December 6, 1982.

4. It is further ordered, that the Secretary will cause this Order to be published in the **Federal Register**.

5. It is further ordered, that this Order is effective upon adoption.

Federal Communications Commission.

Leon M. Kestenbaum,

Deputy Bureau Chief, Policy Common Carrier Bureau.

[FR Doc. 82-29773 Filed 10-28-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-6435]

National Flood Insurance Program; Communities With Flood-Prone Areas Subject to Section 202(A); Prohibition of Federal and Federally Related Assistance

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202(A) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the **Federal Register** at 46 FR 51015, and all prior lists.

DATES: Section 202(A) applies to the community as of one year after the initial date appearing in the last column on each page of this list.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C

Street Southwest, Donohoe Building—
Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Section 202(A) provides that effective July 1, 1975, Federal agencies are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Director of Federal Emergency Management Agency as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program 42 U.S.C. 4001-4128). Special Flood Hazard Areas are designated on FEMA's Flood Hazard Boundary Maps (FHBM's) or Flood Insurance Rate Maps (FIRM's) and as Zone A, AO, AH, A1-89, V, VO, V1-30, M or E.

Each of the communities listed below received notice of its designation as flood-prone prior to October 1, 1981, and legal notice was furnished of such designation by publication under Part 65 of Title 44 of the Code of Federal Regulations in the **Federal Register**. These communities have failed to provide the Director with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202(A) apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal financial assistance or lending for acquisition of construction purposes for insurable structures in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 44 CFR (Parts 59 to 75). Communities on this list may be eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the **Federal Register** under 44 CFR 64.6 List of eligible communities. At that time the sanctions of Section 202(A) will no longer apply to the communities listed below.

Identification No. and community name	County	Original hazard date
Alabama		
010095 Akron, town of	Hale	750718
010229 Allgood, town of	Blount	750124
010331 Andalusia, city of	Covington	780602
010407 Anderson, town of	Lauderdale	781124
010242 Babbie, town of	Covington	750110
010352 Bear Creek, town of	Marion	760618
010083 Belk, town of	Fayette	740913
010257 Black, town of	Geneva	750207
010230 Blount County*	Blount	780224

Identification No. and community name	County	Original hazard date
010371 Blountsville, town of	Blount	780929
010092 Boligee, city of	Greene	741213
010296 Bon Air, town of	Talladega	770304
010372 Branchville, town of	St. Clair	780915
010055 Brantley, town of	Crenshaw	740628
010342 Brilliant, town of	Marion	770715
010347 Brundidge, city of	Pike	761022
010017 Butler County*	Butler	780421
010373 Calera, town of	Shelby	791102
010374 Camp Hill, town of	Tallapoosa	780929
010119 Cardiff, town of	Jefferson	740920
010240 Carolina, town of	Covington	750110
010375 Carville, town of	Tallapoosa	781215
010376 Chatom, town of	Washington	781020
010234 Cherokee County*	Cherokee	790216
010030 Chilton County*	Chilton	780728
010316 Clarke County*	Clarke	780609
010377 Clayton, town of	Barbour	780929
010228 Cleveland, town of	Blount	760305
010239 Coffee County*	Coffee	750117
010319 Conecuh County	Conecuh	780707
010244 Covington County*	Covington	741213
010367 Crossville, town of	Pike	761029
010379 Cuba, town of	Sumter	790316
010247 Cullman County*	Cullman	780728
010380 Daviston, town of	Tallapoosa	781006
010320 De Kalb County*	De Kalb	780428
010361 Dora, town of	Walker	800404
010350 Double Springs, town of	Winston	770128
010056 Dozier, town of	Crenshaw	740920
010383 Epes, town of	Sumter	781020
010251 Escambia County*	Escambia	781027
010077 Etowah County*	Etowah	780217
010027 Five Points, town of	Chambers	741115
010354 Flint City, town of	Morgan	761126
010384 Fort Deposit, town of	Lowndes	780929
010322 Franklin County	Franklin	780120
010038 Fulton, town of	Clarke	750718
010295 Gainesville, town of	Sumter	761015
010053 Gantt, town of	Covington	740607
010386 Geiger, town of	Sumter	791130
010258 Geneva County*	Geneva	760220
010356 Geraldine, town of	De Kalb	780113
010057 Glenwood, town of	Crenshaw	740920
010387 Goodwater, town of	Coosa	781103
010152 Gurley, town of	Madison	760416
010388 Hammondville, town of	De Kalb	781103
010293 Hartsfield, town of	Shelby	750411
010357 Henagar, town of	De Kalb	760312
010390 Kansas, town of	Walker	790316
010391 Lakeview, town of	De Kalb	790907
010324 Lawrence County*	Lawrence	770513
010250 Lee County*	Lee	780331
010235 Leesburg, city of	Cherokee	761015
010358 Lexington, town of	Lauderdale	761015
010393 Margaret, town of	St. Clair	781006
010275 Marshall County*	Marshall	780120
010359 Mentone, town of	De Kalb	760702
010207 Millry, town of	Washington	781112
010175 Morgan County*	Morgan	770311
010394 Navoo, town of	Walker	791228
010395 New Site, town of	Tallapoosa	781027
010232 Ochatchee, town of	Calhoun	750131
010245 Petrey, town of	Crenshaw	770225
010333 Phil Campbell, town of	Franklin	761029
010397 Pine Hill, town of	Wilcox	781117
010360 Pisgah, town of	Jackson	760312
010075 Pollard, town of	Escambia	750131
010398 Powell, town of	De Kalb	791026
010159 Providence, town of	Marengo	741101
010182 Randolph County*	Randolph	740913
010334 Red Bay, city of	Franklin	761210
010243 Red Level, town of	Covington	750110
010253 Reese City, city of	Etowah	750221
010348 Roanoke, city of	Randolph	770610
010339 Rogersville, town of	Jackson	760625
010362 Section, town of	Jackson	760625
010191 Shelby County*	Shelby	780224
010399 Shiloh, town of	De Kalb	790914
010227 Snead, town of	Blount	750627
010363 Somerville, town of	Morgan	760604
010400 Sumiton, town of	Jefferson	790119
010328 Summerdale, town of	Baldwin	780113
010160 Sweetwater, town of	Marengo	750718
010364 Sylvia, town of	De Kalb	761029
010326 Tallapoosa County	Tallapoosa	780331
010037 Toxey, town of	Choctaw	770218
010201 Tuscaloosa County*	Tuscaloosa	780505
010335 Vina, town of	Franklin	771216
010292 Vincent, town of	Shelby	750411
010365 Vinemont, town of	Cullman	761001
010340 Waterloo, town of	Lauderdale	761217
010401 Wedowee, town of	Randolph	781006
010402 West Jefferson, town of	Jefferson	800222
010346 Wilmer, town of	Mobile	761008
010404 Wilsonville, town of	Shelby	790907
010405 Wilton, town of	Shelby	791102
010304 Winston County*	Winston	780217
Total of 107 communities.		
Alaska		
020024 North Slope Borough	Barrow-North Slope D.	800923
Total of 1 community.		
Arkansas		
050378 Alicia, town of	Lawrence	750711
050380 Almyra, town of	Arkansas	750815
050017 Alpena, town of	Boone	740830
050381 Altus, city of	Franklin	750725
050303 Amity, city of	Clark	750221
050418 Arkansas County	Arkansas	770816
050382 Ash Flat, town of	Sharp	750627
050003 Aubrey, town of	Ashley	771115
050123 Aubrey, town of	Lee	741206
050305 Barling, city of	Sebastian	750214
050010 Baxter County	Baxter	770517
050419 Benton County	Benton	771018
050386 Bethel Heights, town of	Benton	750425
050415 Biscoe, town of	Prairie	761126
050474 Bodcaw, town of	Nevada	761119
050392 Bonanza, town of	Sebastian	750815
050016 Boone County	Boone	770617
050131 Bradford, city of	White	750221
050393 Branch, city of	Franklin	750502
050394 Bull Shoals, city of	Marion	750425
050567 Caddo Valley, town of	Clark	790320
050024 Carroll County	Carroll	770614
050397 Caulksville, town of	Logan	750627
050313 Cave City, city of	Sharp	750718
050398 Cave Springs, city of	Benton	761029
050400 Chidester, city of	Quachita	750725
050425 Columbia County	Columbia	770802
050426 Conway County	Conway	770610
050568 Corinth, town of	Yell	790424
050402 Coy, town of	Lonoke	760625
050427 Craighead County	Craighead	771115
050428 Crawford County*	Crawford	770617
050429 Crittenden County	Crittenden	771206
050061 Dallas County	Dallas	770617
050404 Damascus, town of	Faulkner	750418
050320 Dierks, city of	Howard	750214
050430 Drew County	Drew	771025
050408 Dyer, town of	Crawford	750711
050214 Elkins, town of	Washington	741220
050019 Everton, town of	Boone	740830
050431 Faulkner County	Faulkner	770607
050433 Garland County*	Garland	770802
050224 Garner, town of	White	740830
050434 Grant County	Grant	770510
050435 Greene County	Greene	771213
050246 Greifers Ferry, city of	Cleburne	760423
050247 Griffithville, town of	White	750926
050248 Guion, town of	Izard	750411
050249 Gum Springs, town of	Clark	750627
050251 Hartman, town of	Johnson	761029
050436 Hempstead County	Hempstead	770603
050225 Higginson, town of	White	740816
050437 Hot Spring County	Hot Spring	771101
050438 Howard County*	Howard	770607
050120 Imboden, town of	Lawrence	740503
050439 Izard County	Izard	770712
050441 Johnson County	Johnson	770802
050337 Kibler, city of	Crawford	760625
050260 Knoxville, town of	Johnson	750221
050569 Lefe, town of	Greene	790710
050444 Lee County	Lee	771101
050479 Little Flock, town of	Benton	770621
050448 Lonoke County	Lonoke	770816
050341 Lonoke, city of	Lonoke	760326
050262 Louann, town of	Quachita	761105
050449 Madison County	Madison	770614
050450 Marion County	Marion	770906
050347 Marshall, city of	Searcy	750425
050170 Marvell, city of	Phillips	760312
050343 McNeil, city of	Columbia	750502
050348 Melbourne, city of	Izard	750411
050266 Menifee, town of	Conway	750425
050451 Miller County	Miller	780110
050069 Mitchellville, town of	Desha	741108

Identification No. and community name	County	Original hazard date
050154 Monroe County	Monroe	770621
050095 Mount Pleasant, town of	Izard	741122
050570 Mount Vernon, town of	Faulkner	800108
050454 Nevada County	Nevada	770809
050270 Ogden, County	Little River	750919
050364 Quachita County	Quachita	770913
050271 O'Kean, town of	Randolph	750418
050007 Parkdale, town of	Hot Spring	740329
050275 Perla, town of	Hot Spring	760625
050363 Plainview, city of	Yell	750418
050364 Plumerville, city of	Conway	750627
050172 Poinsett County	Poinsett	770607
050473 Polk County*	Polk	771018
050458 Pope County*	Pope	771220
050459 Prairie County*	Prairie	770603
050279 Prattville, town of	Grant	750425
050280 Quitman, town of	Cleburne	760409
050460 Randolph County*	Randolph	770809
050281 Ravenden Spgs, town of	Randolph	760723
050470 Ravenden, town of	Lawrence	760402
050478 Reader, town of	Quachita	770603
050040 Rison, city of	Cleveland	740308
050475 Rosston, town of	Nevada	770218
050286 Scranton, town of	Logan	750418
050462 Sebastian County*	Sebastian	770531
050463 Sevier County*	Sevier	771213
050464 Sharp County*	Sharp	770621
050287 Shirley, town of	Van Buren	760813
050290 Sulphur Rock, town of	Independence	750425
050292 Thornton, city	Calhoun	750725
050205 Union County	Union	771213
050021 Valley Springs, town of	Boone	760718
050296 Viola, town of	Fulton	760409
050212 Washington County	Washington	770510
050374 Wheatley, city	St. Francis	750919
050467 White County*	White	770607
050298 Wickes, town of	Polk	750627
050571 Willisville, town of	Nevada	790313
050299 Wilton, town of	Little River	750411
050077 Winchester, town of	Drew	740830
050469 Yell County*	Yell	771115

Total of 115 communities.

California

060017 Butte County*	Butte	740906
060633 Calaveras County*	Calaveras	771129
060040 El Dorado County*	El Dorado	740802
060445 Ferndale, city of	Humboldt	741220
060092 Lassen County	Lassen	780228
060361 Loyalton, city of	Sierra	760604
060634 Mariposa County*	Mariposa	771129
060451 Montague, town of	Siskiyou	760326
060228 Orange, city of	Orange	780328
060239 Placer County*	Placer	770712
060455 Plymouth, city of	Amador	761119
060267 San Benito County*	San Benito	770802
060435 Sand City, city of	Monterey	761203
060056 Selma, city of	Fresno	740524
060411 Tuolumne County*	Tuolumne	780418

Total of 15 communities.

Colorado

080229 Aguilar, town of	Las Animas	750711
080148 Boone, town of	Pueblo	740906
080210 Coal Creek Town	Fremont	750815
080040 Custer County	Custer	780124
080120 Dinosaur, town of	Moffat	740830
080056 Elizabeth, town of	Elbert	740906
080212 Empire, town of	Clear Creek	750502
080073 Fraser, town of	Grand	740906
080215 Grand Valley Town	Garfield	760813
080074 Hot Sulphur Springs, town of	Grand	741122
080207 Iliff, town of	Logan	741227
080057 Kiowa, town of	Elbert	740906
080033 Kit Carson, town of	Cheyenne	741213
080282 Lake County*	Lake	771018
080256 New Castle Town	Garfield	750725
080127 Nucla, town of	Montrose	740524
080258 Orchard City	Delta	770527
080170 Ovid, town of	Sedgwick	741115
080293 Pitkin, town of	Gunnison	780620
080260 Redcliff Town	Eagle	750919
080150 Rye, town of	Pueblo	750718
080164 Saguache, town of	Saguache	760528
080223 Silt Town	Garfield	750725

Identification No. and community name	County	Original hazard date
080200 Silver Plume, town of	Clear Creek	741213
080106 Starkville, town of	Las Animas	740906

Total of 25 communities.

Florida

120580 Alford, town of	Jackson	790209
120581 Astatula, town of	Lake	790824
120016 Brooker, town of	Suwannee	740830
120126 Campbellton, city of	Jackson	740906
120583 Cottontale, town of	Jackson	781124
120319 Freeport, city of	Walton	761029
120573 Hilliard, town of	Nassau	771223
120586 Inglis, town of	Levy	781229
120390 Lake Wales, city of	Polk	751017
120570 Marieland, town of	Flagler	770708
120591 Mascotte, city of	Lake	790921
120583 McIntosh, town of	Marion	770527
120344 Micanopy, town of	Alachua	760416
120592 Otter Creek, city of	Levy	790817
120612 Palm Shores, town of	Brevard	790831
120593 Raiford, town of	Union	780929
120413 Weeki Wachee, town of	Hernando	760723

Total of 17 communities.

Georgia

130195 Abbeville, municipality of	Wilcox	780217
130360 Ailey, town of	Montgomery	750404
130394 Andersonville, village of	Sumter	770429
130001 Appling County	Appling	760312
130390 Avalon, town of	Stephens	760416
130270 Baker County*	Baker	750328
130115 Bartow, city of	Jefferson	750822
130309 Belville, city of	Evans	750718
130179 Blairsville, town of	Union	760611
130362 Bostwick, town of	Morgan	750404
130343 Braselton, city of	Jackson	750418
130268 Brinson, town of	Colquitt	750718
130364 Buckhead, town of	Morgan	750711
130323 Buford, city of	Gwinnett	750404
130476 Carlton, town of	Madison	781013
130464 Carroll County*	Carroll	780811
130257 Centralhatchee, town of	Heard	770708
130292 Charlton County	Charlton	760514
130036 Chattooga County	Chattooga	760326
130418 Cleveland, city of	White	750411
130465 Coffee County*	Coffee	780421
130058 Colquitt County	Colquitt	780519
130135 Colquitt, city of	Miller	760723
130169 Cooledge, city of	Thomas	760402
130341 Corinth, town of	Heard	770708
130479 Danielsville, city of	Madison	780915
130304 Dawson County	Dawson	760618
130330 Demorest, town of	Habersham	750404
130446 Dillard, town of	Rabun	760604
130365 Eton, town of	Murray	771125
130359 Forsyth, city of	Monroe	750411
130428 Fort Oglethorpe, city of	Macon	750404
130379 Georgetown, town of	Quitman	780210
130023 Girard, town of	Burke	740906
130419 Glenwood, city of	Wheeler	750404
130096 Grady County	Grady	770617
130325 Grayson, town of	Gwinnett	750711
130456 Guyton, town of	Effingham	770701
130311 Hagan, city of	Evans	750418
130466 Hall County*	Hall	780623
130338 Harris County	Harris	760416
130105 Heard County	Heard	760409
130385 Hilltonia, town of	Scriven	750411
130221 Hiram, city of	Paulding	741018
130447 Hivasssee, town of	Towns	760611
130291 Homeland, town of	Charlton	750411
130271 Homer, town of	Banks	750418
130481 Ila, city of	Madison	780915
130345 Jackson County	Jackson	760423
130375 Jasper, city of	Pickens	750411
130412 Jersey, town of	Walton	760723
130434 Jones County	Jones	770527
130277 Kingston, city of	Bartow	750418
130462 Laurens County*	Laurens	780217
130409 Linwood, town of	Walker	750404
130441 Louisville, city of	Jefferson	750815
130469 Lowndes County*	Lowndes	780505
130354 Lumpkin County	Lumpkin	760402
130470 Madison County*	Madison	780317
130224 Madison, city of	Morgan	750221
130392 Martin, town of	Stephens	750404
130342 McDonough, city of	Henry	750411

Identification No. and community name	County	Original hazard date
130357 McDuffie County*	McDuffie	760326
130421 McIntyre, town of	Wilkinson	750411
130473 Meriwether County*	Meriwether	780714
130134 Miller County	Miller	770610
130438 Mitchell County*	Mitchell	760716
130376 Molena, city of	Pike	750411
130138 Monroe County	Monroe	770401
130139 Montgomery County	Montgomery	760319
130482 Montrose, town of	Laurens	780915
130286 Mount Zion, town of	Carroll	770701
130315 Mountain Park, city of	Fulton	780113
130366 Murray County	Murray	760514
130353 Naylor, town of	Lowndes	750425
130161 Newton, town of	Scriven	740906
130483 Nicholls, city of	Coffee	780929
130368 North High Shoals, town of	Oconee	770819
130269 Oak Park, town of	Emanuel	750718
130189 Odum, city of	Wayne	750103
130370 Oglethorpe County	Oglethorpe	760528
130367 Oxford, town of	Newton	750411
130457 Patterson, town of	Pierce	770610
130149 Pickens County	Pickens	761231
130151 Pierce County*	Pierce	760813
130378 Pulaski County	Pulaski	770617
130284 Pulaski, town of	Candler	750404
130327 Rest Haven, city of	Gwinnett	780203
130267 Riverside, town of	Colquitt	750718
130162 Rocky Ford, town of	Scriven	740906
130274 Russell, municipality of	Barrow	780721
130363 Rutledge, town of	Morgan	750808
130439 Sale City, town of	Mitchell	750404
130168 Scotland, city of	Telfair	740830
130301 Senoia, city of	Coweta	750404
130382 Shellman, city of	Randolph	760611
130339 Shiloh, city of	Harris	750404
130349 Smithville, city of	Lee	770527
130388 Spalding County*	Spalding	770325
130393 Stewart County	Stewart	760514
130308 Stillmore, town of	Emanuel	750411
130260 Stone Mountain, city of	De Kalb	740512
130486 Summer, town of	Worth	780922
130389 Sunny Side, village of	Spalding	750411
130150 Talking Rock, town of	Pickens	770617
130471 Tattall County*	Tattall	780818
130487 Taylorsville, city of	Bartow	780929
130288 Temple, town of	Carroll	750411
130400 Terrell County*	Terrell	760716
130381 Tiger, town of	Rabun	750711
130173 Toombs County	Toombs	760319
130422 Toombsboro, town of	Wilkinson	750404
130488 Tri County Industrial City, city of	Gordon	800104
130489 Tunnel Hill, city of	Whitfield	781006
130413 Walnut Grove, town of	Walton	760813
130190 Wheeler County	Wheeler	760430
130191 White County	White	760611
130297 Winterville, city of	Clarke	750411
130196 Worth County	Worth	780602

Total of 119 communities.

Idaho

160207 Boundary County*	Boundary	770803
160015 Chatcolet, city of	Benewah	740913
160005 Council, city of	Adams	740503
160163 Craigmont, city of	Lewis	760625
160165 Downey, city of	Bannock	790109
160137 Franklin, city of	Franklin	750905
160061 Fremont County	Fremont	771206
160241 Grand View, city of	Owyhee	790403
160141 Hauser, city of	Kootenai	761008
160228 Jerome County*	Jerome	771025
160224 Leadore, city of	Lemhi	770603
160197 Malta, town of	Cassia	741213
160179 Menan City	Jefferson	760430
160045 Oakley, town of	Cassia	741018
160149 Plummer City	Benewah	761029
160186 Preston City	Franklin	750829
160153 St. Charles, city of	Bear Lake	760319
160230 Teton County*	Teton	770913
160231 Twin Falls County*	Twin Falls	780131

Total of 19 communities.

Illinois

170835 Adeline, village of	Ogle	750711
170941 Altona, village of	Knox	780929
170844 Alvin, village of	Vermilion	750221
170489 Anchor, village of	McLean	741206

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
170657 Anna, city of	Union	740329	170992 Montgomery County*	Montgomery	810109	180192 Parke County*	Parke	741220
170942 Argenta, village of	Macon	790112	170998 Moultrie County*	Moultrie	801219	180340 Patoka, town of	Gibson	731123
170923 Aviston, village of	Clinton	770520	170611 Moweaqua, village of	Shelby	790817	180467 Pennville, town of	Jay	790420
170742 Avon, village of	Fulton	741018	170963 Muncie, village of	Vermilion	790223	180473 Pike County*	Pike	790615
170845 Belgium, village of	Vermilion	750328	170767 Navoo, city of	Hancock	751010	180388 Pines, town of	Porter	750321
170945 Biggsville, village of	Henderson	780929	170853 New Bedford, village of	Bureau	750627	180464 Providence, town of	Clark	800418
170608 Bluffs, village of	Scott	740607	170555 New Canton, town of	Pike	740816	180482 Pulaski County	Pulaski	801109
170920 Bulford, village of	Jefferson	770722	170769 Newman, city of	Douglas	741129	180213 Putnam County	Putnam	750103
170848 Braidwood, city of	Will	750411	170832 Oakford, village of	Menard	750321	180345 Salamonina, town of	Jay	761022
171008 Bridgeport, city of	Lawrence	810710	170831 Oakwood Hills, village of	McHenry	750418	180474 Scott County*	Scott	810206
170468 Brookport, city of	Massac	740607				180346 Spring Lake Park, town of	Hancock	740201
170226 Browns, village of	Edwards	741115	170352 Oneida, city of	Knox	740607			
170746 Bryant, village of	Fulton	741206	170641 Orangeville, village of	Stephenson	740816	180240 Starke County	Starke	770902
170977 Bull Valley, village of	McHenry	800125	170964 Palmer, village of	Christian	781013	180410 Sullivan County	Sullivan	790323
170850 Bureau Junction, village of	Bureau	750328	170538 Perry County*	Perry	741213	180349 Sulphur Springs, town of	Henry	740201
			170272 Pontoosuc, village of	Hancock	740116			
170471 Bushnell, city of	McDonough	740607	170975 Prairie Grove, village of	McHenry	790807	180350 Tennyson, town of	Warrick	740201
170785 Camargo, village of	Douglas	740405	170883 Reynolds, village of	Rock Island	750418	180411 Union County	Union	770304
170491 Carlock, village of	McLean	761203	170995 Richland County*	Richland	790608	180449 Vermilion County*	Vermilion	781124
170250 Carrollton, city of	Greene	740607	170966 Rossville, village of	Vermilion	780908			
170842 Cedarville, village of	Stephenson	750411	170800 Russellville, village of	Lawrence	761112	180448 Warren County*	Warren	781110
170926 Christian County*	Christian	780407	170988 Saline County*	Saline	790601	180446 Washington County*	Washington	780421
170940 Clark County*	Clark	810116	170933 Shelby County*	Shelby	780224	180175 Waynetown, town of	Montgomery	740531
170898 Clay County*	Clay	810529	170969 Sherman, village of	Sangamon	790112	180471 Woodlawn, town of	Madison	790126
170986 Coles County*	Coles	790717	170580 Steeleville, village of	Randolph	760730			
170939 Crawford County*	Crawford	790105	170775 St. David, village of	Fulton	741206			
170987 Cumberland County*	Cumberland	790323	170801 St. Francisville, village of	Lawrence	740329			
170751 De Soto, village of	Jackson	740405						
170647 Deer Creek, village of	Tazewell	740628	170778 Thomson, village of	Carroll	751017			
170948 Deer Grove, village of	Whiteside	781006	170670 Tilton, village of	Vermilion	770114	190386 Ackley, city of	Franklin	780716
170949 Divernon, village of	Sangamon	780908	170828 Topeka, town of	Mason	750321	190525 Ainsworth, city of	Washington	750919
170658 Dongola, village of	Union	740308	170972 Troy Grove, village of	La Salle	790126	190542 Albion, city of	Marshall	780423
170194 Douglas County	Douglas	810213	170973 Vergennes, village of	Jackson	790216	190138 Alden, city of	Hardin	740621
170950 Earlville, city of	La Salle	781013	170935 Vermilion County	Vermilion	780421	190005 Allamakee County	Allamakee	770603
170985 Edgar County*	Edgar	790308	170938 Wabash County*	Wabash	781103	190335 Aplington, city of	Butler	780625
170937 Edwards County*	Edwards	781027	170455 Wamac, city of	Washington	740628	190092 Anion, city of	Crawford	740906
170441 Edwardsville, city of	Madison	780405	170997 Washington County*	Washington	801226	190217 Ashton, city of	Osceola	750711
170227 Effingham County*	Effingham	771223	170974 Watson, village of	Effingham	790202	190700 Bagley, city of	Guthrie	780813
170849 Elwood, village of	Will	750221	171003 Wayne County	Wayne	810109	190528 Barnum, city of	Webster	781105
170818 Elmer City, city of	De Witt	750321	170865 Wayne, village of	Du Page	750815	190423 Battle Creek, city of	Ida	750926
170952 Farmington, city of	Fulton	781020	170355 Williamsfield, village of	Knox	761203	190452 Beacon, city of	Mahaska	750919
170232 Fayette County	Fayette	781006	170934 Williamson County*	Williamson	780331	190322 Beaver, city of	Boone	761023
170664 Fithian, village of	Vermilion	750801	170615 Wyoming, city of	Stark	780310	190303 Belmond, city of	Wright	740503
170991 Ford County*	Ford	790223	170240 Zeigler, city of	Franklin	770225	190845 Benton County*	Benton	770524
170827 Forest City, village of	Mason	750328				190438 Bertram, city of	Linn	780702
170899 Franklin County*	Franklin	780113	Total of 134 communities.			190320 Blairstown, city of	Benton	750919
170953 Freemanspur, village of	Franklin	781020				190517 Blockton, city of	Taylor	750926
170283 Galva, city of	Henry	740614				190846 Boone County*	Boone	780509
170261 Gardner, village of	Grundy	800912				190420 Bradgate, city of	Humboldt	780625
170049 Germantown, village of	Clinton	740329				190328 Brandon, city of	Buchanan	761029
170234 Gibson City, city of	Ford	740329				190476 Brunsville, city of	Plymouth	780702
170885 Golden Gate, village of	Wayne	750627				190848 Buchannan County*	Buchanan	770607
170954 Gorham, village of	Jackson	790126				190093 Buck Grove, city of	Crawford	741129
171005 Hainesville, village of	Lake	801107				190849 Buena Vista County*	Buena Vista	771115
170561 Hamletsburg, village of	Pope	780730				190850 Butler County*	Butler	770906
171002 Hardin County	Hardin	801219				190001 Carbon, city of	Adams	760625
170386 Hawthorn Woods, village of	Lake	780730				190462 Castana, city of	Monona	750829
						190853 Cerro Gordo County*	Cerro Gordo	770607
170570 Hennepin, village of	Putnam	761119				190509 Chatsworth, city of	Sioux	780813
170497 Heyworth, village of	McLean	740614				190854 Cherokee County*	Cherokee	770506
170956 Hill Crest, village of	Ogle	780915				190855 Chickasaw County*	Chickasaw	770524
170253 Hillview, village of	Greene	741206				190269 Chillicothe, city of	Wapello	741108
170184 Hinckley, village of	De Kalb	740301				190395 Churdan, city of	Greene	750829
170957 Indianola, village of	Vermilion	790105				190336 Clarksville, city of	Butler	800610
170927 Jackson County*	Jackson	780714				190857 Clay County*	Clay	770607
170890 Jasper County*	Jasper	790727				190201 Clemons, city of	Marshall	761105
170305 Jefferson County*	Jefferson	770304				190374 Clermont, city of	Fayette	761105
170826 Junction City, village of	Marion	750321				190401 Conrad, city of	Grundy	780416
170837 Kinderhook, village of	Pike	750321				190518 Conway, city of	Taylor	760702
170457 Lacon, city of	Marshall	731130				190407 Corwith, city of	Hancock	761022
170458 Larose, village of	Marshall	741025				190388 Coulter, city of	Franklin	760813
170400 La Salle County	La Salle	780526				190519 Cromwell, city of	Union	760625
170409 Lawrence County*	Lawrence	781124				190345 Cumberland, city of	Cass	761029
170929 Livingston County	Livingston	780331				190421 Dakota City, city of	Humboldt	741108
170794 Livingston, village of	Madison	740322				190860 Dallas County*	Dallas	771025
170959 Mackinaw, village of	Tazewell	781110				190109 Davis City, city of	Decatur	750718
170930 Macoupin County*	Macoupin	780106				190358 Dawson, city of	Dallas	760813
170765 Mayestown, village of	Monroe	760402				190565 Dayton, city of	Webster	761105
170549 Mansfield, village of	Piatt	750103				190532 Decorah, city of	Winneshiek	761210
170836 Mapleton, village of	Peoria	750328				190863 Delaware County*	Delaware	800722
170764 Marietta, village of	Fulton	750131				190566 Delhi, city of	Delaware	760319
170932 Marion County*	Marion	780324				190113 Des Moines County	Des Moines	770517
170650 Marquette Heights, city of	Tazewell	740308				190501 Diagonal, city of	Ringgold	750829
						190864 Dickinson County*	Dickinson	770510
170894 Marshall County*	Marshall	790302				190505 Donahue, city of	Scott	760319
170041 Martinsville, city of	Clark	731123				190305 Dows, city of	Wright	740621
170684 Maunle, village of	White	740109				190572 Early, city of	Sac	761029
170999 McDonough County*	McDonough	810102				190574 Eldridge, city of	Scott	780806
170980 Mechanicsburg, village of	Sangamon	790126				190440 Ely, city of	Linn	760730
						190730 Farnhamville, city of	Calhoun	780326
170961 Menominee, village of	Jo Daviess	790112				190866 Fayette County*	Fayette	770816
170685 Mill Shoals, village of	White	740719				190437 Fenton, city of	Kossuth	750919

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
190457 Ferguson, city of	Marshall	750926	190341 Pomeroy, city of	Calhoun	761217	200396 Burdett, city of	Pawnee	760326
190127 Floyd County	Floyd	770603	190232 Pottawattamie county	Pottawattamie	771206	200249 Burlingame, city of	Osage	761224
190382 Floyd, city of	Floyd	760319	190004 Prescott, city of	Adams	761105	200397 Burns, city of	Marion	760326
190483 Fondra, city of	Pocahontas	760730	1900431 Preston, city of	Jackson	750919	200474 Caldwell, city of	Summer	750919
190867 Franklin County *	Franklin	790522	190392 Randolph, city of	Fremont	760319	200478 Cheney, city of	Sedgwick	760326
190324 Fraser, city of	Boone	760730	190167 Reasonor, city of	Jasper	741101	200044 Cherokee County	Cherokee	770510
190027 Frederika, city of	Bremer	741122	190646 Reindeck, city of	Grundy	761210	200479 Cherokee, city of	Crawford	760326
190308 Fredonia, city of	Louisa	750214	190480 Remsen, city of	Plymouth	760319	200246 Clayton, city of	Decatur	800102
190321 Garrison, city of	Benton	750808	190418 Riceville, city of	Howard	760319	200058 Cloud County	Cloud	770823
190924 Gillett Grove, town of	Clay	790410	190100 Ricketts, city of	Crawford	741122	200062 Coffey County	Coffey	770823
190584 Goldfield, city of	Wright	760625	190342 Rinard, city of	Calhoun	761029	200004 Colony, city of	Anderson	741220
190466 Grant, city of	Montgomery	761119	190393 Riverton, city of	Fremont	760813	200486 Cottonwood Falls, city of	Chase	760326
190318 Gray, city of	Audubon	770719	190351 Rock Falls, city of	Cerro Gordo	770114	200399 Courtland, city of	Republic	760521
190159 Green Island, city of	Jackson	741025	190352 Rockwell, city of	Cerro Gordo	760326	200403 Dearing, city of	Montgomery	750725
190869 Greene County *	Greene	770614	190414 Rome, city of	Henry	760709	200574 Decatur County *	Decatur	800212
190228 Grimes, city of	Polk	760305	190799 Royal, city of	Clay	761029	200405 Dorrance, city of	Russell	760813
190403 Grundy Center, city of	Grundy	760702	190385 Rudd, city of	Floyd	760423	200490 Downs, city of	Osborne	761126
190497 Guernsey, city of	Poweshiek	760430	190800 Runnells, city of	Polk	750919	200235 Dunlap, city of	Morris	750103
190871 Guthrie County *	Guthrie	770823	190422 Rutland, city of	Humboldt	761105	200406 Dwight, city of	Morris	750919
190873 Hancock County *	Hancock	770906	190801 Ryan, city of	Delaware	760326	200491 Eastborough, city of	Sedgwick	750919
190236 Hancock, city of	Pottawattamie	740830	190531 Scarville, city of	Winnebago	760702	200408 Elk city, city of	Montgomery	761029
190833 Hanlontown, city of	Worth	760604	190652 Schaller, city of	Sac	761105	200236 Elkhart, city of	Morton	740524
190316 Harpers Ferry, city of	Allamakee	761029	190499 Searsboro, city of	Poweshiek	761029	200271 Emmett, city of	Pottawattamie	741220
190589 Hartford, city of	Warren	760319	190521 Shannon city, city of	Ringgold	760813	200050 Englewood, city of	Clark	760716
190455 Harvey, city of	Marion	760319	190132 Sheffield, city of	Franklin	740628	200409 Ensign, city of	Gray	760326
190204 Hastings, city of	Mills	750919	190338 Shell Rock, city of	Butler	761217	200410 Esbon, city of	Jewell	750829
190484 Havelock, city of	Pocahontas	760319	190319 Shellsburg, city of	Benton	761029	200493 Eskridge, city of	Wabunsee	750822
190330 Hazelton, city of	Buchanan	760528	190906 Sioux county *	Sioux	771025	200099 Finney County	Finney	780228
190411 Hubbard, city of	Hardin	760702	190805 Soldier, city of	Monona	760813	200411 Ford, city of	Ford	760326
190391 Imogene, city of	Fremont	761029	190432 Solon, city of	Johnson	760813	200495 Fowler, city of	Meade	760730
190878 Iowa County *	Iowa	770816	190344 Somers, city of	Calhoun	761029	200024 Fulton, city of	Bourbon	750110
190533 Jackson Jct., city of	Winneshek	760625	190285 Spellville, city of	Winneshek	761029	200412 Garfield, city of	Pawnee	760604
190744 Jamaica, city of	Guthrie	760813	190444 Springville, city of	Linn	770401	200342 Gaylord, city of	Smith	741227
190880 Jasper County *	Jasper	770603	190461 Stacyville, city of	Mitchell	760326	200413 Geneseo, city of	Rice	760423
190600 Jewell, city of	Hamilton	760813	190333 Stanley, city of	Buchanan	760625	200414 Geuda Springs, city of	Cowley	750912
190408 Kanawha, city *	Hancock	761029	190141 Steamboat Rock, city of	Hadin	750103	200227 Glen Elder, city of	Mitchell	741227
190883 Keokuk county *	Keokuk	770823	190469 Stockton, city of	Muscatine	761119	200206 Goessel, city of	Marion	741122
190436 Kinross, city of	Keokuk	760813	190810 Swisher, city of	Johnson	760813	200239 Goff, city of	Nemaha	741108
190884 Kossuth county *	Kossuth	770621	190666 Thompson, city of	Winnebago	750919	200006 Greeley, city of	Anderson	741122
190425 Lagora, city of	Iowa	750919	190813 Thor, town of	Humboldt	770913	200418 Grenola, city of	Elk	750926
190331 Lamont, city of	Buchanan	750912	190667 Toledo, city of	Tama	750912	200064 Gridley, city of	Coffey	741122
190006 Lansing, city of	Allamakee	771122	190816 Treynor, city of	Pottawattamie	760326	200355 Haddam, city of	Washington	741227
190389 Latimer, city of	Franklin	760326	190671 University Park, town of	Mahaska	760319	200029 Hamlin, city of	Brown	750919
190311 Letts, city of	Louisa	741227	190464 Ute, city of	Monona	760319	200421 Hardtner, city of	Barber	750815
190023 Linn Grove, city of	Buena Vista	740816	190362 Van Meter, city of	Dallas	750926	200125 Harper County	Harper	800701
190608 Livermore, city of	Humboldt	761029	190674 Ventura, city of	Cerro Gordo	761105	200504 Haviland, city of	Kiowa	750822
190768 Luverne, city of	Kossuth	750919	190468 Villisca, city of	Montgomery	760813	200081 Highland, city of	Doniphan	760423
190886 Lyon county *	Lyon	770531	190380 Wadena, city of	Fayette	760813	200508 Hoxie, city of	Sheridan	760618
190772 Macedonia, city of	Pottawattamie	761210	190675 Walcott, city of	Muscatine	760709	200118 Ingalls, city of	Gray	741220
190887 Madison county *	Madison	760117	190820 Walford, city of	Benton	760813	200426 Jamestown, city of	Cloud	760430
190888 Mahaska county *	Mahaska	770607	190445 Walker, city of	Linn	761029	200147 Jefferson County	Jefferson	770816
190498 Malcom, city of	Poweshiek	750919	190911 Wapello County *	Wapello	771025	200512 Kensington, city of	Smith	750822
190834 Manly, city of	Worth	760709	190912 Warren County *	Warren	780207	200007 Kincaid, city of	Anderson	741122
190383 Marble Rock, city of	Floyd	760730	190317 Waterville, city of	Allamakee	760416	200329 Kismet, city of	Seward	741122
190889 Marion County *	Marion	771018	190381 Waucoma, city of	Fayette	760730	200196 La Cygne, city of	Linn	740315
190348 Marne, city of	Cass	761029	190276 Wellman, city of	Washington	760430	200103 Lane, city of	Franklin	741227
190890 Marshall county *	Marshall	770603	190680 Wellsburg, city of	Grundy	761008	200065 Lebo, city of	Coffey	760423
190524 Martinsdale, city of	Warren	760416	190482 Westfield, city of	Plymouth	760813	200247 Lenora, city of	Norton	761119
190456 Marysville, city of	Marion	760702	190823 Westgate, city of	Fayette	761029	200517 Leoti, city of	Wichita	761105
190365 Masonville, city of	Delaware	760813	190090 Wheatland, city of	Clinton	740628	200066 Leroy, city of	Coffey	731228
190349 Massena, city of	Cass	760521	190684 Whiting, city of	Monona	760702	200518 Lewis, city of	Edwards	760326
190512 Maurice, city of	Sioux	760319	190686 Wilton, city of	Muscatine	761022	200431 Linn, city of	Washington	750905
190458 Mc Intire, city of	Mitchell	750926	190915 Winnebago County *	Winnebago	770726	200519 Lucas, city of	Russell	760702
190478 Merrill, city of	Plymouth	760702	190350 Wiot, city of	Cass	760625	200433 Luray, city of	Russell	760702
190779 Miles, city of	Jackson	761119	190410 Woden, city of	Hancock	760430	200520 Maize, city of	Sedgwick	761029
190891 Mills county *	Mills	771018	190070 Woodburn, city of	Clarke	741220	200593 Marion County *	Marion	760822
190781 Minden, city of	Pottawattamie	761029	190827 Woolstock, city of	Wright	760625	200310 McCracken, city of	Rush	741122
190166 Mingo, city of	Jasper	750905	190474 Yorktown, city of	Page	761008	200437 Melvern, city of	Osage	760730
190892 Mitchell county *	Mitchell	770607	190371 Zwingle, city of	Dubuque	761105	200220 Miami County	Miami	770607
190459 Mitchell, city of	Mitchell	761105	Total of 223 communities.			200537 Miltonvale, city of	Cloud	760507
190161 Monmouth, city of	Jackson	750117	Kansas			200538 Minneapolis, city of	Ottawa	760806
190782 Montour, city of	Tama	750905	200380 Alta Vista, city of	Wabunsee	760319	200595 Montgomery County *	Montgomery	771018
190784 Moorland, city of	Webster	761029	200381 Alton, city of	Osborne	760319	200540 Moran, city of	Allen	760326
190523 Mt. Sterling, city of	Van Buren	760813	200382 Altoona, city of	Wilson	760730	200055 Morganville, city of	Clay	741220
190493 Neola, city of	Pottawattamie	750919	200569 Anderson County *	Anderson	771213	200116 Morland, city of	Graham	770311
190082 North Buenavista, city of	Clayton	741018	200384 Arcadia, city of	Crawford	750815	200032 Morrill, city of	Brown	741122
190632 Norway, city of	Benton	750926	200464 Arlington, city of	Reno	750926	200356 Morrowville, city of	Washington	741206
190294 Oto, city of	Woodbury	740913	200009 Atchison County	Atchison	770531	200197 Mount City, city of	Linn	740301
190172 Oxford, city of	Johnson	740510	200387 Axtell, city of	Marshall	760326	200014 Mulvint, city of	Kiowa	750829
190479 Oyens, city of	Plymouth	760716	200388 Barnes, city of	Washington	750822	200014 Neosho, city of	Atchison	741122
190898 Palo Alto county *	Palo Alto	770517	200389 Beattie, city of	Marshall	750829	200598 Neosho County *	Neosho	771101
190506 Panorama Park, city of	Scott	761210	200467 Bennington, city of	Ottawa	760326	200360 Neosho Falls, city of	Woodson	750131
190405 Panora, city of	Guthrie	760806	200469 Bird City, city of	Cheyenne	760730	200204 Neosho Rapids, city of	Lyon	750103
190337 Parkersburg, city of	Butler	760702	200391 Bison, city of	Rush	750829	200543 Oakley, city of	Logan	760702
190397 Paton, city of	Greene	750919	200470 Blue Rapids, city of	Marshall	760326	200444 Olpe, city of	Lyon	750926
190326 Pilot Mound, city of	Boone	761105	200022 Bourbon County	Bourbon	771025	200544 Onaga, city of	Pottawattamie	760813
190151 Pisgah, city of	Harrison	741206	200392 Brewster, city of	Thomas	760716	200601 Osage County *	Osage	770809
190489 Pleasant Hill, city of	Polk	770204	200393 Bronson, city of	Bourbon	750718	200545 Oswego, city of	Labette	750919
190838 Pleasantville, city of	Marion	760326	200026 Brown County	Brown	770517	200547 Oxford, city of	Sumner	750808
190061 Plymouth, city of	Cerro Gordo	741108				200357 Palmer, city of	Washington	741220
190486 Pocahontas, City of	Pocahontas	760730				200198 Parker, city of	Linn	750207

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
200446 Partridge, city of	Reno	761217	210169 Meade County*	Meade	770513	230279 Dedham, town of	Hancock	750418
200447 Peru, city of	Chautauqua	750926	210326 Montgomery County*	Montgomery	771021	230313 East Machias, town of	Washington	770211
200199 Pleasanton, city of	Linn	760702	210293 Muhlenberg County	Muhlenberg	770513	230217 Edgecomb, town of	Lincoln	750103
200105 Pomona, city of	Franklin	740208	210183 Ohio County*	Ohio	771202	230237 Fayette, town of	Kennebec	741129
200200 Prescott, city of	Linn	760423	210186 Owen County*	Owen	741018	230166 Gilead, town of	Oxford	750207
200449 Preston, city of	Pratt	761029	210296 Owsley County	Owsley	770617	230388 Greenfield, town of	Penobscot	750221
200106 Princeton, city of	Franklin	760528	210297 Pendleton County*	Pendleton	760730	230425 Hersey, town of	Aroostook	741230
200550 Protection, city of	Comanche	760702	210197 Pulaski County*	Pulaski	770722	230315 Jonesboro, town of	Washington	750214
200522 Quinter, city of	Gove	761224	210200 Robertson County*	Robertson	770325	230393 Lagrange, town of	Penobscot	750228
200450 Ransom, city of	Ness	761112	210245 Rockport, town of	Ness	740201	230912 Le Vante, town of	Penobscot	770429
200279 Rawlins County*	Rawlins	800219	210205 Russell County*	Russell	770715	230193 Lebanon, town of	York	750207
200298 Republic, city of	Republic	741206	210260 Sadeville, city of	Scott	750103	230428 Littleton, town of	Aroostook	750321
200448 Rolla, city of	Morton	760326	210209 Shelby County*	Shelby	741018	230395 Lowell, town of	Penobscot	750221
200315 Russell, city of	Russell	740208	210294 South Carrollton, city of	Muhlenberg	750725	230429 Ludlow, town of	Aroostook	750221
200455 Scammon, city of	Cherokee	750919	210276 Southgate, city of	Campbell	750801	230286 Mariaville, town of	Hancock	750314
200097 Schoenchen, city of	Elis	750117	210320 St. Charles, town of	Hopkins	760813	230261 Montville, town of	Waldo	750221
200528 Sedan, city of	Chautauqua	750822	210212 Taylor County*	Taylor	741018	230363 Moose River, town of	Somerset	750117
200457 Severy, city of	Greenwood	750926	210315 Trigg County*	Trigg	770826	230218 Newcastle, town of	Lincoln	750221
200606 Seward County*	Seward	770913	210300 Trimble County	Trimble	770114	230318 Northfield, town of	Washington	750214
200458 Sharon, city of	Barber	750822	210218 Uniontown, town of	Union	740517	230180 Orrington, town of	Penobscot	750207
200459 South Haven, city of	Sumner	750919	210270 Union, town of	Boone	750801	230289 Otis, town of	Hancock	750418
200531 Spearville, city of	Ford	750919	210231 Versailles, city of	Woodford	770729	230412 Parkman, town of	Piscataquis	750214
200524 St. Francis, city of	Cheyenne	750919	210096 Vine Grove, city of	Hardin	740517	230143 Perbroke, town of	Washington	741018
200274 St. George, city of	Pottawatomie	751013	210348 Wayne County*	Wayne	780106	230030 Pemham, town of	Aroostook	750418
200460 Summerfield, city of	Marshall	760702	210248 Wheat Croft, town of	Webster	740215	230399 Plymouth, town of	Penobscot	770429
200365 Thayer, city of	Neosho	760702	210307 Winston Park, town of	Kenyon	740123	230264 Prospect, town of	Waldo	750214
200367 Toronto, city of	Woodson	750919	Total of 78 communities.			230415 Shirley, town of	Piscataquis	750124
200368 Treece, city of	Cherokee	760326	Louisiana			230400 Springfield, town of	Penobscot	750124
200370 Tyro, city of	Montgomery	750725	220114 Albany, village of	Livingston Parish	740412	230323 Steuben, town of	Washington	750221
200551 Ulysses, city of	Grant	761105	220231 Angie, village of	Washington Parish	750103	230035 Stockholm, town of	Aroostook	750110
200557 Weir, city of	Cherokee	750919	220354 Athens, village of	Claiborne Parish	750221	230914 Talmadge, town of	Washington	761217
200558 West Plains, city of	Meade	760616	220374 Belcher, village of	Caddo Parish	780627	230324 Topsfield, town of	Washington	750314
200008 Westphalia, city of	Anderson	741220	220316 Bonita, village of	Morehouse Parish	750822	230248 Vassalborough, town of	Kennebec	750207
200617 Wilson County*	Wilson	770607	220318 Chatham Town	Jackson Parish	750919	230300 Verona, town of	Hancock	761126
200379 Woodston, city of	Rooks	750926	220320 Clarks, village of	Caldwell Parish	750815	230439 Wales, town of	Androscoggin	750221
Total of 144 communities.			220323 Dubach Town	Lincoln Parish	770401	230082 Washington, town of	Knox	740906
Kentucky			220324 Elizabeth Town	Allen Parish	750725	230039 Weston, town of	Aroostook	750221
210353 Adairville, city of	Logan	780908	220326 Florian, village of	Sabine Parish	750725	230222 Westport, town of	Lincoln	750103
210267 Allen County	Allen	770624	220117 French Settlement, village of	Livingston Parish	741025	230087 Whitefield, town of	Lincoln	740726
210268 Ballard County*	Ballard	770408	220331 Hodge, village of	Jackson Parish	750711	230329 Whitneyville, town of	Washington	770607
210334 Barren County*	Barren	770819	220332 Hornbeck, village of	Vernon Parish	750815	230404 Winn, town of	Penobscot	750124
210008 Bath County	Bath	770401	220334 Jena Town	La Salle Parish	761224	230223 Wiscasset, town of	Lincoln	770524
210106 Berry, city of	Harrison	740816	220335 Junction City, village of	Caliborne Parish	750718	Total of 58 communities.		
210187 Booneville, city of	Owsley	740201	220390 Lillie, village of	Union Parish	790403	Maryland		
210021 Bracken County	Bracken	770610	220366 Lincoln Parish*	Lincoln Parish	771129	240102 Deer Park, town of	Garret	741108
210161 Bradfordsville, city of	Marion	740510	220336 Logansport Town	De Soto Parish	750815	240106 Galestown, town of	Dorchester	750711
210025 Breckinridge County	Breckinridge	771021	220339 Mooringsport Town	Caddo Parish	760625	240118 Poolesville, town of	Montgomery	810821
210201 Broadhead, city of	Rockcastle	740517	220367 Morehouse Parish*	Morehouse Parish	780805	240124 Smithburg, town of	Washington	770114
210236 Brownsville, city of	Edmonson	761008	220340 New Llano, village of	Parish	760409	Total of 4 communities.		
210273 Bullitt County	Bullitt	770520	220307 Reeves, village of	Vernon Parish	760409	Massachusetts		
210354 Cadiz, city of	Trigg	780929	220368 Sabine Parish*	Allen Parish	750815	250178 Ashby, town of	Middlesex	770429
210313 Calloway County*	Calloway	771202	220309 Saline, village of	Sabine Parish	780124	250134 Blandford, town of	Hampden	740726
210042 Carlisle County	Carlisle	741018	220259 Slaughter, town of	Bienville Parish	760625	250135 Brimfield, town of	Hampden	740719
210045 Carroll County	Carroll	770225	220205 Sun, village of	East Feliciana Parish	750919	250068 Chilmark, town of	Dukes	741206
210053 Casey County	Casey	741213	220069 Turkey Creek, village of	St. Tammany Parish	740830	250191 Dunstable, town of	Middlesex	741129
210355 Cederville, city of	Pike	780929	220397 Urania, town of	Evangeline Parish	740830	250160 Easthampton, town of	Hampshire	740621
210277 Christian County	Christian	770624	220234 Varnado, village of	La Salle Parish	790403	250023 Florida, town of	Berkshire	761112
210057 Clay County*	Clay	741227	220228 Vernon Parish	Washington Parish	741025	250139 Granville, town of	Hampden	740830
210327 Clinton County	Clinton	770715	Total of 30 communities.			250084 Hamilton, town of	Essex	761126
210254 Crittenden County*	Crittenden	771223	Maine			250311 Hubbardston, town of	Worcester	740906
210060 Cumberland County	Cumberland	751013	230083 Alna, town of	Lincoln	750103	250121 Leyden, town of	Franklin	750207
210317 Dexter, city of	Calloway	761001	230272 Amherst, town of	Hancock	750124	250146 Montgomery, town of	Hampden	741122
210038 Fort Thomas, city of	Campbell	740125	230345 Avon, town of	Franklin	770114	250032 New Ashford, town of	Berkshire	741122
210272 Foster, city of	Bracken	750801	230252 Belmont, town of	Waldo	750314	250324 Oakham, town of	Worcester	740802
210336 Fulton County*	Fulton	771223	230144 Berwick, town of	York	740809	250168 Pelham, town of	Hampshire	740628
210281 Gallatin County	Gallatin	760903	230913 Bowdoin, town of	Sagadahoc	761217	250036 Peru, town of	Berkshire	741101
210081 Garrard County*	Garrard	741018	230275 Brooklin, town of	Hancock	761224	250169 Plainfield, town of	Hampshire	741101
210251 Gilbertsville, city of	Marshall	750725	230374 Burlington, town of	Penobscot	750207	250126 Rowe, town of	Franklin	760820
210078 Glencoe, city of	Gallatin	740201	230375 Carmel, town of	Penobscot	750228	250101 Rowley, town of	Essex	740726
210282 Graves County	Graves	771104	230376 Charleston, town of	Penobscot	750221	250128 Shutesbury, town of	Franklin	750221
210330 Grayson County*	Grayson	771125	230437 Charlotte, town of	Washington	761217	250043 Tyringham, town of	Hampden	750404
210303 Hardin, city of	Marshall	740614	230378 Clifton, town of	Penobscot	750207	250130 Warwick, town of	Franklin	750124
210329 Harrison County*	Harrison	770826	230307 Columbia, town of	Washington	750214	250044 Washington, town of	Berkshire	741101
210257 Hart County*	Hart	770708	230380 Corinth, town of	Penobscot	750221	250131 Wendell, town of	Franklin	750117
210286 Henderson County	Henderson	770624	230309 Crawford, town of	Washington	750117	250047 Windsor, town of	Berkshire	741122
210338 Hickman County*	Hickman	780303	230148 Dayton, town of	York	740628	Total of 27 communities.		
210112 Hopkins County*	Hopkins	741018	Michigan			260342 Autrain, township of	Alger	770325
210358 Jeffersonville, city of	Montgomery	780908	230083 Alna, town of	Lincoln	750103	260352 Baraga, township of	Baraga	780526
210134 Laurel County*	Laurel	741227	230272 Amherst, town of	Hancock	750124	260027 Blaine, township of	Benzie	740920
210085 Letchfield, town of	Grayson	740510	230345 Avon, town of	Franklin	770114	260430 Boardman, township of	Kalaska	770805
210324 Leslie County	Leslie	770729	230252 Belmont, town of	Waldo	750314	260371 Boyne Falls, village of	Charlevoix	761022
210289 Letcher County	Letcher	770902	230144 Berwick, town of	York	740809			
210341 Logan County*	Logan	770909	230913 Bowdoin, town of	Sagadahoc	761217			
210342 Madison County*	Madison	770826	230275 Brooklin, town of	Hancock	761224			
210160 Marion County	Marion	770610	230374 Burlington, town of	Penobscot	750207			
210252 Marshall County*	Marshall	780317	230375 Carmel, town of	Penobscot	750228			
210259 Mason County*	Mason	761231	230376 Charleston, town of	Penobscot	750221			
210343 McCreary County*	McCreary	771125	230437 Charlotte, town of	Washington	761217			
210233 McHenry, town of	Ohio	741025	230378 Clifton, town of	Penobscot	750207			

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
260390 Brietung, township of	Dickinson	770311	270417 Aurora, city of	St. Louis	740405	270589 Milan, city of	Chippewa	770715
260375 Bruce, township of	Chippewa	770603	270552 Avoca, city of	Murray	750110	270488 Millville, city of	Wabasha	740802
260555 Buchanan, township of	Berrien	761008	270554 Baudette, city of	Lake of the Woods	741227	270489 Minneka, city of	Wabasha	750711
260601 Byron, village of	Shiawassee	750919	270710 Becker, city of	Sherburne	790330	270122 Minnesota Lake, city of	Faribault	740517
260597 Caro, village of	Tuscola	751024	270555 Beljou, city of	Mahnomen	750103	270405 Morristown, city of	Rice	740329
260659 Cedarville, township of	Menominee	780526	270711 Bemidji, city of	Beltrami	781110	270300 Motley, city of	Cass	740802
260482 Claybanks, township of	Oceana	761126	270261 Biscay, city of	McLeod	741115	270424 Mountain Iron, city of	St. Louis	740524
260373 Clifford, village of	Lapeer	751024	270556 Blackduck, city of	Beltrami	750801	270451 New Munich, city of	Stearns	741025
260434 Deerfield, township of	Lapeer	770513	270293 Bowls, city of	Morrison	741025	270497 New Richland, city of	Wadena	740412
260553 Elberta, village of	Benzie	750919	270057 Boy River, city of	Cass	770610	270590 Nielsville, city of	Polk	741101
260349 Ellsworth, village of	Antrim	750411	270070 Branch, city of	Chisago	740830	270591 Nimrod, city of	Wadena	750418
260327 Ewart, city of	Osceola	750425	270319 Brewster, city of	Nobles	750425	270592 Norcross, city of	Grant	741213
260586 Exeter, township of	Monroe	751003	270557 Brook Park, city of	Pine	741025	270072 North Branch, city of	Chisago	740510
260405 Fife Lake, township of	Grand Traverse	770114	270388 Brooks, city of	Red Lake	740809	270512 Oak Park Heights, city of	Washington	740322
260406 Fife Lake, village of	Grand Traverse	750711	270262 Brownston, city of	McLeod	740503	270594 Odin, city of	Watsonwan	741213
260062 Ford River, twp	Delta	761203	270294 Buckman, city of	Morrison	740809	270595 Okabena, city of	Jackson	741227
260373 Forest, township of	Cheboygan	770304	270712 Caledonia, city of	Houston	781013	270648 Orr, city of	St. Louis	741213
260450 Forsyth, township of	Marquette	770325	270281 Cedar Mills, city of	Meeker	750214	270004 Palisade, city of	Aitkin	740802
260576 Galesburg, city of	Kalamazoo	751024	270312 Chandler, city of	Mower	740809	270063 Pillager, city of	Cass	740719
260570 Harbor Beach, city of	Huron	760130	270058 Chickamaw Bch, city of	Cass	761015	270704 Pine County*	Pine	771223
260489 Hershey, village of	Osceola	750711	270464 Chokio, city of	Stearns	740503	270697 Pine Springs, city of	Washington	770722
260462 Holland, township of	Missaukee	750801	270664 Clear Lake, city of	Sherburne	750103	270596 Plato, city of	McLeod	741101
260457 Holmes, township of	Menominee	770401	270363 Climax, city of	Polk	740920	270218 Quamba, city of	Kanabec	740809
260568 Houghton, city of	Houghton	770610	270468 Clontarf, city of	Swift	741019	270223 Regal, city of	Kandiyohi	750131
260418 Hubbardston, village of	Ionia	750926	270561 Cobden, city of	Brown	741101	270065 Remer, city of	Cass	750711
260415 Huron, township of	Huron	761105	270562 Cologne, city of	Carver	741101	270565 Reverse, city of	Red Lake	750411
260475 Independence, township of	Oakland	770513	270035 Comfrey, city of	Brown	740920	270597 Rice, city of	Benton	750117
260526 Indianfields, township of	Tuscola	770304	270025 Correll, city of	Big Stone	750124	270453 Richmond, city of	Stearns	740329
260660 Ingallston, township of	Menominee	780217	270282 Cosmos, city of	Meeker	740517	270341 Richville, city of	Otter Tail	741025
260354 Irving, township of	Barry	770415	270314 Courtland, city of	Nicollet	740719	270021 Ronneby, city of	Benton	750711
260133 Ishpeming, city of	Marquette	761112	270313 Currie, city of	Mower	740802	270455 Roscoe, city of	Stearns	740802
260496 Lake, township of	Roscommon	761126	270469 Danvers, city of	Swift	740809	270073 Rush City, city of	Chisago	740510
260014 Lincoln, township of	Arenac	740614	270334 Deer Creek, city of	Otter Tail	740816	270131 Rushford Village, city of	Fillmore	800905
260398 Linden, village of	Genesee	750926	270470 Degraft, city of	Swift	740809	270360 Ruthlin, city of	Pipestone	740809
260149 London, township of	Monroe	760820	270563 Delhi, city of	Red Lake	741025	270350 Rutledge, city of	Pine	740809
260353 L'Anse, township of	Baraga	780224	270346 Denham, city of	Pine	750124	270402 Sacred Heart, city of	Renville	740503
260675 Mackinaw, Village of	Cheboygan	770812	270059 East Gull Lake, city of	Cass	741220	270046 Scanlon, city of	Carlton	731102
260348 Manlius, township of	Allegan	761126	270118 Easton, city of	Faribault	760730	270602 Seaforth, city of	Redwood	741213
260367 Marcellus, township of	Cass	761126	270295 Edin Valley, city of	Stearns	740503	270494 Sobek, city of	Wadena	740412
260487 McMillan, township of	Ontonagon	751003	270320 Ellsworth, city of	Nobles	740503	270662 Silver Lake, city of	McLeod	750124
260702 Menominee, township of	Menominee	780815	270295 Elm Dale, city of	Morrison	740809	270672 Skyline, city of	Blue Earth	750627
260486 Mills, township of	Ogemaw	750725	270336 Erhard, city of	Otter Tail	740809	270208 Squaw Lake, city of	Itasca	750801
260443 Moran, township of	Mackinac	770325	270422 Eveleth, city of	St. Louis	740607	270717 Staples, city of	Todd	781110
260521 New Haven, township of	Shiawassee	750725	270276 Fairmont, city of	Martin	741025	270352 Sturgeon Lake, city of	Pine	741025
260420 North Plains, township of	Ionia	770617	270060 Federal Dam, city of	Cass	761008	270601 St. Anthony, city of	Stearns	750711
260476 Oakland, township of	Oakland	770401	270693 Forest Lake, city of	Washington	771216	270033 St. Clair, city of	Blue Earth	740823
260502 Oakley, village of	Saginaw	750926	270570 Frazee, city of	Becker	741115	270457 St. Joseph, city of	Stearns	760827
260413 Osceola, township of	Houghton	750926	270446 Freeport, city of	Stearns	740503	270458 St. Stephen, city of	Stearns	740823
260362 Ovid, township of	Branch	761105	270571 Funkley, city of	Beltrami	750711	270660 S. International Falls, city of	Koochiching	750117
260376 Pickford, township of	Chippewa	770520	270296 Genola, city of	Morrison	750207	270209 Taconite, city of	Itasca	760723
260368 Pokagon, township of	Cass	770527	270439 Gibbon, city of	Sibley	740621	270260 Taunton, city of	Lyon	740719
260618 Port Austin, village of	Huron	760130	270088 Gonvick, city of	Clearwater	740823	270047 Thomson, city of	Carlton	740802
260672 Port Huron, township of	St. Clair	761029	270277 Granada, city of	Martin	740802	270605 Tower, city of	St. Louis	741213
260480 Powers, village of	Menominee	750711	270447 Greenwald, city of	Stearns	740823	270361 Trosky, city of	Pipestone	740809
260410 Reading, township of	Hillsdale	771028	270061 Hackensack, city of	Cass	740920	270606 Turtle River, city of	Beltrami	750801
260453 Republic, township of	Marquette	780512	270573 Hadley, city of	Murray	750411	270306 Upsala, city of	Morrison	741025
260497 Roscommon, township of	Roscommon	770318	270574 Hanley Falls, city of	Yellow Medicine	750711	270607 Verdale, city of	Wadena	741025
260377 Rudyard, township of	Chippewa	761015	270071 Harris, city of	Chisago	740920	270608 Vernon Center, city of	Blue Earth	750103
260537 Saco, township of	Washtenaw	761126	270355 Hatfield, city of	Pipestone	750131	270609 Vesta, city of	Redwood	750110
260378 Soo, township of	Chippewa	761126	270398 Hector, city of	Renville	760827	270718 Walnut Grove, city of	Redwood	780929
260557 Stevensville, village of	Berrien	750926	270701 Heidelberg, city of	Le Sueur	770722	270210 Warba, city of	Itasca	740913
260444 St. Ignace, township of	Mackinac	770729	270338 Henning, city of	Otter Tail	740503	270286 Watkins, city of	Meeker	740412
260379 Sugar Island, township of	Chippewa	770617	270002 Hill, city of	Aitkin	741108	270666 Waverly, city of	Wright	750117
260380 Superior, township of	Chippewa	770617	270409 Hills, city of	Rock	740412	270279 Welcome, city of	Martin	740510
260540 Superior, township of	Washtenaw	770617	270578 Hoffman, city of	Grant	750131	270695 Willernie, city of	Washington	770527
260708 Torch Lake, township of	Houghton	770812	270448 Holdingford, city of	Stearns	740517	270612 Williams, city of	Lake Of The Woods	741129
260351 Turner, township of	Arenac	750718	270356 Holland, city of	Pipestone	740830	270703 Willmar, city of	Kandiyohi	770729
260550 Turner, village of	Arenac	770304	270471 Holloway, city of	Swift	740906	270719 Wilton, city of	Beltrami	781110
260404 Watersmeet, township of	Gogebic	770318	270357 Ihlen, city of	Pipestone	740802	270613 Winger, city of	Polk	750131
260049 Weesaw, township of	Berrien	740628	270235 International Falls, city of	Koochiching	740607	270427 Winton, city of	St. Louis	740802
260388 Wells, township of	Delta	770610	270579 Iona, city of	Murray	741220	270524 Wolverton, city of	Wilkin	740809
260479 White Lake, township of	Oakland	770527	270580 Iron Junction, city of	St. Louis	741025	270615 Wood Lake, city of	Yellow Medicine	750117
260547 Wilber, Township of	Iscosco	761126	270098 Jenkins, city of	Crow Wing	740823	270048 Wright, city of	Carlton	740913
260495 Wright, township of	Ottawa	770527	270655 Kellogg, city of	Wabasha	750131	270211 Zemple, city of	Itasca	750627
260541 York, township of	Washtenaw	750718	270523 Kent, city of	Wilkin	750801	Total of 166 communities.		
Total of 80 communities.			270143 Kenyon, city of	Goodhue	740524	Mississippi		
Minnesota			270206 La Prairie, city of	Itasca	740823	280309 Abbeville, town of	Lafayette	780929
270492 Aldrich, city of	Wadena	750207	270692 Lake Benton, city of	Lincoln	770401	280267 Alcorn County*	Alcorn	780407
270691 Aroc, city of	Lincoln	770415	270517 Madelia, city of	Watsonwan	740412	280089 Bassfield, town of	Jefferson	760730
270345 Askov, city of	Pine	741025	270585 Mantorville, city of	Dodge	770603	280287 Belmont, town of	Tishomingo	760709
			270667 Maple Lake, city of	Wright	750110	280156 Braxton, village of	Simpson	740719
			270243 Marietta, city of	Lac Qui Parle	740906	280269 Chickasaw County	Chickasaw	770603
			270053 Mayer, city of	Carver	731123	280017 Duncan, town of	Bolivar	761105
			270587 Maynard, city of	Chippewa	741115	280188 Eden, village of	Yazoo	740719
			270487 Mazeppa, city of	Wabasha	740719			
			270588 McIntosh, city of	Polk	741129			
			270493 Menahga, city of	Wadena	740412			
			270367 Mentor, city of	Polk	741120			
			270270 Middle River, city of	Marshall	740719			

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
280270 Franklin County	Franklin	771104	290499 Mill Spring, village of	Wayne	741213	310026 Bellwood, village of	Butler	741122
280117 Gattman, village of	Monroe	740719	290571 Mineral Point, village of	Washington	750808	310250 Benedict, village of	York	750418
280290 Itawamba County*	Itawamba	780512	290690 Montrose, city of	Henry	750418	310066 Big Springs, village of	Deuel	741220
280302 Jasper County*	Jasper	780224	290547 Napoleon, city of	Lafayette	800826	310252 Bladen, village of	Webster	750711
280303 Jefferson Davis County*	Jefferson Davis	780331	290549 New Cambria, city of	Macon	750725	310351 Blomfield, city of	Knox	760716
280093 Lafayette County*	Lafayette	741227	290692 New Florence, city of	Montgomery	761105	310416 Box Butte County*	Box Butte	770823
280315 Learned, town of	Hinds	781110	290550 New Hampton, city of	Harrison	750808	310254 Brunswick, village of	Antelope	760402
280204 Lena, town of	Neshoba	741025	290059 Norborne, city of	Carroll	740405	310419 Buffalo County*	Buffalo	790417
280273 Lincoln County	Lincoln	780217	290554 Oak Grove, village of	Franklin	770603	310420 Burt County*	Burt	771122
280316 Louin, town of	Jasper	781027	290671 Osage Beach, city of	Miller	760730	310354 Burwell, city of	Garfield	760423
280274 Marshall County	Marshall	771028	290672 Osceola, city of	St. Clair	760402	310255 Bushnell, village of	Kimball	760326
280008 McCool, village of	Attala	750131	290535 Pineville, city of	McDonald	750418	310256 Campbell, village of	Franklin	750822
280279 Prentiss, County	Prentiss	770916	290537 Pleasant Hope, village of	Polk	761029	310258 Cedar Rapids, village of	Boone	750110
280147 Puckett, town of	Rankin	740823	290243 Rhineland, town of	Montgomery	770121	310357 Chadron, city of	Dawes	760924
280322 Rienzi, town of	Alcorn	781117	290655 Rich Hill, city of	Bates	750214	310260 Chapman, village of	Merrick	760326
280049 Seminary, village of	Covington	750801	290657 Richmond, city of	Ray	761022	310263 Cody, village of	Cherry	760326
280324 Shuqualak, town of	Noxubee	781208	290485 Ritchey, town of	Newton	750110	310360 Creighton, city of	Knox	761112
280323 Silver City, town of	Humphreys	790914	290438 Rockaway Beach, town of	Taney	750110	310427 Cuming County*	Cuming	770816
280226 Silver Creek, town of	Lawrence	750711	290518 Rockville, city of	Bates	750221	310086 Curtis, city of	Frontier	760402
280306 Smith County*	Smith	780421	290008 Rosendale, city of	Andrew	750214	310428 Custer County*	Custer	780314
280325 Smithville, town of	Monroe	790216	290665 Shelby, city of	Shelby	750425	310058 Dawson County	Dawson	771018
280326 Sumrall, town of	Lamar	790831	290527 South Gorin, city of	Scotland	761105	310430 Deuel County*	Deuel	771101
280282 Tippah County	Tippah	780226	290488 Stella, city of	Newton	750221	310269 Diller, village of	Jefferson	750829
280283 Tishomingo County	Tishomingo	780512	290667 Stockton, city of	Cedar	760702	310270 Dix, village of	Kimball	750926
280263 Toccoola, town of	Pontotoc	741213	290039 Sturgeon, town of	Boone	760423	310272 Duncan, village of	Platte	770218
280237 Union County*	Union	741213	290076 Sumner, town of	Chariton	750110	310276 Eustis, village of	Frontier	750919
280327 Vardaman, town of	Calhoun	790119	290508 Sunnyside, city of	Newton	761105	310061 Farnam, village of	Dawson	741108
280098 Walnut Grove, town of	Leake	740628	290876 Taos, city of	Cole	800304	310088 Gage County	Gage	770809
280328 Walnut, town of	Tippah	790112	290509 Tarsney Lakes, village of	Jackson	761022	310373 Greeley, village of	Greeley	750711
Total of 37 communities.			290228 Tuscumbia, village of	Miller	741025	310234 Guide Rock, village of	Webster	760709
Missouri			290514 Urbana, village of	Dallas	750627	310283 Hardy, village of	Nuckolls	761119
290761 Airport Drive, village of	Jasper	750214	290857 Velda Village Hills, village of	St. Louis	760702	310213 Hay Springs, city of	Sheridan	740322
290005 Amazonia, town of	Andrew	740816	290645 Verona, city of	Lawrence	761015	310286 Hildreth, village of	Franklin	760730
290281 Appleton, city of	St. Clair	750207	290646 Viburnum, city of	Iron	750221	310288 Holstein, village of	Adams	750718
290461 Augusta, village of	St. Charles	741206	290648 Warrenton, city of	Warren	750207	310381 Humphrey, village of	Platte	750711
290767 Bakersfield, village of	Ozark	750425	290483 Wentworth, town of	Newton	750110	310447 Jefferson County*	Jefferson	770621
290770 Bellflower, city of	Montgomery	770517	290635 Westboro, village of	Atchison	750711	310385 Laurel, village of	Cedar	761105
290756 Bevier, city of	Macon	750214	290396 Westwood, town of	St. Louis	760528	310452 Lincoln County*	Lincoln	780411
290006 Bolckow, town of	Andrew	760430	290653 Willard, city of	Greene	761105	310085 Maywood, village of	Franklin	760813
290274 Bragg City, city of	Pemiscot	780207	290452 Williamsville, city of	Wayne	741018	310083 Napoleon, village of	Franklin	760709
290616 Brashear, city of	Adair	750214	290639 Wood Heights, village of	Ray	761105	310394 Orleans, city of	Harlan	760709
290759 Braymer, city of	Caldwell	750425	290033 Zalma, village of	Bollinger	741025	310465 Phelps County*	Phelps	770816
290618 Bronaugh, city of	Vernon	760625	Total of 96 communities.			310175 Plainview, city of	Pierce	760702
290111 Bunceton, city of	Cooper	750425	Montana			310467 Platte County*	Platte	770816
290850 Caledonia, village of	Washington	761105	300066 Bainville, town of	Roosevelt	750103	310316 Polk, village of	Polk	750627
290624 Camden, city of	Ray	760528	300090 Brockton, town of	Roosevelt	750627	310138 Raymond, village of	Lancaster	741018
290249 Catron, town of	New Madrid	760528	300091 Clyde Park, town of	Park	750103	310469 Red Willow County*	Red Willow	771227
290601 Cobalt city, village of	Madison	760326	300016 Deer Lodge County*	Deer Lodge	770607	310084 Riverton, village of	Franklin	761029
290196 Conway, town of	Laclede	740510	300092 Dutton, town of	Teton	750425	310214 Rushville, city of	Sheridan	740503
290605 Cowgill, town of	Caldwell	750418	300111 Ekalaka, town of	Carter	670716	310489 Santee, village of	Knox	790814
290610 Cross Timbers, village of	Hickory	750221	300070 Forsyth, city of	Rosebud	740308	310316 Scotia, village of	Greeley	750502
290613 Des Arc, village of	Iron	750418	300013 Fort Benton, city of	Chouteau	740510	310474 Seward County*	Seward	770607
290465 Dewitt, city of	Carroll	740906	300150 Garfield County*	Garfield	790320	310475 Sheridan County*	Sheridan	771122
290219 Elmer, city of	Macon	741206	300151 Glacier County*	Glacier	771227	310034 South Bend, village of	Cass	790710
290593 Frankford, city of	St. Francois	750221	300095 Hingham, town of	Hill	750711	310106 Stockham, village of	Hamilton	741206
290477 Fremont, village of	Pike	770107	300116 Jordan, town of	Garfield	750627	310172 Table Rock, village of	Pawnee	741101
290431 Galena, city of	Carter	750221	300096 Kevin, town of	Toole	750627	310326 Theford, village of	Thomas	750711
290733 Gallatin, city of	Stone	740830	300159 Mineral County*	Mineral	780214	310335 Wilsonville, village of	Furnas	761203
290734 Gerald, city of	Daviess	750214	300174 Musselshell County*	Musselshell	790529	Total of 64 communities.		
290460 Grandin, city of	Franklin	760604	300119 Polson, city of	Lake	750926	Nevada		
290573 Hillsboro, city of	Carter	741108	300163 Powder River County*	Powder River	790515	320030 Churchill County*	Churchill	771227
290714 Holden, city of	Jefferson	761022	300164 Prairie County*	Prairie	790508	320033 Storey County*	Storey	780110
290576 Houston Lake, village of	Johnson	760409	300122 Ronan, city of	Lake	750425	320012 Winnemucca, city of	Humboldt	760423
290575 Houstonia, city of	Platte	770621	300166 Roosevelt County*	Roosevelt	791204	Total of 3 communities.		
290715 Humansville, city of	Pettis	750919	300069 Rosebud County*	Rosebud	740802	New Hampshire		
290577 Hume, city of	Polk	750711	300072 Sanders County*	Sanders	771227	330152 Acworth, town of	Sullivan	740913
290359 Huntleigh, town of	Bates	750221	300125 Shelby, city of	Toole	760402	330174 Albany, town of	Carroll	750117
290580 Iron Gates, village of	Madison	750919	300126 Sheridan, town of	Madison	750919	330041 Alexandria, town of	Grafton	750221
290446 Irontide, town of	St. Louis	760625	300076 Silver Bow County*	Silver Bow	770617	330175 Atkinson, town of	Rockingham	750103
290724 Knob Noster, city of	Jasper	750214	300127 Sunburst, town of	Toole	750110	330180 Brookline, town of	Hillsborough	750404
290698 Lake Ozark, city of	Washington	770513	300130 Thompson Falls, town of	Sanders	750207	330126 Candia, town of	Rockingham	750221
290558 Lake Winnebago, village of	Johnson	750627	Total of 28 communities.			330181 Chatham, town of	Carroll	750103
290559 Lanagan, city of	Camden	770726	Nebraska			330183 Chesterfield, town of	Cheshire	750221
290705 Lawson, city of	McDonald	770225	310412 Antelope County*	Antelope	771227	330182 Chester, town of	Rockingham	750221
290707 Lexington, city of	Clay	760604	310342 Arnold, village of	Custer	750815	330109 Chichester, town of	Merrimack	740405
290053 Linn Creek, city of	Lafayette	750725	310006 Arthur, village of	Arthur	750110	330184 Clarksburg, town of	Coos	750103
290115 Lock Springs, town of	Camden	741025	310246 Ashton, village of	Sherman	750711	330111 Danbury, town of	Merrimack	770614
290565 Marquand, city of	Daviess	750711	310343 Atkinson, city of	Holt	761105	330199 Darville, town of	Rockingham	750117
290444 Marthasville, city of	Madison	750418	310249 Belgrade, village of	Nance	750502	330050 Dorchester, town of	Grafton	750314
290271 Meta, town of	Warren	740913				330201 Dummer, town of	Coos	750117
290271 Meta, town of	Osage	740913				330202 Dunbar, town of	Merrimack	750117
290568 Middletown, city of	Montgomery	780806				330204 Eaton, town of	Carroll	750117
						330012 Effingham, town of	Carroll	750117
						330206 Errol, town of	Coos	750117
						330207 Fitzwilliam, town of	Cheshire	761126
						330013 Freedom, town of	Carroll	740830

Identification No. and community name	County	Original hazard date
330131 Fremont, town of	Rockingham	740809
330208 Gilmanton, town of	Belknap	750117
330254 Grafton, town of	Grafton	750117
330212 Harrisville, town of	Cheshire	750124
330216 Kensington, town of	Rockingham	770906
330217 Kingston, town of	Rockingham	750117
330060 Landaff, town of	Grafton	741206
330159 Langdon, town of	Sullivan	750103
330160 Lempster, town of	Sullivan	750131
330062 Lincoln, town of	Grafton	750221
330117 Loudon, town of	Merrimack	740802
330218 Lyndeborough, town of	Hillsborough	750221
330219 Madbury, town of	Grafton	750117
330220 Madison, town of	Carroll	750117
330221 Mason, town of	Hillsborough	750221
330222 Middleton, town of	Stratford	750131
330035 Milan, town of	Coos	740628
330149 Milton, town of	Stratford	750207
330068 Monroe, town of	Grafton	741129
330224 Mount Vernon, town of	Hillsborough	750117
330015 Moultonborough, town of	Carroll	770211
330229 Newington, town of	Rockingham	750221
330069 Orange, town of	Grafton	750110
330186 Pittsburg, town of	Coos	750131
330187 Randolph, town of	Coos	750103
330188 Richmond, town of	Cheshire	750103
330073 Rumney, town of	Grafton	740315
330191 Sandown, town of	Rockingham	750103
330193 South Hampton, town of	Rockingham	750228
330163 Springfield, town of	Sullivan	771108
330195 Stoddard, town of	Cheshire	750117
330170 Surry, town of	Cheshire	750103
330173 Troy, town of	Cheshire	750103
330165 Unity, town of	Sullivan	740531
330168 Warren, town of	Grafton	740913
330166 Washington, town of	Sullivan	741227
330235 Weare, town of	Hillsborough	750214
330124 Wilnot, town of	Merrimack	740816

Total of 59 communities.

New Jersey

340540 Mendham, borough of	Morris	750131
340549 Newfield, borough of	Gloucester	770701
340455 Sandyston, township of	Sussex	771021
340212 South Harrison, township of	Gloucester	740628
340533 Tabernacle, township of	Burlington	750207
340479 Winfield, township of	Union	740308

Total of 6 communities.

New Mexico

350098 Capitan, village of	Lincoln	780625
350110 Carrizozo, town of	Lincoln	750822
350050 Chama, village of	Rio Arriba	740816
350125 Chaves County*	Chaves	780613
350127 Curry County*	Curry	780207
350112 Dexter, town of	Chaves	750502
350140 Eagle Nest, Village of	Colfax	791218
350121 Grant County	Grant	770809
350122 Lincoln County	Lincoln	780328
350114 Loving, village of	Eddy	750808
350076 Magdalena, village of	Socorro	740802
350106 Maxwell, village of	Colfax	750919
350039 McKinley County	McKinley	780704
350116 Questa, village of	Taos	750117
350141 Reserve, village of	Catron	790814
350108 Roy, village of	Harding	760716
350132 San Miguel County*	San Miguel	770816
350055 Sandoval County*	Sandoval	771129
350133 Torrance County*	Torrance	780411

Total of 19 communities.

New York

361379 Altona, town of	Clinton	750103
361260 Amboy, town of	Oswego	741115
360518 Ava, town of	Oneida	740628
361392 Belmont, town of	Franklin	750117
361415 Boylston, town of	Oswego	750103
360521 Bridgewater, town of	Oneida	740906
361128 Broadalbin, town of	Fulton	740920
361480 Brushton, village of	Franklin	741115
361394 Burke, town of	Franklin	780217
360524 Clayville, village of	Oneida	740524
361380 Clinton, town of	Clinton	750124

Identification No. and community name	County	Original hazard date
360300 Danube, town of	Herkimer	740405
360364 Diana, town of	Lewis	740913
361122 Dickinson, town of	Franklin	741108
361382 Ellenburg, town of	Clinton	750314
361325 Freetown, town of	Cortland	750117
361587 German, town of	Chenango	770729
360651 Hannibal, town of	Oswego	761001
361451 Harrisville, village of	Lewis	741115
361234 Hartford, town of	Washington	741227
361196 Jefferson, town of	Schoharie	770812
361131 Johnstown, town of	Fulton	741025
360309 Litchfield, town of	Herkimer	740315
361406 Long Lake, town of	Hamilton	750725
361125 Moira, town of	Franklin	741115
361488 Mooers, village of	Clinton	750103
361389 Moriah, town of	Essex	741122
361019 Nelsonville, village of	Putnam	771216
361400 Northampton, town of	Fulton	750131
361408 Ohio, town of	Herkimer	750103
361526 Oneida Castle, village of	Oneida	761126
361134 Oppenheim, town of	Fulton	741108
361263 Palermo, town of	Oswego	750207
360375 Pinckney, town of	Lewis	740906
361190 Providence, town of	Saratoga	741115
361265 Redfield, town of	Oswego	741122
360541 Remsen, village of	Oneida	770304
361121 Russia, town of	Herkimer	741101
361505 Savannah, village of	Wayne	760827
360100 South Valley, town of	Cattaraugus	740906
360555 Steuben, town of	Oneida	740628
361157 St. Armand, town of	Essex	741025
360733 Victory, village of	Saratoga	740405
360563 Waterville, village of	Oneida	740814
361267 Williamstown, town of	Oswego	741101

Total of 45 communities.

North Carolina

370398 Alexander County*	Alexander	780809
370004 Alleghany County	Alexander	770701
370407 Arlington, town of	Yadkin	790119
370288 Bath, town of	Beaufort	770708
370088 Battleboro, town of	Edgecomb	750815
370183 Bayboro, town of	Pamlico	760730
370290 Bertie County	Bertie	780929
370394 Bolivia, town of	Brunswick	770610
370395 Calabash, town of	Brunswick	770610
370408 Casar, town of	Cleveland	781117
370300 Caswell County	Caswell	780203
370299 Chatham County	Chatham	780519
370063 Clay County	Clay	810717
370302 Cleveland County	Cleveland	780616
370409 Coffee, village of	Hertford	800307
373210 Cramerton, town of	Gaston	750711
370322 Dallas, town of	Gaston	750627
370359 East Laurinburg, town of	Scotland	750711
370352 Faith, town of	Rowan	751017
370377 Franklin County	Caswell	780915
370325 Granville County	Granville	780421
370378 Greene County*	Greene	771202
370431 Hayesville, town of	Clay	810721
370130 Hertford County	Hertford	780602
370405 High Shoals, city of	Gaston	781103
370326 Hookerton, town of	Greene	750926
370383 Jupiter, town of	Buncombe	761029
370319 Kernersville, town of	Forsyth	770527
370384 Laurel Park, town of	Henderson	760811
370303 Lawndale, town of	Cleveland	750711
370317 Leggett, town of	Edgecombe	770701
370323 Lowell, town of	Gaston	750815
370150 Macon County*	Macon	780630
370418 Minnesott Beach, town of	Pamlico	790302
370309 Mocksville, town of	Davie	750711
370336 Montgomery County	Montgomery	781013
370349 Orum, town of	Robeson	750425
370346 Person County	Person	780210
370429 Pikesville, town of	Wayne	810313
370420 Pittsboro, town of	Chatham	781020
370286 Polkton, town of	Anson	780210
370324 Ranko, town of	Gaston	750627
370348 Richmond County	Richmond	780728
370106 Robbinsville, town of	Graham	740614
370350 Rockingham County	Rockingham	780616
370347 Roxboro, city of	Sampson	780113
370355 Ruth, town of	Rutherford	770401
370422 Severn, town of	Northampton	781103
370423 Sims, town of	Wilson	790112

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370406 Spencer Mountain, town of	Gaston	780714
370371 Stantonsburg, town of	Wilson	751003
370366 Vance County	Vance	780804
370360 Wagram, town of	Scotland	750808
370254 Wayne County*	Wayne	741227
370281 Webster, town of	Jackson	780210
370370 Wilson County	Wilson	780310
370345 Winfall, town of	Perquimans	750725
370400 Yadkin County*	Yadkin	780505

Total of 58 communities.

North Dakota

380151 Abercrombie, city of	Richland	761029
380216 Bow Bells, city of	Burke	750207
380121 Courtenay, city of	Stutsman	741227
380039 Dawson, city of	Kidder	741206
380169 Flaxton, city of	Burke	750207
380170 Fordville, city of	Walsh	760804
380171 Fortuna, city of	Divide	750725
380173 Gladstone, city of	Stark	760813
380175 Golden Valley, city of	Mercer	750627
380099 Great Bend, city of	Richland	760730
380178 Hannaford, city of	Griggs	750117
380179 Hoople, city of	Walsh	760813
380037 Marvel, city of	Grand Forks	750110
380008 Maxbass, city of	Grand Forks	741122
380109 McClusky, city of	Sheridan	761105
380124 Medina, city of	Stutsman	741220
380125 Montpelier, city of	Stutsman	741115
380242 New England, city of	Hettinger	760716
380031 New Rockford, city of	Eddy	731123
380192 Osnabrock, city of	Cavalier	750221
380195 Plaza, city of	Mountrail	760813
380199 Reynolds, city of	Grand Fork	761029
380248 Richland County	Stark	760806
380098 Richland County	Richland	810203
380647 South Heart, city of	Stark	810428
380318 Stanley, city of	Mountrail	770719
380250 Stanton, city of	Mercer	760402
380210 Tower City, city of	Barnes	750110
380130 Trail County	Trail	801216
380637 Walcott, city of	Richland	800401
380063 Washburn, city of	McLean	740322
380319 Williston, city of	Williams	780516

Total of 32 communities.

Ohio

390684 Arcanum, village of	Darke	780113
390207 Arlington Heights, village of	Hamilton	740201
390760 Athens County*	Athens	771209
390761 Auglaize County*	Auglaize	780512
390159 Baltimore, village of	Fairfield	740621
390805 Beloit, village of	Mahoning	770826
390650 Berlin Heights, village of	Erie	740405
390674 Bethesda, village of	Belmont	750207
390074 Blanchester, village of	Clinton	740405
390643 Bolivar, village of	Tuscarawas	761029
390728 Buchtel, village of	Athens	750207
390816 Buckland, village of	Auglaize	780202
390753 Burbank, village of	Wayne	750418
390488 Burgoon, village of	Sandusky	740802
390037 Butler County*	Butler	771223
390801 Cairo, village of	Allen	770715
390461 Camden, village of	Preble	740510
390763 Carroll County*	Carroll	771104
390817 Carroll, village of	Fairfield	780922
390685 Castine, village of	Darke	770715
390818 Chaffield, village of	Crawford	781027
390819 Cherry Fork, village of	Adams	780922
390820 Clarksville, village of	Clinton	781110
390821 Clayton, village of	Montgomery	781110
390822 Coolville, village of	Athens	781103
390823 Cortland, town of	Trumbull	781006
390555 Corwin, village of	Warren	760716
390811 Crawford County*	Crawford	780120
390575 Creston, village of	Wayne	740201
390187 Crown City, village of	Gallia	750110
390824 Cumberland, village of	Guernsey	780915
390262 Dasher, village of	Henry	760723
390826 Edgerton, village of	Williams	780929
390827 Edon, village of	Williams	781006
390656 Elda, village of	Allen	740329
390828 Englewood, city of	Montgomery	781103
390314 Fairport Harbor, village of	Lake	760723
390164 Fayette County*	Fayette	771209

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
390788 Fayetteville, village of	Brown	770805	400261 Bessie, town of	Washita	750815	400448 Vici, town of	Dewey	761105
390829 Fayette, village of	Fulton	780915	400346 Bethel Acres, town of	Pottawatomie	761231	400105 Washington, town of	McClain	760709
390830 Fort Laramie, village of	Shelby	780922	400347 Billings, town of	Noble	760813	400338 Waukomis, town of	Garfield	770204
390426 Frazeyburg, village of	Muskingum	740830	400263 Bradley, town of	Grady	760813	400451 Welch, town of	Craig	760716
390804 Freeport, village of	Harrison	771028	400465 Bridgeport, town of	Caddo	770401	400452 Wellston, town of	Lincoln	760409
390264 Hamler, village of	Henry	740412	400149 Burbank, town of	Osage	750110	400339 West Siloam Springs, town of	Delaware	760409
390767 Hancock County*	Hancock	771230	400266 Butler, town of	Custer	761105	400455 Yale, city of	Payne	750822
390250 Hardin County*	Hardin	750103	400479 Caddo County*	Caddo	780103	Total of 104 communities.		
390769 Highland County*	Highland	771216	400270 Camargo, town of	Dewey	750919	Oregon		
390505 Jackson Center, village of	Shelby	740531	400273 Caney, town of	Atoka	760409	410285 Adrian, city of	Malheur	790529
390246 Jenera, village of	Hancock	740809	400355 Caramen, town of	Alfalfa	750919	410037 Prescott, city of	Columbia	750110
390834 Junction City, village of	Perry	790105	400030 Carter County*	Carter	770705	Total of 2 communities.		
390306 Knox County*	Knox	750131	400276 Carter, town of	Beckham	760402	Pacific Trust		
390806 La Grange, town of	Lorain	771223	400278 Castle, town of	Okfuskee	760507	750001 Marina District		780815
390803 Lafayette, village of	Allen	780120	400187 Chelsea, city of	Rogers	731228	Total of 1 community.		
390835 Laura, village of	Miami	781006	400488 Cherokee County*	Cherokee	780110	Pennsylvania		
390270 Leesburg, village of	Highland	740405	400281 Colcord, town of	Delaware	761119	422508 Addison, township of	Somerset	750103
390050 Leesville, village of	Carroll	740920	400253 Colony, town of	Washita	760813	422509 Allegheny, township of	Somerset	750103
390836 Limaville, village of	Stark	780922	400489 Comanche County*	Comanche	780620	422297 Atwood, borough of	Armstrong	750131
390346 Lorain County*	Lorain	770603	400156 Commerce, city of	Ottawa	780804	421859 Belfast, township of	Fulton	741220
390661 Lucas, village of	Richland	740405	400225 Corn, town of	Washita	750110	421332 Bloomfield, township of	Bedford	750131
390838 Ludlow Falls, village of	Miami	780929	400122 Council Hill, town of	Muskogee	741213	421515 Boggs, township of	Clearfield	741115
390839 Magnetic Springs, village of	Union	781006	400363 Cowlington, town of	Leflore	770311	422511 Brothersvalley, township of	Somerset	750110
390756 Marseilles, village of	Wyandot	750418	400097 Coyle, town of	Logan	760813	421660 Brush Creek, township of	Fulton	750328
390718 McArthur, village of	Vinton	761126	400490 Creek County*	Creek	810519	421054 Burlington, township of	Bradford	740913
390254 McGuffey, village of	Hardin	740510	400282 Cromwell, town of	Seminole	760813	422545 Cherry Grove, township of	Warren	741227
390799 Mifflin, village of	Ashland	770708	400364 Cyril, town of	Caddo	760402	421334 Colerain, township of	Bedford	750103
390689 Millersport, village of	Fairfield	750131	400226 Dacula, town of	Woods	741108	421715 Conemaugh, township of	Indiana	741206
390842 Mineral City, village of	Tuscarawas	781006	400502 Delaware County*	Nowata	810303	422404 Cooke, township of	Cumberland	770128
390396 Montezuma, village of	Mercer	740809	400367 Delaware, town of	Nowata	760409	421176 Deerfield, township of	Tioga	740830
390746 Morral, village of	Marion	750418	400369 Dickson, town of	Carter	760730	422431 Dunkard, township of	Greene	750110
390868 Morrow County*	Morrow	780804	400377 Fairland, town of	Ottawa	760409	422189 Fairfield, township of	Westmoreland	740906
390621 Mount Orab, village of	Brown	750725	400379 Forest Park, town of	Oklahoma	760625	422049 Fairhope, township of	Somerset	741115
390844 Mount Sterling, village of	Madison	780929	400381 Geary, city of	Blaine	761029	422288 Franklin, township of	Chester	741129
390843 Munroe Falls, village of	Summit	781013	400032 Gene Autry, town of	Carter	741108	421399 Herrick, township of	Bradford	750404
390722 Nevada, village of	Wyandot	750214	400013 Greenfield, town of	Blaine	740830	420502 Jacksonville, borough of	Indiana	741213
390847 New Concord, village of	Muskingum	780908	400388 Helena, town of	Alfalfa	760402	422601 Jackson, township of	Lycoming	750328
390848 New Knoxville, village of	Auglaize	781006	400467 Hughes County*	Hughes	770809	421342 King, township of	Bedford	750131
390849 New Vienna, village of	Clinton	790112	400024 Hydro, town of	Caddo	740726	421305 Kittanning, township of	Armstrong	761217
390850 Ney, village of	Defiance	790105	400288 Indianola, town of	Pittsburg	760402	422515 Larimer, township of	Somerset	750110
390285 North Fairfield, village of	Huron	740315	400007 Jet, town of	Alfalfa	741206	420309 Lumber City, borough of	Clearfield	750214
390851 Philo, village of	Muskingum	790330	400290 Kansas, town of	Delaware	750926	422606 Markleysburg, borough of	Fayette	761015
390287 Plymouth, village of	Huron	740503	400392 Keyes, town of	Delaware	750926	421935 McEwensville, borough of	Northumberland	741227
390852 Port William, village of	Clinton	781013	400394 Kingston, town of	Cimarron	760813	421881 Menno, township of	Mifflin	741122
390465 Putnam County*	Putnam	770812	400168 Kiowa, town of	Marshall	760402	422353 Mercer, township of	Bulter	750110
390854 Quincy, village of	Logan	781006	400294 Lahoma, town of	Pittsburg	760625	422263 Muster, township of	Cambria	741122
390802 Rendville, village of	Perry	771202	400484 Le Flore County*	Garfield	761203	421615 Ohiopyle, borough of	Fayette	750131
390476 Richland County*	Richland	780224	400299 Lehigh, city of	Leflore	780110	421313 Plumcreek, township of	Armstrong	740906
390645 Rogers, village of	Columbiana	740322	400301 Lima, town of	Coal	761029	421350 South Woodbury, township of	Bedford	750207
390706 Sarahsville, village of	Noble	750328	400096 Logan county*	Seminole	761210	421351 Southampton, township of	Bedford	750131
390789 Sardinia, village of	Brown	780113	400083 Logan, town of	Logan	741227	421328 St. Clairsville, borough of	Bedford	750131
390858 Sencceaville, village of	Guernsey	781006	400308 Mannford, town of	Kingfisher	750425	421531 Union, township of	Clearfield	750117
390859 Sherwood, village of	Defiance	781006	400303 Mannsville, town of	Creek	761112	420316 Wallacetown, borough of	Clearfield	741108
390046 Somerville, village of	Butler	750725	400305 Marland, town of	Johnston	750926	422526 Wellersburg, borough of	Somerset	750131
390485 South Salem, village of	Ross	740823	400306 Marshall, town of	Noble	760813	421723 West Mahoning, township of	Indiana	750124
390860 South Zanesville, village of	Muskingum	781020	400458 Mayes County	Logan	760813	Total of 39 communities.		
390862 Stryker, village of	Williams	790119	400106 McCurtain County	Mayes	771122	South Carolina		
390632 Swanton, village of	Fulton	750725	400308 Milburn, town of	McCurtain	780711	450227 Abbeville County*	Abbeville	780210
390064 Tremont City, village of	Clark	780519	400309 Mill Creek, town of	Johnston	750926	450201 Allendale County*	Allendale	741129
390716 Unionville Center, village of	Union	761015	400406 Milco, town of	Johnston	760813	450203 Bamberg County*	Bamberg	741129
390648 Van Buren, village of	Hancock	740322	400408 Mounds, town of	Grady	770128	450204 Barnwell County*	Barnwell	741220
390475 Vaughnsville, town of	Putnam	741115	400491 Muskogee County*	Creek	760625	450116 Bethune, town of	Kershaw	750718
390553 Vinton County*	Vinton	810109	400311 Nash, town of	Muskogee	780314	450148 Blenheim, town of	Marlboro	770812
390087 Washingtonville, village of	Columbiana	731109	400312 New Prue, town of	Grant	760702	450032 Camperon, town of	Calhoun	750103
390293 Wellston, city of	Jackson	740215	400426 North Miami, town of	Osage	760521	450236 Chapin, town of	Lexington	780922
390864 West Farmington, village of	Trumbull	780929	400314 Oaks, town of	Ottawa	760409	450228 Chesterfield County*	Chesterfield	780609
390638 West Jefferson, village of	Madison	750725	400317 Paoli, town of	Delaware	750829	450237 Chesterfield, town of	Chesterfield	780922
390865 Wharton, village of	Wyandot	790112	400158 Peoria, town of	Washington	760409	450124 Cross Hill, town of	Laurens	740906
390867 Willshire, village of	Van Wert	781020	400431 Perkins, town of	Creek	761112	450060 Darlington County*	Darlington	741227
390798 Yankee Lake, village of	Trumbull	770729	400027 Piedmont, town of	Okmulgee	760207	450064 Dillon County*	Dillon	771209
Total of 108 communities.			400433 Pond Creek, city of	Logan	780813			
Oklahoma			400495 Pototoc County*	Ottawa	760813			
400255 Achille, town of	Bryan	760402	400436 Quapaw, town of	Roger Mills	761112			
400501 Adair County*	Adair	810102	400322 Reydton, town of	Payne	770621			
400256 Adair, town of	Mayes	760402	400324 Ripley, town of	Mayes	760702			
400074 Addison, town of	Jefferson	741018	400118 Salina, town of	Washita	761112			
400259 Asher, town of	Pottawatomie	760604	400442 Sentinel, city of	Sequoyah	810421			
400508 Atoka County		810814	400503 Sequoyah County*	Woodward	760813			
			400231 Sharon, town of	Carter	761217			
			400034 Springer, town of	Colton	760716			
			400418 Temple, town of	Coal	760917			
			400333 Tupelo, city of	Grady	760625			
			400443 Tuttle, town of	Canadian	770114			
			400334 Union city, town of	Stephens	770211			
			400447 Velma, city of	Washington	760716			
			400335 Vera, town of					

Identification No. and community name	County	Original hazard date
450065	Dillon, town of	Dillon..... 740517
450229	Edgefield County*	Edgefield..... 780120
450074	Edgefield, town of	Edgefield..... 740524
450022	Ehrhardt, town of	Bamberg..... 740719
450010	Fairfax, town of	Allendale..... 740531
450132	Gilbert, town of	Lexington..... 741025
450210	Gray Court, town of	Laurens..... 741213
450037	Hollywood, town of	Charleston..... 740906
450063	Lamar, town of	Darlington..... 750718
450126	Lee County	Lee..... 780303
450241	Lockhart, town of	Union..... 780126
450242	Luray, town of	Hampton..... 780915
450128	Lynchburg, town of	Lee..... 750718
450141	Marion County	Marion..... 780106
450146	Marlboro County	Marlboro..... 780224
450225	Mayesville, town of	Sumter..... 760319
450244	Ninety Six, town of	Greenwood..... 780922
450080	Olanda, town of	Florence..... 740524
450081	Pamplico, town of	Greenwood..... 740510
450135	Pelton, town of	Lexington..... 740809
450018	Pelzer, town of	Anderson..... 760618
450218	Reevesville, town of	Dorchester..... 741227
450165	Rowesville, town of	Orangeburg..... 740920
450212	Salem, town of	Oconee..... 741108
450230	Saluda County*	Saluda..... 780120
450145	Sellers, town of	Marion..... 740607
450155	Silverstreet, town of	Newberry..... 750124
450057	Smocks, town of	Colleton..... 740906
450246	Society Hill, town of	Darlington..... 781013
450072	St. George, town of	Dorchester..... 760723
450011	Sycamore, town of	Allendale..... 741025
450185	Union County*	Union..... 780526
450248	Ware Shoals, town of	Anderson..... 780901

Total of 46 communities.

South Dakota

460153	Alexandria, city of	Hanson..... 750627
460096	Alpena, town of	Jerauld..... 750926
460098	Aurora, town of	Brookings..... 750627
460305	Batesland, town of	Shannon..... 800513
460251	Beadle County*	Beadle..... 780110
460156	Big Stone City, city of	Grant..... 761112
460099	Bison, town of	Perkins..... 761105
460158	Bridgewater, city of	McCook..... 761119
460247	Buffalo Gap, town of	Custer..... 761105
460037	Buffalo, town of	Harding..... 761105
460236	Butte County	Butte..... 771220
460162	Canistota, city of	McCook..... 760813
460102	Canova, town of	Miner..... 770520
460163	Centerville, city of	Turner..... 760813
460257	Charles Mix County*	Charles Mix..... 780110
460013	Clark, city of	Clark..... 760312
460259	Clay County*	Clay..... 771018
460166	Colton, city of	Minnehaha..... 760813
460008	Columbia, city of	Brown..... 741206
460107	Cresbard, town of	Faulk..... 750718
460020	Davison County	Davison..... 770520
460169	Dupree, city of	Ziebach..... 750425
460170	Eagle Butte, town of	Dewey..... 761112
460173	Eureka, city of	McPherson..... 760718
460238	Fall River County	Fall River..... 771101
460112	Gary, town of	Deuel..... 750627
460270	Hanson County*	Hanson..... 770816
460180	Hartford, city of	Minnehaha..... 760716
460115	Hayti, town of	Hamlin..... 750627
460230	Hermosa, town of	Custer..... 770121
460181	Herreid, city of	Campbell..... 750711
460271	Hughes County*	Hughes..... 780110
460119	Hurley, town of	Turner..... 760716
460041	Hutchinson County	Hutchinson..... 770603
460185	Kadoka, city of	Jackson..... 760716
460186	Kimball, city of	Brule..... 750808
460192	Lennox, city of	Lincoln..... 750926
460126	Letcher, town of	Sanborn..... 761112
460277	Lincoln County*	Lincoln..... 771025
460197	Marion, city of	Turner..... 760702
460195	McIntosh, city of	Corson..... 750919
460208	Murdo, city of	Jones..... 750919
460209	Newell, city of	Butte..... 750718
460245	Nisland, town of	Butte..... 770204
460128	Oacoma, town of	Lyman..... 770107
460211	Parker, city of	Turner..... 750627
460297	Presho, city of	Lyman..... 770719
460133	Pukwana, town of	Brule..... 750919
460214	Selby, city of	Walworth..... 750725
460140	Spencer, town of	McCook..... 761112
460138	St. Francis, town of	Todd..... 750919
460139	St. Lawrence, town of	Hand..... 750718
460142	Tabor, town of	Bon Homme..... 760625
460218	Timber Lake, city of	Dewey..... 761112

Identification No. and community name	County	Original hazard date
460082	Turton, town of	Spink..... 741220
460224	Wagner, city of	Charles Mix..... 760813
460298	Warner, town of	Brown..... 800422
460250	Wasta, town of	Pennington..... 761224
460147	Wessington, town of	Beadle..... 750822
460014	Willow Lake, town of	Clark..... 770520
460150	Wosley, town of	Beadle..... 760813

Total of 61 communities.

Tennessee

470234	Adair, town of	Madison..... 750207
470159	Adams, town of	Robertson..... 741115
470245	Alamo, town of	Crockett..... 770311
470293	Armore, town of	Giles..... 761217
470294	Baileytown, town of	Greene..... 760903
470006	Bedford County	Bedford..... 771223
470220	Bells, town of	Crockett..... 750110
470218	Benton County	Benton..... 750110
470128	Bethel Springs, town of	McNairy..... 740628
470295	Big Sandy, town of	Benton..... 760924
470219	Bledsoe County	Bledsoe..... 790216
470356	Blount County*	Blount..... 770826
470296	Bluff City, town of	Sullivan..... 760702
470081	Bolivar, city of	Hardeman..... 761112
470357	Bradley County*	Bradley..... 770708
470244	Bruce, town of	Carroll..... 760702
470373	Burlison, town of	Tipton..... 781013
470368	Cannon County*	Cannon..... 790105
470222	Carroll County	Carroll..... 771104
470298	Caryville, town of	Campbell..... 760903
470374	Centertown, town of	Warren..... 780922
470120	Cahpel Hill, town of	Marshall..... 740614
470348	Chester County*	Chester..... 781117
470382	Clay County	Clay..... 790330
470225	Coalmont, town of	Grundy..... 760924
470355	Coffee County*	Coffee..... 770805
470324	Collinsville, city of	Wayne..... 760604
470325	Cornersville, town of	Marshall..... 760917
470383	Crockett County*	Crockett..... 790112
470375	Cumberland city, town of	Stewart..... 781103
470037	Cumberland County	Cumberland..... 770902
470326	Cumberland Gap, town of	Claiborne..... 760528
470041	Decatur County	Decatur..... 770805
470300	Decaturville, town of	Decatur..... 760924
470369	DeKalb County*	DeKalb..... 781208
470335	Dickson, city of	Dickson..... 760709
470237	Dover, town of	Stewart..... 771209
470240	Dresden, town of	Weakley..... 761210
470376	East View, town of	McNairy..... 781110
470064	Elkton, city of	Giles..... 760604
470271	Englewood, city of	McMinn..... 740517
470221	Enville, town of	Chester..... 761029
470301	Ethridge, city of	Lawrence..... 760702
470242	Fairview, city of	Williamson..... 750411
470343	Fentress County*	Fentress..... 771209
470129	Finger, town of	McNairy..... 740906
470344	Franklin County*	Franklin..... 780331
470302	Friendsville, city of	Blount..... 760611
470221	Gadsden, town of	Crockett..... 750124
470063	Giles County	Giles..... 780224
470068	Grainger County	Grainger..... 780106
470303	Greenback, city of	Loudon..... 760924
470250	Grundy County*	Grundy..... 780825
470190	Guilt Edge, city of	Tipton..... 740913
470346	Hamblen County*	Hamblen..... 771111
470226	Hancock County	Hancock..... 770817
470225	Hardeman County*	Hardeman..... 780120
470085	Hawkins County	Hawkins..... 771021
470088	Henderson County*	Henderson..... 741220
470259	Henning, town of	Lauderdale..... 750103
470228	Henry County	Henry..... 771230
470091	Hickman County	Hickman..... 781222
470288	Hohenwald	Lewis..... 760924
470305	Hollow Rock, city of	Carroll..... 760625
470288	Hornsby, city of	Hardeman..... 760305
470347	Houston County*	Houston..... 770819
470229	Humphreys County	Humphreys..... 770826
470055	Huntland, town of	Franklin..... 770128
470101	Iron City, city of	Lawrence..... 740614
470370	Jackson County*	Jackson..... 790323
470224	Kenton, town of	Gibson..... 741227
470289	Kingston Springs, city of	Cheatham..... 750718
470354	Lawrence County*	Lawrence..... 771125
470103	Lewis County*	Lewis..... 790209
470104	Lincoln County	Lincoln..... 771028
470146	Lobelville, town of	Perry..... 780113
470306	Loretto, city of	Lawrence..... 760702
470209	Luttrell, city of	Union..... 760903

Identification No. and community name	County	Original hazard date
470065	Lynnville, city of	Giles..... 740614
470371	Macon County*	Macon..... 781027
470307	Madisonville, town of	Monroe..... 761210
470123	Mauzy County	Mauzy..... 771202
470308	McEwen, town of	Humphreys..... 760702
470126	McMinn County	McMinn..... 770701
470127	McNairy County	McNairy..... 771021
470133	Meigs County	Meigs..... 771202
470336	Michie, city of	McNairy..... 761001
470130	Milledgeville, town of	McNairy..... 760702
470066	Minor Hill, city of	Giles..... 760702
470233	Monroe County	Monroe..... 770708
470260	Moore County*	Moore..... 781110
470310	Mosheim, town of	Greene..... 760903
470385	New Market, town of	Jefferson..... 780922
470312	Niota, city of	McMinn..... 760528
470313	Normandy, town of	Bedford..... 760611
470361	Obion County*	Obion..... 780721
470314	Orme, town of	Marion..... 760702
470362	Overton County*	Overton..... 780113
470315	Parrottsville, town of	Cocke..... 760702
470316	Parsons, town of	Decatur..... 760611
470317	Pearyear, town of	Henry..... 760611
470291	Pegram, town of	Cheatham..... 750718
470144	Perry County	Perry..... 781222
470384	Pickett County*	Pickett..... 781229
470378	Pittman Center, town of	Sevier..... 791207
470261	Polk County*	Polk..... 790119
470149	Putnam County*	Putnam..... 740913
470131	Ramer, town of	McNairy..... 741129
470151	Rhea County	Rhea..... 770722
470277	Richard City, city of	Marion..... 740201
470235	Rives, city of	Obion..... 750103
470320	Rockford, town of	Blount..... 760924
470061	Rutherford, town of	Gibson..... 740607
470083	Saltville, town of	Hardin..... 740614
470379	Samburg, town of	Obion..... 780915
470321	Sardis, town of	Henderson..... 760924
470341	Scott County*	Scott..... 771223
470171	Sequatchie County	Sequatchie..... 771021
470236	Sevier County	Sevier..... 771125
470239	Spencer, town of	Van Buren..... 770325
470328	Stantonville, town of	McNairy..... 760611
470256	Stanton, town of	Haywood..... 780310
470180	Stewart County*	Stewart..... 740913
470327	St. Joseph, city of	Lawrence..... 760625
470280	Tellico Plains, city of	Monroe..... 740308
470337	Tennessee Ridge, city of	Houston..... 760625
470281	Townsend, city of	Blount..... 760618
470282	Tracy, city of	Grundy..... 740510
470243	Trezevant, town of	Carroll..... 770225
470329	Tusculum, city of	Greene..... 760702
470194	Union County*	Union..... 781124
470342	Van Buren County*	Van Buren..... 781201
470363	Warren County*	Warren..... 771125
470009	Wartrace, town of	Bedford..... 740614
470331	Watauga, city of	Carter..... 760528
470199	Wayne County*	Wayne..... 790316
470364	Weakley County*	Weakley..... 771216
470365	White County*	White..... 771202
470118	Whitwell, city of	Marion..... 740215
470381	Woodland Mills, city of	Obion..... 780929
470254	Yorkville, city of	Gibson..... 750627

Total of 141 communities.

Texas

481089	Addison, town of	Dallas..... 761029
480960	Adrian, city of	Oldham..... 750725
481546	Alma, town of	Ellis..... 800429
481306	Altoga, city of	Collin..... 780725
480894	Amherst, city of	Lamb..... 750711
480001	Anderson County	Anderson..... 780124
480006	Andrews, city of	Andrews..... 760827
480007	Angelina County*	Angelina..... 741227
481547	Angus, town of	Navarro..... 800506
480982	Annona, town of	Red River..... 760611
481085	Appleby, city of	Nacogdoches..... 760806
481093	Aspermont, town of	Stonewall..... 760813
480776	Aubrey, town of	Denton..... 760604
481561	Aurora, city of	Wise..... 800624
480731	Avinger, town of	Cass..... 760806
480808	Bailey, town of	Fannin..... 761105
480718	Bangs, town of	Brown..... 760806
481087	Bardwell, city of	Ellis..... 760730
480951	Barry, town of	Navarro..... 760730
480642	Barstow, city of	Ward..... 760625
481501	Bartonsville, town of	Denton..... 790612
480830	Bells, town of	Grayson..... 761029
481095	Bellville, city of	Austin..... 761119

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
480888 Benjamin, city of.....	Knox	750627	481104 Gruver, City of.....	Hansford	761105	480950 Navarro County.....	Navarro	771227
481541 Berryville, city of.....	Henderson	790626	480328 Gun Barrel City, City of.....	Henderson	741108	481315 New Deal, city of.....	Lubbock	780516
481088 Blackwell, town of.....	Nolan	750815	480832 Gunter, Town of.....	Grayson	750711	480920 New Home, town of.....	Lynn	750905
480732 Bloomburg, town of.....	Cass	761105	481223 Hale County *	Hale	780103	481153 New Summerfield, city of.....	Cherokee	761119
480984 Bogata, town of.....	Red River	760806	481522 Hallsville, City of.....	McLennan	790515			
481195 Brazos County*	Brazos	771018	480848 Hallsville, City of.....	Harrison	760430	481043 New Waverly, town of.....	Walker	760625
481096 Bremond, city of.....	Robertson	761119	481011 Happy, City of.....	Swisher	750214	481058 Newcastle, city of.....	Young	761217
480398 Briar Oaks, city of.....	Johnson	740329	480847 Harrison County.....	Harrison	770906	480500 Newton, city of.....	Newton	740607
481548 Bronson, city of.....	Sabine	800401	480738 Hart, City of.....	Castro	750627	481297 Nome, city of.....	Jefferson	770712
480717 Brown County.....	Brown	780124	481495 Hebron, City of.....	Denton	790703	481154 Nordheim, city of.....	De Witt	760604
481302 Bruceville-Eddy, city of.....	McLennan	780502	481174 Henderson County.....	Henderson	771122	481083 North Cleveland, city of.....	Liberty	770506
480877 Bryson, city of.....	Jack	750711	481150 Hickory Creek, Town of.....	Denton	760730	480752 Notice, city of.....	Coleman	760702
481549 Buckholts, city of.....	Milam	800318	480843 Hico, City of.....	Hamilton	750822	480852 O'Brien, city of.....	Haskell	750725
481138 Buffalo Gap, town of.....	Taylor	761119	481106 Hill Country Village, Town of.....	Bexar	770823	481533 Oak Grove, town of.....	Kaufman	790717
480904 Buffalo, city of.....	Leon	760820	480857 Hill County.....	Hill	770809	481534 Oak Ridge, town of.....	Kaufman	790626
481189 Burleson County*	Burleson	770617	480352 Hockley County.....	Hockley	771025	480437 Oakwood, town of.....	Leon	740524
480649 Burton, city of.....	Washington	741220	480699 Holliday, City of.....	Archer	750418	480896 Oglesby, city of.....	Coryell	761112
480490 Cactus, city of.....	Moore	740614	481277 Homer, Town of.....	Angelina	770603	480896 Olton, city of.....	Lamb	761001
480364 Caddo Mills, city of.....	Hunt	740628	480869 Hopkins County.....	Hopkins	771227	480495 Omaha, city of.....	Morris	760206
481068 Campbellton, town of.....	Atascosa	760625	480872 Houston County.....	Houston	771101	480874 Onalaska, city of.....	Polk	761126
481504 Campbell, town of.....	Hunt	790410	481535 Howard, City of.....	Donley	800102	480994 Overton, city of.....	Rusk	760813
481550 Caney City, city of.....	Henderson	800617	480833 Howe, Town of.....	Grayson	761029	481082 Ozone, city of.....	Crockett	731207
480730 Cass County.....	Cass	770705	480734 Hughes Springs, City of.....	Cass	780827	480921 O'Donnell, city of.....	Lynn	760827
480737 Castro County.....	Castro	770603	480363 Hunt County.....	Hunt	780822	480764 Paint Rock, town of.....	Concho	760813
480365 Celeste, city of.....	Leon	760813	481077 Huntington, City of.....	Angelina	760730	480209 Palmer, city of.....	Ellis	760813
480905 Centerville, city of.....	Atascosa	760806	480373 Hutchinson County *	Hutchinson	750207	481527 Pattison, town of.....	Waller	790612
480701 Charlotte, city of.....	Cherokee	771227	481294 Impact, Town of.....	Taylor	770610	480486 Patton Village, village of.....	Montgomery	760813
480739 Cherokee County.....	Tyler	760813	481072 Iredell, Town of.....	Bosque	741101	481555 Payne Springs, town of.....	Henderson	800701
481140 Chester, town of.....	Wise	760813	481080 Jasper County.....	Jasper	770517	480773 Pecan Gap, city of.....	Delta	760820
481053 Chico, city of.....	Hardeman	750718	480906 Jewett, Town of.....	Leon	761224	480864 Penelope, town of.....	Hill	760423
481202 Chillicothe, city of.....	Nacogdoches	790703	480879 Johnson County.....	Johnson	770517	480745 Petrolia, town of.....	Clay	761105
481543 Chireno, city of.....	Atascosa	750711	480756 Josephine, City of.....	Collin	760528	480998 Pineland, town of.....	Sabine	761022
480702 Christine, city of.....	Gregg	751107	480882 Joshua, City of.....	Johnson	750627	481528 Plainblank, city of.....	San Jacinto	790501
480535 Clarksville, town of.....	Armstrong	760813	480778 Justin, City of.....	Denton	770603	480526 Polk County.....	Polk	771213
481098 Clarke, city of.....	Howard	760604	481175 Karnes County.....	Karnes	770607	481241 Potter County*	Potter	771206
481099 Coahoma, town of.....	Dallas	731207	481107 Keene, City of.....	Johnson	760604	481544 Prairie View, town of.....	Waller	810331
480169 Cockrell Hill, city of.....	Henderson	790703	481551 Kenedelton, Town of.....	Fort Bend	800429	480724 Putnam, town of.....	Callahan	760813
481507 Coffee City, city of.....	Dallas	760702	481230 Kenedy County *	Kenedy	780117	480645 Pyote, city of.....	Ward	740816
480408 Combine, city of.....	Hopkins	760806	481523 Kenefick, Town of.....	Liberty	790424	481117 Queen City, town of.....	Cass	760423
480870 Como, town of.....	Limestone	760611	481552 Kennard, Town of.....	Houston	800314	480715 Quitaque, city of.....	Briscoe	761022
480911 Collidge, town of.....	Denton	790605	480674 Kermil, City of.....	Winkler	740524	480975 Rains County.....	Rains	771018
481508 Copper Canyon, town of.....	Chambers	790605	480890 Knox City, City of.....	Knox	750815	480205 Ranger, city of.....	Eastland	740517
481510 Cove, town of.....	Hill	790417	480845 Kountze, City of.....	Hardin	760625	480628 Rankin, city of.....	Upton	740510
481511 Covington, city of.....	Kaufman	740308	481012 Kress, City of.....	Swisher	750221	480969 Reno, town of.....	Parker	761105
480409 Crandall, city of.....	Crane	760716	480475 Lacoste, City of.....	Medina	740109	481158 Retreat, town of.....	Navarro	750711
480501 Crane, city of.....	Bosque	790417	480605 Lake Worth, City of.....	Tarrant	761119	480957 Rice, city of.....	Navarro	750926
481512 Cross Plains, town of.....	Callahan	760806	481496 Lakeside City, City of.....	Archer	790703	480562 Richland Springs, city of.....	San Saba	741108
481513 Cross Roads, town of.....	Denton	790605	480278 Lakeview, Town of.....	Hall	741206	480958 Richland, town of.....	Navarro	750725
480871 Cumby, city of.....	Hopkins	760806	480891 Lamar County.....	Lamar	771129	481316 Riesel, town of.....	McLennan	780523
481279 Cut N Shoot, city of.....	Montgomery	770603	481313 Lavin, Town of.....	Collin	780523	481044 Riversdale, town of.....	Walker	761119
480985 Detroit, town of.....	Red River	761224	481015 Lawn, Town of.....	Taylor	760625	480785 Roanoke, city of.....	Denton	750905
481514 Devers, city of.....	Liberty	790424	480980 Leakey, City of.....	Real	770513	480749 Robert Lee, city of.....	Coke	750827
480787 Dickens, city of.....	Dickens	760806	481142 Leary, City of.....	Bowie	761126	480988 Robertson County.....	Robertson	770603
480789 Dimmit County.....	Dimmit	780124	480907 Leona, Town of.....	Leon	761119	480225 Roby, city of.....	Fisher	740517
481515 Domino, city of.....	Cass	790710	481075 Lipan, Village of.....	Hood	761029	481118 Rocksprings, town of.....	Edwards	760723
481309 Dorchester, town of.....	Grayson	780704	481152 Little Elm, Town of.....	Denton	760813	480543 Rockwall County.....	Rockwall	770531
480733 Douglasville, town of.....	Cass	760813	480818 Lockney, Town of.....	Floyd	760702	480577 Roma-Los Saenz, city of.....	Starr	760604
480976 East Tawakoni, town of.....	Rains	761105	480944 Lone Star, Town of.....	Morris	760806			
480793 Eastland County.....	Eastland	771115	481109 Loraine, Town of.....	Mitchell	750627	481061 Rose City, city of.....	Orange	770712
481145 Easton, village of.....	Rusk	750718	480806 Lott, City of.....	Falls	760709	481119 Rosebud, city of.....	Falls	761029
481517 Eastvale, town of.....	Denton	790619	480874 Lovelady, City of.....	Houston	761029	481317 Ross, city of.....	McLennan	780530
480809 Ector, town of.....	Fannin	750711	480915 Lubbock County.....	Lubbock	771129	480816 Round Top, town of.....	Fayette	761029
480763 Eden, village of.....	Concho	750502	480886 Lueders, City of.....	Jones	760813	481120 Runge, town of.....	Karnes	750425
480635 Edgewood, city of.....	Van Zandt	740614	480961 Malone, Town of.....	Hill	760709	480993 Rusk County.....	Rusk	771220
481146 Edom, city of.....	Van Zandt	760813	480736 Marietta, Town of.....	Cass	760625	481039 Sabinal, city of.....	Uvalde	750926
481000 El Dorado, town of.....	Schleicher	760813	480946 Matador, Town of.....	Motely	761105	481160 Sadler, town of.....	Grayson	760702
480710 Elmendorf, city of.....	Bexar	760611	480470 Maverick County.....	Maverick	771220	481556 San Patricio, town of.....	San Patricio	800715
480977 Emory, town of.....	Rains	750808	480208 Maypearl, City of.....	Ellis	741129	481285 Sanctuary, town of.....	Parker	770610
480218 Erath County.....	Erath	771227	480546 Mcclendon-Chisholm, City of.....	Rockwall	750926	480876 Sanford, town of.....	Hutchinson	760813
480277 Estelline, city of.....	Hall	741108				480611 Sansom Prk VII, city of.....	Tarrant	761210
480327 Eustace, city of.....	Henderson	760611	481020 Meadow, Town of.....	Terry	750822	480751 Santa Anna, town of.....	Coleman	750627
480823 Fairfield, town of.....	Freestone	760813	480700 Megargel, Town of.....	Archer	750822	481134 Schulenburg, city of.....	Fayette	760625
480807 Fannin County.....	Fannin	771108	480924 Melvin, Town of.....	McCulloch	761029	481280 Scotland, city of.....	Archer	770614
480544 Fate, city of.....	Rockwall	761105	481016 Merkel, City of.....	Taylor	750502	481161 Scottsville, town of.....	Harrison	761210
480615 Fayette County.....	Fayette	780131	480862 Mertens, Town of.....	Hill	761105	480564 Scurry County.....	Scurry	770510
481147 Fayetteville, Town of.....	Fayette	760806	480376 Mertzon, City of.....	Irion	740726	480332 Seven Points, city of.....	Henderson	761105
480817 Floyd County.....	Floyd	770517	480992 Miles, City of.....	Runnels	760813	480656 Shamrock, city of.....	Wheeler	761022
480226 Floydada, City of.....	Floyd	740531	480679 Mineola, City of.....	Wood	740503	481004 Shelby County.....	Shelby	780801
480228 Fort Bend County *	Fort Bend	760709	480518 Mingo, City of.....	Palo Pinto	750502	480867 Smyer, town of.....	Hockley	760813
480222 Freestone County.....	Freestone	780103	481524 Mobeetie, town of.....	Wheeler	791218	480090 Snook, city of.....	Burleson	761105
480875 Frith, City of.....	Hutchinson	760716	481483 Montgomery, town of.....	Montgomery	761126	481264 Somerset, city of.....	Bexar	770809
480949 Garrison, Town of.....	Nacogdoches	760716	480930 Moody, town of.....	McLennan	760709	481163 Southmayd, town of.....	Grayson	750912
481148 Gary, Town of.....	Panola	761119	481553 Moore Station, city of.....	Henderson	800617	480488 Splendora, city of.....	Montgomery	740830
481521 Gholson, City of.....	McLennan	790501	481123 Morgan, village of.....	Bosque	761112	480897 Springlake, town of.....	Lamb	761022
480435 Giddings, City of.....	Lee	740628	481525 Morgan's Point Resort, town of.....	Bel	790619	480788 Spur, city of.....	Dickens	761112
480880 Godley, Town of.....	Johnson	750822				480965 Strawn, city of.....	Palo Pinto	760716
480828 Goliad, City of.....	Goliad	760716	480943 Morris County.....	Morris	770809	480825 Streetman, town of.....	Freestone	770506
481310 Goliada, City of.....	McLennan	780606	480863 Mount Calm, city of.....	Hill	761105	481318 St. Paul, town of.....	Collin	780606
480963 Gordon, Town of.....	Palo Pinto	761022	481125 Mullin, town of.....	Mills	760611	481531 Sunrise Beach Village, city of.....	Llano	790619
480873 Grapeland, Town of.....	Houston	761119	481554 Mustang, town of.....	Navarro	800506			
			480947 Nacogdoches County.....	Nacogdoches	771227	481024 Swisher County.....	Swisher	771213
						481024 Talco, city of.....	Titus	761022

Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date	Identification No. and community name	County	Original hazard date
480753 Talpa, town of	Coleman	760723	500003 Granville, town of	Addison	750124	550493 Big Falls, village of	Waupaca	740830
481019 Terry County	Terry	770614	500149 Hartland, town of	Windsor	761224	550147 Blue River, village of	Grant	770128
480934 Thorndale, town of	Milam	760813	500313 Hubbardton, town of	Rutland	741213	550018 Cable, village of	Bayfield	740830
480646 Thorntonville, city of	Ward	760813	500252 Irasburg, town of	Orleans	741220	550011 Cameron, village of	Barron	731228
480914 Thornton, town of	Limestone	761105	500253 Jay, town of	Orleans	740913	550358 Cazenovia, village of	Richland	740823
481021 Throckmorton country *	Throckmorton	800527	500188 Kirby, town of	Caledonia	741213	550371 Conrath, village of	Rusk	740830
481023 Titus County	Titus	770603	500048 Lunenburg, town of	Essex	740628	550597 Crivitz, village of	Marquette	780317
480968 Tolar, town of	Hood	750718	500213 Maidstone, town of	Essex	741213	550461 Eagle River, city of	Vilas	731228
481532 Tool, city of	Henderson	790529	500255 Morgan, town of	Orleans	750131	550417 Eland, village of	Shawano	740823
481130 Trent, town of	Taylor	760723	500262 Mt. Tabor, town of	Rutland	750110	550249 Elderon, village of	Marathon	740719
481018 Tye, city of	Taylor	750711	500190 Newark, town of	Caledonia	750110	550129 Fairchild, village of	Eau Claire	740531
481034 Tyler County	Tyler	771108	500238 Newbury, village of	Orange	761126	550250 Fenwood, village of	Marathon	740802
481040 Van Zandt County	Van Zandt	780110	500284 Newfane, village of	Windham	750103	550592 Fontana on Geneva	Walworth	771223
481557 Vinton, town of	El Paso	800624	500180 North Bennington, vil-	Bennington	750221	Lake, village of		
480713 Walnut Springs, city of	Bosque	761001	lage of			550603 Forest County *	Forest	810508
481249 Ward County *	Ward	771025	500214 Norton, town of	Essex	750328	550110 Forestville, village of	Door	731130
481188 Washington County	Washington	770524	500181 Peru, town of	Bennington	750110	550367 Fortville, village of	Rock	740531
480850 Waskom, city of	Harrison	761029	500183 Sandgate, town of	Bennington	750131	550238 Francis Creek, village of	Marinowoc	740517
481059 Webb County	Webb	780509	500286 Saxtons River, village of	Windham	790227	550372 Glen Flora, village of	Rusk	741108
480855 Weinert, city of	Haskell	761112	500184 Searsburg, town of	Bennington	741115	550050 Granton, village of	Clark	740830
480741 Wells, town of	Cherokee	750711	500300 Sharon, town of	Windsor	770204	550202 Hustler, village of	Juneau	740823
480938 Westbrook, city of	Mitchell	761112	500287 Somerset, town of	Windham	741122	550100 Iron Ridge, village of	Dodge	760723
480614 Westlake, city of	Tarrant	761210	500321 Stratton, town of	Windham	750131	550393 Ironton, village of	Sauk	740816
480758 Westminster, town of	Collin	761105	500269 Sudbury, town of	Rutland	750124	550396 Lime Ridge, village of	Sauk	740823
481324 Weston, town of	Collin	780523	500198 Sutton, town of	Caledonia	741213	550102 Lowell, village of	Dodge	740517
480652 Wharton County *	Wharton	740802	500270 Timmouth, town of	Rutland	741206	550434 Lublin, village of	Taylor	740920
480729 White Deer, town of	Carson	760702	500242 Vershire, town of	Orange	750117	550601 Marquette County *	Marquette	810320
480841 White Oak, town of	Gregg	750822	500215 Victory, town of	Essex	741213	550170 Marquette, city of	Green Lake	731218
480942 Willis, city of	Montgomery	760702	500077 Washington, town of	Orange	740628	550419 Mattson, village of	Shawano	740830
480922 Wilson, town of	Lynn	760716	500233 Waterville, town of	Lamolle	741220	550152 Mount Hope, village of	Grant	740830
481025 Winfield, town of	Titus	761112	500272 West Haven, town of	Rutland	750103	550598 Nason, village of	Bayfield	770826
480675 Wink, city of	Winkler	740628	500257 Westfield, town of	Orleans	740906	550205 Necadah, village of	Juneau	740109
480573 Winona, city of	Smith	741101	500203 Westford, town of	Chittenden	750103	550046 New Auburn, city of	Chippewa	740719
481051 Wise County	Wise	770607	500140 Westminster, village of	Windham	741220	550350 North Bay, village of	Racine	740906
481055 Wood County	Wood	770531	500311 Westmore, town of	Orleans	750103	550500 Ogdenburg, village of	Waupaca	740823
481022 Woodson, city of	Throckmorton	761022	500204 Westlock, town of	Caledonia	741115	550113 Oliver, village of	Douglas	740830
480687 Zapata County *	Zapata	740802	500290 Windham, town of	Windham	770906	550427 Oostburg, village of	Sheboygan	740628
Total of 329 communities.			Total of 50 communities.			550155 Potosi, village of	Grant	731228
Utah			510260 Alberta, town of	Brunswick	770225	550401 Prairie Du Sac, village	Sauk	731207
490066 Antimony, town of	Garfield	760402	510242 Belle Haven, town of	Accomack	741101	of		
490194 Bear River, town of	Box Elder	750905	510333 Charlotte County *	Charlotte	780707	550508 Redgranite, village of	Waushara	740517
490002 Beaver, city of	Beaver	740611	510045 Clintwood, town of	Dickenson	770304	550587 Slinger, village of	Washington	771021
490196 Cleveland, town of	Emery	770712	510264 Crews, town of	Nottaway	770211	550231 South Wayne, village of	Lafayette	731207
490015 Cornish, town of	Cache	760402	510268 Gordonsville, town of	Orange	770225	550388 Stanton, town of	St. Croix	741115
490236 Deweyville, town of	Box Elder	770429	510218 Hallwood, town of	Accomack	740809	550387 Star Prairie, village of	St. Croix	731228
490007 Elwood, town of	Box Elder	750124	510316 Hillsboro, town of	Loudoun	750404	550353 Sturtevant, village of	Racine	740524
490169 Enterprise, city of	Washington	740816	510277 Keller, town of	Accomack	770401	550573 Sun Prairie, city of	Dane	771104
490114 Fountain Green, city of	Sanpete	760402	510259 Lovettsville, town of	Loudoun	770415	550599 Taylor County	Taylor	781201
490199 Francis, town of	Summit	750725	510258 Newsums, town of	Southampton	770204	550207 Union Center, village of	Juneau	741115
490154 Genola, town of	Utah	750207	510326 Nickelsville, town of	Scott	760702	550257 Unity, city of	Marathon	740920
490155 Goshen, town of	Utah	750207	510337 Pocahontas, town of	Tazewell	781103	550519 Vesper, village of	Wood	740802
490171 Hilldale, town of	Washington	760604	510332 Port Royal, town of	Caroline	770722	550605 Vilas County *	Vilas	810417
490188 Huntsville, town of	Weber	740621	510284 Wakefield, town of	Sussex	770826	550606 Washburn County	Washburn	810109
490085 Kanab, city of	Kane	761029	510288 Washington, town of	Rappahannock	770204	550540 Waushara County *	Waushara	770617
490097 Kingston, town of	Piute	770204	510295 Windsor, town of	Isle of Wight	770415	550560 West Salem, village of	La Crosse	810403
490210 Lindon, city of	Utah	770621	Total of 17 communities.			550378 Weyerhaeuser, village of	Rusk	761112
490185 Loa, town of	Wayne	741220	Washington			550233 White Lake, village of	Langlade	761001
490117 Mayfield, town of	Sanpete	760528	530007 Asotin County	Asotin	770913	550594 Williams Bay, village of	Walworth	771021
490089 Meadow, town of	Millard	760702	530274 Bonney Lake, town of	Pierce	761029	Total of 57 communities.		
490021 Milville, town of	Cache	761022	530108 Creston, town of	Lincoln	741220	Wyoming		
490212 Monticello, city of	San Juan	761224	530283 Eatonville, town of	Pierce	761022	560001 Albany County	Albany	770823
490025 Paradise, town of	Cache	761105	530246 Elmer City, town of	Okanogan	750822	560004 Big Horn County	Big Horn	770802
490100 Parodolph, town of	Rich	740816	530150 Friday Harbor, town of	San Juan	741129	560008 Carbon County	Carbon	780516
490215 Rush Valley, town of	Tooele	771025	530047 Garfield County	Garfield	771115	560041 Chugwater, town of	Platte	741213
490179 Springdale, town of	Washington	770510	530049 Grant County	Grant	771122	560082 Converse County *	Converse	780221
490180 Toquerville, town of	Washington	760825	530110 Harrington, town of	Lincoln	741213	560059 Cowley, town of	Big Horn	750919
490220 Tremonton, city of	Box Elder	760423	530248 La Center, town of	Clark	761112	560018 Dubois, town of	Fremont	740123
490030 Trenton, town of	Cache	750627	530178 Latah, town of	Spokane	741206	560025 East Thermopolis, town	Hot Springs	741108
490146 Vernon, town of	Tooele	760604	530250 Malden, town of	Whitman	750718	of		
490168 Wallsburg, town of	Wasatch	760702	530256 N Bonneville, town of	Skamania	761119	560060 Edgerton, town of	Natrona	761001
Total of 31 communities.			530257 Northport, town of	Stevens	760709	560062 Glendo, town of	Platte	750815
Vermont			530259 Prescott, town of	Walla Walla	750718	560022 Goshen County	Goshen	770719
500279 Athens, town of	Windham	741206	530112 Reardan, town of	Lincoln	750110	560095 Granger, town of	Sweetwater	800226
500227 Belvidere, town of	Lamolle	741206	530042 Republic, town of	Ferry	740607	560072 Guernsey, town of	Platte	761112
500236 Brookfield, town of	Orange	741213	530300 Rushton, town of	Pierce	761203	560063 Hanna, town of	Carbon	750822
500245 Brownington, town of	Orleans	741213	530149 San Juan County	San Juan	770607	560016 Hulet, town of	Crook	761210
500107 Cabot, village of	Washington	740906	530264 Springdale, town of	Stevens	750502	560064 Lingle, town of	Goshen	750815
500083 Charleston, town of	Orleans	740809	530031 Starbuck, City of	Columbia	750103	560066 Medicine Bow, town of	Carbon	760625
500185 Danville, town of	Caledonia	750117	530268 Vader, town of	Lewis	750905	560085 Park County *	Park	780425
500249 Derby Center, village of	Orleans	750328	530308 Woodway, town of	Snohomish	750919	560086 Platte County *	Platte	780328
500229 Eden, town of	Lamolle	741206	530269 Yacolt, town of	Clark	760702	560021 Riverton, city of	Fremont	740329
500318 Elmore, town of	Lamolle	750411	530310 Yelm, town of	Thurston	761022	560003 Rock River, city of	Albany	750207
500051 Enosburg, town of	Franklin	740809	Total of 25 communities.			560078 Shoshoni, town of	Fremont	750815
500035 Essex Jct., village of	Chittenden	740628	Wisconsin			560048 Sublette County	Sublette	771115
500210 Ferdinand, town of	Essex	741213	550068 Bell Center, village of	Crawford	740109	560087 Sweetwater County *	Sweetwater	780801
500211 Granby, town of	Essex	741213				560079 Upton, town of	Weston	760625
						560089 Washakie County *	Washakie	780829
						560024 Yoder, town of	Goshen	741206

Identification No. and community name	County	Original hazard date
Total of 27 communities. Total of 2,910 sanctioned communities.		

*Unincorporated areas only.

[National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 4, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29195 Filed 10-28-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL RESERVE SYSTEM

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. *Mountain Financial Company*, Maryville, Tennessee; to acquire 100 percent of the voting shares or assets of Jefferson County Bank, Dandridge, Tennessee. Comments on this application must be received not later than November 22, 1982.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Zappco Inc.*, St. Cloud, Minnesota; to acquire 89 percent of the voting shares or assets of First National Bank

of Little Falls, Little Falls, Minnesota. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29747 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

BancOhio; Proposed Acquisition of W. Lyman Case & Company

BancOhio, Columbus, Ohio, has 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 acquire voting shares of W. Lyman Case & Company, Columbus, Ohio.

Applicant states that the proposed subsidiary would engage in the activities of mortgage banking, including arranging equity financing. These activities would be performed from offices of Applicant's subsidiary in Columbus, Ohio and Miami, Florida, and the geographic area to be served is the United States. Mortgage banking 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). Although arranging equity financing has not been specified by the Board in Regulation Y as permissible for bank holding companies, the Board has determined by order that this activity is closely related to banking. *BankAmerica Corporation* (press release of Sept. 1, 1982).

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 Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 24, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29751 Filed 10-28-82; 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 Company Act (12 U.S.C. 1843(c)(8)) and section § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, Minneapolis, Minnesota (servicing loans and other extensions of credit for others; Oklahoma): To engage through its subsidiary, Dial Finance Company of Oklahoma, Inc., in the activities of servicing loans and other extensions of credit for other persons. These activities would be conducted from an existing office in Oklahoma City, Oklahoma, serving the city Oklahoma, Oklahoma. Comments on this application must be received not later than November 22, 1982.

2. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; Oregon): To engage through its subsidiary Dial Finance Company of Oregon, in the activities of consumer and commercial finance, and the sale of credit-related insurance. These activities would be conducted from an office in Salem, Oregon. This notification is for the relocation of an existing office within the same city. Comments on this application must be received not later than November 15, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29748 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

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 Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Peoples National Bancorp of America*, Lawrenceburg, Indiana; to

become a bank holding company by acquiring 100 percent of the voting shares of The Peoples National Bank of Lawrenceburg, Lawrenceburg, Indiana. Comments on this application must be received not later than November 22, 1982.

B. *Federal Reserve Bank of Minneapolis* (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bay Area Banking Shares, Inc.*, Ashland, Wisconsin; to become a bank holding company by acquiring 84.8 percent or more of the voting shares of Northern State Bank, Ashland, Wisconsin. Comments on this application must be received not later than November 22, 1982.

2. *Dairyland State Bancorporation, Inc.*, Bruce, Wisconsin; to become a bank holding company by acquiring 93.3 percent of the voting shares of Dairyland State Bank, Bruce, Wisconsin. Comments on this application must be received not later than November 22, 1982.

3. *Gary Holding Company*, Gary, South Dakota; to become a bank holding company by acquiring 83 percent or more of the voting shares of Gary State Bank, Gary, South Dakota. Comments on this application must be received not later than November 22, 1982.

4. *The Merchants Holding Company*, Winona, Minnesota; to become a bank holding company by acquiring 80 percent of the voting shares of The Merchants National Bank of Winona, Winona, Minnesota. Comments on this application must be received not later than November 22, 1982.

C. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Camino Real Bancshares, Inc.*, Carrizo Springs, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Dimmit County, Carrizo Springs, Texas. Comments on this application must be received not later than November 22, 1982.

2. *Franklin Bancshares, Inc.*, Franklin, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Franklin, Franklin, Texas. Comments on this application must be received not later than November 22, 1982.

D. *Board of Governors of the Federal Reserve System* (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Bradshaw Bancorp.*, York, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank,

Bradshaw, Nebraska. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 22, 1982.

2. *Waco Ban Corp.*, York, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers and Traders Bank, Waco, Nebraska. This application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29748 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

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 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 and 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. *BNR Bancshares, Inc.*, New Roads, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of New Roads, New Roads, Louisiana. Comments on this application must be received not later than November 17, 1982.

2. *First National Financial Corporation*, Clarksville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of

Clarksville, Tennessee. Comments on this application must be received not later than November 24, 1982.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Eau Claire Financial Services, Inc.*, Eau Claire, Wisconsin; to become a bank holding company by acquiring at least 88.3 percent of the voting shares of London Square Bank, Eau Claire, Wisconsin. Comments on this application must be received not later than November 24, 1982.

2. *Emery Security Bancorporation, Inc.*, Emery, South Dakota; to become a bank holding company by acquiring at least 90 percent of the voting shares of The Security State Bank, Emery, South Dakota. Comments on this application must be received not later than November 17, 1982.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64120:

1. *Guarantee State Bancshares, Inc.*, Mangum, Oklahoma; to become a bank holding company by acquiring at least 80.0 percent of the voting shares of The Guarantee State Bank, Mangum, Oklahoma. Comments on this application must be received not later than November 24, 1982.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Jacksboro Bancshares, Inc.*, Jacksboro, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Jacksboro, Jacksboro, Texas. Comments on this application must be received not later than November 24, 1982.

2. *Western Bancshares of El Paso, Inc.*, El Paso, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Western Bank, El Paso, Texas. Comments on this application must be received not later than November 23, 1982.

E. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *McCool Ban Corp.*, York, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of The Blue River Bank, McCool Junction, Nebraska. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 24, 1982.

2. *United Midwest Bancshares, Inc.*, Cincinnati, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Southern Ohio Bank, Cincinnati, Ohio. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Comments on this application must be received not later than November 20, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29750 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

LeClaire Agency, Inc.; Formation of Bank Holding Company

LeClaire Agency, Inc., LeClaire, Iowa, 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 LeClaire State Bank, LeClaire, Iowa. 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)).

LeClaire Agency, Inc., LeClaire, Iowa, 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 continue to engage in the sale of general insurance.

Applicant states that these activities would be performed from offices of Applicant's subsidiary in LeClaire, Iowa, and the geographic area to be served is an Iowa community including LeClaire, Iowa with a population of less than 5,000. 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 Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 24, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29752 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

Midwest Financial Group, Inc.; Proposed Acquisition of Commercial National Corporation, Commercial National Loan Centers, Inc., Commercial National Management Consulting Co., and Commercial National Life Insurance Co.

Midwest Financial Group, Inc., Peoria, Illinois, has 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 acquire voting shares of Commercial National Corporation, Peoria, Illinois, and thereby indirectly acquire voting shares of Commercial National Loan Centers, Inc., Peoria, Illinois; Commercial National Management Consulting Co., Peoria, Illinois; and Commercial National Life Insurance Co., Scottsdale, Arizona.

Applicant states that the proposed subsidiaries would engage in the activities of consumer financing (Commercial National Loan Centers, Inc.); management consulting (Commercial National Management Consulting Co.); and credit insurance underwriting (Commercial National Life Insurance). These activities would be performed, respectively, from offices of Applicant's subsidiaries in McClure, Illinois, serving Peoria, Illinois, and Peru, Illinois, serving LaSalle County, Illinois; Peoria, Illinois, serving Illinois; and Scottsdale, Arizona, serving Peoria, Illinois. 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 Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 12, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfree,

Associate Secretary of the Board.

[FR Doc. 82-29753 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Review Committees; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of November.

Basic Behavioral Processes Research Review Committee: November 5; 9:00 a.m., The Capitol Hill Hotel, 200 C Street SE., Washington, D.C. 20003.

Open—November 5, 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Marcia Hammer, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3936.

Purpose: The Basic Behavioral Processes Research Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and activities in the fields of experimental and physiological psychology and comparative behavior, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Psychosocial and Biobehavioral Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee: November 4–5; 9:00 a.m., The Shoreham Hotel, Calvert Street and Connecticut Avenue NW., Washington, D.C. 20008.

Open—November 4, 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Lu McNay, Room 9C14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4868.

Purpose: The Psychosocial and Biobehavioral Treatments Subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and training activities in the fields of treatment development and assessment and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Mental Health Small Grant Review Committee: November 11–13; 1:30 p.m., The Canterbury Hotel, Suites 201, 208 and 209, 1733 N Street NW., Washington, D.C. 20036.

Open—November 11, 1:30–2:30 p.m.

Closed—Otherwise.

Contact: Virginia Harter, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4848.

Purpose: The Mental Health Small Grant Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse for support of research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychiatry, psychological sciences, biological sciences, and epidemiology, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m., November 11, the meeting will be open for discussion of administrative announcements and program development. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Board of Scientific Counselors, NIMH, November 18–20; 9:30 a.m., National Institutes of Health, Building 36, Conference Room 1B-07, Bethesda, Maryland 20205.

Open—November 18; 9:30–9:45 a.m.

Closed—Otherwise.

Contact: Dr. Frederick K. Goodwin, Room 1A-05, Building 36, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3501.

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: From 9:30–9:45 a.m., November 18, the meeting will be open for administrative announcements and program developments. Otherwise, the board will be performing a review of the intramural research projects of the Clinical Neuroscience Branch, the Clinical Psychobiology Branch, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), and

Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: Ms. Helen W. Garrett, Committee Management Officer, National Institute of Mental Health, Room 17C26, Parklawn Building, Rockville, Maryland 20857, (301) 443-4333.

Dated: October 26, 1982.

Sue Simons,
Committee Management Officer, Alcohol,
Drug Abuse and Mental Health
Administration.

[FR Doc. 82-29800 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 82F-0315]

Eastman Kodak Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Eastman Kodak Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of terephthalic acid as an alternate diacid moiety for dimethyl terephthalate as a reactant in the manufacture of ethylene-1, 4-cyclohexylene dimethylene terephthalate copolymer intended for use in contact with food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3667) has been filed by Eastman Kodak Co., Eastman Chemicals Division, Kingsport, TN 37662, proposing that the food additive regulations be amended to provide for the safe use of terephthalic acid as an alternate diacid moiety for dimethyl terephthalate as a reactant in the manufacture of ethylene-1, 4-cyclohexylene dimethylene terephthalate copolymer intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the

notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 20, 1982.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 82-29771 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0261]

Food Labeling Formats; Public Meeting

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) announce the second in a series of public meetings to discuss FDA's research project on communicating food label information. Alternative nutrition labeling formats and tentative plans for consumer research to evaluate the formats will be presented and discussed. **DATES:** The public meeting will be held December 2, 1982. Written comments by January 31, 1983.

ADDRESSES: The public meeting will be held in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC. Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Although notices of intention to attend the public meeting are not required, it would help those who are planning and conducting the meeting if the persons who are planning to attend would contact Raymond C. Stokes at the address given below.

FOR FURTHER INFORMATION CONTACT: Raymond C. Stokes, Bureau of Foods (HFF-240), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1457.

SUPPLEMENTARY INFORMATION: The **Federal Register** of July 8, 1980 (45 FR 45962) contained an announcement that a series of informal public meetings would be held on how to communicate label information. This reflects an interagency effort to promote public participation in food labeling formats, design, research, and evaluation.

On October 6, 1980, the first meeting was held. At the meeting, participants discussed alternative food labeling formats and work under an FDA contract on this issue. The label-design phase of the contract is now completed.

FDA intends to conduct consumer research to evaluate alternative formats for nutrition labeling on the basis of their ability to communicate the desired information.

The December 2, 1982 public meeting will provide an opportunity to review, discuss, and comment upon (1) the alternative nutrition labeling formats developed under the contract and (2) a tentative consumer research plan to evaluate the effectiveness of the formats. At the meeting, an information kit consisting of graphic and written material that will assist those who wish to submit comments will be distributed. The meeting will be held December 2, 1982, beginning at 9 a.m. in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC. The meeting will be conducted in accordance with § 10.65 *Meetings and correspondence* (21 CFR 10.65).

After the meeting the information kit also may be obtained from Raymond C. Stokes, Bureau of Foods (HFF-240), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. Written comments should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, by January 31, 1983.

Dated: October 25, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82-29770 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Anti-Infective Drugs Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the renewal of the Anti-Infective Drugs Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on October 7, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: October 21, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29434 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Dermatologic Drugs Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the renewal of the Dermatologic Drugs Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on October 7, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: October 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29591 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting:

Orlando District Office, chaired by Adam J. Trujillo, District Director.

DATE: Wednesday, November 17, 1982, 9 a.m. to 11:30 a.m.

ADDRESS: Florida Cooperative Extension Service, 3406 Palm Beach Blvd., Terry Park, Ft. Myers, FL.

FOR FURTHER INFORMATION CONTACT: Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305-885-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers

and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29592 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting, chaired by Abraham I. Kleks, District Director, Los Angeles, California..

DATE: Tuesday, November 16, 1982, 9:30 a.m.

ADDRESS: Senior NOW Programs Inc., 102 North Plumer, Tucson, AZ 85719..

FOR FURTHER INFORMATION CONTACT:

Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015, 213-688-4395.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

October 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29594 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

List of 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 October 22.

Public Health Service

NATIONAL INSTITUTES OF HEALTH

Subject: Health Message Testing Service—Broadcast Component (0925-0046)—REINSTATEMENT.

Respondents: Individuals.

OMB Desk Officer: Richard Eisinger.

Health Care Financing Administration

Subject: Medigap Industry Survey (HCFA-337)—NEW.

Respondents: Insurance companies which sell supplemental health insurance to Medicare beneficiaries in Calif., Fla., Miss., N.J., Wash., and Wisc.

Subject: Medicaid State Plan Preprint—Revision for Allowance of Liens and Other Recoveries (HCFA-179)—REVISED.

Respondents: State Medicaid agencies.

Subject: Medicaid State Plan Preprint—Revision for New Cost Sharing Policy (HCFA-179)—REVISED.

Respondents: State Medicaid agencies.

Subject: Medicaid State Plan Preprint—Revision for New Cost Sharing Policy (HCFA-179)—REVISED.

Respondents: State Medicaid agencies.

OMB Desk Officer: Fay S. Iudicello.

Office of the Secretary

Subject: Informal Caregiver Survey—Baseline Instrument (National Long Term Care Channeling Demonstration—NEW.

Respondents: Caregivers of elderly individuals served by the channeling demonstrations.

OMB Desk Officer: Milo Sunderhauf.

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. Strnad, 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: October 22, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-29700 Filed 10-28-82; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Northern California Agency; Hoopa Valley Indian Reservation, Management of Resources

October 26, 1982.

On November 20, 1978, the Assistant Secretary, Indian Affairs issued a message to the Hoopa and Yurok people of the Hoopa Valley Indian Reservation. That message set forth the policy of the Department of the Interior for involving both Yuroks and Hoopas in the management of reservation resources in view of interim decisions by the United States Court of Claims in *Jessie Short, et al. v. United States* No. 102-63.

Developments since 1978 have taken place, including the failure of the Yurok Tribe to implement the principal feature of the 1978 plan, which was the organization of an interim Yurok tribal governing body. Those developments require the adoption of new management procedures for the Hoopa Valley Reservation. Henceforth, as an interim measure, the Department of the Interior intends to exercise its responsibilities for management of the reservation resources on an issue-by-issue basis. This interim measure will remain in effect until resolution of the issues in *Short* and related cases or other needs for effective resource management warrant its reconsideration, in the judgment of the Department of the Interior.

The absence of a Yurok tribal governing body means that it is impossible for the Department of the Interior to confer with the Yurok Tribe in the same manner as the Department communicates with the Hoopa Valley Tribe through its Business Council. No present alternative is perceived with respect to communication from the Department to the Yurok Tribe except through publication as in the case of this notice.

Therefore, as long as there is no Yurok tribal governing body, communication with the Yurok Tribe regarding the issue-by-issue management of the Hoopa Valley Reservation will be by publication in local newspapers, as well as providing notice by other appropriate means to ensure that concerned parties have an opportunity to comment. To

ensure full consideration, Yurok comments on such publications should be in writing and sent to the Superintendent of the Northern California Agency within the time limits stated in the publications. The position of the Hoopa Tribe on issue-by-issue matters will be received from its Business Council.

In performing its management functions for the Hoopa Valley Indian Reservation, it is specifically noted that the Department of the Interior will make its decisions in light of the holdings in *Short* and related pending cases and for interpretation of those holdings will consult with the Department of Justice.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 82-29648 Filed 10/28/82; 8:45am]

BILLING CODE 4310-02-M

Land Management Bureau

[UT-050]

Utah; Grazing Management Program for Henry Mountain Planning Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement and public hearing.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and a 1975 Federal Court ruling, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement for Henry Mountain rangeland management program in Wayne, Garfield and a small portion of Kane counties.

The Draft EIS discusses the environmental consequences of five alternative management programs. The analysis was completed by the Environmental Project Staff, BLM, Richfield District, and addresses both positive and negative impacts. Following the incorporation of public comments in a Final EIS, BLM will select a balanced management program for livestock and big game (including bison) forage use levels, while protecting the public rangelands.

The Draft EIS considers environmental consequences for the following five alternatives: (A) Proposed Action: No change—permit livestock/big game grazing at current average levels of use; (B) No Action—Maintain existing forage allocation; (C) Manage for optimum big game production; (D) Manage for optimum livestock production; and (E) Preferred alternative—MFP Step 2 Planning Recommendation. The objective of the

alternatives is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 1.9 million acres of land.

The alternatives examine proposed levels of grazing use ranging from 26,631 to 59,528 animal unit months (AUMs) for livestock and 4,846 AUMs to 14,923 AUMs for big game. Varying levels of land treatments and management would accompany the proposed levels of forage use.

Copies of the Draft EIS are available from the Richfield District BLM Office at 150 East 900 North, Richfield, Utah 84701. Public reading copies of the Draft EIS will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street NW., Washington, D.C.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah

Notice is hereby given that oral and/or written comments will be received at a public hearing held at the following location: December 1, 1982, 7 p.m., Community Center in Wayne County, Loa, Utah.

Requests to testify at the public hearing should be submitted to the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Others attending the hearing will also be provided an opportunity to testify.

Written and oral comments concerning the adequacy of the Draft EIS will receive consideration in preparation of the Final Grazing Management EIS for the Henry Mountain Planning Area.

Larry R. Oldroyd,

Associate District Manager.

[FR Doc. 82-28917 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G

4549, Block 701, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 21, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29768 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Reclamation

[INT FES 82-46]

Brantley Project, New Mexico; Availability of Final Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final supplement to the final environmental statement for the authorized Brantley Project, New Mexico.

This supplement has been prepared to address changes in the recommended plan that were presented in the final environmental statement (FES 72-30). These changes are (1) relocation and redesign of the Brantley dam axis 2,100 feet downstream to an area having a better foundation; (2) conservation, improvement, and development of fish and wildlife; and (3) reduction of the conservation pool from the proposed 4,000 surface acres to 3,100 acres. The water storage capacity would remain the same.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, DC 20240, Telephone (202) 343-4991

Division of Management Support, Library Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3019

Office of the Regional Director, Bureau of Reclamation, Suite 201, 714 South Tyler Street, Amarillo, Texas 79101, Telephone (806) 378-5400

Assistant New Mexico Representative, Box 252, Albuquerque, New Mexico 87103, Telephone (505) 766-2272

Albuquerque Public Library, 423 Central Avenue NE., Albuquerque, New Mexico 87101

Artesia Public Library, Artesia, New Mexico 88210

Carlsbad Public Library, Carlsbad, New Mexico 88220

Denver Public Library, Denver, CO 80203

Fort Sumner Public Library, Fort Sumner, New Mexico 88119

New Mexico State Library, Post Office Box 1629, Santa Fe, New Mexico 87501

Pecos Public Library, Pecos, Texas 79772

Roswell Public Library, Roswell, New Mexico 88201

Santa Rosa Public Library, Santa Rosa, New Mexico 88435

Texas Tech University Library, Lubbock, Texas 79406

University Library, New Mexico State University, Las Cruces, New Mexico 88001

Zimmerman Library, University of New Mexico, University Hill NE., Albuquerque, New Mexico 87106

University Library, University of Texas at El Paso, El Paso, Texas 79902.

Single copies of the final supplement to the final environmental statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director.

Dated: October 26, 1982.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 82-29767 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-No. 281N)]

Conrail Abandonment Between West Gravel Place and Mount Pocono, Pa.; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate and decision authorizing the Consolidated Rail Corporation to abandon its rail line between West Gravel Place, milepost 84.6 and Mount Pocono, milepost 100.4 in the County of Monroe, PA, a total distance of 15.8 miles effective on July 7, 1982.

The net liquidation value of this line is \$1,691,974. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29757 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercompany Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercompany hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Burroughs Corporations Burroughs Place, Detroit, MI 48232.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

A. Memorex Distribution and Services Corporation, San Tomas at Central Expressway, Santa Clara, CA 95052.

B. Systems Development Corporation, 2500 Colorado Avenue, Santa Monica, CA 90406

C. Memorex Corporation, San Tomas at Central Expressway, Santa Clara, CA 95052

D. Burroughs Co., Ltd., 1-7 Kojimachi, Chiyoda-ku, Tokyo 102, Japan

E. Burroughs Inter-America, Limited, Burroughs Place, Detroit, Michigan 48232

- F. Burroughs OEM Corporation,
Burroughs Place, Detroit, Michigan
48232
- G. Burroughs A/S, P.O. Box 40-Bestun,
Oslo 2, Norway
- H. Burroughs B.V., P.O. Box 48, 1180 AA
Astelveen, Netherlands
- I. Burroughs Computer Systeme
Gesellschaft m.b.H., Frankfurter
Allee—14-20, 6237 Eschborn, West
Germany
- J. Burroughs Data Systemer A/S,
Jydeholmen 15, 2720 Vanlose,
Copenhagen, Denmark
- K. Burroughs Deutschland G.m.b.H.,
Frankfurter Allee—14-20, 6236
Eschborn, West Germany
- L. Burroughs Electronica (Portugal) Lda.,
Rua Gregorio, Lopes, lote 1514—
Restelo, 1499 Lisboa
- M. Burroughs Hellas S.A., Ergo Bank
Building, 4th Floor, Thessalonikis and
Athenas, Moshanton, Athens, 60A
- N. Burroughs International S.A., 18, Rue
St. Pierre, 1700 Fribourg, Switzerland
- O. Burroughs Machines Limited,
Heathrow House, Bath Road,
Cranford, Hounslow, Middlesex,
England TW5 9QL
- P. Burroughs Machines, Limited, P.O.
Box 3996, Johannesburg 2000,
Transvaal, South Africa
- Q. Burroughs Overseas Limited, P.O.
Box 32649, Detroit, Michigan 48232
- R. Burroughs S.A., General Davila 7,
Madrid 3, Spain
- S. Burroughs (Schweiz), A.G.,
Giesshubelstrasse 62 (P.O. Box), 8045
Zurich, Switzerland
- T. Burroughs Netherlands Business
Forms B.V., van Leeuwenhoekstraat
10, Postbus 175, 1700 AD
Heerhugowaard (the Netherlands)
- U. Burroughs Compania Anonima,
Apartado 70116 Los Ruices, Caracas,
Venezuela
- V. Burroughs Datenverarbeitung,
Gesellschaft m.b.H., Moering Gasse
10, 1151 Vienna, Austria
- W. Burroughs Europe-Africa Marketing,
Limited, Heathrow House, Bath Road,
Cranford, Hounslow, Middlesex,
England TW5, 9QL
- X. Burroughs Italiana S.p.A., Via A.
Volta, 16, 20093 Cologno Monzese,
Italy
- Y. Compagnie Belge Burroughs S.A., 59,
rue de Namur, Head Office—5th Floor,
B-100—Brussels, Belgium
- A1. Industrias Mexicanas Burroughs,
S.A. de C.V., Calle 13—1338, Zona
Industrial, Guadalajara, Jal. Mexico
- B1. Societe Anonyme Burroughs, 95015
Cergy Pontoise Cedex (P.O. Box No.),
Immeuble Ordinal (Street Address),
Rue des Chauffours, 95002—Cergy
Cedex—France
- C1. Burroughs Leasing Company
Limited, Heathrow House, Bath Road,
Cranford, Hounslow, Middlesex,
England TW5 9QL
- D1. Burroughs de Centro America, S.A.,
Apartado 2837, San Jose, Costa Rica
- E1. Burroughs de Chile, S.A., Casilla de
Correo 14285, Santiago, Chile
- F1. Burroughs de Colombia, S.A.,
Apartado Aereo 53433, Calle 643 No.
7-39, Bogota, D.E. Colombia
- G1. Burroughs del Peru, S.A., Apartado
5199, Lima, Peru
- H1. Burroughs Eletronica Ltda., Caixa
Postal 1410-ZC00, 2000 Rio de Janeiro,
Brazil
- I1. Burroughs, Inc., G.P.O. Box 3308, San
Juan, Puerto Rico 00936
- J1. Campania Burroughs de Maquinas,
Ltda., Cerro Largo 847 St. Esq. Andes,
Montevideo, Uruguay
- K1. Compania Burroughs de Maquinas,
Ltda., Ingeniero Huergo 965, 1107
Buenos Aires, Argentina
- L1. Compania Burroughs de Venezuela,
Inc., Apartado 70116 Los Ruices,
Caracas, Venezuela
- M1. Burroughs, S.A. de C.V., Londres
102, Sexto Piso, Colonia Juarez 5,
Mexico 06600 D.F., Mexico
- N1. Burroughs Asia Limited, 19-F
Hopewell Centre, 183 Queen's Road,
East, Wanchai, Hong Kong
- O1. Burroughs Memorex Inc., (Burroughs
Division), 801 York Mills Road, Don
Mills, Ontario, Canada M3B 1X8
- P1. Burroughs Memorex Inc., (Memorex
Division), 230 Lesmill Road, Don Mills,
Ontario, Canada M3B 2T5
- Q1. Burroughs, Limited, 30 Alfred Street,
Milson's Point N.S.W. 2061, Australia
- R1. Burroughs Machines (Hong Kong)
Limited, 19-F Hopewell Centre, 183
Queen's Road, East, Wanchia, Hong
Kong
- S1. Burroughs Aktiebolag, Banergatan
10, S-115 22 Stockholm, Sweden
- T1. Memorex Finance Company, 1553
Bordeaux Drive, Sunnyvale, CA 94086
- U1. Memorex International Limited,
Hounslow House, 730 London Road,
Hounslow, Middlesex, England TW3
1PD
- V1. Memorex U.K. Limited, Hoechst
House, 50 Salisbury Road, Hounslow
West, Middlesex, England
- W1. Memorex G.m.b.H. (Germany),
Hauptuerwaltung, Hannstrasse 41, D-
6000 Frankfurt/M71, Niederrand,
West Germany
- X1. Memorex S.A. (France), 25 Blvd. de
l'Amiral, Bruix 75016, Paris, France
- Y1. Memorex Do Brasil (Brazil), Rua
Sampaio Viana, 353, CEP: 04004, San
Paulo—Capital, Brazil
- A2. Memorex Interamerica C.A., Calle
Agustin Condazzi, Santa Monica No.
22-15, Caracas 105, Venezuela
- B2. Memorex S.A. de C.V. (Mexico),
Campos Eliseos No. 67, Col. Polanco.,
Mexico 5, D.F., Mexico
- C2. Memorex A/S (Denmark),
Vallenbaekvej 25, DK-2800 Glostrup,
Copenhagen, Denmark
- D2. Oy Memorex Ab (Finland), Pajj.
Hesperiankatu 13A, SF-00260 Helsinki
26, Finland
- E2. Memorex A.G. (Switzerland),
Sternenstrasse 12, Zurich 8002,
Switzerland
- F2. Memorex B.V. (Netherlands), P.O.
Box 70065, Van Boshuizenstraat, 12,
Amsterdam 1011, Netherlands
- G2. Memorex Ges.m.b.H. (Austria),
Gottfried Kellergasse 2/16, A-1030
Vienna, Austria
- H2. Memorex S.p.A. Italia, 14 Via Ciro
Menotti, I-20129 Milano, Italy
- I2. Memorex A.S. (Norway), Lorenv. 51,
Oslo 5, Norway
- J2. Memorex S.A. (Belgium), 178
Chausee de la Hulpe, B-1170,
Brussels, Belgium
- K2. Memorex A.B. (Sweden), Box 20026,
S-161 20 Bromma 20, Sweden
- L2. Mem-Mex S.A. de C.V. (Mexico),
Nogales, Sonora, Mexico
- M2. Memorex Pty. Limited, 61 Barry
Street, Neutral Bay, N.S.W. 2089,
Australia
- N2. Memorex World Trade Corporation,
c/o W. S. Walker & Company,
Barclays Bank Building, George Town,
Grand Cayman, Cayman Island
- O2. Memorex Corporation (Ireland)
Limited, Kestrel House, Clanwilliam
Court, Lower Mount Street, Dublin 2
Ireland
- P2. Memorex Magdalena S.A. De C.V.,
Nogales, Sonora, Mexico
1. Parent Corporation: Commercial
Metals Company, 3000 Diamond Park
Drive (75247), Post Office Box 1046
(75221), Dallas, Texas. State of
incorporation: Delaware.
2. The following 100% wholly-owned
subsidiaries will participate in the
operation:
- CMC Dismantling and Process
Equipment Company 3000 Diamond
Park Drive, Dallas, Texas 75247. State
of incorporation: Texas
- CMC Oil Company, 3000 Diamond Park
Drive, Dallas, Texas 75247
- CMC Steel, Inc., Mill Road, Sequin,
Texas 78155. State of incorporation:
Texas
- Capitol City Steel Company, 6717 Circle
S Road, Austin, Texas 78745. State of
incorporation: Texas
- Cometals, Inc., One Penn Plaza, Room
3401, New York, New York 10001.
State of incorporation: New York
- Commercial Metals Railroad Salvage
Company, 3000 Diamond Park Drive,

Dallas, Texas 75247. State of incorporation: Texas
 Commonwealth Metal Corporation, 560 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. State of incorporation: New Jersey
 Enterprise Metal Corporation, 175 Great Neck Road, Room 408, Great Neck, New York 10021; State of incorporation: New York
 Howell Metal Company, State Route 728, P.O. Box 218, New Market, Virginia 22844
 Structural Metals, Inc., Mill Road, Sequin, Texas 78155; State of incorporation: Texas
 Texas Cold Finished Steel, Inc., 1300 Baker, Houston, Texas 77002; State of incorporation: Texas
 CMC Steel Fabricators, Inc.; State of incorporation: Texas. Doing business under the following names:
 Arkansas Steel Rolling Mills, Inc., Kerlin Road, Box 489, Magnolia, Arkansas 71753
 Capitol Steel, Inc., 2655 North Foster Drive, Post Office Box 66636, Baton Rouge, Louisiana 70896
 CoMet Steel, Inc., 4846 Singleton Blvd., Dallas, Texas 75212
 Houston Steel Service Company of Texas, Inc., 5321 Westpark Drive, Houston, Texas 77065
 Houston Steel Service Company—Rebar Division, 5321 Westpark Drive, Houston, Texas 77065
 Safety Railway Service Company, Aloe Field, P.O. Box 2298, Victoria, Texas 77091
 Safety Steel Service, Inc., Rodd Field, P.O. Box 6546, Corpus Christi, Texas 78411
 Safety Steel Service, Inc., 201 East Crestwood Drive, Victoria, Texas 77901
 Safety Steel Construction, Inc., 201 East Crestwood Drive, P.O. Box 2298, Victoria, Texas 77901
 Southern States Steel Company, 9675 Walden Road, Beaumont, Texas 77706
 Southern Farm Supply Company, 1318 Buschong Road, Houston, Texas 77093
 Southern Fence Post Company, 1318 Buschong Road, Houston, Texas 77093
 Southern Post Company, 1318 Buschong Road, Houston, Texas 77039
 Southern Post Company, 1960 Benchmark Drive, Roundrock, Texas 78664
 Sterling Steel Company, 5600 Braxton, Suite 12, Houston, Texas 77036

1. Parent corporation and address of principal office: Pollard Lumber Company, a Georgia corporation, Route 2, Box 167, Appling, Georgia 30802.
 2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: (i) Columbia

Transporation Company, a Georgia Corporation, Route 2, Box 167, Appling, Georgia 30802.

1. Parent corporation and address of principal office: RKO General, Inc. (a Delaware corporation), 1440 Broadway, New York, NY 10018.

2. Wholly-owned subsidiaries that will participate in the operations and their respective States of incorporation:

- (a) Pepsi-Cola Bottling Co. of Princeton, Inc., West Virginia
- (b) Pepsi-Cola Bottling Co. of Alderson, Inc., West Virginia
- (c) RKO Cannors of West Virginia, Inc., West Virginia

1. Parent corporation and address of principal office: SOLTEX Polymer Corporation, 3333 Richmond Avenue, Houston, TX 77027.

2. Wholly-owned subsidiaries which will participate in the operation and State(s) of incorporation:

- (1) Salsbury Laboratories, Inc., a Delaware corporation.
- (2) Shippers Service, Inc., an Iowa corporation.

1. Parent corporation and address of principal office: Trimac Limited, 736 Eighth Avenue Southwest, P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) (Province(s)) of incorporation:

- (a) H. M. Trimble & Sons Ltd., incorporated in the Province of Alberta, Dominion of Canada
- (b) Kenting Limited, federally incorporated under the laws of the Dominion of Canada
- (c) Kenting Earth Sciences Limited, Federally incorporated under the laws of the Dominion of Canada
- (d) Kenting Drilling Co. Ltd., incorporated in the Province of Ontario, Dominion of Canada
- (e) Kenting Oilfield Services Ltd., incorporated in the Province of Alberta, Dominion of Canada
- (f) Kenting United Construction Ltd., incorporated in the Province of Alberta, Dominion of Canada
- (g) Kenting Exploration Services Limited, incorporated in the Province of Ontario, Dominion of Canada
- (h) Kenting Petrolia Drilling Ltd., incorporated in the Province of British Columbia, Dominion of Canada

Agatha L. Mergenovich,
 Secretary

[FR Doc. 82-29759 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-227]

Permanent Authority Decision; Decision-Notice

Decided: October 21, 1982.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

MC-F-14976, SUBURBAN DISTRIBUTION SYSTEM, INC. (Suburban) (1100 King Avenue, P.O. Box 1739, Columbus, OH 43216)—
CONTINUANCE IN CONTROL—
ADVANCED DISTRIBUTION SYSTEM, INC. (Advanced) (50 Old Village Road, P.O. Box 28478, Columbus, OH 43228). Representative: Robert C. Bamford, 1600 Wilson Boulevard, Suite 1301, Arlington, VA 22209. Suburban seeks authority to continue in control of Advanced upon the institution by Advanced of operations, in interstate and foreign commerce, pursuant to authority sought in MC-164188. The Estate of James R. Riley, the majority stockholder of Suburban, also seeks authority to continue in control of Advanced through this proceeding. Suburban is a noncarrier holding corporation which controls Suburban Motor Freight, Inc., a motor common carrier operating pursuant to a certificate issued in MC-44447 and subs.

Note.—Advanced has filed, as a directly-related application, its initial common carrier application. That application, docketed MC-164188, is published in this same Federal Register issue.

[FR Doc. 82-29760 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-5-228]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: October 21, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a

verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

MC 164188, filed October 6, 1982.
Applicant: ADVANCED DISTRIBUTION SYSTEM, INC., 50 Old Village Rd., P.O. Box 28478, Columbus, OH 43228. Representative: Robert C. Bamford, 1600 Wilson Boulevard, Suite 1301, Arlington, VA 22209, (703) 522-0900. 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 application is directly related to No. MC-F-14976, published in this same Federal Register issue.

[FR Doc. 82-29761 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3 (202) 275-5223.

Volume No. OP3-04

Decided: October 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164174, filed October 12, 1982. Applicant: JOUETT A. BEVERLY, JR., P.O. Box 31324, Amarillo, TX 79120. Representative: Mary K. Schulz, P.O. Drawer 17308, Pensacola, FL 32522, (904) 438-1493. Transporting *food and other*

edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 4 at 202-275-7669.

Volume No. OP4-011

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 70267 (Sub-27), filed October 8, 1982. Applicant: ECKERT TRUCKING, INC., P.O. Box 1682, York, PA 17405. Representative: David Zimmerman (Same address as applicant), (717) 843-0995. Transporting *general commodities*, between Bartlett, Brown, Cartago, Detour, Lone Pine, and Olancho, CA; Hollister, Interlachen, Largo, Mannville, and Prine, FL; Amsterdam, Bellevue, Gannett, Gimlet, Hailey, Hay, Hollister, and Picabo, ID; Argenta, Armstrong, Baker, Beason, Bradbury, Burtonview, Dillsburg, Falmouth, Gifford, Hallville, Hidalgo, Janesville, Jenkins, New Holland, Oreana, Penfield, Potamac, and Rose Hill, IL; Aredale, Camp Dodge, Carterville, Dougherty, Hanford, Johnston, and Kesley, IA; Emmons, Haddam, Hollis, Morrowville, and Wayne, KS; Davidson and Olaton, KY; Arnaudville, Cecilia, Jefferson Island, and Loreauville, LA; Abington, Dover, Kingston, Plymouth, South Hanson, South Weymouth, and Whitman, MA; Berrien Center, Centerville, Colon, Concord, Eaton Rapids, Eau Claire, Haires, Homer, Kinneyville, North Niles, Onondaga, Sodus, Spring Arbor, Tekonsha, and Union City, MI; Ely, Mahtomedi, McComber, Robinson, Soudan, Stillwater, Tower, and Wahlsten, MN; Aullville, Concordia, and Emma, MO; Boulder, MT; Lanham, NE; Linwood, Northfield, and Wrights, NJ; Wampsville, NY; Lewis, NC; St. John, ND; Denver, Edgefield, Fruitdale, Humboldt, Jenera, Lisman, Lyra, Milledgeville, Mount Blanchard, New Jasper, Octa, Orangeville, Pandora, Rimer, Rushmore, Spargursville, Summit, Superior, Vaughnsville, and Vesuvios, OH; Curryville, Linntown, Martinsburg, Mifflinburg, Petroleum Center, Titusville, Vicksburg, and Youngsville, PA; Robert Lee, TX; Rupert, West Pawlet, and West Rupert, VT; Aniwa, Antigo, Birnamwood, Darien, Deerbrook, Delavan, Edgerton, Elcho, Elkhorn, Kempster, Klevenville, Lyons, Malvern, McFarland, Monico, Nine Springs, Pelican Lake, Porters, Springfield, Stoughton, and Summit

Lake, WI; on the one hand, and, on the other, points in the U.S. Conditions: (1) Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423, and (2) to the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 134916 (Sub-1), filed October 14, 1982. Applicant: A-1 VAN LINES, 5916 Carmelita Ave., Huntington Park, CA 90255. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods, furniture and fixtures*, (1) between points in OR, WA, CA, AZ, NM, TX, CO, UT, NV, MT, and WY, and (2) between points in OR, WA, CA, AZ, NM, TX, CO, UT, NV, MT, and WY, on the one hand, and, on the other, points in AR, KS, NE, SD, ND, MN, WI, MI, OH, PA, NY, DE, MD, VA, NC, SC, FL, GA, AL, MS, LA, ID, IL, IN, KY, TN, AK, and DC.

MC 154366 (Sub-2), filed October 12, 1982. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Rd., Mt. Horeb, WI 53572. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703, (608) 255-8891. Transporting *general commodities*, between Mt. Horeb, Verona, Klevenville, and Riley, WI, on the one hand, and, on the other, points in the U.S. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service.

MC 154436 (Sub-4), filed October 5, 1982. Applicant: MARILYN THOMAS, d.b.a. MAT TRUCKING, 2604 W. Pleasant Ridge Rd., Arlington, TX 76016. Representative: Hugh R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657-6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164196, filed October 13, 1982. Applicant: SAM CRAIG TRANSPORT, INC., 1462 W 54th St., Los Angeles, CA 90062. Representative: Daniel C. Sullivan, 180 N Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263-1600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Volume No. OP4-014

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 139006 (Sub-40), filed October 13, 1982. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., Frankfort, KY 40602, (502) 223-8244. Transporting *general commodities* between Clarksville, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at the specified point. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423.

MC 164217, filed October 13, 1982. Applicant: CAVALIER WAREHOUSING & TRAFFIC CONSULTANTS, LTD., Box 723, 106 Healey Rd., Bolton, Ontario, Canada LOP 1A0. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. As *Broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-230

Decided: October 21, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Doweel.

MC 164079, filed October 4, 1982. Applicant: ACE CONSTRUCTION AND TRUCKING INC., P.O. Box 298, Longdale, OK 73755. Representative: Eldon R. Loeser, P.O. Box 171, Longdale, OK 73755, (405) 274-3386. (1) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) As a *broker of general*

commodities (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29762 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[No. 38887]

Motor Carriers; RTC Transportation, Inc.; Decision on Petition for Relief From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: RTC Transportation, Inc., a motor contract carrier, is provisionally granted an exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762.

DATES: Comments are due on November 15, 1982. The sought relief will become effective on November 30, 1982, unless, in response to adverse comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 5340, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7277

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: RTC Transportation, Inc., (RTC), is a common and contract carrier transporting general commodities from, to and between points throughout the United States. As pertinent here, it holds authority pursuant to permit No. MC-107515 (Sub-No. 1423) for the transportation of general commodities under contract with General Foods Corporation and its subsidiaries of White Plains, NY.

Section 10702(b) ¹ of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant relief to contract carriers when

¹ Petitioner has requested relief from the tariff filing requirements of section 10761(a). Since sections 10702 and 10762 contain similar requirements, we will assume petitioner's failure to include these sections was an oversight.

relief is consistent with the public interest and the transportation policy of section 10101. Although petitioner seeks relief only from the requirements of section 10761(a), exemption from all three provisions appears to be more appropriate. We have considered the petition accordingly.

RTC states that General Foods has requested RTC to file the instant petition. RTC argues that the sought waiver would eliminate the necessity for filing with the Commission a document already agreed to by the parties of the contract, and eliminate additional administrative burden upon RTC.

The sought exemption applies only to RTC's operating authority under its permit to serve General Foods.

The carrier has submitted evidence that the requirement that it file schedules is not required by the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We therefore provisionally grant the sought exemption. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This decision would not appear to have a significant effect on either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: October 22, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Sterrett would grant the exemptions for all of RTC's contract operations.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29755 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-267

Decided: October 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 108473 (Sub-61), filed October 15, 1982. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746.

Representative: Harry J. Jordan, Suite 502—Solar Bldg., 1000 16th St. NW., Washington, DC 20036, (202) 783-8131. 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 Borden, Inc., of North Andover, MA.

MC 108473 (Sub-62), filed October 15, 1982. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746.

Representative: Harry J. Jordan, Suite 502—Solar Bldg., 1000 16th St. NW., Washington, DC 20036, 202-783-8131. 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 Rohm and Haas Company, of Philadelphia, PA.

MC 129712 (Sub-78), filed October 18, 1982. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE., Atlanta, GA 30326, 404-237-6472. 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).

For the following please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-229

Decided: October 21, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF-68 (Sub-5), filed October 12, 1982. Applicant: ABC-TRANS NATIONAL TRANSPORT, INC., 201 11th Ave., New York, NY 10001. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, 703-691-0900. As a *freight forwarder* in connection with the transportation of *general commodities*, between points in the U.S.

MC 25399 (Sub-20), filed October 13, 1982. Applicant: A-P-A TRANSPORT, CORP., 2100 88th Street, North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. 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 Canon U.S.A., Inc., of Lake Success, NY; Manhattan Brush Company, of New York, NY; Coleco Industries, Inc., of Amsterdam, NY; Travenol Laboratories, Inc., of Morton Grove, IL; Peter F. Mallon Co., of Long Island City, NY; General Binding Corp., of Wayne, NJ; Variety Audio, of Menands, NY; Thermos Division—King Seeley Thermos Co., of Norwich, CT; AEG Power Tool, of Norwich, CT; Magnavox CATV Systems, Inc., of Manlius, NY; Suburbanite Industries, of Saxonville, MA; Chadwick-Miller, Inc., of Canton, MA; Atlantic Sports, Inc., of Framingham, MA; General Houseware Corp., of Plymouth, MA; Colonial Candle of Cape Cod, of Plymouth, MA; Holt-Howard, of Plymouth, MA; Textol, of Plymouth, MA; Alpha Metals, Inc., of Jersey City, NJ; G.M.I. Distribution Center, of Somerset, NJ; Beckley Cardy Co., of Mt. Laurel, NJ; Mastercraft Industries, Inc., of Newburgh, NY; Uniphoto-Levit Corp., of Woodside, NY; J. DE. Beer & Son, of Albany, NY; Transworld Music Corp., of Latham, NY; Philips Dental Systems, of Stamford, CT; Exquisite Form Industries, Inc., of Pelham Manor, NY; Book Sale's Inc., of Secaucus, NJ; Warner Cosmetics, Inc., of Piscataway, NJ; AM International, Inc., of Schaumburg, IL; Universal Match Corporation, of St. Louis, MO; Curtis Industries, of Edison, NJ; W-G Vinyls, Inc., of New York, NY; Ebeling and Reuss Company, of Devon, PA; Velux-America, Inc., of Langhorne, PA; Courier Citizen Co., of Kingston, NY; Duracell, International, Inc., of Bethel, CT; MacLevy Co., of Elmhurst, NY; Sanyo Corp., of Little Ferry, NJ; and ASC STORES, III, INC., trading as MILLER & RHOADS, of Richmond, VA, and Variety Audio, of Farmingdale, NY.

MC 51518 (Sub-9), filed October 13, 1982. Applicant: VESELY BROS. MOVING & STORAGE, INC., P.O. Box 455, Fayette City, PA 15438. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Fayette, Allegheny, Washington and Westmoreland Counties, PA, on the one hand, and, on the other, points in PA, WV, OH, NY, NJ, MI, MD, DE, IN, IL, MA, VA, VT, RI, CT, KY, and DC.

MC 82079 (Sub-9), filed October 14, 1982. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Ave. SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121.

Transporting (1) *food and related products*, between points in IN, IL, MI, OH and WI and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MI.

MC 116808 (Sub-4), filed October 6, 1982. Applicant: MALLORY TRUCK LINES, INC., 1115 Conant, Burley, ID 83318. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, 208-343-3071. Transporting *coal, chemicals and related products, and minerals*, between points in ID, NV, OR, UT, and WY.

MC 129378 (Sub-6), filed October 15, 1982. Applicant: JENNINGS TRUCK SERVICE, INC., Route No. 1, Gotebo, OK 73041. Representative: William Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting *metal products and machinery*, between points in OK, on the one hand, and, on the other, points in AR, AZ, CO, IA, ID, KS, LA, MN, MO, MT, ND, NE, NM, SD, TX, UT, and WY.

MC 148858 (Sub-4), filed October 18, 1982. Applicant: DARRELL ANDREWS TRUCKING, INC., P.O. Box 654, Siler City, NC 27344. Representative: Darrell Andrews (same as applicant), 919-663-2142. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, VA, and those in TN on and east of Interstate Hwy 65, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149308 (Sub-26), filed October 18, 1982. Applicant: VICTORY FREIGHTWAY SYSTEMS, INC., P. O. Box P, Sellersburg, IN 47172. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589-5400. 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 Ovaltine Products, Inc., of Villa Park, IL.

MC 164198, filed October 13, 1982. Applicant: RONALD GENE THOMPSON, d.b.a. RON THOMPSON TRUCKING, 521 N. Ben Maddox, Visalia, CA 93291. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of water heaters, between points in the U.S., under continuing contract(s) with Hoyt Heater Co., of Reno, NV.

MC 164208, filed October 14, 1982. Applicant: CANOGA

TRANSPORTATION CO., INC., R.D. No. 2, Box 2453, Seneca Falls, NY 13148. Representative: Roy D. Pinsky, State Tower Bldg., Suite 1020, Syracuse, NY 13202, (315) 422-2384. Transporting *limestone* between points in Litchfield County, CT, on the one hand, and, on the other, points in Erie County, NY.

MC 164209, filed October 13, 1982. Applicant: MASUR TRUCKING INC., 2324 Whitewood Lane, Cincinnati, OH 45239. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164228, filed October 14, 1982. Applicant: A&R TRANSPORT, INC., 4817 Rutledge Pike, Knoxville, TN 37914. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347-8862. Transporting *petroleum, natural gas, and their products*, between points in TN, on and east of U.S. Hwy 27, on the one hand, and, on the other, points in NC, SC, GA, AL, TN, KY, WV, and VA.

MC 164239, filed October 15, 1982. Applicant: CENTRAL PLAINS TRANSPORTATION, INC., P. O. Box 990, Lawrence, KS 66044. Representative: William B. Barker, 641 Harrison Street, P. O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between Kansas City, MO, and points in Franklin and Douglas Counties, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29763 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-45]

The Atchison, Topeka, and Santa Fe Railway Co.; Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of the Burlington Northern Railroad (BN). A portion of the BN tracks between Galesburg and Chicago, Illinois, are temporarily out of service because of a derailment. An alternate

route is available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad, (BN) at Galesburg, Illinois, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective 8:45 p.m., October 11, 1982.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 12, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 11, 1982.

Interstate Commerce Commission.

John H. O'Brien,
Agent.

[FR Doc. 82-29758 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the *Federal Register*.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 275-7277

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract number, and specifics	Review board ¹	Decided date
332	Missouri Pacific Railroad Co., ICC-MP-C-0163, (Cleaned rice).....	2	10-25-82
333	Burlington Northern Railroad Co., ICC-BN-C-0156, (Coal).....	3	10-25-82
334	Grand Trunk Western Railroad Co., ICC-GTW-C-0063, (Grain).....	1	10-25-82

¹Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29756 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29981]

Seaboard Coast Line Railroad Co.; Abandonment Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* abandonment by the Seaboard Coast Line Railroad Company of 0.14 miles of line in Bertie County, NC, subject to standard labor protection provisions. Abandonment may not occur until abandonment is effected in NO. AB-55 (Sub-No. 64F), *Seaboard Coast Line Railroad Company—Abandonment—In Bertie County, NC* (not printed), served September 13, 1982.

DATES: This exemption shall be effective on November 29, 1982. Petitions to stay the effectiveness of this decision must be filed by November 8, 1982. Petitions for reconsideration must be filed by November 18, 1982.

ADDRESSES: Send pleading to:

- (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.
 - (2) Petitioner's representative, John W. Humes, Jr., 500 Water Street, Jacksonville, FL. 32202.
- Pleading should refer to Finance Docket No. 29981.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Avenue NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29754 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-115
(Preliminary)]

Canned Mushrooms From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: October 18, 1982.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of an investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China of mushrooms, prepared or preserved, other than frozen, currently provided for in item 144.20 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Furlow (202-724-0068), Chief, Agriculture, Fisheries, and Forest Products Division, Office of Industries, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed October 18, 1982, on behalf of the Four "H" Corporation. A copy of the petition is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition or by December 2, 1982 (19 CFR 207.17). Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than November 5, 1982. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late

entry for good cause shown by the person desiring to file the entry.

Written Submissions

Any person may submit to the Commission on or before November 15, 1982, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of 201.6 of the Commission's rules (19 CFR § 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on November 10, 1982, at the U.S. International Trade Commission Building, 701 E Steet NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisor for the investigation, Mr. Edward Furlow, telephone 202-724-0068, not later than November 5, 1982, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207, 47 FR 6182, February 10, 1982 and 47 FR 33682, August 4, 1982) and Part 201 subparts A through E (19 CFR Part 201, 47 FR 6182, February 10, 1982; 47 FR 13791, April 1, 1982; and 47 FR 33682, August 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Furlow.

This notice is published pursuant to § 207.12 of the Commission's Rules (19 CFR 207.12).

Issued: October 26, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29826 Filed 10-28-82; 8:45 am]

BILLING CODE 7020-02-M

Termination of Countervailing Duty Investigations Concerning Certain Carbon Steel Products

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigations under section 704(a) of the Tariff Act of 1930.

EFFECTIVE DATE: October 21, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger (202-523-0312) or Mr. Daniel Leahy (202-523-1369), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION: on June 14, 1982, the Commission instituted final investigations under section 705(b) of the Act to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports of the specified merchandise:

Hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA), from—

Belgium (investigation No. 701-TA-86 (Final)),

The United Kingdom (investigation No. 701-TA-92 (final)), and

West Germany (investigation No. 701-TA-93 (Final));

Hot-rolled carbon steel sheet and strip, provided for in TSUSA items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 and 608.1920, 608.2120, and 608.2320, respectively, from—

Belgium (investigation No. 701-TA-94 (Final)),

France (investigation No. 701-TA-96 (Final)),

Italy (investigation No. 701-TA-97 (Final)), and

West Germany (investigation No. 701-TA-101 (Final));

Cold-rolled carbon steel sheet and strip, provided for in TSUSA items 607.8320 and 607.8344 and 608.1940, 608.2140, and 608.2340, respectively, from—

France (investigation No. 701-TA-104 (Final)),

Italy (investigation No. 701-TA-105 (Final)),

West Germany (investigation No. 701-TA-109 (Final));

Carbon steel structural shapes, provided for in TSUSA items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045, from—

Belgium (investigation No. 701-TA-117 (Final)),

France (investigation No. 701-TA-119 (Final)),

Luxembourg (investigation No. 701-TA-121 (Final)),

The United Kingdom (investigation No. 701-TA-123 (Final)),

West Germany (investigation No. 701-TA-124 (Final));

Hot-rolled carbon steel bar, provided for in TSUSA items 606.8310, 606.8330, and 606.8350, from—The United Kingdom (investigation No. 701-TA-128 (Final)).

On October 21, 1982, the Commission was notified by the United States Steel Corporation, Bethlehem Steel Corporation, Republic Steel Corporation, Inland Steel Corporation, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Steel Corporation, the petitioners in these investigations, that they wished to withdraw their petitions as to all of the above-mentioned investigations pursuant to section 704(a) of the Act. The Commission has granted these requests.

Issued: October 26, 1982.

By Order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29825 Filed 10-28-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations No. 701-TA-191-194 (Preliminary) and 731-TA-104-106 (Preliminary)]

Steel Rails From the Federal Republic of Germany, France, the United Kingdom, and Luxembourg; Determination

Determinations

On the basis of the record¹ developed in its investigations Nos. 701-TA-191-194 (Preliminary), the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury,² by reason of imports of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the Tariff Schedules of the United States Annotated (TSUSA), from the Federal Republic of Germany,

¹ The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

² Chairman Eckes and Commissioner Haggart determine that there is a reasonable indication of material injury and therefore do not reach the issue of threat of material injury.

France, the United Kingdom, and Luxembourg, upon which bounties or grants are alleged to be paid.

On the basis of the record developed in investigations Nos. 731-TA-104-106 (Preliminary) the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the TSUSA, from the Federal Republic of Germany, France, and the United Kingdom, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On September 3, 1982, a petition was filed by counsel on behalf of CF&I Steel Corporation with the U.S. International Trade Commission and with the Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports of steel rails from the European Community upon which bounties or grants are alleged to be paid and by reason of imports of steel rails from the Federal Republic of Germany, France, and the United Kingdom which are allegedly being sold at less than fair value. Accordingly, the Commission instituted preliminary investigations under sections 701(a) and 733(a), respectively, of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of the importation of such merchandise into the United States.

On September 28, 1982, the Commission terminated its investigation No. 701-TA-189 (Preliminary), steel rails from the European Community and instituted investigations Nos. 701-TA-191-194 (Preliminary), steel rails from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg. This action was required in order to conform the scope of the Commission's preliminary countervailing duty investigations with those initiated by Commerce on September 29, 1982.

Notices of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing notices in the *Federal*

Register on September 15, 1982 (47 FR 40724) and on October 4, 1982 (47 FR 43812). The conference was held in Washington, D.C. on September 29, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record developed in these investigations, we determine, pursuant to section 703(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails from the Federal Republic of Germany, France, the United Kingdom and Luxembourg which are alleged to be subsidized by their respective Governments.³ Further, we determine, pursuant to section 733(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails from the Federal Republic of Germany, France and the United Kingdom which are alleged to be sold at less than fair value.^{4,5,6}

In a preliminary investigation, the Commission is directed by Title VII of the Tariff Act of 1930 to determine, based upon the best available information at that time, whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with

³ Chairman Eckes and Commissioner Haggart determined that there is a reasonable indication of material injury, and therefore do not reach the issue of reasonable indication of threat of material injury.

⁴ Chairman Eckes and Commissioners Stern and Haggart have made their determination on a case-by-case basis.

⁵ Commissioner Stern notes that, should these affirmative preliminary cases return for final determinations, she does not preclude cumulation if the record developed shows it to be appropriate. See, Certain Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom, Inv. Nos. 731-TA-18 through 24 (Preliminary), USITC Pub. 1064 (1980), at 64-67; Carbon Steel Wire Rod from Brazil, Belgium, France and Venezuela, Inv. Nos. 701-TA-148 through 150 (Preliminary), and Inv. No. 731-TA-88 (Preliminary), USITC Pub. 1230 (1982).

⁶ Commissioner Frank notes that the principal bases for his affirmative determinations are the significant cumulative impact that these alleged unfair imports have had on the operation and financial condition of the domestic producers, including: adverse employment trends, depressed levels of utilization of capacity, and their possible considerable influence on price. For an extensive discussion on how Commissioner Frank believes the legislative intent on the "low threshold" test in these preliminary investigations should be applied, see Certain Steel Products from Belgium . . . Inv. Nos. 701-TA-86-144, 146, 147 and 731-TA-53-86 (Preliminary), USITC Pub. 1221, February 1982, Views of Commissioner Eugene J. Frank at p. 121-124.

material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise that is the subject of the investigation.⁷

Section 771(7) of the Act directs the Commission to consider, in making its determination, among other factors, (1) The volume of imports of the merchandise under investigation, (2) their impact on domestic prices and (3) the consequent impact on the domestic industry.⁸

Domestic Industry

Section 771(4)(A) of the Act defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major portion of the total domestic production of that product."⁹ Section 771(10) defines "like product" as a "product which is like, or in the absence of like, most similar in characteristics and uses with the article subject to an investigation."¹⁰

The imported articles which are the subject of these investigations are steel rails. Both imported and domestic steel rails are finished steel products used to form a continuous runway or track for carrying moving wheel loads.¹¹ Rails are designed with a head for wheel treads and for guiding wheel flanges, a web for girder strength, and a base for fastening the rail to its support.¹²

Certain types of steel rails are distinguishable based on differences according to shape, weight and composition (e.g. carbon, heat-treated carbon or alloy steel), and with regard to uses. Standard tee rails are by far the most common and are used in open track construction. Their shape resembles the letter T and they have a nominal weight of more than 60 pounds per yard.¹³ Crane rails are very similar

⁷ 19 U.S.C. 1671b, 1673b. Material retardation is not an issue in this case.

⁸ 19 U.S.C. 1677(7)(B).

⁹ 19 U.S.C. 1677(4)(A).

¹⁰ Section 771(10) of the Tariff Act of 1950, 19 U.S.C. 1677(10).

¹¹ Report, at p. A-3.

¹² *Id.*, at p. A-3.

¹³ *Id.*, at p. A-3. Within the broad category of standard tee rails there are variations based on hardness and weight. Carbon tee rails are generally considered to be the basic rails of the railroad industry and are commonly used on main and secondary rail lines. Alloy or heat-treated carbon tee rails are considered to be a premium rail and are used in applications requiring additional strength and wear resistance, such as curves. Heat-treated carbon tee rails and alloy tee rails can be used in similar applications and are regarded as comparable in strength, wear resistance, and production costs. Moreover, standard tee rails having a nominal weight of 60 pounds per yard or less are known as light, or lightweight rails. *Id.* at p.

in shape to standard tee rails, though the web and base are thicker.¹⁴ Such rails are designed to carry heavy concentrated loads.¹⁵ Girder rails are not symmetrical in section and are used in track embedded in pavement.¹⁶

In this preliminary investigation, the variations in the physical characteristics and uses of the various rails do not warrant designation of different like products. Therefore, we determine that the like product in this investigation consists of all steel rails.¹⁷ Thus, the domestic industry consists of all domestic producers of standard tee, light or lightweight, crane and girder rails.¹⁸

Condition of the Domestic Industry

During the period covered by this investigation, the steel rail industry has experienced declines in several key economic indicators, particularly during the most recent period, January-June 1982. Between 1979 and 1981, domestic production declined 21 percent from 1,160,000 short tons in 1979 to 923,000 short tons in 1981 and declined another 48 percent in January-June 1982 compared with January-June 1981.¹⁹ Capacity utilization dropped from 85 percent in 1979 to 55 percent in 1981, and to 30 percent in January-June 1982 from 72 percent in January-June 1981.²⁰

Total shipments and employment followed similar trends. Shipments declined 16 percent from 1979 to 1981, and declined by 47 percent in January-June of 1982 for corresponding 1981 levels.²¹ Employment of workers engaged in the production of steel rails declined 27 percent from 1979 to 1981 and 42 percent in January-June 1982 compared with the same period in 1981.²²

A-3. Light rails are principally used for mining purposes, and for other types of industrial uses. Transcript, at p. 86.

¹⁴ Report, at p. A-3.

¹⁵ *Id.*, at p. A-4.

¹⁶ *Id.*, at p. A-4.

¹⁷ According to information provided to the Commission staff by the U.S. Customs Service, "contact rails are not included in the rails provision of the TSUSA, but rather are classified in TSUSA item 685.90 which includes various electrical apparatus." Report, at p. A-3. Therefore, they are not subject of this investigation.

¹⁸ Commissioners Stern and Haggart note that should these cases return for a final determination, the "like product" and "industry" questions may merit further examination. At that time, we would hope to have more information on characteristics and uses of the various types of steel rails and, in addition, separate trade data and price information for each type of rail.

¹⁹ *Id.*, at p. A-19.

²⁰ *Id.*, at p. A-19.

²¹ *Id.*, at p. A-20.

²² *Id.*, at p. A-22.

Profit-and-loss data covered substantially all of U.S. production of steel rails in 1981.²³ The responding firms operated profitably on their steel rail operations during 1979-1981, but during January-June 1982 these profits declined significantly and most firms experienced losses.²⁴ A primary factor for declining profitability during January-June 1982 was a significant drop in sales volume which resulted in rising average unit costs.²⁵

Reasonable Indication of Material Injury or Threat of Material Injury by Reason of Imports²⁶

Demand for steel rails and price trends for this product depend largely on the level of activity in the railroad industry.²⁷ Apparent U.S. consumption of steel rails declined 15 percent from 1979 to 1981, and then declined another 28 percent in January-June 1982 relative to the comparable period in 1981.²⁸ During the period covered by this investigation, while consumption has declined, the import penetration for each of the countries subject to this investigation has increased.

Information regarding the relationship between prices of the domestic products and prices of the imported products from each country has not been completely developed during the course of these preliminary investigations.²⁹ Available information indicates that most purchases of steel rails are made on a competitive bid basis. During the course of a year, there are relatively few purchases made, necessarily resulting in sizable tonnages for each purchase and adding to the significance of sales lost due to price. Information which was developed during this investigation regarding sales made on a bid basis indicates that domestic producers have lost sales to imports on the basis of price. Given the price sensitivity which characterizes the market for a fungible commodity such as these steel products, the increasing market share held by the imports from each country provides a further indication of their competitive

²³ *Id.*, at p. A-23.

²⁴ *Id.*, at p. A-26.

²⁵ *Id.*, at p. A-26.

²⁶ See, footnote 1 at p. 3.

²⁷ Also, recently as a result of lack of capital and high interest rates, the demand for rails has fallen leading to increased competition, discounting and softening of prices for steel rails. *Id.*, at p. A-37.

²⁸ *Id.*, at p. A-21.

²⁹ Data developed during the preliminary investigation suggests that there may possibly be various markets for steel rails including the railroad industry, the metropolitan transit authorities, and industrial users. The purchasing decision process followed by these consumers remains unclear. There may be differences with regard to the bidding process, terms of purchase, quality concerns, and the types of rails purchased.

pressure on the pricing policies of the domestic industry. Further examination of bid prices submitted by domestic and foreign producers for comparable products would be required for a more complete assessment of the impact of imports on domestic pricing policies in any final investigation.

Imports From Federal Republic of Germany

Imports of steel rails from the Federal Republic of Germany increased approximately 40 percent from 47,000 tons in 1979 to 66,000 tons in 1981. As domestic industry conditions worsened in January-June 1982, these imports increased 26 percent to 54,000 tons from 43,000 tons in the corresponding period in 1981. In addition, the percentage of domestic consumption represented by imports from the Federal Republic of Germany rose steadily from 3.7 percent in 1979 to 6.0 percent in 1981. From January-June 1981 to January-June 1982 that percentage rose substantially from 6.5 percent to 11.3 percent.³⁰ Information provided by a purchaser of rails from the Federal Republic of Germany suggests that the imported product was priced below the domestic product.³¹

With regard to threat, Commissioners Stern and Frank base their determination on the above factors as well as the following information. Imports from the Federal Republic of Germany have increased since 1979, and the rate of increase is significant. There are three firms known to produce steel rails in the Federal Republic of Germany. All are fully integrated steel facilities that produce a wide range of steel mill products. Data are available for Krupp Stahl AG which shows that capacity is not being fully utilized. Data on production, capacity, capacity utilization and exports of steel rails are not available now for the other two producers.³² Such information should be available in the event of a final determination.

Imports From France

Imports from France increased 61 percent from 18,000 tons in 1979 to 29,000 tons in 1981, and then increased to 42,000 tons in January-June 1982 compared to 14,000 tons in the corresponding period of 1981.³³ As a percentage of apparent U.S. consumption, imports from France increased from 1.4 percent in 1979 to 2.6 percent in 1981. Comparing the periods January-June 1981 to January-June 1982,

³⁰ *Id.*, at p. A-35.

³¹ *Id.*, at pp. A44-45.

³² *Id.*, at p. A-11.

³³ *Id.*, at p. A-33.

imports from France as a percentage of apparent U.S. consumption increased from 2.1 to 8.8 percent.³⁴

Imports of steel rails from France accounted for ten lost sales based on price, all of which were confirmed.³⁵ These lost sales totaled 44,963 tons.³⁶

With regard to threat, Commissioners Stern and Frank base their determination on the above factors as well as the following information. Imports from France have increased since 1979, and the rate of this increase in imports is high. The French producer Sacilor (Acieries et Laminiers De Lorraine) is presently operating below capacity.

Imports From the United Kingdom

Imports from the United Kingdom declined from 11,000 tons in 1979 to 5,000 tons in 1981. In January-June 1982, when the strongest showing of injury in the U.S. industry occurred, imports increased to 7,000 tons compared to 3,000 tons in the same period in 1981. In addition, comparing the periods January-June 1981 to January-June 1982, the percentage of domestic consumption represented by imports from United Kingdom increased from .5 percent to 1.5 percent.³⁷ There were 6 confirmed lost sales on the basis of price totaling 21,598 tons.³⁸

With regard to threat, Commissioners Stern and Frank based their determination on the above factors and the fact that the industry in the United Kingdom is operating well below capacity.

Imports From Luxembourg

Imports from Luxembourg increased by 50 percent from 8,000 tons in 1979 to 12,000 tons in 1981, and then to 8,000 tons in January-June 1982 as compared to 7,000 tons in the same period in 1981.³⁹ The percentage of domestic consumption represented by imports from Luxembourg increased from .6 percent in 1979 to 1.1 percent in 1981, and to 1.7 percent in January-June 1982 as compared with 1.1 percent in January-June 1981.⁴⁰

With regard to threat, Commissioners Stern and Frank based their determination on the above factors as well as the following information.⁴¹ The

rate of increase in market penetration is significant and there is substantial excess capacity.

Conclusion

Based on the information collected during the course of these investigations, we conclude that there is a reasonable indication that the domestic steel rails industry is materially injured or threatened with material injury⁴² by reason of the allegedly subsidized imports of steel rails from the Federal Republic of Germany, France, the United Kingdom and Luxembourg; and by reason of imports of steel rails from the Federal Republic of Germany, France and the United Kingdom which are allegedly sold at less than fair market value.

By Order of the Commission.

Issued: October 18, 1982.

Kenneth R. Mason,
Secretary.

[FR Doc. 82-29538 Filed 10-28-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in an Action Under the Resource Conservation and Recovery Act and Clean Water Act as Amended by the Comprehensive Environmental Response, Compensation and Liability Act of 1980

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 26, 1982, a proposed Consent Decree in *United States v. Seymour Recycling Corporation, et al.*, Civil Action No. IP 80-457-C was lodged in the United States District Court for the Southern District of Indiana.

This action was originally filed in 1980 under Section 7003 of the Resources Conservation Recovery Act, 42 U.S.C. 6973 against the owners and generators of the Seymour Recycling hazardous waste facility. An Amended Complaint was filed contemporaneously with the lodging of the Consent Decree. The Amended Complaint adds new parties to the action and alleges causes of action under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

The Consent Decree provides that some of the parties to this action who are alleged to be responsible for

disposal and release or threatened releases of hazardous wastes and substances arising out of the presence, storage, treatment, handling, transportation, or disposal of solid and hazardous wastes and hazardous substances at Freeman Field Industrial Park near Seymour, Indiana will undertake to fund and insure completion a total of surface cleanup of the site. The United States has retained its right to proceed against all other responsible parties for the remaining cleanup or costs of cleanup and enforcement.

The proposed decree may be examined at the Office of the United States Attorney, 274 U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana 46204, at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of ten (10) days from the date of this notice (28 CFR 50.7(c)). The 30 day period normally prescribed by 28 CFR 50.7 for receipt of public comment has been shortened. The public interest in obtaining an expeditious start of cleanup activity at the Seymour site to abate a serious public health and environmental hazard and to avoid delay which may be caused by the advent of winter justifies this time reduction. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530, and should refer to *United States v. Seymour Recycling Corporation, et al.*, DOJ Reference #62-265-19.

Mary L. Walker,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-29618 Filed 10-28-82; 8:45 am]

BILLING CODE 4410-01-M

³⁴ *Id.*, at p. A-35.

³⁵ *Id.*, at p. A-45.

³⁶ *Id.*, at p. A-44.

³⁷ *Id.*, at p. A-35.

³⁸ *Id.*, at p. A-44.

³⁹ *Id.*, at p. A-33.

⁴⁰ *Id.*, at p. A-35.

⁴¹ Commissioners Stern and Haggart note that imports from Luxembourg consist primarily of light, girder and crane steel rails. Should this case return for a final investigation, we would hope to have import, production, and price data for these

categories of steel rails. Such data would allow for a more precise analysis of allegations of injury due to imports from Luxembourg.

⁴² See, footnote 1 at p. 3.

Antitrust Division**United States v. National Association of Broadcasters; Proposed Final Judgment**

Pursuant to 15 U.S.C. 16(d) the Department of Justice publishes below copies of the public comments, and its responses thereto, on the proposed Final Judgment filed in the case of *United States v. National Association of Broadcasters*, Civil Action No. 79-1549.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

September 9, 1982.

Re Civil Action No. 79-1549

Mr. Stanley M. Gorinson,

Special Regulated Industries Section,

Antitrust Division (SAFE-504B), U.S.

Department of Justice, Washington, D.C.

Dear Mr. Gorinson: 1. The purpose of this letter is to accept the Department's offer to furnish comments to the proceedings noted above, as directed by briefs filed 16 JUL 82 (Please see page six).

2. In the circumstances, we hold credentials from various geographical states, as an advertising sales executive albeit in the Account Services function. As one of our responsibilities to our Clients, along with our Creative, Media and Research associates, we make serious attempts to remain informed on possible legislative matters which might diminish the effectiveness of Client advertising messages in time periods of programs supplied by and carried on various network stations. Also, we are concerned that one of the results of these actions, could dilute the combined achievements of these important broadcast mediae.

3. While presently, we are not responsible for new advertising campaign preparations nor previous endeavors, the proceedings interest me because of the positions taken as well as their implications. The Plaintiff (the United States of America) seems to have adopted the stance that "television" cannot be regulated, while the Defendant claims that "television" has to be regulated. Experience says to me that the latter position is quite correct, as well as requisite.

4. As we digest and think about the possible detrimental business interruptions which sometimes result in the losses of advertising budgets, broadcast media dollars, market share slumps, market sales downturns and lower earnings which sometimes are distributed (i.e. Company, employee shareholders, external shareholders, pension funds, profit-sharing funds, other incentive funds as well as regular contributions to various federal collection departments); we will remain interested in the future courses of these litigations, as well as alert to their effects relative to business performances.

5. We trust that since 16 JUL 82, the Department has received numerous telephone calls as well as reams of correspondence re these matters.

6. Thank you for the opportunities to a) submit constructive comments and b) register our concerns; particularly as the new 1982-1983 network schedules are announced and become available to us as well as me.

Cordially,

D. D. Crane.

U.S. Department of Justice,
Washington, D.C.

Mr. D. D. Crane,
P.O. Box 1001,
Cranford, N.J.

Dear Mr. Crane: This will respond to your letter of September 9, 1982, concerning the proposed final judgment in *United States v. National Association of Broadcasters* ("NAB").

The proposed judgment focuses on the NAB's attempt to set overall standards for the quantity, placement, and format of television advertisements. Entry of the judgment will not affect the jurisdiction of the Federal Communications Commission to regulate television.

I hope this is responsive to your expressed concern about the proposed settlement.

Thank you for providing us with your views.

Sincerely yours,

Stanley M. Gorinson,

Chief, Special Regulated Industries Section,
Antitrust Division.

Taxpayers Unanimous

San Jose, Calif., August 4, 1982.

William French Smith,

Attorney General, 1914 Connecticut Ave.,
Washington, D.C.

Dear Sir: I have read with amazement, a recent Los Angeles Times article, datelined Washington, D.C. in which it stated that your office had filed a suit in 1979 that sought to lift the restrictions as now imposed by the National Association of Broadcasters on the number of minutes and the number of ads that can be foisted on the viewing audience in this country. It further stated that a consent decree is now before the U.S. District Judge Harold H. Greene.

The current ratio on prime time (KGO, ABC affiliate, San Francisco) is 46 minutes of air time to subject matter and 14 minutes devoted to ads. Assuming seven 2 minute ads per hour that would mean an interruption of the program every 6 2/3 minutes, and you want to change that. I can remember the time when there was a break in the program twenty after the hour and 20 minutes before the hour. This country has come since that time and not for the better. What one must assume will occur from your suit and consent decree that TV viewing bill become a moving billboard of advertising interspersed every 3 1/4 minutes with the story line.

Your suit raises some interesting questions and the paramount one is the First Amendment to the United States Constitution. The air and sea lanes that you are attempting to deregulate belong to people and all broadcasting stations have a limited "license to operate", subject to the review and cancellation if operated improperly.

We strongly urge you to drop this suit and its consent decree and instead prepare legislation to be submitted to Congress that advertising limits be mandated to all radio and TV stations, to adopt a two or at most three ad breaks an hour and that ad time be cut back to no more than 10 minutes of advertising per hour.

Sincerely yours,

Hal M. Rogers,
President.

U.S. Department of Justice,
Washington, D.C.

Mr. Hal M. Rogers,
385 Delmas Avenue, San Jose, Calif.

Dear Mr. Rogers: This will reply to your August 4, 1982 letter to the Attorney General concerning the Department's lawsuit against the National Association of Broadcasters ("NAB").

On June 14, 1979, the United States filed a civil antitrust complaint against the NAB alleging that the NAB had violated Section 1 of the Sherman Act, by combining and conspiring to restrain trade. Specifically, the complaint alleged that the NAB had promulgated and enforced a television code, certain provisions of which restricted the quantity, placement, and format of television advertisements.

In response to the parties' cross-motions for summary judgment, the District Court on March 3, 1982, issued an Opinion and Order which denied NAB's motion and which granted in part the Government's motion for summary judgment. The Court found NAB's "multiple product" rule to be illegal under the Sherman Act. This rule restricted the number of products that could be advertised within a single advertisement of less than 60 seconds' duration. The Court accordingly entered an Order requiring the NAB to cease enforcement of that rule immediately. The Court held that the merits of the Government's other allegations could be determined only after trial.

In July 1982, the Government and the NAB agreed to a proposed Final Judgment to settle the lawsuit. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned on determination by the Court that the proposed Final Judgment is in the public interest. The proposed Final Judgment orders the NAB to stop disseminating or enforcing the specific Code provisions challenged in our suit, and forbids the NAB to adopt any other rules respecting the quantity, length, or placement of non-program material on television, or any rule respecting the number of products or services to be advertised within a single non-program announcement on television.

Regarding your concern that an excessive amount of advertising could result from this settlement, it is important to bear in mind that the proposed Final Judgment does not prohibit each individual station from setting its own advertising standards. Moreover, as you may know, for many years the Federal Communications Commission has monitored broadcaster advertising practices in the course of license renewals. Thus, mechanisms exist, other than a group of competitors acting through a trade association, to monitor and to prevent overcommercialization.

I hope this answers the concerns you may have had about the settlement of this lawsuit. As you requested, we are enclosing copies of the complaint and the proposed Final Judgment.

Sincerely,

Stanley M. Gorinson,

Chief Special Regulated Industries Section,
Antitrust Division.

Bohn & Kaplan,

Boston, Mass., September 24, 1982.

Stanley K. Gorinson,

Chief, Special Regulated Industries Section,
Antitrust Division (SAFE 504B),

Department of Justice, Washington, D.C.

Dear Mr. Gorinson: I am enclosing herewith, on behalf of Action for Children's Television, their comments and response to the Proposed Final Judgment in *United States v. National Association of Broadcasters*, Civil Action No. 79-1549, pursuant to a request for such comments from the Justice Department published in the *Federal Register* (47 F.R. 32810, July 29, 1982).

Very truly yours,

Honora Kaplan, Esq.

Enclosure.

United States District Court for the District of
Columbia

*United States Plaintiff v. National
Association of Broadcasters, Defendant*

C.A. No. 79-1549

*Action for Children's Television's Comments
and Response to Proposed Final Judgment*

Introduction

Action for Children's Television (ACT) is a national advocacy organization concerned with children's television experiences, and particularly with the elimination of commercial abuses from children's television. The special problems of television advertising directed to children must be taken into account in considering the Final Judgment proposed by the U.S. District Court for the District of Columbia in *United States v. National Association of Broadcasters*, Civil Action No. 79-1549, which would enjoin the operation and enforcement of the National Association of Broadcasters (NAB) Code. See Point I, *infra*. We therefore urge the Court to consider ACT's comments contained herein when issuing its final orders, and to revise the proposed Final Judgment to permit continuation of the Code provisions relating to children's television advertising.

Argument

1. *The Court has the authority, and indeed the duty, to consider the public interest in the area of children's television advertising*

In light of the recent decision of the Court in *U.S. v. AT&T*, — F. Supp. —, Civ. Act. No. 74-1698, filed August 11, 1982, no extensive discussion of this matter is needed here. In Point II, S1. Op. 25-36, the Court carefully and soundly "set out the standards which will guide the Court's public interest review" under the Tunney Act, 15 U.S.C. Sec. 16(e) (*id.* at 25). Specifically, the Court stated (*id.* at 30-31):

"While the issue of competition and the effects on competition which are at the heart of the antitrust laws should thus be deemed matters of paramount concern, it is clear from the cases that other factors are not irrelevant. [footnote omitted] As the Supreme Court

has put it, antitrust violations should be remedied 'with as little injury as possible to the interest of the general public' and to relevant private interests. *United States v. American Tobacco Co.*, 221 U.S. 106, 185 (1911). See also *United States v. E.I. duPont de Nemours*, 366 U.S. 316, 327-28 (1961). When choosing between effective remedies, a court should impose the relief which impinges least upon other public policies. *United States v. American Tobacco Co.*, *supra*; *United States v. E.I. duPont de Nemours*, *supra*; *United States v. Terminal Railroad Ass'n*, 224 U.S. 383, 410 (1912). [footnote omitted] Thus, the Court would be justified in rejecting the proposed decree or requiring its modification [footnote omitted] if it concluded that the decree unnecessarily conflicts with important public policies other than the policy embodied in the Sherman Act."

And the Court concluded (*id.* at 35-36): "The Court concludes that, taking into account the various legislative and decisional mandates discussed above, it will apply the following standard to its evaluation of the proposed decree. After giving due weight to the decisions of the parties as expressed in the proposed decree, the court will attempt to harmonize competitive value with other legitimate public interest factors. If the decree meets the requirements for an antitrust remedy—that is, if it effectively opens the relevant markets to competition and prevents the recurrence of anticompetitive activity all without imposing undue and unnecessary burdens upon other aspects of the public interest—it will be approved. [footnote omitted] If the proposed decree does not meet this standard, the Court will follow the practice applied in other Tunney Act cases [footnote omitted] and as a prerequisite to its approval, it will require modifications which would bring the decree within the public interest standard as herein defined." [footnote omitted]

The Court also stated (*id.* at 32) that the *AT&T* case "is not an ordinary antitrust case." As we shall show (Point III, *infra*), the instant case is also not an ordinary antitrust case from the standpoint of limitations on children's television advertising. On the contrary, in that regard, we have the extraordinary spectacle of one branch of the Government—the Antitrust Division—attacking the legality of a practice that was deliberately fostered and relied upon by another branch, the Federal Communications Commission (FCC), with full and indeed "leading" authority to so act. See *ACT v. FCC*, 564 F.2d 458, 482, (D.C. Cir. 1977).

II. *There is a special and heightened public interest requirement that there be no over-commercialization in the area of children's television.*

A. *Impact of Television on Children.* Television plays a major and pervasive role in the lives of children. More than 98% of all American homes have one or more television sets; the average preschooler spends more time watching television than at any other single activity except sleeping. By the time a child graduates from high school, he or she will have spent, on average, 15,000 hours

watching television and only 11,000 hours in the classroom.

Moreover, television exercises an enormous influence on children.¹ In a world where 90 percent of American three-year-olds can identify the cartoon character "Fred Flintstone," but only half of the world's adults recognize their national leaders, we must acknowledge the power and impact of television on America's 42 million children.

B. *Television Advertising and Children's Cognitive Development.* While both adult and children's commercial television programming is supported through advertising, children and adults perceive and respond to television messages in significantly different ways. Children are not simply small adults: Their cognitive abilities develop through several stages over time.² This is dramatically illustrated by numerous studies of children's reactions to television commercials.³ There is general agreement that young children place indiscriminate trust in television advertising: they focus on the concrete, the tangible and the immediate as opposed to the abstract; they are often unable to distinguish between fantasy and reality; and they do not understand the persuasive or selling intent in advertising.⁴ Accordingly, children are often convinced of the superiority of a product by such factors as the familiarity of the character who touts it. For example, in a recent study, more than half of the 4-7 year-olds studied expressed a desire to eat "Cocoa Pebbles" breakfast cereal because Fred Flintstone liked it.⁵

Of all television audiences, children are the most vulnerable and the least able to understand the exaggerations and ambiguities inherent in persuasive 30-second commercials. The NAB has attempted to address some of the problems related to children's television advertising by limiting the number of commercial minutes for children's television, by regulating multiple products advertised in a single commercial, and by insisting on clear separation between program and non-program material.⁶ The

¹ See, for example, *Television and Behavior*, Vol. I, National Institute of Mental Health, 1982.

² Piaget, J. *The Child's Conception of the World* (London: Routledge & Kegan Paul Ltd., 1967) first published, 1929; Piaget, J. *The Origins of Intelligence in Children* (New York: International Universities Press, 1952).

³ See attached bibliography.

⁴ National Science Foundation, *Research of the Effects of Television Advertising to Children*, 30 (1977).

⁵ Atkin, "Effects of Television Advertising on Children," *Children and the Faces of Television*, Palmer and Dorr, ed. (New York, 1980).

⁶ This latter provision (i.e., clear separation) is not in issue under the proposed Final Judgment; however, with the entry of the Judgment, the entire Code would then be set aside by the NAB. Therefore, as a practical matter, the Court's treatment of children's television advertising will be determinative of all aspects of the Code. Stated differently, if the advertising limitations at issue are retained, all aspects of the Code as to children's television advertising will continue. If, on the other hand, the limitations at issue are ended, the entire Code will terminate.

repeal of these and other provisions in the NAB Code would adversely affect the nation's 42 million children who watch commercial television.

C. Children and the Television Marketplace. The operation of free and fair competition in the marketplace is an important public policy objective, articulated by Congress in antitrust and other legislation. However, competition does not take place in a vacuum, and must incorporate the concept of the consumer. Thus, in addition to free and fair competition among sellers, there are other prerequisites to a competitive marketplace dynamic: the notion of a willing seller and a willing buyer, the existence of an arm's length transaction, a "meeting of the minds," and a relatively equivalent bargaining position between and among the parties. In order to further a competitive environment, the concept of "informed consumer choice" has, in recent years, tempered the archaic notion of "caveat emptor"—"let the buyer beware". This is in large measure a result of legislative and judicial recognition that modern marketplace transactions are no longer a consequence of two relatively equal individuals bargaining over a tangible product.⁷ When the target consumer or buyer is a child who is easily persuaded or confused by television advertising, the notion of "caveat emptor" becomes ludicrous.

A free and competitive marketplace will not be promoted by eliminating or restricting viable mechanisms that protect the child consumer. The portion of the NAB Code that sets guidelines for children's television commercials is one such mechanism. It clearly recognizes the inherent inequality, in this instance, of the consumer's position *vis a vis* the seller or advertiser. This disparity is particularly striking because the consumer group is comprised of children.

D. Special Status of Children. Both statutory and common law have recognized the unique and special status of children, and have afforded them protection against the consequences of their immature acts and judgments. For example, there are legal age limits regarding marriage, voting, working in certain occupations, driving, and seeking and holding office. Congress has also addressed the special needs of children, and has enacted legislation in such areas as labor standards, Headstart, and school lunches to protect and promote the interests of children.

In the marketplace, the law permits minors to void their contracts to protect them against their own improvident acts as well as against the designs of unscrupulous persons.⁸ Because children differ from adults in their experience as consumers as well as in their level of cognitive development, they have been described as "too young to be capable of exercising an intelligent judgment . . ." in

the marketplace. Consequently, the law has imposed additional legal constraints on advertising directed to children,¹⁰ as well as more stringent controls on broadcast communications directed toward them.¹¹

The NAB Code has also recognized the special needs and characteristics of children. It takes into account their developmental level and skills, as well as the fact that television advertising is the primary vehicle for reaching and persuading children to "participate" in the marketplace. The mantle of protection resulting from the Code's provisions would be destroyed by enjoining its enforcement and operation, at least insofar as children are concerned.

III. The limitations on overcommercialism in children's television in the NAB Code were fostered by the FCC and expressly found to serve the public interest by that agency and to be lawful by the Court of Appeals

As stated, this case presents a most extraordinary situation with respect to one aspect—limitations on children's television advertising. The leading agency of the Government in the field, the FCC, vigorously fostered the self-regulatory effort (i.e., the NAB Code); it then expressly relied upon the Code and found it markedly to serve the public interest; and, upon appeal, it successfully defended that reliance as permissibly falling within its authority. Under these circumstances, we submit that there is the strongest possible public interest case for continuation of the children's television advertising Code limitations.¹²

In 1970, ACT initiated the Children's Television Proceeding before the Federal Communications Commission (Docket No. 19142). In response to this proceeding and to more than 100,000 letters from citizens across the country, the FCC issued the *Children's Television Report and Policy Statement*.¹³ The Report clearly stated that "broadcasters have a special obligation to serve children."¹⁴ However, the Commission eschewed promulgating regulations related to programming or advertising practices, relying instead on industry self-regulation.¹⁵

In the sections of the Report dealing with television advertising, the FCC stated that the Commission's "statutory responsibilities include an obligation to insure that broadcasters do not engage in excessive or abusive advertising practices."¹⁶ Indeed, the

Commission noted that "the Federal Government has been concerned about the problem of over-commercialization in general since the beginning of broadcast regulation."¹⁷ It went on to state:

"If our policy against over-commercialization is an important one, and we believe that it is, it is particularly important in programs designed for children. Broadcasters have a special responsibility to children. Many of the parties testified, and we agree, that particular care should be taken to insure that they are not exposed to an excessive amount of advertising. It is a matter of common understanding that, because of their youth and inexperience, children are far more trusting of and vulnerable to commercial 'pitches' than adults. There is, in addition, evidence that very young children cannot distinguish conceptually between programming and advertising; they do not understand that the purpose of a commercial is to sell a product. Since children watch television long before they can read, television provides advertisers access to a younger and more impressionable age group than can be reached through any other medium. For these reasons, special safeguards may be required to insure that the advertising privilege is not abused. As the Supreme Court stated, '[i]t is the interest of youth itself, and of the whole community that children be . . . safeguarded from abuses.'"¹⁸

The Commission then made the following judgment:

"Although advertising should be adequate to insure that the station will have sufficient revenues with which to produce programming which will serve the children of its community meaningfully, the public interest does not protect advertising which is substantially in excess of that amount . . ."¹⁹

The Commission clearly recognized the problems associated with children's television advertising, and thus deliberately fostered the efforts of the television industry, to regulate itself. The then Chairman urged the industry to adopt self-regulating measures, and met with NAB officials to promote such measures.²⁰

The Commission made the following findings in the Report:

"Since children are less able to understand and withstand advertising appeals than adults, broadcasters should take the special characteristics of the child audience into consideration when determining the appropriate level of advertising in programs

¹⁰ *Id.*

¹¹ *FCC vs. Pacifica Foundation*, 438 US 726, 755-62 (1978) (Powell, J., concurring); see also *Ginsberg vs. New York*, 390 US 629 (1968).

¹² We also point out another unusual aspect of the case: the complete failure of the Competitive Impact Statement (CIS) to deal with the above, even though Justice was well aware of the history in light of pleadings filed by the defendants.

¹³ 50 F.C.C. 2d 1, 1974 (hereinafter *Report*).

¹⁴ *Id.* at 5. The Commission recently reaffirmed the viability of the *Report* in a *Memorandum Opinion and Order* denying three petitions to deny television license renewal applications, FCC 82-162, adopted April 1, 1982, released April 8, 1982.

¹⁵ *Id.* at 13.

¹⁶ *Id.* at 8-9.

¹⁷ *Id.* at 10.

¹⁸ *Id.* at 11, (citations omitted, emphasis added).

¹⁹ *Id.* at 12.

²⁰ See *ACT v. FCC*, *supra*, at 464; *Report*, *supra*, at 13.

"The issue remains, however, whether the Commission should adopt per se rules limiting the amount of advertising on programs designed for children or await the results of the industry's attempt to regulate itself. The decisions of the NAB and the INTV to restrict advertising voluntarily are recent developments which occurred during the course of this inquiry and after consultation with the Commission's Chairman and staff . . ."

See also *Broadcasting Magazine*, June 17, 1974, n. 4; June 24, 1974, 38-40; July 1, 1974, 20; July 8, 1974, 24; July 29, 1974, 22.

⁷ See, for example, the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, Pub. L. No. 93-637, 88 Stat. 2183 (1975) (codified in scattered sections of 15 U.S.C. (1976)).

⁸ Wood, "Validity of Transactions with Minors and Incompetents," 1951 U. Ill. L.F. 212, 217 (1951).

⁹ *FTC v. R. F. Keppel and Bro., Inc.*, 291 US 304, 309 (1934).

designed for them. *Many broadcasters substantially exceed the level of advertising that represents the best standard followed generally in the industry. The Television Code of the National Association of Broadcasters*, for example, permits only nine minutes and thirty seconds of non-program material (including commercials) in 'prime-time' programming (i.e. 7:00-11:00). In contrast, many stations specify as much as sixteen minutes of commercial matter an hour for those time periods in which most children's program are broadcast . . ."

"On the basis of this proceeding, the Commission believes that in many cases the current levels of advertising in programs designed for children are in excess of what is necessary for the industry to provide programming which serves the public interest . . ."

"The standards adopted by the two associations (NAB and INTV) are comparable to the standards which we would have considered adopting by rule in the absence of industry reform." ²¹

The Commission viewed industry self-regulation as an appropriate, and indeed, preferable alternative to governmental intervention:

" . . . every opportunity should be accorded to the broadcast industry to reform itself because self-regulation preserves flexibility and an opportunity for adjustment which is not possible with *per se* rules." ²²

Of particular significance to the proposed Final Judgment in *United States v. National Association of Broadcasters* was the Commission's finding that industry self-regulation of television advertising directed to children served the public interest.

"The Commission commends the industry for showing a willingness to regulate itself. *Broadcasting which serves the public interest results from actions such as these which reflect a responsive and responsible attitude on the part of broadcasters toward their public service obligations.*" ²³

This FCC policy was strongly supported by the U.S. Court of Appeals in the District of Columbia Circuit in *Action for Children's Television v. Federal Communications Commission*. ²⁴ The Appeals held, *inter alia*, that the Commission's reliance on industry self-regulation was both traditional and appropriate, and that such industry reforms "improved the quality of children's television." ²⁵ Moreover, the Court saw "no compelling reason why the Commission should not be allowed to give the industry's self-regulation efforts a reasonable period of time to demonstrate that they will be successful in rectifying the inadequacies of children's television." ²⁶

The Court viewed the NAB Code as a reflection and embodiment of FCC policy and "an encouraging sign that it (industry) would be sufficiently responsive to obviate the need for substantial government intrusion into

areas which, for good reasons, licensees traditionally have exercised considerable discretion." ²⁷ It was precisely to preserve this discretion and to promote Commission policies that the Court supported the FCC's action. ²⁸ Moreover, it emphasized that there existed a "public interest obligation of every licensee to respond in good faith to these policies." ²⁹ Since the Court of Appeals indicated that the NAB Code's provisions relating to children's television advertising were an appropriate mechanism through which to implement Commission policy, it would be contrary to public policy and the public interest to eliminate these provisions.

It may be argued that there is no need to maintain the Code because the Commission has full power to adopt general rules or to enforce policies in this area on an *ad hoc* basis. However, that very argument was at the heart of the children's television proceeding in the FCC Docket No. 19142. The FCC, the expert agency entrusted by Congress to deal with this issue, rejected that argument, and found that industry self-regulation, with appropriate FCC renewal licensing supervision, markedly served the public interest (including avoiding undue intrusion in areas where license discretion is desirable); furthermore, the Court of Appeals affirmed that judgment.

this constricted window, there would be no clear benefit to the advertiser from the

IV. There are no countervailing considerations that outweigh the clear and compelling public interest in retaining the Code as to children's television advertising

It is thus clear error not to consider the strong public interest considerations set forth above. We further maintain that in any balancing process, such public interest consideration must win out: there are no countervailing factors that outweigh it.

In this regard, we, of course, recognize that the proposed Final Judgment in *United States v. National Association of Broadcasters* is directed toward eliminating unfair and illegal restraints on trade, and toward furthering Congressional policy and the public interest embodied in antitrust laws. We acknowledge that the supply of advertising time should not be artificially manipulated, nor its cost artificially raised. However, the advertising time involved here is very small; it is limited largely to weekend mornings. ³⁰ Because of

²⁷ *Id.* at 481.

²⁸ Significantly, the Court also stated (*id.* at 482):

" . . . The Commission, as the expert agency entrusted by Congress with the administration and regulation of the crucial, dynamic communications field, requires and deserves some latitude in carrying out its substantial responsibilities. It may not be the sole guardian of the public's interest in broadcasting—licensees, the courts and the general public in varying ways share responsibility with it for defining and advancing that interest—but, in the formulation of broadcast policy, the Commission nevertheless must continue to play a leading role."

²⁹ *Id.* at 481.

³⁰ F. Earle Barcus, "Weekday Daytime Programming for Children Reported in U.S. Television Station Renewal Applications," September, 1981 (see attached summary).

elimination of the Code. Indeed, the Commission itself noted that the "economic data indicates that there is an inelasticity of demand" for advertising on children's programs. ³¹ The "anticompetitive effect" of the Code's provisions relating to children's advertising would therefore be *de minimis*, ³² and hence does not warrant their repeal.

We would further point the Court's attention to the recent *Pacifica* case, ³³ wherein the Supreme Court balanced strong First Amendment interests against the needs of children. Even the preservation of "an uninhibited marketplace of ideas" ³⁴ under the First Amendment was restricted to accommodate and protect the interests of children. It is precisely because of "the unique characteristics of the broadcast media, combined with society's right to protect its children . . ." ³⁵ that we urge the Court's consideration of the interests of children in its proposed Final Judgment. The marketplace of mere material objects is surely no more sacrosanct than the marketplace of ideas. In both arenas, the interests of children must be protected.

To inundate children's television with excessive numbers of commercials and confusing numbers of products in an effort to benefit the child consumer is an extraordinary position for the government to take. There will be no benefit to children, no benefit to children's television programming, and no clear benefit to the advertiser. The price of advertising directed to children might decrease slightly, but the real cost to children will increase dramatically.

As shown (Point I), the public interest served by the Sherman Act must therefore be balanced by the Court against the public interest served by the provisions relating to children's television advertising contained in the NAB Code. While the Code represents only a partial response to the problems associated with televising advertising directed to children, it is nonetheless an effective mechanism sanctioned by the FCC and the U.S. Court of Appeals.

"The law is not made for experts but to protect the public, the vast multitude which includes the ignorant, the unthinking and the credulous . . ." ³⁶ Children are clearly among the most vulnerable and "credulous" of groups, and therefore need and deserve special consideration, treatment, and protection. In the area of television advertising, the public interest strongly calls for the U.S. District Court to carve out an exception to its Order which would permit the NAB to retain those Code provisions relating to children's television advertising.

³¹ Report, *supra* at 12.

³² *U.S. v. National Association of Broadcasters*, Civil Action No. 79-1549, Opinion, March 3, 1982 at 29, fn 74.

³³ *FCC v. Pacifica Foundation*, *supra*.

³⁴ *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969).

³⁵ *FCC v. Pacifica Foundation*, *supra* at 762.

³⁶ *Aronberg v. Federal Trade Commission*, 132 F2d 165, 167 (1942).

²¹ *Id.* at 12-13 (emphasis added).

²² *Id.* at 18.

²³ *Id.* at 13 (emphasis added).

²⁴ 564 F.2d 458 (1977).

²⁵ *Id.* at 464.

²⁶ *Id.* at 480 (emphasis added).

V. Alternatively, the Court should refer this matter to the FCC before reaching a final determination

We believe that we have set forth a sound case for exempting the Code provisions relating to children's television advertising. If, however, the Court does not decide upon this course, we urge an alternative: that the Court, without delay, enter the proposed Final Judgment except as to that aspect dealing with children's television advertising, and, as to that aspect only, that the Court refer the matter to the Federal Communications Commission for an analysis and reasoned opinion and act after receipt of the Commission's opinion.

Again, the recent holdings of this Court are most pertinent. In *U.S. v. AT&T*, 461 F. Supp. 1314, 1329-30, n. 45, this Court, described circumstances where a referral to the FCC would be "appropriate":

"It is clear from *Ricci v. Chicago Mercantile Building*, *supra*, that a referral is appropriate particularly where there is a need to resolve possible conflicts between the objectives of the antitrust laws and the regulatory standards, and where an adjudication of such issues by the regulatory body will be of material aid in the ultimate decision of the antitrust issues."

See also *Ricci v. Chicago Mercantile Building*, 409 U.S. 289, 299-300 (1973); *Writers Guild of America v. ABC*, 609 F.2d 355, 363 (9th Cir. 1979), *cert. denied* 101 S. Ct. 85 (1980); *U.S. v. AT&T*, 427 F. Supp. 57, 61-62 (D.C. Cir. 1976) (J. Waddy).

In the instant case, there is a need to resolve not possible but patent conflicts between the objectives of the antitrust laws and the regulatory standard of public interest "in the larger and more effective use of radio" (Section 203(g), 47 U.S.C. 303(g); *NBC v. U.S.*, 190, 219, (1943)). There is also a need for the analysis and views of the expert agency on the effect of the elimination of the Code on the public interest objectives it sought to promote in the *Children's Television Report and Policy Statement*, *supra*, and its effect on possible economic benefits, a matter touched on by the FCC in the *Report*, *supra*, but on which the Court has had no evidence presented.

Finally, there is no question of the authority of the Court so to proceed. As the Court noted in its *AT&T* opinion of August 11, 1982, *supra*, S1. Op. at 18-19, under the Tunney Act:

"Procedurally the Court may . . . request and obtain the views, evaluations, or advice of any . . . agency of government with respect to any aspects of the proposed judgment or the effect of such judgment, in such manner as the court deems appropriate; 15 U.S.C. 16(e), (f)"

Failure to obtain the views of the agency would constitute arbitrary action in the unusual circumstances here before the Court (see Point III). Moreover, obtaining such views in no way denigrates the "final authority" of the Court to act. *Ricci v. Chicago Mercantile Building*, *supra*, 409 U.S. at 305; *U.S. v. AT&T*, *supra*, 427 F. Supp. at 62.

Conclusion

For the foregoing reasons, we strongly urge the Court to make one narrow exception in

its Order entering Final Judgment to permit the NAB to retain the Code provisions relating to children's television advertising. Alternatively, we urge that the Court enter the proposed Final Judgment with but one exception—the area of children's television advertising; and that it refer this one aspect of the matter to the FCC for its analysis, views and advice and act on this aspect only after receipt of the Commission's opinion. Finally, if the Court determines to deny both requests, we seek intervention for the limited purpose of appealing the order on the grounds set forth in Points, III, IV, and V, above. Cf. *U.S. v. AT&T* *supra*, S1. Op. at 162-64.

Respectfully submitted, Action for Children's Television, 46 Austin Street, Newtonville, Massachusetts.

By its attorneys, Bohn & Kaplan, 160 Milk Street, Boston, Massachusetts.

Honora Kaplan, Esq.

Robert H. Bohn, Jr., Esq.

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Summary of the Report

This study examined information about program service for children submitted by 588 commercial television stations to the Federal Communications Commission (FCC) as part of their license renewal applications. The purpose of the study was to determine the amount of commercial children's programming aired on weekdays between the hours of 6:00 a.m. and 6:00 p.m.

This study did not attempt to define "children's programs." All programs listed as such in license renewal exhibits were included in this study.

The major findings of the study are:

Regularly Scheduled Weekday Programming for Children

1. A per week total of 2,478 weekday hours of regularly scheduled children's programming was reported. The average was 4.21 hours per week per station—approximately 50 minutes per day.

2. Approximately 30% of all regularly scheduled programming was network-originated, the remainder being recorded, syndicated, or locally originated.

3. 29% of the stations reported no regularly scheduled children's programs between 6:00 a.m. and 6:00 p.m.

4. 45% of the stations reported no regularly scheduled children's programs between 6:00 a.m. and 2:00 p.m.

5. 62% of the stations reported no regularly scheduled children's programs between 2:00 p.m. and 6:00 p.m.

6. Approximately 70% of network-affiliated stations reported no regularly scheduled children's programs between 2:00 p.m. and 6:00 p.m.

7. "Captain Kangaroo" (CBS):¹

- "Captain Kangaroo" was the only regularly scheduled network program.
- "Captain Kangaroo" represented 29% of all regularly scheduled program hours reported by all stations.
- "Captain Kangaroo" represented 43% of all regularly scheduled program hours reported by network affiliates.
- "Captain Kangaroo" represented 48% of all regularly scheduled program hours between 6:00 a.m. and 2:00 p.m. on all stations.
- "Captain Kangaroo" represented 71% of all regularly scheduled program hours reported by CBS-affiliated stations.

8. 90% of CBS-affiliated stations carried one or more hours per day of regularly scheduled children's programming; less than 20% of ABC- and NBC-affiliated stations did so.

9. Independent stations (representing 13% of the total number of stations) provided 32% of all regularly scheduled program hours reported.

"Special" Weekday Programming for Children

1. More than 5,000 "specials" for children were reported. This averages 9 weekday specials per year per station broadcast between 6:00 a.m. and 6:00 p.m.

2. ABC-affiliated stations broadcast an average of 14 specials per year; NBC-affiliated stations, an average of 9; and CBS-affiliated stations, an average of 8.

U.S. Department of Justice,
Washington, D.C.
Honora Kaplan, Esq.,
Bohn & Kaplan,
160 Milk Street,
Boston, Mass.

Dear Ms. Kaplan: We have carefully reviewed the comments you submitted on behalf of Action for Children's Television ("ACT") concerning the proposed final judgment in *United States v. National Association of Broadcasters*, Civil Action No. 79-1549 (D.D.C.).

The Complaint in this case alleges that three types of advertising restrictions imposed by the NAB Television Code ("Code") violate Section 1 of the Sherman Act. These provisions, as explained in the Competitive Impact Statement filed with the District Court, regulate the number, placement, and format of all television commercials.¹ In essence, the government

¹"Captain Kangaroo" has been cancelled on weekdays, which changes these percentages significantly.

²The Complaint did not distinguish children's advertising from other advertising.

alleged that the effect of these provisions was to restrict the overall supply of television advertising available to advertisers and to restrict competition in the format in which television commercials could be presented. One of these provisions, the multiple product rule, was held by the District Court in its March 3, 1982 opinion, to be a violation of the Sherman Act. That opinion held for trial the other issues raised by the Complaint. The proposed settlement would eliminate all three of the restraints objected to in the Complaint.

ACT's comment argues that the proposed final judgment is not in the public interest because it does not retain the provisions of the NAB Television Code which regulate advertising broadcast on programs designed to be watched by children. ACT suggests that the Court modify the proposed final judgment to permit continuation of the Code provisions that regulate the length and number of commercials during broadcasts designed for children. In the alternative, ACT proposes that the Court refer the children's television aspects of the Code to the Federal Communications Commission ("FCC") for its analysis and views before deciding whether to extend the bar on those provisions in the final judgment to children's advertising. ACT also requests that if the Court enters the proposed final judgment in its present form, ACT be permitted to intervene for the purpose of appealing. We address each of these points below.

In the Department's view, ACT's arguments do not warrant changing or rejecting the proposed final judgment. The Antitrust Penalties and Procedures Act ("APPA")—the statute under which the Court must review the proposed final judgment—was enacted to ensure that settlements agreed to by the government in antitrust cases are consistent with the public's interest in vindication of the antitrust laws. A court may approve a settlement agreement only if it finds that the settlement is "in the public interest." To determine this, the Court must examine the decree's adequacy as a remedy for the alleged antitrust violation. In this case, the relief to be obtained under the proposed final judgment is as complete as the government could have won by fully prosecuting its case. The proposed final judgment submitted to the Court appropriately and fully resolves the antitrust issues raised by the Department's Complaint. Further, the proposed final judgment provides the only practical means of remedying the alleged violation—the termination of the anticompetitive Code provisions. Thus, the proposed settlement appears to meet both the letter and spirit of the APPA.

ACT argues in substance that no decree which could lead to more advertising during children's programming could possibly be "in the public interest." However, there is nothing in the proposed final judgment requiring any broadcaster to increase its advertising during children's or any other programming. The proposed final judgment expressly does not limit the right of NAB members—none of whom were named as defendants in the action—individually to establish their own advertising standards. Any such standards could, of course, cover

children's advertising. The District Court in its March 3 Opinion granting partial summary judgment to the government disposed of several "public interest" defenses interposed by the defendant NAB, by suggesting that such arguments should be directed to forums other than the Court.² The public interest argument advanced by ACT would appear to fall in that same category.

We would further note that other practical avenues exist for ACT to deal with its concerns, and those avenues would not require modification of the proposed final judgment. For example, as noted above the proposed final judgment would not prevent any individual broadcaster from limiting children's advertising, and would not prevent ACT from addressing its views to individual stations. Thus, ACT can continue to pursue its goals without any modification of the decree.

As an alternative to modification, ACT proposes that the Court refer the children's advertising issue to the FCC for comment before entering the decree as submitted by the parties. We oppose that suggestion.

First, the FCC lacks any special institutional expertise to analyze the competitive effect of the Code provisions eliminated by the proposed final judgment, and it is this competitive effect which is the paramount concern in the Court's review of the proposed final judgment. Thus, the normal predicate for a referral to an agency—that the agency have important expertise not held by the Court—is missing here.³ Second, it is unnecessary to refer the decree to the FCC for analysis and comment. The FCC has made its views on the subject of children's television known, and it seems unlikely that a further reference would add significantly to what it has already said.⁴ Finally, the FCC,

like ACT, had the option of submitting comments in this proceeding, but the FCC did not do so. Thus, referral to the FCC is unwarranted.

Regarding ACT's request that it be allowed to intervene for the purpose of taking an appeal from entry of the proposed final judgment, we note that it is the Department's general policy to oppose intervention in antitrust cases. Thus, we would expect to oppose any such effort by ACT.

Thank you for providing us with your comment.

Sincerely yours,

Stanley M. Gorinson,
Chief, Special Regulated Industries Section,
Antitrust Division.

[FR Doc. 82-29819 Filed 10-28-82; 8:45 am]

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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.

interpretation.

³ ACT cites four cases as support for its request that this issue be referred to the FCC. However, those cases are inapposite. Each of those cases involved primary jurisdiction of the subject agency. None of those referrals were for the purpose

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 November 8, 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 November 8, 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 18th day of October 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

suggested here—having a regulatory agency somehow attempt to weigh the relative costs and benefits of a proposed antitrust settlement.

⁴ Indeed, ACT cites in its comments a number of statements made by the FCC concerning children's television.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bishop Coal Company, No. 34 Mine (UMWA).....	Bishop, W. Va.....	10/14/82	10/6/82	TA-W-13,846.....	Coal mining, metallurgical.
Bishop Coal Company, No. 33 Mine (UMWA).....	Bishop, W. Va.....	10/14/82	10/6/82	TA-W-13,847.....	Coal mining, metallurgical.
Bishop Coal Company, No. 37 Mine (UMWA).....	Dry Fork, Va.....	10/14/82	10/6/82	TA-W-13,848.....	Coal mining, metallurgical.
Calef & Shankman, Inc. (ILGWU).....	New York, NY.....	10/13/82	10/6/82	TA-W-13,849.....	Dusters, shifts, robes, dresses.
Connold, Inc. (IUE).....	Latrobe, Pa.....	10/13/82	10/1/82	TA-W-13,850.....	Colds, castings, machinery, casting.
International Harvester Company (workers).....	Springfield, Ohio.....	9/28/82	9/26/82	TA-W-13,851.....	Truck assembly.
Olga Coal Company, Olga Mine (UMWA).....	Coalwood, W. Va.....	10/13/82	10/6/82	TA-W-13,852.....	Coal mining, metallurgical.
Olga Coal Company, Caretta No.4 Mine (UMWA).....	Caretta, W. Va.....	10/13/82	10/6/82	TA-W-13,853.....	Coal mining, metallurgical.
Sanyo Manufacturing Corp. (workers).....	Forrest City, Ark.....	10/13/82	10/6/82	TA-W-13,854.....	Color television receiver.
Siberline Manufacturing Co. (Aluminum Brick & Glass Wkrs.).....	Lansford, Pa.....	10/8/82	10/4/82	TA-W-13,855.....	Aluminum pigment.
Timex Corporation (Waterbury Watch Wkrs.).....	Middlebury, Conn.....	10/4/82	9/30/82	TA-W-13,856.....	Watch, model 135.
Bethlehem Steel Corp. (USWA).....	Lebanon, Pa.....	10/14/82	10/12/82	TA-W-13,857.....	Steel industrial fasteners.
Cyclops Corp., Tex Tube Div. (USWA).....	Houston, Tex.....	10/14/82	10/12/82	TA-W-13,858.....	Steel & plastic tubing.
Picoma Industries, Picoma Products (USWA).....	Martins Ferry, Ohio.....	10/14/82	10/4/82	TA-W-13,859.....	Elbows, nipples, conduit connectors & stock couplings.
Picoma Industries, Pattons Run Plant (USWA).....	Martins Ferry, Ohio.....	10/14/82	10/4/82	TA-W-13,860.....	Couplings.
U.S. Steel Corp., Clairton Works (USWA).....	Clairton, Pa.....	10/15/82	10/8/82	TA-W-13,861.....	Structural shapes, flats & plates, coke & coke by-products.
Union Carbide Corp., Carbon Products Div. (IUE).....	Fostoria, Ohio.....	10/14/82	10/12/82	TA-W-13,862.....	Graphite products.
Union Carbide Corp., Metals Div. (UMWA).....	Clendenin, W. Va.....	9/27/82	9/22/82	TA-W-13,863.....	Coal mine—steam.
Van Waters & Rogers (company).....	Pinehurst, Idaho.....	10/8/82	10/4/82	TA-W-13,864.....	Liquid copper sulfate.
Whitaker Cable Corp. (IAMAW).....	Brookfield, Mo.....	10/7/82	9/30/82	TA-W-13,865.....	Wiring harness.

[FR Doc. 82-29369 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, 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 November 8, 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 November 8, 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 25th day of October 1982.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

APPENDIX

	Location	Date received	Date of petition	Petition number	Articles produced
Petitioner—Union/ workers or former workers of:					
Bethlehem Steel Corp. (USWA).	Los Angeles, Calif.	Oct. 20, 1982	Oct. 15, 1982	TA-W-13,866	Bars, carbon and alloy, reinforcing steel—semi-finished.
Bethlehem Steel Corp., General Office (works).	Bethlehem, Pa.	Oct. 15, 1982	Sept. 28, 1982	TA-W-13,867	Administrative office workers.
CF & I Steel Corp., Maxwell Mine (UMWA).	Weston, Colo.	Oct. 19, 1982	Oct. 13, 1982	TA-W-13,868	Coke—mine.
CF & I Steel Corp., Allen Mine (UMWA).	Weston, Colo.	Oct. 19, 1982	Oct. 13, 1982	TA-W-13,869	Coke—mine.
Federal Mogul Corp., Malden Piston Plant (International Molders & Allied works).	Malden, Mo.	Oct. 19, 1982	Oct. 15, 1982	TA-W-13,870	Pistons—new and replacement parts.
General Motors Corp., A-C Spark Plug Div. (workers).	Oak Creek, Wis.	Oct. 15, 1982	Oct. 8, 1982	TA-W-13,871	Plugs—spark.
GTE Products Corp. Precision Materials Group, Electronic Components Div. (IAM).	Muncy, Pa.	Oct. 13, 1982	Oct. 1, 1982	TA-W-13,872	Boards—circuits, printed.
Great Lakes Carbon Corp. (OCAW).	Casper, Wy.	Oct. 15, 1982	Oct. 11, 1982	TA-W-13,873	Calcine—from coke.
TRW, Inc., Putnam Tool Div. (UAW).	Detroit, Mich.	Oct. 20, 1982	Oct. 12, 1982	TA-W-13,874	Tools—cutting, mills end.
Wheeling Pittsburgh Steel Corp. (works).	Dayton, Ohio	Sept. 28, 1982	Sept. 23, 1982	TA-W-13,875	Sales and administrative Office.
Wire Rope Corp. of America, Inc. (USWA).	St. Joseph, Mo.	Oct. 19, 1982	Oct. 14, 1982	TA-W-13,876	Rope, wire—steel.
Alpha Portland Cement Co. (works.).	Cementon, N.Y.	Oct. 13, 1982	Oct. 1, 1982	TA-W-13,877	Cement.
Chromcraft Furniture Corp. (company).	Liberty, N.C.	Oct. 15, 1982	Oct. 11, 1982	TA-W-13,878	Furniture—dining room.
Cleveland Pneumatic Company (Aerol Aircraft Employees' Assoc.).	Cleveland, Ohio	Oct. 18, 1982	Oct. 7, 1982	TA-W-13,879	Gears—landing, aircraft.
Crouse-Hinds Co., Arrow Hart Div. (workers).	Hartford, Conn.	Oct. 18, 1982	Oct. 13, 1982	TA-W-13,880	Switches—electrical PC board assembly.
Metals Applied Co. (Aerol Aircraft Employees Assoc.).	Cleveland, Ohio	Oct. 18, 1982	Oct. 7, 1982	TA-W-13,881	Plating chrom gears, landing aircraft.
Miles Fabrics Co. (company).	Pawtucket, R.I.	Oct. 18, 1982	Oct. 14, 1982	TA-W-13,882	Webbing, elastic narrow.
National Pipe & Tube Co. (USWA).	Liberty, Tex.	Oct. 15, 1982	Oct. 12, 1982	TA-W-13,883	Pipes—field, oil.
Print Fashions, Inc. (company).	Bethlehem, Pa.	Oct. 15, 1982	Oct. 5, 1982	TA-W-13,884	Printing, silk, screen.
Taylor-Wharton Co. Harrisburg Plant (USWA).	Harrisburg, Pa.	Oct. 7, 1982	Oct. 1, 1982	TA-W-13,885	Cylinders—steel, seamless.
TRW, Inc., Customer Service Dept. (works).	Brookfield, Wis.	Oct. 15, 1982	Oct. 5, 1982	TA-W-13,886	Repair electronic cash registers, terminals, computers.

APPENDIX—Continued

	Location	Date received	Date of petition	Petition number	Articles produced
Tube Turns, Div. of Chemetron Corp. (USWA).	Louisville, Ky.	Oct. 15, 1982	Oct. 8, 1982	TA-W-13,887	Fittings—welded—for pipes.

[FR Doc. 82-29827 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 18, 1982–October 22, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,197; *Fisher Controls International, Inc* Coraopolis, PA
TA-W-13,212; *Lisa Dress Co., Inc.*, East Orange, NJ

TA-W-13,204; *Wheeling Machine Products, Co.*, Wheeling, WV

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,186; *Union Carbide Corp.*, Components Dept., Columbus, GA

Aggregate U.S. imports of tantalum capacitors did not increase as required for certification.

TA-W-13,265; *Northern Electric Co.*, Snyder, TX

Aggregate U.S. imports of electric blankets are negligible.

TA-W-13,266; *S. F. I. Holding Co., Inc.*, Newark, NJ

Aggregate U.S. imports of raincoats did not increase as required for certification.

TA-W-13,261; *Debra Sportswear, Inc.*, Newark, NJ

Aggregate U.S. imports of raincoats did not increase as required for certification.

TA-W-13,264; *MCA Knits, Inc.*, Williamsport, PA

Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-13,794; *Capital Chrysler Plymouth of Montgomery Inc.*, Montgomery, WV

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-13,195; *Zenith Electronics Corp. of Pennsylvania*, Watsonstown, PA

A certification was issued in response to a petition received on January 21, 1982 covering all workers separated on or after October 1, 1981.

TA-W-13,196; *Zenith Radio Corp.*, Audio Div., Glenview, IL

A certification was issued in response to a petition received on January 21, 1982 covering all workers separated on or after October 1, 1981.

I hereby certify that the aforementioned determinations were issued during the period October 18, 1982–October 22, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 26, 1982.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-29828 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-60-M]

Cold Spring Granite Co.; Petition for Modification of Application of Mandatory Safety Standard

Cold Spring Granite Company, Cold Spring, Minnesota 56320 has filed a petition to modify the application of 30 CFR 55.16-7 (taglines) to the following mines:

a. Russett No. 1 Quarry (I.D. No. 39-00029) and Russett No. 2 Quarry (I.D. No. 39-00030), both located in Grant County, South Dakota;

b. Agate Quarry (I.D. No. 21-00013) located in Big Stone County, Minnesota;

c. Diamond Gray Quarry (I.D. No. 21-00752) located in Mille Lacs County, Minnesota;

d. Hibblings Green Quarry (I.D. No. 21-02626) located in St. Louis County, Minnesota;

e. Rainbow Quarry (I.D. No. 21-00755) located in Renville County, Minnesota;

f. Wausau Quarry (I.D. No. 47-00024) located in Marathon County, Wisconsin;

g. Diamond Pink Quarry (I.D. No. 21-00020), Crystal Gray Quarry (I.D. No. 21-00019), Rockville Quarry No. 1 (I.D. No. 21-00022), Rockville Quarry No. 2 (I.D. No. 21-00029), and Charcoal Quarry (I.D. No. 21-00018), all located in Stearns County, Minnesota;

h. Raymond Quarry No. 1 (Sierra White) (I.D. No. 04-00232) located in Madera County, California;

i. Raymond Quarry No. 2 (Academy) (I.D. No. 04-00231) located in Fresno County, California;

j. Lake Placid Blue-Green Quarry and Mill (I.D. No. 30-00066) located in Essex County, New York; and

k. Sunset Quarry (I.D. No. 41-00070), Pearl Gray Quarry (I.D. No. 41-01217), and Sunset Beige Quarry (I.D. No. 41-01672), all located in Burnet County, Texas.

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 taglines be attached to loads that may require steadying or guidance while suspended.

2. Granite blocks in the dimensional stone industry can range in size from 25 to 75 tons or more. The blocks must be transferred to a sawing operation at some distant location in the operation, sometimes up to a distance of 1500 feet.

3. Petitioner states that the use of taglines will result in a diminution of safety for the miners affected because taglines, used during a transfer operation, cannot affect the stability of a granite block and the use of taglines would place people involved in this transfer in a dangerous position, trying to keep up with the block as it is moved.

4. As an alternative method, petitioner proposes that the granite blocks be transferred by large derricks carrying the block through the air with directional control being handled by experienced derrick operators under guidance from an experienced signal person. The signal person would be positioned in a safe location to see both the block and the derrick operation at all times, guiding the block between the transfer areas without moving with the block. The block, because of its size and weight, would not be influenced by wind or horizontal motion so it would not need to be stabilized by any outside force. The block would then be brought within inches of a saw truck, and, only at this point would people be allowed to physically contact the block.

5. Petitioner states that the proposed alternative 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 November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,
*Acting Director, Office of Standards,
Regulations and Variances.*

[FR Doc. 82-29631 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-76-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its McElroy Mine (I.D. No. 46-01436) located in Marshall County, West Virginia. 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 air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. Petitioner is presently installing a 48-inch intake shaft at the tail track of the Rotary Dump. Petitioner has installed two permanent-type pumps, an insulated transformer, and a rectifier, which are all located in close proximity to the Rotary Dump.

3. Petitioner states that upon completion of the intake shaft, all entries at this area will become intakes, air pressures will equalize in all entries, and it will be impossible to ventilate these installations with air current coursed directly into the returns.

4. An alternative method, petitioner proposes to:

(a) Enclose the subject installations in fireproof structures;

(b) Install an automatic fire suppression device activated by heat sensors in each installation;

(c) Install openings for ventilation which will close from the same device that activates the fire suppression device;

(d) Install well-sealed and self-closing doors to the installation; and,

(e) Store no combustible materials in each installation.

5. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 21, 1982.

Patricia W. Silvey,
*Acting Director, Office of Standards,
Regulations and Variances.*

[FR Doc. 82-29632 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-30-M]

Morton-Norwich Products, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, Illinois 60606-1555 has filed a petition, on behalf of its Morton Salt Division, to modify the application of 30 CFR 57.21-10 (smoking materials underground) to its Weeks Island New Mine (I.D. No. 16-00970) located in Iberia Parish, Louisiana. 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 miners not smoke or carry smoking materials, matches or lighters underground.

2. The mine is singel-level, served by two 18-foot diameter shafts. Intake air is provided by a fan installation on the surface, capable of air reversal. The service shaft is downcast and the production shaft upcast. Both shafts are vertical, concrete-lined in overburden and unlined in salt (noncombustible). They are circular, noncompartmented, and have fire-retardant guides and guide support timbers. Shaft stations are unlined, but are entirely in salt and free of combustible materials. Headframe sheathing, if any, is of noncombustible material (transite).

3. Liberation of methane gas takes place only when the *in situ* salt is disturbed by drilling, undercutting or blasting. These liberated amounts are so small as to constitute a negligible concentration in the ventilating air stream because:

a. The gas bubbles are trapped inside individual salt crystals and are only

released when the crystals are fractured; and

b. The activities of drilling and undercutting fracture only a small quantity of salt crystals.

4. As an alternative method, petitioner seeks a modification of the standard to permit persons to smoke underground at designated times in a designated area under prescribed conditions.

5. In support of this proposed alternative method, petitioner states that:

a. No smoking will be permitted in the event of any failure in ventilation or if methane concentrations equal or exceed .25 percent;

b. Methane concentrations in the designated smoking area will be measured before any smoking will be permitted therein, with periodic monitoring during designated smoking times;

c. The designated smoking area will be in fresh air and in a location removed from the working faces and proximate to the intake shaft; and

d. No cigarette lighter will be allowed in the mine. A designated person may transport a reasonable quantity of matches to the designated smoking area, where the matches will be stored in a locked container during no-smoking times. No other person will carry matches into the mine, nor will matches be removed from the designated smoking area at any time.

6. Petitioner states that the alternative method and safeguards 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 November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29830 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-93-C]

Paramount Mining Corp.; Petition for Modification of Application of Mandatory Safety Standard

Paramount Mining Corporation, P.O. Box 800, Wise, Virginia 24293 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its Deep Mine No. 11 (I.D. No. 44-05883) located in Wise County, Virginia. 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 cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges in height from 48 to 54 inches with undulating bottom conditions.

3. Petitioner states that installation of canopies on the mine's shuttle cars would result in a diminution of safety for the miners affected because the canopies would strike the roof and roof support system, exposing miners to the hazards of a potential roof fall.

4. For this reason, petitioner requests a modification of 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 November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29833 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-82-C]

Union Carbide Corp.; Petition for Modification of Application of Mandatory Safety Standard

Union Carbide Corporation, Route 2, Box 224, Clendenin, West Virginia 25045 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 7 Mine (I.D. No. 46-01345) located in Kanawha

County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. Coal is carried through the No. 1 Tunnel during two shifts. Before each of those shifts a fire boss inspects the entire belt line, making tests for methane accumulation and oxygen deficiency at various designated points throughout the tunnel. One foreman is responsible for maintenance of the belt line on each shift and may be present in any part of the tunnel during the shift. Daily checks for hazardous conditions are made during these visits in the tunnel.

3. Coal is also carried through the No. 2 Tunnel during two shifts. The No. 2 Tunnel is also used for track access to the working sections during all three shifts.

4. Miners are not normally required in the No. 1 Tunnel except those mentioned above, except to do normal maintenance and upkeep. The No. 2 Tunnel has miners in and out intermittently on the track.

5. Ventilation in the No. 1 Tunnel is provided by a blowing fan at the southeastern opening pushing air through the main entries for the entire length of the tunnel, a distance of approximately 8,200 feet. Ventilation in the No. 2 Tunnel is provided by a blowing fan at the northern opening pushing air through the main entries for the entire length of the tunnel, a distance of approximately 4,700 feet.

6. As an alternative method, petitioner seeks a modification of the standard to allow the location of two (2) transformer stations in specified areas of its No. 1 and 2 Tunnels, without requiring the air currents to be coursed directly into the return, provided the following safeguards are followed:

(a) The fresh air that passes these transformers will not be used to ventilate a working section.

(b) The transformer stations will be housed in fireproof enclosures and will be inspected;

(c) Doors of the enclosures will be fireproof and will be integrally connected with the fire suppression device installed over the transformers, and will close automatically if a fire should occur and the fire suppression device be activated;

(d) No combustible material will be stored within the transformer enclosures

and all electrical circuits will comply with the applicable standards.

7. Petitioner states that the proposed alternative method and safeguards outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29829 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, November 9, 1982 in Room S-4215 C, U.S. Department of Labor Building, Third and Constitution Avenue, N.W. Washington, D.C.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Administrator's Report
2. Advisory Council Work Group Reports:
 - Reporting, Disclosure and Recordkeeping Communications
 - Collective Bargaining
 - Investment and Fiduciary Portability
3. Statements from the Public

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Monday, November 8, 1982, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523-8753.

Signed at Washington, D.C., this 22nd day of October 1982.

[FR Doc. 82-29550 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Stratigraphy and Paleontology, Environmental Geosciences, Crustal Structure and Tectonics, Seismology and Deep Earth Structure, Experimental and Theoretical Geophysics, Petrogenesis and Mineral Resources, Mantle Geochemistry, and Experimental and Theoretical Geochemistry Subcommittees).

Date and time: November 17, 18 and 19, 1982; 8:30 to 5:00 p.m. each day.

Place: The National Science Foundation, Room 643, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550; Telephone: (202) 357-7958.

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 26, 1982.

[FR Doc. 82-29801 Filed 10-28-82; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted services, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

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

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published a notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on October 15, 1982 (47 FR 46188). Individual authorities established or revoked under Schedules A, B, or C between September 1, 1982 and September 30, 1982 appear in a listing below. Future notices will be published on the fourth Tuesday of each month. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

In the Department of the Army, U.S. Military Academy, West Point, New York, one position of Associate Director of Intercollegiate Athletics, GS-1102-12. Effective September 29, 1982.

Schedule C

The following exceptions are established:

In the Department of Agriculture, Office of the Secretary, one Private Secretary to the Assistant Secretary for Governmental and Public Affairs. Effective September 7, 1982.

In the Department of Agriculture, Office of Rural Development Policy, one Confidential Assistant to the Director. Effective September 16, 1982.

In the Department of Agriculture, Soil Conservation Service, one Private Secretary to the Chief. Effective September 16, 1982.

In the Department of Agriculture, Office of the Administrator, one Assistant to the Administrator. Effective September 16, 1982.

In the Department of Agriculture, Office of the Administrator, one Confidential Assistant to the Administrator. Effective September 7, 1982.

In the Department of Agriculture, Office of the Administrator, one Confidential Assistant to the Administrator. Effective September 27, 1982.

In the Department of Commerce, Office of Congressional and Intergovernmental Affairs, one Congressional Liaison Specialist. Effective September 2, 1982.

In the Department of Commerce, Office of the Secretary, one Confidential Aide to the Special Assistant to the Secretary. Effective September 16, 1982.

In the Department of Commerce, International Trade Administration, one Confidential Assistant to the Under Secretary. Effective September 16, 1982.

In the Department of Commerce, Office of Public Affairs, one Confidential Assistant to the Director. Effective September 30, 1982.

In the Department of Commerce, one Congressional Liaison Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective September 2, 1982.

In the Department of Commerce, Office of the Deputy Secretary, one Special Assistant to the Deputy Secretary. Effective September 29, 1982.

In the Department of Commerce, Office of Congressional Affairs, one Confidential Legislative Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective September 29, 1982.

In the Department of Commerce, National Oceanic and Atmospheric Administration, one Deputy Director, Office of Congressional Affairs. Effective September 29, 1982.

In the Consumer Product Safety Commission, one Special Assistant to the Chairman. Effective September 9, 1982.

In the Consumer Product Safety Commission, Office of the Chairman, one Confidential Assistant to the Chairman. Effective September 9, 1982.

In the Department of Defense, Office of the Secretary, one Special Assistant for African Affairs. Effective September 21, 1982.

In the Department of Defense, Office of the Secretary, one Private Secretary to the Deputy Under Secretary of Defense, Research and Engineering. Effective September 2, 1982.

In the Department of Defense, Office of the Secretary, one Special Projects Assistant. Effective September 20, 1982.

In the Department of Energy, Office of Congressional, Intergovernmental, and Public Affairs, one Chief, Secretarial Travel Branch. Effective September 16, 1982.

In the Department of Energy, Office of Congressional, Intergovernmental, and

Public Affairs, one Staff Assistant to the Assistant Secretary. Effective September 21, 1982.

In the Department of Energy, one Staff Assistant to the Special Assistant to the Secretary for Programs and Policies. Effective September 21, 1982.

In the Department of Energy, Conservation and Renewable Energy, one Secretary (Confidential Assistant) to the Assistant Secretary. Effective September 20, 1982.

In the Department of Energy, Office of Congressional, Intergovernmental, and Public Affairs, one Staff Assistant to the Deputy Assistant Secretary. Effective September 27, 1982.

In the Department of Transportation, one Special Assistant to the Deputy Secretary of Transportation. Effective September 7, 1982.

In the Department of Transportation, Office of Public Affairs, one Supervisory Public Affairs Specialist. Effective September 22, 1982.

In the Department of Transportation, one Special Assistant to the Assistant Secretary for Policy and International Affairs. Effective September 20, 1982.

In the Department of Transportation, National Highway Traffic Safety Administration, one Advisor to the Associate Administrator, Traffic Safety Programs. Effective September 21, 1982.

In the Department of Education, Office of Bilingual Education and Minority Languages Affairs, one Confidential Assistant to the Director. Effective September 7, 1982.

In the Department of Education, Office of the Under Secretary, one Special Assistant to the Under Secretary. Effective September 7, 1982.

In the Department of Education, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, one Special Assistant to the Deputy Under Secretary. Effective September 9, 1982.

In the Department of Education, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, one Executive Director, Intergovernmental Advisory Council on Education. Effective September 14, 1982.

In the Department of Education, Office of Elementary and Secondary Education, one Special Assistant to the Assistant Secretary. Effective September 29, 1982.

In the Environmental Protection Agency, Office of Intergovernmental Liaison Office, one Assistant Director for Local Affairs. Effective September 8, 1982.

In the Department of Protection Agency, Office of the Administrator, one Special Assistant to the Chief of Staff. Effective September 27, 1982.

In the Department of Health and Human Services, Office of Human Development Services, one Special Assistant to the Commissioner. Effective September 16, 1982.

In the Department of Health and Human Services, Office of the Assistant Secretary for Health, one Special Assistant to the Assistant Secretary for Health. Effective September 16, 1982.

In the Department of Health and Human Services, Office of the Administrator, one Executive Assistant to the Administrator. Effective September 14, 1982.

In the Department of Health and Human Services, Office of Community Services, one Confidential Assistant to the Director. Effective September 24, 1982.

In the Department of Housing and Urban Development, Solar Energy and Energy Conservation Bank, one Secretary (Stenography) to the Manager. Effective September 9, 1982.

In the Department of Housing and Urban Development, Office of the Secretary, one Intergovernmental Relations Officer. Effective September 29, 1982.

In the Department of Housing and Urban Development, Office of the Regional Administrator, one Special Assistant to the Regional Administrator for Governmental Relations, in Ft. Worth, Texas. Effective September 10, 1982.

In the U.S. International Communication Agency, Associate Directorate for Management, one Special Assistant to the Deputy Director. Effective September 7, 1982.

In the U.S. International Communication Agency, Office of the Deputy Director, one Staff Assistant to the Deputy Director. Effective September 7, 1982.

In the Department of Interior, one Special Assistant for Minority Business. Effective September 16, 1982.

In the Department of Interior, Office of Surface Mining Reclamation and Enforcement, one Special Assistant to the Director. Effective September 16, 1982.

In the Department of Labor, one Staff Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations. Effective September 9, 1982.

In the Department of Labor, one Special Assistant to the Administrator, Wage and Hour Division. Effective September 9, 1982.

In the Department of Labor, one Special Assistant to the Assistant Secretary for Labor-Management Relations. Effective September 14, 1982.

In the Department of Labor, Office of the Secretary, one Special Assistant to the Secretary. Effective September 21, 1982.

In Executive Office of the President, Office of Management and Budget, one Secretary to the Associate Director, Human Resources. Effective September 14, 1982.

In Executive Office of the President, Office of Management and Budget, one Confidential Secretary to the Deputy Director. Effective September 14, 1982.

In Executive Office of the President, Office of Management and Budget, one Administrative Assistant to the Administrator, Information and Regulatory Affairs. Effective September 14, 1982.

In Executive Office of the President, Office of Management and Budget, one Confidential Assistant to the Associate Director, Economics and Government. Effective September 14, 1982.

In the Overseas Private Investment Corporation, Office of Operations, one Secretary (Stenography) to the Vice President. Effective September 21, 1982.

In the Overseas Private Investment Corporation, one Secretary (Stenography) to the Executive Vice President. Effective September 21, 1982.

In the Overseas Private Investment Corporation, one Administrative Aide (Typing) to the President. Effective September 21, 1982.

In the Office of Personnel Management, Office of the Director, one Staff Assistant to the Supervisory Special Assistant. Effective September 20, 1982.

In the Office of Personnel Management, Office of the Deputy Director, one Confidential Assistant to the Deputy Director. Effective September 27, 1982.

In the Small Business Administration, one Director of Congressional and Legislative Affairs. Effective September 16, 1982.

In the Small Business Administration, Office of the Administrator, one Special Assistant to the Associate Deputy Administrator for Resource Management. Effective September 16, 1982.

In the Small Business Administration, Office of the Administrator, one Special Assistant to the Associate Deputy Administrator for Special Programs. Effective September 27, 1982.

In the Small Business Administration, Office of the Administrator, one Confidential Assistant to the Administrator. Effective September 16, 1982.

In the Securities and Exchange Commission, Division of Enforcement, one Confidential Adviser on Corporate Practices. Effective September 21, 1982.

In the Securities and Exchange Commission, Office of Legislative Affairs, one Legislative Affairs Officer. Effective September 9, 1982.

In the Agency for International Development, Bureau for Latin America and the Caribbean, one Special Assistant to the Assistant Administrator. Effective September 10, 1982.

In the Equal Employment Opportunity Commission, Office of the Chairman, one Attorney-Advisor. Effective September 13, 1982.

In the General Services Administration, Office of Public Affairs, one Confidential Assistant to the Director. Effective September 16, 1982.

In the Interstate Commerce Commission, Office of Commissioner Gradison, one Staff Advisor (Economics) to the Commissioner. Effective September 8, 1982.

In the Department of Justice, one Special Assistant to the Assistant Attorney General. Effective September 7, 1982.

In the Department of State, one Staff Assistant, to the Deputy Secretary of State. Effective September 28, 1982.

In the Veterans Administration, Office of the Administrator, one Confidential Assistant to the Deputy Administrator. Effective September 8, 1982.

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

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 82-29791 Filed 10-28-82; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on November 18 and 19, 1982, in Room 194, Old Executive Office Building, Washington, D.C. The meeting will begin at 7:00 P.M. on November 18, recess and reconvene at 10:15 A.M. on November 19. Following is the proposed agenda for the meeting:

(1) Briefing of the council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the council by OSTP

personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The November 18 session and a portion of the November 19 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate implementation of our agency's action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. § 552 b(c) (1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin at 10:15 A.M. Because of the security in the Old Executive Office Building, persons wishing to attend the open portion of the meeting should contact Jerry Jennings, Executive Director of the Office of Science and Technology Policy at (202) 456-7740, prior to 4:00 P.M. on November 17. Mr. Jennings is also available to provide further information.

Dated: October 22, 1982.

Jerry D. Jennings,
Executive Director, Office of Science and Technology Policy.

[FR Doc. 82-29772 Filed 10-28-82; 8:45 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22676; 70-6603]

American Electric Power Service Corp. and American Electric Power Company, Inc.; Proposed Issuance of Additional Note to Bank by Service Corporation and Guaranty by Holding Company

October 21, 1982.

American Electric Power Company,

Inc. ("American"), a registered holding company, and its subsidiary service company, American Electric Power Service Corporation ("Service Corporation") 180 East Broad Street, Columbus, Ohio 43215, have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

By order in this proceeding dated June 26, 1981 (HCAR No. 22104), certain transactions were authorized relating to the financing of the construction of a 31-story office building in Columbus, Ohio, to serve as a new headquarters for American and Service Corporation. Pursuant to said order, the following occurred: On July 20, 1981, Service Corporation entered into a Building Loan Agreement with Irving Trust Company ("Irving") dated such date, and, in accordance therewith, Service Corporation issued a Building Loan Note dated July 20, 1981, maturing December 31, 1987, to evidence advances of up to \$100,000,000 from Irving to provide funds for payment of the cost of construction of the new headquarters building and certain related costs. The obligations of Service Corporation under said Note and Building Loan Agreement were secured by an "Open-End Mortgage and Security Agreement" dated July 20, 1981, made by Service Corporation to Irving, covering said building and the land on which it was to be located. In addition, American gave to Irving a "Guaranty of Completion and Payment" dated July 20, 1981, under which American guaranteed repayment of such loan and interest thereon and performance of certain other obligations of Service Corporation in connection with such loan.

Based on preliminary estimates of building costs, borrowings of up to \$100,000,000 were to be provided under the original Building Loan Agreement between Irving and Service Corporation. Such figure was a rough estimate made prior to the formal contract commitments for many of the building costs. As a result of continued and unusually high interest rate levels and unforeseen delays due to strikes, it is now estimated that the cost of construction of said building and certain related costs will be approximately \$130,000,000.

Accordingly, it is now proposed that the total building loan advances by Irving be increased from \$100,000,000 to \$130,000,000. Service Corporation and Irving will enter into a Modification Agreement modifying their Building

Loan Agreement dated July 20, 1981, so as to provide that (1) the total building loan advances thereunder may be increased from \$100,000,000 up to \$130,000,000, (2) Service Corporation will issue to Irving an Additional Building Loan Note in the sum of \$30,000,000 or so much thereof as may be advanced, (3) the Open-End Mortgage and Security Agreement dated July 20, 1981, made by Service Corporation to Irving will secure the obligations of Service Corporation under said Note and said Building Loan Agreement as so modified, such Modification Agreement will also provide for a Consent to be executed by American consenting to such increase and agreeing that its Guaranty of Completion and Payment dated July 20, 1981, given to Irving will be extended and will apply to said building loan as so increased.

The principal amount of all advances will bear interest at Irving's published prime rate in effect during the time such advances are outstanding, being the same rate as originally provided. There are no substantial changes in the other terms and conditions of the transaction, all of which will remain in effect and be applicable to said building loan as so increased.

The post-effective amendment and any further amendments 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 November 16, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants 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 now amended 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. 82-29782 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19153; File No. ODD-82-1]

American Stock Exchange, Inc., et al.; Understanding the Risks and Uses of Listed Options

October 18, 1982.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, NY 10006; Chicago Board Options Exchange, Incorporated, 141 West Jackson Boulevard, Chicago, IL 60604; Pacific Stock Exchange, Incorporated, 301 Pine Street, San Francisco, CA 94104; and Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103.

On August 5, 1982, the American Stock Exchange, Inc. ("Amex") the Chicago Board Options Exchange, Incorporated ("CBOE"), the Pacific Stock Exchange, Incorporated ("PSE"), and the Philadelphia Stock Exchange, Inc. ("Phlx"), pursuant to proposed Rule 9b-1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options disclosure document ("Disclosure Document") with respect to standardized options.¹ The Disclosure Document discusses the risks and uses of standardized options, including options on common stock traded on the Amex, CBOE, PSE and Phlx. On September 21, 1982, the four exchanges filed five copies of an amended Disclosure Document with the Commission.

Rule 9b-1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors.² This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Disclosure Document, and finds that

¹ Rule 9b-1, which is part of the Commission's revised disclosure system for the issuance of standardized options, was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and adopted in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982). See Securities Exchange Act Release No. 19055.

² Although the preliminary copies of the Disclosure Document were supplied to the Commission prior to 60 days before the date definitive copies will be distributed to public customers, the Commission is exercising its authority pursuant to Rule 9b-1 because the Commission had not yet adopted Rule 9b-1 at that time.

it is consistent with the protection of investors and in the public interest to allow the distribution of the Disclosure Document as of the date of this order.³

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29788 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19154; File No. ODD-82-2]

American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.; Listed Options on Debt Instruments

October 18, 1982.

On August 26, 1982, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, and the Chicago Board Options Exchange, Incorporated ("CBOE"), 141 West Jackson Boulevard, Chicago, IL 60604, pursuant to proposed Rule 9b-1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options disclosure document with respect to standardized options on debt instruments ("Debt Options Disclosure Document"). The Debt Options Disclosure Document is a supplement to the basic options disclosure document which was prepared by the Amex and CBOE together with the Pacific Stock Exchange, Incorporated and the Philadelphia Stock Exchange, Inc., and filed with the Commission.¹

Rule 9b-1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors. This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Debt Options Disclosure Document,

and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the Debt Disclosure Document as of the date of this order.²

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29784 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12753; 812-5300]

Christiania Bank og Kreditkasse; Filing of Application

Notice is hereby given that Christiania Bank og Kreditkasse ("Applicant" or "Bank") c/o Andrew C. Quale, Jr., Esq. Sidley & Austin, 55 East 52nd Street, New York, N.Y. 10055 filed an application on September 1, 1982, and an amendment thereto on October 6, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is one of the two largest commercial banks in Norway. At the end of 1981, Applicant had assets of \$4,221,781,000¹ and deposits of \$3,079,811,000. Applicant states that it was founded in 1848 and presently has 126 offices and branches in Norway, a subsidiary in Luxembourg and representative offices in various other countries. The main office of Applicant is located at Stortovet 7, Oslo 1, Norway. Applicant had 4,850,000 shares of common stock outstanding as of December 31, 1981, representing \$110,621,300 in aggregate market value. The shares are quoted on the Oslo Stock Exchange and are held by approximately 34,348 shareholders.

According to the application, the Bank provides all services usually provided

by commercial banks to industry, public authorities and individuals. The Bank accepts deposits both in Norwegian Kroner and foreign currency, buys and sells foreign currency, effects transfers domestically and abroad and effects those banking and financial services permitted by law to Norwegian commercial banks. Loans are in part short term operating credits, but a considerable part consists of medium and long term credit for the financing of capital investment. Approximately 38% of the loans are granted to personal borrowers.

Applicant states that, as of December 31, 1981, its total loans represented 54.5% of its assets and that for 1981 its net interest income from loans (including deposits with banks) accounted for 67.2% of its total operating income. According to the application, Applicant's investment securities at the end of 1981 represented 25.2% of Applicant's assets. Applicant represents that on December 31, 1981, Norwegian citizens, Norwegian companies and other Norwegian entities, excluding banks, accounted for 97% of Applicant's deposits.

Applicant represents that it is regulated by the Norwegian government, which includes supervision by the Inspectorate of Banks, the official body supervising Norwegian Banks. Applicant states that it must regularly submit a number of statistical reports to the Inspectorate which also makes local inspections. In addition, Applicant states that Norwegian banking legislation contains certain liquidity and capital requirements and lending limits. Pursuant to Norwegian law, commercial banks must have a common security fund representing 1.4% of the bank's aggregate deposits from other than banks as of December 31, 1981. The contributions to the fund are proportionate to the total assets of the banks and are to be increased until the fund reaches 2% of such deposit base. The purpose of the fund is to support the activities of the member banks if they experience difficulties.

Applicant states that the Bank Act of 1961 provides that insolvency proceedings cannot be commenced in respect of commercial banks. In addition, Applicant represents that in a report to the Norwegian Parliament, the Governor of the Norwegian Central Bank (Norges Bank) stated that under no circumstances would the Norges Bank allow a Norwegian commercial bank to default on its obligations and that Norges Bank would provide sufficient loans to achieve that objective.

³ Rule 9b-1 provides that the use of an options disclosure document shall not be permitted unless the options class to which the document relates is the subject of an effective registration statement on Form S-20 under the Securities Act of 1933. In this regard, The Commission, pursuant to delegated authority, today declared effective the Options Clearing Corporation's Form S-20 registration statement with respect to the options described in the Disclosure Document. See File No. 2-79558.

¹ See Securities Exchange Act Release No. 19153 (October 18, 1982).

² Rule 9b-1 provides that the use of an options disclosure document shall not be permitted unless the options class to which the document relates is the subject of an effective disclosure document under the Securities Act of 1933. In this regard, the Commission, pursuant to delegated authority, today declared effective the Options Clearing Corporation's registration statement which covers options on Treasury securities and options on GNMA's. See File No. 2-79558.

¹ For purposes of the application, data in Norwegian Kroner was converted to United States dollars at a rate of 5.8075 Norwegian Kroner to the United States dollar which was the International Monetary Fund conversion rate as of December 31, 1981.

According to the application, Applicant proposes to issue and sell short-term, prime quality commercial paper notes ("Notes") to a commercial paper dealer in the United States which will then reoffer the Notes in minimum denominations of \$100,000 to institutional investors and other entities and individuals who normally purchase commercial paper. Applicant states that its propose for making this offering in the United States is to obtain an additional source of supply of United States dollars to supplement Applicant's existing sources for United States dollars. Applicant represents that the Notes will be its direct liabilities and will rank *pari passu* among themselves and equally with all other unsecured and unsubordinated indebtedness of Applicant, including Applicant's deposit liabilities, and prior to the claims of holders of its common stock. The Notes will be sold without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its United States legal counsel that such offering will qualify for the exemption from the registration requirements of the 1933 Act for certain short-term commercial paper under Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of any such exemption.

Applicant further represents that the presently proposed issue of Notes and all future public issues of securities of Applicant in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization in the United States. United States counsel for Applicant will certify to Applicant that one of such ratings has been received prior to the issuance and sale of the Notes. Applicant undertakes to ensure that the dealer will provide each offeree who has indicated an interest in Applicant's securities, and prior to any sale of the Notes to such offeree, with a memorandum which (i) describes the business of Applicant, (ii) contains the most recent publicly available fiscal year-end balance sheet and income statement of Applicant which shall have been audited in such manner as is customarily done for Applicant by Norwegian auditors and (iii) describes the material differences between the accounting principles applied by Applicant in the preparation of such financial statements and generally accepted accounting principles applied by United States banks. Applicant represents that such

memoranda will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. The memoranda will be updated periodically to reflect material changes in Applicant's financial status.

Applicant may offer other debt securities for sale in the United States. It represents that future offerings of its securities in the United States will be made only pursuant to a registration statement under the Securities Act or pursuant to an applicable exemption from registration under such Act, and such offerings will be made on the basis of disclosure documents appropriate for such registration or exemption, and in any event at least as comprehensive as those use in the presently proposed offering. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in Applicant's securities then being offered prior to any sale of such securities, except that in the case of an offering made pursuant to a registration statement under the Securities Act the disclosure documents will be provided to such persons as required by the Securities Act and the order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure documents.

Applicant represents that it will appoint its special United States counsel as its agent to accept service of process in any action based on the Notes and instituted in any State or Federal court by the holder of any Notes. Applicant further represents that Applicant will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action and that both appointment of an authorized agent and consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid. Applicant represents that it will similarly consent to jurisdiction and appoint an agent for service of process in suits arising from any other future offerings of securities that it may make in the United States, which offerings Applicant states may include debt securities but not shares of capital stock.

Section 3(a)(3) of the Act defines investment company to mean any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value of exceeding 40% of the value of such

issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis.

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 or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. In support of its request, Applicant asserts that it is a major commercial bank subject to extensive regulation by Norwegian banking authorities and as such it is significantly different from the type of institution that Congress intended the Act to regulate. It further asserts that it has never held itself out as, nor considered itself to be, an investment company as that term is defined in the Act, and that it has made the application for exemptive relief to resolve any uncertainties in regard to its status under the Act. Applicant believes itself to be primarily engaged in the business of commercial banking and commercial bank lending and that only if its commercial loans are considered to be "securities," could any question be raised concerning Applicant's investment company status within the meaning of the Act. Applicant states that regardless of whether its commercial loans are considered "securities" for the purposes of the Act, it submits that it is primarily engaged in the business of commercial banking. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be 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. Applicant states that if the Commission grants the order requested by Applicant, the order will not give Applicant an advantage over United States banks in the issuance of commercial paper.

Notice is further given that any interested person may, not later than November 15, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29774 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19156; File Nos. SR-CBOE-82-14, SR-Amex-82-13, SR-Phlx-82-11]

Chicago Board Options Exchange, Inc., et al.; Filings and Order Granting Accelerated Approval of Proposed Rule Changes

October 19, 1982.

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; and Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, Pennsylvania 19103.

The self-regulatory organizations ("SROs") listed above each have filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act") and Rule 19b-4 thereunder, copies of proposed rule changes to amend their respective options rules¹ in order to conform to the

revised disclosure system for standardized options recently established by the Commission.² In general, the rule changes require member firms to deliver an options disclosure document to each customer at or prior to the time the customer's account is approved for trading the class of options covered by that disclosure document. The proposed rule changes would also require member firms to deliver copies of the current Options Clearing Corporation prospectus to a customer upon request by that customer. In addition, the proposed rule changes establish procedures for the furnishing to customers of amendments to the options disclosure documents or the prospectus, and contain technical changes to the SRO rules reflecting the fact that the disclosure documents, rather than the prospectus, will be the primary source of information to investors about standardized options.³

Interested persons are invited to submit any written data, views and arguments concerning the proposed rule changes within 21 days from the date of publication of the submission in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to the file numbers listed above.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission and all written communications relating to the proposed rule changes 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. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organizations.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder

Exchange, Inc. ("Phlx") (SR-Phlx-82-11), filed October 13, 1982.

² The revised disclosure system was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and approved in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982).

³ CBOE's rule filing also provides for technical amendments to its GNMA options rules.

applicable to national securities exchanges and, in particular, the requirements of Section 6 of the Exchange Act and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof, in that the rule changes implement the immediate use of the new disclosure system with respect to standardized options.⁴ The new disclosure system was the subject of extensive notice prior to its adoption by the Commission.⁵ Accordingly, the Commission finds that notice on the proposed rule changes is unnecessary. In addition, for the reasons set forth in the Commission release adopting the new disclosure rules, the Commission finds it to be in the public interest to permit the disclosure system to go into effect as soon as possible. Prompt approval of the subject proposed rule changes is necessary to effectuate that result.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29790 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19155; File No. SR-DTC-82-7]

The Depository Trust Co.; Proposed Rule Change; Self-Regulatory Organizations

Relating to its Participant Terminal System Fees. Comments requested within 21 days after the date of this publication.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1982, The Depository

⁴ The New York Stock Exchange, Inc., the Midwest Stock Exchange, Incorporated, the Pacific Stock Exchange, Incorporated, and the National Association of Securities Dealers, Inc., have indicated that they will file similar proposed rule changes. The Commission also expects to give such proposed rule changes expedited treatment.

⁵ In that regard, the Commission received 13 comments on the new disclosure system in response to Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982). While many of the commentators raised questions about technical aspects of the disclosure system, each of the commentators endorsed the concept of replacing the prospectus with an options disclosure document as the principal source of information to investors about standardized options.

¹ The SROs filed their proposed rule changes with the Commission on the following dates: (1) Chicago Board Options Exchange, Incorporated ("CBOE") (SR-CBOE-82-14), filed its proposed rule change on August 9, 1982 and an amendment to its proposed rule change on October 12, 1982; (2) American Stock Exchange, Inc. ("Amex") (SR-Amex-82-13), filed October 6, 1982; and (3) Philadelphia Stock

Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board of Directors for The

Depository Trust Company has approved revised Participant Terminal System (PTS) and associated fees effective October 1, 1982.

The Depository Trust Company periodically determines fees designed to pass through to Participants the charges which DTC incurs in centrally leasing Participant Terminal System (PTS) terminals, printers and related communications lines which DTC in turn provides to its Participants at their requests. Since the last PTS fee revision costs associated with PTS equipment

increased 14%. In addition, DTC now will pass through to Participants expenses it incurs in training Participants' personnel at their site in the use of PTS, for installation of modems and of secure (dedicated) and dial back-up telephone lines at Participants' sites, as well as for all actual equipment shipping charges.

Amendments to the fee schedule for PTS equipment and Line Pass-Through charges are indicated below (additions are italicized and deletions are bracketed).

SUMMARY TABLE.—PTS EQUIPMENT AND LINE PASS-THROUGH CHARGES

Service	Description	Present fee	Proposed fee
PTS Terminal.....	A basic configuration comprised of one CRT screen and a printer at a Participant's site.	[\$670] per month, plus telephone line cost and applicable sales tax.	\$765 per month, plus telephone line cost and applicable sales tax.
Additional CRT	Each additional CRT screen added to the basic configuration of 1 CRT and 1 printer (max of 5).	[\$110] per month, plus telephone line cost and applicable sales tax.	\$120 per month, plus telephone line cost and applicable sales tax.
Additional Printer.....	Each additional printer added to the basic configuration of 1 CRT and 1 printer.	[\$275] per month, plus applicable sales tax.	\$290 per month, plus applicable sales tax.
Dial Back-up.....	Equipment and associated telephone lines for use when a Participant's dedicated line is down.	[\$125] per month.....	\$150 per month.
Installation Charges.....	One-time vendor charges to install telephone lines and equipment, equipment shipping costs, and training:		
	Dedicated and dial back-up lines in NYC.....	[No charge].....	\$450 total
	Dedicated and dial back-up lines outside NYC.....	[No charge].....	\$300 total
	Basic PTS configuration.....	\$165.....	\$165
	Additional CRT.....	\$40.....	\$40
	Additional printer.....	\$75.....	\$75
	Modem.....	[No charge].....	\$175
	Shipping of equipment.....	[\$125].....	Out-of-pocket expenses.
	Training by DTC on site.....	[No charge].....	Out-of-pocket travel expenses.

The Fee Schedule for Major Services was originally filed on Form 19b-4A, File No. SR-NYSE-75-19. Fees for PTS were originally 19b-4A, File No. SR-DTC-76-8. A revised Fee Schedule for Major Services was filed on Form 19b-4A, File No. SR-DTC-78-6. Amendments to the Fee Schedule for Major Services was filed on Form 19b-4A, File No. SEC/SR-DTC-78-12. A revised Fee Schedule for Major Services was filed on Form 19b-4A, File No. SR-DTC-80-5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to establish fees for PTS which will reflect DTC's costs more accurately than do the present fees.

The proposed rule change relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by equitably allocating fees among DTC Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no burden on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments have not been solicited or received. All Participants have been notified of the proposed rule change by DTC Important Notice attached as Exhibit 2 to DTC's filing on Form 19b-4, File No. SR-DTC-82-7.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty 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 purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission

and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication, for the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: October 19, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29793 Filed 10-28-82; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 19165]

Filing and Immediate Effectiveness of Proposed Rule Change (File No. SR-MSTC-82-22) and Order Granting the Withdrawal of Proposed Rule Change (File No. SR-MSTC-82-17) by the Midwest Securities Trust Company

October 21, 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 September 27, 1982, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission the proposed rule change (File No. SR-MSTC-82-22) as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends MSTC Rule 3, Section 4 which clarifies MSTC's rights when MSTC ceases to act for a participant. The rule change clarifies that any entry made to a participant's account does not constitute an entry on the books of MSTC until MSTC has determined for such day that the participant has fully satisfied its settlement obligations with MSTC. MSTC may also, when a participant is unable to pay for securities delivered into the participant's account by book-entry movement, either (a) reverse the transaction in question, returning the securities subject to the transaction ("subject securities") from the receiver's account to the deliverer's account and reverse any credits or debits to the respective participant's money accounts; or (b) sell the securities and credit the proceeds to the receiver's money

account; provided the subject securities have not been transferred out of the receiver's account. For purposes of this rule, subject securities are considered transferred out of the receiver's account when the amount of securities in the receiver's account at the time MSTC seeks to reverse the transaction is less than the amount in the receiver's account immediately before the subject securities were delivered to that account.

On August 2, 1982, MSTC submitted a proposed rule change (File No. SR-MSTC-82-17) under Sections 19(b)(3)(A) of the Act. Under that Section, the rule change, interpreting MSTC Rule 3, Section 4, became effective upon filing. Subsequently, MSTC submitted a rule change amending MSTC Rule 3, Section 4 and now wishes to withdraw the rule change submitted on August 2, 1982. Accordingly, the Commission has considered MSTC request for consent to the withdrawal of its August 2, 1982 rule change and, hereby, approves the withdrawal of SR-MSTC-82-17.

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 within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MSTC-82-22.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any persons, 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, 450 Fifth 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. 82-29785 Filed 10-28-82; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 19166; File No. SR-MSTC-82-21]

Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Securities Trust Company

October 21, 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 September 27, 1982, the Midwest Securities Trust Company ("MSTC") 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.

The proposed rule change revises MSTC's current fees for the storage and safekeeping of participants' municipal securities. Previously, MSTC charged a flat fee based on the total value of each participant's securities stored with MSTC. The proposed rule change, however, reduces the aggregate amount charged each participant per security issue by establishing a scaled fee that declines as the value of the participant's position in the security issue increases. MSTC believes that the proposed fee change is consistent with Section 17A of the Securities Exchange Act of 1934, in that it provides for the equitable allocation of fees among MSTC's participants and more accurately reflects the depository's cost in providing safekeeping services.

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 within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written

comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. Reference should be made to File No. SR-MSTC-82-21.

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 450 Fifth 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. 82-29786 Filed 10-28-82; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 12752; 811-1371]

First Multifund of America, Inc.; Filing of Application

October 21, 1982.

Notice is hereby given that First Multifund of America, Inc. ("Applicant") 1108 National Press Building Washington, D.C. 20045, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 8, 1980, and an amendment thereto on September 22, 1982, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a New York corporation, registered under the Act on February 23, 1966, and it filed a registration statement (File No. 2-24604) pursuant to the Securities Act of 1933 ("1933 Act") on March 7, 1966. Applicant states that it first offered its shares to the public on September 13, 1967, and offered its shares continuously to the public from that time until November 21, 1979, when it sold substantially all of its assets and

other property to Oppenheimer Special Fund, Inc. ("Oppenheimer"), a registered open-end, diversified, management investment company.

According to the application, on November 16, 1979, the shareholders of Applicant at a special meeting of shareholders adopted a resolution approving a Plan of Reorganization and Liquidation ("Plan") contemplating the exchange of substantially all of the assets of Applicant for shares of Oppenheimer, the dissolution of Applicant in accordance with the laws of New York, distribution of the shares of Oppenheimer to Applicant's shareholders and the termination of Applicant's registration under the Act.

Applicant states that on November 21, 1979, pursuant to the Plan, each shareholder of Applicant received .5216996 shares of Oppenheimer in exchange for each share Applicant owned as of that date, the Oppenheimer shares having a net asset value of \$15.42 per share. On that date Applicant had total assets of \$7,119,086.99, of which \$6,513,964.91 was distributed to shareholders in the form of Oppenheimer shares, and \$605,111.08 was retained as a reserve to meet outstanding debts and other contingencies during the winding-up of Applicant's affairs. The assets in the reserve were placed in a liquidating trust which was created on November 21, 1980, under the laws of the State of New York for the benefit of Applicant's shareholders of record as of November 21, 1979. Applicant represents that it has no debts or other liabilities, and no assets, as of August 17, 1982. On that date \$575,903.52, the remaining assets, were distributed to shareholders by Bradford Trust Company of Boston. The distribution was made to all shareholders of record as of November 21, 1979, and was made on the basis of \$0.711 per share. Applicant also represents that it is not a party to any litigation or administrative proceeding; that it is not engaged in, nor does it propose to engage in, any business activities other than those necessary for winding-up its affairs, and that it intends to file a certificate of dissolution with the State of New York when the winding-up of its affairs has been completed.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 15, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29775 Filed 10-28-82; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 12755; 811-2517]

First Multifund For Daily Income, Inc.; Filing of Application

October 21, 1982.

Notice is hereby given that First Multifund For Daily Income, Inc. ("Applicant"), 1108 National Press Building, Washington, DC 20045, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 8, 1980, and an amendment thereto on September 22, 1982, for an order of the Commission pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations

contained therein, which are summarized below.

Applicant, incorporated under the laws of the State of New York, registered under the Act on August 27, 1974. Applicant states that it first offered its shares to the public on September 16, 1974, pursuant to a registration statement under the Securities Act of 1933 (File No. 2-51835) filed with the Commission on August 27, 1974. Applicant continuously offered its shares to the public from that time until November 21, 1979, when Applicant sold substantially all of its assets and other property to Oppenheimer Monetary Bridge, Inc. ("Oppenheimer"), an open-end, diversified, management investment company registered under the Act.

According to the application, on November 16, 1979, the shareholders of Applicant, at a special meeting of shareholders held on that date, adopted a resolution approving a Plan of Reorganization and Liquidation ("Plan") contemplating the exchange of substantially all of the assets of Applicant for shares of Oppenheimer, the dissolution of Applicant in accordance with the laws of New York, and distribution of the shares of Oppenheimer to Applicant's shareholder and the termination of Applicant's registration under the Act.

Applicant states that on November 21, 1979, pursuant to the Plan, each shareholder of Applicant received .833 shares of Oppenheimer in exchange for each share of Applicant owned by each shareholder as of that date, the Oppenheimer shares having a net asset value of \$1.00 per share. Applicant further states that on November 21, 1979, it had total assets of \$724,368.74, of which \$662,797.40 was distributed to shareholders in the form of Oppenheimer shares, and \$61,571.34 was retained as a reserve to meet outstanding debts and other contingencies which might occur during the winding-up of Applicant's affairs. On November 21, 1980, Applicant's Directors entered into a Declaration of Trust by which they agreed to hold, for the benefit of the shareholders, the assets representing the balance of the cash reserve withheld from the sale of assets to Oppenheimer. Applicants represent that, on September 17, 1982, \$3727.01, of the remaining assets, were distributed to shareholders by Bradford Trust Company of Boston. The distribution was made to all shareholders of record as of November 21, 1979, and was made on the basis of \$0.005 per share. Applicant represents

that as of September 17, 1982, it had no assets no debts or liabilities outstanding; that it is not a party to any litigation or administrative proceeding; that it is not engaged in, nor does it propose to engage in, any business activities other than those necessary for winding-up its affairs, and that it intends to file a certificate of dissolution with the State of New York when the winding-up of its affairs has been completed.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 15, 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 Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29760 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22680; 70-6652]

Hawaiian Electric Industries, Inc.; Proposed Acquisition of Public Utility Companies

October 22, 1982.

Hawaiian Electric Industries, Inc. ("Industries") 900 Richards Street, Honolulu, Hawaii 96813, a Hawaii corporation, has filed with this Commission an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a)(2) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

Industries is a newly-organized corporation, a wholly-owned subsidiary of Hawaiian Electric Company, Inc. ("HECO"), a Hawaii corporation, and was created to accomplish a proposed merger and reorganization of HECO. HECO is both an electric utility company and a holding company as defined in Section 2(a)(7) of the Act. It owns all of the outstanding common stock of Hawaii Electric Light Company Inc. ("HELCO") and Maui Electric Company, Ltd. ("MECO"), both Hawaiian corporations and electric utility companies under Section 2(a)(3). The three companies provide electric service on various islands of the State of Hawaii. HECO is a holding company exempt pursuant to filings made under Rule 2.

The proposed merger and reorganization involves the following: (1) a subsidiary of Industries will be merged into HECO, with HECO as the surviving corporation; (2) the common stock of the subsidiary owned by Industries will be converted into common stock of HECO; (3) the outstanding common stock of HECO will be changed, on a share-for-share basis, into common stock of Industries; and (4) HECO will become a wholly-owned subsidiary of Industries. HELCO and MECO will continue to be subsidiaries of HECO. Certain securities of HECO and HELCO which are convertible into common stock of HECO will become convertible into common stock of Industries. The outstanding securities of HECO, HELCO and MECO, other than HECO's common stock and securities involved in the conversion change just mentioned, will not be affected by the restructuring. Following consummation of the merger Industries will have no securities outstanding other than common stock.

Industries' proposal will not result in any substantial change in the operation of, or in any expansion of, the utility properties of HECO's present holding company system. The common and Series L convertible preferred stockholders of HECO approved the merger by vote at a special meeting held October 21, 1981. Requisite consents from holders of all pertinent preferred series except Series H have been obtained. The holder of 40% of HECO's Series H preferred stock has refused to consent; an affirmative vote by the holders of two-thirds of the outstanding stock in the series is required for approval.

It is stated that the objective of the reorganization is to permit greater financial and organizational flexibility through a corporate structure that will

facilitate the development of alternate energy businesses and other business opportunities by Industries. Industries is considering several energy-related projects, including geothermal resource development and underwater cable transmission.

HECO and its two subsidiaries are operating utilities engaged in the transmission, distribution and sale of electricity on the Islands of Hawaii (HELCO), Oahu (HECO) and Maui (MECO), and the transmission, distribution and sale of electricity on the Island of Lanai (MECO). These four islands have an estimated population of 920,000, about 95% of the population of the State of Hawaii. Pertinent data concerning the utility operations of the three companies for the year ended December 31, 1981, is summarized below:

	HECO	HELCO	MECO
Net Utility Plant.....	\$534,437,478	\$80,543,643	\$81,399,214
Operating Revenues.....	560,159,842	50,775,389	54,215,219
Net income (after preferred dividends).....	25,976,202	2,101,505	417,030
Customers.....	218,162	36,799	31,083

Industries, as a holding company, states that it will be entitled to an exemption under Section 3(a)(1) of the Act because it and public utility subsidiaries "are predominantly intrastate in character and carry on their business substantially in a single state in which such holding company and every such subsidiary thereof are organized." Industries intends to claim exemption pursuant to Rule 2.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$400,000, including legal expenses of \$205,000, printing expenses of \$90,000 and proxy solicitation expenses of \$44,000. The Hawaii Public Utilities Commission has approved the proposed acquisition, subject to the execution of an agreement containing conditions, which was executed September 23, 1982. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The application-declaration 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 November 19, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant 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 notice or order issued in this matter. After said date the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29776 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22677; 70-6789]

Middle South Utilities, Inc.; Proposed Issuance and Sale of Common Stock

October 21, 1982.

Middle South Utilities, Inc. ("Middle South") 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Middle South proposes to issue and sell, in one or more sales, from time to time not later than September 30, 1983 not more than 10 million authorized but unissued shares of its common stock, \$5

par value ("Additional Common Stock"). The net proceeds from the sale will be applied toward the reduction of the then outstanding bank loans made to Middle South pursuant to the Credit Agreement between Middle South and various commercial banks, dated June 27, 1980, the purchase of common stock from its subsidiaries and for other corporate purposes.

Middle South will use alternative competitive bidding procedures in accordance with the Commission's delayed or continuous offering and sale procedures contained in Rule 415, 17 CFR 230.45. Pursuant to Rule 50(a)(5) of the Act, the Commission has issued a statement of policy (HCR No. 22623, September 2, 1982), authorizing until definitive Commission action on Rule 415, the use of alternative competitive bidding procedures in lieu of the procedures prescribed by Rule 50(b).

Middle South has indicated that it may at some future time amend this application-declaration to seek an exception from the competitive bidding requirements of Rule 50 so that it may offer the Additional Common Stock through a negotiated sale if market conditions at the time of the offering are unfavorable so as to require the assistance of underwriters, dealers or agents.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit their views in writing by November 15, 1982, to the Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above and 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.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29783 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22674; 70-6746]

Middle South Utilities, Inc.; Proposal To amend dividend Reinvestment and Stock Purchase Plan and To issue and Sell Additional Common Stock Pursuant Thereto

October 20, 1982.

Middle South Utilities, Inc. ("Middle South") 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Middle South proposes to amend its Dividend Reinvestment and Stock Purchase Plan ("Plan") to permit holders of shares of preferred stock of Middle South's principal operating subsidiaries, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. ("operating subsidiaries"), to participate in the Plan. Currently, only owners of Middle South common stock, \$5 par value, are eligible to have dividends from such stock, as well as cash payments, invested in the purchase of additional shares of common stock. Under the proposal, all shareholders of preferred stock of the operating subsidiaries would be able to participate in the Plan by investing cash and/or dividends on all of less than all of their shares in shares of Middle South common stock.

Through December 31, 1982, 12,500,000 shares of common stock are authorized to be issued and sold pursuant to the Plan. To date 9,649,524 of such shares have been sold, and the balance is expected to be sold in the near future. Middle South requests authorization to issue and sell an additional 12,500,000 shares of common stock ("Additional Stock"), such Additional Stock being authorized but unissued shares. It is represented that this amount should be sufficient to provide for the requirements of the Plan, if amended, through December 31, 1984.

Middle South proposes to apply the proceeds from the sale of the Additional Stock toward the payment of any short-term notes outstanding from time to time and for other corporate purposes. Middle South requests an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5).

The declaration 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 November 15, 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 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 declaration, as amended 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. 82-28767 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12751; 812-5205]

The North Carolina Cash Management Trust (Formerly North Carolina Cash Management Fund); Filing of Application

October 21, 1982.

Notice is hereby given that The North Carolina Cash Management Trust (formerly North Carolina Cash Management Fund) ("Applicant") 82 Devonshire Street, Boston, Massachusetts 02109, an open-end, diversified management investment company, filed an application on June 4, 1982, and amendments thereto on July 19, 1982, and September 16, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to use the amortized cost method to value its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized and is presently legally existing as a business trust under the laws of the Commonwealth of Massachusetts. Applicant states that it has filed a registration statement under the Securities Act of 1933 and the Act on Form N-1. Applicant represents that it is a "series" money market fund offering to

local governments and public authorities of the State of North Carolina, exclusively, a means to invest in a professionally managed portfolio (referred to as "portfolio" or "series") of certain money market instruments with the objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity within the standards prescribed for the Applicant. Applicant further states that its shares will be sold without a sales charge.

Applicant states that its investment adviser, Fidelity Management & Research Co. ("FMR"), will pay all of the expenses of Applicant with the exception of a distribution fee and certain limited expenses. Fidelity Distributors Corporation, a wholly owned subsidiary of FMR, will receive the distribution fee and pursuant to an agreement with Sterling Capital Distributors ("Sterling"), Applicant's distribution agent, will pay over the full amount of the fee to Sterling. Sterling will render services in connection with the distribution of shares of Applicant, will provide cash management advice to local governmental units in North Carolina, and will provide assistance in servicing shareholder accounts.

Applicant states that it will invest in (i) obligations issued or guaranteed as to principal and interest by the U.S. Government or certain of its agencies or instrumentalities, (ii) obligations of North Carolina banks or savings and loan associations where the principal is insured in full by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the North Carolina Savings Guaranty Corporation, (iii) collateralized certificates of deposit of major North Carolina banks (collateral to cover fully any principal amount of such certificate in excess of the amount insured by the U.S. government or any agency thereof) with investment in such to be exercised only upon enactment of clarifying North Carolina legislation, (iv) Bankers' Acceptances, eligible for use as collateral by member banks in borrowing from a Federal Reserve Bank (provided that the accepting bank or its holding company is either (a) incorporated in the State of North Carolina and has capital, surplus, and undivided profits (as of the date of its most recently published financial statements) of \$100 million or more at the date of investment, or (b) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating

service which rates the particular obligations),¹ and (v) prime commercial paper. The Applicant may also enter into repurchase agreements involving any security in which it is permitted to invest, and may purchase new issues of government securities on a "when-issued" basis.

As here pertinent, Section 2(a)(41) of the Act defines "value" with respect to portfolio assets to mean: (i) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under Section 22 of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 promulgated under the Act provides that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule. Rule 2a-4 further provides that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of a registered company. Prior to the filing of this application, the Commission stated its view that (1) Rule 2a-4 requires that portfolio instruments of "money market" funds be valued with reference to market factors and (2) it would prospectively consider the use by a money market fund of the amortized cost basis for valuing its portfolio securities (except those having maturities of 60 days or less) to be inconsistent with Rule 2a-4 (Investment Company Act Release No. 9786, May 31, 1977).

In view of the foregoing, Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation—i.e., valuing portfolio securities at cost, adjusted for

amortization of premium or accretion of discount.

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 or provisions of the Act or of the rules 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.

Applicant states that it believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling it to maintain a constant \$1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned. Applicant further states that its Trustees have determined in good faith that in light of the characteristics of the Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities.

Applicant submits that the issuance of the requested order by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share for each portfolio, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

(2) Included with the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of

current market conditions, to determine the extent of deviation, if any, of the net asset value per share for each portfolio as determined by using available market quotations from the \$1.00 amortized cost price per share, and maintenance of records of such review.¹

(b) In the event such deviation from the \$1.00 amortized cost price per share for any portfolio exceeds $\frac{1}{2}$ of 1 percent, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share for any portfolio may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity of the relevant portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for any portfolio; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days in each portfolio.²

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily

¹ To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value. In addition, the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

² In fulfilling this condition, Applicant states that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days in each portfolio, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) In each of the portfolios, Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the Board of Trustees determines present minimal credit risks and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

(6) Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 12, 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 such person's interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application 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.

George A. Fitzsimmons,
Secretary.

[FR Doc. 29778 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19157; SR-OCC-82-13]

The Options Clearing Corp.; Filing of Amendment and Order Approving Proposed Rule Change

October 19, 1982

The Options Clearing Corporation, Inc. ("OCC"), 200 South Wacker Drive, Chicago, Illinois 60606, submitted on June 17, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend the Participant Exchange Agreement between it and the four national securities exchanges on which standardized options are currently traded. The proposed rule change would establish a Listed Options Disclosure Committee to coordinate the preparation and amendment of the disclosure documents filed under a revised disclosure system recently established by the Commission in connection with the trading of standardized options.¹

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18935, August 4, 1982) and by publication in the *Federal Register* (47 FR 36347, August 19, 1982). No comments were received with respect to the proposed rule filing. As a result of discussions with the Commission staff, on September 30, 1982, OCC filed a technical amendment to the proposed rule filing amending the provisions pertaining to indemnification and voting rights with regard to the contents of the disclosure documents.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing corporation and, in particular, the requirements of Section 17A of the Act, and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing of the

¹ The revised disclosure system was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and adopted in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982).

amendment to the proposed rule change because the amendment is technical in nature and because the new disclosure system was the subject of extensive notice prior to its adoption by the Commission. In addition, for the reasons set forth in the Commission release adopting the new disclosure rules, the Commission finds it to be in the public interest to permit the disclosure system to become effective as soon as possible. Prompt approval of the subject proposed rule change is necessary to effectuate that result.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29789 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12754; 812-5279]

The Pierpont Fund; Application

October 21, 1982.

Notice is hereby given that The Pierpont Fund ("Applicant") 1251 Avenue of the Americas, New York, NY 10020, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, has filed an application on August 18, 1982, and an amendment thereto on October 13, 1982, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit the net asset value of Applicant's shares to be calculated pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a business trust under the laws of the Commonwealth of Massachusetts on April 22, 1982, and that it registered under the Act on that date. Its shares will be offered at net asset value with no sales charge exclusively to customers of Morgan Guaranty Trust Company of New York ("Morgan Guaranty") and Morgan Stanley and Co. Incorporated ("Morgan Stanley"). Investment objectives of Applicant are to maximize current income and maintain high levels

of liquidity. Morgan Stanley is the administrator and distributor of Applicant's shares and Morgan Guaranty is its investment adviser.

According to the application, Applicant's portfolio may be invested in a variety of money market instruments, including United States Government securities, bank obligations, commercial paper and corporate obligations maturing in one year or less, variable rate master demand notes, and obligations of the International Bank for Reconstruction and Development. Applicant states that it may enter into repurchase agreements with respect to its portfolio securities, but any repurchase agreements maturing in more than seven days are limited to 10% of its total assets, computed together with any other illiquid asset it may hold. Applicant may also make loans of its portfolio securities.

With respect to lending portfolio securities Applicant will require that the borrower of the securities will at all times maintain cash or equivalent collateral or secure a letter of credit in favor of the Applicant equal in value to at least 100% of the value of securities loaned. In addition, in determining which broker-dealers, banks or other recognized financial institutions to whom securities will be loaned, Applicant will consider all relevant facts and circumstances, including the creditworthiness of the financial institution and/or the creditworthiness of the bank issuing any letter of credit. Applicant will not enter into any portfolio lending agreement of more than one year's duration. Any letter of credit securing a borrower's obligation to return borrowed securities will remain in effect at least as long as the securities remain on loan. Any securities with maturities in excess of one year that Applicant may receive as collateral for a particular loan will not become part of Applicant's portfolio either at the time of the loan or in the event that the borrower defaults on its obligation to return the borrowed securities. Applicant will not lend its securities to any officer, trustee, employee, director or affiliate of Applicant, Morgan Guaranty or Morgan Stanley. Applicant states that its investments in bank obligations will not include obligations for which Morgan Guaranty, or any of its affiliated persons, is the ultimate obligor or accepting bank.

The dollar-weighted average maturity of all such instruments will be maintained at 120 days or less. In connection with its investment techniques Applicant will comply with relevant Commission rules and

interpretations including Investment Company Act Release No. 10666 (April 18, 1979). Upon purchase by Applicant of variable rate or floating rate obligations or forward delivery obligations, the maturities of such obligations will be determined in accordance with the procedures set forth in proposed Rule 2a-7 under the Act, (Investment Company Act Release No. 12206), or if the Rule should ultimately be adopted, in accordance with the procedures set forth in the Rule as adopted.

As here pertinent, Section 2(a)(41) of the Act defines "value" to mean: (1) with respect to securities for which market quotations are readily available, the market value for such securities; and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule, with estimates used where necessary or appropriate. Rule 2a-4 further provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors. The Commission has expressed its view that, among other things, it is inconsistent with Rule 2a-4 for money market funds to value their portfolio instruments on an amortized cost basis and that portfolio valuation should be made with reference to market factors (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that upon application the Commission may by order conditionally

or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant represents that it and its administrator and distributor believe that in order to attract investors and retain shareholders, Applicant should possess the two attributes of stability of principal, and a steady flow of investment income.

Applicant believes that its investment policy of investing only in instruments having a remaining maturity of one year or less with an average portfolio maturity of 120 days combined with a stable price of \$1.00 per share will provide both of the attributes of stability of principal and a steady flow of investment income.

Applicant states that its management's experience with respect to securities within Applicant's investment policy indicates that with respect to instruments maturing in 120 days or less there is normally a negligible discrepancy between market value and the amortized cost value of such security. Applicant believes that valuation of its assets on the amortized basis will benefit its shareholders. Applicant's trustees have determined in good faith that, in light of the characteristics of Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. Applicant's trustees in supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment manager, undertake—as a particular responsibility within the overall duty of care owed to the Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share as computed for the purpose of distribution and redemption at \$1.00 per share.

2. Included within the procedures to be adopted by the trustees shall be the following: (a) Periodic review by the trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, of the relationship between the net asset value per share using amortized cost to value portfolio securities and net asset value per share based upon available indications of market value with respect to such portfolio securities, and the maintenance of records of such review; ¹ (b) In the event of a difference of more than one-half of one percent between the two methods of valuation, a requirement that the trustees will promptly consider what action, if any, should be initiated; (c) Where the trustees believe the difference between the two methods of valuation may result in any material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or reduce, to the extent reasonably practicable, such dilution or unfair results which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above; and, the Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the trustees' considerations and

actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant asserts that granting the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 15, 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, DC 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter,

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29779 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. 22682; 70-6547]

Seneca Resources Corp. and National Fuel Gas Co.; Proposed Issuance and Sale of Up to \$40,000,000 of Short-Term Notes to Banks

October 22, 1982.

Seneca Resources Corporation ("Seneca"), 10 Lafayette Square Buffalo, New York 14203, a wholly-owned subsidiary of National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, and National have filed with this Commission a further post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By order in this proceeding dated February 27, 1981 (HCAR No. 21940), Seneca was authorized to borrow up to \$15,000,000 pursuant to a line of credit with Houston National Bank (Now, RepublicBank Houston, N.A.) ("Bank"). By order dated February 26, 1982 (HCAR No. 22404), Seneca was authorized to make certain changes in the loan agreement with the Bank and to borrow up to \$25,000,000 under a line of credit with the Bank. In addition, National was authorized to guarantee repayment of Seneca's borrowings. As of October 4, 1982, Seneca had \$22,850,000 outstanding pursuant to a note issued under the credit agreement. The note bears interest at the prime rate, and there are no compensating balance requirements nor any commitment fee. The borrowings under the line of credit are secured by Seneca's oil and gas properties and a portion of Seneca's hardwood timber acreage in the State of Pennsylvania. Under the Credit Agreement, borrowings of Seneca become due on March 1, 1983.

The declaration states that different alternatives for restructuring all of Seneca's current borrowings are being considered. Meanwhile, in order to fund Seneca's continuing operations, National and Seneca now seek authorization to increase the authorized

¹ To fulfill this obligation, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value, which may include, among other things, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such maturity to 120 days or less as soon as reasonably practicable.

line of credit and the borrowings thereunder subject to this proceeding to \$40,000,000. The other terms of the credit agreement between Seneca and the Bank would remain unchanged.

The post-effective amendment to the declaration and any further amendments 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 November 22, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses 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 now amended 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. 82-29777 Filed 10-28-82; 8:45 am]
BILLING CODE 8010-01

Senior Executive Service Performance Review Board; List of Members; Schedule of Bonus Awards

AGENCY: Securities and Exchange Commission.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board and Announcement of Schedule for Awarding Bonuses.

SUMMARY: Pub. L. 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). This notice announces the PRB membership and the schedule for awarding SES bonuses in the Commission. The Securities and Exchange Commission has established a Performance Review Board consisting of:

1. George G. Kundahl, Executive Director, PRB Chairman.
2. Edward F. Greene, General Counsel.
3. Daniel L. Goelzer, Executive Assistant to the Chairman.

4. Donald N. Malawsky,
Administrator, New York Regional Office (alternate).

5. Lee B. Spencer, Director, Division of Corporation Finance (alternate).

The Securities and Exchange Commission plans to award bonuses to Senior Executive Service members on or about November 15, 1982.

FOR FURTHER INFORMATION CONTACT:
Mr. Craig Kellerman, Office of the Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549 (202-272-2705).

Dated: October 21, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-29781 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0441]

ALPHA Financial Corp.; Issuance of a Small Business Investment Company License

On April 23, 1982, a notice was published in the Federal Register (46 FR 35402) stating that an application has been filed by ALPHA Financial Corporation, 485 Morris Avenue, Springfield, New Jersey 07081, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)) for a license as a small business investment company.

Interested parties were given until close of business May 8, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0441 on October 13, 1982, to ALPHA Financial Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 21, 1982.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 82-29736 Filed 10-28-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-0263]

Capital Equity Corp.; Notice of Application for License to Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name of Capital Equity Corporation, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholder of the Applicant are as follows:

Name and address	Title and relationship
H. H. Holloway, Jr., 5272 Melrose Boulevard, Baton Rouge, Louisiana 70806.	Chairman of the Board and director.
Jack R. Jones, Route 1, Box 3, Norwood, Louisiana 70761.	Vice chairman of the board and director.
E. K. Easterly, 1371 Ashbourne Drive, Baton Rouge, Louisiana 70815.	Chief executive officer and director.
Richard K. Easterly, 1367 Ashbourne Drive, Baton Rouge, Louisiana 70815.	President and director.
Louis G. Smith, 11581 Sheraton Drive, Baton Rouge, Louisiana 70815.	Senior executive vice president.
Allie R. Pogue, 3421 San Felipe Drive, Baton Rouge, Louisiana 70809.	Executive vice president and director.
Stephen C. Ducote, Jr., 1437 Castlebury Drive, Baton Rouge, Louisiana 70815.	Senior vice president and Secretary-treasurer.
Warren W. Duncan, 8771 Cottage Avenue, Baton Rouge, Louisiana 70808.	Senior vice president.
Arthur J. Mitchell, 1385 Braeburn Drive, Baton Rouge, Louisiana 70815.	Senior vice president and general manager.
R. L. Anderson, Jr., 3333 McCarrall Drive, Baton Rouge, Louisiana 70809.	Director.
Sidney E. Cox, 11450 Glenhaven Drive, Baton Rouge, Louisiana 70815.	Director.
James M. Field, 8743 W. Fairway Drive, Baton Rouge, Louisiana 70809.	Director.
Edward D. Grant, Jr., 5837 Boone Drive, Baton Rouge, Louisiana 70808.	Director.
J. W. Melancon, 9556 Goodwood Boulevard, Baton Rouge, Louisiana 70815.	Director.
Frank G. Sullivan, Jr., 13668 Triple B Road, Greenwell Springs, Louisiana 70814.	Secretary of the board.
Capital Bank & Trust Company, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.	100 percent shareholder.
Capital Bancshares, Inc., 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.	100 percent shareholder of Capital Bank & Trust Company.

There are no ten (10) percent or more shareholders of Capital Bancshares, Inc.

The Applicant will begin operations with \$500,000 of private capital derived from the sale of 50,000 shares to Capital Bank & Trust Company.

The Applicant will conduct its operations in the State of Louisiana.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may on or before November 15, 1982, submit written comments on the proposed company 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 Baton Rouge, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 20, 1982.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 82-29734 Filed 10-28-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5216]

Valley Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On July 12, 1982, a notice was published in the Federal Register (FR 30127), stating that Valley Capital Corporation, located at the 8th Floor Krystal Building, 100 W. Martin Luther King Boulevard, Chattanooga, Tennessee 37402, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982), 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.

Interested parties were given until the close of business July 27, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04-5216 to Valley Capital Corporation on October 8, 1982, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 21, 1982.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 82-29735 Filed 10-28-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 831]

Border Crossing Cards

Notice is hereby given that, effective November 1, 1982, the United States Consulates at Nuevo Laredo and Matamoros, Mexico, will be authorized to issue border-crossing cards to nationals of Mexico as specified in 22 CFR 41.128(b).

These authorizations constitute extensions of the testing of the procedure described in the Supplementary Information of the Department's regulatory publication of November 4, 1981 (46 FR 54729).

Dated: October 22, 1982.

Diego C. Asencio,
Assistant Secretary for Consular Affairs.

[FR Doc. 82-29613 Filed 10-28-82; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Notice of rate for use in Federal debt collection operations and discount evaluation.

SUMMARY: This notice provides the percentage rate based on the current value of funds to the Treasury to be used in connection with agency cash management systems involving Federal debt collection operations and cash discount evaluation. The rate is provided as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 13.00%.

DATES: The rate will be in effect for the period beginning on January 1, 1983, and ending on March 31, 1983.

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, Washington, DC 20226 (Telephone: 202/634-5131).

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982, Pub. L. 97-365 which amended Section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 952) mandates that the Secretary of the Treasury publish the annual percentage rate to be used in assessing interest charges for outstanding debts on claims owed the Government. Treasury's Cash Management Regulations (1 TFRM 6-8000) also stipulate use of this rate by agencies to evaluate the cost effectiveness of a cash discount. The rate reflects the current value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95-147, 91 Stat. 1227.

Dated: October 27, 1982.

Gerald Murphy,
Acting Fiscal Assistant Secretary.

[FR Doc. 82-29923 Filed 10-28-82; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document is broken into 2 categories listing revisions and extensions. Each entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC, 20420 (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Karen Sagett, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6880.

DATES: Comments on forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 25, 1982.

By direction of the Administrator.
Dominick Onorato,
*Associate Deputy Administrator for
 Information Resources Management.*

Revisions

- (1) Department of Veterans Benefits
- (2) Application for Educational Assistance (under VEAP)
- (3) VA Form 22-8821
- (4) On occasion
- (5) Veterans applying for Educational Assistances under Chapter 32, Title 38, U.S.C.
- (6) 35,00 responses
- (7) 26,250 hours
- (8) Not applicable under 3504(h)

- (1) Department of Veterans Benefits
- (2) Application for Survivors' and Dependents' Education Assistance
- (3) VA Form 22-5490
- (4) On occasion
- (5) Dependents and survivors of veterans and servicepersons
- (6) 24,000 responses
- (7) 12,000 hours

- (8) Not applicable under 3504(h)
- * * * * *
- (1) Department of Veterans Benefits
- (2) Credit Statement of Prospective Purchaser and Contract of Sale
- (3) VA Form 26-6705
- (4) On occasion
- (5) Offerors of VA acquired properties
- (6) 42,000 responses
- (7) 21,000 hours
- (8) Not applicable under 3504(h)

- * * * * *
- (1) Department of Veterans Benefits
- (2) Request to Mortgage Company for Amount of Unpaid Mortgage
- (3) VA Form Letter 29-712
- (4) On occasion
- (5) Lending institutions
- (6) 1,000 responses
- (7) 167 hours
- (8) Not applicable under 3504(h)

Extensions

- (1) Department of Veterans Benefits
- (2) Monthly Record of Training and Wages
- (3) VA Form 20-1905c
- (4) Monthly

- (5) Veterans and training establishments
- (6) 12,000 responses
- (7) 6,000 hours
- (8) Not applicable under 3504(h)

- * * * * *
- (1) Department of Veterans Benefits
- (2) Mobile Home Appraisal Report
- (3) VA Form 26-8712
- (4) On occasion
- (5) Mobile home purchasers or lenders
- (6) 1,250 responses
- (7) 2,500 hours
- (8) Not applicable under 3504(h)

- * * * * *
- (1) Department of Veterans Benefits
- (2) Application for Home Loan Guaranty
- (3) VA Form 26-1802a
- (4) On occasion
- (5) Mortgage lenders and veterans
- (6) 100,000 responses
- (7) 75,000 hours
- (8) Not applicable under 3504(h)

[FR Doc. 82-29802 Filed 10-28-82; 6:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 210

Friday, October 29, 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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Federal Home Loan Bank Board	2
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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 a.m. on Tuesday, October 19, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation and conduct of a cease-and-desist proceeding against an insured bank (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to

subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: October 19, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1505-82 Filed 10-27-82; 2:14 pm]

BILLING CODE 6714-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 46961, Thursday, October 21, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTRACT PERSON FOR MORE

INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Wednesday, October 27, 1982:

Service Corporation Withdrawal

[No. 73, October 27, 1982]

[S-1557-82 Filed 10-27-82; 9:32 am]

BILLING CODE 6720-01-M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 10:30 a.m., Wednesday, November 3, 1982, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 26, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1558-82 Filed 10-28-82; 10:53 am]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10:00 a.m., Wednesday, November 3, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to the Board's Rules Regarding Availability of Information concerning Form F.R. 2068, Confidential Report of Operations.

2. Proposed amendments to Regulation K (International Banking Operations) to eliminate an exception in the reporting requirements for information not available to reporting organizations, and to conform a regulatory definition to the corresponding statutory definition.

3. Proposed amendments to Regulation K (International Banking Operations) and the Board's Rules Regarding Delegation of Authority to expedite international applications and notifications.

Discussion Agenda

4. Proposed purchases to expand the Board's computer capacity.

5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 26, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1559-82 Filed 10-27-82; 10:53 am]

BILLING CODE 6210-01-M

5

**NATIONAL COMMISSION OF LIBRARIES
AND INFORMATION SCIENCE****TIME AND DATE:**

9:00 a.m.-10:45 a.m., Monday, November 22, 1982

1:30 p.m.-5:00 p.m., Monday, November 22, 1982

9:00 a.m.-4:00 p.m.-Tuesday, November 23, 1982

PLACE: Library of Congress, Wilson Room, Washington, D.C.**STATUS:** Open.**MATTERS TO BE DISCUSSED:**Opening Remarks, Chairman Hashim
Remarks by Immediate Past Chairman
Benton

Approval of Agenda

Approval of August 24-25, 1982, Minutes
Executive Director's ReportLegislative/Public Awareness Committee
Report

Planning/Futures Committee Report

—Orientation Report

Review of 1983-84 Programs

Community Information and Referral Task
Force ReportCultural Minorities Task Force Report
Reciprocity BriefingFederal Telecommunications System
Presentation

Copyright Update

World Future Society Videotape

Commissioners' Comments

Old Business

—Guidelines for Commissioner Travel,
Expenses and Salary

New Business

—Revision of Governance Document

—Other New Business

Toni Carbo Bearman,*Executive Director, National Commission on**Libraries and Information Science*

October 26, 1982.

[S-1567-82 Filed 10-27-82; 3:42 pm]

BILLING CODE 7527-01-M

6

**NATIONAL COMMISSION ON LIBRARIES
AND INFORMATION SCIENCE****TIME:** 10:45 a.m. to 12:00 noon.**DATE:** Monday, November 22, 1982.**PLACE:** Library of Congress, Wilson Room, Washington, D.C.**STATUS:** Closed.**MATTERS TO BE DISCUSSED:** Exective Session (closed meeting—Sec. 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR, Part 1703.).**CONTACT PERSON FOR MORE****INFORMATION:** Toni Carbo Bearman,
Executive Director, NCLIS.**Toni Carbo Bearman,***Executive Director, National Commission on*
Libraries and Information Science

October 26, 1982.

[S-1568-82 Filed 10-27-82; 3:42 am]

BILLING CODE 7527-01-M

7

NATIONAL MEDIATION BOARD**TIME AND DATE:** 2 p.m., Friday,
November 5, 1982.**PLACE:** Board Hearing Room, Eighth floor, 1425 K Street NW., Washington, D.C.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. Ratification of Board actions taken by notation voting during the month of October, 1982.

2. Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.**CONTACT PERSON FOR MORE****INFORMATION:** Mr. Rowland K. Quinn, Jr., Executive Secretary; telephone (202) 523-5920.

Date of Notice: October 27, 1982.

[S-1564-82 Filed 10-27-82; 2:01 pm]

BILLING CODE 7550-01-M

8

**OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION****TIME AND DATE:** 10 a.m., November 10, 1982.**PLACE:** Suite 316, 1825 K Street, N.W., Washington, D.C.**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.**CONTACT PERSON FOR MORE****INFORMATION:** Mrs. Patricia Bausell (202) 634-4015.

Dated: October 27, 1982.

[S-1562-82 Filed 10-27-82; 1:50 pm]

BILLING CODE 7600-01-M

9

**OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION****TIME AND DATE:** 10 a.m. on November 18, 1982.**PLACE:** Suite 316, 1825 K Street NW., Washington, D.C.**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.**CONTACT PERSON FOR MORE****INFORMATION:** Mrs. Patricia Bausell (202) 634-4015.

Dated: October 27, 1982.

[S-1563-82 Filed 10-27-82; 1:50 pm]

BILLING CODE 7600-01-M

10

**PACIFIC NORTHWEST ELECTRIC POWER
AND CONSERVATION PLANNING COUNCIL****TIME AND DATE:** November 3-4, 1982, 9 a.m.**PLACE:** Forest Hall, Western Forestry Center, Portland, Oregon.**MATTERS TO BE CONSIDERED:**

- Staff Presentation on Options
- Staff Presentation on Fuel Switching
- Staff Presentation on Building Codes
- Staff Presentation on Surcharges
- Council Decision on Agricultural Conservation
- Council Decision on Industrial Conservation
- Council Decision on Fish and Wildlife Program Comments
- Council Business
- Public Comment

CONTACT PERSON FOR MORE**INFORMATION:** Ms. Bess Wong (503) 222-5161.

Edward Sheets,

Executive Director.

[S-1566-82 Filed 10-27-82; 2:56 pm]

BILLING CODE 6000-00-M

11

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 meetings during the week of November 1, 1982, at 450 5th Street NW., Washington, D.C.

Closed meetings will be held on Tuesday, November 2, at 10:00 a.m. and on Wednesday, November 3, 1982, at 10:00 a.m. An open meeting will be held on Thursday, November 4, 1982, at 10:00 a.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. 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 meetings 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 Evans, Longstreth and Treadway voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 2, 1982, at 10:00 a.m., will be:

Regulatory matter bearing enforcement implications.

Institution of injunctive actions and administrative proceedings of an enforcement nature.

Report of investigation.

The subject matter of the closed meeting scheduled for Wednesday, November 3, 1982, at 10:00 a.m., will be:

Formal order of investigation.

Regulatory matter regarding financial institution.

Opinion.

The subject matter of the open meeting scheduled for Thursday, November 4, 1982, at 10:00 a.m., will be:

1. Consideration of whether to issue an order authorizing the Louisiana Power & Light Company, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company under the Public Utility Holding Company Act of 1935 to acquire the municipal electric system of the City of Monroe, Louisiana. For further information, please contact Mary Ann Oliver at (202) 272-7647.

2. Consideration of whether to grant the request of Cleary, Gottlieb, Steen & Hamilton for a waiver of imputed disqualification pursuant to 17 CFR 200.735-8(d). For further information, please contact Myrna Siegel at (200) 272-2430.

3. Consideration of whether to adopt final rules which would amend Article 6 of Regulation S-X relative to financial statements filed by registered investment companies. The amendments to Article 6 being considered are intended to (1) eliminate rules which are duplicative of generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the

rules to improve financial reporting. The Commission will also consider whether to adopt similar amendments to financial statement requirements for employee stock purchase, savings and similar plans. For further information, please contact Clarence M. Staubs at (202) 272-2130.

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: Jerry Marlatt at (202) 272-2092.

October 26, 1982.

[S-1560-82 Filed 10-27-82; 11:16 am]

BILLING CODE 8010-01-M

12

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1299]

TIME AND DATE: 10:15 a.m. (e.s.t.), Wednesday, November 3, 1982.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

B-Purchase Awards

1. Invitation No. B2-192812—Requirement contract for crushed limestone for Paradise Fossil Plant.

C-Power Items

1. Deed and bill of sale to volunteer electric cooperative covering conveyance of TVA's Deenergized Decatur-Structure 40 (Ten Mile) 69-kV transmission line.
2. Letter agreement with Southern Illinois Power Cooperative providing for transmission of up to 150 MW of power and energy across TVA's system for delivery to Mississippi Power & Light

Company, Alabama Power Company, Georgia Power Company, and East Kentucky Power Cooperative.

3. Agreement with the Department of the Army for TVA to make transmission line alterations to accommodate construction and operation of a canal section of the Tennessee-Tombigbee Waterway Project near Fulton, Mississippi.

E-Real Property Transactions

1. Sale of permanent easement to Wheeler Grain Company for construction of barge terminal facilities affecting approximately 0.4 acre of Wheeler Reservoir land located in Limestone County, Alabama—Tract No. XWR-615E.
2. Filing of condemnation suits.

F-Unclassified

1. Authority to write off uncollectible accounts receivable.
2. Revised TVA code relating to acquisition of interests in real property.
3. Revised TVA code relating to use of real property.
4. Proposed arrangements for financing of Chattanooga Office of Power building.
5. Amendment to memorandum of understanding between U.S. Department of Interior, Bureau of Reclamation, covering arrangements for TVA to supply equipment and personnel on a short-term, reimbursable basis.

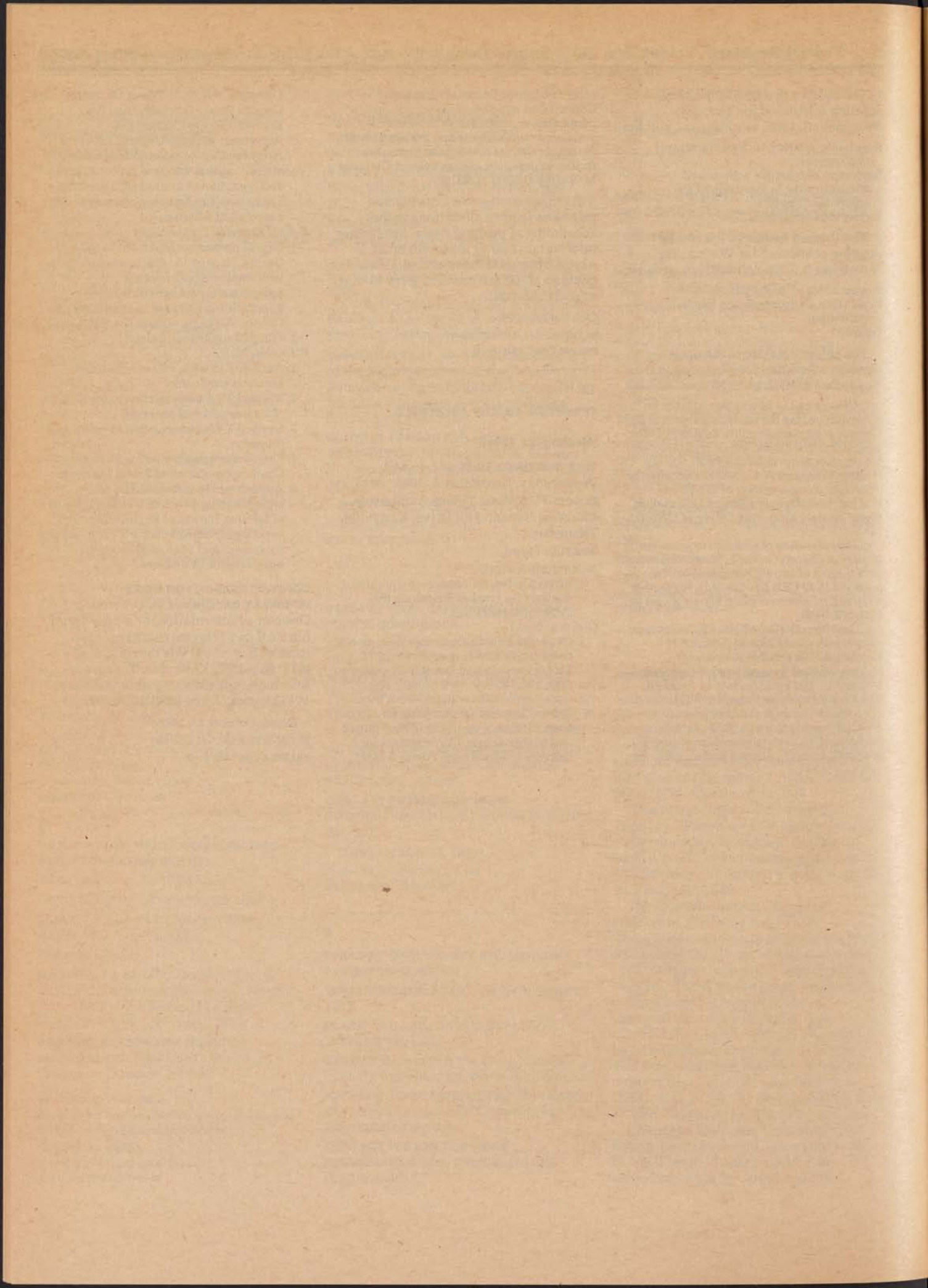
CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: October 27, 1982.

[S-1561-82 Filed 10-27-82; 12:37 pm]

BILLING CODE 8120-01-M



Best Management Practices

Friday
October 29, 1982

Part II

Environmental Protection Agency

Best Conventional Pollutant Control
Technology; Effluent Limitation
Guidelines; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 415, 422, 424, 426, 429, 430, 431, 432, 433, and 440

[WH-FRL-2150-4]

Best Conventional Pollutant Control Technology; Effluent Limitation Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: EPA proposes new and revised effluent limitation guidelines for best conventional pollutant control technology (BCT) under the Clean Water Act and a revised BCT methodology. The proposed rules cover the Dairy, Grain Milling, Fruits and Vegetables, Seafood, Sugar, Feedlots, Ferroalloys, Glass, Meat, Phosphate, Timber, Inorganic Chemicals, Ore Mining and Dressing, Metal Finishing, and Pulp, Paper, and Paperboard industries. They are based on a revised approach to the BCT methodology developed in response to judicial and agency review of the BCT methodology promulgated in August, 1979.

DATE: Comments must be submitted on or before December 28, 1982.

ADDRESSES: Send comments in triplicate on the proposal to: Ms. Renee Rico, U.S. Environmental Protection Agency, 401 M Street, S.W. (WH-586), Washington, D.C. 20460.

The Record, including copies of the development documents and economic analyses, will be available for public review in EPA's Public Information Reference Unit, Room 2404 (Rear), EPA library, 401 M St., S.W., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) allows the Agency to charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Rico, U.S. Environmental Protection Agency, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460, (202) 382-5386.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Authority

In 1977, Congress amended the Clean Water Act (CWA) to include section 304(b)(4)(B), 33 U.S.C. 1314(b)(4)(B). This provision requires EPA to establish best conventional pollutant control technology (BCT) effluent limitations to be determined by an analysis of:

The reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge of publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources.

The Act also specifies that in making BCT determinations consideration be given to the age of equipment, production process, energy requirements, and other appropriate factors.

BCT is not an additional effluent limitation for industrial dischargers, but rather replaces "best available technology economically achievable" (BAT) effluent limitations for the control of conventional pollutants. Effluent limitations representing BCT may not be less stringent than limitations representing "best practicable control technology currently available" (BPT). Conventional pollutants can be controlled to more stringent levels than BCT for dischargers in areas where water quality considerations necessitate additional control.

Section 304(a)(4) of the Act specifies that conventional pollutants include, but are not limited to, biochemical oxygen demanding materials (BOD₅), total suspended solids (TSS), fecal coliform, and pH. The Agency has also designated oil and grease as a conventional pollutant (44 FR 44501, July 30, 1979).

B. Previous Regulations

Under Section 73 of the 1977 CWA, EPA was directed to review all existing BAT effluent guidelines for conventional pollutants in those industries not covered in the Settlement Agreement reached in *National Resources Defense Council v. Train*, 8 ERC 2120 (D.D.C. 1976), as modified 12 ERC 1833 (D.D.C. 1979), and to determine their suitability as BCT limitations. These industries are often referred to as "secondary industries." On August 29, 1979, EPA published its BCT methodology and promulgated BCT limitations for 41 subcategories of the secondary industries (44 FR 50732). However, EPA did not have sufficient information at that time to establish BCT limitations for all the secondary industries and therefore deferred regulation of some of them.

In developing the methodology for the 1979 regulation, EPA was guided both by the statutory language of Section 304(b)(4)(B) and by Congress' underlying objectives in establishing BCT. Congress was concerned that requirements for the control of conventional pollutants beyond BPT were unreasonably

expensive in some cases. Accordingly, Congress required that a special "cost reasonableness comparison" be applied before establishing BCT limitations at a level more stringent than BPT. The core of the Agency's BCT methodology was a comparison of the costs of removing additional pounds of conventional pollutants for industry with comparable costs of removal for an average-sized publicly owned treatment works (POTW).

C. BCT Court Suit

The 1979 regulations were challenged in the U.S. Court of Appeals for the Fourth Circuit. On July 28, 1981, the Court issued its decision, upholding the methodology EPA had developed for the POTW cost-comparison test. *American Paper Institute v. EPA*, 660 F.2d 954 (4th Cir. 1981). However, since EPA had recently informed the Court that significant statistical errors had been found in its calculation of the POTW test, the Court directed the Agency to correct the errors.

The Court also held that the CWA requires EPA to consider two "reasonableness" tests as part of the BCT methodology: an industry cost-effectiveness test and a POTW cost comparison test. Because EPA had only developed the latter test, the Court remanded the regulations and ordered EPA to develop and implement an industry cost-effectiveness test that compares the industry's costs of attaining a reduction in effluents with the effluent reduction benefits derived.

As a result of the remand, EPA withdrew many of the 1979 regulations, as well as the BCT limitations for the Timber category. (47 FR 6835, February 17, 1982.) Since BPT represents the minimal level of control required by law for conventional pollutants, those BCT limitations which equalled BPT were left in effect. Those BCT regulations which required a higher level of control than BPT were withdrawn.

D. Purpose of This Proposal

This rulemaking serves several purposes. First, in response to the court remand, EPA has developed an industry cost-effectiveness test and corrected the statistical errors in its prior calculation of the POTW test.

Second, EPA has generally reevaluated the BCT methodology in response to a March 15, 1981 directive from the Presidential Task Force on Regulatory Relief and comments by the Council on Wage and Price Stability. Based on this review, EPA has determined that the POTW cost-comparison methodology promulgated in

1979 and upheld by the Court of Appeals is still the preferred approach, with the exception of one change proposed today.

Finally, EPA is required to apply the BCT methodology to establish BCT limitations for both the primary industries (those covered by the NRDC Consent Decree) and the secondary industries. Today's proposal, if promulgated, would replace the BCT limits withdrawn on February 17, 1982, and establish BCT limits for some of the secondary industries that were not included in the 1979 regulations. Second, EPA is reproposing BCT limitations for the Pulp, Paper and Paperboard, Inorganic Chemicals, Metal Finishing, and Timber industries since the original BCT limitations for these industries were proposed or promulgated using the BCT methodology remanded by the Court. Therefore, today's proposal supersedes BCT limitations proposed on January 6, 1981 for Pulp, Paper and Paperboard (46 FR 1430), July 24, 1980 for Inorganic Chemicals (44 FR 49450), and June 14, 1982 for Ore Mining and Dressing (47 FR 25682). It would also replace the BCT limitations that were withdrawn for Timber (46 FR 3260). EPA is also reproposing BCT limitations for the Ore Mining and Dressing category since BCT limitations were erroneously proposed.

These proposed limitations apply to BODs, TSS, fecal coliform, pH, and oil and grease. Since all of the BAT pH limitations were set at BPT levels, no BDT assessment was carried out for pH. If at any time pollutants are added or deleted from the conventional pollutant list, the Agency plans to reevaluate all effluent guidelines affected by such revisions.

EPA intends to use today's methodology to evaluate conventional pollutant treatment requirements for the remaining primary industries. These BCT limitations will be proposed and promulgated where possible along with BAT, pretreatment, and new source standards. Calculations for applying the BCT methodology for each industry will be explained when each regulation is proposed. Because the methodology proposed today will be used in all effluent guidelines, this notice is intended to provide the opportunity for all industries to submit comments on the methodology now.

E. Summary of Proposal

EPA proposes to use the methodology contained in this notice to determine the cost-reasonableness of all BCT technology options. The methodology consists of two parts: a POTW test and an industry cost-effectiveness test. The

POTW test is passed if the incremental cost per pound of conventional pollutant removed in going from BPT to BCT is less than \$.27 per pound in 1976 dollars. The industry test is passed if this same incremental cost per pound is less than 143% of the incremental cost per pound associated with achieving BPT. Both tests must be passed for a BCT limitation more stringent than BPT to be established.

EPA applied this methodology to the categories included in today's proposal. If the BAT limits that were promulgated for a secondary industry pass the BCT reasonableness test, BCT is established equal to BAT. If either test is failed, BCT is established equal to BPT.

In those subcategories for which BAT or BCT limitations were never promulgated, or were being reevaluated on technical grounds, the Agency considered several candidate technologies for BCT. These candidate technologies are those that remove significant amounts of conventional pollutants beyond BPT. In evaluating their reasonableness, EPA used BPT as a starting point and determined the incremental costs and levels of pollutant removal from BPT to each of the candidate technologies. The selection of the final BCT limitations is based on the most stringent technology option which passes the reasonableness tests, as well as the other factors specified in the Act.

The Agency has determined that establishing the BAT level of control of conventional pollutants as BCT for the secondary industries is reasonable for the following 8 of the 96 subcategories reviewed: Pacific Coast Hand-Shucked Oyster (408.257), Atlantic and Gulf Coast Hand-Shucked Oyster (408.267), Non-Alaskan Scallop (408.307), Abalone (408.337), Sodium Phosphates (422.67), Slag Processing (424.37), Small Processor (432.57), and Renderers (432.107).

EPA also determined that BCT limitations more stringent than BPT are reasonable for the following 4 subcategories in the pulp, paper, and paperboard and timber industries: Wet Process Hardboard (429.62), Papergrade Sulfite-Blow Pit Wash (430.103), Groundwood-Thermo Mechanical (430.133), and Papergrade Sulfite Drum Wash (430.213). BCT equals BPT for the remaining subcategories in the pulp and paper and timber industries, as well as for the ore mining, metal finishing and inorganic chemicals industries.

All the subcategories reviewed appear in Table I. This table summarizes the current status of each point source subcategory, the results of the BCT review, and whether BCT is set equal to or more stringent than BPT limitations.

The columns and their entries are defined as follows.

1. *Industry/Subcategory*: Each industrial point source subcategory in the primary and secondary industries is listed in the table. The chart and the discussions in Section III include those subcategories for which BCT limitations equal to BPT have already been established. They are included for informational purposes only.

2. *Size*: EPA performed many of the BCT industrial calculation using model plants. Where more than one model plant was used, the size designations are listed for small, medium, and large dischargers.

3. *CFR Part*: The CFR Part and section number are included for additional identification of the subcategory. Where no BCT section exists, the proposed section number for the subcategory is used.

4. *Current Status*: A number of terms that are explained below are used to define the rulemaking status of a particular subcategory prior to today's proposal. For further information, refer to the Application of BCT Methodology (Section III).

a. *Removed*: The BCT limitations for the subcategory were withdrawn in response to the Court Remand of July 1981 (47 FR 6835, February 17, 1982).

b. *pH Limit*: The BCT limitation for the subcategory contains only a limitation for pH that equals the BPT limitations.

c. *BPT=BCT*: EPA has already promulgated BCT limitations that are equal to BPT. EPA did not perform a BCT review of these subcategories in today's proposal.

d. *No section*: No BCT limitations were ever promulgated for this subcategory, and no current section number exists in the CFR.

e. *BCT Reserved*: The CFR section for this subcategory was reserved for future BCT effluent guideline rulemaking.

f. *BCT Proposed*: EPA previously proposed BCT limitations for this subcategory based on the 1979 methodology.

5. *BCT Methodology*: This column describes the results of applying the proposed BCT methodology. It indicates whether any candidate technology passes the BCT tests and whether therefore, BCT is proposed equal to or a more stringent level than BPT.

6. *Other*: EPA reviewed the technology basis and economic impact of candidate BCT technologies if new information became available. Where these factors caused the Agency to reject the technologies, the column entries are marked *Fail*. See the

discussion of each industry in Section III for more information.

7. *BCT Limitations:* This heading contains two columns. For those

subcategories where EPA has determined that the candidate BCT technologies are not reasonable and is setting BCT limitations equal to BPT, an

X appears in the column BCT=BPT. Where the Agency has determined that they are reasonable and is setting BCT limitations more stringent than BPT, an X appears in the column BCT>BPT.

TABLE I

Industry and subcategory	Size	CFR Part	Current status	BCT methodology		Other	BCT limits	
				POTW test	Industry test		Pass (>BPT)	Fail (=BPT)
DAIRY PRODUCTS PROCESSING								
Receiving Stations	S, L	405.17	Removed			Fail		X
Fluid Products	S, L	405.27	Removed			Fail		X (S, L)
Cultured Products	S, L	405.37	Removed			Fail		X (S, L)
Butter	S, L	405.47	Removed			Fail		X (S, L)
Cottage Cheese Cultured Cream Cheese	S, L	405.57	Removed			Fail		X
Natural, Processed Cheese	S, L	405.67	Removed			Fail		X
Fluid Mix for Ice Cream and Other Frozen Desserts	S, L	405.77	Removed			Fail		X
Ice Cream, Frozen Desserts	S, L	405.87	Removed			Fail		X
Condensed Milk	S, L	405.97	Removed			Fail		X
Dry Milk	S, L	405.107	Removed			Fail		X
Condensed Whey	S, L	405.117	pH Limit			Fail		X
Dry Whey	S, L	405.127	Removed			Fail		X
GRAIN MILLS								
Corn Wet Milling	S, M, L	406.17	Removed		Reserved			
Corn Dry Milling	S, L	406.27	Removed					X
Normal Wheat Flour Milling		406.37	BPT-BCT					
Bulgur Wheat Flour Milling		406.47	pH Limits	Fail				X
Normal Rice Milling		406.57	BPT-BCT					
Parboiled Rice Processing		406.67	Removed	Fail				X
Animal Feed		406.77	BPT-BCT					
Hot Cereal		406.87	BPT-BCT					
Ready-To-Eat-Cereal	S, M, L	406.97	Removed	Fail				X
Wheat Starch and Gluten		406.107	Removed	Pass	Fail			
CANNED AND PRESERVED FRUITS AND VEGETABLES								
Apple Juice	S, L	407.17	Removed	Fail				X (S, L)
Apple Products	S, L	407.27	Removed	Fail				X (S, L)
Citrus Products	S, L	407.37	Removed	Fail(S)				X (S, L)
Frozen Potato Products	S, L	407.47	pH Limit	Pass(L)	Fail (L)			
Dehydrated Potatoes Products	S, L	407.57	Removed	Pass (S, L)	Fail (S, L)			X (S, L)
Canned and Preserved Fruits		407.67	No section	Fail				X
Canned and Preserved Vegetables		407.77	No section	Fail		Fail		X
Canned and Miscellaneous Specialties		407.87	No section	Fail				X
CANNED AND PRESERVED SEAFOOD PROCESSING								
Farm-Raised Catfish Processing	S, M, L	408.17	No section	Fail				X
Conventional Blue Crab Processing	S, M, L	408.27	No section			Fail		X
Mechanized Blue Crab Processing	S, M, L	408.37	No Section			Fail		X
Non-Remote Alaskan Crab Meat Processing		408.47	No section			Fail		X
Remote Alaskan Crab Meat		408.57	No section			Fail		X
Non-Remote Alaskan Whole Crab and Crab Section Processing		408.67	No section			Fail		X
Remote Alaskan Whole Crab and Crab Section Processing	S, M, L	408.77	No section	No section		Fail		X
Dungeness and Tanner Crab Processing in the contiguous States		408.87				Fail		X
Non-Remote Alaskan Shrimp Processing	S, M, L	408.97	No section					X
Remote Alaskan Shrimp Processing	S, M, L	408.107	No section			Fail		X
Northern Shrimp Processing in the Contiguous States	S, M, L	408.117	No section			Fail		X
Southern Non-Breaded Shrimp Processing in the Contiguous States	S, M, L	408.127	No section			Fail		X
Breaded Shrimp Processing in the Contiguous States	S, M, L	408.137	No section			Fail		X
Tuna Processing	S, M, L	408.147	No section			Fail		X
Fish Meal Processing		408.157	No section	Fail				X
Alaskan Hand-Butchered Salmon Processing		408.167						
—Remote			No section			Fail		X
—Non-Remote			No section			Reserved		
Alaskan Mechanized Salmon Processing		408.177						
—Remote			No section			Fail		X
—Non-Remote			No section			Fail		X
West Coast Hand-Butchered Salmon Processing	S, L	408.187	No section	Fail				X
West Coast Mechanized Salmon Processing	S, L	408.197	No section			Fail		X
Alaskan Bottom Fish Processing		408.207						
—Remote			No section			Fail		X
—Non-Remote			No section			Reserved		
Non-Alaskan Conventional Bottom Fish Processing	S, M, L	408.217	No section			Fail		X (S, M, L)
Non-Alaskan Mechanical Bottom Fish Processing	S, L	408.227	No section	Fail (S) Pass (M, L)		Fail (S, M, L)		X
Hand-Shucked Clam Processing		408.237	No section			Fail		X
Mechanized Clam Processing	S, L	408.247	No section			Fail		X
Pacific Coast Hand-Shucked Oyster Processing		408.257	No section	Pass	NA		X	
Atlantic and Gulf Coast Hand-Shucked Oyster Processing		408.267	No section	Pass	NA		X	
Steamed and Canned Oyster Processing		408.277	No section			Fail		X
Sardine Processing	S, M, L	408.287	No section	Fail				
Alaskan Scallop Processing		408.297						
—Remote			No section			Fail		X
—Non-Remote			No section			Fail		X
Non-Alaskan Scallop Processing		408.307	No section	Pass	NA		X	

TABLE I—Continued

Industry and subcategory	Size	CFR Part	Current status	BCT methodology		Other	BCT limits	
				POTW test	Industry test		Pass (>BPT)	Fail (=BPT)
Alaskan Herring Filet Processing		408.317	No section			Fail		X
—Remote			No section			Reserved		
—Non-Remote			No section			Fail		X
Non-Alaskan Herring Filet Processing		408.327	No section			Fail		X
Abalone Processing		408.337	No section	Pass	NA	Fail	X	
SUGAR PROCESSING								
Beet Sugar Processing		409.17	pH Limit	Pass	Fail			X
Crystalline Cane Sugar Refining	S, L	409.27	pH limit	Fail				X
Liquid Cane Sugar Refining		409.37	pH limit	Fail				X
Louisiana Raw Cane Sugar Processing		409.47	No section					X
Florida and Texas Raw Cane Sugar Processing		409.57	No section					X
Hilo-Hamaku Coast of the Island of Hawaii Raw Cane Sugar Processing		409.67	No section					X
Hawaiian Raw Cane Sugar Processing Subcategory		409.77	No section					X
Puerto Rican Raw Cane Sugar Processing		409.87	No section					X
CEMENT MANUFACTURING								
Nonleaching		411.17	BPT=BCT					
Leaching		411.27	pH limit	Fail				X
Material Storage		411.37	BPT=BCT					
FEEDLOTS								
All Subcategories except Ducks		412.17	BPT=BCT					
Ducks		412.27	No section			Reserved		
INORGANIC CHEMICALS MANUFACTURING								
Chlor-Alkali—Mercury Cell		415.87(a)	BPT=BCT					
—Diaphragm Cell		415.87(b)	Reserved	Fail				X
Hydrofluoric Acid		415.87	Reserved	Fail				X
Sodium Dichromate and Sodium Sulfate		415.177	BPT=BCT					
Titanium Dioxide		415.227	BPT=BCT					
Aluminum Fluoride		415.237	BPT=BCT					
Chromic Pigments		415.347	BPT=BCT					
Copper Sulfate		415.367	BPT=BCT					
Hydrogen Cyanide		415.427	BPT=BCT					
Nickel Sulfate		415.477	BPT=BCT					
Sodium Bisulfite		415.547	BPT=BCT					
PHOSPHATES								
Defluorinated Phosphate Rock		422.47	BPT=BCT					
Defluorinated Phosphoric Acid		422.57	BPT=BCT					
Sodium Phosphates	XS, S, M, L	422.67	Removed	Pass	Pass		X	
FERROALLOY MANUFACTURING								
Open Electric Furnaces, Wet		424.17	Removed	Fail				X
Covered Electric Furnaces and Other Smelting Operations		424.27	Removed	Fail				X
Slag Processing		424.37	Removed	Pass	Pass		X	
Covered Calcium Carbide Furnaces, Wet		424.47	pH limit	Fail				X
Other Calcium Carbide Furnaces		424.57	BCT=BPT					
Electrolytic Manganese		424.67	pH limit	Fail				X
Electrolytic Chromium		424.77	pH limit	Fail				X
GLASS MANUFACTURING								
Insulation Fiberglass		426.17	Removed			Fail		X
Sheet Glass		426.27	BPT=BCT					
Rolled Glass		426.37	BPT=BCT					
Plate Glass		426.47	Removed	Fail				X
Float Glass		426.57	pH limit	Fail				X
Automotive Glass Tempering		426.67	pH limit	Fail				X
Automotive Glass Laminating		426.77	pH limit	Fail				X
Glass Container Manufacturing		426.87	pH limit	Fail				X
Glass Tubing (Danner) Manufacturing		426.107	pH limit	Fail				X
Television Picture Tube		426.117	pH limit	Fail				X
Incandescent Lamp		426.127	pH limit	Fail				X
Hand Pressed and Blown Glass		426.137	pH limit	Fail				X
TIMBER PRODUCTS								
Barking		429.22(a)	Reserved			Fail		
Veneer		429.22(b)	Reserved			Reserved		
Plywood		429.32	Reserved			Fail		X
Dry Process Hardboard		429.42	Reserved			Fail		X
Wet Process Hardboard		429.52	Reserved			Fail		X
Wood Preserving—Waterborne Nonpressure		429.62	Removed	Pass	Pass		X	
Wood Preserving—Steam		429.72	Reserved			Fail		X
Wood Preserving—Boulton		429.82	Reserved			Reserved		
Wet Storage		429.92	Reserved			Fail		X
Log Washing		429.102	Reserved			Fail		X
Sawmills and Planning Mills		429.112	Reserved			Reserved		
Finishing		429.122	Reserved			Fail		X
Particleboard Mfg.		429.132	Reserved			Fail		X
Insulation Board		429.142	Reserved			Fail		X
Wood Furniture and Fixture Production w/o Water Wash		429.152	Removed	Fail		Fail		X
Spray Booth		429.162	Reserved			Fail		X
Wood Furniture and Fixture Production w/Water Wash Spray Booth		429.172	Reserved			Reserved		
PULP, PAPER AND PAPERBOARD								
Unbleached Kraft		430.13	BCT proposed	Fail				X
Sodium Based—Neutral Sulfite Semi-Chemical		430.23	Reserved	NA				

TABLE I—Continued

Industry and subcategory	Size	CFR Part	Current status	BCT methodology		Other	BCT limits	
				POTW test	Industry test		Pass (>BPT)	Fail (=BPT)
Ammonia Base Neutral Sulfite Semi-Chemical		430.33	Reserved	NA				
Unbleached Kraft and Neutral Sulfite Semi-Chemical (Cross Recovery)		430.43	Reserved	NA				
Paperboard from Wastepaper		430.53	BCT proposed	Fail				X
Dissolving Kraft		430.63	BCT proposed	Fail				X
Market Bleached Kraft		430.73	BCT proposed	Fail				X
BCT Bleached Kraft		430.83	BCT proposed	Fail				X
Fine Bleached Kraft		430.93	BCT proposed	Fail				X
Papergrade Sulfite (Blow Pit Wash)		430.103	BCT proposed	Pass	Pass		X	
Dissolving Sulfite Pulp		430.113	BCT proposed	Fail				X
Groundwood—Chemi-Mechanical		430.123	Reserved	NA				
Groundwood—Thermo-Mechanical		430.133	BCT proposed	Pass	Pass		X	
Groundwood—CMN Papers		430.143	BCT proposed	Fail				X
Groundwood—Fine Papers		430.153	BCT proposed	Fail				X
Soda		430.163	BCT proposed	Fail				X
Deink		430.173	BCT proposed	Pass	Fail			X
NI—Fine Papers		430.183	BCT proposed	Fail				X
NI—Tissue Papers		430.193	BCT proposed	Fail				X
Tissue from Wastepaper		430.203	BCT proposed	Fail				X
Papergrade Sulfite (Drum Wash)		430.213	BCT proposed	Pass	Pass		X	
Unbleached Kraft and Semi-Chemical		430.223	BCT proposed	Fail				X
Semi-Chemical		430.233	BCT proposed	Fail				X
Wastepaper—Molded Products		430.243	BCT proposed	Fail				X
NI—Lightweight Papers		430.253	BCT proposed	Fail				X
NI—Filter and Nonwoven Papers		430.263	BCT proposed	Fail				X
NI—Paperboard		430.273	BCT proposed	Fail				X
BUILDERS' PAPER AND BOARD MILLS CATEGORY								
Builder's Paper and Roofing Felt		430.12	BCT proposed	Fail				X
MEAT PRODUCTS								
Simple Slaughterhouse		432.17	pH limit			Fail		X
Complex Slaughterhouse		432.27	pH limit			Fail		X
Low Proc. Packinghouse		432.37	pH limit			Fail		X
High Proc. Packinghouse		432.47	pH limit			Fail		X
Small Processor		432.57	Removed	Pass	Pass		X	
Meat Cutter		432.67	pH limit			Fail		X
Sausage and Luncheon Meats		432.77	pH limit			Fail		X
Ham Processor		432.87	pH limit			Fail		X
Canned Meat		432.97	pH limit			Fail		X
Renderers		432.107	Removed	Pass	Pass		X	
METAL FINISHING								
Metal Finishing		433.18	Reserved	Fail				X
ORE MINING AND DRESSING								
Iron Ore		440.15	BCT proposed	Fail				X
Aluminum Ore		440.35	BCT proposed	Fail				X
Uranium, Radium and Vanadium		440.55	BCT proposed	Fail				X
Mercury Ores		440.65	BCT proposed	Fail				X
Titanium Ore		440.75	BCT proposed	Fail				X
Tungsten Ore		440.85	BCT proposed	Fail				X
Nickel Ore		440.95	Reserved				Reserved	
Vanadium Ore		440.105	Reserved				Reserved	
Antimony Ore		440.115	Reserved				Reserved	
Copper, Lead, Zinc, Gold, Silver, Platinum, and Molybdenum Ores		440.125	BCT proposed	Fail				X

II. BCT Methodology

A. Part 1: The POTW test

1. *Background.* The POTW test compares the cost for industry to remove a pound of conventional pollutants to the cost incurred by a POTW for removing a pound of conventional pollutants.

In 1979, a single number (the POTW benchmark) was developed based on the costs of an average-size POTW to upgrade its facility from secondary treatment to advanced secondary treatment. The benchmark, as established in 1979, was \$1.15 per pound (1976 dollars). This number was then compared to the costs industry would incur in going from BPT to the candidate BCT technologies. If the cost to industry to remove a pound of conventional

pollutants was less than \$1.15, BCT limitations beyond BPT levels were established.

As explained above, EPA subsequently discovered that the costs used to calculate the \$1.15 benchmark were incorrect. Correction of the errors using updated and revised data results in a benchmark in the range of \$.50-.60 per pound. The POTW test benchmark proposed today is \$.27 per pound (1976 dollars) because EPA has decided to modify the method used to calculate it.

2. *Modification to Promulgated POTW Test Benchmark.* EPA is using the 1979 methodology upheld by the Court as the basis for this proposal with one modification. Instead of basing the POTW benchmark on costs and removals for an average-size 2 million gallon per day (mgd) plant, EPA

proposes to base the POTW benchmark on cost and removal data for POTWs with flows ranging from one to fifty mgd. We have computed cost per pound figures for four flow sizes in this range and then weighted them according to each size's contribution to the total U.S. flow of POTWs. Finally, we summed these figures to obtain a single POTW benchmark.

EPA believes that weighting a variety of sizes of POTWs gives a better estimate of the costs to treat conventional pollutants at POTWs for two reasons. First, the use of data for different flow sizes of plants better depicts the costs of removing conventional pollutants at POTWs since the economies of scale inherent in large POTWs can be included in the calculation. Second, the statistical

reliability of the benchmark is improved because more data points are used.

The resulting POTW benchmark equals \$.27 per pound in 1976 dollars. This figure is indexed to other years to account for inflation. These calculations, as well as a more detailed discussion of computations for the modified POTW benchmark, appear in Appendix A.

3. *Comparison of Municipal and Industrial Treatment Costs.* Under EPA's methodology, industry's costs in going from BPT to the candidate BCT are compared to determine whether the industrial costs are lower than the POTW benchmark of \$.27 per pound (1976 dollars) and therefore reasonable. The sections below describe the calculation of the industrial costs.

a. *Calculation of Industrial Treatment Costs.* EPA has calculated the incremental annual costs for pollution control by determining the difference between the annual costs for a model plant or all plants in a subcategory to achieve BPT and the costs to achieve the candidate BCT. Annual costs include operation and maintenance expenses, interest, and depreciation. The data used by EPA in determining industrial costs for this review are drawn from the Agency Development Documents for each of the industries (See Appendix C.)

b. *Calculation of Industrial Pollutant Removal.* EPA calculated the incremental removal of conventional pollutants by determining the difference between the annual pounds of conventional pollutants removed after compliance with BPT and the pounds removed after compliance with the candidate BCT. These removals are based on the regulatory limits established for the 30-day average discharge of each pollutant. The conventional pollutants subject to this review fall into two categories: total suspended solids (TSS), and oxygen-demanding substances (BOD₅ and oil and grease). To avoid "double counting" of the amount of pollutants removed from BPT to the candidate BCT, pollutant removals are calculated using only one pollutant from each group. In those cases where both BOD₅ and oil and grease are subject to limitations, EPA included the pollutant with the greater amount of removal in the calculation.

c. *Calculation of the Industrial Cost Per Pound Figure.* EPA calculated the ratio of incremental annual cost to incremental conventional pollutant removal as follows: (candidate BCT annual costs minus BPT annual costs) divided by (candidate BCT pounds of conventional pollutants removed minus BPT pounds of conventional pollutants removed). This cost figure represents the

annual incremental cost to remove a pound of conventional pollutants beyond BPT, and is the figure compared to the POTW benchmark to determine whether a BCT option passes the POTW test. These figures appear in Appendix D.

C. Part II: The Industry Cost Test.

1. *Background.* The Court of Appeals directed EPA to develop a separate, additional cost-effectiveness test which compares the costs to industry and the effluent reduction benefits achieved by industry in going from BPT to more stringent levels of control. Neither the Court nor the legislative history of the 1977 amendments provide specific guidance on how to design this test. EPA believes that three conditions must be met by the methodology for the second test. First, the industry cost test should be performed using an explicit numerical benchmark to determine the reasonableness of the proposed limitations. By comparing industry costs to a uniform benchmark, EPA will reduce the bias in calculating limitations for so many different industries. Second, the test must measure both for increases in pollution control costs and for effluent reductions of conventional pollutants. Third, the information needed to perform the test must be currently available for those industries covered by the secondary industry review, so that promulgation of BCT limitations is not significantly delayed.

The following sections describe the industry cost test and the alternatives considered. The discussion of the selection of the proposed method for calculating the incremental costs of BCT for the industrial subcategories appears first. The discussion of the selection of the proposed benchmark against which the industry incremental costs are measured follows.

2. *Industrial Cost Calculations.* The alternatives considered are discussed first, followed by the explanation of the selection of the method and its computation.

a. *Alternatives Considered.* EPA considered 5 different ways to measure the incremental costs of BCT for the industry cost test.

(1) *Measures of Economic Achievability.* One alternative was to use measures of economic achievability. Examples of such measures are:

After Tax Return on Investment. Return on investment (ROI) is the plant's profit (or net income) divided by the investment in the plant. Investment in water pollution control generally reduces the plant's ROI because there is no monetary "return" to the firm on this investment. Therefore, changes in the

ROI measure the changes in plant profitability. Although absolute changes in ROI indicate that the plant is being affected, they do not measure the size of the impact on the plant since the base level of the ROI is extremely important.

Plant Closures. Another alternative is to look at the potential for plant closures. However, this is not always a reliable economic indicator since plants seriously affected by pollution control requirements may still decide to remain open for other financial reasons such as potential for long-term profitability, ability to absorb short term losses or low fixed costs of production.

Pollution Control Investment to Book Value. This criterion is based on the ratio of pollution control investment costs to the book value of the plant. In a general way, it measures the likelihood that the pollution control equipment can be financed.

Other Measures. Other measures were also considered such as the ratio of annual compliance costs to the total value of shipments and cash flow analyses.

All these economic achievability measures contain three drawbacks. First, they do not consider the effluent reductions benefits of additional controls. Second, the data required to perform these analyses are not generally available. Finally, the economic achievability of the regulations was already taken into account in the initial development of the BAT regulations.

(2) *Relative Pollutant Reduction (Percent).* Pollutant reduction efficiency for a plant is a measure of the relative amount of pollutant removed from the wastewater in percentage terms. One alternative for the test is to compute the percentage of pollutants removed in going from BPT to BCT levels of control as compared to the total amount of pollutants in the untreated wastewater. Because the removals are expressed in percentage terms, the results of such analysis would not depend on the size of the facility, making the test "blind" to size.

There are two major drawbacks to these types of measures. First, the costs of pollutant removal would not be considered. Second, measuring only the relative amounts of pollutants removed can lead to misleading conclusions about effluent reduction benefits. A large facility might remove 10 times the waste as a small facility, yet in percentage terms have a smaller relative efficiency than the small facility, and thus "fail" the BCT industry cost test when in reality substantial additional pounds of conventional pollutants would be removed by further treatment.

(3) *Cost Curve Elasticity.* The elasticity of the pollution control cost curve is measured by the ratio of percent change in pollutant removal divided by the percent change in the total annual compliance cost. This criterion has a number of advantages over the first two alternatives. First, the criterion considers both cost and pollutant reduction. Second, the measure does not assess factors already taken into account in the development of the BAT regulations. Third, the figure generally can be calculated from available data. Finally, a numerical benchmark for costs and removal can be computed for comparison.

(4) *Incremental Costs to Average Cost of Pollutant Removal Ratio.* Under this alternative EPA would calculate the average cost per pound of conventional pollutants removed in going from no treatment to BCT levels, and divide the result into the incremental cost per pound in going from BPT to BCT levels. It has the same advantages as the elasticity approach, and in addition is easier to compute with currently available data.

(5) *Increasing Cost Ratio.* The last ratio EPA considered is the incremental cost per pound in going from BPT to BCT levels divided by the average cost in going to BPT. This alternative has the same advantages as Alternative (4).

b. *Selection of Second Test Methodology.* Alternatives (1) and (2) in the previous section were rejected for the reasons discussed above, while alternatives (3), (4), and (5) generally fulfill all the conditions that EPA has determined the second test must satisfy. EPA's proposed methodology is based on the increasing cost ratio. Alternative (5), because it is the only measure which directly compares the cost-effectiveness of effluent reduction in achieving BCT levels (in dollars per pound removed) with the cost-effectiveness that is achieved at BPT levels.

c. *Calculation of the Industry Cost Figures.* This section describes how the Alternative 5 calculations are actually performed. The increasing cost ratios are a combination of two computations for incremental annual cost per pound. The first increment is the annual cost per pound in going from BPT to candidate BCT control levels. This is identical to the industry calculation used in the POTW test. (See "Part I: The POTW Test" in this notice for the detailed explanation.) This increment becomes the *numerator* in the increasing cost ratio.

The second increment is the incremental annual cost per pound in going from a "pre-BPT" level of control to BPT levels of control and becomes the

denominator in the increasing cost ratio. The "pre-BPT" level is set at one of two levels, depending upon the availability of data for each affected industry. If sufficient data exists for the development of cost and effluent data for treatment levels in-place at the time BPT limitations were being developed, that level of treatment would be used in the calculation. If not enough data is available, the "pre-BPT" control would be assumed to be no treatment of effluent wastewater. This use leads to variation in the way the incremental cost per pound figures are calculated. The cost per pound under the increment from raw waste load to BPT will in general be smaller than that for the pre-BPT to BPT increment. This means that the assumption of no treatment-in-place may lead to an overestimation of pounds removed by BPT and underestimation of the incremental cost per pound. In the absence of additional data, EPA believes this result is unavoidable.

The calculation of cost and effluent reduction (in pounds of conventional pollutants removed) for the pre-BPT to BPT increment would follow the method used for the BPT to candidate BCT increment except for one point. The conventional pollutant discharges at pre-BPT would be based on the average effluent discharge per year because no 30-day limitations exist. Monthly or 30-day average discharge levels are used for BPT and candidate BCT levels because they are the regulatory limits with which industry must comply. Using annual average effluent data instead of monthly average data for the pre-BPT levels of control increases the pre-BPT to BPT incremental cost per pound. EPA requests comments on both of these issues on the second increment.

After each increment is calculated, EPA calculates the increasing cost ratio by dividing the first increment by the second:

$$\frac{\text{Total annual cost/pounds removed (BPT to BCT)}}{\text{Total annual cost/pounds removed (pre-BPT to BPT)}}$$

3. *The Industry Cost Benchmark.* As mentioned before, EPA believes that the industrial cost calculations should be compared against a single numerical benchmark. This section describes the alternatives considered, the selection of the benchmark, and its computation.

a. *Alternatives Considered.* EPA identified two alternative benchmarks for use in the industry cost test.

(1) *Elasticity of Unity (1.0).* The unit elasticity, 1.0, was considered for a benchmark value because it identifies

the point on a continuous cost curve where, on a percentage basis, the incremental costs begin to exceed the incremental effluent reduction. If the test were to be applied, all industrial calculations which are less than 1.0 would be considered reasonable because the unit cost per pound of going beyond BPT levels would be less than that incurred in attaining BPT levels. This approach establishes the cost per pound of achieving BPT as an upper bound of reasonable cost.

(2) *POTW Data.* Another alternative is using POTW cost-effectiveness data in going from primary to ST and from ST to AST as the basis for comparison with industrial cost-effectiveness data. As discussed in 1979, there are general parallels between industrial and municipal treatment levels at BCT and advanced secondary treatment levels. 45 Fr 50735. In addition, pre-BPT and primary treatment levels correspond since both levels represent the basic technologies used to treat raw wastes. This benchmark alternative is computed by dividing the incremental cost per pound in going from ST to AST by the incremental cost per pound in going from primary to secondary. The benchmark, which is computed in Appendix B to be 1.43, would then serve as a basis for assessing the cost-effectiveness of advanced wastewater treatment of conventional pollutants.

b. *Selection of Benchmark.* EPA chose to use a POTW-based benchmark for several reasons. First, the data on POTW costs and removal are the most sophisticated data available on conventional pollutant removal. In view of the analogies between industrial and municipal treatment levels, EPA decided to utilize this POTW basis. Second, EPA believes the first alternative is contrary to Congressional intent since the cost per pound in achieving BCT could never be higher than the cost per pound in achieving BPT. While Congress directed EPA to evaluate the cost-effectiveness of BCT it did not establish the cost per pound in achieving BPT as a ceiling for BCT costs. Finally, EPA believes reliance on an objective, documented POTW measure is preferable to judging the cost-effectiveness of industrial treatment on an ad-hoc basis. EPA requests comments on either alternative, and other possible alternatives not presented here.

c. *Comparison of Industry Costs and Benchmark.* Under EPA's proposed methodology, the industry subcategory calculations would be compared to the benchmark of 1.42. If the industry figure for a subcategory is lower than 1.43, the subcategory passes this BCT test. If the

industry figure is higher than 1.43, the costs for BCT are considered unreasonable, and the limitations are set at the lowest level that passes the test. This may be BPT or alternative candidate BCT limitations above BPT levels.

III. Application of BCT Methodology

EPA applied the proposed BCT methodology above to the following secondary industry and primary industry categories: Dairy Products, Grain Mills, Canned and Preserved Fruits and Vegetables, Canned and Preserved Seafoods, Sugar, Cement Manufacturing, Feedlots, Inorganic Chemicals, Phosphates, Ferroalloy Manufacturing, Glass Manufacturing, Timber Products, Pulp Paper and Paperboard, and Builder's paper and Board Mills, Meat Products, Metal Finishing, and Ore Mining and Dressing. Table 1 summarizes the results of this application. The actual calculations are in the rulemaking record. For secondary industries where BAT limitations equalled BPT, EPA did not perform the BCT costs calculations, since BCT must be at least as stringent as BPT.

In addition to the BCT cost test, Section 304(b)(4)(B) of the Clean Water Act requires EPA to consider other factors such as the age of equipment, production process, and energy requirements in the development of BCT limitations. Based on the rulemaking record for these industrial categories and this proceeding, EPA has determined that the proposed limitations are technically achievable and otherwise satisfy Section 304(b)(4)(B).

A. Secondary Industries.

The BCT test determinations for the secondary industries are based on the cost and effluent data collected at the time of the original proposal and promulgation of the BAT guidelines for those industries. Where new information regarding the availability of pollution control technologies and its economic achievability became available, EPA used the information to determine whether the BAT technology still satisfied all the statutory factors.

1. *Dairy Products.* All twelve subcategories in the Dairy subcategory were reviewed. The technology basis for the former BAT limitations was tertiary treatment by multi-media filtration. Based on information submitted to the Agency since promulgation of the BAT effluent limitations, EPA believes that the application of filtration technology would be difficult technically in this industry. The suspended solids in the Dairy Products Industry are extremely difficult to treat, and the excess solids

can cause filter blindig and substantial operational difficulty. Thus, EPA is proposing BCT limitations equal to BPT for all twelve subcategories.

2. *Grain Mills.* BCT limitations equal to BPT were already promulgated for the Normal Wheat Flour, Normal Rice, Animal Feed and Hot Cereal subcategories. BCT limitations for the Corn Wet Milling subcategory are being reserved until more recent information on BPT compliance costs received by EPA has been evaluated. The remaining 5 subcategories fail the proposed BCT test. BCT limitations for them are therefore proposed equal to BPT.

3. *Canned and Preserved Fruits and Vegetables.* There are eight subcategories in this category. All eight fail the proposed BCT test and BCT limitations for them are proposed equal to BPT.

4. *Sugar.* Of the eight subcategories for Sugar Processing, five had the same conventional pollutants limitations for BAT and BPT. None of the three remaining subcategories pass the proposed BCT test. EPA therefore proposes that BCT limitations for all eight subcategories be equal to BPT.

5. *Cement Manufacturing.* Two of the three subcategories already contain BCT limitations equal to BPT. The remaining subcategory, Leaching, fails the proposed BCT test and the BCT limitations are proposed equal to BPT.

6. *Feedlots.* The Feedlots category contains two subcategories. For the first subcategory (All Subcategories Except Ducks), both BPT and BAT are zero discharge limitations. Therefore, zero discharge BCT limitations were promulgated in 1979. For the remaining subcategory, Duck feedlots, conventional pollutant discharges from man-made or natural (e.g., marshes) swimwater areas are difficult to quantify and adapt to traditional end-of-pipe treatment technologies. Because the effluent reduction benefits between existing discharges and the BAT technology, dry lots, are not readily quantifiable, the BCT test cannot be performed. Therefore, EPA is not now proposing BCT effluent limitations for this subcategory.

7. *Ferroalloy Manufacturing.* One of the seven subcategories contains BCT limitations equal to BPT. The remaining six are being reviewed; only the Slag Processing subcategory passes the Proposed BCT test. BCT limitations for Slag Processing subcategory are proposed at the BAT level; the BCT limitations for the other five subcategories are proposed equal to BPT.

8. *Glass Manufacturing.* Three of 13 subcategories contain BCT limitations

equal to BPT. EPA is reviewing the remaining ten subcategories; nine fail the proposed BCT test, and BCT limitations for them are proposed equal to BPT. The remaining subcategory, Insulation Fiberglass, had zero discharge limitations set at BPT for wastewater from air emission equipment. BCT limitations are proposed equal to BPT since no further pollutant removal is possible.

9. *Meat Products.* This category contains ten subcategories. The BAT effluent limitations for conventional pollutants for eight of these subcategories were withdrawn, pending a technical review of biological nitrification technology for ammonia and TSS removal in response to a court decision. Based on this review EPA has determined that nitrification, the BAT technology, is unsuitable as a basis for a BCT technology. One significant factor is that nitrification effects removal of ammonia nitrogen from these wastewaters, but affords only insignificant removal of conventional pollutants beyond BPT levels. Further, reduction in water use in meat processing operations, a key part of the former BAT limitations, may not be achievable at many plants. Finally, preliminary results of the nitrification technology review indicate that consistent year round removal of conventional pollutants is technically achievable only with extraordinary operational care. For these reasons EPA has rejected nitrification as a BCT technology and is proposing BCT equal to BPT for those eight subcategories.

The remaining two subcategories, the Small Processor and Renderers subcategories, pass the proposed BCT test. BCT limitations equal to BAT are proposed for these subcategories.

10. *Phosphates.* The Phosphates category contains three subcategories, two of which already have BCT limitations equal to BPT. The third subcategory, Sodium Phosphates, passes the proposed BCT test. The BCT limitations for this subcategory are proposed equal to BAT.

11. *Canned and Preserved Seafood Processing.* EPA conducted a review of all 33 subcategories in the Canned and Preserved Seafoods Category. Because new information has become available, EPA also reevaluated the technical availability and economic achievability of the BAT regulations.

The BAT technology basis for the following 12 subcategories and sections of two other subcategories is dissolved air flotation (DAF): Mechanized Blue Crab, Dungeness and Tanner Crab, Non-Remote Alaskan Shrimp, Northern

Shrimp, Southern Non-Breaded Shrimp, Breaded Shrimp, Alaska Mechanized Salmon (Non-Remote), West Coast Mechanized Salmon, Non-Alaskan Mechanized Bottom Fish, Mechanized Clam, Sardine, Alaskan Herring Fillet (Non-Remote), Non-Alaskan Herring Fillet, and Tuna. This technology has not been widely applied at full scale, except for the tuna subcategory. Experience in the tuna subcategory shows that achievement of effluent limitations on a consistent basis by DAF can be difficult in light of the variability of raw wastewater effluent loads, their typically oily nature, and the operational problems these circumstances present in maintaining the solids flotation process. Space requirements for installation of this technology also can present problems for many plants. Optimized DAF (with chemically assisted coagulation) for the tuna subcategory adds operational complexity, maintenance requirements, and disposal cost for additional sludge volume generated by optimized operation. EPA has therefore determined that this technology is infeasible and propose BCT limitations for these subcategories equal to BPT.

Aerated lagoons were the BAT technology for three subcategories: Conventional Blue Crab, Non-Alaskan Conventional Bottom Fish and Steamed and Canned Oyster. EPA has determined that aerated lagoons are not a feasible technology for these subcategories because lagoons require a substantial amount of land, which is not uniformly available. Moreover, the seasonal and often sporadic processing operations of these plants does not provide the consistent source of wastewater needed for proper functioning of biological treatment systems such as aerated lagoons. Therefore, EPA is proposing BCT limitations equal to BPT for these subcategories.

EPA is proposing BCT equal to BPT for the Remote Alaskan Crab Meat, Remote Alaskan Whole Crab and Crab Section, and Remote Alaskan Shrimp subcategories and remote sections of 5 other subcategories because there are technical problems with the technology that was promulgated for BAT. This technology was screening of the fish wastes, and subsequent disposal of these wastes. Solid waste disposal in nonremote areas can be accomplished by the use of reduction facilities; however, these are not economically viable in remote areas there are no seafood processing waste-water treatment facilities. Land disposal or barging are the only solid waste

disposal techniques available to the remote seafood processors; however, they are often not feasible or work during only a portion of the year because of weather. Therefore, the Agency has rejected the BAT technology as being suitable for BCT.

Two subcategories, Hand-Shucked Clam and Fish Meal, would incur substantial adverse economic impacts as a result of the former BAT regulations. For the Hand-Shucked Clam subcategory, nine of the fifteen plants that directly discharge process wastewaters would probably close rather than comply with the BCT regulations. These nine plants consist of all six small plants and all three canned clam plants. Because the economic impacts appear to be so severe, EPA is proposing BCT limitations equal to BPT for this subcategory.

For the Fish Meal subcategory, twelve of the 54 direct discharging plants would probably close as a result of the former BAT regulations. Most of these plants are small facilities. Because the economic impacts as a result of this regulation are so adverse, EPA is proposing BCT limitations equal to BPT for this subcategory.

On February 17, 1977, EPA voluntarily withdrew BAT limitations for the following five Alaskan Seafood Categories because of an inadequate economic analysis: Alaskan Hand-Butchered Salmon, Alaskan Mechanized Salmon, Alaskan Bottom Fish, Alaskan Scallop and Alaskan Herring Fillet. As discussed above, BCT is being proposed equal to BPT for the geographically remote sections of these subcategories because of technical problems with screening, and for the Non-Remote Alaskan Mechanized Salmon and Non-Remote Alaskan Herring Fillet subcategories because the BAT technology was DAF. The economic impact analysis for the non-remote sections of the three remaining subcategories Alaskan Hand-Butchered Salmon (Non-Remote), Alaskan Bottom Fish (Non-Remote), Alaskan Herring Fillet (Non-Remote), has not been completed. EPA is therefore deferring proposing BCT limitations for the 3 remaining subcategories until the analysis is completed.

Four of the remaining 8 subcategories fail the POTW test: Farm-Raised Catfish, Non-Remote Alaskan Crab Meat, Non-Remote Alaskan Whole Crab, and West Coast Hand-Butchered Salmon. BCT limitations for these subcategories are proposed equal to BPT. Four subcategories pass the POTW test: Pacific Coast Hand-Shucked Oyster, Atlantic and Gulf Coast Hand-

Shucked Oyster, Non-Alaskan Scallop, and Abalone. The BPT technology for the latter four subcategories is screening of the fish wastes. Because screening removes only gross solids from the wastewater, EPA cannot calculate the incremental removal of pollutants in going from raw waste load to BPT in a quantitatively meaningful way. Therefore, EPA cannot perform the industry cost test according to the formula EPA is proposing. However, EPA has examined the technology basis of BCT, which is simple in-plant controls, and has determined that the technology is cost-effective (less than \$.04 per pound of conventional pollutants removed) and economically achievable. EPA is therefore proposing BCT limitations equal to the BAT level, and request comments on this decision. In 1979 a number of seafood processors filed a petition with EPA requesting that the Agency modify BPT limitations for certain seafood processing areas in Alaska. The Agency is currently reviewing the petition and will decide whether to modify the BPT limitations shortly. If any modification is proposed, the corresponding BCT limitations will be revised accordingly.

B. Primary Industries.

1. *Timber Products.* This category contains 16 subcategories. Two subcategories had BCT limitations established in January 1981 (46 FR 3260); they were subsequently withdrawn in February 1982 (47 FR 6835). The Insulation Board subcategory fails the proposed BCT test, while the Wet Process Hardboard subcategory passes the proposed BCT test. This result is identical to the 1981 promulgation.

EPA never established BCT limitations for the remaining 14 subcategories. BPT limitations for the Barking-Mechanical (a portion of the Barking subcategory), Veneer, Plywood, Dry Process Hardboard, Wood Preserving-Waterborne Nonpressure, Wood Preserving-Boulton, Sawmills and Planing Mills, Finishing, Particleboard and one of the Wood Furniture and Fixture Production Subcategories are no discharge of wastewater. Because no incremental removal can be achieved beyond BPT, EPA is proposing BCT limitations equal to BPT for these subcategories. EPA cannot identify treatment technologies beyond BPT for the Wet Storage subcategory that remove significant amounts of conventional pollutants. EPA is therefore proposing BCT limitations equal to BPT. EPA is not proposing BCT limitations for the Barking-Hydraulic (a segment of the Barking subcategory),

Wood Preserving-Steam, Log Washing and the other Wood Furniture and Fixture Production subcategories. EPA will reserve BCT limitations for these subcategories until a BCT assessment can be made.

2. *Pulp, Paper, and Paperboard.* In January of 1981, EPA proposed BCT limitations for 24 subcategories in this industry (46 FR 1430). Of these 24, 21 would have required pollution control more stringent than BPT. In performing the proposed BCT test, EPA used BCT Computations based on BPT limitations promulgated in 1977 with the following exceptions. EPA will be shortly promulgating BPT limitations for four new subcategories and 2 new subdivisions. These BPT limitations were used as the basis for reproposing BCT for those subcategories and subdivisions and are included in this rulemaking record solely to facilitate comments on BCT.

The BCT limitations for the two Papergrade Sulfite subcategories and the Groundwood-Thermo-Mechanical subcategory pass the new BCT test. In the January 1981 proposal, EPA selected Option 4 for these subcategories; however, Option 4 did not pass the new BCT test. EPA has therefore selected Option 1, BPT plus in-plant controls, as the technology basis for proposed BCT limitations for these subcategories. No additional end-of-pipe technology beyond BPT is contemplated in this option. The controls primarily achieve reductions in water use and BOD₅ raw waste loadings that translate into lower conventional pollutant discharge after treatment in existing end-of-pipe systems. This option passes the proposed BCT test for all three subcategories and will cost less than the previously proposed option. In addition, no economic impact was projected for Option 4; therefore, no impact is expected for this less costly option.

The remaining twenty-one subcategories fail the proposed BCT test for all options. The BCT limitations proposed in January 1981 are revised to equal BPT for these subcategories.

3. *Inorganic Chemicals.* EPA promulgated BCT limitations equal to BPT for all subcategories except for the Hydrofluoric Acid and the Chlor-Alkali—Diaphragm Cells subcategories. BCT limitations for these two subcategories were reserved because the 1979 BCT methodology had been remanded (47 FR 28260, June 29, 1982). EPA has since performed the proposed BCT test on the two subcategories. Both of them failed the test, and BCT limitations for them are proposed equal to the BPT level.

4. *Ore Mining and Dressing.* EPA proposed BCT equal to BPT limitations for seven subcategories on June 14, 1982 (47 FR 25682). The proposed limitations were published erroneously without applying the proposed BCT cost test. EPA has now applied the new test to all seven subcategories. None pass and EPA is proposing revised BCT limitations for them equal to BPT.

5. *Metal Finishing.* Effluent limitations guidelines for the metal finishing point source category were proposed on August 31, 1982 (47 FR 38462). EPA deferred proposing BCT limitations for this category because the 1979 BCT methodology had been remanded. EPA has since performed the proposed BCT test on the category, which contains one subcategory. The category failed the test, and BCT limitations equal to BPT are proposed.

V. Regulatory Flexibility Analysis and Regulatory Impact Analysis

Public Law 96-354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as part of any other analysis conducted by the Agency. EPA already performed analyses designed to evaluate significant impacts on small facilities in the previous proposal and/or promulgation of these regulations and these showed no potential for a significant impact. The newer economic analysis for seafoods showed a significant economic impact for certain small plants, as discussed previously. EPA is therefore proposing that BCT equal BPT for these plants. Thus, no new significant impacts on small businesses are expected as a result of this proposal. Therefore, a formal regulatory flexibility analysis is not required. The analyses and small business definitions appear in the documents listed in Appendix C.

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of major regulations. Major rules impose an annual cost to the economy of \$100 million or more or meet other economic impact criteria. EPA does not consider the proposed rules for BCT to be a major rule because the annual cost is less than \$100 million and none of the other criteria are met.

VI. Comments Invited

The Agency urges interested individuals to submit comments on the proposal set forth in this notice. All comments received within 60 days will be considered in the promulgation of these BCT effluent limitations guidelines. EPA particularly requests

comments and/or data on the following issues:

1. New economic information which would affect the Agency's consideration of economic impacts on any of the industries affected by this rulemaking.

2. EPA's plans to recommend that permit writers use the proposed BCT methodology in setting BPT-BCT permits in the absence of national effluent limitations.

VII. OMB Review

The regulation was submitted to the Office of Management and Budget for review as required by E.O. 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room 2404, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday excluding Federal holidays.

Lists of Subjects

40 CFR Part 405

Dairy products, Water pollution control, Waste treatment and disposal.

40 CFR Part 406

Grain mill products, Water pollution control, Waste treatment and disposal.

40 CFR Part 407

Fruits, Vegetables, Water pollution control, Waste treatment and disposal.

40 CFR Part 408

Seafood, Water pollution control, Waste treatment and disposal.

40 CFR Part 409

Sugar, Water pollution control, Waste treatment and disposal.

40 CFR Part 411

Cement industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 412

Livestock, Water pollution control, Feedlots, Waste treatment and disposal.

40 CFR Part 415

Chemicals, Water pollution control, Waste treatment and disposal.

40 CFR Part 422

Phosphate, Water pollution control, Waste treatment and disposal.

40 CFR Part 424

Iron, Metals, Water pollution control, Waste treatment and disposal.

40 CFR Part 426

Glass and glass products, Water pollution control, Waste treatment and disposal.

40 CFR Part 429

Forests and forest products, Furniture industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 430

Paper and paper products industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 431

Paper and paper products industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 432

Meat and meat products, Water pollution control, Waste treatment and disposal.

40 CFR Part 433

Water pollution control, Waste treatment and disposal.

40 CFR Part 440

Metals, Mines, Water pollution control, Waste treatment and disposal.

(Secs. 301 and 304, Clean Water Act, (Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217))

Dated: October 14, 1982.

John W. Hernandez,

Acting Administrator.

For reasons set out in the preamble, the revisions proposed on January 6, 1981 (46 FR 1430) for §§ 430.13, 430.53, 430.63, 430.73, 430.83, 430.93, 430.103, 430.113, 430.133, 430.143, 430.153, 430.163, 430.173, 430.183, 430.193, 430.203, 430.213, 430.223, 430.233, 430.243, 430.253, 430.263, 430.273 and 431.13 are withdrawn. In addition, 40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 415, 422, 424, 426, 429, 430, 431, 432, 433 and 440 are proposed to be amended as follows:

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 405 for the Dairy Products Processing Industry Point Source Category is amended as follows:

§§ 405.17, 405.27, 405.37, 405.47, 405.57, 405.67, 405.77, 405.87, 405.97, 405.107, and 405.127 [Added]

§ 405.117 [Revised]

1. Sections 405.17, 405.27, 405.37, 405.47, 405.57, 405.67, 405.77, 405.87, 405.97, 405.107, and 405.127 are added, and 405.117 is revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 405. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Receiving Stations Subcategory.....	405.17	405.12
Subpart B—Fluid Products Subcategory.....	405.27	405.22
Subpart C—Cultured Products Subcategory.....	405.37	405.32
Subpart D—Butter Subcategory.....	405.47	405.42
Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory.....	405.57	405.52
Subpart F—Natural and Processed Cheese Subcategory.....	405.67	405.62
Subpart G—Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory.....	405.77	405.72
Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Subcategory.....	405.87	405.82
Subpart I—Condensed Milk Subcategory.....	405.97	405.92
Subpart J—Dry Milk Subcategory.....	405.107	405.102
Subpart K—Condensed Whey Subcategory.....	405.117	405.112
Subpart L—Dry Whey Subcategory.....	405.127	405.122

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 406 for the Grain Mills Point Source Category is amended as follows:

§§ 406.27, 406.67, 406.97 and 406.107 [Added]

§§ 406.37, 406.47, 406.57 and 406.77 and 406.87 [Revised]

Sections 406.27, 406.67, 406.97, and 406.107 are added, and §§ 406.37, 406.47, 406.57, 406.77, and 406.87 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 406. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart B—Corn Dry Milling Subcategory.....	406.27	406.22
Subpart C—Normal Wheat Flour Milling Subcategory.....	406.37	406.32
Subpart D—Bulgur Wheat Flour Milling Subcategory.....	406.47	406.42
Subpart E—Normal Rice Milling Subcategory.....	406.57	406.52
Subpart F—Parboiled Rice Processing Subcategory.....	406.67	406.62
Subpart G—Animal Feed Subcategory.....	406.77	406.72
Subpart H—Hot Cereal Subcategory.....	406.87	406.82
Subpart I—Ready-To-Eat Cereal Subcategory.....	406.97	406.92
Subpart J—Wheat Starch and Gluten Subcategory.....	406.107	406.102

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 406.16) in § (b) of this

subpart for the best practicable control technology currently available (BPT).

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 407 for the Canned and Preserved Fruits and Vegetables Processing Point Source Category is amended as follows:

§§ 407.37, 407.57, 407.67 and 407.77, 407.87 [Added]

§§ 407.17, 407.27, 407.47 [Revised]

Sections 407.17, 407.27, and 407.47 are revised, and §§ 407.37, 407.57, 407.67, 407.77, and 407.87 are added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 407. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Apple Juice Subcategory.....	407.17	407.12
Subpart B—Apple Products Subcategory.....	407.27	407.22
Subpart C—Citrus Products Subcategory.....	407.37	407.32
Subpart D—Frozen Potato Products Subcategory.....	407.47	407.42
Subpart E—Dehydrated Potato Products Subcategory.....	407.57	407.52
Subpart F—Canned and Preserved Fruits Subcategory.....	407.67	407.62
Subpart G—Canned and Preserved Vegetables Subcategory.....	407.77	407.72
Subpart H—Canned and Miscellaneous Specialties Subcategory.....	407.87	407.82

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for

conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 408 for the Canned and Preserved Seafood Processing Point Source Category is amended as follows:

§§ 408.17, 408.27, 408.37, 408.47, 408.57, 408.67, 408.77, 408.87, 408.97, 408.107, 408.117, 408.127, 408.137, 408.147, 408.157, 408.177, 408.187, 408.197, 408.217, 408.227, 408.237, 408.247, 408.277, 408.287, 408.317, and 408.327 [Added]

1. Sections 408.17, 408.27, 408.37, 408.47, 408.57, 408.67, 408.77, 408.87, 408.97, 408.107, 408.117, 408.127, 408.137, 408.147, 408.157, 408.177, 408.187, 408.197, 408.217, 408.227, 408.237, 408.247, 408.277, 408.287, 408.317, and 408.327 are added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 408. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Farm-Raised Catfish Processing Subcategory.....	408.17	408.12
Subpart B—Conventional Blue Crab Processing Subcategory.....	408.27	408.22
Subpart C—Mechanized Blue Crab Processing Subcategory.....	408.37	408.32
Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory.....	408.47	408.42
Subpart E—Remote Alaskan Crab Meat Processing Subcategory.....	408.57	408.52
Subpart F—Non-Remote Alaskan Whole Crab and Crab Section.....	408.67	408.62
Subpart G—Remote Alaskan Whole Crab and Section Processing Subcategory.....	408.77	408.72
Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory.....	408.87	408.82
Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory.....	408.97	408.92
Subpart J—Remote Alaskan Shrimp Processing Subcategory.....	408.107	408.102
Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory.....	408.117	408.112
Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory.....	408.127	408.122

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory.....	408.137	408.132
Subpart N—Tuna Processing Subcategory.....	408.147	408.142
Subpart O—Fish Meal Processing Subcategory.....	408.157	408.152
Subpart Q—Alaskan Mechanized Salmon Processing Subcategory.....	408.177	408.172
Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory.....	408.187	408.182
Subpart S—West Coast Mechanized Salmon Processing Subcategory.....	408.197	408.192
Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory.....	408.217	408.212
Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory.....	408.227	408.222
Subpart W—Hand-Shucked Clam Processing Subcategory.....	408.237	408.232
Subpart X—Mechanized Clam Processing Subcategory.....	408.247	408.242
Subpart AA—Steamed and Canned Oyster Processing Subcategory.....	408.277	408.272
Subpart AB—Sardine Processing Subcategory.....	408.287	408.282
Subpart AE—Alaskan Herring Fillet Processing Subcategory.....	408.317	408.312
Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory.....	408.327	408.322

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

2. Section 408.167 for Subpart P—Alaskan Hand-Butchered Salmon Processing Subcategory is added as set forth below:

§ 408.167 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) [Reserved]

(b) Except as provided in § 125.30–32 any herring fillet processing facility located in population or processing centers including but not limited to Acachorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the

application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 408.162(b)(2) of this subpart for the best practicable control technology currently available (BPT).

3. Section 408.207 for Subpart T-Alaskan Bottom Fish Processing Subcategory is added as set forth below:

§ 408.207 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) [Reserved]

(b) Except as provided in § 125.30-32 any bottom fish processing facility located in population or processing centers including but not limited to Acachorege, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 408.202(b)(2) of this subpart for the best practicable control technology currently available (BPT).

4. Section 408.297 for Subpart AC-Alaskan Scallop Processing Subcategory is added as set forth below:

§ 408.297 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) [Reserved]

(b) Except as provided in § 125.30-32 any scallop processing facility located in population or processing centers including but not limited to Acachorege, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 408.292(b)(2) of this subpart for the best practicable control technology currently available (BPT).

5. Section 408.257 for Subpart Y-Pacific Coast Hand-Shucked Oyster Processing Subcategory is added as set forth below:

§ 408.257 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) (kilograms per 1,000 kg of product)		
TSS.....	45	36
Oil and Grease.....	2.2	1.7
pH.....	(¹)	
(English units) (pounds per 1,000 lb of product)		
TSS.....	45	36
Oil and Grease.....	2.2	1.7
pH.....	(¹)	

¹ Within the range 6.0 to 9.0.

6. Section 408.267 for Subpart Z-Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory is added to read as set forth below:

§ 408.267 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) (kilograms per 1,000 kg of product)		
TSS.....	23	16
Oil and Grease.....	1.1	0.77
pH.....	(¹)	
(English units) (pounds per 1,000 lb of product)		
TSS.....	23	16
Oil and Grease.....	1.1	0.77
pH.....	(¹)	

¹ Within the range 6.0 to 9.0.

7. Section 408.307 for Subpart AD-Non-Alaskan Scallop Processing Subcategory is added as set forth below:

§ 408.307 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) (kilograms per 1,000 kg of product)		
TSS.....	5.7	1.4
Oil and Grease.....	7.3	0.23
pH.....	(¹)	
(English units) (pounds per 1,000 lb of product)		
TSS.....	5.7	1.4
Oil and Grease.....	7.3	0.23
pH.....	(¹)	

¹ Within the range 6.0 to 9.0.

8. Section 408.337 for Subpart AG-Abalone Processing Subcategory is added as set forth below:

§ 408.337 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) (kilograms per 1,000 kg of seafood)		
TSS.....	26	14
Oil and Grease.....	21	1.3
pH.....	(¹)	

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(English units) pounds per 1,000 lb of product		
TSS.....	26	14
Oil and Grease.....	2.1	1.3
pH.....	(1)	

¹ Within the range 6.0 to 9.0.

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 409 for the Sugar Processing Point Source Category is amended as follows:

§§ 409.17, 409.27, 409.37 [Revised]

§§ 409.47, 409.57, 409.67, 409.77, and 409.87 [Added]

Section 409.17, 409.27, and 409.37 are revised. Sections 409.47, 409.57, 409.67, 409.77, and 409.87 are added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 409. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Best Sugar Processing Subcategory.....	409.17	409.12
Subpart B—Crystalline Cane Sugar Refining Subcategory.....	409.27	409.22
Subpart C—Liquid Cane Sugar Refining Subcategory.....	409.37	409.32
Subpart D—Louisiana Raw Cane Sugar Processing Subcategory.....	409.47	409.42
Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory.....	409.57	409.52
Subpart F—Milo-Hamaku Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory.....	409.67	409.62
Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory.....	409.77	409.72
Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory.....	409.87	409.82

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

PART 411—CEMENT MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 411 for the Cement Manufacturing Point Source Category is amended by revising § 411.27 of the Leaching Subcategory as follows:

§ 411.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 411.22 of this subpart for the best practicable control technology currently available (BPT).

PART 412—FEEDLOTS POINT SOURCE CATEGORY

§ 412.17 [Removed]

40 CFR Subchapter N, Part 412 for the Feedlots Point Source Category is amended by removing § 412.17.

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 415 for the Inorganic Chemicals Manufacturing Point Source Category is amended as follows:

1. In Subpart F—Chlor-Alkali

Subcategory (Chlorine and Sodium or Potassium Hydroxide Production), § 415.67(b) is added to read as follows:

§ 415.67 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(b) Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart and using the diaphragm cell process must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations are the same for TSS and pH as specified in § 415.62.

2. In Subpart H—Hydrofluoric Acid Production Subcategory, § 415.87 is added to read as follows:

415.87 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–125.32, limitations on the discharge of conventional pollutants (which are defined in § 401.16) by an existing point source subject to this subpart shall, after the application of the best conventional pollutant control technology (BCT), be the same as the limitations specified for conventional pollutants in this subpart under the best practicable control technology currently available (BPT), as stated in § 415.82.

PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 422 for the Phosphate Point Source Category is amended by adding § 422.67 of the Sodium Phosphates Subcategory as follows:

§ 422.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

METRIC UNITS (KG/KKG OF PRODUCT); ENGLISH UNITS (LB/1,000 LB OF PRODUCT)

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	0.35	0.19
pH.....	(¹)	(¹)

¹ Within the range 6.0 to 9.5.

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 424 for the Ferroalloy Manufacturing Point Source Category is amended as follows:

§§ 424.17 and 424.27 [Added]

§§ 424.47, 424.67, and 424.77 [Revised]

1. Sections 424.17, 424.27 are added, and §§ 424.47, 424.67, and 424.77 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 424. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Open Electric Furnaces with Wet Air Pollution Control Devices Subcategory.....	424.17	424.12
Subpart B—Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices Subcategory.....	424.27	424.22
Subpart D—Covered Calcium Carbide Furnaces with Wet Air Pollution Control Devices Subcategory.....	424.47	424.42
Subpart F—Electrolytic Manganese Products Subcategory.....	424.67	424.62
Subpart G—Electrolytic Chromium Subcategory.....	424.77	424.72

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this

subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

2. Section 424.37 for Subpart C—Slag Processing Subcategory is added to read as set forth below:

§ 424.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/Mwh)		
TSS.....	0.271	0.136
pH.....	(¹)	(¹)
English units (lb/Mwh)		
TSS.....	.542	.271
pH.....	(¹)	(¹)

¹ With the range 6.0 to 9.0.

PART 426—GLASS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 426 for the Glass Manufacturing Point Source Category is amended as follows:

§§ 426.17 and 427.47 [Added]

§§ 426.57, 426.67, 426.77, 426.87, 426.107, 426.117, 426.127, and 426.137 [Revised]

Sections 426.17, 426.47 are added, and §§ 426.57, 426.67, 426.77, 426.87, 426.107, 426.117, 426.127, and 426.137 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number

to be added to the section heading for the respective subparts of Part 426. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Insulation Fiberglass Subcategory.....	426.17	426.12
Subpart D—Plate Glass Manufacturing Subcategory.....	426.47	426.42
Subpart E—Float Glass Manufacturing Subcategory.....	426.57	426.52
Subpart F—Automotive Glass Tempering Subcategory.....	426.67	426.62
Subpart G—Automotive Glass Laminating Subcategory.....	426.77	426.72
Subpart H—Glass Container Manufacturing Subcategory.....	426.87	426.82
Subpart J—Glass Tubing (Danner) Manufacturing Subcategory.....	426.107	426.102
Subpart K—Television Picture Tube Envelope Manufacturing Subcategory.....	426.117	426.112
Subpart L—Incandescent Lamp Envelope Manufacturing Subcategory.....	426.127	426.122
Subpart M—Hand Pressed and Blown Glass Manufacturing Subcategory.....	426.137	426.132

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 429 for the Timber Products Point Source Category is amended as follows:

§§ 429.32, 429.42, 429.52, 429.72, 429.92, 429.102, 429.112, 429.132, 429.142, 429.162 and 429.152 [Added]

The text of §§ 429.32, 429.42, 429.52, 429.72, 429.92, 429.102, 429.112, 429.132, 429.142, and 429.162 is added. Section 429.152 is added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of

the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 429. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart B—Veneer Subcategory.....	429.32	429.31
Subpart C—Plywood Subcategory.....	429.42	429.41
Subpart D—Dry Process Hardboard Subcategory.....	429.52	429.51
Subpart F—Wood Preserving-Water Borne or Nonpressure Subcategory.....	429.72	429.71
Subpart H—Wood Preserving-Boutton Subcategory.....	429.92	429.91
Subpart I—Wet Storage Subcategory.....	429.102	429.101
Subpart K—Saw Mills and Planing Mills Subcategory.....	429.122	429.121
Subpart L—Finishing Subcategory.....	429.132	429.131
Subpart M—Particleboard Manufactur- ing Subcategory.....	429.142	429.141
Subpart N—Insulation Board Subcate- gory.....	429.152	429.151
Subpart O—Wood Furniture and Fix- ture Production Without Wash Spray Booth(s) or Without Laundry Facilities Subcategory.....	429.162	429.161

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

2. Section 429.62 is added as set forth below:

§ 429.62 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30-32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best

conventional pollutant control technology (BCT):

(a) The following limitations apply to plants which produce smooth-one-side (S1S) hardboard.

SUBPART E (S1S)

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	(kg/kg (pounds per 1,000 lb) of gross production)	
BOD 5.....	3.83	2.51
TSS.....	10.9	7.04
pH.....	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

(b) The following limitations apply to plants which produce smooth-two-sides (S2S) hardboard:

SUBPART E (S2S)

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	(kg/kg (pounds per 1,000 lb) of gross production)	
BOD 5.....	13.2	8.62
TSS.....	13.9	9.52
pH.....	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

3. The text of § 429.22 is added as set forth below:

§ 429.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30-32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) The following limitations apply to all mechanical barking installations: There shall be no discharge of process wastewater pollutants into navigable waters.

(b) [Reserved]

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

On January 8, 1981, at 46 FR 1457, EPA proposed to revise 40 CFR Part 430 for the Pulp, Paper, and Paperboard Point Source Category. EPA proposes to further amend proposed Part 430 as follows:

§§ 430.63, 430.73, 430.83, 430.93, 430.113, 430.143, 430.153, 430.163, 430.173, 430.183, 430.193, 430.203, 430.243, 430.253, 430.263 and 430.273 [Revised]

1. Proposed §§ 430.63, 430.73, 430.83, 430.113, 430.143, 430.153, 430.163, 430.173, 430.183, 430.193, 430.203, 430.243, 430.253, 430.263 and 430.273 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 430. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart F—Dissolving Kraft Subcategory.....	430.63	430.62
Subpart G—Market Bleached Kraft Subcategory.....	430.73	430.72
Subpart H—BCT Bleached Kraft Subcategory.....	430.83	430.82
Subpart I—Fine Bleached Kraft Subcategory.....	430.93	430.92
Subpart K—Dissolving Sulfite Pulp Subcategory.....	430.113	430.112
Subpart M—Groundwood-CMN Papers Subcategory.....	430.143	430.142
Subpart O—Groundwood-Fine Papers Subcategory.....	430.153	430.152
Subpart P—Soda Subcategory.....	430.163	430.162
Subpart Q—Deink Subcategory.....	430.173	430.172
Subpart R—Nonintegrated Fine Papers Subcategory.....	430.183	430.182
Subpart S—Nonintegrated-Tissue Papers Subcategory.....	430.193	430.192
Subpart T—Tissue from Wastepaper Subcategory.....	430.203	430.202
Subpart X—Wastepaper-Molded Products Subcategory.....	430.243	430.242
Subpart Y—Nonintegrated-Lightweight Paper Subcategory.....	430.253	430.252
Subpart Z—Nonintegrated-Filter and Nonwoven Papers Subcategory.....	430.263	430.262
Subpart AA—Nonintegrated-Paperboard Subcategory.....	430.273	430.272

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall

be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

2. Proposed § 430.13 is revised for Subpart A—Unbleached Kraft Subcategory and reads as follows:

§ 430.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32, limitations on the discharge of conventional pollutants (which are defined in § 401.16) by an existing point source subject to this subpart shall, after the application of the best conventional pollutant control technology (BCT), be the same as the limitations specified for conventional pollutants in this subpart under the best practicable control technology currently available (BPT), as stated in § 430.12, except that non-continuous dischargers shall not be subject to the maximum day and average effluent limitations determined by dividing the average-of-30-

consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD₅ by 1.78 and TSS by 1.82.

3. Proposed § 430.53 is revised for Subpart E—Paperboard from Wastepaper Subcategory and reads as follows:

§ 430.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32, limitations on the discharge of conventional pollutants (which are defined in § 401.16) by an existing point source subject to this subpart shall, after the application of the best conventional pollutant control technology (BCT), be the same as the limitations specified for conventional pollutants in this subpart under the best practicable control technology currently available (BPT), as stated in § 430.52, except that non-continuous dischargers shall not be subject to the maximum day and

average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD₅ by 1.78 and TSS by 1.82.

4. Proposed § 430.103 is revised for Subpart J—Papergrade Sulfite (Blow Pit Wash) Subcategory, and reads as follows:

§ 430.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive day limitations for BOD₅ by 1.78 and TSS by 1.82:

SUBPART J

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Kg/kg (or pounds per 1,000 lb) of product		
BOD ₅	$0.00438X^2 - 0.234X + 14.6$	$0.00260X^2 - 0.139X + 8.76$
TSS.....	$0.00684X^2 - 0.363X + 23.2$	$0.00415X^2 - 0.220X + 14.1$
pH.....	(¹)	(¹)

X=Percent sulfite pulp in final product.

¹ Within the range of 5.0 to 9.0 at all times.

5. Proposed § 430.133 is revised for Subpart M—Groundwood-Thermo-Mechanical Subcategory, and reads as follows:

§ 430.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive-days limitations, but shall be subject to

annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD₅ by 1.78 and TSS by 1.82:

SUBPART M

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Kg/kg (or pounds per 1,000 lb) of product		
BOD ₅	5.7	3.4
TSS.....	9.6	5.8
pH.....	(¹)	(¹)

¹ Within the range of 5.0 to 9.0 at all times.

6. Proposed § 430.213 is revised for Subpart U—Papergrade Sulfite (Drum

Wash) Subcategory, and reads as follows:

§ 430.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive days limitations for BOD₅ by 1.78 and TSS by 1.82:

SUBPART U

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kg (or pounds per 1,000 lb) of product	
BOD ₅	$0.00438X^2 - 0.234X + 14.8$	$0.00260X^2 - 0.139X + 8.76$
TSS.....	$0.00684X^2 - 0.363X + 23.2$	$0.00415X^2 - 0.220X + 14.1$
pH.....	(¹)	(¹)

X = Percent sulfite pulp in final product.
¹ Within the range of 5.0 to 9.0 at all times.

7. Proposed § 430.223 is revised for Subpart V—Unbleached Kraft and Semi-Chemical Subcategory and reads as follows:

§ 430.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD₅ by 1.78 and TSS by 1.82:

SUBPART V

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kg (or pounds per 1,000 lb)	
BOD ₅	8.0	4.0
TSS.....	12.5	6.25
pH.....	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

8. Proposed § 430.233 is revised for Subpart W—Semi-Chemical Subcategory and reads as follows:

§ 430.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and

average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD₅ by 1.78 and TSS by 1.82.

(a) For plants producing pulp and paper by the ammonia base neutral sulfite semi-chemical process:

SUBPART W—AMMONIA BASE

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kg (or pounds per 1,000 lb)	
BOD ₅	8.0	4.0
TSS.....	10.0	5.0
pH.....	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

(b) For plants producing pulp and paper by all other semi-chemical processes:

SUBPART W—OTHER BASES

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	kg/kg (or pounds per 1,000 lb) of product	
BOD ₅	8.7	4.35
TSS.....	11.0	5.5
pH.....	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

PART 431—BUILDERS' PAPER AND BOARD MILLS POINT SOURCE CATEGORY

On January 6, 1981, at 46 FR 1457, EPA proposed to revise 40 CFR Part 431 for the Builders' Paper and Board Mills Point Source Category. EPA proposes to further amend proposed Part 431 as follows:

1. Section 431.12 is added to read as follows:

§431.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristics	Effluent limitations	
	Maximum for	Average of daily values for 30 consecutive days shall not exceed
Metric units (kilograms per 1,000 kg of product)		
BOD ₅	5.0	3.0
TSS.....	5.0	3.0
Oil and Grease.....	(¹)	(¹)
pH.....	(¹)	(²)
English units (pounds per ton of product)		
BOD ₅	10.0	6.0
TSS.....	10.0	6.0
Oil and Grease.....	(¹)	(²)
pH.....	(¹)	(²)

¹ Not to exceed 0.2 ml/l.

² Within the range 6.0 to 9.0.

³ No comparable English units.

2. Proposed § 431.13 under Subpart A—Builders Paper and Roofing Felt Subcategory is revised as follows:

§ 431.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 431.12 of this subpart for the best practicable control technology currently available (BPT).

PART 423—MEAT PRODUCTS POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 432 for the Meat Products Point Source Category is amended as follows:

§§ 432.17, 432.27, 432.37, 432.47, 432.67, 432.77, 432.87, 432.97 [Revised]

1. Sections 432.17, 432.27, 432.37, 432.47, 432.67, 432.77, 432.87, 432.97 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces,

one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 432. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Simple Slaughterhouse Subcategory.....	432.17	432.12
Subpart B—Complex Slaughterhouse Subcategory.....	432.27	432.22
Subpart C—Low-Processing Packing-house Subcategory.....	432.37	432.32
Subpart D—High-Processing Packing-house Subcategory.....	432.47	432.42
Subpart F—Meat Cutor Subcategory.....	432.67	432.62
Subpart G—Sausage and Luncheon Meats Processor Subcategory.....	432.77	432.72
Subpart H—Ham Processor Subcategory.....	432.87	432.82
Subpart I—Canned Meat Processor Subcategory.....	432.97	432.92

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30-32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT).

2. Section 432.57 for Subpart E—Small Processor Subcategory is added to read as set forth below:

§ 432.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (kg/kg of finished product)		
BOD ₅	1.0	0.5
TSS.....	1.2	0.6
Oil and Grease.....	0.5	0.25
pH.....	(¹)	(¹)
Fecal coliforms.....	(²)	(²)
English units (lb/1,000 lb. of finished product)		
BOD ₅	1.0	0.5
TSS.....	1.2	0.6
Oil and Grease.....	0.5	0.25
pH.....	(¹)	(¹)
Fecal coliforms.....	(²)	(²)

¹ Within the range 6.0 to 9.0.

² No limitation.

3. Section 432.107 for Subpart J—Renderer Subcategory is added to read as set forth below:

§ 432.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units (Kg/kg of finished product)		
BOD ₅	0.18	0.09
TSS.....	0.22	0.11
Oil and Grease.....	0.10	0.05
Fecal coliforms.....	(¹)	(²)
pH.....	(²)	(²)
English units (pounds per 1,000 lb. of finished product)		
BOD ₅	0.18	0.09
TSS.....	0.22	0.11
Oil and Grease.....	0.10	0.05
Fecal coliforms.....	(¹)	(²)
pH.....	(²)	(²)

¹ Maximum at any time: 400 mpn/100 ml.

² Within the range 6.0 to 9.0.

(b) The limitations given in paragraph (a) of this section for BOD₅ and TSS are derived from a renderer which does not cattle hide curing as part of the plant activities. If a renderer does conduct hide curing, the following empirical formulas should be used to derive an additive adjustment to the effluent limitations for BOD₅ and TSS.

BOD₅ Adjustment (kg/kkg RM=

$3.6 \times (\text{number of hides})$

kg of raw material

$(\text{lb}/1,000 \text{ lb RM}) = \frac{7.9 \times (\text{number of hides})}{\text{lbs of raw material}}$

TSS Adjustment (kg/kkg RM=

$6.2 \times (\text{number of hides})$

kg of raw material

$(\text{lb}/1,000 \text{ lb RM}) = \frac{13.6 \times (\text{number of hides})}{\text{lbs of raw material}}$

PART 433—METAL FINISHING POINT SOURCE CATEGORY

Part 433 consisting of § 433.18 is added to 40 CFR Subchapter N to read as follows:

§ 433.18 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the best conventional pollutant control technology:

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter (mg/l)		
Oil and Grease.....	42	17
TSS.....	61	23
pH.....	Within 6.0 to 9.0	

(b) No user subject to the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.

(Secs. 301 and 304, Clean Water Act, Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95–217)

PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY

On June 14, 1982 at 47 FR 25682, EPA proposed to revise 40 CFR Part 440 for the Ore Mining and Dressing Point Source Category. EPA proposes to further amend proposed Part 440 as follows:

§§ 440.15, 440.35, 440.55, 440.65, 440.75, and 440.85 [Revised]

1. Proposed §§ 440.15, 440.35, 440.55, 440.65, 440.75 and 440.85 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 440. Column (b) indicates the section number to be added to the text of the section indicated in Column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Iron Ore Subcategory.....	440.15	440.12
Subpart C—Aluminum Ore Subcategory.....	440.35	440.32
Subpart E—Uranium, Radium and Vanadium Subcategory.....	440.55	440.52
Subpart F—Mercury Ores Subcategory.....	440.65	440.62
Subpart G—Titanium Ore Subcategory.....	440.75	440.72
Subpart H—Tungsten Ore Subcategory.....	440.85	440.82

§ (a) Effluent Limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–125.32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § (b) of this subpart for the best practicable control technology currently available (BPT). 2. Proposed § 440.125 is revised to read as follows:

§ 440.125 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in Subpart M of this regulation and 40 CFR 125.30–125.32, any existing source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines that produce copper, lead, zinc, gold, silver, platinum or molybdenum bearing ores or any combination of these ores from open-pit or underground operations, except gold placer mines, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	(¹)	(¹)
TSS.....	30.0	30.0

¹ Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged in mine drainage in mine drainage from mills that use froth-flotation process alone, or in conjunction with other processes, for the beneficiation of copper, lead, zinc, gold, silver, platinum or molybdenum ores, or any combination of these shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
Milligrams per liter		
pH.....	(¹)	(¹)
TSS.....	30.0	20.0

¹ Within the range 6.0 to 9.0.

(c)(1) There shall be no discharge of process wastewater from mines and mills that extract copper from ores or ore waste materials by the dump, heap, in-situ leach or vat-leach processes except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment

facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(d)(1) There shall be no discharged of process wastewater from mills that use the cyanidation process to extract gold or silver except as provided in paragraph (d)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

Appendices

Note.—Appendices A–D will not appear in the Code of Federal Regulations.

Appendix A—The Cost of Pollutant Removal By Publicly Owned Treatment Works

Part I of the BCT test requires that the cost and level of reduction of conventional pollutants by industrial dischargers be compared with the cost and level of reduction to remove the same pollutants by publicly owned treatment works (POTWs). The POTW comparison figure has been calculated by evaluating the change in costs and removals between secondary treatment (30 mg/1 BOD and 30 mg/1 TSS) and advanced secondary treatment (10 mg/1 BOD and 10 mg/1 TSS). The difference in cost is divided by the difference in pounds of conventional pollutants removed, resulting in an estimate of the "dollars per pound" of pollutant removed.

The following summary describes details of the specific calculation of this POTW cost figure. It involves five basic steps: First, the size distribution of POTWs is determined; second, the total annual costs for secondary and advanced secondary treatment (AST) are estimated; third, the pollutant removal capability of the system is calculated; fourth, the incremental costs in going from secondary to AST are divided by the additional pounds of pollutant removal; fifth, the dollars-per-

pound figures calculated in step 4 are flow-weighted using the size distribution to determine a single POTW cost comparison figure. This is the same calculation as for the 1979 methodology except for the first step.

All the POTW costs have been indexed to third quarter 1976 dollars to make them comparable to the industry costs which are in September 1976 dollars. The specific indices used are presented in the discussion below. The POTW cost figure is also updated to current year dollars by use of these indices.

Size Distribution of POTWs. The POTW cost figure is based on weighting

TABLE A1.—POTW SIZE DISTRIBUTION

From	Size range (mgd)					
	0	.106	1.06	10.6	50.2	
To	0.105	1.05	10.5	50.2	+	Total
Number of plants.....	5021	7033	2686	415	96	15251
Total flow.....	259	2675	8836	9290	13354	34415
Average flow.....	0.0515	0.3803	3.290	22.39	139.1	2.257
Weighting factor.....	.0075	.0777	0.2587	0.2700	0.3880	0.9999

Because the cost curves which are used to calculate the POTW cost figure are most reliable in the flow range of one to 50 mgd, the distribution and weights of the POTW distribution are capped by these lower and upper bounds. A one mgd POTW represents the 0–0.105 mgd size group and the 0.106 to 1.05 size group of POTWs and a 50 mgd POTW represents the 50.2 mgd and greater size group of POTWs. A 3.29 mgd POTW represents the 1.06 to 10.5 mgd size group, and a 22.39 mgd POTW represents to 10.6 to 50.2 mgd size group.

Total Annual POTW Costs. The Agency based its estimates of annual POTW costs on information from two EPA documents. These documents, one for construction costs² and one for operation and maintenance costs,³ replace two previous documents found to contain critical errors. These new documents provide the most up-to-date information regarding the costs of constructing and operation POTWs.

The POTW costs used in estimating the cost of pollutant removal are the total annual costs of upgrading a secondary treatment (ST) system to

the cost per pound of conventional pollutants removed from POTWs according to the size distribution of POTWs in the United States. The size distribution used in these calculations is based on the 1980 Needs Survey.¹ The size distribution used was calculated based on the number of POTWs which were operating or under construction in 1980 (see Table A1). The weighting factor is calculated by dividing the total flow for each group by the total flow for all POTWs.

¹ "The 1980 Needs Survey: Conveyance, Treatment, and Control of Municipal Wastewater, Combined Sewer Overflows, and Stormwater Runoff: Summaries of Technical Data", FRS-23 EPA 430/9-81-008, February 10, 1981, Table 4.

advanced secondary treatment (AST) system. This is calculated by estimating the cost of a new advanced secondary system and deducting the savings that are expected if secondary treatment is already in place. Total annual costs include capital charges, interest, and operation and maintenance expenses.

Table A2 gives the treatment cost curves used in calculating the incremental costs associated in upgrading from second treatment to advanced secondary treatment.

TABLE A2: TREATMENT COST EQUATIONS

Treatment level	Equation ¹	Index factor (to 1976 dollars)
CAPITAL COST		
Advanced Secondary Treatment ²	$\$2.76 \times 10^{-6} Q^{0.75}$	\$0.816
Savings From Secondary Treatment ³	$\$1.79 \times 10^{-6} Q^{0.82}$	.821
O&M COST		
Advanced Secondary Treatment ⁴	$\$0.952 \times 10^{-3} Q^{0.816}$	.652
Secondary Treatment ⁵	$\$1.01 \times 10^{-3} Q^{0.770}$	.652

¹ Q = flow size in millions of gallons per day.

² Construction Cost Document. *Supra* note 2, Fig. 4.1, curve 2.

³ Construction Cost Document. *Supra*, note 2, Figure 4.1, curve B.

⁴ O&M Cost Document. *Supra*, note 3, Figure 3.17.

⁵ O&M Cost Document. *Supra*, note 3, Figure 3.3.

All costs are indexed to third quarter 1976 dollars by the use of cost indices

² "Construction Costs for Municipal Wastewater Treatment Plants: 1973–1978", EPA 430/5-80-OXX, May, 1980 (hereinafter cited as "Construction Cost Document").

³ "Technical Report, Operation and Maintenance Costs for Municipal Wastewater Facilities", EPA 430/9-81-004 (hereinafter cited as "O&M Cost Document").

for POTWs.⁴ Capital costs are amortized for 30 years at a 10% interest rate.⁵

AST Costs. The costs for AST by flow size are:

Flow (MGD)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	\$2.760	\$2.397	\$0.952	\$0.620	\$03.01
3.29	6.742	5.83	2.516	1.64	7.47
22.39	28.408	24.57	12.03	7.84	32.41
50.0	51.896	44.89	23.17	15.11	60.00

Savings from ST Costs. The costs savings for in-place ST for upgrading to AST treatment by flow size are:

Flow (MGD)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	\$1.790	\$0.156	\$0.101	\$0.068	\$0.222
3.29	4.753	.414	.253	.165	.579
22.39	22.903	1.993	1.106	.721	2.714
50.0	44.260	3.852	2.054	1.339	5.191

Incremental Costs. Incremental costs for each flow size are obtained by subtracting the total annual AST costs from the savings from existing ST. The resulting incremental costs are listed in Table A3.

TABLE A3.—INCREMENTAL ANNUAL COSTS (\$ MILLIONS)

Flow (MGD)	Total annual costs		Total annual incremental cost
	AST	ST	
1.0	\$0.301	\$0.222	\$0.079
3.29	.747	.579	.168
22.39	3.241	2.714	.527
50.0	6.000	5.191	.809

Pollutant Removal by POTWs. The incremental number of pounds of conventional pollutants removed by advanced secondary treatment beyond secondary treatment must be estimated to obtain the incremental annual costs.

⁴"Construction Cost Indexes [SIC]" Office of Water Program Operations, EPA, first quarter 1976 et seq (hereinafter cited as "Construction Cost Index"). Two different indices are used. For AST, EPA used the LCAT index; for ST, the SCCT index.

For Operating costs, the reference is:

"Index of Direct Costs for Operation, Maintenance and Repair Based on Composite 5 MGD Municipal Wastewater Treatment Plants", 1967, et seq (hereinafter cited as "O&M Cost Index"). EPA used the average escalation index.

⁵Management Accounting, Robert Anthony and James Reece, June 1975, Appendix Tables, Table B. EPA used a multiplier of 0.106.

The pounds of pollutants removed equal the flow of the POTW times the change in concentrations of the pollutants as they pass through the system. For the calculations presented here the influent concentration is 210 mg/l for BOD and 230 mg/l for TSS.⁶

Effluent characteristics of 30 mg/l BOD and 30 mg/l for secondary treatment were selected because this is the legal requirement for most secondary treatment plants established by EPA. Effluent characteristics of 10 mg/l BOD and 10 mg/l TSS for advanced secondary treatment are used since they represent the best performance for advanced secondary treatment.

Both the 30 mg/l and the 10 mg/l performance levels correspond to the maximum 30-day average performance of the POTW. The difference in the BOD plus TSS effluent levels from ST to AST is 40 mg/l. This change results in an incremental pollutant removal of .122 million pounds per year for each million gallons a day of flow.⁷ The incremental annual pollutant removal for each flow size is listed in Table A4.

TABLE A4.—INCREMENTAL POLLUTANT REMOVAL

Flow mgd	Million pounds removed
1.0	0.122
3.29	.401
22.39	2.73
50.0	6.10

Incremental Cost of Removal. To calculate the cost of pollutant removal of upgrading secondary treatment to advanced secondary treatment, the additional costs must be divided by the additional removal of BOD and TSS. Specifically the calculation is:

$$= \frac{\text{Incremental total annual costs}}{\text{Incremental annual pollutant removal}}$$

This calculation is performed for each flow size, then weighted by the factors that appear in Table A1. Table A5 summarizes these calculations.

⁶"Areawide Assessment Procedures Manual, Appendix H, Point Source Control Alternatives," EPA Laboratories, Cincinnati, Ohio, at H-14.

⁷The calculation of this figure is as follows: $40 \text{ mg/l} \times 3.785 \text{ l/gal} \times 2.2 \times 10^{-6} \text{ lb/mg} \times 365 \text{ days/yr} = .122 \text{ million pounds/year per million gallons/day}$.

TABLE A5.—POTW BENCHMARK CALCULATIONS

Flow (MGD)	Incremental Cost (\$ million per year)	Incremental Removal (million lbs. per year)	Per pound	Weighting Factor	Weighted per pound
1	\$0.079	0.122	\$0.65	0.0852	\$0.06
3.29	.168	.401	.42	.2567	.11
22.39	.527	2.73	.19	.2700	.05
50.0	.809	6.10	.13	.3880	.05
Total					.27

This cost is indexed for a number of time periods below:

INDEXED POTW BENCHMARKS

Year/quarter	1st	2nd	3rd	4th
1976			0.27	0.27
1977	0.28	0.29	.30	.30
1978	.30	.30	.31	.33
1979	.34	.35	.35	.36
1980	.37	.40	.42	.42
1981	.42	.45	.45	.46

Appendix B—Calculation of the Benchmark for the Industry Cost Test

Part 2 of the BCT test requires that the cost-effectiveness of controlling the discharge of conventional pollutants by industrial dischargers be evaluated for each industry. In order to develop a benchmark that assesses a reasonable relationship between cost and removal, EPA has developed an industry cost benchmark which compares the cost per pound of conventional pollutant removal in going from primary to secondary treatment levels with that of going from secondary to advanced secondary treatment levels.

The following details the specific calculation of the industry cost benchmark. The computation requires seven steps: First, the size distribution of POTWs is determined; second, the total annual costs for primary, secondary and advanced secondary treatment are estimated; third, the pollutant removals at each treatment level are calculated; fourth, the additional costs upgrading from primary to secondary treatment and from secondary to advanced secondary treatment are calculated; fifth, these incremental costs are divided by the respective incremental pounds of pollutants removed; sixth, the incremental dollar per pound figures for the secondary to advanced secondary

increment are divided by those for the primary to secondary increment; seventh, these ratios are weighted by the size distribution factors to obtain a single benchmark.

The method for calculating the incremental dollar per pound figures in going from secondary to advanced secondary treatment has already been calculated (see Table A1, Appendix A). The calculations for the incremental dollar per pound figure in going from primary to secondary treatment are explained in detail below.

Size Distribution of POTWs. EPA based its size distribution of POTWs on data found in the 1980 Needs Survey for municipal wastewater treatment. (1) EPA modified the distribution to exclude plants with flows of less than 1 mgd or more than 50 mgd based on the likely errors in cost estimates outside this flow range. The size distribution used appears in Table B1.

TABLE B1.—FLOW-SIZE DISTRIBUTION

Flow size (MDG)	Weighting factor
1.0	0.0852
3.29	0.2567
22.39	0.2700
50.0	0.3880
Total	0.9999

Total Annual POTW Costs. EPA based its estimates of annual POTW costs on information from three EPA documents. The Construction Cost Document (2) and the O&M Cost Document (3) are used to estimate the costs of advanced secondary and secondary capital and O&M costs and primary treatment capital costs. O&M costs for primary treatment are not included in these documents. In order to develop the primary treatment O&M cost curve, EPA is using a 1978 O&M cost document. (4) This document was found to contain critical errors in the development of the cost curves from the underlying data. The regression of total annual cost versus flow size was calculated by expressing flow size as a function of cost. By switching the dependent variable (total annual cost) and the independent variable (flow size) in the regression analysis, the resulting cost curves incorrectly estimated the costs of treatment. EPA has recalculated the O&M cost curve for primary treatment, using the points that appear in the graph of the curve. (5)

Table B2 shows the curve used in calculating the incremental cost of upgrading a primary treatment facility.

TABLE B2.—TREATMENT COST CURVES

Treatment level	Curve (Q = flow in mgd)	Indexation factor to obtain 1976 dollars
CAPITAL COST		
Secondary Treatment	$\$2.66 \times 10^{-4} Q^{0.72}$	\$0.821
Savings from Primary Treatment	$\$3.32 \times 10^{-5} Q^{1.08}$	.821
O&M COST		
Secondary Treatment	$\$1.01 \times 10^{-5} Q^{0.72}$	.652
Savings from Primary Treatment	$\$5.67 \times 10^{-6} Q^{1.08}$	.928

All costs are indexed to third quarter 1976 dollars by the use of cost index factors developed by EPA for POTWs. (6) Capital costs are amortized over 30 years at a 10 percent rate. (7) Q represents flow in millions of gallons a day.

Secondary Treatment Costs. The costs for secondary treatment by flow size are:

Flow (mgd)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	2.66	0.231	0.101	0.0658	0.297
3.29	6.27	.546	.253	.165	.711
22.39	24.94	2.17	1.11	.721	2.89
50.0	44.5	3.87	2.05	1.34	5.21

Savings from Primary Treatment. The costs saved for an existing primary treatment facility when upgrading to secondary treatment by flow size are:

Flow (mgd)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	0.332	0.0289	0.057	0.0526	0.0815
3.29	1.20	.104	.130	1.21	.225
22.39	9.53	.829	.492	.456	1.28
50.0	22.7	1.98	.860	.798	2.78

Incremental Costs. Incremental costs for each flow size are obtained by subtracting the total annual secondary treatment costs from the savings from primary treatment costs. The resulting incremental costs are listed in Table B3.

TABLE B3.—INCREMENTAL ANNUAL COSTS: PRIMARY UPGRADE TO SECONDARY
(millions of dollars)

Flow (mgd)	Total annual costs		Total annual incremental costs
	Primary	Secondary	
1.0	\$.0815	\$.297	\$.217
3.29	.225	.711	.486
22.39	1.28	2.89	1.61

TABLE B3.—INCREMENTAL ANNUAL COSTS: PRIMARY UPGRADE TO SECONDARY—Continued

[millions of dollars]			
Flow (mgd)	Total annual costs		Total annual incremental costs
	Primary	Secondary	
50.0	2.78	5.21	2.43

Pollutant Removal by POTWs. The other half of calculating the cost per pound of pollutant removal requires the determination of the number of pounds of conventional pollutants removed by advanced secondary treatment beyond secondary treatment. The incremental pounds of pollutants removed equal the flow of the POTW times the reduction effluent in concentrations of the pollutants obtained from more advanced treatment.

The primary treatment effluent levels are set at 130 mg/l for BOD and 100 mg/l for TSS which are commonly used in sewage treatment literature. (8) Effluent characteristics of 30 mg/l BOD and 30 mg/l TSS for secondary treatment were selected because this is the legal requirement for most POTWs as established by EPA.

The change in concentration of conventional pollutants is 170 mg/l (230 mg/l minus 60 mg/l). In terms of pound removals, this change transfers to a total incremental annual pollutant removal of .517 million pounds a year for each mgd of flow. (9) The incremental annual pollutant removal for each flow size is listed in Table B4.

TABLE B4.—INCREMENTAL ANNUAL POLLUTANT REMOVAL: PRIMARY UPGRADE TO SECONDARY

Flow (mgd)	Million pounds removed annually
1.0	.517
3.29	1.70
22.39	11.6
50.0	25.8

Incremental Cost of Removal. To calculate the cost of pollutant removal for upgrading primary treatment to secondary treatment, the additional costs must be divided by the additional removal of BOD and TSS for each flow size. Specifically the calculation is:

$$\frac{\text{incremental total annual costs}}{\text{incremental annual pollutant removal}}$$

Table B5 summarizes these calculations.

TABLE B5.—INCREMENTAL ANNUAL COST PER POUND OF REMOVAL: PRIMARY TO SECONDARY TREATMENT

(1)	(2)	(3)	(2) ÷ (3)
Flow (mgd)	Incremental annual cost (\$ million)	Incremental annual removal (lbs. million)	Dollar per pound removed
1.0	\$.217	.517	.42
3.29	.486	1.70	.28
22.39	1.61	11.6	.14
50.0	2.43	25.8	.09

Industry Cost Benchmark. The industry cost benchmark is obtained by dividing the dollar per pound increment from secondary to advanced secondary treatment (10) by the dollar per pound increment from primary to secondary treatment. Once these ratios have been calculated, each ratio for each flow size is multiplied by its size distribution weight to obtain a single industry cost benchmark. Table B6 summarizes these computations.

TABLE B6—INDUSTRY COST BENCHMARK

Flow (mgd)	Incremental dollar per pound		Cost ratio	Weighting factors	Weighted ratios ¹
	Primary to secondary treatment	Secondary to advanced secondary treatment			
1.0	\$0.42	\$0.65	1.55	.0852	.13
3.29	.28	.42	1.50	.2567	.38
22.39	.14	.19	1.34	.2700	.36
50.0	.09	.13	1.44	.3880	.56

¹ Industry cost ratio 1.43.

This benchmark is not indexed by time periods because the variations in the result are likely to be small.

Footnotes

(1) See note 1, Appendix A. See also Table A1, Appendix A, for data on the raw distribution.

(2) See note 2, Appendix A.

(3) See note 3, Appendix A.

(4) "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems, EPA 430/9-77-015, May 1978 (hereinafter cited as the "1978 O&M Cost Document"), Fig. E, 2-1.

(5) The equation that appears in the document is $\text{Cost} = \$453 \times 10^4 Q^{1.01}$. This cost is expressed in 3rd quarter 1977 dollars.

(6) See note 9, Appendix A. The primary factor is $206/222 = 0.928$.

(7) See note 10, Appendix A. The capital recovery factor used is 0.106.

(8) "Areawide Assessment Procedures Manual, Appendix H, Point Source Control Alternatives", EPA Laboratories, Cincinnati, Ohio, P. H-16. This effluent level assumes influent concentrations of 210 mg/l for BOD and 230 mg/l for TSS.

(9) The calculation of this figure is as follows:

$$170 \frac{\text{mg}}{\text{l}} \times 3.785 \frac{\text{l}}{\text{gal}} \times 2.2 \times 10^6 \frac{\text{lb}}{\text{mg}} \times 365 \frac{\text{days}}{\text{yr}} \times 10^6 \frac{\text{gal}}{\text{day}} = 5.17 \times 10^5 \frac{\text{lbs}}{\text{yr}} \text{ per mgd}$$

(10) See Table A5, Appendix A.

Appendix C—Documents Used in the Analysis

The data for each of the industry categories were taken from the documents listed below:

1. *Dairy Products.*
Dairy Products Processing, EPA 440/1-74-021-a.

2. *Grain Mills.*
Grain Processing, EPA 440/1-74-028-a.

Animal Feed, Breakfast Cereal and Wheat Starch, EPA 440/1-74-039-a.
Corn Wet Milling, EPA 440/1-78-028-b, Supplement.

3. *Fruits and Vegetables.*
Apple, Citrus and Potato Products, EPA 440/1-74-027-a.

Economic Analysis of the Fruits and Vegetables Category (Phase II), EPA 230/1-75-036, Supplement, April 1976.

4. *Seafood.*
Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone, EPA 440/1-75-041-a.

Catfish, Crab, Shrimp and Tuna, EPA 440/1-74-020-a.

Qualitative Economic Analysis of the Seafood Industry, May 1982

5. *Sugar Processing.*
Beet Sugar Processing, EPA 440/1-74-002-b.

Cane Sugar Processing, EPA 440/1-74-002-c.

6. *Cement Manufacturing.*
Cement Manufacturing, EPA 440/1-74-005-a.

7. *Feedlots.*
Feedlots, EPA 440/1-74-004-a.

8. *Phosphate Manufacturing.*
Other Non-Fertilizer Phosphate Chemicals, EPA 440/1-75-043-a.

9. *Ferroalloys.*
Smelting and Slag Processing, EPA 440/1-74-008-a.

Calcium Carbide, EPA 440/1-75-068.
Electrolytic Ferroalloys, EPA 440/1-75-038-a.

10. *Glass Manufacturing.*
Pressed and Blown Glass, EPA 440/1-75-034-a.

Flat Glass, EPA 440/1-74-001-c.
Insulation Fiberglass, EPA 440/1-74-001-b.

11. *Meat Products.*
Red Meat Processing, EPA 440/1-74-102-a.

Processor, EPA 440/1-74-031.
Independent Rendering, EPA 440/1-77-031-e, Supplement.

12. *Timber Products.*

Timber Products, EPA 440/1-81-023.
Economic Impact Analysis of Wet Process Hardboard and Insulation Board, EPA 440/2-80-089.

Economic Impact Analysis of Wood Preserving, EPA 440/2-80-087.

13. *Pulp, Paper and Paperboard Mills.*
Pulp, Paper, and Paperboard Mills, EPA 440/1-80-025-b.

Economic Impact Analysis of Pulp, Paper, and Paperboard Mills, EPA 440/2-80-086, Vols. I and II.

14. *Inorganic Chemicals Manufacturing.*

Inorganic Chemicals Manufacturing Point Source Category, EPA 440/1-82-007.

Economic Impact Analysis of Inorganic Chemicals Manufacturing Industry, EPA 440/2-81-023.

15. *Ore Mining and Dressing.*
Ore mining and Dressing (Proposed), EPA 440/1-82-061-b.

16. *Metal Finishing.*
Metal Finishing (Proposed), EPA 440/1-82-091-b.

Economic Analysis of Proposed Effluent Standards and Limitations for the Metal Finishing Industry, EPA 440/2-82-004.

Appendix D—Summary of Data

Industry subcategory	Incremental (per pound)	Comparable POTW/ benchmark	Industry cost ratio
	(1)	(2)	(3)
Grain Mills			
Corn dry milling:			
Small.....	\$0.85	0.27	
Large.....	.56	.27	
Bulgar wheat.....	22.00	.27	
Parboiled rice.....	1.02	.27	
Ready-to-eat:			
Small.....	.76	.27	
Medium.....	.57	.27	
Large.....	.45	.27	
Wheat starch and gluten.....	.20	.27	2.5
Canned and Preserved Fruits and Vegetables			
Apple juice:			
Small.....	1.16	.27	
Large.....	.62	.27	
Apple products:			
Small.....	3.74	.27	
Large.....	.35	.27	
Citrus products:			
Small.....	.39	.27	
Large.....	.13	.27	2.17
Frozen potato products:			
Small.....	.15	.27	7.50
Large.....	.12	.27	12.00
Dehydrated potato products:			
Small.....	.20	.27	4.00
Large.....	.13	.27	4.33
Canned and Preserved Fruits; Canned and Preserved Vegetables			
Mushrooms:			
Small.....	.72	.27	
Large.....	.59	.27	
Sauerkraut:			
Small.....	3.50	.27	

Industry subcategory	Incremental (per pound)	Compa- rable POTW/ bench- mark	Industry cost ratio	Industry subcategory	Incremental (per pound)	Compa- rable POTW/ bench- mark	Industry cost ratio	Industry subcategory	Incremental (per pound)	Compa- rable POTW/ bench- mark	Industry cost ratio
(1)	(2)	(3)		(1)	(2)	(3)		(1)	(2)	(3)	
Large	2.90	27		Breaded shrimp:				3	53	30	5.9
Tomatoes:				Small	30	27		4	31	30	3.4
Small	95	27		Medium	17	27		Market bleached kraft:			
Large	49	27		Large	11	27		Option:			
Corn, peas:				Tuna				1	33	30	1.57
Extra Small	1.29	27		Small	55	27		2	61	30	2.90
Small	1.29	27		Medium	28	27		3	63	30	3.00
Medium	80	27		Large	21	27		4	49	30	2.33
Large	51	27		Fish meal	1.17	27		BCT bleached kraft:			
Corn, peas: Small	70	27		West coast hand butchered				Option:			
Green beans: Medium	1.22	27		salmon:				1	31	30	2.38
Carrots: Large	1.32	27		Small	1.58	27		2	46	30	3.54
Frozen corn: Extra small	63	27		Large	70	27		3	52	30	4.00
Peas, green: Small	1.57	27		West coast mech. salmon:				4	43	30	3.31
Beans: Medium	1.42	27		Small	13	27		Alkaline fine: 1			
Carrots: Large	1.10	27		Large	99	27		Option:			
Broccoli: Small	1.07	27		Alaskan bottom fish				1	105	30	8.75
Spinach: Medium	99	27		Non-Alaskan mech:				2	74	30	6.17
Lima bean: Large	77	27		Small	27	27		3	82	30	6.83
Cauliflower				Large	98	27		4	46	30	3.83
Tomato, dry: Extra small	75	27		Non-Alaskan conv. bottom				Unbleached kraft:			
Bean:				fish:				Option:			
Small	1.24	27		Small	34	27		1	40	30	1.43
Medium	76	27		Medium	24	27		2	64	30	2.29
Large	80	27		Large	15	27		3	62	30	2.21
Cherry, green: Small	1.50	27		Hand-shucked clam:	(1)	(1)	(1)	4	67	30	2.39
Bean, pear: Medium	90	27		Mechanized clam:				Dissolving sulfite pulp:			
Plum: Large	2.10	27		Small	91	27		Option:			
Cherry: Small	5.25	27		Medium	91	27		1	70	30	4.67
Caneberry: Large	1.20	27		Pacific coast hand-shucked				2	30	30	2.00
Strawberry				oyster	(1)	(1)	(1)	3	53	30	3.53
Canned and Miscellaneous				Atlantic & Gulf Coast hand-	(1)	(1)	(1)	4	43	30	2.87
Specialties				shucked oyster	(1)	(1)	(1)	Papergrade sulfite: 1			
Potato chips:				Steamed and canned oyster	93	27		Option:			
Extra Small	1.50	27		Sardine:				1	20	30	.91
Small	84	27		Small	7.84	27		2	42	30	1.91
Medium	1.14	27		Medium	4.79	27		3	38	30	1.73
Large	74	27		Large	3.96	27		4	42	30	1.91
Canned and preserved				Non-Alaskan scallop	(1)	(1)	(1)	Groundwood—Thermo-mech.			
seafoods				Non-Alaskan herring fillet	94	27		Option:			
Farm-raised catfish:				Abalone processing	(1)	(1)	(1)	1	98	30	50
Small	1.36	27		Sugar Processing				2	64	30	4.00
Medium	1.12	27		Beet sugar	93	27	3.0	3	55	30	3.44
Large	84	27		Crystalline cane sugar:				4	62	30	3.88
Conv. blue crab				Small	91	27		Groundwood—CMN papers:			
Mech. blue crab:				Large	58	27		Option:			
Small	97	27		Liquid cane sugar	64	27		1	44	30	2.59
Medium	96	27		Cement Manufacturing				2	106	30	8.24
Large	94	27		Leaching	4.40	27		3	92	30	5.41
Non-remote Alaskan crab-				Feedlots				4	65	30	3.82
meat:				Duck	(2)	(2)	(2)	Groundwood—Fine papers:			
Small	15.17	27		Ferroalloys Manufacturing				Option:			
Medium	12.92	27		Open electric furnaces, wet	84	27		1	73	30	4.87
Large	10.98	27		Covered elec. furnace	83	27		2	113	30	7.53
Remote Alaskan crabmeat:				Slag	92	27	1.0	3	97	30	6.47
Small	97	27		Covered calcium carbide	1.58	27		4	75	30	5.00
Medium	94	27		Electrolytic manganese	1.45	27		Deink:			
Large	95	27		Electrolytic chromium	1.98	27		Option:			
Non-remote Alaskan whole				Glass Manufacturing				1	14	30	1.56
crab:				Insulation fiberglass	(3)	(3)	(3)	2	60	30	6.67
Small	19.78	27		Plate	33	27		3	52	30	5.78
Medium	14.43	27		Float	14.42	27		4	68	30	7.56
Large	10.39	27		Auto. glass tempering	2.88	27		Tissue from wastepaper:			
Remote Alaskan whole crab:				Auto. glass laminating	5.58	27		Option:			
Small	13	27		Glass container mfg.	3.80	27		1	51	30	1.50
Medium	10	27		Glass tubing	2.76	27		2	200	30	5.88
Large	97	27		Television picture tube	8.56	27		3	1.80	30	5.29
Dunginess and tanner crab:				Incandescent lamp	26.29	27		4	47	30	1.38
Small	3.23	27		Hand pressed and blown				Paperboard from wastepaper:			
Medium	2.10	27		glass	(1)	(1)	(1)	Option:			
Large	1.47	27		Meat products				1	79	30	1.80
Non-remote shrimp:				Small processor	0	27	0	2	1.84	30	4.18
Small	33	27		Renderers	0	27	0	3	1.05	30	2.39
Medium	25	27		Phosphates				4	79	30	1.80
Large	18	27		Sodium phosphates	(3)	(3)	(3)	Wastepaper molded products:			
Remote Alaskan shrimp:				Timber				Option:			
Small	95	27		Wet process hardboard	24	30	15	1	64	30	.51
Medium	94	27		Pulp, paper, and paperboard *				2	2.85	30	2.28
Large	93	27		Dissolving kraft:				3	1.66	30	1.33
Northern shrimp:				Option:				4	55	30	.44
Small	95	27		1	1.04	30	11.6	Builders paper and roofing			
Medium	95	27		2	48	30	5.3	felt:			
Large	94	27						Option:			
								1	44	30	2.32
								2	3.16	30	16.6
								3	1.30	30	6.84
								4	51	30	2.68

Industry subcategory	Incremental (per pound)	Compa- rable POTW/ bench- mark	Industry cost ratio
	(1)	(2)	(3)
Nonintegrated—Fine papers:			
Option:			
1	.37	.30	1.54
2	.78	.30	3.25
3	.68	.30	2.83
4	.45	.30	1.96
Nonintegrated—Tissue papers:			
Option:			
1	.45	.30	1.45
2	5.62	.30	18.1
3	2.67	.30	8.61
4	1.56	.30	5.03
Nonintegrated—Lightweight:			
Option:			
1	.83	.30	1.98
2	5.23	.30	12.4
3	2.58	.30	6.14
4	1.44	.30	3.43
Semi-Chemical:			
Option:			
1	.65	.30	1.76
2	.54	.30	1.48
3	.65	.30	1.76
4	1.02	.30	2.76
Unbleached Kraft and Semi- Chemical:			
Option:			
1	.42	.30	2.00
2	.48	.30	2.29
3	.49	.30	2.33
4	.98	.30	4.67
Nonintegrated filter and non- woven papers:			
Option:			
1	.83	.30	.19
2	6.09	.30	1.39
3	3.33	.30	.76
4	1.44	.30	.33
Nonintegrated paperboard:			
Option:			
1	4.51	.30	11.6
2	14.83	.30	37.5
3	9.56	.30	24.5
4	3.45	.30	8.85
Inorganic Chemical Manufacturing			
Chlor-alkali—diaphragm cell	.53	.30	
Hydrofluoric acid	.32	.30	
Ore Mining and Dressing			
Iron ore	.27	.42	
Aluminum ore	.46	.42	
Radium, uranium, vanadium ore	.47	.42	
Titanium ore	.40	.42	
Tungsten ore	.37	.42	
Copper, lead, zinc, gold, silver, platinum, and molyb- denum	.34	.42	
Metal Finishing			
Metal finishing	10.66		

¹ No costs (except housekeeping) associated with meeting BAT.

² Not amenable to analysis.

³ BAT technology applies to wastewater of wet-scrubbers only, costs and removals not available.

⁴ Costs unknown.

⁵ Minimal costs associated with meeting BAT.

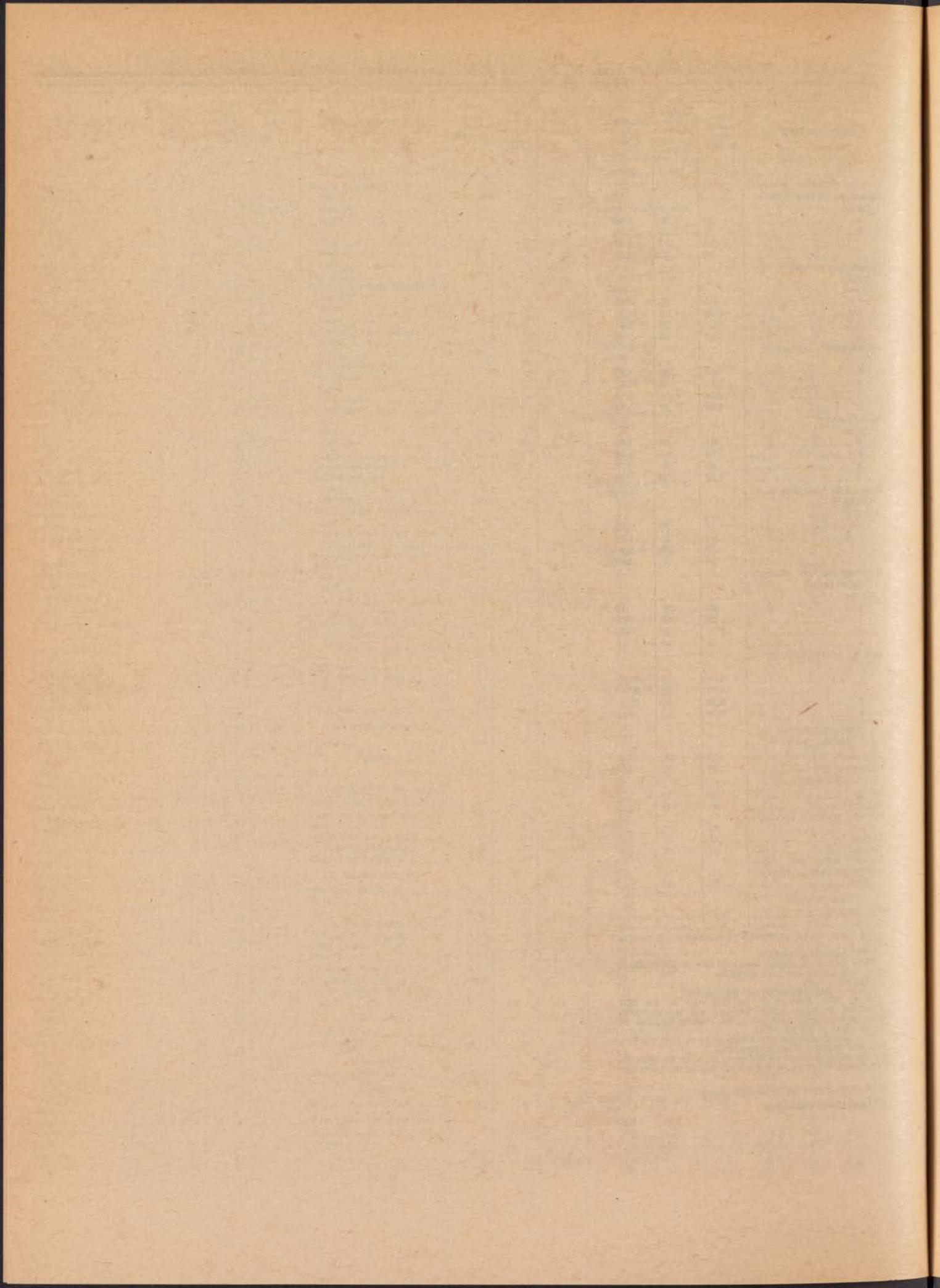
⁶ Note: EPA reviewed all the cost data for the BCT guidelines. In some cases, the cost per pound figures changed from what appeared in the Federal Register on January 6, 1981 (46 FR 1430).

⁷ The calculations presented here apply to both the Fine Bleached Kraft and Soda subcategories.

⁸ The calculations presented here apply to the Blow Pit Wash, and Drum Wash Papergrade Sulfite subcategories.

[FR Doc. 82-28780 Filed 10-26-82; 6:45 am]

BILLING CODE 6560-50-M



Federal Register

Friday
October 29, 1982

Part III

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register

without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate

information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Iowa:		
IA82-4030	.....	June 18, 1982.
IA82-4048	.....	Oct. 1, 1982.
IA82-4049	.....	Oct. 8, 1982.
Georgia: GA82-1044	.....	Sept. 10, 1982.
Indiana: IN82-2030	.....	May 14, 1982.
Maryland: MD81-3087	.....	Dec. 4, 1982.
Massachusetts: MA82-3005	.....	April 30, 1982.
Texas:		
TX82-4027	.....	June 18, 1982.
TX82-4029	.....	June 18, 1982.
Wisconsin: WI82-2024	.....	April 9, 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.

Florida:		
FL81-1213 (FL82-1072)	.....	May 1, 1981.
FL81-1214 (FL82-1073)	.....	May 1, 1981.
FL81-1215 (FL82-1074)	.....	May 1, 1981.
FL81-1136 (FL82-1081)	.....	May 22, 1981.
FL81-1216 (FL82-1075)	.....	May 1, 1981.
FL81-1217 (FL82-1076)	.....	May 1, 1981.
FL81-1218 (FL82-1077)	.....	May 1, 1981.
FL81-1219 (FL82-1078)	.....	May 1, 1981.
FL81-1220 (FL82-1079)	.....	May 1, 1981.
FL81-1221 (FL82-1080)	.....	May 1, 1981.
Ohio:		
OH80-2049 (OH82-2052)	.....	June 27, 1980.
OH80-2055 (OH82-2053)	.....	Aug. 1, 1980.
OH80-2009 (OH82-2055)	.....	April 3, 1981.
OH81-2010 (OH82-2051)	.....	April 3, 1981.
OH81-2013 (OH82-2054)	.....	April 10, 1981.
Texas: TX82-4017 (TX82-4052)	.....	April 9, 1982.
West Virginia: WV80-3018 (WV82-3002)	.....	July 18, 1980.

Signed at Washington, D.C. this 22d day of October 1982.

Dorothy P. Come,
Assistant Administrator Wage and Hour
Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. IAB2-4030 - MOD. #8 (47 FR 26537 - 6/18/82) Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa	DECISION NO. INB2-2030 - MOD. #2 (47 FR 20986 - May 14, 1982)	DECISION NO. TX82-4027 - MOD. #5 (47 FR 26551 - 6/18/82) Boxar County, Texas
CHANGE: Electricians - Zone 5 Sheet metal workers: Zones 3, 4 & 5	Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Ful- ton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley Cos., Indiana Change: Sheet Metal Workers: Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby and Tipton Counties	CHANGE: Ironworkers Power equipment operators: Group 1 Group 2 Group 3 Group 4
DECISION NO. IAB2-4048 MOD. #1 (47 FR 43517 - 10/1/82) Woodbury County, Iowa CHANGE: Carpenters: Carpenters & drywall hangers Millwrights, piledrivermen Lathers Roofers Kettlemen	DECISION NO. MD81-3087 - MOD. #1 (46 FR 59441 - December 4, 1981) BALTIMORE AND BALTIMORE CITY CHANGE: LABORERS: Mason Tenders	CHANGE: Building Construction: Ironworkers Incidental Paving & Utilities Air Tool Man Asphalt Raker Carpenter Carpenter Helper Conc. Finisher (Paving) Conc. Finisher (Structures) Conc. Finisher Helper (Struc.) Concrete Rubber Form Builder (Structures) Form Bldr. Helper (Structures) Form Setter (Paving & Curb) Form Setter (Structures) Form Setter Helper (Struc.) Laborer, Common Laborer, Utility Man Mechanic Mechanic Helper Serviceman Pipelayer-Bosque, Falls, Hill & McLennan Cos. Pipelayer Helper-Bosque, Falls, Hill & McLennan Cos. Pipelayer (Conc. & clay) - Bell & Coryell Cos. Pipelayer Helper (Conc. & clay)-Bell & Coryell Cos. Plumbers (Bell & Coryell): Zone 1-20 to 45 miles from McLennan Court House in- cluding towns of Temple & Belton Zone 2-all area not includ- ed in Zone 1
DECISION NO. IAB2-4049 - MOD. #1 (47 FR 44667 - 10/8/82) Scott County, Iowa CHANGE: Sheet metal workers	DECISION NO. MAB2-3005 - MOD. #3 (47 FR 18737 - April 30, 1982) BERKSHIRE, FRANKLIN, HAMPSHIRE, HAMPSHIRE, MASSACHUSETTS CHANGE: Heading which reads Mod. #1 and appeared in the Federal Register on October 8, 1982, to read Mod. #2	CHANGE: Cement Masons
DECISION #IAB2-1011 - Mod. #1 (47 FR 39763 - September 10, 1982) Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins, Lincoln, McPherson, Rich- mond, Tallapoosa, Warren, Washing- ton, & Wilkes Counties, Georgia ADD: Painters		DECISION NO. TX82-4029 - MOD. #8 (CONT'D): Incidental Paving & Utilities (Cont'd) Reinf. Steel Str. Helper Power Equipment Ops.: Asphalt Distributor Broom or Sweeper Operator Bulldozer 150 HP & Less Bulldozer over 150 HP Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY) Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY & Over) Foundation Drill Op. (Truck Mounted) Foundation Drill Op. Hlpr. Front end loader (2 1/4 CY & Less) Front end loader (Over 2 1/4 CY) Motor Grader operator, Fine Grade Motor Grader Operator Roller, Steel Wheel (Plant- Mix Pavements) Roller, Steel Wheel (Other- Flat Wheel or Tamping) Roller, Pneumatic (Self- Propelled) Scrapers (17 CY & Less) Scrapers (Over 17 CY) Tractor (Crawler Type) over 150 HP Tractor (Pneumatic) over 80 HP Traveling Mixer Truck Drivers: Single Axle, Light Single Axle, Heavy Tandem Axle or Semitrailer
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits	Fringe Benefits
\$14.95 1.50+ 3-3/4% 2.86	\$16.63 3.03	\$12.55 3.57 13.35 2.50 11.80 2.50 9.90 2.50 9.50 2.50
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits	Fringe Benefits
\$ 6.50	5.03	13.60 2.97 5.40 5.65 6.50 6.00 5.50 5.90 5.45 5.25 5.50 5.00 5.25 5.25 6.00 4.85 4.00 4.65 7.00 5.50 4.75 4.75 5.00 4.25 4.25 5.00 5.00 4.25
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits	Fringe Benefits
\$12.67 2.66	13.01 .99 14.01 .99	6.00 5.65 5.40 5.70 6.00 6.15 7.50 8.00 7.50 5.50 6.50 8.00 6.10 5.00 5.00 4.75 5.40 5.60 6.00 5.05 4.25 5.00 5.35 5.00

Modification Page 2

DECISION NO. TX82-4027 - MOD. #5 (47 FR 26551 - 6/18/82) Boxar County, Texas	DECISION NO. TX82-4029 - MOD. #8 (CONT'D): Incidental Paving & Utilities (Cont'd)
CHANGE: Ironworkers Power equipment operators: Group 1 Group 2 Group 3 Group 4	Reinf. Steel Str. Helper Power Equipment Ops.: Asphalt Distributor Broom or Sweeper Operator Bulldozer 150 HP & Less Bulldozer over 150 HP Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1 1/2 CY) Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY & Over) Foundation Drill Op. (Truck Mounted) Foundation Drill Op. Hlpr. Front end loader (2 1/4 CY & Less) Front end loader (Over 2 1/4 CY) Motor Grader operator, Fine Grade Motor Grader Operator Roller, Steel Wheel (Plant- Mix Pavements) Roller, Steel Wheel (Other- Flat Wheel or Tamping) Roller, Pneumatic (Self- Propelled) Scrapers (17 CY & Less) Scrapers (Over 17 CY) Tractor (Crawler Type) over 150 HP Tractor (Pneumatic) over 80 HP Traveling Mixer Truck Drivers: Single Axle, Light Single Axle, Heavy Tandem Axle or Semitrailer
Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits
\$12.55 3.57 13.35 2.50 11.80 2.50 9.90 2.50 9.50 2.50	\$ 5.50 4.65 6.00 5.65 5.40 5.70 6.00 6.15 7.50 8.00 7.50 5.50 6.50 8.00 6.10 5.00 5.00 4.75 5.40 5.60 6.00 5.05 4.25 5.00 5.35 5.00
Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits
13.01 .99 14.01 .99	\$12.67 2.66

SUPERSEDES DECISION

STATE: FLORIDA

COUNTIES: BAY, ESCAMBIA, GULF, OKALOOSA, SANTA ROSA, & WALTON COUNTIES

DECISION NUMBER: FL82-1072

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1213 dated May 1, 1981 in 46 FR 24814.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$ 5.89		POWER EQUIPMENT OPERATORS:	
5.48		Asphalt Distributor	4.25
5.00		Asphalt Paving Machine	5.25
		Asphalt Plant	3.87
3.35		Backhoe	5.50
3.87		Bulldozer	4.94
5.25		Crane, Derrick, or Dragline	6.50
6.00		Earthmover	5.60
		Front End Loader-over	4.40
6.00		One Cubic Yard	5.40
		Motor Grader	6.36
5.50		Piledriver	4.93
		Roller, Finish	
4.50		Roller, Self-Prop, Rubber Tire	4.11
		Scrapper	4.40
3.50		Tractor, Light	3.60
6.00		Tractor, 80 hp or less	3.75
		Guardrail Post Driver	4.75
		Guardrail Erector	4.00
		Asphalt Screed	4.65

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: FLORIDA

COUNTIES: CALHOUN, FRANKLIN, HOLMES, JACKSON, LIBERTY, & WASHINGTON

DECISION NUMBER: FL82-1073

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1214 dated May 1, 1981 in 46 FR 24814.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$ 5.75		PEO's cont'd:	
5.40		Crane, Derrick, or Dragline	5.94
		Earthmover	4.50
3.65		Front End Loader	5.00
4.12		Motor Grader	5.50
4.50		Roller, Finish	4.50
		Scrapper	
4.75			
		MECHANIC	5.50
5.50		TRUCK DRIVER	3.80
		WELDERS-Rate for Craft	
		POWER EQUIPMENT OPERATORS:	
		Asphalt Distributor	4.00
		Asphalt Mixer	5.75
		Asphalt Paving Machine	5.25
		Asphalt Plant	4.34
		Backhoe	5.50
		Bulldozer	4.50

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: FLORIDA
COUNTIES: ALACHUA, DIXIE, GILCHRIST, HAMILTON, LAFAYETTE, LEVY, MADISON, SUMANNEE, & TAYLOR

DECISION NUMBER: FL82-1075
Supersedes Decision No.: FL81-1216 dated May 1, 1981 in 46 FR 24815.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction); bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
CARPENTERS		Earthmover	\$ 6.00	
CONCRETE FINISHER		Front End Loader	4.56	
LABORERS:		Motor Grader	4.77	
Common		Oilier, Greaseman	4.00	
Asphalt Raker		Piledriver	7.50	
Pipelayer		Roller, Finish	4.07	
IRONWORKER, Reinforcing		Roller, Self-Prop.	5.00	
TRUCK DRIVER		Rubber Tire	4.05	
WELDERS-Rate for Craft		Tractor Oper., Light	4.00	
		Power Subg. Mixer, Self-Prop.	4.75	
POWER EQUIPMENT OPERATORS:		Pavement Stripping Machine	6.25	
Asphalt Distributor		Guardrail Post Driver	4.75	
Asphalt Paving Machine		Guardrail Erector	4.25	
Asphalt Plant		Luteman	5.25	
Backhoe				
Bulldozer				
Crane, Derrick, or Dragline				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDES DECISION

STATE: FLORIDA
COUNTIES: GADSDEN, JEFFERSON, LEON, & WAKULLA

DECISION NUMBER: FL82-1074
Supersedes Decision No.: FL81-1215 dated May 1, 1981 in 46 FR 24815.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction); bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
CARPENTERS		Earthmover	\$ 4.50	
CONCRETE FINISHER		Front End Loader	5.00	
LABORERS:		Motor Grader	5.00	
Common		Oilier, Greaseman	5.00	
Asphalt Raker		Roller, Finish	5.00	
Pipelayer		Roller, Self-Prop.	5.00	
IRONWORKER, Reinforcing		Rubber Tire	5.00	
TRUCK DRIVER		Pavement Stripping Machine	5.50	
WELDERS-Rate for Craft				
POWER EQUIPMENT OPERATORS:				
Asphalt Distributor				
Asphalt Paving Machine				
Asphalt Plant				
Backhoe				
Bulldozer				
Crane, Derrick, or Dragline				

SUPERSEDES DECISION

STATE: FLORIDA
COUNTIES: DADE

DECISION NUMBER: FL82-1081
Supersedes Decision No.: FL81-1136 dated May 22, 1981 in 46 FR 28100.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction); bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

Basic Hourly Rates	Fringe Benefits	POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits
CARPENTERS		Backhoe	\$ 5.81	
CONCRETE FINISHER		Bulldozer	7.50	
FORM SETTER		Crane, Derrick, or Dragline	10.32	
LABORERS, Common		Drilling Machine	10.40	
IRONWORKER, Air Tool Operator		Front End Loader	6.83	
IRONWORKER, Reinforcing		Motor Grader	7.67	
TRUCK DRIVER		Oilier, Greaseman	9.64	
TRAFFIC SIGNALIZATION INSTALLER		Piledriver Operator	12.01	
TRAFFIC SIGNALIZATION MECHANIC		Piledriver Leadsman	11.18	
WELDERS-Rate for Craft		Roller	5.35	
		Scrapor	6.50	
		Gradall	8.00	
		Pavement Stripping Machine	6.25	
		Sign Erector	5.45	
		Boom-Auger	6.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDES DECISION

STATE: FLORIDA

COUNTIES:

BAKER, BRADFORD, CLAY, COLUMBIA,
DUVAL, FLAGLER, NASSAU, PUTNAM,
ST. JOHNS, & UNION

DECISION NUMBER: FL82-1076

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1217 dated May 1, 1981 in 46 FR 24816.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spanrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:
\$ 6.00		Pump
5.38		Roller, Finish
4.55		Roller, Self-Prop., Rubber Tire
4.19		Roller, Operator
4.81		Scrapper
4.91		Tractors:
5.96		Light
4.87		Over 80 hp
6.00		80 hp or less
6.95		Self-Prop. Power Subg.
4.65		Mixer
4.50		Gradall
5.02		Pavement Stripping
		Machine
		Guardrail Post Driver
		Guardrail Erector
		Sign Erector
		Boom-Auger
		Conc Curb Machine
		Luteman

POWER EQUIPMENT OPERATORS:

Air Tool	5.00
Asphalt Distributor	4.67
Asphalt Mixer	4.40
Asphalt Paving Machine	4.93
Asphalt Plant	5.39
Asphalt Screed	4.89
Backhoe	6.24
Bulldozer	5.55
Concrete Paving Machine	4.91
Concrete Paving Subgrader	5.25
Crane, derrick, or Dragline	7.14
Earthmover	5.50
Front End Loader	5.71
Motor Grader	5.81
Oilier, Greaseman	5.21
Piledriver	6.47
Piledriver Leadsman	7.75

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: FLORIDA

COUNTIES:

CITRUS, HERNANDO, LAKE, MARION, PASCO
SUNTER, & VOLUSIA (excluding Cape
Kennedy Space Flight Center &
Cape Canaveral Air Force Station)

DECISION NUMBER: FL82-1077

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1218 dated May 1, 1981 in 46 FR 24817.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension & spanrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:
\$ 5.34		Scrapper
5.44		Tractors:
4.50		Light
4.12		Over 80 hp
4.53		80 hp or less
5.50		Self-Prop. Power Subg.
6.00		Mixer
5.83		Gradall
4.25		Self-Prop. Aggregate
9.44		Pavement Stripping
4.28		Machine
4.36		Guardrail Post Driver
		Guardrail Erector
		Conc. Curb Machine
		Milling Machine
		Luteman

POWER EQUIPMENT OPERATORS:

Air Compressor	4.50
Asphalt Distributor	4.66
Asphalt Paving Machine	5.24
Asphalt Plant	4.75
Asphalt Screed	5.00
Backhoe	6.22
Bulldozer	5.90
Crane, Derrick, or Dragline	6.88
Drilling Machine	5.00
Earthmover	4.50
Front End Loader	5.44
Motor Grader	6.61
Oilier, Greaseman	4.49
Piledriver	7.50
Pump	4.50
Rollers	4.50

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
 COUNTIES: CHARLOTTE, COLLIER, DESOTO, GADSDEN, HARDEE, HENDRY, HIGHLAND, LEE, MONROE, & OKFUCHOWEE
 DECISION NUMBER: FL32-1079
 DATE: DATE OF PUBLICATION
 Supersedes Decision No.: FL81-1270 dated May 1, 1981 in 46 FR 24819.
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 7.95		Earthmover	\$ 5.30	
6.59		Front End Loader	5.74	
5.68		Motor Grader	6.45	
5.04		Oilier, Greaseman	8.94	
5.57		Piledriver Operator	9.41	
5.75		Piledriver Leadsman	6.25	
11.00		Rollers:		
7.50		Finish	5.50	
5.04		Operator	6.00	
7.00		Self-Prop. Rubber Tire	5.42	
		Scraper	5.54	
		Tractor	5.04	
5.13		Tug Boat Operator	7.00	
5.04		Graderman	5.75	
		Gradall	6.25	
		Conc. Curb Machine	5.50	
		Self-Prop. Power Subg. Mixer	5.10	
		Pavement Stripping Machine	7.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
 COUNTIES: BREVARD (excludes Cape Canaveral AF Station, Patrick AFB, Kennedy Space Flight Center, & Melabar Radar Site), HILLSBOROUGH, INDIAN RIVER, MANATEE, MARTIN, ORANGE, OSCEOLA, PINELLAS, POLK, ST. LUCIE, SARASOTA, & SEMINOLE
 DECISION NUMBER: FL32-1078
 DATE: DATE OF PUBLICATION
 Supersedes Decision No.: FL81-1219 dated May 1, 1981 in 46 FR 24818.
 DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

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Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
\$ 5.99		Motor Grader	\$ 6.31	
5.67		Oilier, Greaseman	5.11	
5.20		Piledriver	6.73	
		Piledriver Leadsman	6.76	
4.31		Rollers:		
5.05		Finish	5.02	
5.33		Self-Prop. Rubber Tire	4.81	
7.25		Operator	4.71	
7.00		Scraper	5.02	
		Tractors:		
6.45		Light	4.35	
		Over 80 hp	4.72	
5.58		80 hp or less	5.01	
		Trenching Machine	6.40	
		Tug Boat Operator	7.00	
8.17		Self-Prop. Power Subg. Mixer	4.75	
5.83		Widening Spreader	6.40	
4.32		Gradall	6.39	
5.08		Pavement Stripping Machine	7.00	
		Guardrail Post Driver	5.29	
		Guardrail Erector	4.31	
5.00		Sign Erector	4.50	
5.74		Boom-Auger	4.50	
5.10		Conc. Curb Machine	5.95	
6.13		Asphalt Screed	5.44	
5.77		Milling Machine	6.70	
		Luteman	5.14	

Unlisted classifications needed for work not included within the scope of

SUPERSEDEAS DECISION

STATE: FLORIDA

DECISION NUMBER: FL82-1080

COUNTIES: BROWARD & PALM BEACH

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1221 dated May 1, 1981 in 46 FR 24820.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	\$ 7.88	
CONCRETE FINISHER	7.99	
FORM SETTER	6.00	
LABORERS:		
Common	5.02	
Asphalt Raker	6.31	
Pipefitter	6.56	
Powderman	5.50	
IRONWORKER, Reinforcing	9.75	
IRONWORKER, Structural	9.50	
TRAFFIC SIGNALIZATION INSTALLER	8.70	
MECHANIC	8.00	
TRUCK DRIVERS:		
Multi-Rear Axle	5.44	
Single-Rear Axle	5.02	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	5.78	
Asphalt Paving Machine	6.50	
Asphalt Spread	5.02	
Backhoe	7.31	
Bulldozer	6.76	
Concrete Paving Machine	6.65	
Cranes, Derrick, or Dragline	8.43	
Drilling Machine	7.50	
Earthmover	5.95	

PRO's cont'd:

Front End Loader
Motor Grader
Oiler, Greaseman
Piledrivers:
Leadman
Operator
Rollers:
Finish
Self-Prop. Rubber Tire
Operator
Scraper
Tractors
Gradall
Pavement Stripping Machine
Comp. Curb Machine
Milling Machine

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: OHIO

DECISION NO.: OH82-2052

COUNTIES: COSHOCTON, GUERNSEY, & HOLMES

DATE: Date of Publication

Supersedes Decision No. OH80-2049 dated June 27, 1980 in 45 FR 43649

DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Blocklayers	\$9.68	
CARPENTERS	7.79	
CEMENT MASONS	8.37	
DRYWALL HANGERS	7.50	
DRYWALL FINISHERS AND TAPERS	7.50	
ELECTRICIANS	8.68	
LABORERS	5.65	
PAINTERS:		
Brush	7.50	
PLUMBERS & PIPEFITTERS	9.00	
ROOFERS	6.90	
SHEET METAL WORKERS	8.41	
SOFT FLOOR LAYERS; Carpet Layers	7.75	
TILE SETTERS	7.75	
TRUCK DRIVERS	8.00	
POWER EQUIPMENT OPERATORS:		
Backhoes	7.50	
Bulldozers	7.51	
Front End Loaders	7.75	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: OHIO
 COUNTY: DARKE & SHELBY
 DATE: Date of Publication
 SUPERSEDES DECISION NO. OH80-2053 dated August 1, 1980 in 45 FR 51415
 DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	\$7.00	
BRICKLAYERS; Blocklayers	8.50	
CARPENTERS	6.76	
CEMENT MASONS	6.96	
DRYWALL HANGERS	7.87	
DRYWALL FINISHERS AND TAPERS	8.82	
ELECTRICIANS	6.96	
INSULATORS	6.15	
LABORERS	5.70	
PAINTERS: Brush	6.24	
PLUMBERS & Pipefitters	7.25	
ROOFERS	6.96	
SHEET METAL WORKERS	7.18	
SOFT FLOOR LAYERS; Carpet Layers	6.38	
TILE SETTERS	6.38	
TRUCK DRIVERS	6.40	
POWER EQUIPMENT OPERATORS: Backhoes	8.12	
Bulldozers	7.75	
Front End Loaders	7.36	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDES DECISION

STATE: OHIO
 COUNTY: JACKSON, PIKE, SCIOTO, & VINTON
 DATE: Date of Publication
 SUPERSEDES DECISION NO. OH81-2009 dated April 3, 1981 in 46 FR 20447
 DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Blocklayers	\$7.89	
CARPENTERS	6.62	
CEMENT MASONS	7.23	
DRYWALL HANGERS	8.00	
DRYWALL FINISHERS AND TAPERS	8.00	
ELECTRICIANS	7.29	
LABORERS: Common Landscapers	5.89	
PAINTERS: Brush	5.63	
PLUMBERS & PIPEFITTERS	6.00	
ROOFERS	6.72	
SHEET METAL WORKERS	5.93	
SOFT FLOOR LAYERS; Carpet Layers	6.36	
TILE SETTERS	7.00	
POWER EQUIPMENT OPERATORS: Backhoes	7.00	
Bulldozers	7.61	
Front End Loaders	6.81	
	8.67	

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)).

SUPERSIDES DECISION

STATE: OHIO
 COUNTY: GALLIA & LAWRENCE
 DECISION NUMBER: OH82-2054
 DATE: Date of Publication
 Supersides Decision No. OH81-2013 dated April 10, 1981 in 46 FR 21588
 DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Blocklayers	\$7.56	
CARPENTERS	6.78	
CEMENT MASONS	6.66	
DRYWALL HANGERS	6.71	
DRYWALL FINISHERS AND TAPERS	6.83	
ELECTRICIANS	7.00	
LABORERS	4.82	
PAINTERS: Brush	6.50	
PLUMBERS & PIPEFITTERS	7.39	
ROOFERS	6.75	
SHEET METAL WORKERS	6.99	
SOFT FLOOR LAYERS; Carpet Layers	7.00	
TILE SETTERS	7.00	
POWER EQUIPMENT OPERATORS: Backhoes	7.55	
Bulldozers	7.45	
Front End Loaders	7.39	

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)).

SUPERSIDES DECISION

STATE: OHIO
 COUNTY: ADAMS, BROWN, & HIGHLAND
 DECISION NUMBER: OH82-2051
 DATE: Date of Publication
 Supersides Decision No. OH81-2010 dated April 3, 1981 in 46 FR 20447
 DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	\$7.61	
BRICKLAYERS; Blocklayers	8.66	
CARPENTERS	7.01	
CEMENT MASONS	7.86	
DRYWALL HANGERS	7.61	
DRYWALL FINISHERS & TAPERS	9.62	
ELECTRICIANS	6.76	
LABORERS	5.43	
PAINTERS: Brush	6.00	
PLUMBERS & PIPEFITTERS	8.07	
ROOFERS	6.00	
SHEET METAL WORKERS	6.66	
SOFT FLOOR LAYERS; Carpet Layers	7.00	
TILE SETTERS	6.71	
TRUCK DRIVERS	6.45	
POWER EQUIPMENT OPERATORS: Backhoes	7.58	
Bulldozers	6.33	
Front End Loaders	6.93	

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)).

SUPERSIDES DECISION

STATE: Texas
 COUNTY: Statewide
 DATE: Date of Publication
 DECISION NO.: TX82-4052
 Supersides Decision No. TX82-4017, dated 4/9/82, in 47 FR 15503.
 DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	\$ 6.00	\$ -	\$ -	\$ 5.35	\$ -
Asphalt Heaterman	-	5.20	-	4.35	-
Asphalt Baker	6.35	5.05	6.10	4.90	5.75
Asphalt Shoveler	-	4.50	-	3.95	4.30
Batching Plant Scaleman	6.80	6.30	6.00	5.25	6.30
Batchboard Setter	-	5.20	-	6.00	5.60
Carpenter	6.50	6.35	6.05	5.55	6.15
Concrete Helper	5.00	5.65	4.35	4.50	4.70
Concrete Finisher (Paving)	7.00	6.50	6.00	6.00	5.70
Concrete Finisher (Structures)	5.50	5.00	5.90	5.50	5.55
Concrete Finisher Helper (Structures)	6.75	6.50	5.05	5.50	5.05
Concrete Rubber	6.00	6.50	4.60	4.75	5.15
Electrician	-	-	10.00	-	11.50
Electrician Helper	-	-	-	-	5.15
Form Builder (Structures)	6.25	6.40	6.90	5.65	6.50
Form Builder Helper (Structures)	-	-	-	4.30	5.00
Form Liner (Paving & Curb)	-	-	-	4.85	4.15
Form Setter (Paving & Curb)	7.00	7.10	-	4.60	5.75
Form Setter Helper (Paving & Curb)	-	5.50	-	4.15	4.45
Form Setter (Structures)	7.00	6.95	6.45	4.95	6.10
Form Setter Helper (Structures)	6.25	5.95	5.40	4.40	4.50
Laborer, Common	4.85	4.50	4.00	3.90	4.15
Laborer, Utility Man	5.20	5.00	5.15	4.50	4.65
Manhole Builder, Brick	-	8.00	-	4.80	-
Mechanic Helper	8.50	8.00	6.50	7.55	7.00
Mechanic	5.50	-	5.00	4.75	5.50
Miller	5.50	5.55	5.00	4.50	5.35
Service Man	6.00	6.00	6.50	5.10	4.90
Painter (Structures)	-	-	-	6.00	-
Painter Helper (Structures)	-	-	-	5.00	-
Piledriverman	-	-	-	-	-
Pipelayer	-	5.70	5.00	5.00	5.20
Pipelayer Helper	-	4.50	-	4.40	4.75
Pneumatic Mortarman	-	6.45	-	5.50	-
Powderman	6.65	-	-	5.50	5.35
Reinforcing Steel Setter (Paving)	-	-	-	4.40	6.15
Reinforcing Steel Setter (Structures)	5.75	6.00	6.20	5.45	5.80
Reinforcing Steel Setter Helper	5.50	-	5.75	3.90	4.95
Steel Worker (Structural)	-	-	-	5.20	7.00
Steel Worker Helper (Structural)	-	-	-	4.00	5.75
Sign Erector	-	-	7.60	6.05	6.50
Sign Erector Helper	-	-	-	4.25	-

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	\$ 6.00	\$ 5.80	\$ -	\$ 6.75	\$ 5.50
Swamper	-	4.35	-	-	-
Power Equipment Operators:					
Asphalt Distributor	7.50	6.25	5.75	5.15	5.55
Asphalt Paving Machine	7.00	6.00	6.25	5.50	7.00
Broom or Sweeper Operator	-	5.00	5.15	5.45	-
Bulldozer 150 HP & Less	5.75	5.50	5.75	5.05	5.15
Bulldozer over 150 HP	6.50	6.50	6.15	6.05	5.85
Concrete Paving Curing Machine	7.00	-	-	-	-
Concrete Paving Finishing Machine	7.00	-	-	-	-
Concrete Paving Form Grader	7.00	-	-	-	-
Concrete Paving Joint Machine	7.00	-	-	-	-
Concrete Paving Joint Sealer	7.00	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	6.75	-	-	4.75	-
Concrete Paving Spreader	6.50	6.50	-	-	6.25
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	6.60	6.20	6.20	5.80	6.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	8.00	8.00	6.75	6.85	6.70
Crusher Or Screening Plant Operator	6.00	6.10	5.90	-	5.00
Elevating Grader	-	-	-	-	-
Form Loader	7.35	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	10.00	-
Foundation Drill Op. (Truck Mounted)	-	7.00	-	-	7.50
Front End Loader (¾ CY & Less)	5.60	5.50	5.40	5.25	5.20
Front End Loader (Over 2½ CY)	6.55	6.60	6.25	5.30	6.05
Hoist (Double Drum & Less)	-	-	-	-	-
Hoist (Over 2 Drums)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF & Less)	6.65	6.00	-	-	4.50
Motor Grader Operator, Fine Grade	7.90	7.95	7.90	6.90	6.50
Motor Grader Operator	6.70	6.75	7.10	6.40	6.35
Roller, Steel Wheel (Plant-Mix Pavements)	5.70	6.50	5.45	5.05	4.25
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.35	5.20	5.10	4.60	4.55
Roller, Pneumatic (Self-Propelled)	5.00	4.75	4.90	4.40	4.60

ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
\$ 5.25	\$ 5.00	\$ 5.50	\$ 5.25	\$ 4.75
6.45	6.45	6.50	6.00	5.50
-	5.80	-	-	-
5.00	-	-	5.50	4.60
6.25	6.00	5.50	6.00	6.20
5.00	4.50	-	-	-
5.50	6.50	5.50	6.15	6.00
5.25	-	-	-	-
-	5.00	-	4.90	-
-	-	-	-	5.25
6.00	6.40	-	4.50	5.00
5.00	4.90	4.80	4.65	4.50
6.00	-	-	4.75	5.00
5.70	6.00	5.30	5.15	4.50
5.25	5.00	5.45	5.35	5.95
-	-	-	-	-
-	5.00	-	-	-
8.00	7.30	6.00	5.60	6.10
-	-	5.25	5.25	5.60

Power Equipment Operators (Cont'd):
 Scrapers (17 CY & Less)
 Scrapers (Over 17 CY)
 Self-Propelled Hammer
 Side Boom
 Tractor (Crawler Type) 150 HP & Less
 Tractor (Tractor Type) over 150 HP
 Tractor (Pneumatic) 80 HP & Less
 Tractor (Pneumatic) over 80 HP
 Traveling Mixer
 Trenching Machine, Light
 Trenching Machine, Heavy
 Wagon Drill, Boring Machine or Post
 Hole Driller Operator
 Truck Drivers:
 Single Axle, Light
 Single Axle, Heavy
 Tandem Axle or Semitrailer
 Lowboy-Float
 Transit-Mix
 Winch
 Vibrator Man (Hand Type)
 Welder
 Welder Helper

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 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
\$ -	\$ 4.00	\$ 4.25	\$ 5.40	\$ -
-	4.60	4.60	-	-
4.50	6.00	5.35	5.65	6.80
4.85	5.05	-	-	5.00
-	6.50	6.50	-	5.90
5.70	-	-	-	-
4.65	6.55	6.05	6.50	7.00
5.50	5.50	5.00	5.50	7.25
4.00	6.00	6.85	6.00	5.50
5.50	-	6.05	-	6.95
4.15	6.30	4.50	5.90	5.85
4.25	4.75	4.50	5.45	6.40
-	-	5.25	5.25	9.50
-	10.00	-	-	6.50
6.50	7.10	5.50	5.50	6.90
-	6.25	-	5.00	7.20
-	5.50	-	-	6.55
-	-	5.00	5.25	5.50
5.25	6.60	5.70	6.00	6.95
4.25	5.15	5.05	4.85	5.25
4.00	4.00	4.25	4.00	4.65
4.55	4.80	4.65	4.65	5.20
-	5.45	-	-	-
5.80	6.50	7.40	7.00	7.25
4.70	4.60	6.50	5.50	5.95
5.20	5.85	6.20	-	6.35
5.00	5.70	5.00	4.75	5.60
-	-	-	-	11.25
-	-	-	-	5.15
-	-	-	-	-
5.15	5.55	5.15	5.00	6.00
-	4.75	4.25	4.25	4.75
-	-	-	-	-
5.00	7.00	6.00	-	-
-	6.00	5.50	-	5.00
5.65	6.55	6.50	5.50	7.00
4.75	5.25	5.00	4.65	4.50
-	-	-	-	7.00
-	-	-	-	5.00
6.75	-	-	-	-
5.50	-	-	-	-

Air Tool Man
 Asphalt Heaterman
 Asphalt Raker
 Asphalt Shovel
 Battering Plant Scaleman
 Batterboard Setter
 Carpenter
 Carpenter Helper
 Concrete Finisher (Paving)
 Concrete Finisher Helper (Paving)
 Concrete Finisher (Structures)
 Concrete Finisher Helper (Structures)
 Concrete Rubber
 Electrician
 Electrician Helper
 Form Builder (Structures)
 Form Builder Helper (Structures)
 Form Limer (Paving & Curb)
 Form Setter (Paving & Curb)
 Form Setter Helper (Paving & Curb)
 Form Setter (Structures)
 Form Setter Helper (Structures)
 Laborer, Common
 Laborer, Utility Man
 Manhole Builder, Brick
 Mechanic
 Mechanic Helper
 Oiler
 Serviceman
 Painter (Structures)
 Painter Helper (Structures)
 Piledriverman
 Pipelayer
 Pipelayer Helper
 Pneumatic Mortarman
 Powderman
 Reinforcing Steel Setter (Paving)
 Reinforcing Steel Setter (Structures)
 Reinforcing Steel Setter Helper
 Steel Worker (Structural)
 Steel Worker Helper (Structural)
 Sign Erector
 Sign Erector Helper

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	\$ -	\$ 5.40	\$ 5.20	\$ -	\$ -
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	5.50	5.80	5.25	6.00	6.00
Asphalt Paving Machine	5.30	6.40	5.80	5.65	7.25
Broom or Sweeper Operator	4.60	4.00	4.25	5.40	-
Bulldozer 150 HP & Less	4.25	6.00	6.00	5.70	6.00
Bulldozer over 150 HP	5.70	6.50	7.00	6.00	7.25
Concrete Paving Curing Machine	-	-	6.50	6.75	6.75
Concrete Paving Finishing Machine	5.00	-	6.50	6.50	6.50
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	5.50
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	8.00
Concrete Paving Spreader	-	-	-	-	6.45
Paving Sub Grader	-	-	-	-	7.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	5.75	6.05	5.25	6.15	7.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	6.25	7.50	9.25	7.50	7.50
Crusher or Screening Plant Operator	-	-	5.00	-	-
Elevating Grader	-	-	-	-	-
Form Loader	-	-	-	-	6.00
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	7.50
Foundation Drill Op. (Truck Mounted)	-	-	9.00	8.00	7.65
Front End Loader (2½ CY & Less)	5.25	5.75	5.20	7.50	5.55
Front End Loader (Over 2½ CY)	7.00	6.35	6.00	5.50	6.50
Hoist (Double Drum & Less)	-	-	5.65	6.50	7.15
Hoist (Over 2 drums)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF & Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	6.85	8.00	7.75	8.00	8.00
Motor Grader Operator	6.50	7.00	6.60	6.10	7.05
Roller, Steel Wheel (Plant-Mix Pavement)	4.60	5.55	4.60	5.00	6.70
Roller, Steel Wheel (Other-Flat)	-	-	-	-	-
Wheel or Tamping)	4.05	5.25	4.60	5.00	5.95
Roller, Pneumatic (Self-Propelled)	4.65	4.50	4.40	4.75	5.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Scrapers (17 CY & Less)	\$ 4.60	\$5.50	\$ 5.60	\$ 5.40	\$ 6.60
Scrapers (Over 17 CY)	5.25	6.45	6.00	5.60	6.95
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP & Less	4.30	5.00	-	-	6.15
Tractor (Crawler Type) over 150 HP	5.00	6.00	5.50	6.00	7.25
Tractor (Pneumatic) 80 HP & Less	-	4.50	4.75	-	-
Tractor (Pneumatic) over 80 HP	4.65	5.55	6.00	5.05	7.25
Traveling Mixer	4.75	4.70	-	4.25	-
Trenching Machine, Light	-	-	-	-	-
Trenching Machine, Heavy	6.25	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	5.25	4.75	-	5.25
Truck Drivers:					
Single Axle, Light	4.00	4.50	4.50	5.00	5.50
Single Axle, Heavy	-	5.00	4.50	5.35	5.50
Tandem Axle or Semitrailer	4.05	4.50	4.50	5.00	5.50
Lowboy-Float	4.75	-	-	-	6.25
Transit-Mix	-	-	6.75	-	5.85
Winch	-	5.20	-	-	6.35
Vibrator Man (Hand Type)	-	5.00	-	-	-
Welder	5.60	6.00	-	-	7.70
Welder Helper	5.00	5.75	-	-	-

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 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	\$ 6.00	\$ -	\$ 4.80	\$ 6.75	\$ 7.50
Asphalt Heaterman	-	5.50	-	-	-
Asphalt Raker	7.25	5.50	4.80	5.35	7.00
Asphalt Shoveler	-	4.50	-	-	5.95
Batching Plant Scaleman	5.00	5.85	5.50	7.00	6.65
Batterboard Setter	-	-	-	-	-
Carpenter	7.00	7.35	7.00	8.00	8.05
Carpenter Helper	5.70	5.25	5.00	-	6.05
Concrete Finisher (Paving)	7.20	6.40	6.95	-	7.60
Concrete Finisher Helper (Paving)	6.15	5.25	5.75	-	6.00
Concrete Finisher (Structures)	6.90	6.35	6.00	7.00	7.00
Concrete Finisher Helper (Structures)	5.00	5.50	5.50	-	6.05
Concrete Rubber	5.00	5.60	-	-	5.00
Electrician	8.50	-	-	9.95	11.50
Electrician Helper	7.25	-	-	7.25	6.50
Form Builder (Structures)	7.00	6.00	6.00	-	6.15
Form Builder Helper (Structures)	5.50	5.75	5.15	-	5.50
Form Lifter (Paving & Curb)	6.60	6.00	7.00	-	8.65
Form Lifter Helper (Paving & Curb)	6.25	7.50	7.00	5.25	7.20
Form Setter (Paving & Curb)	4.40	5.50	6.25	4.75	5.65
Form Setter Helper (Paving & Curb)	6.55	7.75	6.25	8.50	7.15
Form Setter (Structures)	4.95	5.50	4.80	6.00	5.55
Form Setter Helper (Structures)	4.00	4.50	4.80	4.45	5.00
Laborer, Common	4.95	5.15	5.10	5.50	5.75
Laborer, Utility Man	-	-	-	-	7.20
Manhole Builder, Brick	7.75	7.65	7.00	6.50	8.00
Mechanic	6.00	5.15	-	-	6.55
Mechanic Helper	6.00	5.70	5.95	5.25	7.50
Oil	8.00	5.50	6.00	5.50	7.25
Serviceman	-	-	-	-	-
Painter (Structures)	6.50	-	-	-	-
Painter Helper (Structures)	-	-	-	-	8.05
Piledriverman	-	-	-	5.00	6.55
Pipelayer	6.20	6.00	-	4.50	5.00
Pipelayer Helper	4.95	5.35	-	-	-
Pneumatic Mortarman	4.50	-	-	-	-
Powderman	-	-	-	-	-
Reinforcing Steel Setter (Paving)	5.75	-	-	-	6.05
Reinforcing Steel Setter (Structures)	6.35	6.50	-	6.00	6.70
Reinforcing Steel Setter Helper	4.00	4.85	-	-	5.00
Steel Worker (Structural)	-	-	-	-	7.50
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	7.50	-	-	-	-
Sign Erector Helper	-	-	-	-	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	\$ -	\$ -	\$ -	\$ -	\$ 6.15
Swamper	-	-	-	-	-
Power Equipment Operators:	-	-	-	-	-
Asphalt Distributor	7.20	6.25	5.75	6.00	7.00
Asphalt Paving Machine	7.55	6.80	6.50	5.75	8.00
Broom or Sweeper Operator	-	-	4.80	-	-
Bulldozer 150 HP & Less	6.45	6.00	6.65	5.50	6.70
Bulldozer over 150 HP	7.75	6.50	7.10	7.00	7.00
Concrete Paving Curing Machine	-	-	-	-	7.80
Concrete Paving Finishing Machine	7.65	5.50	-	-	7.50
Concrete Paving Form Grader	-	-	-	-	7.00
Concrete Paving Joint Sealer	5.50	-	-	-	7.50
Concrete Paving Longitudinal Float	-	-	-	-	7.60
Concrete Paving Mixer	7.75	-	-	-	7.50
Concrete Paving Saw	6.50	-	-	-	7.50
Concrete Paving Spreader	7.00	-	-	-	7.50
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	6.75	6.45	6.25	6.50	7.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY & Over)	7.50	7.30	7.25	8.00	8.55
Crusher or Screening Plant Operator	6.00	-	-	5.65	7.25
Elevating Grader	-	-	-	-	-
Form Loader	6.00	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	5.60
Foundation Drill Op. (Truck Mounted)	8.40	-	-	6.00	-
Foundation Drill Operator Helper	5.75	-	-	-	-
Front End Loader (2 1/2 CY & Less)	6.40	5.95	6.00	5.50	6.80
Front End Loader (Over 2 1/2 CY)	6.90	6.50	6.75	6.95	7.30
Hoist (Double Drum or Less)	6.75	-	-	-	6.00
Hoist (Over 2 drums)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	5.75
Mixer (16 CF & Less)	-	-	-	-	5.35
Motor Grader Operator, Fine Grade	7.65	8.00	7.50	8.35	8.00
Motor Grader Operator	6.05	6.50	6.50	7.50	7.50
Roller, Steel Wheel (Plant-Mix Pavements)	6.90	6.00	5.15	5.35	7.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	6.20	5.00	6.50	5.40	6.00
Roller, Pneumatic (Self-Propelled)	6.05	5.00	6.50	5.55	5.50

ZONE 16	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
	\$ -	-	-	-
Air Tool Man	-	-	-	-
Asphalt Headdress	6.85	-	-	-
Asphalt Raker	-	-	-	-
Asphalt Shovel	7.75	-	-	-
Batching Plant Scaleman	-	-	-	-
Batterboard Setter	7.50	-	-	-
Carpenter	6.15	-	-	-
Concrete Finisher (Paving)	8.70	-	-	-
Concrete Finisher Helper (Paving)	7.05	-	-	-
Concrete Finisher (Structures)	7.00	-	-	-
Concrete Finisher Helper (Structures)	6.00	-	-	-
Concrete Rubber	-	-	-	-
Electrician	-	-	-	-
Electrician Helper	-	-	-	-
Form Builder (Structures)	8.00	-	-	-
Form Builder Helper (Structures)	5.50	-	-	-
Form Liner (Paving & Curb)	-	-	-	-
Form Liner (Paving & Curb)	8.00	-	-	-
Form Setter Helper (Paving & Curb)	-	-	-	-
Form Setter (Structures)	7.00	-	-	-
Form Setter Helper (Structures)	-	-	-	-
Laborer, Common	5.50	-	-	-
Laborer, Utility Man	6.20	-	-	-
Manhole Builder, Brick	9.25	-	-	-
Mechanic	-	-	-	-
Mechanic Helper	-	-	-	-
Oiler	-	-	-	-
Serviceman	-	-	-	-
Painter (Structures)	-	-	-	-
Painter Helper (Structures)	-	-	-	-
Piledriver	7.00	-	-	-
Pipelayer	5.80	-	-	-
Pipelayer Helper	-	-	-	-
Pneumatic Mortarman	5.50	-	-	-
Powderman	-	-	-	-
Reinforcing Steel Setter (Paving)	6.00	-	-	-
Reinforcing Steel Setter (Structures)	7.00	-	-	-
Reinforcing Steel Setter Helper	5.50	-	-	-
Steel Worker (Structural)	6.65	-	-	-
Steel Worker Helper (Structural)	-	-	-	-
Sign Erector	-	-	-	-
Sign Erector Helper	-	-	-	-

ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
\$ 6.00	\$ 5.25	\$ 5.75	\$ 6.00	\$ 6.75
6.00	6.00	6.75	6.50	7.00
-	-	-	-	-
-	4.70	-	-	6.50
5.25	5.25	-	-	7.00
6.45	5.50	6.50	4.50	6.00
4.50	5.25	-	4.75	-
4.75	-	-	4.75	5.65
-	5.75	-	-	-
-	-	-	-	-
6.25	-	-	-	-
-	-	-	-	-
-	-	-	-	-
6.00	5.20	6.00	6.50	5.85
6.00	-	6.00	-	6.25
6.00	5.50	6.20	-	6.25
6.10	5.50	6.65	-	6.45
6.05	-	-	-	6.00
6.00	-	-	-	-
-	-	-	-	-
7.40	7.10	6.00	-	7.55
-	-	5.00	-	-

Power Equipment Operators (Cont'd):

Scrapers (17 CY & Less)
 Scrapers (Over 17 CY)
 Self-Propelled Hammer
 Side Boom
 Tractor (Crawler Type) 150 HP & Less
 Tractor (Crawler Type) over 150 HP
 Tractor (Pneumatic) 80 HP & Less
 Tractor (Pneumatic) over 80 HP
 Traveling Mixer
 Trenching Machine, Light
 Trenching Machine, Heavy
 Wagon Drill, Boring Machine or Post
 Hole Driller Operator
 Truck Drivers:
 Single Axle, Light
 Single Axle, Heavy
 Tandem Axle or Semitrailer
 Lowboy-Float
 Transit-Mix
 Winch
 Vibrator Man (Hand Type)
 Welder
 Welder Helper

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (iii)).

ZONE 16	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	\$ 7.50			
Swamper	-			
Power Equipment Operators:				
Asphalt Distributor	-			
Asphalt Paving Machine	6.00			
Broom or Sweeper Operator	6.15			
Bulldozer 150 HP & Less	8.05			
Bulldozer over 150 HP	9.00			
Concrete Paving Finishing Machine	-			
Concrete Paving Form Grader	8.75			
Concrete Paving Joint Machine	-			
Concrete Paving Joint Sealer	-			
Concrete Paving Longitudinal Float	-			
Concrete Paving Mixer	-			
Concrete Paving Saw	-			
Concrete Paving Spreader	-			
Paving Sub Grader	-			
Crane, Clamshell, Backhoe, Derrick,	-			
Dragline, Shovel (less than 1½ CY)	8.00			
Crane, Clamshell, Backhoe, Derrick,	-			
Dragline, Shovel (1½ CY & Over)	9.50			
Crusher or Screening Plant Operator	-			
Elevating Grader	-			
Form Loader	-			
Foundation Drill Operator (Crawler Mounted)	-			
Foundation Drill Op. (Truck Mounted)	-			
Foundation Drill Operator Helper	-			
Front End Loader (2½ CY & Less)	6.50			
Front End Loader (Over 2½ CY)	7.50			
Hoist (Double Drum or Less)	-			
Hoist (Over 2 drums)	-			
Mixer (Over 16 CF)	-			
Mixer (16 CF & Less)	-			
Motor Grader Operator, Fine Grade	9.50			
Motor Grader Operator	8.50			
Roller, Steel Wheel (Plant-Mix Pavements)	-			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	-			
Roller, Pneumatic (Self-Propelled)	6.50			

ZONE 16	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):				
Scrapers (17 CY & Less)	\$ 6.00			
Scrapers (Over 17 CY)	6.75			
Self-Propelled Hammer	-			
Side Boom	-			
Tractor (Crawler Type) 150 HP & Less	-			
Tractor (Crawler Type) over 150 HP	-			
Tractor (Pneumatic) 80 HP & Less	-			
Tractor (Pneumatic) over 80 HP	-			
Traveling Mixer	-			
Trenching Machine, Light	-			
Trenching Machine, Heavy	-			
Mason Drill, Boring Machine or	-			
Post Hole Driller Operator	-			
Truck Drivers:	-			
Single Axle, Light	6.35			
Single Axle, Heavy	6.60			
Tandem Axle or Semitrailer	7.00			
Lowboy-Float	9.95			
Transit-Mix	-			
Winch	-			
Vibrator Man (Hand Type)	-			
Welder	-			
Welder Helper	-			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Farmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Ford, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Tarrant, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 7 - Aransas, Bee, Calhoun, Dewitt, Colliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Ruescas, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* and Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Water & sewer lines & Highway Construction Projects Only

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazos*, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Construction Projects Only

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Cos.

SUPERSEDES DECISION

Page 2

STATE: West Virginia
LOCATION: State of West Virginia excluding the Counties of Berkeley, Jefferson, and Morgan

DECISION NO.: WV82-3002
DATE: Date of Publication
Supersedes Decision No. WV80-3018 dated July 18, 1980 in 46 FR 48457

DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories). (See Heavy and Highway Construction General Wage Determination for all work in connection with the clearing and grading of the site, also all paving incidental to the project, and all incidental water lines and sewers utilities to within 5 feet of the building line.)

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		CARPENTERS & PILEDRIVER-	
AREA 1	12.99	MEN:	
AREA 2	13.47	AREA 1	12.98
AREA 3	18.35	Carpenters	1.63
BOILERMAKERS:		Contracts under	
AREA 1	18.45	\$100,000	1.63
AREA 2	9.815	Contracts \$100,000 or	
	14.54	more	
	.01	Piledrivermen	
BRICKLAYERS, STONE MASONS,		Contracts under	
MARBLE MASONS, TERRAZZO		\$100,000	1.63
WORKERS, & TILE LAYERS:		Contracts \$100,000 or	
AREA 1	12.29	more	
AREA 2	15.44	AREA 2	1.63
AREA 3	13.20	Carpenters	1.99
AREA 4	16.29	Piledrivermen	1.99
Bricklayers & Stone		AREA 3	1.63
Masons	1.65	Carpenters	1.99
Marble Masons, Terrazzo		Piledrivermen	1.99
Workers, & Tile Layers		AREA 4	1.99
AREA 5	15.12	Carpenters	1.99
Bricklayers & Stone		Piledrivermen	1.99
Masons	1.65	AREA 5	1.99
Marble Masons, Terrazzo		Carpenters	1.99
Workers & Tile Layers		Piledrivermen	1.99
AREA 6	17.21	AREA 6	1.99
Bricklayers & Stone		Carpenters	1.99
Masons	1.66	Piledrivermen	1.99
Marble Masons, Terrazzo		AREA 7	1.99
Workers & Tile Layers		Carpenters	1.99
AREA 7	15.71	Piledrivermen	1.99
Bricklayers & Stone		CEMENT MASONS & PLASTER-	
Masons	1.66	ERS:	
Marble Masons, Terrazzo		AREA 1	14.80
Workers & Tile Layers		AREA 2	.75
AREA 8	14.35	Cement Masons	
Bricklayers & Stone		Plasterers	.02
Masons	.90	AREA 3	14.09
Masons Masons, Terrazzo		Cement Masons	14.10
Workers & Tile Layers		Plasterers	8.70
AREA 9	13.85	AREA 4	13.85
Bricklayers & Stone		Cement Masons	1.33
Masons	.90	Plasterers	.01
Marble Masons, Terrazzo		AREA 5	14.68
Workers & Tile Layers		Plasterers	1.15
AREA 10	13.99	AREA 6	15.03
Bricklayers & Stone		Cement Masons	1.18
Masons	2.32		
Marble Masons, Terrazzo			
Workers & Tile Layers			
AREA 11	13.84		
Bricklayers & Stone			
Masons	.68		
Marble Masons, Terrazzo			
Workers & Tile Layers			
AREA 12	15.23		
Bricklayers & Stone			
Masons	.68		
Marble Masons, Terrazzo			
Workers & Tile Layers			
AREA 13	13.18		
Bricklayers & Stone			
Masons			
Marble Masons, Terrazzo			
Workers & Tile Layers			

DECISION NO. WV82-3002

CEMENT MASONS & PLASTER-

ERS (CONT'D):

AREA 7

Cement Masons

Plasterers

AREA 8

Cement Masons

Plasterers

AREA 9

Cement Masons

Plasterers

AREA 10

Cement Masons

Plasterers

AREA 11

Cement Masons

Plasterers

ELECTRICIANS:

Barbour, Doddridge,

Harrison, Lewis,

Randolph & Upshure Cos.:

Wiremen

Cable Splicers

Jackson, Pleasants,

Ritchie, Tyler, Wirt &

Wood Counties:

Wiremen

Cable Splicers

Brooke (Buffalo Twp.

only), Marshall, Ohio &

Wetzel Counties:

Wiremen

Cable Splicers

Brooke (Remainder of Co.

and Hancock (except

Grant Twp.) Counties

Wiremen

Cabell & Wayne Counties:

Wiremen

Cable Splicers

Lincoln County:

Wiremen

Cable Splicers

Hancock County (Grant

Twp. only):

Wiremen

Cable Splicers

Basic Hourly Rates

Fringe Benefits

Basic Hourly Rates

Fringe Benefits

Basic Hourly Rates

Fringe Benefits

Basic Hourly Rates

Fringe Benefits

Basic Hourly Rates

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Fringe Benefits

Basic Hourly Rates

Fringe Benefits

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DECISION NO. WY82-3002	Basic Hourly Rates	Fringe Benefits
IRONWORKERS - STRUCTURAL ORNAMENTAL & REINFORCING:		
AREA 1	15.33	3.15
AREA 2	13.96	8+
AREA 3	15.96	4.47
AREA 4	3.19	3.19
AREA 5	14.12	2.90
AREA 6	12.05	1.68
Zone 1 - 10 miles from Union Hall	12.07	1.96
Zone 2 - 10-15 miles from Union Hall	12.22	1.96
Zone 3 - 15-20 miles from Union Hall	12.32	1.96
Zone 4 - over 20 miles from Union Hall	12.42	1.96
LABORERS:		
AREA 1	11.25	2.15
Group 1	11.75	2.15
Group 2	12.15	2.15
Group 3	12.15	2.15
AREA 2	10.40	2.15
Group 1	10.76	2.15
Group 2	11.19	2.15
Group 3	10.24	2.15
AREA 3	10.75	2.15
Group 1	11.16	2.15
Group 2	12.06	2.15
Group 3	12.46	2.15
AREA 4	12.71	2.15
Group 1	12.06	2.15
Group 2	12.46	2.15
Group 3	12.71	2.15
AREA 5	12.06	2.15
Group 1	12.46	2.15
Group 2	12.71	2.15
Group 3	12.06	2.15
AREA 6	12.46	2.15
Group 1	12.71	2.15
Group 2	12.06	2.15
Group 3	12.46	2.15
AREA 7	12.52	2.15
Group 1	12.82	2.15
Group 2	13.17	2.15
Group 3	13.12	2.15
Group 4		

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DECISION NO. WY82-3002	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (CONT'D):		
Summers & Wyoming Cos.: Contracts \$15,000 or less:	12.82	3+
Wiremen	13.12	1.50
Cable Splicers	15.72	3+
Contractors over \$15,000:	16.02	3+
Wiremen	15.82	1.50
Cable Splicers	15.52	3+
Fayette (except Falls & Kanawha Tps.) County: Contractors \$15,000 or less:	12.62	3+
Wiremen	12.92	3+
Cable Splicers	15.52	3+
Contractors over \$15,000:	15.82	3+
Wiremen	15.52	1.50
Cable Splicers	12.32	3+
Raleigh (except Clear Fork & Marsha Fork Tps.) County: Contractors \$15,000 or less:	12.62	3+
Wiremen	15.22	3+
Cable Splicers	15.52	2.00
Contractors over \$15,000:	18.34	8+ .79
Wiremen	20.17	8+ .79
Cable Splicers		
Kanawha County (Not including Montgomery Township) Wiremen		
Cable Splicer		

DECISION NO. WY82-3002	Basic Hourly Rates	Fringe Benefits
Putnam County	19.09	8+ .79
Wiremen	21.00	8+ .79
Cable Splicer		
Roane, Clay, Fayette, Raleigh & Boone County (Including Montgomery Township)		
Wiremen	19.34	8+ .79
Cable Splicers	21.27	8+ .79
Calhoun, Gilmer, Braxton, Webster & Nicholas Counties		
Wiremen	20.34	8+ .79
Cable Splicers	22.37	8+ .79
ELEVATOR CONSTRUCTORS: Brooke, Hancock, Marshall Ohio Counties: Mechanics	13.91	2.465+ b+c
Helpers	9.74	2.465+ b+c
Probationary Helpers	6.955	b+c
Boone, Clay, Fayette, Kanawha, Jackson, Lincoln, Putnam & Roane Counties: Mechanics	14.765	2.465+ b+c
Helpers	10.335	2.465+ b+c
Probationary Helpers	7.38	b+c
Cabell, Mason & Wayne Counties: Mechanics	15.57	2.33+ b+c
Helpers	10.90	2.33+ b+c
Probationary Helpers	7.785	b+c
GLAZIERS: AREA 1	13.28	.70
AREA 2	13.83	1.01
AREA 3	11.52	1.57

DECISION NO. WV82-3002	Basic Hourly Rates	Fringe Benefits
Brooke (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties: Linemen & Equipment	17.05	3%
Operator	17.60	3%
Cable Splicers	11.09	3%
Groundmen		
Barbour, Doddridge, Harrison, Lewis, Randolph, and Upshur Counties: Linemen & Equipment	14.58	3%
Operators	4.00	4.00
Cable Splicers	16.04	3%
Groundmen & Truck Drivers	11.66	3%
Boone, Braxton, Cabell, Calhoun, Clay, Fayette (Falls and Kanawha Twp. only), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Fork and Marsh Fork Twp. only) Counties: Linemen	18.31	3%
Cable Splicers	20.14	3%
Groundmen	11.90	3%
Mechanized Equipment Operators	14.65	3%
MARBLE, TERRAZZO & TILE FINISHERS: Statewide except for the Counties of Berkeley, Brooke, Cabell, Hancock, Jefferson, Lincoln, Mason (that portion		
south of the Kanawha River), Morgan, and Wayne	9.55	.65
Finishers	9.70	.65
Terrazzo floor	9.80	.65
Terrazzo base grinding machine		
Cable, Lincoln, Mason (that portion south of the Kanawha River), & Wayne Counties	9.87	1.15
MILLRIGHTS: AREA 1	13.28	1.99
AREA 2	10.79	.80
AREA 3	13.97	1.63
AREA 4	12.32	1.58
AREA 5	18.45	2.43
AREA 6	18.61	1.70
PAINTERS: AREA 1		
Brush, rollers, hanging wall covering & installing seamless type floors	8.95	.50
Spray, sandblasting & use of toxic materials	9.95	.50
Drywall: Taping, spackling, sanding & finishing	9.95	.50
AREA 2		
Painters - An area within 50 miles of Huntington, W.V.	11.40	.82
An area 50 miles and beyond of Huntington, W.V.	12.95	.82
Vinyl and all other wall covering and dry-wall taping		
An area within 50 miles of Huntington, W.V.	12.15	.82
An area 50 miles and beyond of Huntington, W.V.	13.70	.82

DECISION NO. WV82-3002	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION CONT'D: Grant County: Linemen	15.20	3%
Equipment Operators	14.49	2.20
Truck Drivers & groundman	10.23	2.20
Hardy & Pendleton Cos.: Linemen, Cable Splicers & Equipment Operators	12.11	3%
Truck with winch, pole or steel handling	7.43	.45
Groundmen	7.17	.45
Hancock County - Grant Twp. only: Linemen & Equipment	13.30	22%
Operators	13.70	22%
Cable Splicers	11.90	22%
Truck Drivers & Groundmen		
Raleigh (except Clear Fork and Marsh Fork Twp.): Linemen & Equipment	15.22	3%
Operators	15.22	3%
Cable Splicer	12.20	3%
Groundmen and Truck Drivers		
Summers & Wyoming Cos.: Linemen & Equipment	15.72	3%
Operators	16.02	3%
Cable Splicers	12.60	3%
Groundmen and Truck Drivers		
Fayette County (except Falls and Kanawha Townships): Linemen & Equipment	15.52	3%
Operators	15.82	2.00
Cable Splicers	12.44	3%
Groundmen and Truck Drivers		
Marion, Monongalia, Preston, Taylor & Tucker Counties: Linemen & Equipment	14.65	3%
Operators	16.12	3%
Cable Splicers	11.72	3%
Groundmen & Truck Drivers		
Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties: Linemen & Equipment	15.30	3%
Operators	16.83	4.95
Cable Splicers	12.24	3%
Groundmen		
Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties: Linemen & Equipment	15.03	3%
Operators	15.28	3%
Cable Splicers	12.02	3%
Groundmen		

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DECISION NO. WVB2-3002	PAINTERS CONT'D:	Basic Hourly Rates	Fringe Benefits
	Vinyl hangers & paper hangers (with tools)	12.34	.65
	AREA 7 (NEW)	13.03	.65
	Air compressor operator	13.03	.65
	Brush painting	13.55	.65
	Roller, Dry-wall Pointers & Tapers Dipping & Mitten Work & Spray Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & boatswain Chair, Window Belt & Window Jack Work	14.22	.65
	Brush Painters on Bridges, Needle Beam, Cable Work, Power Tool Work, Brush & Flaming	14.75	.65
	Cleaning Mechanical Taping Machines	15.26	.65
	Sand Blasters	15.20	.65
	All Stacks, Vent Pipe, Flag Poles in excess, of 30' high, all Towers, Water Towers, Elevated Tanks, Electrical Switch Yards, Transformer Banks & Television Towers	16.54	.65
	Vinyl hangers & Paper Hangers (with tools)	13.49	.65
	AREA 8		
	Brush & Roller: Commercial	9.68	
	Industrial	11.193	
	Commercial Spray	10.89	
	Structural Steel: Industrial	13.30	
	Paperhanging & Wall-covering under 48"	8.50	
	Paperhanging & Wall-covering over 48"	9.00	
	Plumbers & Pipefitters		
	AREA 1	14.19	4.06
	AREA 2	14.44	2.64
	AREA 3	14.69	2.64
	AREA 4	14.94	2.64
	AREA 5	13.39	1.82
	AREA 6	15.07	4.92
	AREA 7	14.43	1.80
	AREA 8		
	Zone 1 - within an 8 mile radius of Cabell County Courthouse, Huntington, W.V.	16.01	3.92
	Zone 2 - 8 to 15 miles from the courthouse	16.21	3.92
	Zone 3 - 15 to 25 miles from the courthouse	16.41	3.92
	Zone 4 - Over 25 miles from the courthouse	16.66	3.92
	AREA 9		
	Contracts to \$75,000	8.20	2.445
	Contracts above \$75,000	14.005	2.445
	PLUMBERS & STEAMFITTERS	16.84	2.05
	TORS:		
	Group 1	14.76	1.82
	Group 2	14.26	1.82
	Group 3	13.76	1.82
	Group 4	13.36	1.82
	Group 5	12.96	1.82
	Group 6	12.26	1.82

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DECISION NO. WVB2-3002	PAINTERS CONT'D:	Basic Hourly Rates	Fringe Benefits
	Open structural steel	9.71	.31
	Drywall pointers & tapers	9.81	.31
	Liquid tile brush	10.13	.31
	Stacks, vent pipes, flag poles, electrical, radio & T.V. Towers & tanks over 30' high	10.31	.31
	Hydroject, steam cleaning & glove work	10.38	.31
	Operating mechanical taping machines	10.81	.31
	AREA 7 (REPAINT)		
	Air compressor operator	11.85	.65
	Brush painting	11.85	.65
	Roller, Dry-wall pointers & Tapers	12.36	.65
	Dipping & Mitten Work & Spray		
	Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & boatswain Chair, Window Belt & Window Jack Work	13.41	.65
	Brush Painters on Bridges, Needle Beam, Cable Work, Power Tool Work, Brush & Flame Cleaning	14.01	.65
	Operating Mechanical Taping Machines	14.33	.65
	Sand Blasters	14.48	.65
	All Stacks, Vent Pipe, Flag Poles in excess, of 30' high, all Towers, Water Towers, Elevated Tanks, electrical Switch Yards, Transformer Banks & Television Towers	15.92	.65
	Commercial Repaint:		
	Brush	9.36	.31
	Roller	9.62	.31
	Spray & Blast	10.38	.31
	Pot-men	10.38	.31
	Commercial Repaint:		
	Brush	7.94	.31
	Roller	8.22	.31
	Paperhanger	9.36	.31
	Drywall	9.81	.31
	Spray, pot-men	10.38	.31
	Paper & vinyl hangers	9.36	.31

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ROOFERS:

AREA 1
AREA 2
AREA 3
(Roofers engaged in hot waterproofing which is applied vertically or in an enclosed area shall receive an additional \$.50 per hour)

Composition Roofers

Composition Mopmen

Slaters

SHEETMETAL WORKERS:

AREA 1

AREA 2

AREA 3

AREA 4

AREA 5

SOFT FLOOR LAYERS:

AREA 1

AREA 2

AREA 3

AREA 4

SPRINKLER FITTERS

TRUCK DRIVERS:

AREA 1

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

Group 10

Group 11

Group 12

Group 13

Group 14

Group 15

Group 16

Group 17

Group 18

Group 19

Group 20

Group 21

Group 22

Basic Hourly Rates	Fringe Benefits
13.81	1.00
15.93	1.87
15.35	.31
12.35	1.15
12.50	1.15
12.60	1.15
10.20	2.27
12.56	2.12
13.94	2.11
16.57	1.32
12.48	1.33
14.71	3.15
13.42	2.05
15.75	2.43
13.96	1.87
15.10	2.43
8.16	f+g
8.26	f+g
8.41	f+g
8.46	f+g
8.51	f+g
8.61	f+g
8.81	f+g
9.20	d+n
9.30	d+n
9.45	d+n
9.60	d+n
9.85	d+n
9.95	d+n

TRUCK DRIVERS CONT'D:

AREA 7

Group 1

Group 2

Group 3

Group 4

Group 5

Basic Hourly Rates	Fringe Benefits
8.83	2.05
8.98	2.05
9.18	2.05
9.37	2.05
9.61	2.05

AREAS COVERED BY ASBESTOS WORKERS

AREA 1 - Hampshire and Hardy Counties.

AREA 2 - Barbour, Brooke, Grant, Hancock, Harrison, Marion, Marshall, Mineral, Monongalia, Ohio, Taylor, Tucker and Wetzel Counties.

AREA 3 - Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lewis, Lincoln, Logan, Marshall, Mason, McBowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Upshure, Wayne, Webster, Wirt, Wood and Wyoming Counties.

AREAS COVERED BY BOILERMAKERS

AREA 1 - Barbour, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marshall, Mason, McBowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshure, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming Cos.

AREA 2 - Hancock County.

AREAS COVERED BY BRICKLAYERS, STONEMASONS ETC

AREA 1 - Hampshire, Mineral, Morgan, Berkeley & Jefferson Counties.

AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshure and Webster Counties.

AREA 3 - McDowell, Mercer, Monroe & Wyoming Counties.

AREA 4 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Putnam, Putnam, Raleigh, Summers and Logan Counties.

AREA 5 - Cabell, Lincoln, Mason, Mingo and Wayne Counties.

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AREA COVER BY BRICKLAYERS, STONEMASONS ETC CONT'D

- AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood Counties.
- AREA 7 - Marshall, Ohio, Tyler and Wetzel Counties.
- AREA 8 - Brooke & Hancock Counties.

AREAS COVERED BY CARPENTERS & PILEDRIVERS

- AREA 1 - Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Webster Counties.
- AREA 2 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.
- AREA 3 - Brooke, Hancock, Marshall & Ohio Counties.
- AREA 4 - Boone, Clay, Fayette, Greenbrier, Jackson (southern portion including the towns of Leon, Ripley, Hartford), Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, and Wyoming Counties.
- AREA 5 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.
- AREA 6 - Cabell, Mingo & Wayne Counties.

AREAS COVERED BY CEMENT MASONS & PLASTERERS

- AREA 1 - Hampshire & Mineral Counties.
- AREA 2 - Calhoun, Gilmer, Jackson, Mason (northern portion of the county, south to but not including Point Pleasant), Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
- AREA 3 - McDowell, Mercer, Monroe & Wyoming Counties.
- AREA 4 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln (eastern half of county), Logan, Putnam, Raleigh & Roane Counties.
- AREA 5 - Brooke, Marshall, Ohio, and Wetzel.
- AREA 6 - Brooke, Hancock, Marshall, Ohio & Wetzel Counties.
- AREA 7 - Barbour, Doddridge, Harrison, Lewis, Taylor, Tucker, Upshure and Webster Counties.

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AREAS COVERED BY CEMENT MASONS & PLASTERERS CONT'D

- AREA 8 - Marion, Monongalia Counties.
- AREA 9 - Cabell, Lincoln (remainder of county), Mason (remainder of county) & Wayne Counties.
- AREA 10 - Greenbrier County.
- AREA 11 - Grant, Hardy, Pendleton, Pocahontas & Randolph Counties.

AREAS COVERED BY GLAZIERS

- AREA 1 - Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
- AREA 2 - Boone, Cabell, Calhoun, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Summers, Wayne & Wyoming Counties.
- AREA 3 - Marshall, Ohio & Wetzel Counties.

AREA COVERED BY IRONWORKERS

- AREA 1 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshure, Wirt & Wood Counties.
- AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler, Wetzel, Preston & Randolph Counties.
- AREA 3 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
- AREA 4 - Grant, Hampshire, Hardy, Mineral, Pendleton & Tucker Counties.
- AREA 5 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.
- AREA 6 - Cabell, Mingo & Wayne Counties.

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CLASSIFICATION DEFINITIONS
LABORERS - AREAS 1,2,3,4,5

- GROUP 1 - Laborers; carpenter tender; fire watch; landscape laborer. water boy; demolition worker;
- GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tenders; lathers tenders; tile setters tenders; mortar mixers jackhammer operators; vibrator operators; tamper operators; pavement buster operators; shipping & peening hammer operators; air syphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators; asphalt rakers; lance and/or water blaster operators; post hole digger operators; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote, nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tamperers.
- GROUP 3 - Blacksmith; powdermen; air track operator; pipe layer (including laser beam set-up); burner.
- LABORERS - AREAS 6
- GROUP 1 - Laborers; carpenter tender; fire watch; landscape laborer. water boy; demolition worker;
- GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tenders; lathers tenders; tile setters tenders; mortar mixers jackhammer operators; vibrator operators; tamper operators; pavement buster operators; shipping & peening hammer operators; air syphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators; asphalt rakers; lance and/or water blaster operators; post hole digger operators; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tamperers.
- GROUP 3 - Blacksmith; air track operator; pipe layer (including laser beam set-up); burner.

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LABORERS - AREAS 7

- GROUP 1 - Laborers; carpenter tender; laborer; tool room attendants water boy; fire watch; landscape laborer;
- GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tender jackhammer operators; vibrator operators; tamper operators; pavement buster operators; shipping & peening hammer operators; air syphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; pipelayers helpers; drill operators; chain saw operators; motorized buggy operators; power saw operators; asphalt rakers; lance and/or water blaster operator; post hole digger operators; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; ride or walk roller tamperers; demolition work; leadman on concrete hose; scaffolding work over 50 ft. (inside and outside)
- GROUP 3 - Blacksmith; powdermen; air track operator; pipe layer (including laser beam set-up); burner.
- GROUP 4 - Deep ditch vertical 6 ft. or more
- LABORERS - AREA 8
- GROUP 1 - General laborers, drinking water supplier. carpenter tenders, toolroom men, and
- GROUP 2 - All Brick Handlers, Tenders for Brick Masons, Plasterers, Stone Masons Tile Setters, Mortormen for Masons and Plasterers and Men Mixing Cement for Cement Finishers, Scaffold Builders, Mortar Mixer Machine Operator.
- GROUP 3 - Laborers Operating Concrete Busters, Jack Hammers, Air Spades, Chipping Hammers, Air Tampers, Vibrators, Power Buggy, Concrete Saw, Power Buggy, Concrete Saw, Sandblaster, Acetylene Burners, Scuba Diver, Panel Cleaning Machine Operators, Signamen, All Power Driven Tools, Air Pump, Air Blow Pipe, Pipelayer and Helper Working in Ditches or Tunnels, Hand Spikers on Railroads, and Laborer Handling Concrete for Test or working with Tar Acid, and Creosote
- GROUP 4 - Laborers performing work pertaining to or in connection with and repair of Stoves, Blast Furnaces, Basic Oxygen Process Furnaces, Kilns, Soaking Pits, Coke Batteries on Industrial Work.

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AREAS COVERED BY LATHERS

- AREA 1 - Boone, Clay, Fayette, Kanawha, Putnam & Roane Counties.
- AREA 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Taylor, Tyler, Upshur & Wetzel Counties.
- AREA 3 - Brooke, Marshall & Ohio Counties.
- AREA 4 - Hancock County.
- AREA 5 - Cabell, Mason & Wayne Counties.
- AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.
- AREAS COVERED BY MILLWRIGHTS
- AREA 1 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.
- AREA 2 - Cabell & Wayne Counties.
- AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Marion, Lewis, Monongalia, Randolph, Taylor, Tucker, Upshur & Webster Counties.
- AREA 4 - Brooke, Hancock, Marshall & Ohio Counties.
- AREA 5 - Boone, Clay, Fayette, Greenbrier, Jackson (southern portion including the towns of Leon, Rippley & Hereford), Kanawha, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Braxton, Lincoln, Summers, and Wyoming Counties.
- AREA 6 - Calhoun, Jackson (remainder of county), Pleasants, Ritchie, Tyler, Wetzel, Wirt, & Wood Counties.

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LABORERS - AREA 8 CONT'D

GROUP 5 - Demolition of Stacks

GROUP 6 - Blastermen and Helper, Bellman and Lancer, All Bottom men in Blast Furnaces, Stacks, Stoves and Dust Catchers, Mud Men and Laborers working with Carbon Brick and Handling Bottom Block on Blast Furnaces, Stacks, Stoves, and Dust Catchers.

GROUP 7 - Ditches, Trenches, Caissons and Coffers over 6' deep, open top.

GROUP 8 - Miners including Caissons and Coffers, Horizontal or Underground, Mucking Machine Operators.

GROUP 9 - Tunnel Laborers, Muckers including Caissons and Coffers, Horizontal and Underground.

GROUP 10 - Guniting Nozzlemen and Guniting Machine Operator---Grout Nozzlemen and Grout Machine Operator.

AREAS COVERED BY LABORERS

- AREA 1 - Boone, Clay, Fayette, Kanawha, Nicholas, Putnam & Roane Counties.
- AREA 2 - Barbour, Braxton, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Lewis, Marion, Mineral, Monongalia, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.
- AREA 3 - Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers & Wyoming Counties.
- AREA 4 - Cabell, Lincoln, Mason & Wayne Counties.
- AREA 5 - Logan & Mingo Counties.
- AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
- AREA 7 - Marshall, Ohio & Wetzel Counties.
- AREA 8 - Brooke & Hancock Counties.

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AREAS COVERED BY PAINTERS

- AREA 1 - Grant, Hampshire, Hardy, Mineral, Pendleton & Morgan Counties.
 AREA 2 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
 AREA 3 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
 AREA 4 - Brooke (Remainder of county) & Hancock Counties.
 AREA 5 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Upshur & Webster Counties.
 AREA 6 - Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
 AREA 7 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
 AREA 8 - Monongalia and Preston Counties.
- AREAS COVERED BY PLUMBERS & PIPEFITTERS
- AREA 1 - Harrison, Marion & Monongalia Counties
 AREA 2 - Barbour, Doddridge, Lewis, Preston, Taylor & Upshur Counties.
 AREA 3 - Braxton, Gilmer, Randolph and Tucker Counties
 AREA 4 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.
 AREA 5 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
 AREA 6 - Brooke (remainder of county) & Hancock Counties.
 AREA 7 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
 AREA 8 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
 AREA 9 - McDowell, Mercer, Monroe, Raleigh, Summers and Wyoming Counties.
- AREA COVERED BY PLUMBERS & STEAMFITTERS
- Boone, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Pocahontas, Putnam, Roane, and Webster Counties.

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CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS

- GROUP 1 - All cranes, derricks and tower cranes with 250 feet of boom including mast and gibs or lifting capacity of 150 tons, and hoists 30,000 pound line pull or more, cableways
- GROUP 2 - Those operating cranes, derricks, tower cranes and similar equipment with a lifting capacity over 15 tons, all shovels, draglines, clamshells, tow boats or work boats, caisson drilling rigs, backhoes 1 1/2 cubic yard and over, endloaders 3 cubic yards and over, graders, all mechanics, side boom cat, and concrete mixing plants 3 cubic yards and over, hoist 18,000 pound line pull.
- GROUP 3 - All cranes, derricks, tower cranes and similar equipment with a lifting capacity of 15 tons and under. Concrete mixing plant under 3 cubic yards, endloaders up to 3 cubic yards, backhoes up to 1 1/2 cubic yards, hoist in excess of 5,000 pound line pull, core drills, two drum hoist, concrete pump standard gauge locomotive.
- GROUP 4 - Material hoist, single drum, fireman, deckhand, well point system, elevators, fork lifts, ross carrier, air compressor (600 CFM or over), high compression equipment, Load handler.
- GROUP 5 - Trencher, air tugger, two bag mixer, concrete batch plant, "A" frame truck, rubber tired scraper, power grader, dozer, tractor and pan, push cat, all tractors, oilers on standard gauge locomotive, locomotive cranes, truck cranes, grease truck operator and greaser, asphalt and concrete paving equipment operator, brakeman on cranes used for moving rail cars (when equipment is moving cars only).
- GROUP 6 - Roller and compactor, 1 bag concrete mixer, Barber Green loader, mechanic helper, crawler crane oiler, air compressor, welding machine (gasoline powered), light plant, generator, conveyor, mechanical heater and pump operator.
- AREA COVERED BY ROOFERS
- AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.
 AREA 2 - Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne, Webster & Wyoming Counties.
 AREA 3 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt & Wood Counties.
 AREA 4 - Grant, Hardy & Mineral Counties.

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AREAS COVERED ON SHEETMETAL WORKERS

- AREA 1 - Grant, Hampshire, Hardy & Mineral Counties.
 AREA 2 - Cabell, Lincoln, Logan, Mingo & Wayne Counties.
 AREA 3 - Brooke, Hancock, Marshall & Ohio Counties.
 AREA 4 - Boone, Clay, Fayette, Greenbrier, Kanawha, Mason, McDowell, Mercer, Monroe, Nicholas, Putnam, Raleigh, Summers, Webster & Wyoming Counties.
 AREA 5 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt & Wood Counties.
- AREAS COVERED BY SOFT FLOOR LAYERS
- AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.
 AREA 2 - Cabell, Mingo & Wayne Counties.
 AREA 3 - Boone, Clay, Fayette, Greenbrier, Jackson (southern portion including the Leon, Ripley, and Hereford), Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, & Wyoming Counties.
 AREA 4 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - AREA 1

- GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station-wagons, panel trucks, flatbody material truck (straight job), greasers, washers, tiremen, gas pumps attendants, dump trucks (up to 5 cubic yards)
- GROUP 2 - Tank truck (straight)
- GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), agitator or mixer trucks (up to 5 cubic yards), farm type tractor, tank truck (semi).
- GROUP 4 - Low-Boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, mono-rail truck.

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - AREA 1 CONT'D

- GROUP 5 - Material checker and receiver, mechanics helpers.
 GROUP 6 - Agitator or mixer truck (5 cubic yards and over).
 GROUP 7 - Mechanics, euclid, dumpster, turnarocker, ross carriers, atthey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.
- TRUCK DRIVERS AREA 2
- GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station-wagons, panel trucks.
 GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), greasers, washers, tiremen, gas pump attendants, mechanic helpers, material checkers & receivers, tank truck (straight).
 GROUP 3 - Dump trucks (5 cubic yards & over), semi-dump trucks, semi-trailer (whether flat, rack or pole and hauled or pushed by truck or tractors), agitators or mixed trucks (up to 5 cubic yards), tank trucks (semi), monorails.
 GROUP 4 - Low-boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, agitators or mixer trucks (5 cubic yards & over), hydraulic tail gate, farm type tractors.
 GROUP 5 - Euclids, dumpsters, turnarockers, ross carriers, atthey wagons or similar equipment, A-frame, hydrolift, dual purpose trucks.
 GROUP 6 - Mechanics.
- TRUCK DRIVERS - AREA 3
- GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station-wagons, panel trucks, flatboat material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cubic yards)
 GROUP 2 - Tank truck (straight)
 GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi trailers (whether flat rack or pole and hauled or pushed by truck or tractors), agitator or mixer trucks (up to 5 cubic yards), tank truck (semi)

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TRUCK DRIVERS - AREA 3 CONT'D

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, moni-rail truck.

GROUP 5 - Material checker and receiver, mechanics helpers.

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, tri-axle dump trucks, hydraulic lift tailgate truck and farm type tractors, end dumpsters, turnarockers, ross carriers, atthey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS - AREA 4

GROUP 1 - Warehouse, yardmen, truck helpers, pick-ups, station-wagons, panel trucks, team 2 - up.

GROUP 2 - Flatbody material (straight jobs), dump trucks (up to 5 cubic yards), material checkers, material receivers, team 4 - up, greasers, tiremen and mechanic helpers (truck).

GROUP 3 - Semi-dump truck, semi-trailers (flat rack or pole), low-boys trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards) dump trucks and dumpster (5 to 12 yards).

GROUP 4 - Dump truck, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker, rubber-tired tractor (towing or pushing).

GROUP 5 - Dump truck, agitator or mixer trucks and other hauling equipment (20 yards and over)

GROUP 6 - "A" Frame operator, mechanics (truck).

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TRUCK DRIVERS - AREA 5

GROUP 1 - Flat bed material trucks, dump trucks, semi-dump trucks

GROUP 2 - Tank trucks (straight & semi)

GROUP 3 - Semi-trailers, tractor trailers

GROUP 4 - Pole trailer

GROUP 5 - Agitator & mixer trucks (up to 5 cubic yards)

GROUP 6 - Euclids, dumpsters, turnarocker, ross carriers, atthey wagons

GROUP 7 - Agitator & mixer trucks (over 5 cubic yards)

GROUP 8 - Low-boy trailers, winch trucks, ford trucks (front and back end) truck crane.

GROUP 9 - A-Frame

GROUP 10 - Mechanics

TRUCK DRIVERS - AREA 6

GROUP 1 - Warehousemen, yardmen, truck helpers

GROUP 2 - Greasers, washers, tiremen, gas pump attendants, mechanics helpers

GROUP 3 - Flatboy material trucks, dump trucks, semi-trucks

GROUP 4 - Tank trucks (straight & semi)

GROUP 5 - Semi-trailers & tractor trailers

GROUP 6 - Euclids, dumpsters, turnarockers, ross carriers, atthey wagons

GROUP 7 - Low-boy trailers, winch trucks, A-frame, fork trucks, distributor (front & back end), truck crane

GROUP 8 - Mechanics

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Welders - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Paid Holiday: Christmas Day.
- b. Paid Holidays: A through F.
- c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- d. Employer contributes \$93.17 per month per employee employed 30 days or more.
- e. Employer contributes \$21.50 per week per employee.
- f. Employer contributes \$41.16 per month per employee employed 30 days or more.
- g. Employer contributes \$34.67 per month per employee.
- h. Employer contributes \$93.17 per month per employee employed 30 days or more.
- i. Employer contributes \$26.00 per month per employee employed 30 days or more.
- j. Employer contributes \$60.67 per month per employee employed 30 days or more.
- k. Employer contributes \$28.50 per month per employee employed 30 days or more.
- l. Employer contributes \$6.30 per week per employee.
- m. Employer contributes \$6.00 per week per employee.
- n. Employer contributes \$26.00 per month per employee employed 30 days or more.

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TRUCK DRIVERS - AREA 7

GROUP 1 - Dumpmen & flagmen

GROUP 2 - Pick-up trucks, dump trucks under 5 yard capacity, straight trucks

GROUP 3 - Panel trucks, straight truck with multiple axle, dumpsters under 5 yard capacity, transit mix, dump trucks from 5 to 9 yards capacity, flat body material trucks (straight jobs), greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flatbody vehicles), & form trucks

GROUP 4 - Dump trucks 10-15 yard capacity

GROUP 5 - Dump trucks over 15 yard capacity, bottom and end dump euclids, all other euclid type trucks, turnarockets, ross carriers, atchey wagons, A-frames, mechanics, semi-trailer or tractor trailers, low boy trucks, asphalt distributor trucks, agitator mixer, dumptrucks or batch trucks, specialized earth moving equipment, off highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

AREAS COVERED BY TRUCK DRIVERS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers, Webster & Wyoming Counties.

AREA 2 - Calhoun, Gilmer, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.

AREA 3 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties

AREA 4 - Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia, Randolph, Taylor, Tucker & Upshur Counties

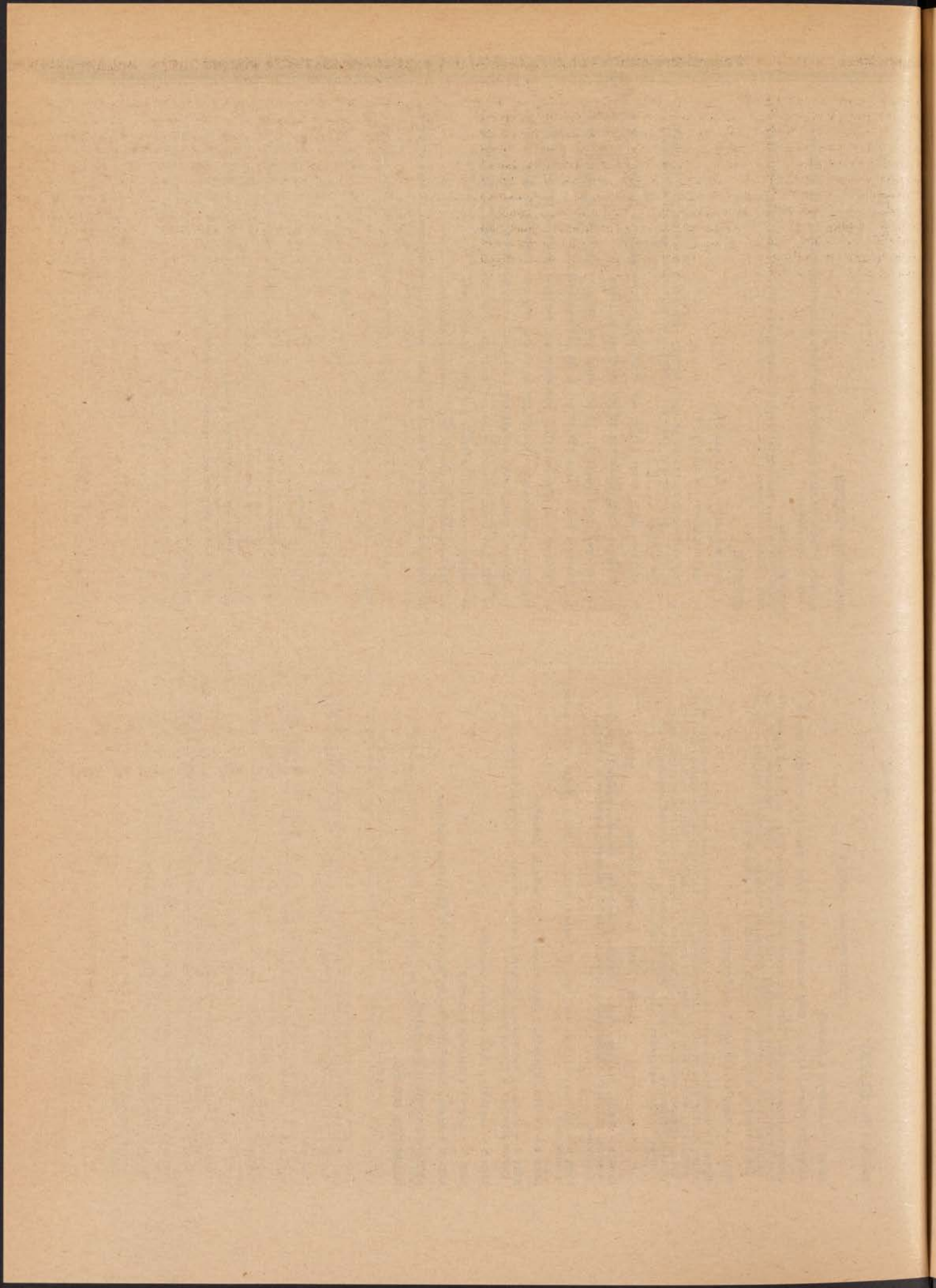
AREA 5 - Marshall, Ohio & Wetzel Counties

AREA 6 - Brooke & Hancock Counties

AREA 7 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties

[FR Doc. 82-29524 Filed 10-29-82; 8:45 am]

BILLING CODE 4510-27-C



Testis Great Paper Federal

Friday
October 29, 1982

Part IV

Environmental Protection Agency

Proposed Water Quality Standards and
Public Meetings

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35, 120 and 131

[WH-FRL 2113-3]

Water Quality Standards Regulation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise and consolidate in a new Part 131 the existing regulations now codified in 40 CFR Parts 120 and 35 that govern the development, review, revision and approval of water quality standards under Section 303 of the Clean Water Act.

The proposed changes reflect experiences gained in the program by both EPA and the States. The changes increase the flexibility of the States to:

- Review and revise, as appropriate, water quality standards on priority water bodies or segments as necessary rather than reviewing all standards statewide every three years;
- set site-specific criteria rather than adopt Section 304(a) criteria guidance;
- remove or modify impaired uses based on analyses of the attainability of the uses and on benefit-cost assessments, if appropriate, rather than maintain use designations which cannot be met.

These changes will enable States to use water quality standards as a pragmatic tool in improving water quality where necessary to protect water uses.

DATES: Written public comments should be submitted to the person listed immediately below by January 27, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Sabock, Chief, Criteria Branch, Office of Water Regulations and Standards, United States Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245-3042.

SUPPLEMENTARY INFORMATION: Information in the preamble is presented in the following order.

- A. Introduction
- B. Proposed Changes and Clarifications
- C. State Water Quality Standards Review Process
- D. State/Federal Roles
- E. Impact on State Resources
- F. Regulatory Impact Analysis
- G. List of Subjects in 40 CFR 131

Appendix A: Response to Public Comment on the ANPRM (43 FR 29488, July 10, 1978).

A. Introduction

A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use

or uses to be made of the water and by setting criteria necessary to protect the uses. States adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (the Act). "Serve the purposes of the Act" (as defined in Sections 101(a)(2) and 303(c) of the Act) means that water quality standards should, "wherever attainable," provide water quality for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water and take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreation, agricultural and industrial purposes and navigation.

Water quality standards are the foundation of a State's water quality management process. The State water quality management process varies from State to State but the phrase is used here to describe the general mechanism States use to integrate the various activities under the Act into a coherent management framework. Section 106, 205(g), 205(j), 208, 303 and 305 of the Act set out the planning and management activities to be undertaken by States and local governments to establish their water quality goals and standards and to develop programs which will meet those goals. This includes: (1) Setting and revising standards for all water bodies; (2) water monitoring activities upon which water quality based decisions are made, progress evaluated in meeting State goals and the effectiveness of water quality planning and management efforts measured; (3) total maximum daily loads and waste load allocations for each water body that cannot meet water quality standards after point sources are controlled by national municipal and industrial technology based controls; (4) the water quality management plan, certified by the Governor and approved by EPA, which lists the standards, prescribes the regulatory and construction activities necessary to meet the standards and guides the implementation of water pollution control programs; (5) the Continuing Planning Process (CPP) document which outlines the process by which the State will undertake each of these planning and management activities; and (6) the 305(b) report which documents the status of water quality and water pollution control programs of the States.

The U.S. Environmental Protection Agency (EPA) is revising the Water Quality Standards Regulation (40 CFR 35.1550) as part of an overall effort to assist States in improving the management of their water quality

programs. Several policy initiatives are incorporated into the revised water quality standards regulation which will serve to improve the water quality standards decision-making process by ensuring that the decisions are based on sufficient data and information, appropriate scientific analyses and open debate and involvement with those affected by the decisions.

States are encouraged to obtain the necessary data and information to: (1) Adequately analyze the attainability of the uses; (2) perform benefit-cost assessments on attaining the uses; and (3) set site-specific criteria. Other State agencies, local and regional governmental entities, industry, and environmental and academic groups which have data and information can assist States in their analyses prior to the public hearing process on the revisions of State water quality standards. The State analyses are to be available at the public hearing so that during the public hearing, interested groups can debate, support and/or challenge the analyses the State used as a basis for any possible revisions to their standards. The changes recommended in the proposed regulation will enable States to use standards as a pragmatic tool in the State water quality management process and as the foundation for water quality-based control programs.

The U.S. Environmental Protection Agency's *Guidelines for State and Areawide Water Quality Management Program Development*, Chapter 5, "Water Quality Standards," November 1976, is rescinded. It will be superseded by the *Water Quality Standards Handbook*. The Handbook will contain the guidance to assist States in implementing their water quality standards program. This guidance will be available before the final regulation is published. Copies of the draft guidance documents may be obtained for review and comment from the individual referenced under "FOR FURTHER INFORMATION CONTACT". The documents include:

Water Quality Standards Handbook. All the guidance published by EPA to assist States in implementing their water quality standards program will be included in a handbook so that any future policy or program interpretation may be easily added. The handbook includes:

- *Water-body Surveys and Assessments for Analyzing the Attainability of Uses*. Describes the biological, chemical and physical factors that States may evaluate in determining existing uses of a water body and

whether designated uses are attainable based on the characteristics of the water body.

- *Benefit-Cost Assessment in the Water Quality Standards Decision-Making Process.* Outlines alternative analyses States may use in deciding whether the benefits of attaining a use bear a reasonable relationship to the costs.

- *Setting Site-Specific Criteria.*

Outlines methods for setting site-specific criteria to reflect instream conditions.

EPA would appreciate public comment on any aspect of the proposed water quality standards regulation and program, but especially on the options described for the antidegradation policy in section C.6 of this Preamble.

B. Proposed Changes and Clarifications

EPA is proposing the revision to the water quality standards regulation to make fundamental changes in the management of the program. These changes would enable the States to:

- Design a water quality standards program based on priority water quality pollutant problems;
- Select the uses and set criteria consistent with meeting the requirements of the Act; and
- Revise uses based on an analysis of the attainability of uses and the costs and benefits of attaining the uses.

The major proposed changes in the water quality standards program include:

1. Focusing on priority water bodies
2. Determining the attainability of uses by:
 - a. Analyzing environmental and physical factors impacting the attainment of a use
 - b. Assessing the benefits and costs of attaining a use
3. Changing designated uses
4. Providing for varying levels of aquatic protection
5. Developing site-specific criteria
6. Clarifying the antidegradation policy
7. Eliminating provisions relating to national resource waters
8. Recognizing general policies applicable to State water quality standards
9. Specifying elements which EPA will review in approving State water quality standards.

1. Focus on Priority Water Bodies

Existing Provision: "The State shall hold public hearings for the purpose of reviewing water quality standards and shall adopt revisions to water quality standards, as appropriate, at least once every three years * * * " (§ 35.1550(a)).

Proposed Change: To ensure that standards are reviewed in detail, based on adequate data and information, the proposed regulation no longer requires States to review all their water quality standards every three years. Rather, EPA is encouraging States to select priority water quality limited¹ segments for review, as necessary. The selection of these segments, and their review in accordance with this regulation satisfies the requirement in Section 303(c)(1) of the Act that standards be reviewed from time to time (but at least once during each three year period).

Priority water quality areas will be identified in accordance with the revised regulation for water quality management planning (40 CFR Part 130) and guidance for State preparation of Section 305(b) reports. Priority water quality areas will be used for scheduling total maximum daily loads and major permits, as well as developing construction grant priority lists and focusing monitoring, enforcement and reporting efforts. Priorities may include areas where advance treatment and combined sewer overflow funding decisions are pending, major water quality-based permits are scheduled for issuance or renewal, or toxics have been identified or are suspected of precluding a use or are posing an unreasonable risk to human health. In selecting priorities, States should also take into account the "Municipal Wastewater Treatment Construction Grant Amendments of 1981" (Pub. L. 97-117, December 29, 1981). Section 24 of the amendment is intended to ensure that water quality standards influencing construction grant decisions have been reviewed in accordance with Section 303(c) of the Act. It prohibits the issuance of a grant after December, 1984, unless the State has completed its review of the water quality standard for any segments affected by the project grant (see Interim Final Rule 40 CFR 35.2111, 47 FR 20450, May 12, 1982).

To comply with Section 24 on effluent limited segments no further water quality standards review will be needed beyond the determination that the segment is effluent limited. A more comprehensive review will be required for water quality limited segments for which an AT project application is anticipated. The level of review is dependent on particular site-specific conditions. Guidance is available which

¹ Water quality limited segment means any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by sections 301(b)(1) and (2) of the Act.

describes analyses that States may find appropriate in reviewing their water quality standards in detail.

By focusing on high priority water quality limited segments where the costs or benefits of installing controls are significant, States will be able to collect and analyze the data and information necessary to improve their decision-making process. State water quality agencies should work with other State, Federal, areawide and local planning agencies and the private sector to assist in assembling the data and in performing the analyses. Since the review of standards will be a continuous process, EPA and the States should cooperatively develop a list of priority water quality limited segments which will be reviewed in the coming year. Such annual plans will enable EPA to assist States more effectively in revising their standards.

2. Use Attainability

Existing Provision: Under § 35.1550(b) and (c) of the existing regulation:

The water quality standards of the State shall:

- (1) Protect the public health or welfare, enhance the quality of water and serve the purposes of the Act;
- (2) Specify appropriate water uses to be achieved and protected, taking into consideration the use and value of water for public water supplies, propagation of fish, shellfish, and wildlife, recreation purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation * * *

In reviewing and revising its water quality standards, the State shall adhere to the following principles:

(1) The State shall establish water quality standards which will result in the achievement of the national water quality goal specified in section 101(a)(2) of the Act, wherever attainable. In determining whether such standards are attainable for any particular segment, the State should take into consideration environmental, technological, social, economic, and institutional factors.

(2) The State shall maintain those water uses which are currently being attained. Where existing water quality standards specify designated water uses less than those which are presently being achieved, the State shall upgrade its standards to reflect the uses actually being attained.

(3) At a minimum, the State shall maintain those water uses which are currently designated in water quality standards, effective as of the date of these regulations or as subsequently modified * * *. The State may establish less restrictive uses than those contained in existing water quality standards, however, only where the State can demonstrate that:

- (i) The existing designated use is not attainable because of natural background;

(ii) The existing designated use is not attainable because of irretrievable man-induced conditions;

(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2)(A) and (B) of the Act in order to attain the existing designated use would result in substantial and widespread economic impact.

(4) The State shall take into consideration the water quality standards of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters."

Proposed Change: Since passage of the Water Quality Act of 1965 (Pub. L. 89-234) water quality standards were set to provide for the protection and propagation of fish, shellfish and wildlife, and recreation in and on the water, often without adequate analysis as to whether these uses were attainable. Agricultural or industrial purposes or navigation, which may have been more appropriate as the principal use, were usually rejected as not meeting the requirements of the Act. As a result, some standards reflecting unreasonable stream uses were adopted which either forced overly stringent and costly treatment controls or were simply ignored in the implementation of water pollution control programs.

Because legitimate factors may effectively prevent a use from being met, EPA recommends that States justify changes in the use designations by analyzing the attainability of uses (see proposed section 40 CFR 131.11(a) and (b)). These particular analyses are optional. However, some type of adequate analysis must be submitted to support revisions to standards. EPA believes that the information generated by the suggested analyses, and the involvement of the public in providing data for the analyses, will enable States to improve their decision-making process.

Analyzing the attainability of uses is a multi-step, but not necessarily complex, process for determining whether impaired uses are attainable and for determining other appropriate uses of a particular water body. For a discussion of the context in which the analyses would be used, see section C, State Water Quality Standards Review Process.

(a) Use Attainability Analysis (Environmental and Physical Factors)

The term "use attainability analysis" refers to a scientific analysis of factors which determine the suitability of the water body for a particular use. These factors include the physical, chemical, and biological characteristics of the

water body, its geographic setting, scenic qualities, and current uses.

With the completion of effluent guidelines and the application of technology-based controls, EPA is now emphasizing the implementation of the water quality based approach to pollution control. The water quality based approach to pollution control. The water quality based approach will allow States to focus on their priority water bodies and, when necessary, to provide adequate water quality protection beyond what will be achieved through technology-based control. In implementing a water quality approach, the use attainability analysis is a key analysis.

The proposed regulation (§ 131.10(d) and (i)(2) and (3)) prohibits States from modifying or reclassifying designated uses if they can be attained by implementing technology-based controls and cost-effective and reasonable best management practices (BMP's) for the control of nonpoint sources.

If adequate data are available to conduct a use attainability analysis, an intensive survey of the water body is not necessary. If adequate data are not available, a water body survey will assist States in pinpointing the water quality problems and in determining present uses, uses impaired and the reasons the uses are impaired. The use attainability analysis should be sufficiently detailed to answer the following questions:

1. *What is the use to be protected?*

How is it characterized in physical, chemical and biological terms, and in terms of its social or economic value?

2. *To what extent does pollution contribute to the impairment of the use?*

Which pollutants are significant in terms of impairing the use? To what extent does water quality affect the use relative to other non-water quality factors such as flow, and the physical habitat? What level of in-stream water quality must be maintained to provide adequate protection for the use given the characteristics of the use?

3. *What is the level of point source pollution control necessary to restore or enhance the use?*

What are the pollutants of significance that are present in the point source discharges? What is the contribution of point map source discharges relative to background levels (pollutants in the stream from upstream sources) and relative to nonpoint sources generated in the water body. What is the allowable pollution load from point sources under specified in stream flow conditions in the water body and how does that translate to permit requirements? What is the plan?

4. *What is the level of nonpoint source pollution control necessary to restore or enhance the use?* What are the nonpoint source pollutants of significance that are present? What is the contribution of nonpoint sources relative to background levels and point sources? Does the occurrence of nonpoint sources contribute to the impairment of the use? Is it significant? What is the "feasible" level of control of nonpoint sources? What is the plan?

Experience indicates that defining the problem is neither an easy process nor, in all cases, a simple scientific exercise. Rather, problem definition requires debate and consensus building among all interested and affected organizations and individuals.

(b) Benefit-Cost Assessment

Although there are no universally accepted methods of quantifying or placing a dollar value on direct and indirect benefits or costs, the water quality standards decision-making process by its very nature includes an assessment of the benefits and costs of meeting the standard. Water quality management plans, peer review of the scientific analyses of the attainability of uses or the appropriateness of criteria, and public debate of the decisions provide the responsible State rulemaking body with the information it needs to weigh and balance the tangible and intangible benefits and costs of its standards decision.

This proposed regulation advocates a structured exercise to identify and evaluate the incremental impact of the standards decision. It is difficult to generalize on the level of precision and detail appropriate for any site-specific, benefit-cost assessment. However, the more costly and controversial the potential impacts of a standards decision, the more comprehensive the analyses of the benefits and costs will need to be. The analysis should be sufficiently detailed to identify and display all significant impacts, the sensitivity of key assumptions, variables, and risk and uncertainty of attaining a designated use, to serve as a basis for the rulemaking body to determine that there is (or is not) a reasonable relationship between the incremental costs and resulting incremental benefits.

Guidance will be available to assist the States in conducting the benefit-cost assessment. A number of methodologies and approaches will be presented for States to consider in identifying and, to the maximum extent practicable, quantifying the benefits and the costs. All significant impacts (benefits or

costs) of attaining the standard whether quantifiable or not are identified. Some impacts, even though they cannot be quantified may be crucial to the decision.

If the State conducts a use attainability analysis and benefit-cost assessment, these analyses should be available to the public and EPA. This will stimulate open debate and scrutiny of the findings among scientific peer groups and will ensure an understanding of the changes in uses the State is recommending. Such discussions should enable the State to make more informed decisions on proposed water quality standards revisions and enable EPA to adequately review the appropriateness of the revisions.

3. Types of Changes to Designated Uses

Existing Provision: The terms "downgrading" and "upgrading" and alternatives to removing a use in a State's water quality standard were part of the U.S. Environmental Protection Agency's *Guidelines for State and Areawide Water Quality Management Program Development*, Chapter 5, "Water Quality Standards," November, 1976, rather than the existing regulation.²

Proposed Change: The terms "downgrading" and "upgrading" connoted "higher" and "lower" uses. However, there is no accepted hierarchy of uses. There has also been confusion over what constitutes a downgrading.

The proposed regulation establishes new terminology to describe changes in uses. The proposed regulation replaces "upgrading" and "downgrading" with "adding", "removing", and "modifying" use designations. These terms are used to clarify the types of changes that are allowed. "Adding" or "removing" a use designation refers to identifying different uses for a waterbody or segment consistent with meeting the goals of the Act. "Modifying" a use refers to keeping the same general classification such as aquatic protection but changing the designation, for example, from a cold water fishery to a warm water fishery.

The regulation also encourages States to consider steps short of removing a use entirely. States are encouraged to adopt seasonal uses (see § 131.10(g)), where applicable, for uses that are attainable only during certain times of the year. For example, certain intermittent streams or wetlands may lack adequate water to support aquatic life year round but could serve as spawning grounds during spring runoff.

The proposed regulation allows States to modify or reclassify a use, which is

not an existing use as defined in the regulation, (see § 131.2) if attaining the use is not feasible because (see § 131.10(h)):

- naturally occurring pollutant concentrations prevent the attainment of the use;
- natural, ephemeral, intermittent or low flow conditions or water levels prevent the propagation or survival of fish and other aquatic life. These natural conditions may be compensated for by the discharge of sufficient volume of effluent discharges to enable uses to be met;
- human caused conditions or sources of pollution exist which cannot be remedied or would cause more environmental damage to correct than to leave in place;
- dams, diversions or other types of hydrologic modifications interfere with the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that will maintain the use;
- physical conditions unrelated to water quality preclude attainment of the use; or
- benefits of attaining the use do not bear a reasonable relationship to the costs.

States may *not* modify or reclassify designated uses if (see § 131.10(i)):

- They are existing uses unless uses requiring more stringent criteria are added;
- uses will be attained by implementing the effluent limits required under Section 301(b)(1) and (2) of the Act (including modifications under Section 301(c) of the Act);
- uses will be attained by implementing cost-effective and reasonable best management practices for nonpoint source controls; or
- the revision is based on anticipated growth;³ or
- the revision would result directly or indirectly in impairment of downstream uses.

4. Levels of Aquatic Protection

Existing Provision: Beyond the general references to various stream uses referred to in 40 CFR 35.1550(b) and (c), no explicit references exist that

² The provision precluding the modification of a stream use based on anticipated growth is consistent with the proposed antidegradation policy. In Section 6 of the Preamble, "Antidegradation and Maintenance of Existing Uses," the Agency describes alternative antidegradation policies. This provision on economic growth may change depending on the antidegradation policy the Agency finally promulgates. The reader is specifically requested to comment on the alternatives discussed in Section 6.

define levels of protection within the aquatic protection use category. (Level of protection refers to the impact on propagation, growth, survival, and diversity of species, relative to various water quality criteria levels for a water body). However, subcategories of the aquatic protection use have evolved as both the States and EPA recognized that aquatic protection could range from providing for the survival of pollutant-tolerant fish to providing high quality trout streams. These sub-categories may include warm water and cold water fisheries, fish survival, fish passage, and put-and-take fisheries.

Proposed Change: Section 130.10(b) of the proposed regulation expressly provides States the opportunity to define subcategories of aquatic protection uses which reflect different levels of protection.

Subcategories will reflect the expected effects of various criteria levels on the growth, propagation, and diversity of fish and aquatic life. In describing the various effects on the aquatic community, the State may look at existing data bases, such as the Section 304(a) criteria guidance, to determine if the resident species in the particular waterway might experience adverse growth or reproductive effects. This evaluation can be matched against the various treatment levels and costs. This information may then be considered in public forums to reach decisions that balance costs against levels of protection in setting stream uses and criteria.

The information available from water quality management plans, the use attainability analysis, the benefit-cost assessments and EPA's criteria guidance can be used in identifying specific levels of protection. In future criteria development, EPA will attempt to provide more information as an aid to States in more precisely correlating instream pollutant concentrations with biological characteristics as they relate to fishery classifications.

Presently, a number of States have defined subcategories of aquatic protection or are considering doing so. For example, Pennsylvania has 6 different dissolved oxygen levels which may be applied to any one of 7 aquatic protection uses which are generally based on a cold water, warm water division. Montana has defined criteria for 4 different kinds of trout streams, in addition to other aquatic protection uses. Oklahoma has specific uses designated for protection of smallmouth bass and a put-and-take trout fishery. Criteria for these uses differ from the basic aquatic protection uses.

³ This publication has been rescinded.

Wisconsin is currently considering a stream use classification system involving 5 use classes (all related to aquatic protection), which places common fish species by name into the different use classes. The application of seasonal uses, as described in an earlier section, is another way to provide varying levels of protection.

5. Developing Site-Specific Criteria

Existing Provision

Other than indicating that States are to specify criteria necessary to support designated water uses, the existing regulation does not reference acceptable methods for developing site-specific criteria. Under Section 304(a) of the Act, EPA develops and publishes guidance on surface water quality criteria, which are quantitative or qualitative estimates of acceptable concentrations or conditions of water constituents or pollutants in ambient waters. The guidance reflects the latest scientific knowledge of the identifiable effects of each pollutant on public health and welfare, aquatic life, and recreation.

Between July 10, 1978, and November 28, 1980, EPA operated under the policy of presumptive applicability. Presumptive applicability meant that the State had to adopt a criterion for a particular water quality parameter at least as stringent as the Section 304(a) criteria recommendation unless the State was able to justify a less stringent criterion. Little guidance was provided to States to assist them in modifying criteria based on site-specific local conditions and few modifications were in fact accepted.

Proposed Change: The Section 304(a) criteria published by EPA are *not rules and have no direct regulatory impact*. EPA rescinded the policy of presumptive applicability on November 28, 1980 (45 FR 79320). The proposed regulation reemphasizes States' flexibility in setting or revising criteria.

The proposed regulation encourages States to develop site-specific criteria to reflect local conditions. The Section 304(a) laboratory-derived criteria may not accurately reflect the toxicity of a pollutant because of the effect of local water quality characteristics or varying sensitivities of local aquatic communities. In other cases, adaptive processes may enable a viable, balanced aquatic community to exist in water with high natural background levels of certain pollutants. Similarly, certain compounds may be more or less toxic in some waters because of differences in temperature, hardness, and other parameters. Developing site-specific criteria is a method of taking

local conditions into account. This determination ensures that criteria will be adequate to protect the designated use and that they will not be more stringent than needed.

There are water bodies that support the designated uses even though the Section 304(a) numerical criteria included in the State's standard are exceeded. EPA believes that if, after surveying the water body, States determine that the water conditions are acceptable for the use even though the criteria are exceeded, States should be able to modify the criteria. Such changes should be justified based on acceptable scientific procedures that reflect actual instream levels and should be submitted to EPA for review and approval.

6. Antidegradation and Maintenance of Existing Uses

Existing Provision (Section 40 CFR 35.1550(e))

"The State shall develop and adopt a Statewide antidegradation policy and identify the methods for implementing such policy * * * The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

(2) Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water shall be maintained and protected unless the State chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, may degradation of water quality interfere with or become injurious to existing instream water uses * * * Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of the Act for nonpoint sources both existing and proposed."

Proposed Change: Ever since the antidegradation policy initiative was first developed in 1968, the question of the impact of that policy on economic growth has been debated. EPA is soliciting comments on the antidegradation policy alternatives

described below and is requesting specific information on any instance where the existing antidegradation policy may preclude or constrain economic growth and development. The Agency will carefully consider these responses in formulating its final position.

The selection of a policy is important, not only as it relates to questions of growth, but as it relates to EPA's role in: (a) Satisfying the Clean Water Act's requirement that water quality standards " * * * enhance the quality of water * * *" and (b) meeting the objective of the Act to " * * * restore and maintain the chemical, physical, and biological integrity of the nation's waters."

The proposed regulation is based on limiting the mandatory antidegradation policy to the protection and maintenance of existing uses (see § 131.10(c)). Once a State determines that a use is being attained, that use cannot be changed to a use requiring less stringent criteria. However, States may designate additional uses for the water body or segment. Dischargers must be controlled to the extent necessary to ensure the maintenance of the use requiring the most stringent criteria.

The emphasis in this proposal is on the *use*, not individual water quality parameters which might, in any particular water body, be higher than necessary to protect the existing use. For example, if a stream was meeting a warmwater fishery use which included a criterion of 5.0 mg/l for dissolved oxygen (D.O.), and the in-stream concentration of D.O. was 7.0, the proposed policy would allow additional discharges to the stream until the in-stream D.O. level decreased to 5.0 mg/l—but not less than that. No public participation requirements would be involved in the lowering of the in-stream D.O. level because there would be no change in the water quality standard.

This policy, if finally adopted by the Agency, would mean that once a use has been met, it must continue to be met regardless of any future growth or development (including plant expansion) that might occur.

Option two retains the existing antidegradation policy (40 CFR 35.1550(e)(2)), except for provisions related to outstanding National resource waters.⁴ This option restricts changes in the quality of existing high quality waters (e.g. those waters whose quality exceed levels necessary to support fish,

⁴See Discussion on Outstanding National Resource Waters, Section 7 of the Preamble.

shellfish, and wildlife and recreation in and on the water) even if the existing use would still be protected. The quality of these waters would be maintained and protected unless the State chooses, after full satisfaction of the public participation provisions of the State's continuing planning process, this regulation and EPA's public participation requirements (40 CFR Part 25) to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, would degradation of water quality be allowed to interfere with or become injurious to existing in-stream water uses.

The difference between this option and the one proposed lies in the requirement for full satisfaction of public participation provisions of State and Federal law before any change in high quality waters may occur. This position is grounded on the concern that there may be risks involved in lowering water quality because the calculations upon which the various pollutant levels and their effects are based may not be sufficiently precise to assure that lowering water quality will, in fact, allow the use to continue to be attained. This option requires States to go through a public decisionmaking process before lowering water quality.

Option three offered for consideration is to allow changes in existing uses if maintaining that use would effectively prevent any future growth in the community or if the benefits of maintaining the use do not bear a reasonable relationship to its costs. Such a modification of the water quality standard would be granted only after full satisfaction of public participation provisions of State's continuing planning process, this regulation and EPA's public participation requirements (40 CFR Part 25) and demonstration that the technology-based requirements of the Act, those included in 301(c) waivers, and cost-effective and reasonable best management practices have been implemented. States, under their own legal and administrative procedures, could adopt an antidegradation policy of their own choosing but this would not be required.

This option would provide States with the flexibility to change or modify an existing stream use to uses requiring either more or less stringent criteria. It enables a State to exchange an existing stream use for economic growth and development. Under this option, the States would still have to meet the general provisions applicable to changing or modifying uses listed in Subpart B of the proposed rule (other

than the growth restriction), and industries and municipalities would still have to meet the minimum technology-based treatment requirements listed in the Act.

The following table contrasts the differing provisions of the antidegradation policy alternatives.

TABLE 1.—ANTIDEGRADATION OPTIONS

	Existing policy	Option 1 (proposed policy)	Option 2	Option 3
Existing Use must be maintained.....	Yes	Yes	Yes	No
High Quality waters must be maintained.....	No	No	No	No
Public participation required to lower high quality waters.....	Yes	No	Yes	No
Public participation required to change water quality standard.....	Yes	Yes	Yes	Yes
Provision for Outstanding National Resources Waters.....	Yes	No	No	No
Treatment requirements set by Act must be met.....	Yes	Yes	Yes	Yes

7. Protection of Outstanding National Resource Waters

Existing Provision: Section 40 CFR 35.1550(e)(2) of the regulation provided for special designations to protect outstanding national resource waters.

Change: The revised regulation eliminates this provision because the Clean Water Act does not provide for special designations of national resource waters. However, under Section 510 of the Act, States may include special designations in their water quality standards to preserve the characteristics of outstanding or unique resource waters such as swamps, parks or wildlife refuges.

8. General Policies

Existing Provision: The existing regulation does not recognize general policies applicable to State's water quality standards.

Proposed Change: EPA encourages the adoption of statewide policies applicable to a State's water quality standards. Section 40 CFR 131.13 of the proposed regulation identifies some of the policies that are generally applicable to a State's water quality standards program such as policies on mixing zones, variances, and low flow exemptions.

9. Review and Approval

Existing Provision: "The Regional Administrator shall approve or disapprove any proposed revisions of water quality standards in accordance

with the provisions of section 303(c)(2) of the Act" (section 40 CFR 35.1550(a)).

Proposed Change: In the past, EPA's regulations and guidance did not always describe the type of analyses that would support changes in uses or criteria. Therefore, the review and approval process frequently involved delay, uncertainty and requests for additional information between individual dischargers, States, EPA Regions, and EPA Headquarters. The proposed regulation attempts to define what information must be submitted, the review of State standards-setting decisions (Sections 40 CFR 131.4, 131.21, and 131.22) and encourages consultation prior to formal review by EPA (Section 131.21(b)).

Conducting the recommended analyses and consulting in advance with EPA should expedite EPA's review and approval of State water quality standards revisions.

The proposed regulation also stresses that EPA is subject to the same requirements in promulgating standards as States are in adopting standards.

C. State Water Quality Standards Review and Revision Process

1. Introduction

This discussion of the State water quality standards review and revision process incorporates the changes embodied in the proposed water quality standards regulation. This process is included in this Preamble to: (1) Clarify how the changes in the standards program would affect the State's review process and (2) provide the context in which the use attainability analyses and benefit-cost assessments would be made. The discussion does not deal with all of the administrative and legal procedures necessary for State adoption and EPA review and approval of State standards.

Section 303(c) of the Clean Water Act requires States to review and revise, if necessary, their standards at least once every three years. EPA is encouraging States to review standards on priority stream segments, rather than conduct a statewide review of all standards every three years. However, under the "Municipal Wastewater Treatment - Construction Grant Amendments of 1981" (Pub. L. 97-117) before EPA may make a construction grant after 1984, a State must have reviewed the water quality standards for any segment affected by the project for which the grant is sought. By focusing on priority segments States should be able to apply their resources more efficiently to better analyze their water quality standards.

The process is outlined in Figure 1. Implementation of the water quality standards review and revision process is not a routine, step-by-step procedure. In actual practice, the process is iterative, as adjustments in uses, criteria, wasteload allocation strategies, effluent limits and permits are made and the results predicted or observed. Since the various parts of the process are interrelated, no clean demarcation

exists between the end of one task and the beginning of another. For example, data gathered as part of the water body surveys and assessments can be used to set site specific criteria and conduct the use attainability analyses and wasteload allocations. Water quality problems vary as do the data available. Previous standard-setting actions, the resources available to the State to conduct the analyses and the priority the State assigns to a problem also

influence the process. The amount of information needed, the sophistication of the analyses, and the timing and sequencing of the steps in the process will depend on the situation. The process relies heavily on common sense and practical application of limited resources. Not every step of this process is necessary for every water quality standard review.

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FIGURE 1
WATER QUALITY STANDARDS REVIEW AND REVISION PROCESS

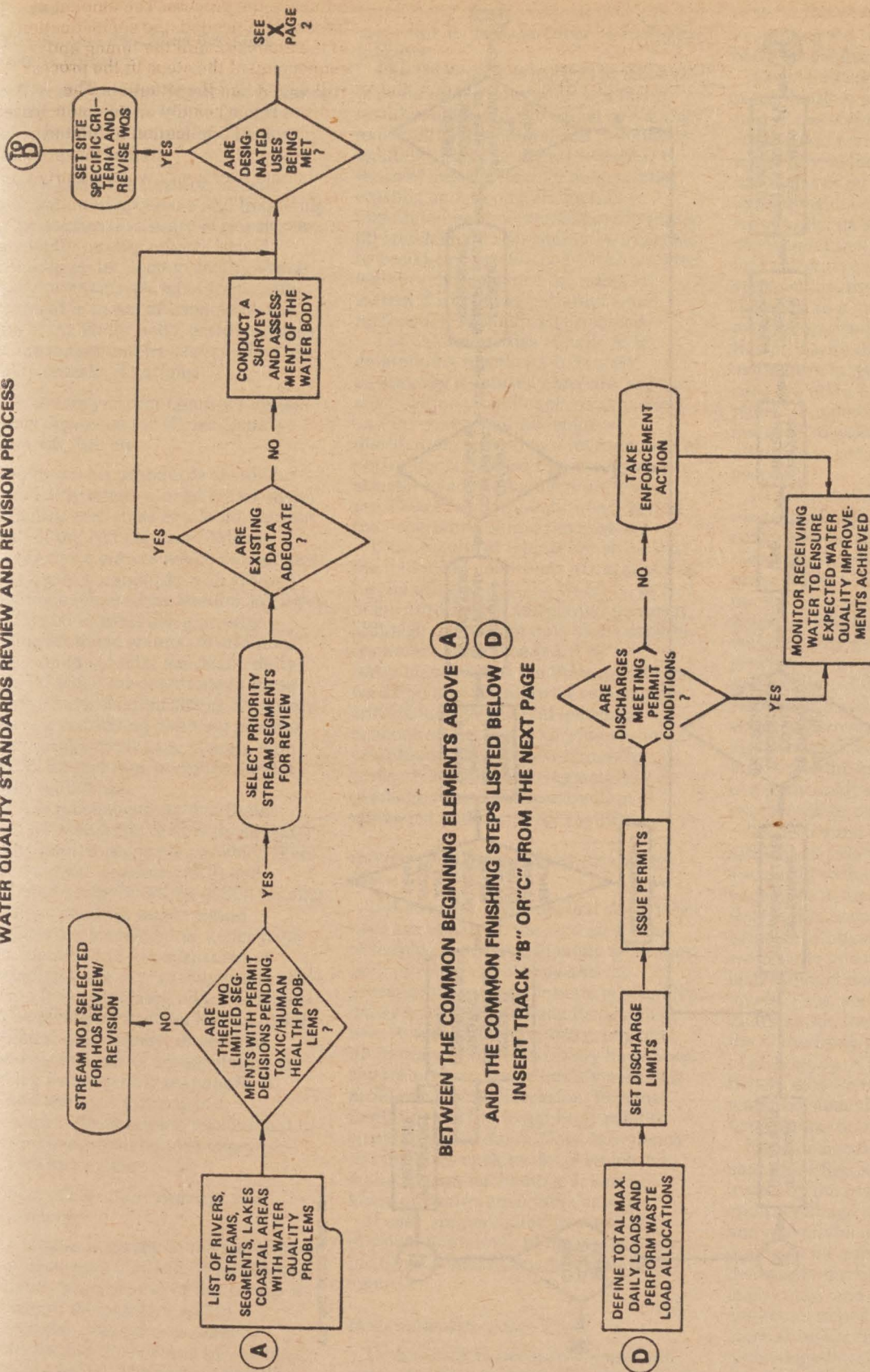
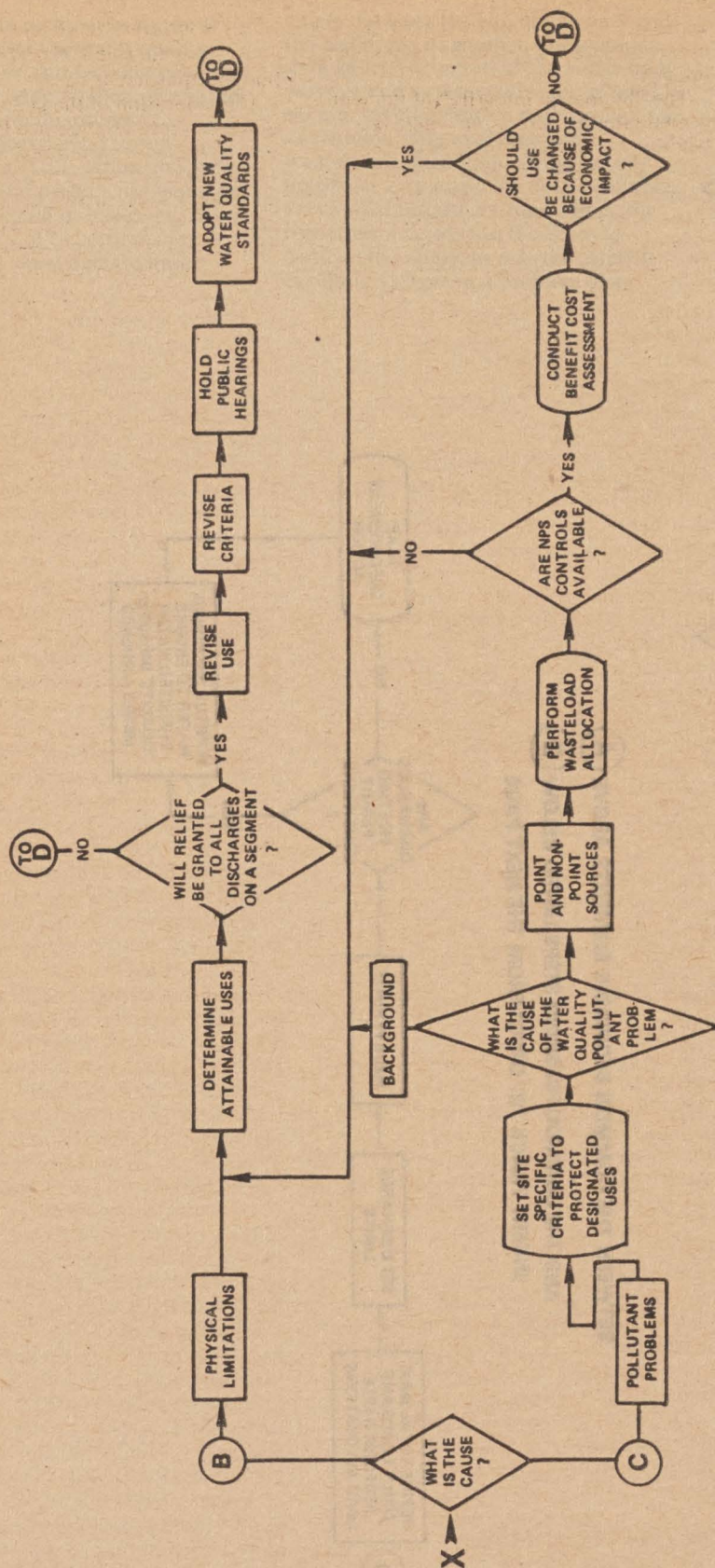


FIGURE 1 (continued)



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2. Process

This section describes the steps shown in Figure 1.

List Rivers, Streams, Segments, Lakes or Coastal Areas With Water Quality Problems and Pollutants of Concern (Known or Expected)

States know the location of their water pollution problems and frequently list the segments in order of priority in State water quality reports issued biennially under Section 305(b). Water quality problems are most frequently expressed in terms of impacts on the biota of the water body, restricted uses, and the extent and frequency of water quality criteria violations.

Select Priority Water Quality Limited Stream Segments for Water Quality Standards Review

Water quality standards should be revised only where a need exists, given the limited resources available. Section 303(d) of the Act requires States to identify those waters which cannot meet water quality standards with effluent limitations required by Section 301(b)(1) and (2) and to establish a priority ranking for those waters. In addition, States are to set total maximum daily loads (TMDLs) for pollutants in these waters. Under Section 303(e), States are to have a continuing planning process which results in plans to comply with the TMDLs and new or revised water quality standards.

EPA is recommending that States select for standards review those water quality limited segments on which there are advanced treatment (AT) and combined sewer overflow (CSO) funding decisions pending, major permit revisions are scheduled or toxics have been identified or are suspected of precluding a use. States may select other criteria for determining which segments will be reviewed, such as human health problems, court orders, or costs or economic impacts of implementing the existing water quality standards. A public hearing or meeting is a mechanism for obtaining public input to and public comment on the segments selected for review.

Conduct Water Body Surveys and Assessments

An intensive survey of the water body is not necessary if adequate data are available. The purpose of the survey is to pinpoint the problem and to characterize present uses, uses precluded and the reasons for the uses being precluded. The survey includes measurements of the physical, chemical, and biological characteristics of the

water body, the identification of present uses, and an assessment of its biological integrity.

The "biological integrity" of the water is evaluated to determine whether a healthy, balanced ecological community exists. A healthy, balanced community exhibits characteristics: (1) Similar to those of nearby, healthy communities existing under comparable but unpolluted environmental conditions, or (2) which might reasonably be expected to become re-established in the polluted water body segment from adjacent waters if sources of pollution were removed or substantially reduced.

The characteristics examined in determining whether a balanced community exists may include: species composition, abundance, dominance, and diversity; spatial/temporal distribution, growth and reproduction of populations; disease frequency; trophic structure and productivity patterns; presence of opportunistic species; and the occurrence of mass mortalities.

If the results of the survey show that the biological conditions are acceptable for the use and that the water is, in fact, being used for the designated purposes, although monitoring data show criteria continue to be exceeded, it is recommended that the State modify the water quality standard by revising the criteria to reflect actual instream concentrations under varying seasonal conditions. This will avoid overly restrictive regulatory requirements on dischargers and the construction of unneeded and costly AT facilities.

Review the Cause of Uses Not Being Met

If the survey indicates that designated uses are impaired, the next step is to determine the cause. In many situations, both physical conditions and the presence of water pollutants prevent the water body from meeting its designed use. However, for simplicity, physical limitations of the water body have been separated from water quality pollutant problems in this discussion. Physical limitations of the water body refer to such factors as depth, flow, turbulence or structures such as dams which may make swimming, boating or certain kinds of fishing unsuitable as a use.

If uses are precluded because of physical limitations of the water body, the State would follow track (B) in Figure 1.

Determine Attainable Uses

Under track B, because the uses are precluded due to physical limitations of the water map body, the next step in the process is to select other appropriate

uses for the water map body by evaluating the suitability of the water body for particular uses.

Consideration of the suitability of the water body to attain a use is an integral part of the water quality standards review and revision process. The suitability of the water body to attain a use depends on the physical, chemical, and biological characteristics of the waterbody, its geographic setting and scenic qualities and the socio-economic and cultural characteristics of the surrounding area. Suitability also depends, to a great extent, on the professional judgment of the evaluators. It is primarily the responsibility of the evaluators to determine what types of uses are attainable in the absence of physical impediments or pollution. The question of whether the use is worth attaining is considered later in the process.

In determining appropriate uses for the water body, States should take into consideration (1) the use and value of the water for public water supplies, propagation of fish and wildlife, recreation, agricultural and industrial purposes and navigation and (2) the water quality goal of the Act, which is to provide for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water, wherever attainable. The detail and scope of the analysis should be tailored to the individual situation. A complete analysis does not need to be conducted for every water body.

To determine whether a use is attainable, existing conditions are compared with the criteria or conditions necessary to meet the designated use. Designated uses may be impaired because of physical limitations of the waterbody or irreversible natural or man-induced background pollutant levels. Thus, swimming may be unattainable because the shallowness of the water body prevents the physical act of swimming. A particular type of fishery may be impossible for a body of water because the natural water temperature is too high.

If the designated uses or the potential uses identified can be achieved by installing the required Section 301(b)(1) and (2) effluent controls or cost-effective and reasonable best management practices for nonpoint source control, the use should be considered appropriate and maintained in the water quality standard. However, if treatment more stringent than the required technology-based effluent limitations is necessary to attain the use of best management practices have not been included in a water quality management

plan, further analyses should be made to determine the benefits of attaining the use as compared to the costs of attaining the use.

Revise Use, Revise Criteria and Adopt a New Water Quality Standard for the Stream Segment

If a change in the designated use is warranted because of physical limitations of the water body, States may modify the use now assigned. In doing so, the State should designate a use or a level of aquatic protection which can be supported given the physical limitations of the water body. Or, a State may designate the use on a seasonal basis. Seasonal use designations may be appropriate for streams that lack adequate water volume to support aquatic life year-round, but can be used for spawning during higher flow periods.

Every change in use designations must always be accompanied by consideration of the need for a change in criteria. If a use is removed, the criteria to protect that use may be deleted or revised to assure protection of the remaining uses. If a use is added, water quality criteria must be adopted by the State to protect the use.

Prior to revising the standard and submitting the revision to EPA, the State must hold a public hearing. The public hearing provides an opportunity for a debate of the use attainability analysis that the State has performed and its determination that the use is not attainable.

The revised water quality standard is used as the basis for setting enforceable discharge limits in permits. To complete the process, track (D) in Figure 1 briefly outlines the steps which include: (1) Defining total maximum daily loads and performing a waste load allocation to determine the amount of pollutant load reduction among dischargers necessary to meet the revised standard; (2) setting the discharge limits and issuing permits, (3) taking enforcement action, if necessary, to ensure permit conditions are met, and (4) monitoring water quality to ensure water quality improvements are achieved.

Uses Precluded Because of Water Quality Problems

If uses are not being met because of water pollution problems, a more involved process is required. This is outlined in Figure 1 by track (C). The first step in the process is to determine the cause of the violation. As explained above, when background levels of pollutants, whether natural or man-induced, are irreversible and criteria cannot be met, States should evaluate

the suitability of the uses to determine other more appropriate uses for the water body. If the cause of the water quality problem is pollution from point or nonpoint sources, States should first review the criteria to determine if the criteria for the designated uses are appropriate for the site or need to be modified.

Develop Site-Specific Criteria

Developing site-specific criteria is an important component of the water quality standards revision process. EPA is developing and testing a scientifically acceptable procedure for setting pollutant concentrations that will protect the designated uses based on local environmental conditions.

There are two methods for developing site-specific criteria. The first is based on the fact that criteria may differ because of the differences in overall sensitivities of different populations of aquatic organisms toward pollutants. The second method recognizes that overall water quality or water chemistry has a large impact on the toxicity or bioavailability of pollutants toward aquatic organisms. (See the discussion in Section B-5 of this Preamble for a more complete description of developing site-specific criteria).

After the criteria are developed, the revised criteria are incorporated into the standard and used in the wasteload allocation process for setting discharge limits and in issuing permits.

Determine Total Maximum Daily Loads and Perform Wasteload Allocations

When the Section 301(b) (1) and (2) technology based limitations and nonpoint source controls are not sufficient to protect the attainable designated use, the Clean Water Act requires the development of more stringent limitations if water quality standards are to be retained. EPA is encouraging States to review in detail those segments where more stringent effluent limitations are necessary to assure that the standards are reasonable.

These more stringent limitations are generally developed as part of the total maximum daily load and wasteload allocation processes required under sections 303(d) and 303(e)(3)(A) of the Act. These sections require States to identify waters requiring more stringent effluent limitations, set priorities for calculating total maximum daily loads and submit them to the Administrator for approval. Total maximum daily loads of pollutants are set to meet water quality standards. The wasteload allocation involves: (1) Identifying the pollutant sources and their loadings, (2)

applying mathematical models and other techniques that predict the amount of load reduction necessary to achieve the water quality standards, and (3) allocating the necessary load reduction among the pollution sources.

Determine if Nonpoint Source Controls Are Available

After determining the load reductions necessary to achieve the designated uses, States must determine whether controls are available for the pollutants contributing to the water quality problems. In assessing the availability of controls, States must determine whether an approved water quality management plan addressed and adopted best management practices to control the nonpoint pollutant sources and whether institutional and political factors make implementing the controls feasible. If nonpoint source controls are not available or feasible, a State may decide to evaluate whether nonpoint source control should be developed and incorporated into a water quality management plan. Alternatively, a State may wish to analyze what uses of the stream can be attained with the controls that are available.

Benefit-Cost Assessment

If feasible controls are available, a benefit-cost assessment may be made to determine whether it is worth requiring more stringent effluent limits than those in Section 301(b) (1) and (2) of the Act.

A State may reclassify the water body and designate uses requiring less stringent criteria if the State, in performing a benefit-cost assessment, determines that the tangible and intangible benefits do not bear a reasonable relationship to the cost of attaining the use.

If the State determines that the standard needs to be revised, appropriate uses are selected and criteria developed to protect those uses. If the standard is maintained, discharge limits based on total maximum daily loads and the wasteload allocation necessary to meet the water quality standard are established and permits issued. Alternatively, the State may grant relief with a variance to an individual discharger if the applicant demonstrates that meeting the criterion would cause substantial economic hardship (likely substantial loss of productivity, jobs and/or financial stability), the variance's requirements are as close to the criterion as the applicant's financial situation will allow without substantial economic hardship, the variance will not eliminate existing uses or preclude eventual attainment of

the designated use, the variance does not exceed the time for which an NPDES permit is issued, the variance does not exempt a discharger from compliance with other criteria in the water quality standards which are attainable, and the variance does not result in more stringent pollution control requirements for other parties.

Public Hearing

Prior to adding, removing or modifying any use, the State must hold a public hearing. The analyses and supporting documentation prepared in conjunction with the proposed water quality standards revision should be made available to the interested public prior to the hearing. This will allow for open debate among scientific peer groups of the evidence and analysis supporting the revised water quality standard.

Should the standard be changed?

At this point in the water quality standards review and revision process, States have adequate information to evaluate the impacts of their decision to maintain, revise, or modify the water quality standard for a particular water body. The following questions will have been answered:

1. What is the use to be protected?
2. To what extent does pollution contribute to the impairment of the use?
3. What is the level of point source pollution control necessary to restore or enhance the use?
4. What is the level of nonpoint source pollution control necessary to restore or enhance the use?
5. Does the cost of attaining and protecting the use bear a reasonable relationship to the benefits?

In addition, there will have been debate and discussion of the findings among those affected by the decision. EPA will also have enough information to adequately review a State's water quality standard revision.

D. State/Federal Rules

The roles and responsibilities of the States and EPA in the water quality standards program have been the subject of much debate and court litigation. The Act clearly establishes that the States are responsible for setting, reviewing and revising, if appropriate, water quality standards. The Administrator has the authority to review and approve or disapprove State standards to ensure that they are consistent with the Act, and where necessary, to promulgate new or revised standards.

The proposed revision of the water quality standard regulation outlines a flexible framework in which States may refine and implement an effective

standards program. The framework reflects the experience gained in the program by both EPA and the States and provides a more balanced State-Federal partnership than has been true in recent years.

The proposed regulation and accompanying guidance clearly distinguish between discretionary and mandatory requirements. The mandatory requirements are few and are summarized below.

- Water quality standards must include designated beneficial uses, criteria to protect the designated uses and an antidegradation policy statement (see § 131.5(f));
- Uses attained must be maintained unless a use requiring more stringent criteria is added (see § 131.10(c));
- Any methods used and analyses conducted to support water quality standards revisions or additions must be submitted to EPA. (see § 131.10(e));
- Water quality standards revisions must be accompanied by a certification from the State Attorney General that the standards were duly adopted pursuant to State law (see § 131.5(f));
- In reviewing and revising State water quality standards, a State must hold public hearings and provide for public comment in accordance with State law and EPA's public participation regulations (40 CFR Part 25) (see § 131.20(b));
- States must submit the results of their water quality standards review to EPA within 30 days of adoption of the revised standard or if no revisions are made as a result of the review, within 30 days of the completion of the review (see § 131.20(c));
- The Regional Administrator must review and approve or disapprove any officially adopted revisions to State water quality standards for compliance with requirements of the Act within 60 or 90 days, respectively, of submission (see § 131.21(a));
- In disapproving a State's water quality standards, EPA must provide an affirmative demonstration and explanation of why State standards are not in compliance with the Act (see § 131.21(a)(2)); and
- In promulgating water quality standards, the Administrator must adhere to the same policies and procedures as the States (see § 131.22(c)).

EPA retains the responsibility to review the appropriateness of State adopted criteria to protect the designated uses, to assure the uses designated comply with Sections 101(a) and 303(c) of the Act, and to assure that States adhere to the legal and

administrative procedures outlined in the proposed regulation.

If States submit their revisions with the type of analyses recommended in the proposed regulation and in accordance with the proper legal procedures, EPA will have adequate information to review the appropriateness of any revisions. The States are urged to consult early and frequently with EPA as the analyses and assessments are initiated and carried out. If States submit revisions to their water quality standards without the optional analyses, EPA may question the appropriateness of the revisions.

While EPA's authority to review and approve State water quality standards applies to all surface waters, EPA expects to take a more active role in working with States on water segments involving interstate and international boundaries. This will ensure that the uses and/or criteria are consistent throughout the body of water and that downstream uses are protected.

E. State Resource Impacts

The framework for the water quality standards program in the proposed regulation is flexible. Depending on the State's resources and priorities, a State may tailor its water quality standards program to fit existing resources.

The scope and detail of the optional analyses outlined in the regulation will vary depending on the type of water body, the POTWs and the industries impacting the water body, and the pollutants involved. EPA is recommending that States select only their high priority water quality limited segments for intensive review. For many segments, the needed information may be readily available from 208 Water Quality Management Plans, 305(b) Reports, local governments, industry or environmental groups. In other cases, stream surveys, sampling, modeling and cost and economic impact projections will require significant resource expenditures.

The key is for States to use existing information effectively and to mobilize the resources of the State and community-at-large. Even where State water quality agencies have not previously conducted benefit-cost assessments, States have economists, water resource and community development agencies, and fish and game departments with expertise to draw upon. In addition, with the increased flexibility of the States to modify criteria and uses, the municipal and industrial sector has an incentive to support the State with data and information. For these reasons the

Agency believes that the water quality standards program outlined in the proposed regulation can be implemented by the States within their existing resources.

F. Regulatory Impact Analysis and Regulatory Flexibility Analysis and Paper Work Reduction Act Requirements

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it imposes no new obligations on the industrial sector. If adopted, the proposed regulation will increase the ability of the States to change unattained uses to uses requiring less stringent criteria and to modify criteria where uses have been attained. It is anticipated that this will in fact reduce future pollution control costs below those which would be required under the existing regulation.

This notice was submitted to the Office of Management and Budget 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 through contacting the person listed at the beginning of this notice.

Under the Regulatory Flexibility Act, 5 U.S.C. Section 601 et seq., EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. EPA has determined that, for reasons discussed above, this rule does not have significant adverse impact on small entities. The reporting or recordkeeping (information) provisions in this rule have been submitted for approval to the Office of Management and Budget (OMB) under Section 3504(b) of the Paperwork Reduction Act of 1980, U.S.C. 3501 et seq. Any final rule will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

List of Subjects in 40 CFR Part 131

Water pollution control, Intergovernmental relations, Administrative practices and procedures, Reporting and record keeping.

Dated: October 8, 1982.

Anne M. Gorsuch,
Administrator.

It is proposed to amend 40 CFR Chapter I as follows:

PART 35—STATE AND LOCAL ASSISTANCE

PART 120—WATER QUALITY STANDARDS

§ 35.1550 [Removed]

1. Section 35.1550 is removed.

§§ 120.1–120.3 [Removed]

2. Sections 120.1 through 120.3 are removed.

§§ 120.10, 120.12 and 120.34 [Redesignated as Subpart D, §§ 131.30, 131.31, and 131.32, respectively]

3. Sections 120.10, 120.12, and 120.34 are proposed to be redesignated as Subpart D, Part 131, 131.30, 131.31 and 131.32, respectively.

4. Sections 120.27, 120.37, 120.43 and 120.45 are removed.

5. Part 131 is added as set forth below:
A. The table of contents for Part 131 is added as follows:

PART 131—WATER QUALITY STANDARDS

Subpart A—General Provisions

Sec.

131.1 Scope.

131.2 Definitions.

131.3 State Authority.

131.4 EPA Authority.

131.5 Minimum requirements for water quality standards submission.

Subpart B—Establishment of Water Quality Standards

131.10 Designation of uses.

131.11 Analyses for changing or modifying uses.

131.12 Criteria.

131.13 General policies.

Subpart C—State Review and Revisions of Water Quality Standards

131.20 State review and revision of water quality standards.

131.21 EPS review and approval of water quality standards.

131.22 EPA promulgation of water quality standards.

Subpart D—Federally Promulgated Water Quality Standards

131.30 Alabama.

131.31 Arizona.

131.33 Mississippi.

Authority: Clean Water Act, Pub. L. 92–500, as amended; 33 U.S.C. 1251 et seq.

B. Subparts A through C are added as set forth below:

Subpart A—General Provisions

§ 131.1 Scope.

This part describes the requirements and procedures for developing, reviewing, revising and approving water quality standards by the States as

authorized by Section 303(c) of the Clean Water Act.

§ 131.2 Definitions.

(a) "The Act" means the Clean Water Act (Public Law 92–500, as amended, (33 U.S.C. et seq.)).

(b) "Criteria" are elements of State water quality standards and represent a constituent concentration or level associated with a degree of environmental effect upon which scientific judgment may be based. When a criterion for a constituent is not exceeded, water quality will generally protect the designated use. A criterion, in some cases, may be a narrative statement instead of a constituent concentration.

(c) "Section 304(a) criteria" are information developed by EPA under authority of Section 304(a) of the Act. This information is issued periodically to the States as guidance for use in developing criteria.

(d) "Uses" are the beneficial uses of a particular body of water.

(1) "Attain" means to achieve a use of a water body.

(2) "Existing uses" are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

(3) "Designated uses" are those uses specified for each segment in water quality standards, whether or not they are being attained.

(e) "Water quality standards" are provisions of State or Federal law which consist of a designated use or use for a water body and criteria to support those uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

(f) "States" include: the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 131.3 State authority.

States are responsible for establishing and revising water quality standards. Under Section 510 of the Act, States may develop water quality standards more stringent than required by this regulation.

§ 131.4 EPA authority.

Under Section 303(c) of the Act, EPA is to review and approve State-adopted water quality standards. This review involves a determination: (a) that the State has adopted water uses which are

consistent with the requirements of the Clean Water Act; (b) that the State has adopted criteria to protect the designated water uses; (c) that the State has followed its legal procedures for establishing or revising standards; and (d) that the State standards decision-making process is based upon appropriate technical and scientific data and analyses. EPA must disapprove the standards and promulgate Federal standards under Section 303(c)(4) of the Act, if State adopted water quality standards do not meet the requirements of the Act. EPA may also promulgate a new or revised standard where necessary to meet the requirements of the Act.

§ 131.5 Minimum requirements for water quality standards submission.

The following elements must be included in each State's water quality standards submitted to EPA for review:

- (a) Use designations consistent with the provisions of sections 101(a)(2) and 303(c)(2) of the Act.
- (b) Methods used and analyses conducted to support water quality standards revisions.
- (c) Water quality criteria sufficient to protect the designated uses.
- (d) An antidegradation policy statement on maintaining existing uses.
- (e) Certification by the State Attorney General that the water quality standards were duly adopted pursuant to State law.
- (f) General information which will aid the Agency in determining the adequacy of the scientific basis of the standards as well as information on general policies applicable to State standards which may affect their application and implementation.

Subpart B—Establishment of Water Quality Standards

§ 131.10 Designation of uses.

- (a) Each State must specify appropriate water uses to be achieved and protected. The classification of the waters of the State must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation.
- (b) States may adopt subcategories of the aquatic protection use to reflect varying needs of different aquatic communities.
- (c) States must develop and adopt a statewide antidegradation policy to maintain existing water uses.
- (d) At a minimum, uses are deemed attainable if they can be achieved by the

imposition of effluent limits required under Section 301(b) (1) and (2) of the Act (including modifications under Section 301(c) of the Act) and cost-effective and reasonable best management practices for nonpoint source control.

(e) States are encouraged to conduct a use attainability analysis and a benefit cost assessment, if appropriate, when revising a designated use of a water body or any portion thereof. These analyses are described in § 131.11. States may also choose other appropriate analyses.

(f) Prior to adding, removing or modifying any use, the State shall provide notice and an opportunity for a public hearing under § 131.20(b) of this regulation.

(g) States are encouraged to adopt seasonal uses as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria should be adjusted to reflect the seasonal uses.

(h) States may modify or reclassify a designated use which is not an existing use as defined in § 131.2, if the State determines that attaining the use is not feasible because:

- (1) Naturally occurring pollutant concentrations prevent the attainment of the use; or
- (2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the propagation or survival of fish and other aquatic life, unless these natural conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or
- (3) Human caused conditions or sources of pollution cannot be remedied or would cause more environmental damage to correct than to leave in place; or
- (4) Dams, diversions or other types of hydrologic modifications interfere with the attainment of the use, where it is not feasible to restore the water body to its original condition or to operate such modification in a way that will maintain the use; or

(5) Physical conditions unrelated to water quality preclude attainment of the use; or

(6) Benefits of attaining the use do not bear a reasonable relationship to the costs.

(i) States may not modify or reclassify designated uses if:

- (1) They are existing uses as defined in § 131.2 unless uses requiring more stringent criteria are added; or

(2) Uses will be attained by implementing effluent limits required under Sections 301(b) (1) and (2) of the Act (including modifications under Section 301(c) of the Act); or

(3) Uses will be attained by implementing cost-effective and reasonable best management practices for nonpoint source control; or

(4) The revision is based on anticipated growth; or

(5) The revision would result directly or indirectly in impairment of downstream uses.

§ 131.11 Analyses for changing or modifying uses.

(a) *Use Attainability Analysis.* A use attainability analysis should be sufficiently detailed to determine:

- (1) The use to be protected.
- (2) The extent to which pollution contributes to the impairment of the use versus other factors listed in § 131.10 and the improvement likely to occur in the absence of pollution;
- (3) The extent to which control of pollution from point sources will restore or enhance the use, including plans to implement the controls;
- (4) The extent to which the control of nonpoint source pollution will restore or enhance the use, including plans to implement feasible nonpoint source controls.

(b) *Benefit-Cost Assessment.* A benefit-cost assessment should:

- (1) Identify the incremental benefits and costs of attaining a use, after meeting the technology-based requirements of the Act, to determine whether the benefits bear a reasonable relationship to the costs;
- (2) Describe the value of the water body for a use including the social and economic value of the use, the public interest in establishing or maintaining the use, the public benefited, the extent to which another incompatible use is already being made of the water body, the availability of alternatives and the effect on downstream uses;
- (3) Describe the significance of the benefits in comparison to the costs and economic impacts of attaining the use.

§ 131.12 Criteria.

(a) *Inclusion of pollutants*

- (1) States must adopt water quality criteria that are compatible with protecting a designated use.
- (2) Toxic Pollutants—States, with the assistance of EPA, are encouraged to review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting the attainment of the designated water

use, and where appropriate to adopt criteria for such toxic pollutants applicable to the water body so as to protect the designated use.

(b) *Form of criteria:* In establishing criteria, States should:

- (1) Establish numerical values based on:
 - (i) 304(a) Guidance; or
 - (ii) 304(a) Guidance modified to reflect site-specific conditions; or
 - (iii) Other scientifically defensible methods;
- (2) Employ bioassay or biological criteria if appropriate; and
- (3) Establish narrative descriptions where numerical values cannot be established or to supplement numerical values.

Note.—EPA recommends establishing numerical values wherever practical.

(c) *Determination of levels necessary to protect uses.*

(1) States shall adopt water quality criteria at levels that are adequate to support the designated uses. EPA shall review whether the criteria are appropriate to support the designated use(s). For waters with multiple use designations, the criteria shall support the most sensitive use.

(2) States may select what they believe to be an appropriate risk level for pollutants identified as carcinogens and include in their water quality standards the ambient criteria associated with the particular risk level selected.

(3) States shall establish water quality criteria which protect downstream water uses (see § 131.10(i)(5)).

§ 131.13 General policies.

(a) In addition to the mandatory requirements of adopting uses and criteria, States may, at their discretion, adopt policies generally applicable to the State's water quality standards. States are encouraged to adopt the discretionary policies listed below but may also adopt other general policies.

(b) *Mixing Zones:* A limited mixing zone, serving as a zone of initial dilution in the immediate area of a point or nonpoint source of pollution, is allowed as a matter of State discretion. The mixing zone should be considered a place where wastes and water mix and not as a place effluents are treated. Mixing zones should not interfere with existing or designated uses of the segment. Water quality standards should describe the State's methodology for determining the location, size, shape, outfall design and in-zone quality of mixing zones, with sufficient precision to support such regulatory actions as issuance of permits and determination

of best management practices for nonpoint sources.

(c) *Variances:* States may grant variances to an individual discharger from compliance with a water quality criterion based on economic hardship, if:

(1) The applicant demonstrates that meeting the criterion would cause substantial economic hardship (likely substantial loss of productivity, jobs, and/or financial stability), and

(2) The variance requirements are as close to the criterion as the applicant's financial situation will allow without substantial economic hardship, and

(3) The variance will not eliminate existing uses or preclude eventual attainment of the designated uses not currently being attained, and

(4) The variance does not exceed the time for which the discharger's NPDES permit is issued, and

(5) The variance does not exempt a discharger from compliance with other criteria in the water quality standards which are attainable, and

(6) The variance does not result in more stringent pollution control requirements for other parties.

(d) *Low flow exemptions:* States may establish exemptions from compliance with water quality standards during critical low flow conditions.

Subpart C—Procedures for Review and Revision of Water Quality Standards

§ 131.20 State review and revision of water quality standards.

(a) *State Review:* States shall review and, as appropriate, revise their water quality standards at least once during each three year period beginning with the enactment of the Federal Water Pollution Control Amendments of 1972. States are not required to review or revise water quality standards for all water bodies in the State in any three year period to comply with the requirements of this regulation and Section 303(c)(1) of the Act. It is recommended that States select priority water bodies or segments for review. In selecting priorities, States should take into account the "Municipal Waste Water Treatment Construction Grant Amendments of 1981" (Pub. L. 97-117, December 29, 1981). Section 24 of the amendments is intended to ensure that water quality standards influencing construction grant decisions have been reviewed in accordance with Section 303(c) of the Act. It prohibits the award of a grant after December 29, 1984, unless the State has completed its review of the water quality standards for any segments affected by the grant project.

(b) *Public Participation:* The State shall provide for public participation in selecting priority areas and shall hold a public hearing for the purpose of reviewing water quality standards, in accordance with provisions of State law, EPA's water quality management regulation (40 CFR 130.3(b)(6)) and public participation regulation (40 CFR Part 25). The proposed water quality standards revision and supporting analyses shall be made available to the public prior to the hearing.

(c) *Submission to EPA.* The State shall submit the results of the review, any supporting analysis for the use attainability analysis and benefit-cost assessment, if performed, the methodologies used for site-specific criteria development, any general policies applicable to water quality standards and any revisions of the standards to the Regional Administrator for review and approval, within 30 days of adoption of the revised standard, or if no revisions are made as a result of the review, within 30 days of the completion of the review.

§ 131.21 EPA review and approval of water quality standards.

(a) After the State submits its officially adopted revisions, the Regional Administrator shall either:

(1) Notify the State within 60 days that the revisions are approved, or

(2) Notify the State within 90 days that the revisions are disapproved. Such notification of disapproval shall specify the changes needed to assure compliance with the requirements of the Act and this regulation, and shall explain why the State standard is not in compliance with such requirements. Any new or revised State standard must be accompanied by some type of supporting analysis.

(b) The Regional Administrator's approval or disapproval of a State water quality standard shall be based on the requirements of the Act as described in Section 131.4.

(c) A State water quality standard remains in effect, even though disapproved by EPA, until the State revises it or EPA promulgates a rule that supersedes the State water quality standard.

(d) EPA shall, at least annually, publish in the *Federal Register* a notice of approvals under this section.

§ 131.22 EPA promulgation of water quality standards.

(a) If the State does not adopt the changes specified by the Regional Administrator within 90 days after notification of the Regional

Administrator's disapproval, the Administrator shall promptly publish such changes as a proposed regulation.

(b) The Administrator may also publish a proposed regulation, applicable to one or more States, setting forth a new or revised standard upon determining such a standard is necessary to meet the requirements of the Act.

(c) In promulgating water quality standards, the Administrator is subject to the same policies, procedures and analyses established for States in subpart B of these regulations.

Appendix A—Response to Public Comments⁵

On July 10, 1978, EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) that set forth the Agency's preliminary thoughts on a revised approach for a water quality standards program. EPA invited comments on a number of issues. A total of 110 sets of comments from 100 different agencies, organizations, and interest groups were received in response to the ANPRM. The issues, a summary of the public comments, and EPA's response to these comments are set forth below.

A. Attainability of Uses

1. *Issue raised by EPA:* Should EPA's policy of discouraging downgradings and encouraging upgradings be further refined and/or explained in regulations?

Public Comment: There was disagreement as to whether EPA's policy on upgrading and downgrading should be further refined. Roughly two-thirds of the comments urged EPA to clarify its position through amended regulations. Of the thirteen comments which maintained that no further refinement was necessary, six were based on the premise that the policy was unacceptable and refinement was irrelevant.

Response: The revised regulation requires that uses which are attained are to be maintained. Designated uses which cannot be attained with effluent limits required by Section 301(b) (1) and (2) of the Act, or with cost effective and reasonable best management practices for nonpoint sources, may be changed if the State determines that the use is unattainable based on environmental and/or physical factors or because the benefits do not bear a reasonable relationship to the costs.

Public Comment: Many individuals and organizations wanted States to

retain sufficient flexibility to be able to reclassify streams on a case by case basis. Some were concerned that small streams were placed in an inappropriate use classification because of the lack of data. Therefore, States needed the flexibility to reclassify those streams as more data became available. Others were concerned that the decision to change uses could only be made based on socio-economic and natural factors which had never been defined.

Response: EPA agrees. The proposed regulation encourages the review of standards on a site-specific basis, and revision, if appropriate.

Public Comment: Several respondents argued that some water bodies will never be able and should not be required to meet the "fishable/swimmable" use classifications. In addition, these use designations are not required for all water bodies under the Clean Water Act. Effluent dominated stream segments in highly industrial areas, streams in arid regions of the Southwest, or man-made water bodies were cited as examples of water courses which could not reasonably meet the "fishable/swimmable" use classifications.

Response: EPA agrees that some water bodies will not be able to meet aquatic protection and recreation uses. The proposed regulation provides for an analysis of the attainability of these uses on a case-by-case basis. However, EPA does not agree that a determination of whether aquatic protection and recreation uses are attainable can be made on a nationwide basis for any class of water bodies, such as effluent dominated streams, streams in arid regions, or man-made water bodies.

2. *Issue raised by EPA:* The ANPRM suggested a change in the attainability test requiring States to demonstrate that nonpoint sources were being controlled to the maximum extent feasible.

Public Comment: Several respondents stated that in order to demonstrate whether nonpoint sources have been controlled to the maximum extent feasible, one must have knowledge of the extent of the nonpoint source problem as well as the effectiveness of control measures. Many felt that although the knowledge in this area is improving, it is still inadequate.

Response: The regulation requires consideration of nonpoint source impacts to the extent that cost-effective and reasonable best management practices for nonpoint source control can be implemented.

3. *Issue raised by EPA:* Should EPA add the condition that downgradings would only be allowed if the costs of attaining "fishable/swimmable" waters

bear "no reasonable relationship" to the resulting benefits?

Public Comment: Eighteen persons responding to this question favored the addition of the "no reasonable relationship" condition while twenty-four opposed it. Eight persons suggested that these terms be defined before the condition is added to the regulations, and that some clarification be given concerning how the relationships are to be measured. Other comments offered did not favor the provision because the relationship is too difficult to measure and the test is unnecessarily rigid. Several objected to the proposal on the grounds that it would be too expensive for States to justify changes. Several were concerned that this test would be difficult to conduct and that results would not be conclusive since no means of accurately measuring costs and benefits of pollution controls are available. An additional concern was that no definition of "reasonable relationship" is commonly accepted.

Response: States may determine whether the benefits of significant water improvements do (or do not) bear a reasonable relationship to the costs.

4. *Issue raised by EPA:* If costs and benefits are to bear a reasonable relationship should more explicit guidance be provided?

Public Comment: Of the twenty-two respondents who answered this question, all but one said that EPA should provide more explicit guidance on the proposed test.

Response: EPA is providing additional guidance on a benefit-cost assessment. However, EPA will not define for States what is a reasonable relationship between costs and benefits. It is a subjective decision and one in which considerations other than costs may have an overriding influence. EPA believes that the determination of what is a "reasonable relationship" should be made by the State after an opportunity for public comment.

B. Criteria Development

1. *Issue Raised by EPA:* Should EPA's policy of disapproving State standards which contain pollutant concentration limits less stringent than EPA's Section 304(a) criteria (absent adequate technical justification) be further refined and/or explained in regulations?

Public Comment: Thirty-two persons responded affirmatively to the question and of those, ten suggested that guidance was especially needed on the subject of EPA's criteria for accepting or rejecting standards.

Response: EPA rescinded its policy of presumptive applicability of Section

⁵ Appendix A will not appear in Title 40 of the Code of Federal Regulations.

304(a) criteria guidance on November 28, 1980, in 45 FR 79320. The proposed regulation and preamble clarify that and encourage the setting of site-specific criteria.

Public Comment: EPA should specify the technical requirements of obtaining deviations from national criteria.

Response: EPA has developed guidance for setting criteria to reflect site-specific conditions and will continue to develop alternative procedures.

Public Comment: States should have authority to set water quality standards and EPA should limit its role to guidance only.

Response: Section 303(c) of the Act requires EPA to review and approve State standards and to promulgate standards if State standards are not consistent with the applicable requirements of the Act. As part of the review of State water quality standards, EPA will evaluate whether the criteria proposed will protect the uses designated.

Public Comment: Some commenters argued that the burden of proof should fall on EPA, rather than on the States, and that the Agency should have to justify that the national criteria are applicable to particular streams in each State.

Response: The States provide the justification for the criteria included in their standards. The States make the initial determination whether Section 304(a) criteria or some other criteria are appropriate for protecting a use in a particular water body. National criteria are not presumed to be applicable.

2. Issue Raised by EPA: Should this "presumptive applicability" be continued with respect to the upcoming criteria for the 65 toxic pollutants?

Public Comment: Three-quarters of the letters on this question maintained that EPA should apply the same policy on State standards to toxic substances. Two of the twenty-five letters expressing this opinion qualified their position, maintaining that the policy be extended to toxics only in those cases where sufficient data are available.

Response: EPA abolished rather than extended the policy of presumptive applicability.

3. Issue raised by EPA: What fundamentally different factors relating to specific waters of a State might provide rational grounds for justifying a deviation from the criteria in Section 304(a)?

Public Comment: Respondents to the ANPRM suggested many different factors which might provide grounds for justifying a deviation from the national criteria. Several factors noted most

frequently by commenters included existing water quality parameters such as pH, dissolved oxygen and chemical composition, natural background data on flow rates, precipitation and climate, and man-made natural flow obstructions.

Response: Site-specific evidence that aquatic species have adapted to different pollutant concentrations, new laboratory data, and differences in a site's water quality, such as pH and hardness, that might affect the toxicity of a pollutant are among the factors that will justify a different criterion. In addition, where the most sensitive species used in the methodology to derive the Section 304(a) guidance are not indigenous local species and other species are substituted in the methodology, the criterion for a particular pollutant may also change. Natural background and flow data are also useful in determining whether a particular use is attainable, as well as for determining the criteria that are necessary to protect the use.

4. Issue raised by EPA: How much "proof" should EPA demand before allowing a deviation?

Public Comment: According to the majority of comments to this question in the ANPRM, EPA should avoid imposing excessive requirements concerning the amount of proof which must be provided by States which seek deviations from national water quality criteria. Six individuals argued that the question is improper, since the burden of proof actually lies with EPA to justify its criteria. Three others maintained that no proof whatsoever is needed since State standards should be accepted as submitted to EPA. Six maintained that no specific level should be set since the amount of proof to be supplied will vary on a case-by-case basis. Several individuals suggested that professional judgment rather than set rules be utilized in determining what constitutes adequate proof. Not all commenters agreed. Four suggested that extensive scientific documentation should be required of States.

Response: EPA has not mandated that States submit extensive data in justifying criteria other than Section 304(a) criteria. The amount of effort needed to justify criteria will vary, depending on the methodology selected. EPA is working with several States to test procedures for setting site-specific criteria for particular pollutants. The procedures are neither excessively complicated nor expensive.

C. Toxic Pollutants (Response follows Issue #7 below)

1. Issue raised by EPA: If EPA publishes a list of Section 304(a) criteria pollutants for which water quality standards must be developed, should all Quality Criteria for Water (Red Book) and 65 toxic pollutants be included?

Public Comment: Responses to this question were overwhelmingly negative. Of the fifty-five respondents who answered this question, only five suggested that all of the Red Book and 65 toxic pollutants be included on a list of criteria pollutants.

2. Issue raised by EPA: What factors should EPA consider in determining the pollutants to be included?

Public Comment: The comments suggested a variety of factors which EPA should consider in determining which substances should be listed. The most frequently identified factors were completeness of data, persistence, toxicity, effects on human health and animal life, and natural background pollution.

3. Issue raised by EPA: Should completeness of the data base be a factor?

Public Comment: According to the majority of comments to this question, completeness of data should be considered by EPA in selecting substances for inclusion on the pollutant list. Of the fifty-two persons who answered this question, all but six responded affirmatively. Two who differed from the majority argued that incomplete data should not be used as an excuse for allowing discharges of toxics. Another maintained that no data set is perfect.

4. Issue raised by EPA: Should the degree of a pollutant's persistence, toxicity, or potential for carcinogenicity be a factor?

Public Comment: The degree of a pollutant's persistence, toxicity, or potential for carcinogenicity should be considered by EPA according to a very large proportion of the comments on this question. All but three of the forty-eight persons who answered this question urged that consideration be given to these factors.

5. Issue raised by EPA: Should EPA distinguish between pollutants which harm aquatic life and those which harm humans?

Public Comment: In determining which substances should be included in State water quality standards, EPA should distinguish between pollutants which harm aquatic life and those which harm humans. This was the opinion of all but five of the forty-two persons who

answered question A(5) in the ANPRM. Several qualified their position, maintaining that the primary emphasis should be on protecting human health. Others urged that harm to aquatic and human life be distinguished, but that criteria provide for the protection of both.

6. Issue raised by EPA: How much time should States be given to develop new water quality standards in response to the new lists?

Public Comment: The forty-four commenters who answered this question proposed a wide range of time limits, ranging from less than one year to more than three years. The most frequent response was three years, with the large majority of suggestions falling between one and three years.

Several disagreed with the notion of any set time period. The time frame, they argued, should be variable depending on the good faith efforts and natural environmental characteristics of the State. One individual suggested that EPA sign agreements with individual States rather than require all States to meet an arbitrary deadline.

7. Issue raised by EPA: Should EPA directly propose any or all of the Section 304(a) criteria without waiting for State action?

Public Comment: According to all but four of the forty-five persons who answered this question, EPA should not directly propose any or all of the Section 304(a) criteria pollutants without waiting for State action.

Response: EPA is not requiring that any or all of the Red Book and the 65 toxic pollutants be included in State water quality standards. All States include in their water quality standards the following pollutant and water quality characteristics: dissolved oxygen, temperature, pH, aesthetic qualities and fecal coliform bacteria.

States are encouraged to develop criteria for toxic pollutants to include in State standards if the toxic pollutants preclude the attainment of the designated use and if the State believes that the use remains applicable to the water body.

D. Flow

1. Issue raised by EPA: Should EPA encourage State adoption of stream flow and water quantity allocation prohibitions? How can EPA do so within the confines of Section 101(g) of the Act?

Public Comment: The majority of commenters answered that EPA should

not encourage State adoption of stream flow and quantity allocation prohibitions. Thirty-one commenters were opposed to the proposed policy. The argument raised most frequently was that the States have the authority in the area of stream flow and water allocation and that Section 101(g) of the Clean Water Act was adopted specifically to protect that authority. Many interpreted EPA's proposed policy as an overt, purposeful step toward usurping States' rights.

Eighteen individuals suggested that EPA should encourage State adoption of stream flow and quantity allocation prohibitions. However, many stated that the Agency should be careful to restrict its activities to encouragement rather than regulation.

Response: EPA is not requiring States to develop prohibitions against stream flow modifications. EPA is encouraging States to consider flow in setting uses, and in developing permit conditions for dischargers.

[FR Doc. 82-29543 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 131

Public Meetings on Proposed Rule for the Water Quality Standards Program

[WH-FRL-2235-4]

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meetings.

SUMMARY: EPA is conducting a series of public meetings to discuss the proposed new regulation for the water quality standards program and accompanying draft guidance documents.

DATES: See Supplementary Information, below, for a complete listing of date, time, place, and agenda.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Sabock, Criteria and Standards Division (WH-585), Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3042.

SUPPLEMENTARY INFORMATION: EPA will hold a series of public meetings on the dates listed below to discuss the proposed rule and supporting guidance documents.

Each meeting will be conducted following this general agenda.

8:00 am—Registration Begins
9:00-9:15 am—Opening Remarks
9:15-10:00 am—Presentation on Standards Regulation
10:00-noon—Discussion on Standards Regulation
Noon-1:00 pm—Lunch
1:00-2:30—Discussion of Guidance and Field Tests on Water Body Survey and Assessments for Analyzing the Attainability of Uses
2:30-2:45—Break
2:45-4:15—Discussion of Guidance and Field Tests on Developing Site-Specific Criteria
4:15-adjournment—Discussion of Benefit-Cost Assessment Guidance

Note 1.—All times listed are approximate.

Note 2.—In San Francisco only, the meeting hours will be one hour later than shown above—opening remarks will begin at 10:00 am.

Copies of the draft guidance documents and the proposed regulation are available from the person listed above. Detailed information on the proposed rule also may be found in the Notice of Proposed Rulemaking, Water Quality Standards Regulation in this issue.

The purpose of these meetings will be to explain the proposed regulation and draft guidance, and to answer questions. Therefore, the format of these meetings will be informal to foster discussion with maximum audience participation. Participants are encouraged to reserve formal statements on the proposed rule for submission in writing during the public comment period. The dates and locations for the meetings are as follows:

Date: November 30, 1982.
Place: 29th Floor, First International Bldg., 1201 Elm Street, Dallas, Texas 75270.
Date: December 2, 1982.
Place: Community Hall, 205 South Main, Council Bluffs, Iowa 51501.
Date: December 7, 1982.
Place: Atlanta Civic Center, 395 Piedmont Ave., N.E., Room 207, Atlanta, Georgia 30308.
Date: December 9, 1982.
Place: Blackstone Hotel, 636 South Michigan Ave., Chicago, Illinois.
Date: December 14, 1982.
Place: Environmental Protection Agency, Park Place Bldg. Room 12-A, 1200 6th Ave., Seattle, Washington.
Date: December 16, 1982.
Place: Environmental Protection Agency, 6th Floor, 215 Fremont St., San Francisco, Calif.
Date: January 6, 1983.
Place: Governors Court Hotel, 1776 Grant Street, Denver, Colorado 80203.

Date: January 11, 1983.

Place: John W. McCormick Post Office &
Court House Bldg., Room 208, Boston,
Massachusetts 02109.

Date: January 13, 1983.

Place: U.S. Environmental Protection
Agency, Jacob Javitz Building, 26 Federal
Plaza, Room 305-A, New York City, N.Y.

Date: January 18, 1983.

Place: Holiday Inn, 4th & Arch Streets,
Philadelphia, PA 19106.

Date: January 20, 1983.

Place: U.S. Environmental Protection
Agency, 401 M St., S.W. (Room 2814),
Washington, D.C..

Dated: October 22, 1982.

Henry Longest,

Acting Assistant Administrator for Water.

[FR Doc. 82-29744 Filed 10-28-82; 8:45 am]

BILLING CODE 5560-50-M

United States
Treasury
Department

Friday
October 29, 1982

Part V

**Department of the
Treasury**

Fiscal Service, Bureau of Public Debt

Offering of United States Savings Bonds,
Series EE

Department Circular, Public Debt Series
No. 1-80, Second Revision

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 351

Offering of United States Savings Bonds, Series EE

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This Second Revision of Department of the Treasury Circular, Public Debt Series No. 1-80, the offering circular for United States Savings Bonds of Series EE, is being issued to set out changes in the terms and conditions of these bonds, including a new market-based variable investment yield. The variable yield will be based on the Secretary of the Treasury's determination of the average yields occurring on marketable Treasury obligations with remaining maturity periods of approximately 5 years. The market-based variable investment yield is being established to provide bondowners with a rate of return comparable to market rates occurring during the period the bond is held.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that Series EE bonds sold on and after November 1, 1982, will provide, if held for 5 years, or longer, an investment yield that is 85 percent of the average yield on outstanding marketable Treasury securities (U.S. Treasury notes and bonds) with remaining maturities of approximately 5 years. This market-based variable investment yield will be the basis for determining the redemption value of a bond, unless its guaranteed minimum yield produces a higher value. The market-based variable investment yield and a guaranteed minimum investment yield will also apply to outstanding Series EE bonds issued prior to November 1, 1982. The details of these changes are as follows:

New Series EE Bonds

Series EE bonds issued on and after November 1, 1982, will have a 10 year maturity period. During the first 5 years after issue, they will have a graduated yield. Table 1 in the Appendix to the Circular shows the investment yields and redemption values for bonds redeemed less than 5 years after issue.

The investment yield provided by a bond from its issue date to each semiannual interest accrual date occurring 5 years after issue and thereafter will be the greater of either a minimum guaranteed yield of 7.5 percent per annum, compounded semiannually, or a variable investment yield determined as follows: For each 6-month period, beginning with the period starting on May 1, 1982, the Department of the Treasury will determine the average market yield during such period on marketable Treasury securities having a remaining term to maturity of approximately 5 years during such period. The market-based variable investment yield from issue date to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods beginning with the 6-month period (i.e., May 1 to October 31 or November 1 to April 30) that most recently ended before the issue date of the bond. The market-based variable investment yield from issue date to the semiannual interest accrual date occurring 5½ years from issue, and for each interest accrual date thereafter, will be similarly determined from the market yield averages for the appropriate number of 6-month periods.

For example, for bonds bearing issue dates of November 1, 1982, to April 1, 1983, the 6-month period most recently ending before their issue dates is the period from May 1, 1982, through October 31, 1982. Thus, the market-based variable investment yield from the issue date of such bonds to 5 years thereafter will be 85 percent of the average of the market yield averages for the ten 6-month periods from May 1, 1982, through April 30, 1987. The market-based variable investment yield from issue date to 5½ years will be determined from the market yield averages for the eleven 6-month periods from May 1, 1982, to October 31, 1987. In each case, the redemption value of bonds from their issue date to each semiannual interest accrual date occurring on and after 5 years after issue will be the greater of the values determined from the applicable market-based variable investment yield or the minimum guaranteed investment yield of 7.5 percent per annum, compounded semiannually.

Outstanding Bonds

Series EE bonds bearing issue dates prior to November 1, 1982, will also receive the benefit of the market-based variable investment yield, provided they are held for at least 5 years after their first semiannual interest accrual period

beginning on or after November 1, 1982. The investment yields for bonds redeemed before the end of the 5 year period, as well as the minimum guaranteed investment yields for the periods thereafter when the variable investment yield provision applies, will be the yields heretofore prescribed in this Circular. The market-based variable investment yield from the first semiannual interest accrual period beginning on or after November 1, 1982, to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods from May 1, 1982, through April 30, 1987. The market-based variable investment yield to 5½ years thereafter will be determined from the market yield averages for the 11 periods from May 1, 1982, through October 31, 1987. For each additional half-yearly retention of a bond, the market-based variable investment yield computation will include the next successive 6-month market yield average.

This revision is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 351

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular, Public Debt Series No. 1-80, First Revision, dated May 1, 1981, (31 CFR, Part 351), is hereby further revised and reissued as Department of the Treasury Circular, Public Debt Series No. 1-80, Second Revision, effective as of November 1, 1982.

PART 351—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES EE

Sec.

- 351.0 Offering of bonds.
- 351.1 Governing regulations.
- 351.2 Description of bonds.
- 351.3 Registration and issue.
- 351.4 Limitation on purchases.
- 351.5 Purchase of bonds.
- 351.6 Delivery of bonds.
- 351.7 Payment or redemption.
- 351.8 Taxation.

Sec.

- 351.9 Reservation as to issue of bonds.
 351.10 Waiver.
 351.11 Fiscal agents.
 351.12 Reservation as to terms of offer.

Appendix

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); 5 U.S.C. 301.

§ 351.0 Offering of bonds.

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series EE, hereinafter referred to as "Series EE bonds" or "bonds." This offer, effective November 1, 1982, will continue until terminated by the Secretary of the Treasury.

§ 351.1 Governing regulations.

Series EE bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Savings Bonds of Series EE and HH, contained in Department of the Treasury Circular, Public Debt Series No. 3-80 (31 CFR, Part 353), hereinafter referred to as Circular No. 3-80.

§ 351.2 Description of bonds.

(a) *General.* Series EE bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series EE bonds are issued on a discount basis. The denominations and purchase prices are:

Denomination	Purchase price
\$50	\$25.00
75	37.50
100	50.00
200	100.00
500	250.00
1,000	500.00
5,000	2,500.00
10,000	5,000.00

(c) *Term to maturity.* The issue date of a Series EE bond is the first day of the month in which payment of the issue price is received by an authorized issuing agent. Bond's mature as follows:

Issue dates	Maturity dates
Nov. 1, 1982, and thereafter.....	10 years from issue date.
May 1, 1981-Oct. 1, 1982.....	8 years from issue date.
Nov. 1, 1980-April 1, 1981.....	9 years from issue date.
Jan. 1, 1980-October 1, 1980.....	11 years from issue date.

(d) *Redemption.* A Series EE bond may be redeemed after 6 months from its issue date at fixed redemption values. See Tables appended to this Circular. The Secretary of the Treasury may not call Series EE bonds for redemption prior to maturity.

(e) *Investment yield (interest)—bonds issued on or after November 1, 1982.* The investment yield of a Series EE bond issued on or after November 1, 1982, from its issue date to each interest accrual date occurring less than 5 years after issue will be graduated, as shown in Table 1 in the Appendix to this Circular. Its yield from issue date to each semiannual interest accrual date occurring on and after 5 years up to maturity will be the greater of the guaranteed minimum investment yield or the market-based variable investment yield as described below:

(1) *Guaranteed minimum investment yield.* The guaranteed minimum investment yield on a bond from its issue date to each semiannual interest accrual date occurring on or after 5 years from issue up to maturity will be 7.5 percent per annum, compounded semiannually.

(2) *Market-based variable investment yield.* If a Series EE bond is not sooner redeemed, its yield 5 years after issue date and on each successive semiannual interest accrual date will be determined as follows:

(i) For each 6-month period, starting with the period beginning on May 1, 1982, the average market yield on outstanding marketable Treasury securities with a remaining term to maturity of approximately 5 years during such period will be determined.

(ii) The market-based variable investment yield from the issue date of a bond to its semiannual interest accrual date 5 years thereafter will be 85 percent, rounded to the nearest one-fourth of 1 percent, of the arithmetic average of the market yield averages for the ten 6-month periods starting with the 6-month period that most recently ended before such issue date.

(iii) In determining the market-based variable investment yield for a bond from its issue date to each successive semiannual interest accrual date occurring after 5 years from issue up to maturity, the average market yield for the next additional 6-month average market yield will be included in the computation.

(iv) The determination by the Secretary of the Treasury, or his delegate, of the average market yields shall be final and conclusive.

Example. For bonds bearing issue dates of November 1, 1982, through April 1, 1983, the market-based variable investment yield from issue date to 5 years will be determined from the ten 6-month market yield averages for the period from May 1, 1982, through April 30, 1987. The market-based variable investment yield from issue to 5½ years will be determined for the period from May 1, 1982, through October 31, 1987. For bonds bearing

issue dates of May 1, 1983, to October 1, 1983, the 5 year market-based variable investment yield will be determined for the period from November 1, 1982, through October 31, 1987, and the 5½ year market-based variable investment yield will be determined from November 1, 1982, through April 30, 1988. In each case where a bond is held for 5 years or longer its redemption value on the appropriate interest accrual date will be determined from such yield, unless the guaranteed minimum yield of 7.5 percent per annum, compounded semiannually, from issue to that accrual date results in a higher redemption value.

(f) *Investment yields (interest)—bonds issued prior to November 1, 1982.* For bonds bearing issue dates of January 1, 1980, through October 1, 1982, the investment yields shall be as follows:

(1) *Guaranteed minimum yield.* The guaranteed minimum yield on a bond from its first semiannual interest accrual date occurring on or after November 1, 1982, to each succeeding semiannual interest accrual date shall be the investment yield heretofore prescribed in this Circular.

(2) *Market-based variable investment yield.* If a bond is held for a period of 5 years after its first semiannual interest accrual date occurring on or after November 1, 1982, its yield for such period, and to each successive semiannual interest accrual date up to its maturity date, shall be the greater of either the guaranteed minimum yield specified above or the market-based variable investment yield computed as provided in subparagraph (e)(2), using the appropriate number of 6-month periods, the first of which being the period beginning May 1, 1982.

(g) *Accrual and payment of interest.* Interest accrues on a Series EE bond and becomes a part of the redemption value which is paid when the bond is cashed. For bonds with issue dates from January 1, 1980, through October 1, 1980, the redemption value increases on the first day of each month from the third through the thirtieth month after issue, and thereafter on the first day of each successive 6-month period. For bonds with issue dates on and after November 1, 1980, the redemption value increases on the first day of each month from the third through the eighteenth month after issue, and thereafter on the first day of each successive 6-month period. The interest on an outstanding bond ceases to accrue after maturity.

(h) *Tables of redemption values.* For bonds with issue dates of November 1, 1982, and thereafter, Table 1 in the Appendix to this Circular shows the established redemption values and investment yields for the first 4½ years after issue and the guaranteed minimum

yields and resulting redemption values from 5 years after issue to maturity. For bonds issued prior to November 1, 1982, tables showing the established redemption values and investment yields for interest accrual dates occurring less than 5 years from the first semiannual interest accrual period starting on or after November 1, 1982, and the guaranteed minimum investment yields and resulting redemption values for interest accrual dates occurring thereafter, will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches. The market-based variable investment yield for the period May 1, 1982, to April 30, 1987, as determined under this section, will be announced prior to November 1, 1987, and approximately every 6 months thereafter for successive, additional periods, by notice in the *Federal Register*, accompanied by tables of the redemption values of bonds for the following 6 months, as determined by the applicable market-based variable investment yield or minimum guaranteed yields.

§ 351.3 Registration and issue.

(a) *Registration.* Bonds may be registered in the names of natural persons in single ownership, coownership, or beneficiary form. Bonds may also be registered in the names of organizations and fiduciaries. Specific rules and examples are contained in Subpart B of Circular No. 3-80.

(b) *Validity of issue.* A bond is validly issued when it (1) is registered as provided in Circular No. 3-80; and (2) bears an issue date and the validation indicia of an authorized issuing agent.

(c) *Taxpayer identifying number.* The inscription of a bond must include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable. If the bond is being purchased as a gift or award and the owner's taxpayer identifying number is not known, the taxpayer identifying number of the purchaser and the word "GIFT" must be included in the inscription on the bond.

(d) *Restrictions on chain letters.* The issuance of bonds in the furtherance of a chain letter or pyramid scheme is considered to be against the public interest and is prohibited. An issuing agent is authorized to refuse to issue a bond if there is reason to believe that a purchase is in connection with a chain letter and its decision is final.

§ 351.4 Limitation on purchases.

The amount of Series EE bonds which may be purchased and held in the name of any one person in any one calendar year is limited to \$30,000 (face amount). Subpart C of Circular No. 3-80 contains the rules governing the computation of amounts and the special limitation for employee plans.

§ 351.5 Purchase of bonds.

(a) *Payroll plans.* Bonds may be purchased through deductions from the pay of employees of organizations which maintain payroll savings plans. The bonds must be issued by an authorized issuing agent, which may be the employer organization or a financial institution or Federal Reserve Bank or Branch servicing that organization.

(b) *Over-the-counter/mail.*

(1) *At financial institutions.* Bonds registered in the names of individuals in their own right may be purchased over-the-counter or by mail at any financial institution, i.e., bank, savings and loan association, etc. qualified as an issuing agent.

(2) *At Federal Reserve Banks or Branches and the Bureau of the Public Debt.*

(i) *General.* Bonds registered in any authorized form may be purchased over-the-counter or by mail from a Federal Reserve Bank or Branch, and from the Bureau of the Public Debt, Washington, D.C. 20226.

(ii) *Remittance.* The application for purchase of a bond from a Federal Reserve Bank or Branch or from the Bureau of the Public Debt, Washington, D.C. 20226, must be accompanied by the remittance to cover the issue price. Checks or other forms of exchange, which will be accepted subject to collection, should be drawn to the order of the Federal Reserve Bank or Branch or the Bureau of the Public Debt, as the case may be. Checks payable by endorsement are not acceptable.

(3) *Payment with savings stamps.* Savings stamps will be accepted in payment for Series EE bonds purchased over-the-counter or by mail.

(c) *Bond-a-month plan.* A depositor of a financial institution qualified as an issuing agent may purchase bonds through a system of regular monthly withdrawals from the depositor's account.

(d) *Employee thrift, savings, vacation, and similar plans.* Bonds registered in the names of trustees of employee plans may be purchased either (1) from a Federal Reserve Bank or Branch, or (2) from a financial institution which:

- (i) Is a qualified issuing agent;
- (ii) Has been designated trustee of an approved employee plan eligible for the

special limitation under Sec. 353.13 of Circular No. 3-80; and

(iii) Has obtained prior approval to issue the bonds from the Federal Reserve Bank of the agent's district.

§ 351.6 Delivery of bonds.

Issuing agents are authorized to deliver Series EE bonds either over-the-counter or by mail. Mail deliveries are made at the risk and expense of the United States to the address given by the purchaser, if it is within the United States, its territories or possessions, or the Commonwealth of Puerto Rico. No mail deliveries elsewhere will be made, except to residents of Mexico and Canada, who participate in payroll savings plans and to residents of what was formerly the Panama Canal Zone. Bonds purchased by a citizen of the United States residing abroad will be delivered only to such address in the United States as the purchaser directs.

§ 351.7 Payment or redemption.

(a) *Incorporated banks, savings and loan associations, and other financial institutions.* A financial institution qualified as a paying agent under the provisions of Department of the Treasury Circular No. 750 (31 CFR, Part 321) will pay the current redemption value of a Series EE bond presented for payment by an individual whose name is inscribed on the bond as owner or coowner, provided: (1) the bond is in order for payment and (2) the presenter establishes his or her identity to the satisfaction of the agent, in accordance with Treasury instructions and identification guidelines, and signs and completes the request for payment.

(b) *Federal Reserve Banks and Branches and the Bureau of the Public Debt.* A Federal Reserve Bank or Branch of the Bureau of the Public Debt will pay the current redemption value of a Series EE bond presented for payment, provided the bond is on order for payment and the request for payment on the bonds is properly signed and certified in accordance with Circular No. 3-80.

§ 351.8 Taxation.

(a) *General.* The increment in value, represented by the difference between the price paid for a Series EE bond and the redemption value received for it, is interest. This interest is subject to all taxes imposed under the Internal Revenue Code of 1954, as amended. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all other taxation now or hereafter imposed on the principal or interest by any State,

any possession of the United States or any local taxing authority.

(b) *Federal income tax on bonds.* An owner of Series EE bonds may use either of the following two methods for reporting the increase in the redemption value of the bond for Federal income tax purposes:

(1) *Cash basis.* Defer reporting the increase to the year of maturity, redemption, or other disposition, whichever is earlier; or

(2) *Accrual basis.* Elect to report the increase each year as it accrues, in which case the election applies to all Series EE bonds then owned by the taxpayer and those subsequently acquired, as well as to any other obligations purchased on a discount basis, such as those of Series E.

(3) If the method in paragraph (b)(1) of this section is used, the taxpayer may change to the method in paragraph (b)(2) of this section without obtaining permission from the Internal Revenue Service. However, once the election to use the method in paragraph (b)(2) of this section is made, the taxpayer may not change the method of reporting unless he or she obtains permission from the Internal Revenue Service. For further information, the District Director of the taxpayer's district, or the Internal Revenue Service, Washington, D.C. 20224, should be consulted.

(c) *Tax-deferred exchanges.* Department of the Treasury Circular, Public Debt Series No. 2-80 (31 CFR, Part 352), authorizes the exchange of Series EE bonds for Series HH bonds with a continuation of the tax-deferral privilege. The rules governing tax-deferred exchanges are contained in that Circular.

(d) *Reissue.* A reissue that affects the rights of any of the persons named on a

Series EE bond may have a tax consequence.

§ 351.9 Reservation as to issue of bonds.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, is authorized to reject any application for Series EE bonds, in whole or in part, and to refuse to issue or permit to be issued any bonds in any case or class of cases, if he deems the action to be in the public interest, and his action in any such respect is final.

§ 351.10 Waiver.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, may waive or modify any provision of this circular in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 351.11 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury, or his delegate, in connection with the issue, servicing and redemption of Series EE bonds.

§ 351.12 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds.

BILLING CODE 4810-35-M

EE BONDS BEARING ISSUE DATES BEGINNING NOVEMBER 1, 1982

ISSUE PRICE		Maturity Value		25.00		37.50		50.00		100.00		250.00		500.00		\$ 500.00		Approximate Investment Yield (Annual Percentage Rate)	
52.22		78.33		104.44		208.88		522.20		1044.40		5222.00		10444.00					
(1) Redemption Values During Each Period (Values Increase on First Day of Period)		(2) From Issue Date to Start of Period		(3) During Each Period		(4) From Start of Period to Maturity													
Period (Years and Months After Issue)		Percent		Percent		Percent		Percent		Percent		Percent		Percent		Percent		Percent	
A/		0-0		0-2		1/(11/1/82)		25.00		37.50		50.00		100.00		250.00		500.00	
		0-2		0-3		(1/1/83)		25.18		37.77		50.36		100.72		251.80		503.60	
		0-3		0-4		(2/1/83)		25.26		37.89		50.52		101.04		252.60		505.20	
		0-4		0-5		(3/1/83)		25.34		38.01		50.68		101.35		253.40		506.80	
		0-5		0-6		(4/1/83)		25.42		38.13		50.84		101.68		254.20		508.40	
		0-6		0-7		(5/1/83)		25.52		38.28		51.04		102.08		255.20		510.40	
		0-7		0-8		(6/1/83)		25.64		38.46		51.28		102.56		256.40		512.80	
		0-8		0-9		(7/1/83)		25.78		38.67		51.56		103.12		257.80		515.60	
		0-9		0-10		(8/1/83)		25.94		38.91		51.88		103.76		259.40		518.80	
		0-10		0-11		(9/1/83)		26.08		39.12		52.16		104.32		260.80		521.60	
		0-11		1-0		(10/1/83)		26.24		39.36		52.48		104.96		262.40		524.80	
		1-0		1-1		(11/1/83)		26.40		39.60		52.80		105.60		264.00		528.00	
		1-1		1-2		(12/1/83)		26.54		39.81		53.08		106.16		265.40		530.80	
		1-2		1-3		(1/1/84)		26.68		40.02		53.36		106.72		266.80		533.60	
		1-3		1-4		(2/1/84)		26.80		40.20		53.60		107.20		268.00		536.00	
		1-4		1-5		(3/1/84)		26.94		40.41		53.88		107.76		269.40		538.80	
		1-5		1-6		(4/1/84)		27.08		40.62		54.16		108.32		270.80		541.60	
		1-6		1-7		(5/1/84)		27.22		40.83		54.44		108.88		272.20		544.40	
		1-7		1-8		(6/1/84)		27.36		41.04		54.72		109.44		273.60		547.20	
		1-8		1-9		(7/1/84)		27.50		41.25		55.00		110.00		275.00		550.00	
		1-9		1-10		(8/1/84)		27.64		41.46		55.28		110.56		276.40		552.80	
		1-10		1-11		(9/1/84)		27.78		41.67		55.56		111.12		277.80		555.60	
		1-11		1-12		(10/1/84)		27.92		41.88		55.84		111.68		279.20		558.40	
		2-0		2-1		(11/1/84)		28.06		42.09		56.12		112.24		280.60		561.20	
		2-1		2-2		(12/1/84)		28.20		42.30		56.40		112.80		281.40		562.80	
		2-2		2-3		(1/1/85)		28.34		42.51		56.68		113.36		282.60		564.40	
		2-3		2-4		(2/1/85)		28.48		42.72		56.96		113.92		283.80		566.00	
		2-4		2-5		(3/1/85)		28.62		42.93		57.24		114.48		285.00		567.60	
		2-5		2-6		(4/1/85)		28.76		43.14		57.52		115.04		286.20		569.20	
		2-6		2-7		(5/1/85)		28.90		43.35		57.80		115.60		287.40		570.80	
		2-7		2-8		(6/1/85)		29.04		43.56		58.08		116.16		288.60		572.40	
		2-8		2-9		(7/1/85)		29.18		43.77		58.36		116.72		289.80		574.00	
		2-9		2-10		(8/1/85)		29.32		43.98		58.64		117.28		291.00		575.60	
		2-10		2-11		(9/1/85)		29.46		44.19		58.92		117.84		292.20		577.20	
		2-11		2-12		(10/1/85)		29.60		44.40		59.20		118.40		293.40		578.80	
		3-0		3-1		(11/1/85)		29.74		44.61		59.48		118.96		294.60		580.40	
		3-1		3-2		(12/1/85)		29.88		44.82		59.76		119.52		295.80		582.00	
		3-2		3-3		(1/1/86)		30.02		45.03		60.00		120.08		297.00		583.60	
		3-3		3-4		(2/1/86)		30.16		45.24		60.28		120.64		298.20		585.20	
		3-4		3-5		(3/1/86)		30.30		45.45		60.56		121.20		299.40		586.80	
		3-5		3-6		(4/1/86)		30.44		45.66		60.84		121.76		300.60		588.40	
		3-6		3-7		(5/1/86)		30.58		45.87		61.12		122.32		301.80		590.00	
		3-7		3-8		(6/1/86)		30.72		46.08		61.40		122.88		303.00		591.60	
		3-8		3-9		(7/1/86)		30.86		46.29		61.68		123.44		304.20		593.20	
		3-9		3-10		(8/1/86)		31.00		46.50		61.96		124.00		305.40		594.80	
		3-10		3-11		(9/1/86)		31.14		46.71		62.24		124.56		306.60		596.40	
		3-11		3-12		(10/1/86)		31.28		46.92		62.52		125.12		307.80		598.00	
		3-12		3-13		(11/1/86)		31.42		47.13		62.80		125.68		309.00		599.60	
		3-13		3-14		(12/1/86)		31.56		47.34		63.08		126.24		310.20		601.20	
		3-14		3-15		(1/1/87)		31.70		47.55		63.36		126.80		311.40		602.80	
		3-15		3-16		(2/1/87)		31.84		47.76		63.64		127.36		312.60		604.40	
		3-16		3-17		(3/1/87)		31.98		47.97		63.92		127.92		313.80		606.00	
		3-17		3-18		(4/1/87)		32.12		48.18		64.20		128.48		315.00		607.60	
		3-18		3-19		(5/1/87)		32.26		48.39		64.48		129.04		316.20		609.20	
		3-19		3-20		(6/1/87)		32.40		48.60		64.76		129.60		317.40		610.80	
		3-20		3-21		(7/1/87)		32.54		48.81		65.04		130.16		318.60		612.40	
		3-21		3-22		(8/1/87)		32.68		49.02		65.32		130.72		319.80		614.00	
		3-22		3-23		(9/1/87)		32.82		49.23		65.60		131.28		321.00		615.60	
		3-23		3-24		(10/1/87)		32.96		49.44		65.88		131.84		322.20		617.20	
		3-24		3-25		(11/1/87)		33.10		49.65		66.16		132.40		323.40		618.80	
		3-25		3-26		(12/1/87)		33.24		49.86		66.44		132.96		324.60		620.40	
		3-26		3-27		(1/1/88)		33.38		50.07		66.72		133.52		325.80		622.00	
		3-27		3-28		(2/1/88)		33.52		50.28		67.00		134.08		327.00		623.60	
		3-28		3-29		(3/1/88)		33.66		50.49		67.28		134.64		328.20		625.20	
		3-29		3-30		(4/1/88)		33.80		50.70		67.56		135.20		329.40		626.80	
		3-30		3-31		(5/1/88)		33.94		50.91		67.84		135.76		330.60		628.40	
		3-31		3-32		(6/1/88)		34.08		51.12		68.12		136.32		331.80		630.00	
		3-32		3-33		(7/1/88)		34.22		51.33		68.40		136.88		333.00		631.60	
		3-33		3-34		(8/1/88)		34.36		51.54		68.68		137.44		334.20		633.20	
		3-34		3-35		(9/1/88)		34.50		51.75		68.96		138.00		335.40		634.80	
		3-35		3-36		(10/1/88)		34.64		51.96		69.24		138.56		336.60		636.40	
		3-36		3-37		(11/1/88)		34.78		52.17		69.52		139.12		337.80		638.00	
		3-37		3-38		(12/1/88)		34.92		52.38		69.80		139.68		339.00		639.60	
		3-38		3-39		(1/1/89)		35.06		52.59		70.08		140.24		340.20		641.20	
		3-39		3-40		(2/1/89)		35.20		52.80		70.36		140.80		341.40		642.80	
		3-40		3-41		(3/1/89)		35.34		53.01		70.64		141.36		342.60		644.40	
		3-41		3-42		(4/1/89)		35.48		53.22		70.92		141.92		343.80		646.00	
		3-42		3-43		(5/1/89)		35.62		53.43		71.20		142.48		345.00		647.60	
		3-43		3-44		(6/1/89)		35.76		53.64		71.48		143.04		346.20		649.20	
		3-44		3-45		(7/1/89)		35.90		53.85		71.76		143.60		347.40		650.80	
		3-45		3-46		(8/1/89)		36.04		54.06		72.04		144.16		348.60		652.40	
		3-46		3-47		(9/1/89)		36.18		54.27		72.32		144.72		349.80		654.00	
		3-47		3-48		(10/1/89)		36.32		54.48		72.60		145.28		351.00		655.60	
		3-48		3-49		(11/1/89)		36.46		54.69		72.88		145.84		352.20		657.20	
		3-49		3-50		(12/1/89)		36.60		54.90		73.16		146.40		353.40		658.80	
		3-50		3-51		(1/1/90)		36.74		55.11		73.44		146.96		354.60		660.40	
		3-51		3-52		(2/1/90)		36.88		55.32		73.72		147.52		355.80		662.00	
		3-52		3-53		(3/1/90)		37.02		55.53		74.00		148.08		357.00		663.60	
		3-53		3-54		(4/1/90)		37.16		55.74		74.28		148.64		358.20		665.20	
		3-54		3-55		(5/1/90)		37.30		55.95		74.56		149.20		359.40		666.80	
		3-55		3-56		(6/1/90)		37.44		56.16		74.84		149.76		360.60		668.40	
		3-56		3-57		(7/1/90)		37.58		56.37		75.12		150.32		361.80			

Registered Federal Report

Friday
October 29, 1982

Part VI

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of United States Savings Bonds;
Series HH

Dept. Circular, Public Debt Series No. 2-
80, Second Revision

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 352

Offering of United States Savings Bonds, Series HH

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This second revision of Department of the Treasury Circular, Public Debt Series No. 2-80, the offering circular for United States Savings Bonds of Series HH, is being issued to terminate the offering of these bonds for cash purchase and to prescribe an interest rate of 7½ percent per annum, compounded semiannually, for bonds acquired on exchange of Series EE and E savings bonds and savings notes on and after November 1, 1982. The cash offering of Series HH bonds is being terminated due to the low volume of sales. The interest rate being prescribed for Series HH bonds is being set to maintain parity with the minimum guaranteed yield being prescribed for Series EE bonds.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that, as part of the changes being made in the savings bond program, Series HH bonds would not be offered for cash purchase after October 31, 1982, and Series HH bonds acquired through an exchange of Series EE and E savings bonds and savings notes on or after November 1, 1982, would have an interest rate of 7½ percent per annum, compounded semiannually.

The cash offering of Series HH bonds is being terminated due to the low volume of sales. Series HH savings bonds will continue to be available in exchange of Series EE and E savings bonds and savings notes, with or without tax deferral. The proceeds of matured Series H bonds may continue to be reinvested in Series HH bonds, but without continuation of any tax deferral.

The interest rate of 7½ percent per annum, compounded semiannually, for Series HH bonds issued on and after November 1, 1982, maintains parity between that interest rate and the minimum guaranteed yield now being prescribed for Series EE bonds.

This revision is effected under authority of Sec. 22 of the Second Liberty Bond Act, as amended (49 Stat.

21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 352

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular No. 2-80, First Revision, dated October 6, 1981, (31 CFR Part 352) is hereby revised and reissued as Department of the Treasury Circular, Public Debt Series No. 2-80, Second Revision, effective as of November 1, 1982.

PART 352—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES HH

Sec.

- 352.0 Offering of bonds.
- 352.1 Governing regulations.
- 352.2 Description of bonds.
- 352.3 Registration and issue.
- 352.4 Limitation on purchases.
- 352.5 Authorized issuing and paying agents.
- 352.6 [Reserved]
- 352.7 Issues on exchange.
- 352.8 Reinvestment of matured Series H bonds.
- 352.9 Delivery of bonds.
- 352.10 Taxation.
- 352.11 Reservation as to issue of bonds.
- 352.12 Waiver.
- 352.13 Fiscal agents.
- 352.14 Reservation as to terms of offer.

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); (5 U.S.C. 301).

§ 352.0 Offering of bonds.

The Secretary of the Treasury hereby offers to the people of the United States, United States Savings Bonds of Series HH in exchange for outstanding United States Savings Bonds of Series E and EE and United States Savings Notes (Freedom Shares). This offering, effective as of November 1, 1982, will continue until terminated by the Secretary of the Treasury.¹

§ 352.1 Governing regulations.

Series HH bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Savings Bonds of Series EE and HH, contained in

¹ Under prior revisions of this offering, Series HH bonds were also offered for cash purchase. This cash offering terminated on October 31, 1982.

Department of the Treasury Circular, Public Debt Series No. 3-80 (31 CFR, Part 353), hereinafter referred to as Circular No. 3-80.

§ 352.2 Description of bonds.

(a) *General.* Series HH bonds are issued only in registered form and are nontransferable. Bonds sold for cash under prior revisions of this Circular and bonds issued on exchange are distinguishable by: (1) the portraits, color and border design; (2) the tax-deferral legend on the bonds issued on exchange; (3) the word "CASH" or "EXCHANGE", as appropriate, on the back of the bond; and (4) text material.

(b) *Denominations and prices.* Series HH bonds are issued at face amount and are in denominations of \$500, \$1,000, \$5,000 and \$10,000.

(c) *Term.* Each bond bears an issue date which is the date from which interest is earned. The date is established as provided in Sec. 352.7(f). The bond matures 10 years from the issue date.

(d) *Redemption.* (1) *General.* A Series HH bond may be redeemed after six months from its issue date. The Secretary of the Treasury may not call Series HH bonds for redemption prior to maturity. A bond received for redemption by an agent during the calendar month preceding any interest payment will not ordinarily be paid until that date.

(2) *Bonds purchased for cash.* During the first five years from issue, the redemption value of a bond purchased for cash under previous revisions of this Circular is less than face amount. The difference between the face amount and redemption value represents an adjustment of interest. After five years, the bond will be paid at face amount.

(3) *Bonds issued on exchange.* Bonds issued on exchange, including authorized reinvestment, are not subject to an interest adjustment and will be redeemed at face amount at any time after six months from their issue dates.

(e) *Investment yield (interest).* The level interest payments on Series HH bonds will produce the investment yields specified below on all bonds issued on exchange and on bonds purchased for cash under previous revisions of this Circular that are held for at least 5 years from their issue (see paragraph (d) (2) of this Section concerning bonds purchased for cash that are redeemed earlier than 5 years from their issue).

(1) *Current offering.* Series HH bonds issued on and after November 1, 1982, will yield 7.5 percent per annum.

compounded semiannually. See Table 1 in the Appendix to this Circular.

(2) *Bonds with issue dates of May 1, 1981 to October 1, 1982.* Series HH bonds with issue dates of May 1, 1981, through October 1, 1982, will yield 8.5 percent per annum, compounded semiannually.

(3) *Bonds with issue dates from November 1, 1980 to April 1, 1981.* Series HH bonds with issue dates of November 1, 1980, through April 1, 1980, were originally offered to yield 7½ percent per annum, compounded semiannually. The yield to maturity was increased by 1 percent, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981.

(4) *Bonds with issue dates from January 1, 1980 to October 1, 1980.* Series HH bonds with issue dates of January 1, 1980, through October 1, 1980, were originally offered to yield 6.5 percent per annum, compounded semiannually. The yield to maturity was increased by 1 percent, effective with the first full semiannual interest accrual period beginning on or after November 1, 1980, and an additional 1 percent, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981.

(f) *Payment of interest.* The interest on a Series HH bond is paid semiannually by check drawn to the order of the registered owner or coowners, beginning six months from the issue date. Interest ceases at final maturity, or, if the bond is redeemed before final maturity, as of the end of the interest period next preceding the date of redemption. However, if the date of redemption falls on an interest payment date, interest ceases on that date.

(g) *Tables of interest payments and redemption values.* Tables showing the interest payments and redemption values of bonds issued under previous revisions of this Circular will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches.

§ 352.3 Registration and issue.

(a) *Registration.* Bonds may be registered in the names of natural persons in single ownership, coownership or beneficiary forms. Bonds may also be registered in the names of organizations and fiduciaries. Specific rules and examples are contained in Subpart B of Circular No. 3-80.

(b) *Validity of issue.* A bond is validly issued when it (1) is registered as provided in Circular No. 3-80 and in this Circular; and (2) bears an issue date and

the validation indicia of an authorized issuing agent.

(c) *Taxpayer identifying number.* The inscription of a bond must include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable.

§ 352.4 Limitation on purchases.

The amount of Series HH bonds purchased for cash under previous revisions of this Circular and held in the name of any one person in any one calendar year was limited to \$20,000 (face amount). Bonds issued on authorized exchange or reinvestment are not subject to this limitation. Subpart C of Circular No. 3-80 contains the rules governing the computation of amounts and the special limitation for exempt organizations.

§ 352.5 Authorized issuing and paying agents.

Series HH bonds may be issued or redeemed only by (a) a Federal Reserve Bank or Branch, (b) the Bureau of the Public Debt, Washington, D.C. 20226, or (c) the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

§ 352.6 [Reserved]

§ 352.7 Issues on exchange.

(a) *Securities eligible for exchange.* Owners may exchange United States Savings Bonds of Series E and EE and United States Savings Notes (Freedom Shares) at their current redemption values for Series HH bonds. Series E bonds are eligible for exchange until one year after their final maturity dates. Series EE bonds become eligible for exchange six months after their issue dates.

(b) *Basis for issue.* Series HH bonds will be issued on exchange by an authorized issuing agent upon receipt of a properly executed exchange subscription with eligible securities and additional cash, if any, and any supporting evidence that may be required under the regulations. If eligible securities are submitted directly to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, each must bear a properly signed and certified request for payment. Checks in payment of any cash difference (see paragraph (d) of this section) must be drawn to the order of the Federal Reserve Bank or Branch or Bureau of the Public Debt.

(c) *Role of financial institutions.* Department of the Treasury Circular No. 750, current revision (31 CFR, Part 321), authorizes financial institutions

qualified as paying agents for savings bonds and notes to redeem eligible securities presented for exchange and to forward an exchange subscription and full payment to a Federal Reserve Bank or Branch for the issue of Series HH bonds. The securities redeemed on exchange by such an institution must be securities which it is authorized to redeem for cash.

(d) *Computation of issue price.* The total current redemption value of the eligible securities submitted in exchange in any one transaction must be \$500 or more. If the current redemption value is an even multiple of \$500, Series HH bonds must be registered in that exact amount. If the total current redemption value exceeds, but is not an even multiple of, \$500, the owner has the option either of furnishing the cash necessary to obtain Series HH bonds at the next highest \$500 multiple, or of receiving payment of the next highest \$500 multiple, or of receiving payment of the next lower \$500 multiple. For example, if the eligible securities presented for exchange in one transaction have a total current redemption value of \$4,253.33, the owner may elect to:

(1) receive \$4,000 in Series HH bonds and the amount of the difference, \$253.33; or

(2) pay the difference, \$246.67, necessary to obtain \$4,500 in Series HH bonds.

(e) *Registration.* A Series HH bond issued on exchange may be registered in any authorized form (see Subpart B of Circular No. 3-80), subject to the following restrictions:

(1) If the securities submitted in exchange are in single ownership form, the owner must be named as owner or first-named coowner on the Series HH bonds. A coowner or beneficiary may be named.

(2) If the securities submitted in exchange are in coownership form, and one coowner is the "principal coowner", the "principal coowner" must be named as owner or first-named coowner. A beneficiary or coowner may be named. The "principal coowner" is a coowner who (i) purchased the securities submitted for exchange with his or her own funds, or (ii) received them as a gift, inheritance or legacy, or as a result of judicial proceedings, and had them reissued in coownership form, provided he or she has received no contribution in money or money's worth for designating the other coowner on the securities.

(3) If the securities submitted in exchange are in coownership form and both coowners shared in the purchase of the securities or received them jointly as

a gift, inheritance or legacy or a result of judicial proceedings, both persons must be named as coowners on the Series HH bonds.

(4) If the securities submitted in exchange are in beneficiary form, the owner must be named on the Series HH bonds as owner or first-named coowner. If the owner is deceased, a surviving beneficiary must be named as owner or first-name coowner. In either case, a coowner or beneficiary may be named.

A reissue that affects any of the persons required to be named on the Series HH bond may have a tax consequence.

(f) *Dating.* Series HH bonds issued on exchange will be dated as of the first day of the month in which the eligible securities presented for exchange are redeemed by a Federal Reserve Bank, the Bureau of the Public Debt, or a qualified paying agent, as evidenced by the payment stamp on the bonds and subscription form.

(g) *Tax-deferred exchanges.* (1) *Continuation of tax-deferral.* Pursuant to the provisions of Section 1037(a) of the Internal Revenue Code of 1954, as amended, and owner who has not been reporting the interest on his or her Series E or EE savings bonds and savings notes on an accrual basis for Federal income tax purposes, and who exchanges those securities of Series HH bonds, may continue to defer reporting the interest on the securities exchanged until the taxable year in which the Series HH bonds received in the exchange reach final maturity, are redeemed, or are otherwise disposed of, whichever is earlier.

(2) *Tax-deferral legend.* Each bond issued on a tax-deferred exchange shall bear a legend showing how much of its issue price represents interest on the securities exchanged. This interest must be treated as income for Federal income tax purposes and reported in accordance with paragraph (g)(1) of this section.

(3) *Reporting of interest for any difference paid on exchange.* The amount of any difference paid to the owner (see paragraph (d)(1) of this section) must be treated as income for Federal income tax reporting purposes for the year in which it is received, up to

the amount of the total interest on the securities exchanged.

(h) *Exchanges without tax-deferral.* The rules prescribed for exchanges under paragraphs (a) through (f) of this section also apply to exchanges by owners who (1) report the interest on their bonds of Series E and EE and savings notes annually for Federal income tax purposes; (2) elect to report all such interest in the year of the exchange regardless of whether or not it exceeds the amount of any cash difference received (see paragraph (d)(1) of this section), or (3) are tax-exempt under the provisions of the Internal Revenue Code of 1954, as amended. However, no amount will appear in the tax-deferral legend printed on the bond, and any part of the cash difference received (see paragraph (d)(1) of this section) which represents interest previously reported for Federal income tax purposes need not be treated as income.

§ 352.8 Reinvestment of matured Series H bonds.

(a) *General.* The face amount of Series H bonds purchased for cash that have reached final maturity may be reinvested in Series HH bonds. The Series H bonds, bearing properly signed and certified requests for payment, must be submitted to a Federal Reserve Bank or Branch or the Bureau of the Public Debt with a reinvestment application.

(b) *Rules.* The reinvestment transaction will be subject to the rules governing exchanges, as set forth in § 352.7, and the Series HH bonds issued on reinvestment will be identical in all respects with those issued on a non-tax-deferred exchange.

§ 352.9 Delivery of bonds.

Authorized issuing agents will deliver Series HH bonds either (a) over-the-counter, or (b) by mail. Mail deliveries are made at the risk and expense of the United States, to the address given by the purchaser, if it is within the United States, one of its territories or possessions, or the Commonwealth of Puerto Rico. No mail deliveries elsewhere will be made. Bonds

purchased by a citizen of the United States residing abroad will be delivered only to such address in the United States as the purchaser directs.

§ 352.10 Taxation.

The interest paid on Series HH bonds is subject to all taxes imposed under the Internal Revenue Code of 1954, as amended. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest by any State, any of the possessions of the United States, or any local taxing authority.

§ 352.11 Reservation as to issue of bonds.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, reserves the right to reject any application for Series HH bonds, in all or in part, and to refuse to issue or permit to be issued any bonds in any case or classes of cases, if he deems the action to be in the public interest, and his action in such respect is final.

§ 352.12 Waiver.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, may waive or modify any provision of this Circular in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardships (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 352.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury, or his delegate, in connection with the issue, servicing, and redemption of series HH bonds.

§ 352.14 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds.

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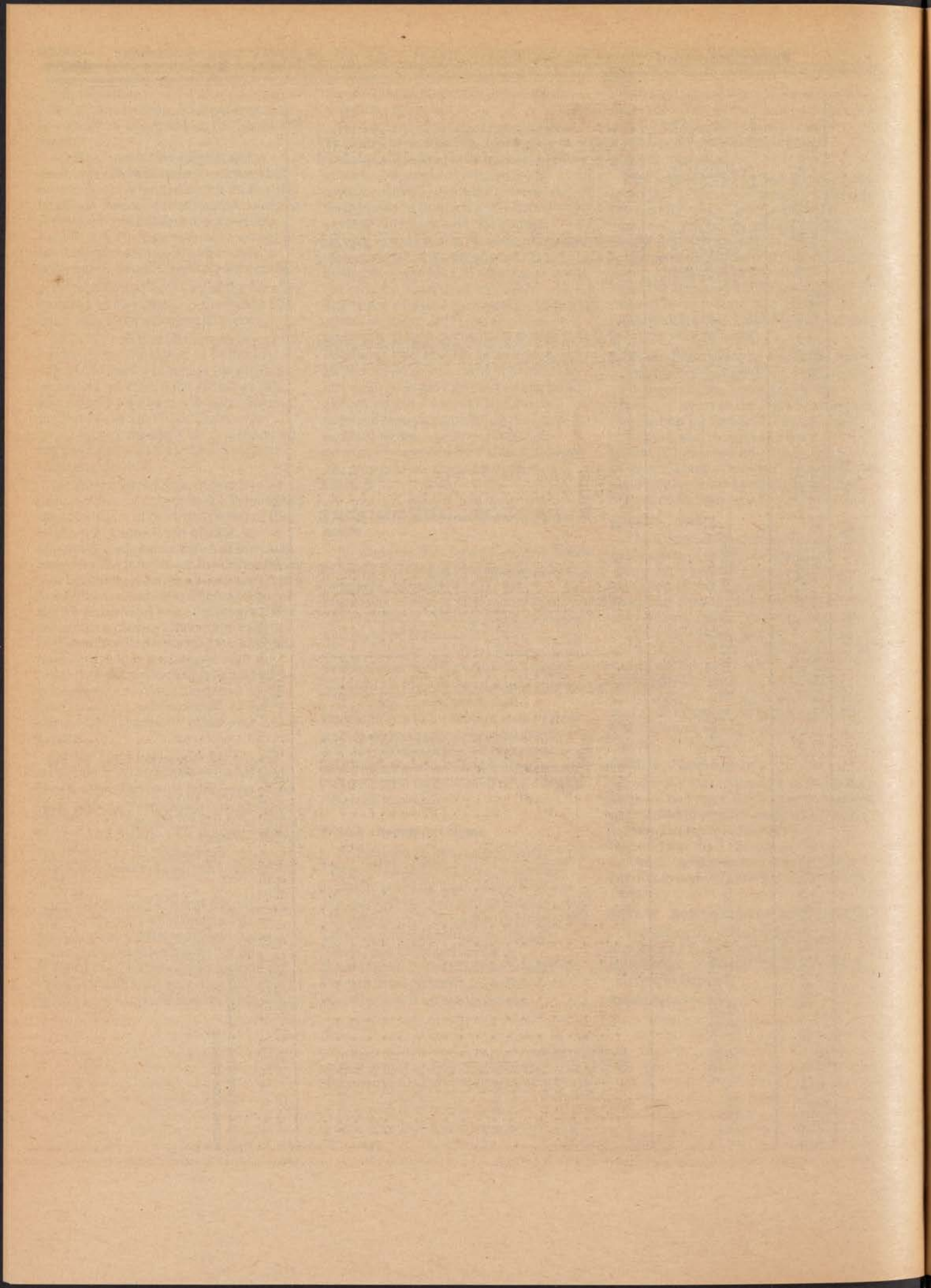
TABLE 1

BONDS BEARING ISSUE DATES BEGINNING NOV. 1, 1982

ISSUE PRICE REDEMPTION AND MATURITY VALUE 1/	\$500 500	\$1,000 1,000	\$5,000 5,000	\$10,000 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY DATE
5 YEARS	\$13.75	\$37.50	\$187.50	\$375.00	PERCENT 7.50	PERCENT 7.50	PERCENT 7.50
1.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
1.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
2.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
2.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
3.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
3.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
4.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
4.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
5.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
5.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
6.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
6.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
7.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
7.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
8.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
8.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
9.0 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
9.5 YEARS	13.75	37.50	187.50	375.00	7.50	7.50	7.50
10.0 YEARS 2/	13.75	37.50	187.50	375.00	7.50	7.50	7.50

1/ AT ALL TIMES, EXCEPT THAT BOND IS NOT REDEEMABLE DURING FIRST 6 MONTHS.

2/ MATURITY REACHED AT 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.



**United States
Treasury
Department**

Friday
October 29, 1982

Part VII

**Department of the
Treasury**

Fiscal Service, Bureau of the Public Debt

**Offering of U.S. Savings Bonds, Series E;
Department Circular No. 653, 10th
Revision, Second Amendment**

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 316

Offering of United States Savings Bonds, Series E

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This second amendment of Department of the Treasury Circular, No. 653, Tenth Revision, the offering circular for United States Savings Bonds of Series E, is being issued to set out changes in the terms and conditions of these bonds, including a new market-based variable investment yield. The variable yield will be based on the Secretary of the Treasury's determination of the average yields occurring on marketable Treasury obligations with remaining maturity periods of approximately 5 years.

The market-based variable investment yield is being established to provide bondowners with a rate of return comparable to market rates occurring during the period the bond is held.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that outstanding Series E bonds not reaching final maturity prior to November 1, 1987, would also receive the benefits of the market-based variable investment yield being prescribed for Series EE bonds. Under this change, Series E bonds that are held for at least 5 years from their first semiannual interest accrual date occurring on or after November 1, 1982, will have an investment yield that is 85 percent of the average yield on outstanding marketable Treasury securities (U.S. Treasury notes and bonds) with remaining maturities of approximately 5 years. This market-based variable investment yield will be the basis for determining the redemption value of a bond, unless its applicable guaranteed minimum investment yield produces a higher value. The details of these changes are as follows:

Series E bonds bearing issue dates prior to November 1, 1947, will reach final maturity exactly 40 years after issue, i.e., less than 5 years after the first interest accrual date beginning on or after November 1, 1982. Thus these bonds will not receive the market-based variable investment yield but they will

continue to earn an investment yield of 8.5 percent per annum, compounded semiannually, for their remaining period to maturity.

Series E bonds bearing issue dates of November 1, 1947, through June 1, 1980, will not receive the market-based variable investment yield if they are redeemed less than 5 years after their first interest accrual date occurring on or after November 1, 1982. Their investment yields up to such time will be those heretofore prescribed in this Circular, except that their investment yield during any extended maturity period beginning on or after November 1, 1982, shall be 7.5 percent per annum, compounded semiannually. If a bond is held until the first semiannual interest accrual date occurring on or after November 1, 1987, its investment yield from the first interest accrual period beginning on or after November 1, 1982, until such time will be the greater of either its minimum guaranteed investment yield or the market-based variable investment yield determined as follows:

Guaranteed Minimum Investment Yields

Bonds bearing issue dates of November 1, 1947, through October 1, 1977, will have a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining term of their current extended maturity periods. The guaranteed minimum investment yield for any future extended maturity period beginning on or after November 1, 1982, will be 7.5 percent per annum, compounded semiannually, unless such yield is changed prior to the beginning of such period.

Bonds bearing issue dates of November 1, 1977, through April 1, 1978, will begin their first extended maturity period on or within 6 months of November 1, 1982, and will provide a minimum guaranteed investment yield of 7.5 percent per annum, compounded semiannually, during such period and during any future extended maturity period unless such yield is changed prior to the beginning of a future extended maturity period.

Bonds bearing issue dates of May 1, 1978, through June 1, 1980, will provide a minimum guaranteed investment yield equal to the yields previously prescribed for their remaining period to original maturity and a yield of 7.5 percent per annum, compounded semiannually, during any future extended maturity period unless such yield is changed prior to the beginning of a future extended maturity period.

Additionally, all bonds bearing an issue date of January 1, 1951, or

thereafter, if held for the 11-year period from the first semiannual interest accrual date beginning on or after January 1, 1980, will have their guaranteed minimum yields for such period increased by one-half of 1 percent per annum, compounded semiannually.

Market-Based Variable Investment Yield

The market-based variable investment yield on a Series E bond from its first semiannual interest accrual period beginning on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter and to each succeeding semiannual interest accrual date will be determined by the Secretary of the Treasury as follows:

For each 6-month period, beginning with the period starting on May 1, 1982, the Department of the Treasury will determine the average market yield during such period on marketable Treasury securities having a remaining term to maturity of approximately 5 years during such period. The market-based variable investment yield for a bond from its first semiannual interest accrual date occurring on or after November 1, 1982, to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods May 1, 1982, through April 30, 1987. The market-based variable investment yield to 5½ years thereafter will be determined from the market yield averages for the 11 periods from May 1, 1982, through October 31, 1987. For each additional half-yearly retention of the bonds, the market-based variable investment yield computation will include the next successive 6-month market yield average.

For example, a bond bearing issue date of August 1, 1963, begins a semiannual interest accrual period on November 1, 1982, and a bond bearing an issue date of October 1, 1963, begins a semiannual interest accrual period on January 1, 1983. The market-based variable investment yield from such dates to November 1, 1987, and January 1, 1988, respectively, will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages occurring in the 6-month periods from May 1, 1982, to April 30, 1987. The market-based variable investment yield from such dates to the semiannual interest accrual dates occurring on May 1, 1988, and July 1, 1988, respectively, will be determined from the market yield averages over the period from May 1, 1982, to October 31,

1987. The market-based variable investment yield determined in this manner will be the basis for establishing the redemption value of a bond on each semiannual interest accrual date occurring on or after November 1, 1987, unless the guaranteed minimum investment yield described above produces a higher redemption value.

This revision is effected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 316

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

PART 316—[AMENDED]

Accordingly, Department of the Treasury Circular No. 653, Tenth Revision, dated April 2, 1980, (31 CFR Part 316) is hereby further amended by the removal of § 316.8(b) and Tables 1 through 245 and the addition of new § 316.8(b) as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

(b) *Improved yields—Outstanding bonds.* The investment yield on all outstanding bonds, effective from the first semiannual interest accrual period commencing on or after November 1, 1982, will be determined as follows:

(1) *Bonds bearing issue dates prior to November 1, 1947.* Bonds issued prior to November 1, 1947, will continue to provide an investment yield of 8.5 percent per annum, compounded semiannually, to their final maturity which is 40 years after issue.

(2) *Bonds bearing issue dates of November 1, 1947, through June 1, 1980.*—(i) *Guaranteed minimum investment yield.* Except as provided in subparagraphs (ii) and (iii) the investment yields on Series E bonds bearing issue dates of November 1, 1947,

through June 1, 1980, shall be the following guaranteed minimum investment yields:

(A) *Bonds bearing issue dates of November 1, 1947, through October 1, 1977.* A bond bearing an issue date of November 1, 1947, through October 1, 1977, will provide a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining term of its current extended maturity period and 7.5 percent per annum, compounded semiannually, for any future extended maturity periods commencing on or after November 1, 1982, unless such yield is changed prior to the beginning of such future extension period.

(B) *Bonds bearing issue dates of November 1, 1977, through April 1, 1978.* A bond bearing an issue date of November 1, 1977, through April 1, 1978, will begin its first extended maturity period on or within six months of November 1, 1982, and will provide a guaranteed minimum investment yield of 7.5 percent per annum, compounded semiannually, during such period and during any future extended maturity period unless such yield is changed prior to the beginning of a future extended maturity period.

(C) *Bonds bearing issue dates of May 1, 1978, through June 1, 1980.* A bond bearing an issue date of May 1, 1978, through June 1, 1980, will provide a guaranteed minimum investment yield equal to the yields heretofore prescribed for its remaining period to original maturity and a yield of 7.5 percent per annum, compounded semiannually, during any future extended maturity period unless such yield is changed prior to the beginning of such future extended maturity period.

(ii) *11-year bonus.* If a bond bearing an issue date of January 1, 1951, or thereafter, is held for the 11-year period from the first semiannual interest accrual period that began on or after January 1, 1980, its guaranteed minimum yield for such period, as specified in subparagraph (i), will be increased by $\frac{1}{2}$ of 1 percent per annum, compounded semiannually.

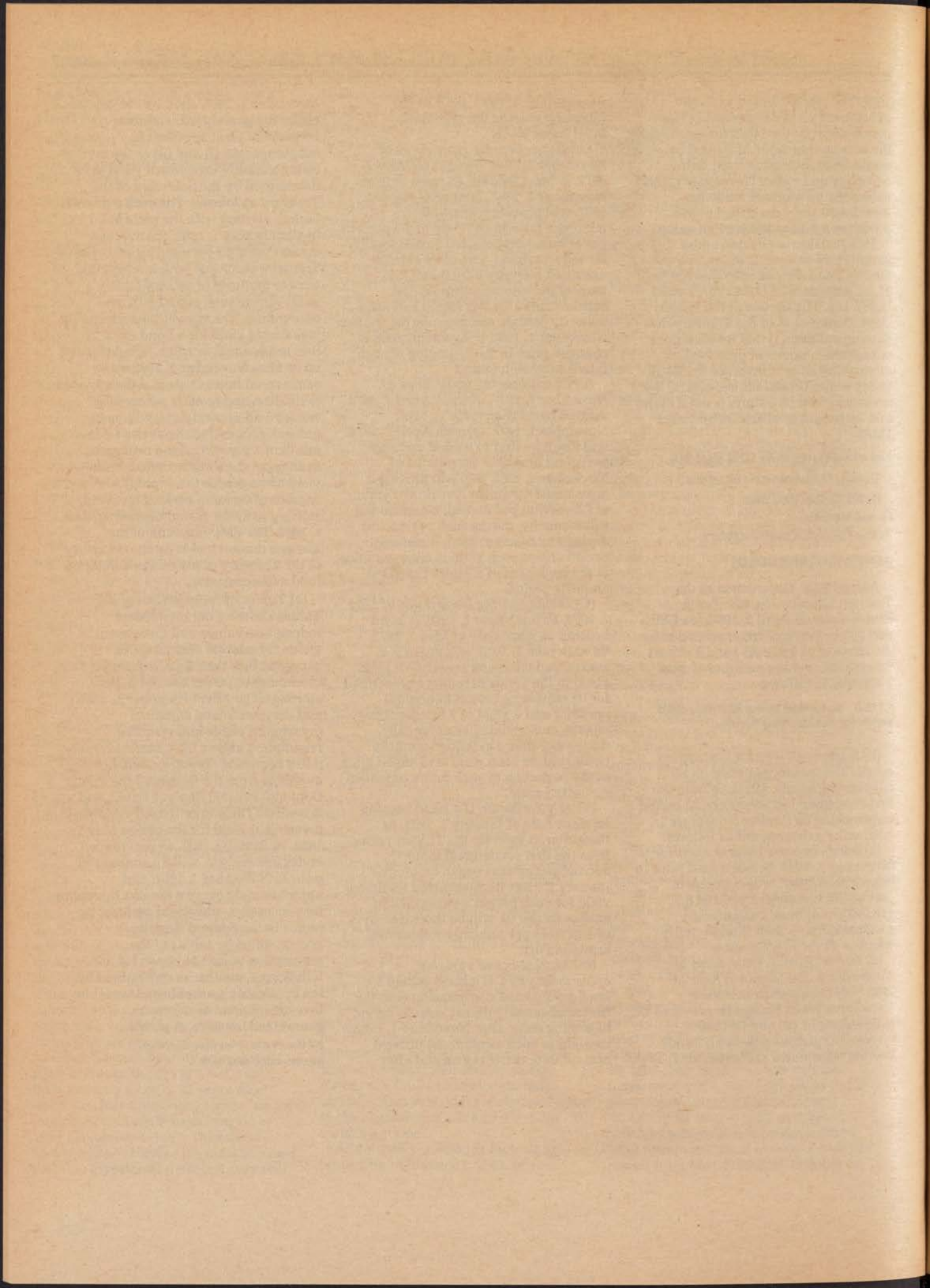
(iii) *Market-based variable investment yield.* If a bond is held for the 5-year period commencing with the first semiannual interest accrual period beginning on or after November 1, 1982, its yield to each semiannual interest accrual date occurring on and after

November 1, 1987, shall be the greater of either the guaranteed minimum investment yield specified in subparagraphs (i) and (ii) or the market-based variable investment yield to be determined by the Secretary of the Treasury as follows: For each 6-month period, starting with the period beginning May 1, 1982, the average market yield on outstanding marketable Treasury securities with a remaining term to maturity of approximately 5 years during such period will be determined. The market-based variable investment yield for a bond from the first semiannual interest period starting on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter, and to each succeeding semiannual accrual date, will be 85 percent, rounded to the nearest one-fourth of 1 percent, of the arithmetic average of the so determined market yield averages for the appropriate number of 6-month periods involved, starting with the period beginning May 1, 1982. The determination of the average market yields by the Secretary of the Treasury or his delegate shall be final and conclusive.

(3) *Tables of redemption values.* Tables showing the established redemption values and investment yields for interest accrual dates occurring less than 5 years from the first semiannual interest accrual period starting on or after November 1, 1982, and the guaranteed minimum investment yields and resulting redemption values for interest accrual dates occurring thereafter, will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches. The market-based variable investment yield for the period May 1, 1982, to April 30, 1987, as determined under this section, will be announced prior to November 1, 1987, and approximately every 6 months thereafter for successive, additional periods, by notice in the *Federal Register*, accompanied by tables of the redemption values of bonds for the following 6 months, as determined by the applicable market-based variable investment yield or minimum guaranteed investment yields.

[FR Doc. 82-28808 Filed 10-28-82; 6:45 am]

BILLING CODE 4810-35-M



United States Federal Reserve

Friday
October 29, 1982

Part VIII

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Bonds, Series H
Department Circular No. 905, 7th
Revision, Second Amendment

1891-1892

Part VII

Department of the
Treasury

Report of the
Commissioner of the
General Land Office
for the year ending
June 30, 1892

DEPARTMENT OF THE TREASURY**Fiscal Service****31 CFR Part 332****Offering of United States Savings Bonds, Series H****AGENCY:** Fiscal Service, Treasury.**ACTION:** Final rule.

SUMMARY: This second amendment of Department of the Treasury Circular No. 906, Seventh Revision, the offering circular for United States Savings Bonds of Series H, is being issued to prescribe an interest rate of 7½ percent per annum, compounded semiannually, for extended maturity periods beginning on or after November 1, 1982. This change is being made to maintain parity with the investment yield now being prescribed for Series HH bonds.

EFFECTIVE DATE: November 1, 1982.**FOR FURTHER INFORMATION CONTACT:**

A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms

and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that, as part of the changes being made in the savings bond program, outstanding Series H bonds will provide an interest rate of 7½ percent per annum, compounded semiannually, during any future extended maturity periods beginning on or after November 1, 1982.

This revision is effected under authority of Sec. 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 332

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

PART 332—[AMENDED]

Accordingly, Department of the Treasury Circular No. 905, Seventh Revision, dated January 21, 1980, (31 CFR Part 332) is hereby further amended by the removal of § 332.8(b)(4) and Tables 1 through 121A and the addition of new § 332.8(b)(4) and (c) as follows:

§ 332.8 Extended terms and improved yields for outstanding bonds.

* * *

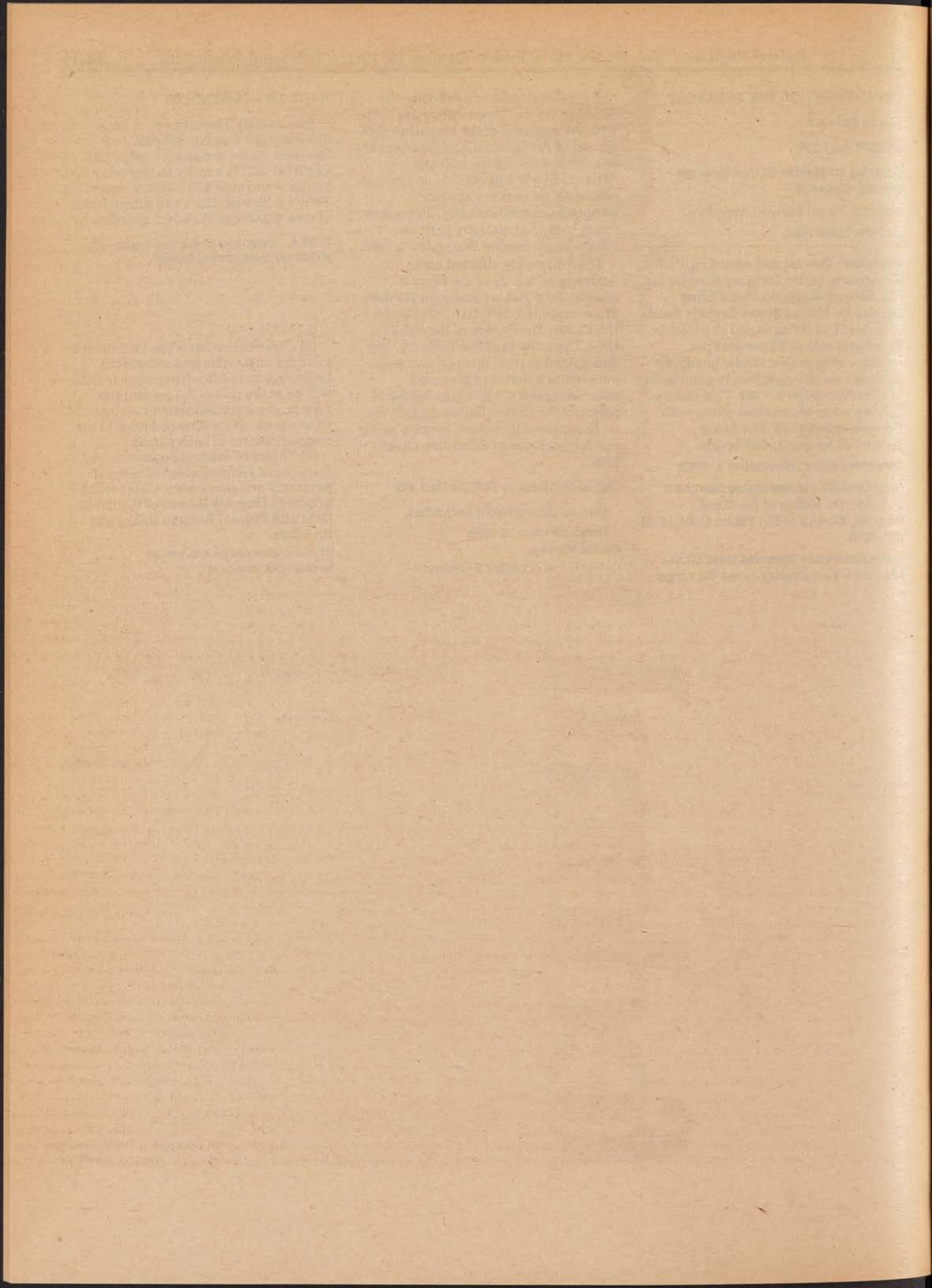
(b) * * *

(4) *Other extensions.* The investment yield for any authorized extensions beginning on or after November 1, 1982, will be at the rate of 7.5 percent per annum, compounded semiannually, unless such rate is changed prior to the commencement of such period.

(c) *Tables of interest payments and investment yields.* Tables of interest payments and investment yields will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches.

[FR Doc. 82-29609 Filed 10-28-82; 8:45 am]

BILLING CODE 4810-35-M



Registered Federal Tax

Friday
October 29, 1982

Part IX

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Notes,
Department Circular, Public Debt Series
No. 3-67, Revised 5th Amendment

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 342

Offering of United States Savings Notes

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This fifth amendment of Department of the Treasury Circular, No. 3-67, Revised, the offering circular for United States Savings Notes, is being issued to set out changes in the terms and conditions of these notes, including a new market-based variable investment yield based on the Secretary of the Treasury's determination of the average yields occurring on marketable Treasury obligations with remaining maturity periods of approximately 5 years. The market-based variable investment yield is being established to provide note owners with a rate of return comparable to market rates occurring during the period the note is held.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that United States Savings Notes would also receive the benefits of the market-based variable investment yield being prescribed for Series EE bonds. Under this change, savings notes that are held for at least 5 years from their first semiannual interest accrual date occurring on or after November 1, 1982, will have an investment yield that is 85 percent of the average yield on outstanding marketable Treasury securities (U.S. Treasury notes and bonds) with remaining maturities of approximately 5 years. This market-based variable investment yield will be the basis for determining the redemption value of a note, unless its applicable guaranteed minimum investment yield produces a higher value. The details of these changes are as follows:

Savings notes bearing issue dates of May 1, 1967, through October 1, 1970, will not receive the market-based variable investment yield if they are redeemed less than 5 years after the first interest accrual date occurring on or after November 1, 1982. Their investment yields up to such time will be those heretofore prescribed in this Circular, except that their investment yield during any future extended

maturity period beginning on or after November 1, 1982, shall be 7.5 percent per annum, compounded semiannually. If a note is held until the first interest accrual date occurring on or after November 1, 1987, its investment yield from the first interest accrual period beginning on or after November 1, 1982, until such time will be the greater of either the minimum guaranteed investment yield or the market-based variable investment yield determined as follows:

Guaranteed Minimum Investment Yields

Notes will have a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining period of their current extended maturity periods. The guaranteed minimum investment yield for any future authorized extended maturity period beginning on or after November 1, 1982, will be 7.5 percent per annum, compounded semiannually unless such yield is changed prior to the beginning of such period. If a savings note is held for the 11-year period from the first semiannual interest accrual period beginning on or after January 1, 1980, its guaranteed minimum yield for such 11-year period will be increased by one-half of 1 percent per annum, compounded semiannually.

Variable Rate Market-Based Investment Yield

The market-based variable investment yield on a savings note from its first semiannual interest accrual period beginning on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter and to each succeeding semiannual interest accrual date will be determined by the Secretary of the Treasury as follows:

For each 6-month period, beginning with the period starting on May 1, 1982, the Department of the Treasury will determine the average market yield during such period on marketable Treasury securities having a remaining term to maturity of approximately 5 years during such period. The market-based variable investment yield for a note from its first semiannual interest accrual date occurring on or after November 1, 1982, to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods from May 1, 1982, through April 30, 1987. The market-based variable investment yield to 5½ years thereafter, will be determined from the market yield averages for the 11 periods from May 1, 1982, through October 31, 1987. For each additional half-yearly retention of a

note, the market-based variable investment yield computation will include the next successive 6-month market yield average.

For example, a note bearing issue date of May 1, 1969, begins a semiannual interest accrual period on November 1, 1982, and a note bearing an issue date of July 1, 1969, begins a semiannual interest accrual period on January 1, 1983. The market-based variable investment yield from such dates to November 1, 1987, and January 1, 1988, respectively, will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages occurring in the 6-month periods from May 1, 1982, to April 30, 1987. The market-based variable investment yield from such dates to the semiannual interest accrual dates occurring on May 1, 1988, and July 1, 1988, respectively, will be determined from the market yield averages over the period from May 1, 1982, to October 31, 1987. The market-based variable investment yields determined in this manner will be the basis for establishing the redemption value of a note on each semiannual interest accrual date occurring on or after November 1, 1987, unless the guaranteed minimum investment yield described above produces a higher redemption value.

This revision is effected under authority of Sec. 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 342

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy.

Acting Fiscal Assistant Secretary.

PART 342—[AMENDED]

Accordingly, Department of the Treasury Circular No. 3-67, Revised, dated June 19, 1968, (31 CFR Part 342) is hereby further amended by the removal of § 342.2a(b) and Tables 1 through 21 and the addition of new § 342.2a(b) as follows:

§ 342.2a Extended terms and improved yields for outstanding notes.

* * * * *

(b) *Improved yields.* Commencing with the first semiannual interest accrual period that begins on or after November 1, 1982, the investment yield on outstanding savings notes will be the greater of either the guaranteed minimum investment yield or a market-based variable investment yield as follows:

(1) *Guaranteed minimum investment yield.* Savings notes will provide a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining period to their next extended maturity date and 7.5 percent per annum, compounded semiannually, during any future authorized extended maturity period beginning on or after November 1, 1982, unless such yield is changed prior to the beginning of such future extended period. If a savings note is held for the 11-year period from the first semiannual interest accrual period that began on or after January 1, 1980, its guaranteed minimum yield for such period will be increased by $\frac{1}{2}$ of 1 percent per annum, compounded semiannually.

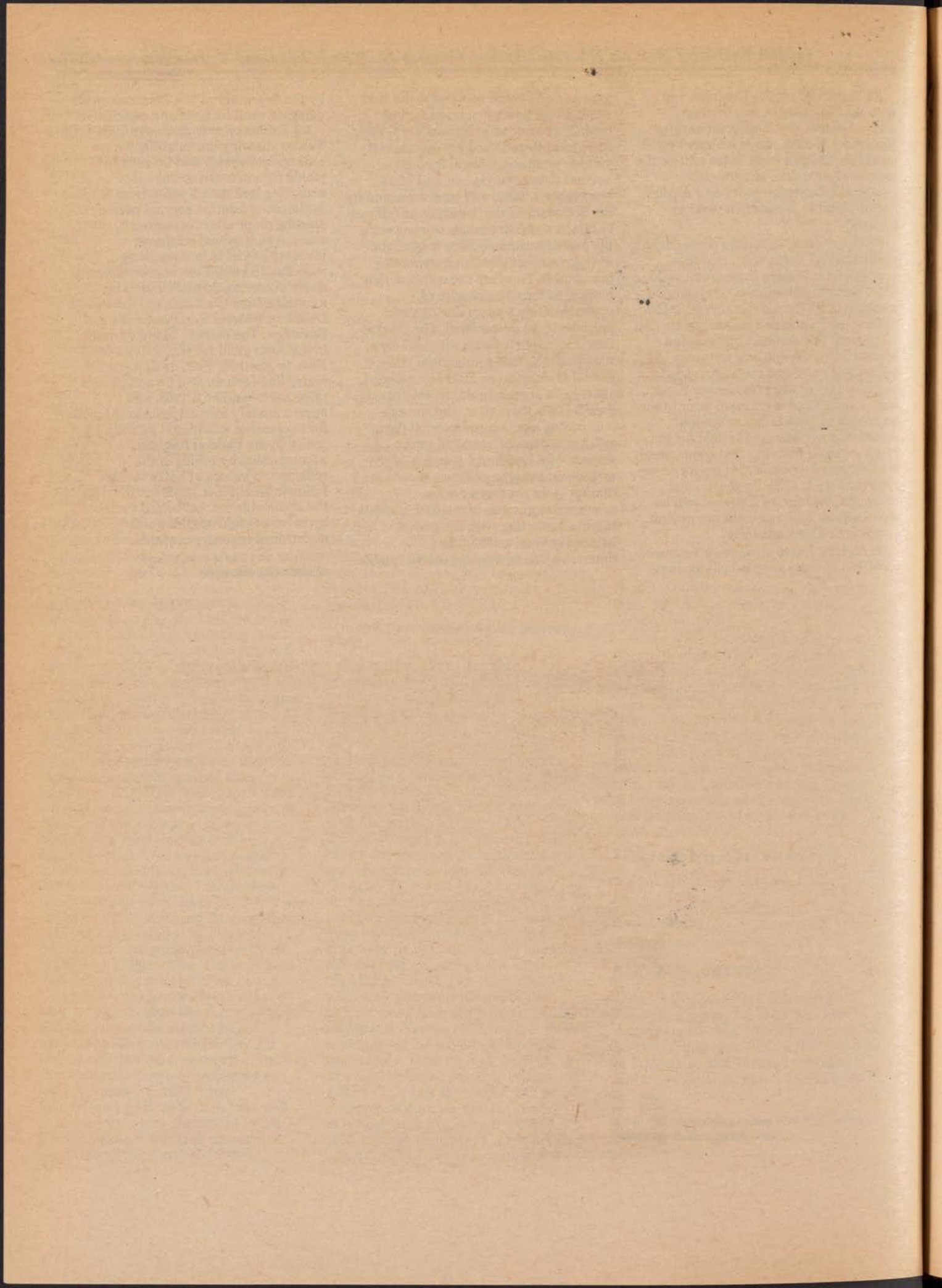
(2) *Market-based variable investment yield.* If a savings note is held for the 5-

year period commencing with the first semiannual interest accrual period beginning on or after November 1, 1982, its market-based variable investment yield to each semiannual interest accrual date occurring on and after November 1, 1982, will be determined by the Secretary of the Treasury as follows: For each 6-month period, starting with the period beginning May 1, 1982, the average market yield on outstanding marketable Treasury securities with a remaining term to maturity of approximately 5 years during such period will be determined. The market-based variable investment yield for a note from the first semiannual interest period starting on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter, and to each succeeding semiannual accrual date, will be 85 percent, rounded to the nearest one-fourth of 1 percent, of the arithmetic average of the so determined market yield averages for the appropriate number of 6-month periods involved, starting with the period beginning May 1, 1982. The determination of average market yields

by the Secretary of the Treasury or his delegate shall be final and conclusive.

(c) *Tables of redemption values.* Tables showing the established redemption values and investment yields for interest accrual dates occurring less than 5 years from the first semiannual interest accrual period starting on or after November 1, 1982, and the guaranteed minimum investment yields and resulting redemption values for interest accrual dates occurring thereafter, will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches. The market-based variable investment yield for the period May 1, 1982, to April 30, 1987, as determined under this section, will be announced prior to November 1, 1987, and approximately every 6 months thereafter for successive, additional periods, by notice in the **Federal Register**, accompanied by tables of the redemption values of notes for the following 6 months, as determined by the applicable market-based variable investment yield or minimum guaranteed investment yields.

[FR Doc. 82-28810 Filed 10-28-82; 8:45 am]
BILLING CODE 4810-35-M



Environmental Protection Agency

Friday
October 29, 1982

Part X

Environmental Protection Agency

Standards of Performance for New
Stationary Sources; Surface Coating of
Metal Furniture

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 60**

[AD-FRL-2053-7]

**Standards of Performance for New
Stationary Sources; Surface Coating of
Metal Furniture****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule.

SUMMARY: Standards of performance for surface coating of metal furniture were proposed in the *Federal Register* on November 28, 1980 (45 FR 79390). This action promulgates standards of performance for surface coating of metal furniture. These standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that metal furniture surface coating facilities cause, or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed metal furniture surface coating facilities to control emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: October 29, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard (NSPS) is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESS: Background Information Document. The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Surface Coating of Metal Furniture—Background Information for Promulgated Standards" (EPA-450/3-80-007b). The BID contains (1) a summary of all the public comments made on the proposed standards and the Administrator's response to the comments, (2) a summary of the changes made to the standards since proposal, and (3) the final environmental impact

statement which summarizes the impacts of the standards.

Docket. A docket, number A-79-47, containing information considered by EPA in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION: OMB control number: (2000-0649).

The Standards

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

* * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standards apply to new, modified, or reconstructed metal furniture surface coating operations for which construction was commenced after November 28, 1980. Existing facilities are not subject to the regulation unless modified or reconstructed as defined in 40 CFR 60.14 or 60.15. The promulgated standards will limit emissions of volatile organic compounds (VOC) from each metal furniture surface coating operation consisting of application station(s), flash-off area, and curing oven. A metal furniture surface coating operation may be either a prime coat or topcoat operation within a metal furniture plant where metal furniture parts or products are being coated with organic coatings. Powder coatings, however, are excluded from the definition of organic coatings. Emissions of VOC from each affected facility will be limited to a monthly average of 0.90 kilogram of VOC per liter of coating solids applied. The Agency has identified as the best demonstrated technology the use of either high solids coatings, waterborne coatings, or powder coatings (with the appropriate application equipment). The

emission limit is based on the use of 62 percent by volume solids coating applied at 60 percent transfer efficiency and an assumed solvent density of 0.88 kilogram per liter. Compliance could also be achieved with add-on control devices, a combination of add-on control devices and a low organic solvent coating, or any combination of coating and transfer efficiency that limits emissions to 0.90 kilogram of VOC per liter of coating solids applied.

Following the initial 1 month performance test, the owner or operator must calculate and record the VOC emissions from each affected facility for each calendar month. Each monthly calculation is considered a performance test. The information necessary to perform the monthly calculation can be obtained from company records and data supplied by the manufacturer of the coating or by an analysis of the coating by Reference Method 24. Equations and transfer efficiencies for calculating the emissions for each affected facility are provided in the standards. Reference Methods 1, 2, 3, 4, and 25 will be used to determine the percentage reduction of VOC emissions achieved through the use of a capture system and control device.

Recordkeeping requirements include those data necessary to substantiate the monthly calculations of emissions. These data must be retained at the source for a period of 2 years. The regulation contains no reporting requirements in addition to those required by the General Provisions to 40 CFR Part 60 relative to the initial performance test.

**Summary of Environmental, Energy,
And Economic Impacts**

The metal furniture industry is composed of approximately 1,400 plants, many of which have multiple surface coating operations. The EPA estimates that the promulgated standards will affect 800 new and 1,200 modified or reconstructed sources within the first 5 years after the standard is effective. The typical "uncontrolled" metal furniture manufacturer applies paint that contains about 35 percent by volume solids. In contrast, a control techniques guideline (CTG) document, entitled "Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture" (EPA-450/2-77-032) which defines reasonably available control technology (RACT), recommends that a 60 percent by volume solids coating be adopted by States into their State implementation plans (SIP's). The same metal furniture manufacturer applying a CTG complying

coating would emit about 60 percent less VOC compared to the uncontrolled coating. It is estimated that this CTG recommendation could reduce emissions of VOC from about 49.8 megagrams per year to about 19.4 megagrams per year. The promulgated standards would reduce VOC emissions to about 18.0 megagrams per year for the typical plant (assuming two affected facilities per plant) which is an additional 7 percent emission reduction below the CTG recommendation. This represents an industrywide annual reduction in the fifth year of 1,400 megagrams per year.

Standards of performance have other benefits in addition to achieving reductions in emissions beyond those required by a typical SIP. They establish a degree of national uniformity, which precludes situations in which some States may attract new industries as a result of having relaxed air pollution standards relative to other States. Further, standards of performance provide documentation which reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas, and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated costs, an evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. The costs are provided in an economic analysis that reveals the affordability of controls in an unbiased study of the economic impact controls on an industry.

The rulemaking process that implements a performance standard assures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government and the public affected by that industry's emission.

The impact of the promulgated standards on water pollution would depend on the control option selected. For example, water use in spray booths would be unnecessary when powder coatings are used. Therefore, there would be a decrease in wastewater discharged when the promulgated standards are met by employing powder coatings. Wastewater discharges could be expected not to increase for plants which utilize higher solids and waterborne coatings. The quality of wastewater discharged is expected to remain the same for plants that apply

higher solids coatings when compared to that from plants that employ solvent-borne coatings. However, the quality of wastewater discharged from plants applying waterborne coatings could be reduced because these coatings contain water-miscible solvents. Finally, where incineration is used, the water pollution impact would depend on the type of coating used.

The impact on solid waste generation also depends on the control option selected. Powder coatings are generally recycled so that there is little waste. Higher solids and waterborne coatings produce about the same amount of solid waste as solvent-borne coatings. The use of an incinerator on a bake oven would have no effect on the amount of solid waste generated from the types of coatings applied.

For a typical metal furniture manufacturer complying with the recommended CTG, energy requirements would vary depending upon which control option is employed to meet the promulgated standards. Energy consumption would decrease by about 20 percent (15 gigajoules) if powder coatings were used. Energy consumption would increase, however, with the use of waterborne coatings or with incineration plus a CTG coating by about 3 percent (2.3 gigajoules) and 7 percent (5.2 gigajoules), respectively.

The economic impact summary presented in this section is based on the total anticipated costs of constructing and operating a new coating facility. Many of the control options considered involve a redesigning of the coating facility rather than simply adding equipment to an existing design. Usually powder coatings and waterborne coatings, for example, could not be applied in a facility equipped to use a solvent-based coating. For this reason, the capital and annualized costs represent a comparison of the total cost of each type of controlled facility rather than an incremental difference in the cost of each type of facility.

For a new typical spray coating plant with two coating lines, the initial capital and annualized costs do not vary significantly regardless of which control option would be employed to comply with the promulgated standards. Capital costs for each of the different control options are expected to range from about \$960,000 (higher solids coatings) to about \$1,200,000 (waterborne coatings). The capital cost for a typical CTG coating facility or a typical uncontrolled coating facility would be about \$960,000. The annualized costs for the different control options would range from about \$600,000 to \$700,000. These annualized

costs would be comparable to the annualized costs for a typical CTG coating facility (\$620,000) and a typical uncontrolled facility (\$630,000).

Total annualized costs (savings) vary depending upon which control option would be employed to comply with the promulgated standards for all new, modified, and reconstructed spray coating plants (e.g., large, medium, and small sizes). For these facilities the fifth year industrywide annualized costs, if all affected facilities used a combination of incineration and waterborne coatings, would be about \$17 million. An industrywide savings of \$18 million would result in the fifth year if high solids coatings were used by all affected facilities. The total industrywide annualized costs for powder coatings could vary from a savings of \$2 million to a cost of \$126 million depending upon achieved coating thickness and other factors. In the proposal preamble an industrywide annualized fifth-year cost of \$11 million was projected. This projection was based on the assumption that higher solids coatings, powder coatings, and a combination of incineration and waterborne coatings would each be used by one-third of the affected spray coating facilities. It is estimated at this time, however, that 80 percent of the affected spray coating facilities will use higher solids coatings, 10 percent will use powder coatings, and 10 percent will use a combination of incineration and waterborne coatings. Based on this distribution, there is a potential for industrywide annualized savings of \$13.9 million in the fifth year after the standard is in effect. These costs (savings) do not include lost opportunity costs (i.e., the profit or return on investment which could be derived by investing in other than air pollution control equipment).

The economic impacts of the promulgated standards were evaluated based upon reduced profitability, inflationary impact, and expected price increases. The highest profit impairment is expected for small metal furniture manufacturers (4,000 liters of coatings consumed annually) regardless of control option. The maximum impact could result in about a 1.3 percent increase in the wholesale price of a metal furniture product from the small manufacturer.

The environmental, energy, and economic impacts are discussed in greater detail in the background information document for the proposed standards, "Surface Coating of Metal Furniture—Background Information for Proposed Standards" (EPA-450/3-80-007a).

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the *Federal Register* March 17, 1978, and February 11, 1980) of the meetings of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the surface coating of metal furniture standard recommended for proposal. The first meeting was held on April 5-6, 1978, and an updated NAPCTAC presentation was given on February 27, 1980. The meeting was open to the public and each attendee was given an opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the *Federal Register* on November 28, 1980 (45 FR 79390). The preamble to the proposed standards discussed the availability of the background information document (BID), "Surface Coating of Metal Furniture—Background Information for Proposed Standards" (EPA-450/3-80-007a), which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on January 9, 1981, at Research Triangle Park, North Carolina. The hearing was open to the public and each attendee was given an opportunity to comment on the proposed standards. The public comment period was from January 9, 1981 to March 10, 1981.

Ten comment letters were received, and four interested parties testified at the public hearing concerning issues relative to the proposed standards of performance for the surface coating of metal furniture. The comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the proposed standards.

Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from industry, trade associations, and one State air pollution control agency. A detailed discussion of these comments and responses can be found in the BID for the promulgated standards, which is referred to in the ADDRESSES section of this preamble. The summary of comments and responses in the BID serve as the basis for the revisions which have been made to the standards between proposal and

promulgation. The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments. The comments have been divided into the following areas: General, Emission Control Technology, Modification and Reconstruction, Economic Impact, Environmental Impact, Energy Impact, and Reporting and Recordkeeping.

General

Several commenters requested a change in the definition of the affected facility to include all finishing systems within a manufacturing plant or the finishing system necessary to provide a finished product. This would allow a plant to average its topcoat emissions with the much lower emissions from an electrocoat system. One commenter requested that the NSPS allow the option of a plantwide emission reduction plan, particularly as it relates to application of the bubble concept for new and/or modified sources at a given plant.

The choice of the affected facility for this standard (each surface coating operation which includes the application station(s), flash-off area, and bake oven) is based on EPA's interpretation of Section 111 of the Clean Air Act and judicial construction of its meaning. In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards in the particular industrial context involved. EPA must do this by examining the situation in light of the terms and purpose of Section 111. One major consideration in this examination is that the use of a narrower definition results in bringing replacement equipment under NSPS sooner; if, for example, an entire plant were designated as the affected facility, no part of the plant would be covered by the standard unless the plant as a whole is "modified." If, on the other hand, each piece of equipment is designated as the affected facility, then as each piece is replaced, the replacement piece will be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by the application of the best demonstrated control technology (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that the

relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition. Since it is technologically feasible to control each surface coating operation and such control would not be exorbitantly costly (as shown in the economic analysis section of the BID accompanying the proposed standards), selecting this narrowest definition of affected facility is most consistent with the purposes of Section 111.

Two other possible definitions of the affected facility for this standard are: all prime coat (or topcoat) operations in a product line and all prime coat (or topcoat) operations within an assembly plant. The product line definition would have reduced the number of affected facilities and would have permitted tradeoffs between different coatings and application technologies. Likewise, defining all prime coating (or topcoating) operations within a plant as the affected facility would have reduced the number of affected facilities and consequently the associated recordkeeping and compliance calculations. However, such a definition would not necessarily result in either the use of the best technology or the minimizing of emissions from new sources.

For these reasons, the Agency has chosen each surface coating operation as the affected facility.

One commenter stated that the metal furniture industry should not be considered as a "significant source of VOC emissions." He pointed out that EPA listed the industry as a minor source of VOC's according to the impact it would have on public health and also that EPA estimates VOC emissions from the industry at 5 percent of the Nation's VOC emissions.

Standards of performance are promulgated under Section 111 of the Clean Air Act. Section 111(b)(1)(A) requires that the Administrator establish standards of performance for categories of new, modified, or reconstructed stationary sources which in her judgment cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. One important purpose of standards of performance is to prevent new air pollution problems from developing by requiring the application of the best technological system of continuous emission reduction which the Administrator determines to be adequately demonstrated. The 1977 Amendments to the Clean Air Act added the words, "in the Administrator's judgment," and the words, "may reasonably be

anticipated," to the statutory test. The legislative history for these changes stresses two points: (1) The Act is preventive, and regulatory action should be taken to prevent harm before it occurs; and (2) the Administrator should consider the role of each single class of sources in contributing to the cumulative impact of VOC emissions from all sources.

The 1977 Amendments to the Clean Air Act also required that the Administrator promulgate a priority list of source categories for which standards of performance are to be promulgated. A list for new source performance standards was promulgated at 44 FR 49222 (August 21, 1979). Priority ranking was based on consideration of the source's quantity of emission, the extent to which each pollutant endangers public health and welfare, and the mobility and competitive nature of the source category. The statutory test for listing a category of sources was that it "causes or contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare."

As stated in the preamble for the proposed standards, the surface coating of metal furniture is listed as a minor source category on this listing. This classification as a minor source is due primarily to the fact that individual metal furniture surface coating plants typically emit less than 100 tons of VOC per year. However, the priority list states that "the metal furniture coating industry is also a significant source of VOC emissions, and there are over 300 existing facilities with the potential to emit more than 100 tons per year."

There are approximately 1,400 metal furniture manufacturing establishments in the United States which paint their products. These metal furniture manufacturers are located throughout the country and are generally situated in highly populated urban areas. In fact, 70 percent of the industry is concentrated in nine highly populated States.

The metal furniture industry emits about 95.5 gigagrams (1975 data) of VOC per year. The emissions of VOC result from usage of solvent-based coatings by the industry. These coatings contain organic solvent mixtures of aromatics, saturated and unsaturated aliphatics, alcohols, ketones, esters, and ethers. The emissions of these organic solvents contribute to ozone formation in urban atmospheres. EPA has established a national ambient air quality standard (NAAQS) for ozone of 0.12 microgram per cubic meter which is currently exceeded in those States where metal furniture manufacturing establishments are concentrated. Information

concerning health and welfare effects associated with ozone can be found in "Air Quality Criteria for Ozone and Other Photochemical Oxidants" (EPA-600/8-78-004).

The Administrator is called upon in the Clean Air Act to evaluate an industry's contribution to air pollution and make a determination as to the significance of the subject industry's emission contribution. In the case of the metal furniture surface coating industry, the Administrator has determined that even though the total amount of emissions from a single plant (like that from many sources which contribute to the inventory of VOC emissions) is by itself a small portion of the Nation's total VOC emissions, this industry would contribute significantly to the Nation's total VOC emissions.

In addition, the metal furniture industry is projected to have an annual growth rate of 4 percent through 1985 and will include about 2,000 new, modified, or reconstructed affected facilities by 1985. Based on this growth, the industry will contribute increasing amounts of VOC to urban atmospheres.

Therefore, industrial surface coating of metal furniture was listed as a "significant contributor". This selection was based upon the number of affected facilities, coating method, the yearly VOC emission rate, the growth rate of the industry, and the location of this industry in or near highly populated urban areas.

One commenter requested that the effective date of the standard be the promulgation date rather than the proposal date.

Section 111(a)(2) of the Clean Air Act states, "The term 'new source' means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source." Therefore, the statute requires that the applicability date for a new or revised standard be the date of the proposal.

One commenter stated that coatings manufacturers and users have the right to demand the same treatment as other citizens who continue to use pounds and gallons instead of metric equivalents.

It is EPA's policy to use metric units, not English units, in regulations and technical documents. This policy is in conformance with Section 3 of Public Law 94-168, the Metric Conversion Act of 1975, which states that the policy of the United States shall be to coordinate and plan the increasing use of the metric system. Therefore, EPA is now in the process of incorporating the

International System of Units (SI) into all of its regulations. EPA is currently using as the basic reference a publication entitled "Standard for Metric Practice" (E 380-76) published by the American Society for Testing and Materials (ASTM). This publication explains the SI units and symbols, their application, and rules for conversion and rounding. It may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. This document is useful in explaining the abbreviations of units of measurement cited in EPA regulations.

Emission Control Technology

Two commenters objected to statements in the preamble that 68 percent by volume solids coatings are demonstrated in this industry and are readily available for use. They contend that such coatings are not currently being applied by hand-held electrostatic spray equipment and are not available for use by the industry. According to one commenter, stricter regulations on the industry are not justified by the state of the art of the control technology, the situation with the economy, and the high cost of borrowing money. Another commenter stated that EPA is forcing technological changes too rapidly upon an industry at a time when efforts should be going into making coatings more cost effective and energy efficient. Another commenter stated that the high viscosity of coatings with greater than 60 percent by volume solids creates problems in accomplishing rapid color changes and that atomization problems limit the types of spray equipment which can be used. According to one commenter, there is not enough technical basis given for setting the standards at the 68 percent volume solids level. He stated that the proposed control level was apparently derived by merely reducing the CTG emission limit by 30 percent. Another commenter stated that he viewed the proposed emission limit as "an arbitrary level of suspect origin."

The proposed standard was based on an analysis of four alternative levels of controls as described in the preamble. Information obtained during the analysis led to the determination that 68 percent by volume solids coatings were being produced by some coating manufacturers and had been successfully applied in production tests. Therefore, the use of a 68 percent by volume solids coating was selected as the basis for the proposed standards. As a result of the comments concerning the availability and applicability of coatings

with a 68 percent volume solids content. EPA conducted a survey of several coatings manufacturers and users. The results of this survey (see Docket item IV-B-8) indicate that although much laboratory work and some production testing have been done with 68 percent volume solids coatings, there are some problems which must be overcome before these coatings can be considered as the best demonstrated technology. The single most difficult problem appears to be the increase in viscosity of the coating as the solids content approaches 68 percent by volume. Increased viscosity requires more energy for manufacturing, and increases agitation requirements during storing, pumping, and atomization of the coatings. Improper atomization of the coatings by the spray equipment also causes problems with the finish obtained on the metal surface.

Survey results showed that advances are currently being made in the field of higher solids coatings. Several coating manufacturers claim to have coatings, available in a wide range of colors, which can be applied by existing spray equipment and have percent solids contents in the low 60's. Some manufacturers explained that since the States are generally adopting the CTG document recommended emission level based on 60 percent by volume solids, all their efforts have gone toward achieving this level. At this volume solids level, the problems with viscosity can be overcome by increased use of in-line heating and slightly larger recirculation pumps.

Most spray equipment manufacturers contacted during the survey indicated that atomization and application of coatings with a percent solids content above 60 has been demonstrated in production tests. Some of the manufacturers recommended the use of in-line heaters in order to maintain a constant material temperature and indicated that these heaters would not be difficult to install. Several of the equipment manufacturers have stated that much of the problem encountered when applying higher solids coatings is directly related to the operator rather than the equipment. Accordingly to these contacts, the difficulties in obtaining proper film thickness is a result of solids being delivered to the nozzle at a greater rate than operators are accustomed to. This creates a situation in which the operator is using his normal application pattern and is applying more solids to the target than is necessary, resulting in excessive film thickness. The equipment suppliers indicate that this problem can be

overcome by proper operator training and more careful control of material flow rates.

Several representatives of the metal furniture industry were contacted during the survey. Most of those contacted have experimented with higher solids coatings in order to achieve the emission limits required by State implementation plans (SIP's). Results of these trials have been mixed, with some plants experiencing viscosity, atomization, and excessive film thickness problems when attempting to apply higher solids coatings with existing coating lines. However, through the use of techniques such as in-line heating, larger diameter piping, reduced material flow rates, and improved operator training, many companies have successfully applied coatings which will comply with the SIP's. Due to the rapid increase in the viscosity of coatings as the solids content increases, these techniques are much less efficient and less cost effective at 68 percent by volume solids level than at 62 percent by volume solids. Three plants are currently using coatings with a least 62 percent by volume solids contents. These three plants are considered typical of the industry; two are manufacturers of office furniture and the other manufactures shelving and store fixtures. This represents a wide range of coating uses and specifications since the appearance of office furniture is very critical and the durability of shelving is important. In-line heating is used to aid in viscosity control at one of the plants, and a wide variety of hand-held and automatic spray equipment is used at these plants. A wide range of colors are applied at these plants and the surface on the product is considered acceptable.

One commenter pointed out that most coatings suppliers are currently offering higher volume solids systems that are basically versions of the old lower volume solids systems. The main limitation of this approach is viscosity, i.e., as the volume solids increases, the viscosity increases. The short-term solution which coating manufacturers are using to solve viscosity problems can cause problems with the quality of the finish on the product. Molecular weight reduction of solvents and coatings also decreases covering.

One of the commenters stated that hand-held electrostatic spray guns are widely used in the metal furniture industry due to the complexity of the metal furniture configuration and the mix of parts. There is some touch-up required for hard-to-reach areas where this type of equipment is necessary. However, hand-held electrostatic spray

guns are limited in their ability to atomize 68 percent by volume solids coatings because of their greater viscosity. Therefore, there would be a problem achieving the desired quality of finish.

Another commenter claimed that due to finish specifications for certain types of metal furniture (for example, matching the color and texture of products that were produced during different time periods), automatic electrostatic spray equipment must be used. However, he stated that he has not been able to spray coatings with higher than 60 percent volume solids with this equipment due to the viscosity of these coatings.

One commenter stated that equipment is not available which will spray high solids coatings with their increased viscosity and still maintain the proper film thickness and texture without excessive overspray. Another stated that automatic electrostatic equipment is required to produce a consistent film thickness and that a great deal of manual touch-up is required when the solids content of the coatings is increased.

When the volume solids content of a coating increases, the viscosity also increases. It has been confirmed by several coating manufacturers and users that the higher solids coatings which comply with the proposed standard cause significant problems due to their higher viscosity.

However, the standard is being revised to a level which can be met by available coatings which are acceptable in terms of viscosity and coverage capacity. The emission limit is now based on the use of a coating with 62 percent volume solids content. Hand-held electrostatic spray guns capable of atomizing and applying 62 percent by volume solids coatings are currently being marketed by several well-known manufacturers of spray equipment. Five of the six spray equipment manufacturers recently contacted stated they have equipment available which can satisfactorily apply 62 percent volume solids coatings. Most manufacturers have indicated that automatic electrostatic spray equipment is the most proven method of applying high solids coatings. Three manufacturers contacted recently indicated that they are successfully applying coatings with greater than 60 percent by volume solids contents. The film thickness and touch-up requirement problems are solved, according to the equipment manufacturers, by proper training of operators and more exact process controls. Based on this

information, it is EPA's judgment that hand-held and automatic electrostatic spray equipment can satisfactorily apply 62 percent volume solids coatings.

Some coatings with 68 percent by volume solids are available, but their use is limited to certain products and application with specific equipment which may not be feasible in certain situations. Therefore, EPA is revising the emission limit from 0.7 to 0.9 kilogram of VOC per liter of applied solids. This level is based on the use of a coating with 62 percent by volume solids, a solvent density of 0.88 kilogram per liter, and a transfer efficiency of 60 percent.

According to one commenter, the basic problem with alternative coating systems such as waterbased coatings, powder, electrodeposition, dip and flow coatings (which EPA interprets to mean those systems which would meet the standard) is the difficulty in obtaining color/texture matching with products painted by conventional sprays. Another commenter stated that the alternative coating systems are not applicable for a wide range of uses within the industry, thus limiting the choices of control options available to some segments of the industry.

The Agency has identified as the best demonstrated technology the use of either high solids coatings, waterborne coatings, or powder coatings (with appropriate application equipment). The standard is achievable through the use of these methods; and as a result, the industry has a choice among several methods capable of meeting the standard. For example, a coater desiring a thick film with high durability might choose powder coating for a product. Two coats of a high solids coating, however, might also accomplish the desired results. Powder or EDP might be a coater's choice if only one or two colors are required. Furthermore, even though EPA's economic analysis has shown that waterbased coatings are likely to be the most expensive option for controlling VOC emissions, some metal furniture manufacturers have chosen to use them. Clearly, in an industry which produces such a wide variety of products as the metal furniture industry, there are always a few situations where, due to product specifications, the number of alternative control methods will be limited. Electrodeposition cannot be used on non-conductive materials, for example, and waterbased coatings require extra precaution against corrosion. Products requiring a metallic finish could not be coated with powder coatings. Nevertheless, there is always at least one coating method that can meet the

standards and the color/texture requirements of the industry. The Agency has determined, based on the analysis of the most costly method of control, that when only one method applies, the cost of using that method is reasonable.

Several commenters made statements concerning the use of the table of assigned transfer efficiencies in the regulation. One commenter suggested that a production line testing program be used to determine the proper efficiencies and that EPA clarify whether the table values were intended for equipment manufacturers or users. Another commenter stated that the assigned values seemed unrealistic to be used as universal standards. He also stated that if transfer efficiencies are to be assigned, however, then all known application methods should be included in order to avoid the time-consuming process of obtaining approval to use alternative equipment. In his comment, he noted that the continuous coater method and the liquid seal process were not mentioned.

One commenter presented a very detailed alternative to the use of the existing table of transfer efficiencies. He stated that the generic classifications of equipment now in the regulation is very poorly defined and explained that actual transfer efficiency is dependent on many factors such as equipment configuration, operating conditions, the part being coated, the coating being applied, and the operator. He recommended that the variables in design and operation of equipment be considered by defining such parameters as voltage, atomizing pressure, flow rates, etc., of each type of spray equipment. He also suggested that a standardized test method be adopted to determine transfer efficiency of equipment. Equipment could then be "certified" by the manufacturers, and a list of equipment ratings and operating conditions could be supplied to EPA for publication.

EPA believes that to reflect the best demonstrated technology for the metal furniture coating industry, emission limits for new sources must incorporate the use of both high solids coatings and relatively efficient application equipment, but must not at the same time deny industry flexibility to use different types of application equipment and different coatings. For this reason, the Agency has included the key transfer efficiency concept in these standards.

The commenters' claim that all the listed parameters affect transfer efficiency is correct. However, a

universally acceptable test method for determining precise transfer efficiency under each conceivable set of variables has not yet been developed. This means that the Agency must either delete this crucial component of BDT or instead include in the standards assigned transfer efficiency values that correlate at least generally to the efficiencies of the application equipment used in the industry. EPA has chosen the latter course. The Agency has included values that are correlated to each piece of equipment and are sufficiently high to ensure that, regardless of coating properties and other relevant variables, each facility will be credited with at least the efficiency its equipment attains with the particular coatings it applies. These transfer efficiencies listed are based on data provided by spray equipment manufacturers and results of tests conducted during standard development. EPA contacted and visited several equipment and coatings manufacturers during the standard development process.

Moreover, the standards provide that if the operator can demonstrate to the satisfaction of the Administrator that other transfer efficiencies are appropriate (e.g., due to variables such as those cited in the comment), the Administrator will approve their use on a case-by-case basis. This provision ensures that a facility using equipment that achieves an efficiency greater than that assigned by the standard is fully credited for the efficiency achieved. The certification of spray equipment by manufacturers can be undertaken by the industries and trade associations without EPA involvement.

The preponderance of metal furniture coating application techniques is addressed in the table. In addition, the regulation contains provisions whereby alternative coating equipment may be approved. Transfer efficiency values for coating methods which are not specifically addressed in the table can be determined in a manner similar to the way the table was developed. Data can be obtained from the manufacturer of the equipment; testing procedures can be submitted; and, based on an analysis of the data, EPA will determine the efficiency to be used in the emission calculations. The Agency does not believe this process of obtaining the Administrator's approval to use alternative equipment would be unreasonably time consuming. Also, this approval need only be obtained once for any one application technique. The values in the transfer efficiency table will be reviewed in the future, and

techniques in general use at that time may be added to the table.

One commenter suggested that key operating parameters of spray equipment be monitored on a regular basis (monthly) to be sure they are within design specifications. He recommended this be done at the same time that monthly determination of VOC emission compliance occurs.

While EPA considers that the proper operation and maintenance of spray equipment should be a routine procedure, the variations in operating parameters are understood to be great. Subpart A of the General Provisions of 40 CFR Part 60, § 60.11(d) states that: "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source." EPA believes that this general requirement, coupled with economic incentives such as reduced coating use, is sufficient to ensure that coatings users routinely check key operating parameters and maintain application equipment in good condition.

One commenter submitted information concerning the potential for cost effectiveness and performance of regenerative thermal oxidation systems. A system designed by the commenter is claimed to be capable of providing primary heat exchange efficiencies of 85 percent, 90 percent, and 95 percent in the thermal oxidation process. The high thermal energy recovery of this system allows operation in a self-sustaining mode on hydrocarbon concentrations from 3 to 5 percent of the lower explosive limit (LEL). Little or no additional fuel is required. This system virtually eliminates the following problem areas generally associated with incineration systems: (1) Fouling of heat transfer surfaces, (2) corrosion, (3) catalyst poisoning, (4) secondary emissions, and (5) high operating costs with low LEL gas streams. The commenter requested clarification of the potential of regenerative thermal oxidation systems in the documentation for the promulgated standard.

The analysis of incineration found in Chapter 3 of the proposal BID (EPA-450/

3-80-007a) reveals that this option has a significantly greater capital investment and an increase in energy consumption, over other control options. Although the annual operating costs and energy use of a regenerative thermal oxidation system may be lower, the initial capital investment is large compared to that for low solvent coatings technology. The reduction in total organic solvent emissions realized by controlling the topcoat oven is small because only 20 to 30 percent of these emissions are concentrated in the oven. The remaining 70 to 80 percent of the emission are from fugitives from the application and flashoff areas. The small percentage of emissions available for reduction by incineration makes any incinerator difficult to justify on a cost basis when compared to low solvent coatings. Therefore, the Administrator does not believe that further clarification of the potential of regenerative thermal oxidation systems is necessary.

Modification and Reconstruction

Several commenters expressed concern that expenditures made to comply with a State implementation plan (SIP) could bring the facility under the NSPS as a reconstruction. They requested that this situation be avoided by exempting SIP-related expenditures from the reconstruction provisions included under the General Provisions of 40 CFR Part 60.

It is possible that when an existing facility is modified to meet a State requirement the capital costs incurred could be large enough to trigger the reconstruction provisions of the Federal regulations, thereby forcing compliance with the more restrictive Federal requirement. This was a valid issue at the time the standard was proposed with an emission limit that was considerably more restrictive than most State regulations. Since proposal, however, the recommended standard has been revised so that it is now based on the use of a coating only two percent higher in volume solids content than the coating recommended in the CTG document. Because the technologies required to comply with the two emission limits are similar and no additional equipment would be required to apply an NSPS complying coating versus a CTG complying coating, the commenters' situation is no longer considered to be an issue.

Economic Impact

One commenter stated that continued development of inflexible standards will impact the growth of the industry and result in loss of job opportunities. The commenter continued by saying that the

cost to comply with the proposed standards will be much higher than projected. These increased costs are due to higher construction, operating, and energy costs. A comparison of cost and energy requirements for a plant built in 1977 versus a plant built in 1980 was submitted by the commenter.

It is definitely true that costs of construction, raw materials, labor, and energy have increased significantly since the economic analysis portion of the proposal BID was completed. Many of these costs, however, will not be any greater for a complying high solids coating system than for a conventional solvent coating system. If line heating, larger diameter recirculation lines, or more powerful agitation equipment is specified, there would be an increase in costs. However, these costs are considered to be reasonable. A recent Society of Manufacturing Engineers (SME) technical paper (FC81-237) reported that both operating and energy costs can actually be reduced by using high solids coatings rather than conventional solvent based coatings. The BID also indicates that a potential for savings in annualized costs exists with the use of higher solids coatings. This savings results from a decrease in the energy required to dry the coatings and lower labor and maintenance costs. Materials costs are also reduced because with higher solids coatings, even though the price per gallon may be higher, fewer gallons of coating are needed.

One commenter stated that the types of application equipment necessary to apply high solids coatings in order to meet the standards is exceedingly costly to the industry. Another commenter claimed that the electrostatic equipment is much more expensive than conventional spray equipment now being used.

The economic impacts discussed in the BID are based on the use of electrostatic equipment to apply higher solids coatings. Although electrostatic spray equipment is more expensive than conventional equipment, EPA believes its advantages outweigh the costs. The projected payback time for an average size plant purchasing electrostatic equipment in lieu of conventional equipment is less than one year. Most of the newer plants contacted during development of the standard were using electrostatic equipment (automatic and hand-held) because of the improved efficiency. Since the standard applies only to new sources and sources undergoing modification or reconstruction, it is anticipated that many affected facilities would use

electrostatic equipment even in the absence of the standard.

Energy Impact

A comment was received which stated that installation of incinerators on all spray booth stacks and oven vents to obtain compliance with the standards would be an expensive waste of energy due to the fuel which would be required to sustain combustion of the exhausted solvents.

Even though incineration is expected to have limited use in this industry as a means of controlling emissions, EPA did perform an analysis of the impacts of this alternative. The analysis of incineration as a means of emissions control indicated a substantial impact on energy consumption relative to other control technologies. This was the primary reason that incineration was not considered to be the best demonstrated control technology even though it is a control technology available at reasonable cost. EPA recognizes, however, that incineration of oven vents used in conjunction with coatings having a volume solids content less than 62 percent could be an alternative to using a 62 percent by volume solids coating system. Manufacturers using systems with partial incineration would have more flexibility in their selection of coatings and coating manufacturers and, by returning the available heat from the incinerator back to the process, would not experience a drastic increase in energy costs.

Reporting and Recordkeeping

Several commenters stated that they viewed the reporting and recordkeeping requirements as an unnecessary and expensive burden on both the coating manufacturers and coating users. One commenter stated that monthly recordkeeping to determine compliance would be difficult due to the fact that paint is usually purchased in large volumes and delivered over a long period of time. Another commenter, a coatings supplier, presented a detailed plan for recordkeeping and reporting which is based on data contained in Occupational Safety and Health Administration's (OSHA's) Material Safety Data Sheet (MSDS). The major points of his proposal are as follows:

a. All coatings suppliers submit to users information on their coatings. Every coating, catalyst, reducer, and modifier shipped to the user is described in detail with an MSDS for each coating formulation.

b. Coatings suppliers keep records of all shipments made to each customer, usually by quarterly and annual basis,

and many suppliers computerize this information.

c. The recordkeeping counterproposal is to switch from a monthly compliance determination to an annual event, or an "inventory day," somewhere near the end of the year.

d. By using the shipment records and subtracting inventory on hand, a total picture of VOC emissions is determined.

e. High technology industrial coatings are expensive and users will know to the nearest drum or gallon how much was purchased and how much is on hand, perhaps not on a monthly basis but on a quarterly or annual basis.

f. The reporting requirements can be implemented by the following steps:

(1) The coatings and solvent suppliers shall submit a form 20 OSHA approved MSDS with each composition sold to the user.

(2) The individual signing the MSDS for the coating or solvent supplier shall be responsible to the user for the accuracy of the information.

(3) The coatings and solvent suppliers can be asked to supply shipment information upon request of the user on an annual basis for purposes of determining compliance with the regulations.

(4) The user is responsible for the accuracy of the annual usage report of VOC-containing materials.

(5) The EPA may audit the data, but may request no records other than those already required by the IRS, DOT, OSHA, DOE, and the EPA itself under the Major Generator Provisions of the Resource Conservation and Recovery Act (RCRA).

As a result of this comment and others, EPA has been investigating alternative ways of reducing monitoring, recordkeeping, and reporting burdens on owners and operators. The goal is to reduce all recordkeeping and reporting that is not essential to determining compliance or to ensuring proper operation and maintenance. After reviewing the requirements in the proposed standards, EPA determined that monthly compliance tests, monitoring, and the compilation of monitoring data are essential for both the owner or operator and EPA to determine compliance and to ensure proper operation and maintenance. A responsible owner or operator would need monitoring information compiled in a usable form to determine when adjustments in the control system are needed to ensure that it is performing at its intended effectiveness level.

The proposed standard was written with the understanding that much of the data required to complete a compliance determination would be provided to the

facility by the coating manufacturers. Some additional information, such as transfer efficiency and dilution solvent added at the plant, would be provided by the facility itself. It would appear that a facility manager would keep records of this type, even in the absence of any requirement to do so, to assure efficient materials utilization. EPA is therefore requiring only the additional step of filing the information in an accessible location. Because EPA judges that monthly compliance tests, monitoring, and recordkeeping are essential for determining compliance and proper operation and maintenance, these requirements have not been changed since proposal. It was judged, however, that reporting is not essential to EPA. In addition, when States are delegated the authority to enforce these standards, they may prefer either not to have reporting or to have reporting on a different schedule than EPA proposed. Therefore, the requirement to report violations of the standard and quarterly incineration reports have been removed since proposal. A State, however, at any time is free to impose its own reporting requirements in conjunction with this regulation.

The data supplied by the coating manufacturers may be in any format which is agreeable to the plant owner or operator. Likewise, the owner or operator may use any format in maintaining records as long as all the pertinent data is clearly identified, complete, and in the appropriate terms and units. As required in the regulation, a facility must maintain the records for a period of 2 years. Reports prepared for other agencies may be used for EPA requirements if the preceding conditions are met. Since this standard applies to the metal furniture industry, the coatings users and not suppliers are responsible to EPA for the completeness and accuracy of all reports and records.

Information Requirements Impacts

The reporting and recordkeeping requirements of the regulation are assessed in Standard Form 83 and supporting statement, which is included in the docket for public review (reference subcategory IV-H of docket number A-79-47). This documentation contains: (1) A description of the reporting and recordkeeping required by the regulation and the General Provisions, (2) the reasons for the requirements, and (3) an evaluation of the major alternatives considered (including the use of existing sources of information). Approximately 2,000 new, modified, or reconstructed affected

facilities are expected to be subject to the regulation through the first 5 years.

The regulation will require no reports in addition to those required under the General Provisions of 40 CFR Part 60. The General Provisions contain notification requirements that enable the Agency to keep abreast of facilities subject to the regulation and also contain requirements for the conduct and reporting of initial performance tests. Analysis of these reporting requirements indicates that they are both necessary and reasonable considering the savings in Agency time and resources required for effective enforcement.

The resources needed by the industry to maintain records and to collect, prepare, and use the reports through the first 5 years would be about 178 person-years. The resources required by EPA and State and local agencies to process the reports and to maintain records through the first 5 years would be about 8.5 person-years.

The Paperwork Reduction Act of 1980 (Pub. L. 95-511) requires clearance from the Office of Management and Budget (OMB) of certain public reporting/recordkeeping requirements before this rulemaking can be promulgated as final. The reporting/recordkeeping requirements associated with this standard have been approved by OMB, and have been assigned OMB control #2000-0649.

Regulatory Flexibility Analysis

This standard was proposed before January 1, 1981, and therefore is not subject to the requirements of the Regulatory Flexibility Act. However, during the development of the background information document for this standard, the economic impacts for representative small model plants were examined, and there were no significant impacts on these plants.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for certain inter-Agency review materials, will serve as the record in

case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this regulation is October 29, 1982. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (November 28, 1980).

As prescribed by Section 111, the promulgation of these standards was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to insure that cost was carefully considered in determining BDT. The economic impact assessment is included in the background information document for the proposed standards.

In addition to the economic impact analysis, the emission reduction and annualized cost for typical facilities expressed for each alternative in terms of dollars per ton of pollutant removed were compared to both the preceding alternative and to Alternative 1. For example, Alternative 4 was compared to Alternative 3 and Alternative 1.

Compared to the uncontrolled plant (Alternative 1), Alternative 2 (62 percent by volume solids coatings and 60 percent average transfer efficiency) results in an emission reduction of 29 megagrams (32 tons) of VOC per year. The annualized cost of Alternative 2 is \$3,500 less than the annualized cost of

Alternative 1 because of reduced material costs. This level of control results in a potential savings of \$110 per ton of emissions reduced. Costs presented here are updated to July 1980 dollars.

Alternative 3 (70 percent by volume solids coatings and 60 percent average transfer efficiency) results in an emission reduction of 37.3 megagrams (41.1 tons) per year greater than Alternative 1. This level of control has an annualized cost of \$28,000 less than Alternative 1 for a potential savings of \$680 per ton of emissions reduced. Compared to Alternative 2 the application of Alternative 3 results in emission reductions of 8.26 megagrams (9.1 tons), has an annualized cost of \$24,000 less, and a potential savings of \$2,600 per ton of additional emission reduction.

Alternative 4 (waterborne coatings) results in an emission reduction of 40 megagrams (44.1 tons) per year greater than Alternative 1. This level of control has an annualized cost of \$66,000 higher than Alternative 1 and results in a control cost of \$1,500 per ton of emission reduction. Compared to Alternative 3, the application of Alternative 4 results in emission reductions of 2.72 megagrams (3.0 tons) per year, increases the annualized costs by \$94,000 and has a control cost of \$31,300 per ton of additional emission reductions.

In summary, both Alternatives 2 and 3 result in emission reductions and have a lower annualized cost than the uncontrolled plant. Alternative 2 was selected as the promulgated control level because of technological problems encountered with Alternative 3 control techniques. Alternative 4 was rejected because the cost of precluding the use of the much more cost-effective high solids coatings would be unreasonable in light of the amount of additional emission reduction that would be achieved by selecting the Alternative 4. Also, waterborne coatings are not demonstrated for application in all representative situations. Various other control techniques were quickly ruled out of consideration as BDT due to excessive control costs or technological limitations.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because: (1) The national annualized compliance costs, including capital charges resulting from the standards total less than \$100 million; (2) the standards do not cause a major increase in prices or production costs; and (3) the

standards do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation or competition in foreign markets. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in docket number A-79-47. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

Dated: October 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding a new Subpart EE as follows:

Subpart EE—Standards of Performance for Surface Coating of Metal Furniture

Sec.

- 60.310 Applicability and designation of affected facility.
- 60.311 Definitions and symbols.
- 60.312 Standard for volatile organic compounds.
- 60.313 Performance tests and compliance provisions.
- 60.314 Monitoring of emissions and operations.
- 60.315 Reporting and recordkeeping requirements.
- 60.316 Test methods and procedures.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart EE—Standards of Performance for Surface Coating of Metal Furniture

§ 60.310 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is each metal furniture surface coating operation in which organic coatings are applied.

(b) This subpart applies to each affected facility identified in paragraph (a) of this section on which construction,

modification, or reconstruction is commenced after November 28, 1980.

§ 60.311 Definitions and symbols.

(a) All terms used in this subpart not defined below are given the meaning in the Act and in Subpart A of this part.

"Bake oven" means a device which uses heat to dry or cure coatings.

"Dip coating" means a method of applying coatings in which the part is submerged in a tank filled with the coatings.

"Electrodeposition (EDP)" means a method of applying coatings in which the part is submerged in a tank filled with the coatings and in which an electrical potential is used to enhance deposition of the coatings on the part.

"Electrostatic spray application" means a spray application method that uses an electrical potential to increase the transfer efficiency of the coatings.

"Flash-off area" means the portion of a surface coating operation between the coating application area and bake oven.

"Flow coating" means a method of applying coatings in which the part is carried through a chamber containing numerous nozzles which direct unatomized streams of coatings from many different angles onto the surface of the part.

"Organic coating" means any coating used in a surface coating operation, including dilution solvents, from which volatile organic compound emissions occur during the application or the curing process. For the purpose of this regulation, powder coatings are not included in this definition.

"Powder coating" means any surface coating which is applied as a dry powder and is fused into a continuous coating film through the use of heat.

"Spray application" means a method of applying coatings by atomizing and directing the atomized spray toward the part to be coated.

"Surface coating operation" means the system on a metal furniture surface coating line used to apply and dry or cure an organic coating on the surface of the metal furniture part or product. The surface coating operation may be a prime coat or a top coat operation and includes the coating application station(s), flash-off area, and curing oven.

"Transfer efficiency" means the ratio of the amount of coating solids deposited onto the surface of a part or product to the total amount of coating solids used.

"VOC content" means the proportion of a coating that is volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of coating solids.

"VOC emissions" means the mass of volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of applied coating solids, emitted from a metal furniture surface coating operation.

(b) All symbols used in this subpart not defined below are given the meaning in the Act and in Subpart A of this part.

- C_a = the VOC concentration in each gas stream leaving the control device and entering the atmosphere (parts per million by volume, as carbon)
- C_b = the VOC concentration in each gas stream entering the control device (parts per million by volume, as carbon)
- C_t = the VOC concentration in each gas stream emitted directly to the atmosphere (parts per million by volume, as carbon)
- D_c = density of each coating, as received (kilograms per liter)
- D_d = density of each diluent VOC-solvent (kilograms per liter)
- D_r = density of VOC-solvent recovered by an emission control device (kilograms per liter)
- E = VOC destruction efficiency of the control device (fraction)
- F = the proportion of total VOC's emitted by an affected facility that enters the control device (fraction)
- G = the volume-weighted average mass of VOC's in coatings consumed in a calendar month per unit volume of coating solids applied (kilograms per liter)
- L_c = the volume of each coating consumed, as received (liters)
- L_d = the volume of each diluent VOC-solvent added to coatings (liters)
- L_r = the volume of VOC-solvent recovered by an emission control device (liters)
- L_s = the volume of coating solids consumed (liters)
- M_d = the mass of diluent VOC-solvent consumed (kilograms)
- M_a = the mass of VOC's in coatings consumed, as received (kilograms)
- M_r = the mass of VOC's recovered by an emission control device (kilograms)
- N = the volume weighted average mass of VOC emissions to the atmosphere per unit volume of coating solids applied (kilograms per liter)
- Q_a = the volumetric flow rate of each gas stream leaving the control device and entering the atmosphere (dry standard cubic meters per hour)
- Q_b = the volumetric flow rate of each gas stream entering the control device (dry standard cubic meters per hour)
- Q_t = the volumetric flow rate of each gas stream emitted directly to the atmosphere (dry standard cubic meters per hour)
- R = the overall VOC emission reduction achieved for an affected facility (fraction)
- T = the transfer efficiency (fraction)
- V_s = the proportion of solids in each coating (or input stream), as received (fraction by volume)
- W_a = the proportion of VOC's in each coating (or input stream), as received (fraction by weight)

§ 60.312 Standard for volatile organic compounds (VOC).

(a) On and after the date on which the initial performance test required to be conducted by § 60.8(a) is completed, no owner or operator subject to the provisions of this subpart shall cause the discharge into the atmosphere of VOC emissions from any metal furniture surface coating operation in excess of 0.90 kilogram of VOC per liter of coating solids applied.

§ 60.313 Performance tests and compliance provisions.

(a) Sections 60.8(d) and (f) do not apply to the performance test procedures required by this subpart.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test each calendar month for each affected facility according to the procedures in this section.

(c) The owner or operator shall use the following procedures for determining monthly volume-weighted average emissions of VOC's in kilograms per liter of coating solids applied (G).

(1) An owner or operator shall use the following procedures for any affected facility which does not use a capture system and control device to comply with the emissions limit specified under § 60.312. The owner or operator shall determine the composition of the coatings by formulation data supplied by the manufacturer of the coating or by an analysis of each coating, as received, using Reference Method 24. The Administrator may require the owner or operator who uses formulation data supplied by the manufacturer of the coating to determine the VOC content of coatings using Reference Method 24. The owner or operator shall determine the volume of coating and the mass of VOC-solvent used for thinning purposes from company records on a monthly basis. If a common coating distribution system serves more than one affected facility or serves both affected and existing facilities, the owner or operator shall estimate the volume of coating used at each facility by using the average dry weight of coating and the surface area coated by each affected and existing facility or by other procedures acceptable to the Administrator.

(i) Calculate the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied (G) during each calendar month for each affected facility, except as provided under § 60.313(c)(2) and (c)(3). Each monthly calculation is considered a performance test. Except as provided in paragraph (c)(1)(iv) of

this section, the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied (G) each calendar month will be determined by the following procedures.

(A) Calculate the mass of VOC's used ($M_o + M_d$) during each calendar month for each affected facility by the following equation:

$$M_o + M_d = \sum_{i=1}^n L_{ci} D_{ci} W_{oi} + \sum_{j=1}^m L_{dj} D_{dj}$$

($\sum L_{ci} D_{ci}$ will be 0 if no VOC solvent is added to the coatings, as received.)

Where: n is the number of different coatings used during the calendar month and m is the number of different diluent VOC-solvents used during the calendar month.

(B) Calculate the total volume of coating solids used (L_s) in each calendar month for each affected facility by the following equation:

$$L_s = \sum_{i=1}^n L_{ci} V_{si}$$

Where: n is the number of different coatings used during the calendar month.

Select the appropriate transfer efficiency from Table 1. If the owner or operator can demonstrate to the satisfaction of the Administrator that other transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiency values for application methods not listed below shall be determined by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the accuracy of the transfer efficiency claims.

TABLE 1.—TRANSFER EFFICIENCIES

Application methods	Transfer efficiency (T)
Air atomized spray	0.25
Airless spray	.25
Manual electrostatic spray	.60
Nonrotational automatic electrostatic spray	.70
Rotating head electrostatic spray (manual and automatic)	.80
Dip coat and flow coat	.90
Electrodeposition	.95

Where more than one application method is used within a single surface coating operation, the owner or operator shall determine the composition and volume of each coating applied by each method through a means acceptable to the Administrator and compute the weighted average transfer efficiency by the following equation:

$$T = \frac{\sum_{i=1}^n \sum_{k=1}^p L_{cik} V_{sik} T_k}{L_s}$$

Where n is the number of coatings used and p is the number of application methods used.

(C) Calculate the volume-weighted average mass of VOC's consumed per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G = \frac{M_o + M_d}{L_s T}$$

(ii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during the calendar month for each affected facility by the following equation:

$$N = G$$

(iii) Where the volume-weighted average mass of VOC discharged to the atmosphere per unit volume of coating solids applied (N) is less than or equal to 0.90 kilogram per liter, the affected facility is in compliance.

(iv) If each individual coating used by an affected facility has a VOC content, as received, which when divided by the lowest transfer efficiency at which the coating is applied, results in a value equal to or less than 0.90 kilogram per liter, the affected facility is in compliance provided no VOC's are added to the coatings during distribution or application.

(2) An owner or operator shall use the following procedures for any affected facility that uses a capture system and a control device that destroys VOC's (e.g., incinerator) to comply with the emission limit specified under § 60.312.

(i) Determine the overall reduction efficiency (R) for the capture system and control device. For the initial performance test the overall reduction efficiency (R) shall be determined as prescribed in (c)(2)(i) (A), (B), and (C) of this section. In subsequent months, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test providing control device and capture system operating conditions have not changed. The procedure in (c)(2)(i) (A), (B), and (C), of this section, shall be repeated when directed by the Administrator or when the owner or operator elects to operate the control device or capture system at conditions different from the initial performance test.

(A) Determine the fraction (F) of total VOC's emitted by an affected facility that enters the control device using the following equation:

$$F = \frac{\sum_{i=1}^n C_{bi} Q_{bi}}{\sum_{i=1}^n C_{bi} Q_{bi} + \sum_{j=1}^m C_{aj} Q_{aj}}$$

Where n is the number of gas streams entering the control device and m is the number of gas streams emitted directly to the atmosphere.

(B) Determine the destruction efficiency of the control device (E) using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the device by the following equation:

$$E = \frac{\sum_{i=1}^n Q_{bi} C_{bi} - \sum_{j=1}^m Q_{aj} C_{aj}}{\sum_{i=1}^n Q_{bi} C_{bi}}$$

Where: n is the number of gas streams entering the control device, and m is the number of gas streams leaving the control device and entering the atmosphere.

(C) Determine overall reduction efficiency (R) using the following equation:

$$R = EF$$

(ii) Calculate the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraphs (c)(1)(i) (A), (B), and (C) of this section.

(iii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month by the following equation:

$$N = G(1 - R)$$

(iv) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.90 kilogram per liter of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

(3) An owner or operator shall use the following procedure for any affected facility which uses a control device that recovers the VOC's (e.g., carbon adsorber) to comply with the applicable emission limit specified under § 60.312.

(i) Calculate the total mass of VOC's consumed ($M_o + M_d$) and the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraph (c)(1)(i) (A), (B), and (C) of this section.

(ii) Calculate the total mass of VOC's recovered (M_r) during each calendar month using the following equation:

$$M_r = L_r D_r$$

(iii) Calculate overall reduction efficiency of the control device (R) for each calendar month for each affected facility using the following equation:

$$R = \frac{M_r}{M_o + M_d}$$

(iv) Calculate the volume-weighted average mass of VOC's emitted to the atmosphere (N) for each calendar month for each affected facility using equation in paragraph (c)(2)(iii) of this section.

(v) If the weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.90 kilogram per liter of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

§ 60.314 Monitoring of emissions and operations.

(a) The owner or operator of an affected facility which uses a capture system and an incinerator to comply with the emission limits specified under § 60.312 shall install, calibrate, maintain, and operate temperature measurement devices according to the following procedures:

(1) Where thermal incineration is used, a temperature measurement device shall be installed in the firebox. Where catalytic incineration is used, a temperature measurement device shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Each temperature measurement device shall be installed, calibrated, and maintained according to the manufacturer's specifications. The device shall have an accuracy of the greater of 0.75 percent of the temperature being measured expressed in degrees Celsius or $\pm 2.5^\circ\text{C}$.

(3) Each temperature measurement device shall be equipped with a recording device so that a permanent continuous record is produced.

(b) The owner or operator of an affected facility which uses a capture system and a solvent recovery system to comply with the emission limits

specified under § 60.312 shall install the equipment necessary to determine the total volume of VOC-solvent recovered daily.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.315 Reporting and recordkeeping requirements.

(a) The reporting requirements of Section 60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided in paragraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for a period of one calendar month from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.313(c)(1)(iv), a list of the coatings used during a period of one calendar month, the VOC content of each coating calculated from data determined using Reference Method 24 or supplied by the manufacturer of the coating, and the minimum transfer efficiency of any coating application equipment used during the month.

(3) For each affected facility where compliance is achieved through the use of an incineration system, the following additional information will be reported:

(i) The proportion of total VOC's emitted that enters the control device (F).

(ii) The VOC reduction efficiency of the control device (E).

(iii) The average combustion temperature (or the average temperature upstream and downstream of the catalyst bed), and

(iv) A description of the method used to establish the amount of VOC's captured and sent to the incinerator.

(4) For each affected facility where compliance is achieved through the use of a solvent recovery system, the following additional information will be reported:

(i) The volume of VOC-solvent recovered (L_r), and

(ii) The overall VOC emission reduction achieved (R).

(b) Following the initial performance test, the owner or operator of an affected facility shall identify and record:

(1) Each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied

coating solids (N) is greater than the limit specified under § 60.312.

(2) Where compliance with § 60.312 is achieved through the use of thermal incineration, each 3-hour period when metal furniture is being coated during which the average temperature of the device was more than 28°C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.313.

(3) Where compliance with § 60.312 is achieved through the use of catalytic incineration, each 3-hour period when metal furniture is being coated during which the average temperature of the device immediately before the catalyst bed is more than 28°C below the average temperature of the device immediately before the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.313. Additionally, when metal furniture is being coated, all 3-hour periods during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.313 will be recorded.

(c) Each owner or operator subject to the provisions of this subpart shall

maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine VOC emissions from each affected facility. Where compliance is achieved through the use of thermal incineration, each owner or operator shall maintain, at the source, daily records of the incinerator combustion chamber temperature. If catalytic incineration is used, the owner or operator shall maintain at the source daily records of the gas temperature, both upstream and downstream of the incinerator catalyst bed. Where compliance is achieved through the use of a solvent recovery system, the owner or operator shall maintain at the source daily records of the amount of solvent recovered by the system for each affected facility.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.316 Test methods and procedures.

(a) The reference methods in Appendix A to this part except as provided under § 60.8(b) shall be used to determine compliance with § 60.312 as follows:

(1) Method 24, or coating manufacturer's formulation data, for use in the determination of VOC content of each batch of coating as applied to the surface of the metal parts. In case of an inconsistency between the Method 24

results and the formulation data, the Method 24 results will govern.

(2) Method 25 for the measurement of VOC concentration.

(3) Method 1 for sample and velocity traverses.

(4) Method 2 for velocity and volumetric flow rate.

(5) Method 3 for gas analysis.

(6) Method 4 for stack gas moisture.

(b) For Method 24, the coating sample must be at least a 1 liter sample in a 1 liter container taken at a point where the sample will be representative of the coating material as applied to the surface of the metal part.

(c) For Method 25, the minimum sampling time for each of 3 runs is 60 minutes and the minimum sample volume is 0.003 dry standard cubic meters except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(d) The Administrator will approve testing of representative stacks on a case-by-case basis if the owner or operator can demonstrate to the satisfaction of the Administrator that testing of representative stacks yields results comparable to those that would be obtained by testing all stacks.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

[FR Doc. 82-29691 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

Registered Federal Traveler

Friday
October 29, 1982

Part XI

Office of Personnel Management

**Excepted Service; Consolidated Listing of
Schedules A, B, and C Exceptions**

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedules A, B and C Exceptions

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 1982, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. 5 CFR 213.103(c) further requires that a consolidated listing, current as of June 30 of each year, shall be published annually as a notice in the *Federal Register*. That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by contacting the Noncompetitive Staffing Branch, Room 6A12, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415, or by calling (202) 632-6000.

The following exceptions were current on June 30, 1982:

Schedule A

213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any nontemporary position the duties of which are part-time or

intermittent in which the appointee will receive compensation during his/her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS-3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary project employment.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of OPM, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of OPM where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (1) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency,

and in the International Boundary and Water Commission; or

(2) When it is specifically held by OPM that this authority is applicable for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1-year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's completion of requirements for the graduate degree.

(q) Positions at grade GS-7 and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) bona fide high school science or mathematics teachers or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. The appointment of any individual under this authority shall terminate upon the individual's ceasing to be enrolled in a qualifying educational program or to be employed as a teacher. No person shall be employed under this provision in (i) positions of a routine clerical type or (ii) positions in excess of 1040 working hours a year; except that the 1040 working-hours-a-year limitation shall not apply to positions at grade GS-4 and below which are established in connection with associate degree cooperative education programs. Students enrolled in bachelor's degree cooperative education programs as defined in 213.3202(a) shall not be employed under this provision. Appointments under this authority may be made only to positions for which

qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(r)-(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the OPM. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(u) Positions when filled by severely physically handicapped persons who: (1) under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(v) Between May 13 and September 30 only, temporary Summer Aid positions the duties of which involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, appointed either a) under economic needs standards prescribed by the Office of Personnel Management or b) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday and may not be employed for more than 700 hours. This paragraph shall apply only to positions for which pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

(w) Part-time or intermittent positions, the duties of which involve routine work up to and including the GS-4 level of difficulty or equivalent under the Federal Wage System, when filled by bona fide students appointed under the Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped,

provided that the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment as a resident student in a secondary school (or other appropriate school for mentally retarded students) or an institution of higher learning not above the baccalaureate level, accredited by a recognized accrediting body;

(2) Employment does not exceed 20 hours in any calendar week except that students may work full time during any period in which their school is officially closed and during any school vacation period.

(3) While employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer;

(4) Appointees meet the economic criteria prescribed by the Office of Personnel Management, except that this requirement does not apply to mentally retarded or severely physically handicapped students appointed under the authority; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond 1 year. However, such appointments may be made for additional periods of not to exceed 1 year, each, if the conditions for initial appointment are still met. Students may not be appointed under this authority unless they have reached their 16th birthday. No new appointments may be made between May 13 and August 31, inclusive.

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1-year. An initial appointment may be extended for one or more periods not to exceed 1 additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1-year beyond the date of that person's release from custody.

(y) Positions at grade GS-2 and below for summer employment as defined in 213.3101(d), of assistants to scientific, professional, and technical employees,

when filled by finalists in national science contests.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS-11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to 1 additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of the Office except when the authority is specifically included in a delegated examining agreement with the Office.

(cc) Positions at GS-15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd)-(ee) [Reserved]

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Pub. L. 91-452 and related statutes. A person appointed under this authority may continue to be employed under it after he ceases to be in a qualifying program only as long as he remains in the same agency without a break in service.

(gg) [Reserved]

(hh) Positions as needed not in excess of GS-13, whose incumbents will implement the Young Adult Conservation Corps program and are to be paid out of funds allocated under title VIII of the Comprehensive Employment and Training Act of 1973, as amended, or other appropriated funds receiving direct benefits. Employment under this authority is not to exceed September 30, 1982.

(ii) Positions of Presidential Intern, GS-9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS-9 level. No one may serve under this

authority for more than 2 years, unless extended with OPM approval for up to 1 additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj) Legal intern positions. Appointments under this paragraph shall be confined to bona fide students at recognized law schools who are candidates for J.D. or LL.B. degrees. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's graduation from law school.

(kk) [Reserved]

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time or intermittent basis.

213.3103 Executive Office of the President.

(a) *Office of Administration* (1) Not to exceed forty-five positions to provide administrative services and support to the White House office.

(b) [Reserved]

(c) *Council on Environmental Quality*. (1) Professional and technical positions in grades GS-13 through GS-15 on the staff of the Council.

(d)-(f) [Reserved]

(g) *National Security Council*. (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy*. (1) Thirty positions of Senior Policy Analyst, GS-15; Policy Analyst, GS-11/14; and Policy Research Assistant, GS-9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

213.3104 Department of State.

(a) *Office of the Secretary*. (1) All positions, GS-15 and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management.

(2)-(4) [Reserved]

(5) Executive Officer, Executive Secretariat.

(b) *American Embassy, Paris, France*. (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c) *International Boundary and Water Commission, United States and Mexico*. (1) Gauge readers employed part-time or intermittently at isolated localities when in the opinion of OPM, appointment

through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada*.

(1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days within any 1 calendar year.

(e) *Bureau of Oceans and International Environmental and Scientific Affairs*. (1) Two Physical Science Administration Officer positions at GS-16.

(f) [Reserved]

(g) *Office of Refugee and Migration Affairs*. (1) Not to exceed 10 positions at grade 5 through 11 on the staff of the office.

(h) *Bureau of Administration*. (1) One Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981. No one may serve under this authority longer than 5 years.

213.3105 Department of the Treasury.

(a) *Office of the Secretary*. (1) Not to exceed 20 positions at the equivalent of GS-13 through GS-17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(b) *U.S. Customs Service*. (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS-9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180

working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS-9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling) Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7)-(8) [Reserved]

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(c)-(d) [Reserved]

(e) *Internal Revenue Service*. (1) Twenty positions of investigator for special assignments.

(f) [Reserved]

(g) *Bureau of Alcohol, Tobacco, and Firearms*. (1) One hundred positions of criminal investigator for special assignments.

(h) *Office of New York Finance*. (1) Not to exceed 10 positions. Employment under this authority may not exceed September 30, 1983.

(i) Bureau of Government Financial Operations. (1) Clerical positions at grades GS-5 and below established in Emergency Disbursing Offices to process emergency payments to victims of catastrophes or natural disasters requiring emergency disbursing services. Employment under this authority may not exceed 1 year.

213.3106 Department of Defense.

(a) *Office of the Secretary*. (1)-(5) [Reserved]

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(7) Fifteen secretarial and staff support positions at GS-12 or below on the White House Support Group.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force.)* (1) Professional positions in

Military Dependent School Systems overseas.

(2) Positions in attache 1 systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the Department residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

(c) [Reserved]

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence

technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.* (1) Positions of Dean, Associate Dean, Assistant Dean, faculty members, and teaching/research assistants.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS-15, at the strategic Concepts Development Center. Initial appointments to these positions may not exceed 3 years, but may be extended thereafter for additional period(s) not to exceed 1 year each.

213.3107 Department of the Army.

(a) *General.* (1) [Reserved]

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance material, including ammunition, where temporary or intermittent employment is necessary.

(3)-(8) [Reserved]

(b) [Reserved]

(c) *Corps of Engineers.* (1) [Reserved]

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when OPM has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in OPM central office, regional, and branch office cities or in cities where there is a local OPM area office to service the employing establishment.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, chapel organist and choir-master, Director of Intercollegiate Athletics, librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e)-(f) [Reserved]

(g) *Defense Language Institute.* (1) Positions of instructors whose duties require proficiency in the teaching of a foreign language, supervisory instructors whose duties require a background in language teaching, and foreign language subject-matter specialists whose duties require proficiency in a given foreign language to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages.

(2) Clerical and Education Aid positions (except at the English Language School) whose incumbents are required to have a foreign language knowledge and whose duties require rapid and accurate typing, writing, proofreading or related skills used in the production of foreign language materials.

(3) [Reserved]

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, that such employment may, with the prior approval of OPM, be extended for not to exceed 1 additional year.

(i) *Defense Systems Management School, Fort Belvoir, Va.* (1) The Deputy Commandant and professors in grades GS-13 through 15.

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head and Instructor.

213.3108 Department of the Navy.

(a) *General.* (1) [Reserved]

(2) Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. Naval Regional Medical Centers, hospitals, clinics and departments when filled by students who are enrolled in an approved pharmacy program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed one year.

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and

shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351-54.

(5) [Reserved]

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351-54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351-54.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351-54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and

dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(14) [Reserved]

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; and the librarian, organist-choirmaster, registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) [Reserved]

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e)-(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientists, GS-13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of OPM, total employment under this authority may be for as long as 3 years.

213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Fifty positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 14 professional positions, GS-11 through GS-15, in

Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects. Employment under this authority may not exceed January 31, 1985.

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and Instructors in Music (choirmasters).

(e) [Reserved]

(f) *Air Force Office of Special Investigations.* (1) Fifteen positions of Criminal Investigator and Intelligence Research Specialist, GS-9 through GS-14, for employment not to exceed April 30, 1984, on projects concerned with the security of national defense activities and materials.

(2) Not to exceed 15 positions of Criminal Investigators/Polygraph Examiners, GS-11 through GS-14, in the Air Force Office of Special Investigations, Polygraph Office, duty location nationwide, which will provide high level polygraph security screening for a highly classified, sensitive and compartmented special access program concerned with national defense activities and materials, for employment not to exceed April 30, 1987.

(g) Not to exceed 7 positions, GS-12 through 15, in Headquarters Air Force Logistics Command, DCS Logistics Operation, Wright Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects. Employment under this authority is not to exceed January 31, 1985.

213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) [Reserved]

(3) U.S. Marshal in the Virgin Islands.

(4) [Reserved]

(5) Thirty positions of Field Representative, GS-9 through GS-14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS-5-7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided*, that an appointment may be extended for one additional year with the prior approval of OPM.

(b) [Reserved]

(c) *Drug Enforcement Administration.*
(1) [Reserved]

(2) 150 positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS-132 series, grades GS-9 through GS-15.

(d) *U.S. Marshals Service.* (1) Three hundred intermittent positions of guard for employment not to exceed 1,040 hours a year.

213.3112 *Department of the Interior.*

(a) General. (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS-7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, that an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary

of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in non-professional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum rate. Employment under this authority may not exceed 10 weeks.

(b) *Bureau of Indian Affairs.* (1)-(3) [Reserved]

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) [Reserved]

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) [Reserved]

(2) Not to exceed 4 positions of Territorial Management Interns, grades GS-5, GS-7, or GS-9, when filled by territorial residents who are U.S. Citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. Citizens upon termination of the U.S. Trusteeship. Employment under this authority may not exceed 6 months.

(3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS-5, or GS-4 and those equivalent to grade GS-7 or GS-6 in which the duties are supervisory or are limited to a highly

specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS-7 and GS-6 excepted under this paragraph and paragraph (f)(2) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS-7: Two seasons at IGS-6 level.

(ii) For IGS-6: Two seasons at IGS-5 level.

(iii) For IGS-5: One season at IGS-4 level.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS-2 through GS-5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS-7 and GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS-7 and GS-6 excepted under this paragraph and paragraph (f)(1) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IGS-7: Two seasons at IGS-6 level.

(ii) For IGS-6: Two seasons at IGS-5 level.

(iii) For IGS-5: One season at IGS-4 level.

(iv) For IGS-4: One season at IGS-3 level or its equivalent in experience.

(v) For IGS-3: One season at IGS-2 level or its equivalent in experience.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Pub. L. 95-250.

(4) One Special Representative of the Director.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS-5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

(i) *Office of Hearings and Appeals.* (1) [Reserved]

213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2)-(4) [Reserved]

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of 213.3102.

(6) [Reserved]

(7) Not to exceed 20 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new appointment may be made under this authority after December 31, 1977.

(b) [Reserved]

(c) *Forest Service.* (1) [Reserved]

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operator, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) [Reserved]

(2) Members of State Committees: *Provided*, that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and

Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(3) [Reserved]

(e) *Farmers Home Administration.* (1) [Reserved]

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended with the prior approval of OPM for additional periods not to exceed 1 year each.

(4) [Reserved]

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior OPM approval for not to exceed 1 additional year.

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(7) Positions concerned with an economic emergency loan program authorized by the Agricultural Credit Act of 1978, for seasonal employment not to exceed August 31, 1982.

(f) *Agricultural Marketing Service.* (1) Positions of supervisory cotton classers GS-11, cotton classers GS-9 and below, clerks GS-2, supervisory clerks GS-3 and GS-4, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C. Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of supervisory cotton classers, cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS-5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

- (2) [Reserved]
- (3) Milk Market Administrators.
- (4) All positions on the staffs of Milk Market Administrators.
- (5) Positions of Agricultural Commodity Graders (Tobacco), GS-9 and below, and Clerks, GS-4 and below for temporary seasonal employment on a full-time, part-time, or intermittent basis not to exceed 1,280 hours in a service year.
- (g)-(i) [Reserved]
- (j) *Food and Nutrition Services.* (1) [Reserved]
- (2) Three hundred fifty positions of food assistance program specialist, GS-5/7, under the Child Nutrition Summer Feeding Program, for temporary employment not to begin before March 1 and not to exceed September 30 of each year, on a full-time, part-time, or intermittent basis.
- (k) *Animal and Plant Health Inspection Service.* (1) [Reserved]
- (2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate without prior approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.
- (l) *Food Safety and Quality Service.*
- (1) Positions of agricultural commodity graders (processed fruits and vegetables), GS-9 and below, and of graders' aides (processed fruits and vegetables), GS-2-4: for temporary employment on a part-time or intermittent basis for not to exceed 1,280 hours a year.
- (2) Temporary and intermittent positions of agricultural commodity graders (dairy) and agricultural commodity graders (poultry) at grade GS-9 and below. Employment under this authority may not exceed 1,280 hours a year.
- (3) Positions of meat and poultry inspectors (veterinarians at GS-11 and below and nonveterinarians at appropriate grades below GS-11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.
- (m) *Federal Grain Inspection Service.*
- (1) One hundred fifty positions of Agricultural Commodity Aid (Grain),

GS-2/4; 100 positions of Agricultural Commodity Technician (Grain), GS-4/7; and 60 positions of Agricultural Commodity Grader (Grain), GS-5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

213.3114 Department of Commerce

(a) *General.* (1)-(2) [Reserved]

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) One position of Administrative Assistant, GS-301-8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979.

(2)-(3) [Reserved]

(c) [Reserved]

(d) *Bureau of the Census.* (1)

Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for temporary, part-time or intermittent employment in connection with major economic and demographic censuses or with surveys of a nonrecurring or noncyclical nature: *Provided*, that temporary, part-time employment will be for periods not to exceed 1 year; and that such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Office approval is required for extension of total service beyond 2 years.

(2) Current Program Interviewers employed on an intermittent or part-time basis in the field service.

(3) [Reserved]

(e)-(h) [Reserved]

(i) *Office of the Under Secretary for International Trade.* (1) Thirty positions at GS-12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(3) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS-12 through GS-15, to be filled by persons qualified as industrial or marketing specialists; who possess

specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters.

Appointments under this authority may be made for a period of not to exceed two years and may, with prior approval of OPM, be extended for an additional period of two years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of OPM, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Positions requiring temporary employment of persons to perform duties which involve work associated with the inspection of fishery products. Appointment under this authority may be made for a period of 1 year (2,080 hours), with one extension not to exceed 2,080 hours. No person shall be employed under this authority in a supervisory position or in a position above grade GS-9, or equivalent. Positions filled under this authority may not exceed 20 percent of authorized fishery products inspection staff.

(3) All civilian positions on vessels operated by the National Ocean Survey.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(k) [Reserved]

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS-13 through GS-15.

(m) [Reserved]

213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and two members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This

authority is applicable to positions where the salary is equivalent to GS-6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1983.

(c) [Reserved]

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of supervisory manpower development specialist and manpower development specialist, GS-7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

213.3116 *Department of Health and Human Services.*

(a) *Saint Elizabeth's Hospital.* (1)-(4) [Reserved]

(5) Fifteen positions of psychodrama trainees, including interns and first- and second year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6)-(8) [Reserved]

(9) Positions of Chaplain Residents: *Provided*, that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. 5351 and 5352.

(10) [Reserved]

(11) Ten positions of group dynamics and group psychotherapy trainees, including interns and residents in the Overholser Training and Research Division. Employment under this authority shall not exceed 2 years, and shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(12) Ten positions of Interns, Residents and Fellows for work in mental health and deafness. Employment under this authority may not exceed 1 year for any individual.

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed two years for any individual.

(b) *Public Health Service* (1) [Reserved]

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in the Public Health Service Hospital, Carville, La.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further*, that appropriate exclusions of the positions under the authority of Pub. L. 80-330 have been approved by the Office of Personnel Management.

(7) [Reserved]

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term "Indian."

(9) Twelve positions of Therapeutic Radiologic Technician Trainee in the Radiation Oncology Branch, National Cancer Institute. Employment under this authority shall not exceed 1 year for any individual. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351-5356.

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11) Pharmacy Resident positions at GS-7 in the National Institutes of Health's Clinical Center, Pharmacy Department. Employment in these positions is confined to graduates of approved schools of pharmacy and is limited to a period not to exceed 12 months pending licensure.

(12) Hospital Administration Resident positions at GS-9 in the National Institutes of Health's Clinical Center, Bethesda, Maryland. Employment in these positions is confined to graduates of approved hospital or health care administration programs and is limited to a period not to exceed 1 year.

(c) [Reserved]

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(4) Not to exceed 64 positions on the Refugee Program Staff.

(5)-(6) [Reserved]

(e) [Reserved]

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants, The President's Council on Physical Fitness.

(g)-(h) [Reserved]

(i) *National Center for Health Statistics.* (1) Not to exceed 20 positions of Health Examination Representative, grades GS-7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Data Services.

(j) *Health Care Financing Administration.* (1) [Reserved]

(2) Not to exceed 10 professional positions, GS-9 through GS-15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(k) *Office of the Secretary.* (1) Staff positions, GS-15 and below, for an emergency staff to assist in the resettlement of the current wave of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1983.

(2) Not to exceed 10 positions at grades GS-9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS-9/12. Employment of any individual under this authority may not exceed 2 years.

(3) [Reserved]

213.3117 *Department of Education.*

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is

joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS-3 through GS-11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) [Reserved]

(d) Not to exceed 400 positions at grades GS-3 through GS-11, involved in the Veterans Administration Vietnam Era Veterans Readjustment Counseling Program. No one may serve under this authority after August 31, 1984.

213.3128 International Communication Agency.

(a) *Office of Congressional and Public Liaison.* (1) Two positions of Liaison Officer (Congressional), GS-14.

(b) Five positions of Supervisory International Exchange Officer (Reception Center Director), GS-13 and GS-14, located in ICA's field offices of New Orleans, New York, Miami, San Francisco and Honolulu. Initial appointments will not exceed December 31 of the calendar year in which appointment is made with extensions permitted up to a maximum period of 4 years.

213.3130 Securities and Exchange Commission.

(a)-(b) [Reserved]

(c) Positions of accountant and auditor, GS-13 through 15, when filled by persons selected under the SEC Accounting Fellow Program, as follows: (1) Four positions, for employment of any one individual not to exceed 2 years; and

(2) Two additional identical positions, for employment of any one individual not to exceed 90 days, which may be used to provide a period of transition and orientation between Fellowship appointments. These additional identical positions must be filled by persons who either have completed a 2-year Fellowship or have been selected as replacement Fellows for a 2-year term. Appointments of outgoing Fellows

under this authority must be made without a break in service of 1 workday following completion of their 2-year terms; incoming Fellows appointed under this provision must be appointed to 2-year Fellowships without a break in service of 1 workday following their 90-day appointments.

(d) Positions of Economist, GS-13 through 15, when filled by persons selected under the SEC Economic Fellow Program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than two years unless selected under provisions set forth in the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3372(b)(2).

(e) [Reserved]

213.3131 Department of Energy.

(a) *General.* (1) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 130 working days a year. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(b) *Bonneville Power Administration.* (1) Five Area Managers.

213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855-1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior Office approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855-1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 of the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act,

as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(c) Positions of Community Economic Industrial Planner, GS-7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

213.3133 Federal Deposit Insurance Corporation.

(a) All Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks, of liquidating loans to banks, or of paying the depositors of closed insured banks.

213.3136 U.S. Soldiers' and Airmen's Home.

(a) All positions.

213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, an surplus facilities of a similar nature pending disposition of such facilities.

(b) Not to exceed 15 positions at grades GS-14/15, in order to bring into the agency current industry expertise in various program areas. Appointment under this authority may not exceed 2 years.

(c) *Office of the Regional Administrator—Region 9.* (1) One Program Assistant.

(d) [Reserved]

213.3139 U.S. International Trade Commission.

(a) The Secretary of the Commission.

213.3140 Civil Aeronautics Board.

(a) Not to exceed 40% of the Civil Aeronautics Board's authorized GS-15 and below positions. This authority may not be used for new appointments to positions which are identified for transfer to other Federal agencies as authorized under the mandates of the Airline Deregulation Act of 1978.

Employment under this authority may not exceed December 31, 1984.

213.3141 National Labor Relations Board.

(a) Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

213.3142 Export-Import Bank of the United States.

(a) One Special Assistant to the Board of Directors, grade GS-14 and above.

213.3146 Selective Service System.

(a) State Directors.
(b)-(c) [Reserved]
(d) Executive Secretary, National Selective Service Appeal Board.

213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator or the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Not to exceed 40 positions of fully qualified pilot and mission specialists astronauts.

(c)-(e) [Reserved]
(f) Positions of Program Coordinator/Counselor at grades GS-7/9/11 for part-time and summer employment in connection with the High School Students Summer Research Apprenticeship Program.

213.3152 U.S. Government Printing Office.

(a) Not to exceed three positions of Research Associate at grades GS-15 and below, involved in the study and analysis of complex problems relating to the reduction of the Government's printing costs and to provision of more efficient service to customer agencies and the public. Appointments under this authority may not exceed 1 year, but may be extended for not to exceed 1 additional year.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the University of the District of Columbia.

213.3154 Federal Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) Positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating

the assets of closed insured institutions or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom; and positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions. Appointments under this authority may not exceed 3 years.

213.3156 Commission on Civil Rights.

(a) Twenty-five positions at grade GS-11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88-352, as amended. No new appointments may be made under this authority after March 31, 1976.

213.3174 Smithsonian Institution.

(a) Not to exceed 25 positions at grades GS-11 and below which support planning and production of the Annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival.

(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*
(1) Until September 30, 1985, one position of Assistant Director, Artists-in-Schools Program, Office for Partnership, GS-301-13.

(2) Until September 30, 1985, one position of Director of Federal-State Partnership.

(3) Until September 30, 1985, one position of Director of Literature Programs.

(4) Until September 30, 1985, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1985, one position of Director of Folk Arts Programs.

(6) Until September 30, 1985, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1985, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1985, one position of Assistant Director of Literature Programs.

(9)-(10) [Reserved]

(11) Until September 30, 1985, four Project Evaluators.

(12) Until September 30, 1985, one position of Director of Museum Programs.

(13) [Reserved]

(14) Until September 30, 1985, two positions of Assistant Director of Music Programs.

(15) Until September 30, 1985, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1985, one position of Director of Media Arts Programs.

(17)-(19) [Reserved]

(20) Until September 30, 1985, one position of Director of Inter Arts Program.

(21) Until September 30, 1985, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1985, one position of Assistant Director of Media Arts Programs.

(23) Until September 30, 1985, one position of Assistant Director of Design Arts Program.

(24) Until September 30, 1985, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1985, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1985, one position of Assistant Director of Museum Programs.

(27) Until September 30, 1985, one position of Assistant Director of Special Projects.

(28)-(29) [Reserved]

(30) Until September 30, 1985, one position of Director of Education Programs.

(31) Until September 30, 1985, one position of Director of Music Programs.

(32) Until September 30, 1985, one position of Director of Theater Programs.

(33) Until September 30, 1985, one position of Director of Dance Programs.

(34) Until September 30, 1985, one position of Director of Visual Arts Programs.

(35) Until September 30, 1985, one position of Director of Design Arts Program.

(36) [Reserved]

(37) Until September 30, 1985, one Director for State Programs.

(38) Until September 30, 1985, one Director for Artists-in-Education Programs.

(b) *National Endowment for the Humanities.* (1)-(21) [Reserved]

(22) Until September 30, 1985, one position of Bicentennial Coordinator, Office of the Chairman.

(23)-(27) [Reserved]

213.3184 Department of Housing and Urban Development.

(a) One position of Special Advisor to the Regional Administrator, GS-301-14, in San Francisco. Employment under this authority may not exceed 2 years.

213.3190 Merit Systems Protection Board.

(a) Office of the Special Counsel. (1) One paralegal Specialist, GS-9. Service under this authority may not exceed 1 year.

213.3191 Office of Personnel Management.

(a) Not to exceed 500 positions in Federal Job Information Centers, to be filled under the Community Outreach Information Network program. Appointments under this authority may not exceed 90 days, and no one may receive more than one appointment under the authority.

(b) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(c) Chairman, Federal Prevailing Rate Advisory Committee.

(d) Part-time and intermittent positions of test examiners at grades GS-8 and below.

213.3194 Department of Transportation.

(a) U.S. Coast Guard. (1) [Reserved]

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) (Reserved)

(c) Federal Highway Administration.

(1) Temporary, intermittent, or seasonal employment in the field service of the Federal Highway Administration at grades not higher than GS-5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) (Reserved)

(e) Maritime Administration. (1)-(2) [Reserved]

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)-(5) (Reserved)

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and

Teachers; including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

(f) [Reserved]

213.3198 Marine Mammal Commission.

(a) Not to exceed September 30, 1984, all positions on the staff of the Commission.

213.3199 Temporary organizations.

(a) Positions at GS-15 and below on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s) does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of the Office is obtained.

(b) Positions at GS-15 and below on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a

single organization during a period longer than 4 years only with prior approval of the Office.

Schedule B

213.3202 Entire executive civil service.

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-study program.

(a) Student positions established in connection with a bachelor's degree cooperative education program which provide for a formally arranged schedule of attendance at an institution of higher learning combined with at least 26 weeks, or 1040 hours, of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and must provide the experience necessary for a career or career-conditional appointment to administrative, professional or technical positions in the Federal career service upon the student's graduation.

(b) Student positions established in support of cooperative education programs for graduate students which provide for scheduled periods of attendance at a graduate school combined with a least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements for the graduate degree and provide experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(c) Student positions established in connection with associate degree cooperative education programs which provide for formally arranged schedules of attendance at a recognized 2-year educational institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study together must satisfy the requirements for graduation and must provide the experience

necessary for career or career-conditional appointment in selected occupations in the Federal career service upon the student's graduation.

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93-642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks of 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(e) [Reserved]

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of E.O. 12015.

(g) Positions with the Social Security Administration, Department of Health, and Human Services, in a 2-year pilot, career-related work-study program under the provisions of E.O. 12015 for students employed under the Stay-in-School Program. Under this program, the number of annual conversions to competitive service entry level clerk-typist, clerk-stenographer, other general clerical positions, and technician positions relate to computer science and the graphic arts are limited to not more than 10 percent of the positions filled in these occupations by the agency annually.

(h)-(i) [Reserved]

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding three years for one individual.

(k) Positions at grades GS-15 and below when filled by individuals who: (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be

appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

213.3203 Executive Office of the President.

(a) [Reserved]

(b) *Office of the Special Representative for Trade Negotiations.*

(1) Seventeen positions of economist at grades GS-12 through GS-15.

213.3204 Department of State.

(a)-(c) [Reserved]

(d) Eight positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) Four Physical Science Administration Officer positions at GS-11 and GS-12 under the Bureau of Oceans and International Environmental and Scientific Affairs' Science, Engineering and Diplomacy Fellowship Program. Employment under this authority is not to exceed 1 year.

(f) Scientific, professional, and technical positions at grades GS-12 to GS-15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

213.3205 Department of Treasury.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service

required for conversion under Executive Order 11203, whichever occurs first.

213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) [Reserved]

(2) Professional positions at GS-11 through GS-15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)-(4) [Reserved]

(5) Two Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(c) *National Defense University.* (1) Twenty positions of professor, GS-13/15, for employment of any individual not to exceed 5 years.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS-301-15, U.S. European Command.

213.3207 Department of the Army.

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

213.3207 Department of the Navy.

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of oceanographer, grade GS-14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

213.3207 Department of the Air Force.

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Employment of any one individual is not to exceed 1 year. Such employment may be extended for not to exceed 1 additional year. Total employment of any one individual under this authority may not exceed 2 years.

(b) Civilian Deans and Professors at the Air Force Institute of Technology.

Wright-Patterson Air Force Base, Dayton, Ohio.

(c) One Director of Instruction and 14 civilian instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration.

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual not to exceed 2 years. Such employment may be extended once for an additional period of 2 years. Total employment of any one individual under this authority may not exceed 4 years.

213.3210 Department of Justice.

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS-5 through 11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed between the Department and OPM.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

(c) [Reserved]

(d) Until March 31, 1984, positions, other than those providing routine clerical and administrative support, on the staff of the offices of United States Trustees. Terms of service under this authority shall be established in accordance with provisions of the Bankruptcy Reform Act of 1978 and subsequent applicable legislation.

213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the OPM deems appointment through competitive examination impracticable.

213.3213 Department of Agriculture.

(a) Office of International Cooperation and Development. (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 2 years on a single project for any individual. No more than 20 new appointments may be made under this authority in any 12-month period.

213.3214 Department of Commerce.

(a) Bureau of the Census. (1) [Reserved]

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS-5 through GS-12.

(b) Economic Development Administration. (1)-(2) [Reserved]

(c) Minority Business Development Agency. (1) One position of minority business opportunity specialist at grades GS-9 through GS-15. This authority may not be used for new appointments after December 31, 1977.

(d) Office of Telecommunications. (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS-11 through 15. Employment under this authority may not exceed 2 years.

213.3215 Department of Labor.

(a) Positions of Chairman and Member, Wage Appeals Board.

213.3216 Department of Health and Human Services.

(a)-(c) [Reserved]

(d) National Library of Medicine. (1) Ten positions of Librarians, GS-7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

(e) [Reserved]

213.3217 Department of Education.

(a) Seventy-five positions, not in excess of GS-13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Office of Personnel Management, be extended for an additional period of 1 year.

213.3227 Veteran's Administration.

(a) Not to exceed 800 principal investigatory, scientific, professional

and technical positions at grades GS-11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

213.3228 International Communication Agency.

(a) [Reserved]

(b) Positions of English Language Radio Broadcast Intern, GS-1001-5/7/9. Employment is not to exceed 2 years for any intern.

213.3231 Department of Energy.

(a) Twelve Exceptions and Appeals Analyst positions at grades GS-7 through 11, when filled by persons selected under DOE's fellowship program in its Office of Hearings and Appeals, Washington, D.C. Appointments under this authority shall not exceed 3 years.

213.3248 National Aeronautics and Space Administration.

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grades GS-7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

213.3254 Federal Home Loan Bank.

(a) Positions of Accounting Policy Analyst, GS-13/14/15, in the Office of Examinations and Supervision filled in connection with a fellowship program. Appointments under this authority may not exceed 2 years. No more than two new appointments may be made under this authority during any consecutive 12-month period.

213.3257 National Credit Union Administration.

(a) Central Liquidity Facility. (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS-13.

213.3259 ACTION.

(a) Office of Domestic and Anti-Poverty Operations. (1) Not to exceed 25 positions of Program Specialist at grades GS-9 through GS-15.

(2) [Reserved]

(b) Office of Voluntary Liaison. (1) Three positions of Program Specialist at grades GS-7 through GS-15.

213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 15 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers and/or

Pretrial Services Officers on active service in the U.S. Courts.

(b) (Reserved)

(c) Three positions of Clerks Liaison Officer in the Division of Clerks of Court.

213.3274 Smithsonian Institution.

(a) *National Zoological Park.* (1) Four positions of Veterinary Intern, GS-8/9/11. Employment under this authority is not to exceed 36 months.

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS-9 through GS-15.

213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

213.3282 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) Until September 30, 1985, Assistant Director, Office of Program Development and Coordination.

(b) *National Endowment for the Humanities.* (1) Until September 30, 1985, Assistant Director, Research Materials Program, Division of Research Grants.

(2) Until September 30, 1985, Assistant Director, Higher Education Projects Program, Division of Education Programs.

(3) Until September 30, 1985, Deputy Director, Division of Education Programs.

(4) Until September 30, 1985, Director, Division of Research Grants.

(5) Until September 30, 1985, one position of Director, GS-1701-15, one position of Deputy Director, GS-1701-14, and six positions of Humanist Administrator, GS-1701-13, Division of State Programs.

(6) Until September 30, 1985, one Director and one Deputy Director, Division of Fellowships and Seminars.

(7) Until September 30, 1985, one Humanist Administrator, Fellowships for College Teachers, Division of Fellowships.

(8) Until September 30, 1985, three positions of Humanist Administrator, Media Program, Division of General Programs.

(9) Until September 30, 1985, one position of Assistant Director for the Institutional Grants Program, Division of Education Programs.

(10) Until September 30, 1985, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1985, one position of Assistant Director for the

Museums and Historical Organizations Program, Division of General Programs.

(12) Until September 30, 1985, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of General Programs.

(13) Until September 30, 1985, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1985, Director of General Programs.

(15) Until September 30, 1985, one Deputy Director of General Programs.

(16) Until September 30, 1985, one Humanist Administrator, Youth Programs, Division of General Programs.

(17) Until September 30, 1985, one Humanist Administrator, Program Development, Division of General Programs.

(18) Until September 30, 1985, one position of Director, Division of Education Programs.

(19) Until September 30, 1985, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed 4 years.

(20) [Reserved]

(21) Until September 30, 1985, one Challenge Grants Officer.

(22) Until September 30, 1985, one Assistant Director, Media Program, Division of General Programs.

(23) Until September 30, 1985, one position of Humanist Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1985, one Deputy Director, Division of Research Grants.

(25) Until September 30, 1985, one Humanist Administrator, Summer Seminars, Division of Fellowships.

(26) Until September 30, 1985, one position of Humanist Administrator, Humanities Libraries Projects, Division of General Programs.

(27) Until September 30, 1985, one position of Humanist Administrator, GS-14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.

(28) Until September 30, 1985, one position of Humanist Administrator, Program Development, Division of General Programs, GS-14.

(29) Until September 30, 1985, two positions of Humanist Administrator, GS-1701-14, in the Center of Research Programs and in the General Research Program, Division of Research Grants.

(30) Until September 30, 1985, one Assistant Director, Seminars of the Professions, Division of Fellowships and Seminars.

(31) Until September 30, 1985, one Assistant Director for Fellowships, Division of Fellowships and Seminars.

(32) Until September 30, 1985, one Humanist Administrator, Independent Study and Research Program, Division of Fellowships and Seminars.

(33) Until September 30, 1985, one Assistant Director, Special Projects Program, GM-1701-14, Division of General Programs.

213.3291 Office of Personnel Management.

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS-13 and GS-14. Appointments may be made for any period up to 3 years, and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS-13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

213.3295 Pennsylvania Avenue Development Corporation.

(a) One position of Civil Engineer (Construction Manager).

Schedule C

213.3303 Executive Office of the President.

Council of Economic Advisors

CEA 2 Private Secretary to the Chairman.

CEA 4 Secretary to a Member of the Council of Economic Advisors.

CEA 5 Secretary to a Member of the Council of Economic Advisors.

Council on Environmental Quality

CEQ 2 Confidential Assistant to a Council Member.

Office of Administration

OA 1 Executive Assistant to the Director.

Office of Management and Budget

OMB 4 Deputy Assistant Director to the Assistant Director for Public Affairs.

OMB 5 Secretary to the Director.

OMB 8 Executive Assistant to the Director.

OMB 9 Secretary (Stenography) to the Deputy Director.

OMB 10 Secretary to the Associate Director for Public Affairs.

OMB 11 Secretary to the Associate Director for NSIA.

OMB 12 Secretary to the Associate Director for Human and Community Affairs.

OMB 15 Secretary to the Assistant Director for Public Affairs.

OMB 16 Secretary to the Associate Director for Management.
 OMB 20 Secretary to the Administrator of the Office of Federal Procurement Policy.
 OMB 21 Confidential Assistant to the Director.
 OMB 24 Special Assistant to the Deputy Director.
 OMB 25 Confidential Secretary to the Assistant Director Office of Legislative Affairs.
 OMB 26 Secretary to the Assistant Director for Economic Policy.
 OMB 27 Secretary to the Executive Assistant (Associate) Director.
 OMB 28 Secretary to the Executive Assistant (Associate) Director for Reorganization and Management.
 OMB 30 Legislative Assistant to the Assistant Director, Office of Legislative Affairs.
 OMB 32 Secretary to the Executive Assistant to the Director.
 OMB 34 Special Assistant to the Executive Associate Director.
 OMB 35 Special Assistant to the Director.
 OMB 36 Public Affairs Assistant to the Assistant Director for Public Affairs.
 OMB 37 Legislative Assistant to the Deputy Assistant Director for Legislative Affairs.
 OMB 38 Confidential Secretary to the Council to the Director for Policy Analysis and Law.
 OMB 39 Policy Analyst to the Director.

President's Commission on Executive Exchange

PCEE 1 Confidential Assistant to the Executive Director.

Office of the United States Trade Representative

USTR 7 Director for Public Affairs.
 USTR 10 Confidential Assistant to the Ambassador.
 USTR 12 Special Assistant to the Executive Assistant.
 USTR 13 Confidential Assistant to the General Counsel.
 USTR 14 Secretary (Steno) to the Trade Representative.
 USTR 15 Confidential Secretary to the Deputy Trade Representative.
 USTR 17 Public Information Officer to the Special Assistant for Congressional and Public Affairs.
 USTR 18 Secretary (Steno) to the Ambassador.
 USTR 19 Director for Congressional Affairs.

213.3304 Department of State.

ST 8 Secretary (Steno) Personal Assistant.
 ST 9 Secretary Assistant (Steno).
 ST 42 Secretary (Steno) to the Under Secretary to State.
 ST 51 Secretary (Steno) to the Legal Advisor.
 ST 59 Secretary (Steno) to the Under Secretary for Economic Affairs.
 ST 67 Secretary (Steno) to the Director, Bureau of Politico-Military Affairs.
 ST 68 Secretary (Steno) Office of the Under Secretary.
 ST 79 Special Assistant to the Ambassador-at-Large.
 ST 80 Special Assistant to the Secretary.

ST 81 Secretary (Steno) to the Assistant Secretary.
 ST 87 Special Assistant to the Senior Deputy Assistant Secretary.
 ST 90 Foreign Affairs Officer to the Chief of Protocol.
 ST 95 Secretary (Steno) Ambassador-at-Large.
 ST 97 Member, Policy Planning Staff to the Director.
 ST 98 Secretary (Typing) to the Office Assistant Secretary, Congressional Relations.
 ST 99 Secretary (Steno) to the Ambassador.
 ST 100 Secretary (Steno) to the Under Ambassador.
 ST 102 Special Assistant to the Under Secretary.
 ST 103 Special Assistant to the Ambassador-at-Large.
 ST 104 Special Assistant to the Secretary.
 ST 105 Special Assistant to the Assistant Secretary.
 ST 106 Assistant to the Manager, President Guest House, Chief of Protocol.
 ST 107 Secretary (Steno) to the Assistant Secretary.
 ST 109 Secretary (Steno) to the Assistant Secretary/Director, Management Operations.
 ST 110 Staff Assistant to the Special Advisor to the Secretary for Soviet Affairs.
 ST 112 Members, Policy Planning Staff to the Office Director.
 ST 114 Coordinator to the Assistant Secretary.
 ST 115 Public Information Specialist to the Ambassador-at-Large.
 ST 116 Special Assistant to the Counselor.
 ST 117 Confidential Clerk to the Secretary.
 ST 118 Confidential Assistant to the Assistant Secretary.
 ST 119 Secretary (Steno) to the Assistant Secretary.
 ST 120 Special Assistant to the Office of the Spokesman.
 ST 122 Staff Assistant to the Under Secretary.
 ST 124 Special Assistant to the Assistant Secretary Bureau of International Organization Affairs.
 ST 125 Secretary (Steno) Office to the Secretary.
 ST 127 Secretary (Steno) to the Assistant Secretary.
 ST 128 Legislative Officer to the Assistant Secretary.
 ST 129 Staff Assistant to the Secretary.
 ST 130 Member, Policy Planning Staff to the Director.
 ST 132 Secretary (Steno) to the Assistant Secretary.
 ST 134 Secretary (Steno) to the Deputy Secretary.
 ST 137 Member, Policy Planning Staff to the Director.
 ST 139 Protocol Officer to the Chief of Protocol.
 ST 142 Housekeeper, Chief to Protocol to Presidential Guest House.
 ST 145 Member, Policy Planning Staff to the Director.
 ST 147 Staff Assistant to the Secretary.
 ST 148 Member, Policy Planning Staff to the Director.

ST 149 Special Assistant to the Secretary.
 ST 150 Staff Assistant to the Deputy Secretary.
 ST 154 Congressional Relations Specialist to the Assistant Secretary, Bureau of International Organization Affairs.
 ST 156 Member, Policy Planning Staff.
 ST 157 Member, Policy Planning Staff.
 ST 159 Staff Assistant to the Chief of Protocol.
 ST 161 Secretary (Steno) to the Under Secretary for Management.
 ST 164 Manager, Presidential Guest House, Office of the Chief of Protocol.
 ST 165 Special Assistant and Scheduler, Office of the Under Secretary.
 ST 166 Deputy Chief of Protocol.
 ST 167 Protocol Officer, Office of the Chief of Protocol.
 ST 168 Staff Assistant, Office of the Legal Advisor.
 ST 170 Staff Assistant to the Deputy Secretary.
 ST 171 Executive Assistant to the Deputy Secretary.
 ST 172 Special Assistant to the Under Secretary for Management.
 ST 173 Special Assistant to the Under Secretary for Management.
 ST 174 Public Information Specialist to the Assistant Secretary, Bureau of Public Affairs.
 ST 175 Staff Assistant to the Assistant Secretary, Office of Congressional Relations.
 ST 176 Staff Assistant to the Under Secretary for Management.
 ST 177 Special Assistant to the Chairman, International Joint Commission.
 ST 178 Secretary (Steno) to the Assistant Secretary, Bureau of International Narcotics Matters.
 ST 179 Congressional Relations Officer to the Assistant Secretary, Office of Congressional Relations.
 ST 180 Special Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
 ST 181 Director, Office of Intergovernmental and Public Liaison.
 ST 182 Special Assistant to the Assistant Secretary, Bureau of Consular Affairs.
 ST 183 Public Affairs Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
 ST 184 Special Assistant to the Assistant Secretary, Office of African Affairs.
 ST 185 Secretary (Steno) to the Special Advisor on Autonomy.
 ST 186 Alternate Representative to the Ambassador, U.S. Permanent Representative to the OAS.
 ST 187 Secretary (Steno) to the Chairman, International Joint Commission.
 ST 189 Deputy Assistant Secretary for Humanitarian Affairs.

213.3305 Department of the Treasury.

TREA 27 Staff Assistant (Coordination), Office of the Secretary.
 TREA 28 Confidential Assistant to the Director of the Mint.
 TREA 33 Special Assistant to the Assistant Secretary for Public Liaison and Consumer Affairs.

TREA 39 Staff Assistant to the Assistant Secretary for Legislative Affairs.
 TREA 41 Staff Assistant to the Assistant Secretary Public Affairs.
 TREA 44 Confidential Assistant to the Assistant Secretary for Legislative Affairs.
 TREA 47 Special Assistant to the Assistant Secretary for Legislative Affairs.
 TREA 48 Public Information Specialist to the Assistant Secretary Public Affairs.
 TREA 52 Special Assistant to the Assistant Secretary for Legislative Affairs.
 TREA 59 Special Assistant to the Assistant Secretary for Tax Policy.
 TREA 60 Confidential Secretary to the Assistant Secretary for Tax Policy.
 TREA 75 Public Affairs Specialist to the Assistant Secretary for Public Affairs.
 TREA 76 Deputy Treasurer.
 TREA 89 Special Assistant to the Assistant Secretary for Legislative Affairs.
 TREA 90 Special Assistant to the Assistant Secretary for Public Affairs.
 TREA 93 Staff Assistant to the Assistant Secretary for Legislative Affairs.
 TREA 94 Executive Assistant to the Commissioner of Customs.
 TREA 95 Secretary to the Director, Office of Revenue Sharing.
 TREA 96 Secretary (Steno) to the Commissioner of Customs.
 TREA 97 Senior Assistant to the Assistant Secretary for Enforcement and Operations.
 TREA 98 Assistant to the Director, Office of Revenue Sharing.
 TREA 99 Staff Assistant to the Director, Office of Revenue Sharing.
 TREA 100 Staff Assistant to the Deputy Assistant Secretary for Administration.
 TREA 101 Director, Office of Business Affairs, Public Liaison and Consumer Affairs.
 TREA 102 Clerical Assistant to the Commissioner of Customs.
 TREA 103 Staff Assistant to the Senior Deputy Comptroller for Operations.
 TREA 104 Executive Assistant to the Special Assistant to the Commissioner.
 TREA 192 Director to the Assistant Secretary for Public Liaison.

213.3306 Department of Defense.

DOD 3 Private Secretary to the Secretary of Defense.
 DOD 5 Private Secretary to the Deputy Secretary.
 DOD 6 Private Secretary to the Under Secretary for Research and Engineering.
 DOD 8 Private Secretary to the Deputy Under Secretary for Research and Engineering (Tactical Warfare Programs).
 DOD 9 Private Secretary to the Deputy Under Secretary for Research and Engineering (Strategic and Space Systems).
 DOD 10 Private Secretary to the Deputy Under Secretary for Research and Engineering (Research and Advanced Technology).
 DOD 13 Private Secretary to the Assistant Secretary Manpower, Reserve Affairs and Logistics.

DOD 14 Private Secretary to the Assistant Secretary for International Security Affairs.
 DOD 15 Private Secretary to the Assistant Secretary for Public Affairs.
 DOD 18 Private Secretary to the Comptroller.
 DOD 19 Private Secretary to the Director, Program Analysis and Evaluation.
 DOD 20 Private Secretary to the General Counsel.
 DOD 22 Private Secretary to the Assistant to the Secretary of Defense for Atomic Energy.
 DOD 23 Private Secretary to the Military to the Assistant Secretary.
 DOD 30 Secretary (Steno) to the Defense Advisor.
 DOD 31 Private Secretary to the Assistant Secretary for Legislative Affairs.
 DOD 32 Assistant to the Secretary, Legislative Affairs.
 DOD 33 Personal Secretary to the Deputy Secretary.
 DOD 34 Private Secretary to the Principal Deputy Assistant Secretary of Defense for International Security Affairs.
 DOD 35 Confidential Assistant to the Executive Secretary.
 DOD 37 Assistant to the Secretary for Personnel Security.
 DOD 51 Private Secretary to the Deputy Assistant Secretary for Reserve Affairs.
 DOD 55 Private Secretary to the Chief Judge, US Court of Military Appeals.
 DOD 56 Private Secretary to Judge, US Court of Military Appeals.
 DOD 62 Private Secretary to the Chairman, President's Intelligence Oversight Board.
 DOD 66 Personal Physician to the President.
 DOD 73 Private Secretary to the Assistant Secretary for Health Affairs.
 DOD 75 Chauffeur to the Deputy Secretary.
 DOD 84 Private Secretary to the Principal Deputy Assistant Secretary for Manpower, Reserve Affairs and Logistics.
 DOD 89 Private Secretary to the Principal Deputy Assistant Secretary of Defense for Public Affairs.
 DOD 91 Secretary to the Principal Deputy Assistant Secretary, for Health Affairs.
 DOD 100 Private Secretary to the Director of Net Assessment.
 DOD 101 Director of Net Assessment.
 DOD 104 Special Assistant for Communication and Community Liaison.
 DOD 112 Special Assistant to the Assistant Secretary for Foreign Affairs Liaison.
 DOD 119 Private Secretary to the Principal Deputy Director, Program Analysis and Evaluation.
 DOD 127 Private Secretary to the Secretary.
 DOD 133 Assistant to the Assistant Secretary for Public Affairs.
 DOD 148 Private Secretary to the Deputy Under Secretary Policy.
 DOD 156 Private Secretary to the Assistant Deputy Under Secretary (Policy).
 DOD 159 Private Secretary to the Deputy Negotiator from DOD for the Panama Canal Treaty Negotiations.
 DOD 170 Joint Chiefs of Staff Representative for Comprehensive Test Ban Treaty Negotiations.
 DOD 174 Private Secretary to the Under Secretary for Policy.

DOD 175 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
 DOD 178 Special Assistant to the Assistant Secretary for Legislative Affairs.
 DOD 181 Special Assistant for Policy Analysis.
 DOD 189 Staff Assistant to the Deputy Secretary of Defense.
 DOD 194 Private Secretary to the Deputy Under Secretary for Policy Planning.
 DOD 196 Private Secretary to the Deputy Under Secretary for Acquisition Policy.
 DOD 202 Special Assistant to the Assistant Deputy Under Secretary for Policy Planning.
 DOD 205 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
 DOD 207 Private Secretary to the Executive Assistant to the Deputy Secretary.
 DOD 208 Private Secretary to the Assistant to the Vice President for National Security Affairs.
 DOD 209 White House Director of TV, Motion Picture and Radio Services.
 DOD 210 Chauffeur to the Security Adviser to the President.
 DOD 212 Private Secretary to the Deputy Under Secretary, Research and Engineering (International Programs and Technology).
 DOD 214 Assistant to the Secretary and Deputy Secretary.
 DOD 215 Executive Assistant to the Principal, Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).
 DOD 217 Private Secretary to the Deputy Under Secretary for Research and Engineering.
 DOD 218 Private Secretary to the Deputy Under Secretary for Development and Support.
 DOD 219 Staff Assistant to the Deputy Assistant Secretary (Requirements, Resources and Analysis).
 DOD 220 Assistant to Director for Emergency Planning.
 DOD 222 Special Assistant to the Assistant Secretary for Research and Technology.
 DOD 223 Assistant to the Director for White House TV, Motion Picture and Radio Services.
 DOD 225 Special Assistant to the Director, Defense Security Assistance Agency.
 DOD 226 Special Assistant to the Principal Deputy Assistant Secretary for Health Affairs.
 DOD 227 Private Secretary to the Assistant Secretary for Research and Technology.
 DOD 228 Private Secretary to the Director, Defense Testing and Evaluation.
 DOD 229 Special Assistant to the Assistant Secretary for International Security Policy.
 DOD 230 Special Assistant to the Deputy Under Secretary for Munitions Control.
 DOD 231 Principal Assistant to the Deputy Assistant Secretary for Nuclear Policy and Arms Control.
 DOD 232 Special Assistant to the Assistant Secretary for Strategic Forces Policy.

DOD 233 Special Assistant to the Deputy Assistant Secretary, Civilian Personnel Policy.

DOD 234 Deputy Assistant to the Secretary and Deputy Secretary.

DOD 235 Special Assistant to the Assistant Secretary, Near Eastern, African and South Asian Affairs.

DOD 236 Special Assistant to the Assistant Secretary for Public Affairs.

DOD 237 Staff Assistant to the Assistant Director for European and NATO Policy.

DOD 238 Special Assistant to the Assistant Secretary, Legislative Affairs.

DOD 239 Staff Assistant to the Assistant to the Secretary and Deputy Secretary.

DOD 240 Special Counsel to the Assistant Secretary for International Security Policy.

DOD 241 Personal and Confidential Assistant to the Assistant Secretary for International Security Policy.

DOD 242 Personal Secretary to the Representative of the Secretary on the U.S. Delegation to Negotiations on Intermediate-Range Nuclear Forces.

213.3307 Department of the Army.

ARMY1 Staff Assistant to the Secretary.

ARMY2 Secretary (Steno) to the Under Secretary.

ARMY3 Secretary (Steno) to the Assistant Secretary for Manpower and Reserve Affairs.

ARMY5 Secretary (Steno) to the Assistant Secretary for Installations and Logistics.

ARMY6 Secretary (Typing) to the Assistant Secretary, Research, Development and Acquisition.

ARMY17 Secretary (Steno) to the Assistant Secretary, Civil Works.

ARMY20 Adjutant General to the Director, Office of the Under Secretary.

ARMY21 Secretary (Steno) to the General Counsel.

ARMY25 Public Affairs Officer to the Chief, Office of the Chief of Public Affairs.

ARMY30 Secretary (Typing) to the Principal Deputy Assistant Secretary.

ARMY34 Confidential Staff Assistant to the Speechwriter.

ARMY35 Confidential Assistant to the Deputy Director, Presidential Personnel.

ARMY38 Plans Coordinator to the Chief of Public Affairs.

ARMY39 Confidential Staff Assistant to the Special Assistant to the President and Director, Advance Office.

ARMY 40 Staff Advisor to the Deputy Assistant to the President.

ARMY 41 Confidential Special Assistant to the Chairman and Executive Director.

ARMY 42 Special Assistant to the Deputy Assistant to the President for Political Affairs.

ARMY 43 Staff Assistant to the Special Assistant to the President for Political Affairs.

ARMY 44 Executive Director to the Deputy Assistant Secretary, Reserve Affairs.

ARMY 45 Associate Director to the Director of Presidential Personnel.

213.3308 Department of the Navy.

NAVY 2 Staff Assistant to the Secretary.

NAVY 5 Confidential Secretary to the Assistant Secretary for Financial Management.

NAVY 7 Private Secretary to the Assistant Secretary of Research and Engineering Systems.

NAVY 20 Special Assistant to the Military Assistant to the President.

NAVY 23 Special Assistant to the Under Secretary.

NAVY 25 Special Assistant to the Military Assistant to the President.

NAVY 27 Special Assistant for Emergency Planning.

NAVY 29 Special Assistant for Environment.

NAVY 31 Staff Assistant to the Under Secretary.

NAVY 32 Private Secretary to the Assistant Secretary for Shipbuilding and Logistics.

NAVY 33 Staff Assistant to the Deputy Under Secretary for Financial Management.

213.3309 Department of the Air Force.

AF 1 Secretary (Steno) to the Secretary.

AF 2 Secretary (Steno) to the Under Secretary.

AF 3 Secretary (Steno) to the Assistant Secretary for Manpower, Reserve Affairs and Installations.

AF 6 Secretary (Steno) to the Assistant Secretary for Financial Management.

AF 8 Secretary (Steno) to the General Counsel.

AF 17 Administrative Officer to the Assistant to the Vice President for National Security Affairs.

AF 18 Secretary (Steno) to the Military Secretary to the Vice President.

AF 20 Secretary to the Military Assistant to the President.

AF 21 Special Assistant to the Deputy Assistant to the President.

AF 22 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.

AF 26 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Installations.

213.3310 Department of Justice.

JUS 21 Confidential Assistant to the Assistant Attorney General, Antitrust Division.

JUS 23 Private Secretary to the Assistant Attorney General, Civil Division.

JUS 25 Confidential Assistant to the Assistant Attorney General, Criminal Division.

JUS 26 Confidential Secretary to the Assistant Attorney General, Tax Division.

JUS 27 Private Secretary to the Assistant Attorney General, Land and Natural Resources Division.

JUS 35 Secretary and Confidential Assistant to the U.S. Attorney, Office of Legal Counsel.

JUS 38 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 39 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 41 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 42 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 44 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 70 Special Assistant to the Assistant Attorney General, Civil Rights Division.

JUS 83 Confidential Assistant to the Attorney General.

JUS 93 Secretary (Steno) to the Associate Attorney General.

JUS 97 Secretary (Steno) to the Attorney General.

JUS 115 Confidential Assistant to the Assistant Attorney General, Office of Legislative Affairs.

JUS 122 Confidential Secretary to the Director of Public Affairs.

JUS 128 Secretary and Confidential Assistant, U.S. Attorney.

JUS 137 Special Assistant to the Deputy Commissioner, Immigration and Naturalization Service.

JUS 152 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 153 Special Assistant to the Director, Office of Public Affairs.

JUS 156 Secretary and Confidential Assistant to the U.S. Attorney AD Pay Plan.

JUS 158 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 162 Special Assistant to the Attorney General, Civil Division.

JUS 170 Special Assistant to the Attorney General.

JUS 177 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 180 Secretary (Steno) to the Assistant Attorney General, Office of Improvements in Administration.

JUS 182 Staff Assistant to the Assistant Attorney General, Office of Legal Policy.

JUS 183 Attorney-Advisor to the Assistant Attorney General, Office of Boards and Divisions.

JUS 186 Special Assistant to the Assistant Attorney General, Criminal Division.

JUS 190 Staff Assistant to the Assistant Attorney General.

JUS 195 Secretary (Steno) to the Commissioner, Immigration and Naturalization Service.

JUS 196 Attorney Advisor to the Assistant Attorney General, Civil Rights Division.

JUS 197 Staff Assistant to the Commissioner, Immigration and Naturalization Service.

JUS 198 Special Counsel to the Assistant Attorney General, Criminal Division.

JUS 199 Special Assistant to the Assistant Attorney General.

JUS 200 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 201 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 203 Special Assistant to the Commissioner, Immigration and Naturalization Service.

JUS 205 Special Assistant (Security) to the Acting Commissioner, Immigration and Naturalization Service.

JUS 206 Staff Assistant to the Assistant Attorney General, Antitrust Division.

JUS 207 Staff Assistant to the Director, Office of Public Affairs.

- JUS 208 Special Assistant to the Director,
Office of Public Affairs.
JUS 209 Special Assistant to the Assistant
Attorney General, Civil Rights Division.

213.3311 Federal Judicial Center.

- FJC 1 Secretary (Steno) to the Deputy
Director.
FJC 2 Secretary (Steno) to the Director.
FJC 3 Secretary (Steno) to the Director.

213.3312 Department of the Interior.

- INT 2 Confidential Assistant to the
Secretary.
INT 18 Confidential Assistant to the
Assistant Secretary, Energy and
Minerals.
INT 20 Confidential Assistant, to the
Assistant Secretary, Land and Water
Resources.
INT 21 Confidential Assistant to the
Assistant Secretary for Fisheries, and
Wildlife and Parks.
INT 24 Confidential Assistant to the Under
Secretary.
INT 25 Steward to the Secretary.
INT 92 Special Assistant to the Assistant
Secretary for Policy, Budget and
Administration.
INT 116 Special Assistant to the Deputy
Assistant Secretary, Office of Territorial
Affairs.
INT 118 Assistant (Congressional Liaison)
to the Assistant Secretary, Office of
Energy and Minerals.
INT 129 Special Assistant to the Assistant
Secretary for Fisheries, Wildlife and
Parks.
INT 141 Confidential Assistant to the
Commissioner, Bureau of Reclamation.
INT 148 Special Assistant to the Assistant
Secretary for Fisheries, Wildlife and
Parks.
INT 151 Staff Assistant to the Assistant
Secretary for Energy and Minerals.
INT 152 Special Assistant to the Deputy
Director of the National Park Service.
INT 153 Assistant to the Director for
Congressional and Legislative Affairs.
INT 154 Special Assistant to the Director for
Congressional and Legislative Affairs.
INT 155 Confidential Assistant to the
Director, Office of Surface Mining.
INT 157 Special Assistant to the Solicitor.
INT 165 Special Assistant to the Director,
Bureau of Land Management.
INT 169 Special Assistant to the Assistant
Secretary, Land and Water Resources.
INT 171 Public Information Officer for the
Bureau of Reclamation.
INT 175 Special Assistant to the Assistant
Secretary for Energy and Minerals.
INT 176 Confidential Assistant to the
Assistant Secretary, Territorial and
International Affairs.
INT 182 Special Assistant to the Under
Secretary.
INT 189 Special Assistant to the Assistant
Secretary, National Park Service.
INT 193 Special Assistant to the Director,
Office of Surface Mining and
Reclamation.
INT 194 Confidential Assistant to the
Secretary.
INT 199 Special Assistant to the Director,
Office of Youth Programs.

- INT 200 Special Assistant to the Special
Assistant to the Secretary.
INT 202 Special Assistant to the Director,
National Park Service.
INT 204 Special Assistant to the Secretary.
INT 205 Special Assistant to the Assistant
Secretary, Indian Affairs.
INT 206 Special Assistant to the Director,
Office of Water Policy.
INT 207 Special Assistant to the Assistant
Secretary, Territorial and International
Affairs.
INT 208 Congressional Liaison Officer to
the Director, Mineral Management
Service.
INT 209 Special Assistant to the Assistant
Director for State Liaison, Office of
Water Policy.
INT 210 Special Assistant to the Assistant
Secretary, Energy and Minerals.
INT 211 Special Assistant to the Assistant
Secretary, Indian Affairs.
INT 212 Special Assistant to the Assistant
to the Secretary.
INT 213 Assistant Director for Policy
Analysis, Office of Water Policy.
INT 214 Confidential Assistant to the
Director, U.S. Fish and Wildlife Service.
INT 215 Confidential Assistant to the
Secretary.

213.3313 Department of Agriculture.

- AGR 1 Administrative Assistant to the
Secretary.
AGR 3 Confidential Assistant to the
Secretary.
AGR 4 Confidential Assistant to the
Secretary.
AGR 5 Confidential Assistant to the
Secretary.
AGR 8 Chauffeur to the Secretary.
AGR 12 Private Secretary to the Under
Secretary, International Affairs and
Commodity Programs.
AGR 13 Private Secretary to the Under
Secretary.
AGR 17 Private Secretary to the
Administrator, Rural Electrification
Administration.
AGR 19 Assistant to the Administrator,
Rural Electrification Administration.
AGR 21 Private Secretary to the Deputy
Secretary.
AGR 24 Confidential Assistant to the
Administrator, Farmers Home
Administration.
AGR 25 Staff Assistant to the
Administrator, Farmers Home
Administration.
AGR 26 Assistant to the Administrator,
Farmers Home Administration.
AGR 27 Private Secretary to the
Administrator, Farmers Home
Administration.
AGR 28 Member, Board of Directors,
Federal Crop Insurance Corporation.
AGR 29 Member, Board of Directors,
Federal Crop Insurance Corporation.
AGR 32 Confidential Assistant to the
Administrator, Stabilization and
Conservation Service.
AGR 34 Confidential Assistant to the
Administrator, Stabilization and
Conservation Service.
AGR 35 Private Secretary to the
Administrator, Stabilization and
Conservation Service.
AGR 44 Private Secretary to the Assistant
Secretary for Economics.
AGR 47 Confidential Assistant to the
Administrator, Food and Nutrition
Service.
AGR 48 Confidential Assistant to the
Administrator, Food and Nutrition
Service.
AGR 61 Private Secretary to the Assistant
Secretary for Natural Resources and
Environment.
AGR 62 Private Secretary to the Assistant
Secretary for Rural Development.
AGR 64 Confidential Assistant to the Under
Secretary for Small Community and
Rural Development.
AGR 65 Confidential Assistant to the
Deputy Director for Congressional
Affairs.
AGR 74 Private Secretary to the Deputy
Assistant Secretary for Food and
Consumer Services.
AGR 76 Confidential Assistant to the
Assistant Secretary for Marketing and
Inspection Services.
AGR 77 Confidential Assistant to the
Director, Congressional Affairs.
AGR 79 Confidential Assistant to the
Deputy Administrator for Rural
Development Policy Management and
Coordination.
AGR 80 Assistant to the Associate
Administrator, Rural Development Policy
and Coordination.
AGR 81 Confidential Assistant to the
Administrator, Farmers Home
Administration.
AGR 95 Private Secretary to the Associate
Administrator, Farmers Home
Administration.
AGR 96 Confidential Assistant to the
Assistant Secretary for Natural
Resources and Environment.
AGR 98 Confidential Assistant to the Under
Secretary for International Affairs and
Commodity Programs.
AGR 100 Confidential Assistant to the
Administrator, Food and Nutrition
Service.
AGR 102 Special Assistant to the Assistant
Secretary for Food and Consumer
Services.
AGR 105 Confidential Assistant to the
Director, Congressional Affairs.
AGR 106 Confidential Assistant to the
Director, Congressional Affairs.
AGR 108 Private Secretary to the Deputy
Under Secretary for International Affairs
and Commodity Programs.
AGR 109 Confidential Assistant to the
Assistant Secretary for Governmental
and Public Affairs.
AGR 110 Confidential Assistant to the
General Counsel.
AGR 111 Confidential Assistant to the
Deputy Secretary.
AGR 115 Confidential Assistant to the
Director, Congressional Affairs.
AGR 117 Confidential Assistant to the
Director, Congressional Affairs.
AGR 118 Confidential Assistant to the
Assistant Secretary for Governmental
and Public Affairs.

- AGR 120 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 121 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 128 Private Secretary to the Administrator, Federal Grain Inspection Service.
- AGR 129 Private Secretary to the Assistant Secretary for Marketing and Transportation Services.
- AGR 130 Private Secretary to the Deputy Assistant Secretary for Marketing and Transportation Services.
- AGR 131 Private Secretary to the Deputy Assistant Secretary for Natural Resources and Environment.
- AGR 133 Confidential Assistant to the Assistant Secretary for Economics.
- AGR 135 Confidential Assistant to the Administrator for Food Safety and Quality Service.
- AGR 136 Confidential Assistant to the Administrator for Food Safety and Quality Service.
- AGR 138 Confidential Assistant to the Deputy Assistant to the Secretary.
- AGR 139 Confidential Assistant to the Executive Assistant to the Secretary.
- AGR 141 Confidential Assistant to the Administrator for Food Safety and Quality Service.
- AGR 143 Confidential Assistant to the Administrator, Agricultural Marketing Service.
- AGR 151 Confidential Assistant to the Administrator, Agricultural Marketing Service.
- AGR 154 Confidential Assistant to the Administrator for the Food and Nutrition Service.
- AGR 156 Confidential Assistant to the Administrator, Federal Grain Inspection Service.
- AGR 157 Confidential Assistant to the Administrator, Foreign Agricultural Service.
- AGR 159 Special Representative for the Administrator, Foreign Agricultural Service.
- AGR 160 Confidential Assistant to the Administrator, Foreign Agricultural Service.
- AGR 161 Confidential Assistant to the Assistant Secretary for Intergovernmental Affairs.
- AGR 163 Confidential Assistant to the Secretary.
- AGR 177 Confidential Assistant to the Director, Office of Transportation.
- AGR 178 Confidential Assistant to the Administrator, Rural Electrification Administration.
- AGR 180 Confidential Assistant to the Administrator, Federal Grain Inspection Service.
- AGR 184 Secretary (Steno) to the Secretary.
- AGR 185 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 186 Confidential Assistant to the Deputy Secretary.
- AGR 187 Confidential Assistant to the Assistant Secretary for Food and Consumer Services.
- AGR 188 Northeast Area Director, Office of State and County Operations.
- AGR 189 Southeast Area Director, Office of State and County Operations.
- AGR 191 Northwest Area Director, Office of State and County Operations.
- AGR 192 Southwest Area Director, Office of State and County Operations.
- AGR 194 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
- AGR 195 Staff Assistant to the Secretary.
- AGR 196 Confidential Assistant to the Administrator.
- AGR 197 Confidential Assistant to the Executive Assistant.
- AGR 198 Special Assistant to the Chairman, Federal Crop Insurance Corporation.
- AGR 199 Secretary (Typing) to the Secretary.
- AGR 200 Confidential Assistant to the Deputy Assistant Secretary for Administrator.
- AGR 201 Office Assistant to the Executive Secretary.
- AGR 202 Confidential Assistant to the Administrator, Food Safety and Inspection Service.
- AGR 203 Private Secretary to the Special Assistant to the Secretary.
- AGR 204 Confidential Assistant to the Director, Science and Education.
- AGR 206 Director, Office of the Consumer Advisor.
- AGR 207 Member, Board of Directors, Federal Crop Insurance Corporation.
- AGR 209 Confidential Assistant to the Chief, Soil Conservation Service.
- AGR 210 Staff Assistant to the Administrator, Office of International Cooperation and Development.
- AGR 211 Deputy Director to the Office of Transportation.
- AGR 212 Confidential Assistant to the Executive Assistant.
- AGR 213 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 214 Confidential Assistant to the Executive Assistant to the Secretary.
- AGR 217 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
- 213.3314 *Department of Commerce.*
- COM 1 Confidential Assistant to the Secretary.
- COM 2 Confidential Assistant to the Secretary.
- COM 3 Confidential Assistant to the Secretary.
- COM 4 Confidential Assistant to the Secretary.
- COM 5 Confidential Assistant to the Special Assistant to the Secretary.
- COM 10 Executive Assistant to the Deputy Secretary.
- COM 12 Private Secretary to the Deputy Secretary.
- COM 16 Confidential Assistant to the General Counsel.
- COM 18 Private Secretary to the Deputy General Counsel.
- COM 19 Chauffeur for the Secretary.
- COM 22 Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.
- COM 42 Secretary (Steno) to the Commission, Patent and Trademark Office.
- COM 72 Congressional Liaison Officer to the Assistant Secretary of Economic Development.
- COM 87 Private Secretary and Confidential Assistant to the Administrator, National Atmospheric and Oceanic Administration.
- COM 89 Private Secretary and Confidential Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.
- COM 100 Confidential Assistant to the Director, Minority Business Development Agency.
- COM 114 Secretary (Steno) to the Director, Minority Business Development Agency.
- COM 125 Private Secretary to the Assistant Secretary for Congressional Affairs.
- COM 127 Private Secretary to the Assistant Secretary for Administration.
- COM 136 Confidential Assistant to the Director, Bureau of Export Development.
- COM 147 Confidential Assistant to the Associate Deputy Secretary.
- COM 148 Private Secretary to the Assistant Secretary for Policy.
- COM 151 Private Secretary to the Under Secretary.
- COM 152 Congressional Liaison Officer.
- COM 153 Private Secretary to the Chief Economist.
- COM 157 Confidential Assistant to the Director, Bureau of Domestic Business Development.
- COM 161 Confidential Assistant to the Under Secretary, International Trade Administration.
- COM 162 Confidential Assistant to the Assistant Secretary for International Economic Policy.
- COM 165 Director, Executive Secretariat.
- COM 167 Secretary (Steno) to the Deputy Assistant Secretary for Administrative and Legislative Policy.
- COM 174 Private Secretary to the Assistant Secretary for Congressional Affairs.
- COM 181 Special Assistant to the Assistant Secretary for Communications and Information.
- COM 183 Confidential Assistant to the Assistant Secretary for Communications and Information.
- COM 184 Confidential Assistant to the Director, National Bureau of Standards.
- COM 189 Private Secretary to the Associate Administrator, National Oceanic and Atmospheric Administration.
- COM 197 Congressional Liaison Officer Atmospheric Administration.
- COM 200 Congressional Liaison Officer.
- COM 203 Confidential Legislative Assistant to the Deputy Assistant Secretary.
- COM 204 Special Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
- COM 209 Policy Analyst to the Deputy Assistant Secretary, International Trade Administration.
- COM 212 Secretary to the Deputy Assistant Secretary for East-West Trade Development.

- COM 217 Special Assistant to the Director, Office of Public Affairs.
- COM 219 Special Assistant for Field Activities.
- COM 220 Confidential Assistant to the Deputy Assistant Secretary for East-West Trade.
- COM 222 Private Secretary to the Inspector General.
- COM 224 Confidential Assistant to the Assistant Secretary for International Trade.
- COM 232 Special Assistant to the Assistant Secretary for International Trade.
- COM 236 Special Assistant to the Secretary.
- COM 237 Special Assistant to the Under Secretary.
- COM 246 Private Secretary (Steno) to the Assistant Secretary for Trade Development.
- COM 247 Private Secretary to the Under Secretary for International Trade.
- COM 250 Private Secretary to the Deputy Under Secretary, International Trade Administration.
- COM 254 Public Information Officer to the Director for Minority Business Development.
- COM 258 Confidential Assistant to the Deputy Assistant Secretary for Imports, International Trade Administration.
- COM 259 Confidential Assistant to Deputy Under Secretary, International Trade Administration.
- COM 261 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 263 Confidential Assistant to the Assistant Secretary, International Trade Administration.
- COM 266 Confidential Assistant to the Assistant Secretary, International Trade Administration.
- COM 267 Confidential Assistant to the Deputy Assistant Secretary for Export Administration.
- COM 270 Secretary (Typing) to Special Assistant to the Secretary.
- COM 271 Confidential Assistant to the Deputy Director, Minority Business Development Agency.
- COM 272 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 274 Confidential Assistant to the Director, Office of Business Liaison.
- COM 278 Confidential Policy Analyst to the Assistant Secretary, International Trade Administration.
- COM 279 Special Assistant to the Inspector General.
- COM 280 Congressional Staff Assistant to the Deputy Assistant Secretary for Congressional Operations.
- COM 281 Secretary to the Deputy Assistant Secretary for Export Administration.
- COM 282 Special Assistant to the Deputy Assistant Secretary, Office of Congressional Affairs.
- COM 283 Confidential Assistant to the Assistant Secretary, International Trade Administration.
- COM 284 Special Assistant to the Director, Office of Intergovernmental Affairs.
- COM 286 Private Secretary to the Associate General Counsel for legislation and Regulation.
- COM 287 Congressional Affairs Assistant to the Deputy Assistant Secretary for Congressional Affairs.
- COM 288 Confidential Assistant to the Director, Office of Business Liaison.
- COM 289 Confidential Assistant to the Director, Office of Intergovernmental Affairs.
- COM 291 Special Assistant to the Director, Office of Public Affairs.
- COM 292 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 293 Special Assistant to the Director, Office of Intergovernmental Affairs.
- COM 294 Confidential Assistant to the Special Assistant to the Secretary.
- COM 295 Confidential Assistant to the Special Assistant to the Secretary.
- COM 296 Confidential Assistant to the Special Assistant to the Secretary.
- COM 297 Confidential Assistant to the Special Assistant to the Assistant Secretary for Administration.
- COM 298 Special Assistant to the Assistant Secretary for Communications and Information.
- COM 301 Special Assistant to the Deputy Assistant Secretary.
- COM 302 Special Assistant to the Director, Office of Public Affairs.
- COM 303 Confidential Assistant to the Assistant Secretary for Administration.
- COM 304 Confidential Assistant to the Under Secretary for Travel and Tourism.
- COM 305 Private Secretary to the Under Secretary for Travel and Tourism.
- COM 307 Special Assistant to the Administrator, International Trade Administration.
- COM 308 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 309 Confidential Assistant to the Director, Minority Business Development Agency.
- COM 310 Private Secretary to the Deputy Under Secretary.
- COM 311 Confidential Assistant to the Special Assistant to the Secretary.
- COM 312 Confidential Assistant to the Director, General of the Foreign Commercial Service.
- COM 313 Confidential Assistant to the Special Assistant to the Secretary.
- COM 314 Confidential Assistant to the Special Assistant to the Secretary.
- COM 315 Confidential Assistant to the Deputy Assistant Secretary, Office of Economic Development.
- COM 316 Confidential Assistant to the Deputy Assistant Secretary.
- COM 317 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.
- COM 318 Special Assistant to the Director, Bureau of the Census.
- COM 319 Special Assistant to the Deputy Assistant Secretary for Import Administration.
- COM 320 Confidential Assistant to the Special Assistant to the Secretary.
- COM 321 Director, Office of Public Affairs, International Trade Administration.
- COM 322 Confidential Assistant to the Director for Productivity, Technology and Innovation.
- COM 324 Confidential Assistant to the Assistant Secretary for International Economic Policy.
- COM 326 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 330 Confidential Assistant to the Assistant Secretary for trade Development.
- COM 332 Confidential Assistant to the Deputy Assistant Secretary for Industry Projects.
- 213.3315 Department of Labor.*
- LAB 8 Private Secretary to the Assistant Secretary, Employment and Training Administration.
- LAB 25 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 41 Confidential Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 43 Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 44 Assistant to the Deputy Under Secretary, for Legislation and Intergovernmental Relations.
- LAB 45 Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 49 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 55 Assistant to Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 62 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 64 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 86 Staff Assistant to the Deputy Under Secretary, Employment Standards Administration.
- LAB 89 Executive Assistant to the Assistant Secretary, Labor-Management Services Administration.
- LAB 91 Private Secretary to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 92 Special Assistant to the Secretary.
- LAB 100 Executive Assistant to the Deputy Under Secretary, Bureau of Labor International Affairs.
- LAB 104 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 105 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 106 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 109 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 110 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 111 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

- LAB 113 Secretary (Typing) to Regional Representative.
- LAB 114 Secretary to the Regional Representative.
- LAB 115 Secretary (Typing) to the Regional Representative.
- LAB 116 Secretary (Typing) to the Regional Representative.
- LAB 119 Secretary (Typing) to the Regional Representative.
- LAB 120 Secretary (Steno) to the Regional Representative.
- LAB 121 Secretary (Typing) to the Regional Representative.
- LAB 126 Special Assistant to the Deputy Under Secretary, Employment Standards Administration.
- LAB 127 Special Assistant to the Director, Office of Workers' Compensation Programs.
- LAB 128 Special Assistant to the Deputy Assistant Secretary, Employment and Training Administration.
- LAB 129 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 131 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 135 Private Secretary to the Commissioner, Bureau of Labor Statistics.
- LAB 143 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 145 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 146 Staff Assistant to the Solicitor.
- LAB 159 Special Assistant to Deputy Under Secretary, Bureau of International Labor Affairs.
- LAB 161 Special Assistant to the Secretary.
- LAB 163 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 167 Private Secretary to the Director, Women's Bureau.
- LAB 169 Staff Assistant to the Assistant Secretary, for Policy, Evaluation and Research.
- LAB 171 Special Assistant to the Secretary.
- LAB 172 Staff Assistant to the Secretary.
- LAB 177 Secretary to the Secretary.
- LAB 178 Executive Assistant to the Director, Federal Contract Compliance Programs.
- LAB 179 Executive Assistant to the Deputy Under Secretary, Employment Standards Administration.
- LAB 180 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
- LAB 181 Staff Assistant to the Deputy Under Secretary for International Labor Affairs.
- LAB 182 Staff Assistant to the Assistant Secretary for Labor Management Relations.
- LAB 183 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 184 Staff Assistant to the Deputy Under Secretary, Employment Standards Administration.
- LAB 185 Private Secretary to the Executive Assistant.
- LAB 186 Special Assistant to the Director.
- LAB 187 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 188 Confidential Staff Assistant to the Wage Hour Administrator.
- LAB 189 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 190 Special Assistant to the Assistant Secretary for Evaluation and Research.
- LAB 191 Secretary to the Secretary.
- LAB 192 Staff Assistant to the Assistant Secretary for Labor Management Relations.
- LAB 193 Confidential Staff Assistant to the Assistant Secretary for Employment and Training.
- LAB 195 Special Assistant to the Assistant Secretary for Employment and Training.
- LAB 196 Executive Assistant to the Assistant Secretary for Veterans Employment.
- LAB 197 Secretary (Typing) to the Director of Intergovernmental Relations.
- LAB 198 Secretary (Steno) to the Deputy Solicitor.
- LAB 200 Confidential Staff Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 201 Secretary (Steno) to the Assistant Secretary for Mine Safety and Health.
- LAB 202 Confidential Staff Assistant to the Assistant Secretary, Employment and Training Administration.
- 213.3316 Department of Health and Human Services.*
- HHS 2 Confidential Assistant to the Secretary.
- HHS 5 Writer to the Secretary.
- HHS 10 Confidential Secretary to the Under Secretary.
- HHS 11 Confidential Assistant to the Under Secretary.
- HHS 12 Confidential Assistant to the Under Secretary.
- HHS 14 Special Assistant to the Executive Secretary.
- HHS 17 Staff Assistant to the Secretary.
- HHS 22 Assistant to the Secretary for Special Programs.
- HHS 23 Assistant to the Secretary for Special Programs.
- HHS 26 Special Assistant to the Executive Secretary.
- HHS 28 Assistant to the Secretary for Special Programs.
- HHS 30 Special Assistant to the Secretary.
- HHS 34 Assistant to the Secretary.
- HHS 39 Private Secretary to the Secretary.
- HHS 52 Special Assistant to the Director, Congressional Liaison.
- HHS 53 Special Assistant to the Assistant Secretary for Legislation.
- HHS 62 Special Assistant to the Assistant Secretary for Legislation.
- HHS 120 Assistant to the General Counsel.
- HHS 128 Special Assistant for Special Groups.
- HHS 129 Special Assistant for Special Groups.
- HHS 172 Director of Consumer Information.
- HHS 187 Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
- HHS 203 Receptionist (Typing) to the Secretary.
- HHS 204 Secretary (Steno) to the Executive Assistant to the Secretary.
- HHS 213 Steward to the Secretary.
- HHS 216 Confidential Assistant to the Inspector General.
- HHS 230 Attorney-Advisor (Special Assistant to the General Counsel).
- HHS 233 Confidential Executive Assistant to the Director, Office of Consular Affairs.
- HHS 236 Director, Intergovernmental and Congressional Affairs.
- HHS 238 Director, Intergovernmental and Congressional Affairs.
- HHS 240 Director, Intergovernmental and Congressional Affairs.
- HHS 241 Director, Intergovernmental and Congressional Affairs.
- HHS 243 Director, Intergovernmental and Congressional Affairs.
- HHS 244 Director, Intergovernmental and Congressional Affairs.
- HHS 245 Director, Public Affairs.
- HHS 246 Director, Public Affairs.
- HHS 248 Director, Public Affairs.
- HHS 249 Director, Public Affairs.
- HHS 250 Director, Public Affairs.
- HHS 251 Director, Public Affairs.
- HHS 252 Director, Public Affairs.
- HHS 253 Director, Public Affairs.
- HHS 254 Director, Public Affairs.
- HHS 255 Director, Intergovernmental and Congressional Affairs.
- HHS 259 Special Assistant to the Assistant Secretary.
- HHS 265 Special Assistant to the Secretary.
- HHS 268 Special Assistant to the Executive Secretary.
- HHS 269 Special Assistant to the Secretary.
- HHS 277 Special Assistant (Special Projects) to the Deputy Under Secretary for Intergovernmental Affairs.
- HHS 285 Confidential Assistant to the Secretary.
- HHS 290 Director, Office of Public Affairs, Office of Human Development Services.
- HHS 293 Special Assistant to the Commissioner, Administration for Children, Youth and Families.
- HHS 305 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- HHS 307 Deputy Director to the Director, Office of Congressional Liaison.
- HHS 310 Confidential Assistant to the Executive Secretary.
- HHS 315 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
- HHS 316 Associate Commissioner, Office of Developmental Services.
- HHS 318 Confidential Assistant to the Executive Assistant.
- HHS 320 Special Assistant to the Assistant Secretary, Office of Planning and Evaluation.
- HHS 330 Special Assistant to the Director.
- HHS 336 Special Assistant to the Deputy Assistant Secretary, Office of Legislation (Welfare).
- HHS 339 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation.

- HHS 342 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation (Appropriations).
- HHS 343 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
- HHS 345 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
- HHS 349 Confidential Assistant to the Deputy Executive Secretary.
- HHS 353 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
- HHS 354 Associate Commissioner for Office of Services for Children and Youth.
- HHS 355 Counsellor to the Director, Office of Consumer Affairs.
- HHS 356 Executive Assistant to the Assistant Secretary for Health.
- HHS 357 Public Information Officer to the Assistant Secretary for Health.
- HHS 358 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.
- HHS 359 Congressional Liaison Specialist to the Deputy Assistant Secretary, Office of Legislation.
- HHS 362 Secretary (Steno) to the Assistant Secretary for Human Development Services.
- HHS 364 Special Assistant to the Deputy Assistant Secretary, Office of Legislation (Health).
- HHS 365 Special Assistant to the Administrator, Office of External Affairs.
- HHS 366 Special Assistant to the Inspector General.
- HHS 367 Confidential Assistant to the Associate Commissioner, Office of Governmental Affairs.
- HHS 368 Director to the Associate Administrator, Office of Intergovernmental Affairs.
- HHS 370 Confidential Assistant to the Executive Assistant, Office of External Affairs.
- HHS 372 Special Assistant to the Director, Office of Program Coordination and Review.
- HHS 373 Confidential Assistant to the Executive Secretary.
- HHS 374 Confidential Assistant to the Executive Secretary.
- HHS 376 Confidential Secretary to the Regional Director.
- HHS 377 Special Assistant to the Deputy Under Secretary Intergovernmental Affairs.
- HHS 378 Special Assistant to the Assistant Secretary, Office of Public Affairs.
- HHS 379 Special Assistant to the Director for Refugee Resettlement.
- HHS 380 Confidential Assistant to the Executive Assistant.
- HHS 381 Confidential Assistant to the Regional Director.
- HHS 382 Associate Commissioner, Administration for Children.
- HHS 383 Special Assistant to the Assistant Secretary for Public Affairs.
- HHS 384 Confidential Assistant to the Director for Legislation and Policy.
- HHS 386 Confidential Secretary to the Chief of Staff.
- HHS 388 Special Assistant to the Director, Office of Program Coordination and Review.
- HHS 389 Special Assistant to the Director, Office of Program Coordination and Review.
- HHS 390 Special Assistant to the Associate Commissioner, Office of Families.
- 213.3317 Department of Education.*
- EDU 3 Personal Assistant to the Secretary.
- EDU 5 Personal Assistant to the Under Secretary.
- EDU 6 Confidential Assistant to the Executive Secretary.
- EDU 8 Confidential Assistant to the Assistant Secretary, Office of Civil Rights.
- EDU 11 Personal Assistant to the Assistant Secretary, Office of Educational Research and Improvement.
- EDU 12 Personal Assistant to the Assistant Secretary, Office of Vocational and Adult Education.
- EDU 13 Personal Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services.
- EDU 15 Assistant to the Deputy Under Secretary.
- EDU 18 Attorney Advisor to the General Counsel.
- EDU 19 Attorney Advisor to the General Counsel.
- EDU 20 Steward.
- EDU 26 Personal Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
- EDU 36 Deputy to the Executive Secretary.
- EDU 42 Confidential Assistant to the Assistant Secretary, Postsecondary Education.
- EDU 43 Confidential Assistant to the Assistant Secretary, Office of Public Affairs.
- EDU 44 Director, Policy, Planning and Executive Operations Unit, Office of Elementary and Secondary Education.
- EDU 49 Personal Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 52 Special Assistant to the Deputy Under Secretary.
- EDU 53 Special Assistant to the Deputy Under Secretary.
- EDU 54 Special Assistant to the Executive Assistant.
- EDU 57 Speechwriter to the Secretary.
- EDU 61 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
- EDU 66 Special Assistant to the Secretary.
- EDU 68 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 69 Confidential Assistant to the Under Secretary.
- EDU 73 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 74 Executive Assistant to the Assistant Secretary, Office of Public Affairs.
- EDU 75 Confidential Assistant to the Assistant Secretary, Office of Public Affairs.
- EDU 76 Executive Assistant to the Deputy Under Assistant Secretary for Interagency Affairs.
- EDU 79 Special Assistant to the Assistant Secretary, Office of Civil Rights.
- EDU 80 Attorney/Advisor to the General Counsel.
- EDU 83 Special Assistant to the Assistant Secretary, Office of Planning and Budget.
- EDU 88 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
- EDU 90 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 93 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education.
- EDU 95 Director, Policy Development, Office of Postsecondary Education.
- EDU 96 Special Assistant to the Director.
- EDU 98 Special Assistant to the Assistant Secretary, Office of Educational Research Improvement.
- EDU 100 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 103 Personal Assistant to the Commissioner, Office of Special Education and Rehabilitation Services.
- EDU 104 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitation Services.
- EDU 105 Secretary to the Regional Representative.
- EDU 106 Secretary to the Regional Representative.
- EDU 107 Secretary to the Regional Representative.
- EDU 108 Secretary to the Regional Representative.
- EDU 109 Secretary to the Regional Representative.
- EDU 110 Secretary to the Regional Representative.
- EDU 111 Secretary to the Regional Representative.
- EDU 112 Special Assistant to the Assistant Secretary, Office of Education Research and Improvement.
- EDU 113 Confidential Assistant to the Assistant Secretary, Office of Education Research and Improvement.
- EDU 114 Director, Public Participation Staff, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 116 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education.
- EDU 117 Director of External Affairs for the Assistant Secretary, Office of Postsecondary Education.
- EDU 118 Special Assistant to the Executive Secretary.
- EDU 120 Director Office of Editorial Services.
- EDU 121 Special Assistant to the Commissioner, Office of Special Education and Rehabilitative Services.
- EDU 122 Special Assistant to the Assistant Secretary, Office of Civil Rights.
- EDU 123 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental and Interagency Affairs.
- EDU 124 Secretary to the Regional Representative of the Under Secretary.

EDU 125 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental and Interagency Affairs.

EDU 126 Personal Assistant to the Deputy General Counsel.

EDU 127 Special Assistant to the Secretary.

EDU 128 Confidential Assistant to the Deputy Under Secretary.

EDU 129 Director to the Deputy Assistant Secretary, Office of Postsecondary Education.

EDU 130 Personal Assistant to the Deputy Under Secretary, Office of Management.

EDU 131 Secretary to the Regional Representative to the Under Secretary.

EDU 132 Confidential Assistant to the Deputy Under Secretary, Office of Management.

EDU 133 Special Assistant to the Deputy Under Secretary, for Planning, Budget and Evaluation.

EDU 134 Personal Assistant to the Deputy Under Secretary.

EDU 135 Confidential Assistant to the Director, Office of Educational Research and Improvement.

EDU 136 Confidential Assistant to the Director.

EDU 138 Executive Assistant to the Administrator, Office of Management.

EDU 140 Special Assistant to the Assistant Secretary, Office of Civil Rights.

EDU 142 Director, Program Review, to the Office for Civil Rights.

213.3318 Environmental Protection Agency.

EPA 10 Special Assistant to the Director, Office of Standards and Regulations.

EPA 39 Confidential Assistant to the Director, Office of Legislation.

EPA 44 Confidential Assistant to the Director, Office of Congressional Liaison.

EPA 50 Special Assistant to the Administrator.

EPA 61 Confidential Assistant to the Assistant Administrator for Administration.

EPA 65 Special Assistant to the Inspector General.

EPA 69 Deputy Director to the Director, Office of Congressional Liaison.

EPA 71 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Liaison.

EPA 72 Congressional Relations Specialist to the Deputy Director, Office of Congressional Liaison.

EPA 75 Congressional Relations Officer to the Deputy Director, Office of Congressional Liaison.

EPA 76 Special Assistant to the Director, Office of Federal Activities.

EPA 77 Special Assistant to the Regional Administrator.

EPA 78 Confidential Assistant to the Director, Office of Enforcement Counsel.

EPA 79 Special Assistant to the Regional Administrator.

EPA 80 Confidential Assistant to the Assistant Administrator for Solid Waste and Emergency Response.

EPA 81 Special Assistant to the Assistant Administrator for Solid Waste and Emergency Response.

EPA 82 Special Assistant for Regulatory Affairs, Office of Federal Activities.

EPA 83 Special Assistant to the Regional Administrator.

EPA 84 Special Assistant to the Associate Administrator, Office of Policy and Resources Management.

EPA 86 Special Assistant to the Regional Administrator.

EPA 87 Special Assistant to the Regional Administrator for Congressional and Intergovernmental Liaison.

213.3319 Administrative Conference of the United States.

ACUS 2 Secretary (Steno) to the Chairman.

213.3320 Inter-American Foundation.

IAF 9 Confidential Assistant to the President, (Mexico, Central America, Panama Region).

IAF 10 Confidential Assistant to the President, (Caribbean, Brazil Region).

IAF 11 Confidential Assistant to the President, (Andean Region).

IAF 12 Confidential Assistant to the President, (Southern Cone Region).

IAF 13 Confidential Assistant to the President.

IAF 14 Special Assistant to the President.

213.3322 Interstate Commerce Commission.

ICC 1 Confidential Assistant to the Commissioner.

ICC 2 Confidential Assistant to the Commissioner.

ICC 3 Confidential Assistant to the Commissioner.

ICC 4 Secretary (Typing) to the Chairman.

ICC 5 Confidential Assistant to the Commissioner.

ICC 6 Confidential Assistant to the Commissioner.

ICC 8 Confidential Assistant to the Chairman.

ICC 9 Confidential Assistant to the Commissioner.

ICC 18 Public Information Officer to the Chairman.

ICC 20 Staff Advisor (Management) to the Commissioner.

ICC 40 Staff Advisor (Economics) to the Managing Director.

ICC 41 Staff Advisor (Transportation) to the Director.

213.3323 Overseas Private Investment Corporation.

OPIC 1 Chauffeur to the President.

213.3325 The Tax Court of the United States.

TCOUS 501 Attorney Advisor to the Judge.

TCOUS 503 Attorney Advisor to the Judge.

TCOUS 505 Attorney Advisor to the Judge.

TCOUS 506 Attorney Advisor to the Judge.

TCOUS 507 Attorney Advisor to the Judge.

TCOUS 508 Attorney Advisor to the Judge.

TCOUS 509 Attorney Advisor to the Judge.

TCOUS 510 Attorney Advisor to the Judge.

TCOUS 511 Secretary and Confidential Assistant to the Judge.

TCOUS 512 Attorney Advisor to the Judge.

TCOUS 513 Attorney Advisor to the Judge.

TCOUS 516 Attorney Advisor to the Judge.

TCOUS 517 Attorney Advisor to the Judge.

TCOUS 518 Law Clerk to the Judge.

TCOUS 520 Attorney Advisor to the Judge.

TCOUS 521 Attorney Advisor to the Judge.

TCOUS 522 Law Clerk to the Judge.

TCOUS 523 Law Clerk to the Judge.

TCOUS 525 Law Clerk to the Judge.

TCOUS 526 Attorney Advisor to the Judge.

TCOUS 527 Attorney Advisor to the Judge.

TCOUS 528 Law Clerk to the Judge.

TCOUS 529 Attorney Advisor to the Judge.

TCOUS 530 Secretary for Confidential Affairs to the Judge.

TCOUS 531 Attorney Advisor to the Judge.

TCOUS 532 Attorney Advisor to the Judge.

TCOUS 533 Attorney Advisor to the Judge.

TCOUS 534 Attorney Advisor to the Judge.

TCOUS 535 Attorney Advisor to the Judge.

TCOUS 536 Attorney Advisor to the Judge.

TCOUS 537 Secretary and Confidential Assistant to the Judge.

TCOUS 538 Attorney Advisor to the Judge.

TCOUS 540 Secretary to the Judge.

TCOUS 541 Attorney Advisor to the Judge.

TCOUS AAA Attorney Advisor to the Judge.

TCOUS EE Attorney Advisor to the Judge.

TCOUS FF Attorney Advisor to the Judge.

TCOUS II Secretary and Confidential Assistant to the Judge.

TCOUS III Secretary and Confidential Assistant to the Judge.

TCOUS LL Secretary and Confidential Assistant to the Judge.

TCOUS LLL Attorney Advisor to the Judge.

TCOUS MM Secretary and Confidential Assistant to the Judge.

TCOUS NN Secretary and Confidential Assistant to the Judge.

TCOUS QQ Secretary and Confidential Assistant to the Judge.

TCOUS RR Secretary and Confidential Assistant to the Judge.

TCOUS SS Secretary and Confidential Assistant to the Judge.

TCOUS T Secretary and Confidential Assistant to the Judge.

TCOUS TT Secretary and Confidential Assistant to the Judge.

TCOUS UU Secretary and Confidential Assistant to the Judge.

TCOUS UUU Secretary and Confidential Assistant to the Judge.

TCOUS VV Secretary and Confidential Assistant to the Judge.

TCOUS W Attorney Advisor to the Judge.

TCOUS WW Secretary and Confidential Assistant to the Judge.

TCOUS XX Secretary and Confidential Assistant to the Judge.

TCOUS XXX Attorney Advisor to the Judge.

TCOUS ZZ Secretary and Confidential Assistant to the Judge.

213.3327 Veterans Administration.

VA 6 Confidential Assistant to the Administrator.

VA 14 Confidential Assistant to the Deputy Administrator.

VA 32 Confidential Assistant to the Deputy Associate Deputy Administrator.

213.3328 International Communication Agency.

- ICA 1 Director, New York Office of Public Liaison.
- ICA 2 Special Assistant to the Director.
- ICA 15 Special Assistant to the Director.
- ICA 22 Director to the Associate Director.
- ICA 24 Special Assistant to the Associate Director.
- ICA 44 Special Projects Officer.
- ICA 53 Director of Audience Relations.

213.3330 Securities and Exchange Commission.

- SEC 3 Confidential Assistant to the Commissioner.
- SEC 4 Confidential Assistant to the Commissioner.
- SEC 5 Confidential Assistant to the Commissioner.
- SEC 8 Secretary (Steno) to the Chief.
- SEC 11 Confidential Assistant to the Chairman.
- SEC 12 Public Information Officer to the Chairman.
- SEC 15 Secretary (Typing) to the Director, Market Regulation Division.
- SEC 16 Secretary (Steno) to the Director.
- SEC 18 Secretary (Steno) to the Director, Corporate Finance Division.
- SEC 19 Secretary (Typing) to the Director, Corporate Finance Division.

213.3331 Department of Energy.

- DOE 2 Confidential Assistant (Secretary) to the Secretary.
- DOE 8 Confidential Assistant (Secretary) to the Special Assistant.
- DOE 11 Private Secretary to a Member, Federal Energy Regulatory Commission.
- DOE 12 Private Secretary to a Member, Federal Energy Regulatory Commission.
- DOE 15 Confidential Assistant (Secretary) to the Administrator, Energy Information Administration.
- DOE 16 Confidential Assistant (Secretary) to the Administrator, Economic Regulatory Administration.
- DOE 19 Confidential Assistant (Secretary) to the Director, Energy Research.
- DOE 30 Confidential Assistant (Secretary) to the Director, Office of Policy Planning and Evaluation.
- DOE 40 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 41 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 42 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 43 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 49 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 51 Legal Assistant to the Chairman, Federal Energy Regulatory Commission.
- DOE 60 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 68 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.

- DOE 69 Staff Assistant, (Legislative Affairs) to the Secretary.
- DOE 72 Confidential Assistant (Secretary) to the Deputy Administrator.
- DOE 74 Staff Assistant to the General Counsel.
- DOE 75 Legal Adviser to a Member of the Commission.
- DOE 95 Staff Assistant to the Deputy Secretary.
- DOE 106 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 109 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 110 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 111 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
- DOE 112 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
- DOE 114 Assistant to the Administrator.
- DOE 171 Executive Assistant to the Assistant Secretary, Office of Conservation and Renewable Energy.
- DOE 174 Staff Assistant to the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.
- DOE 178 Congressional Operations Specialist.
- DOE 182 Staff Assistant to the Director, Office of Intergovernmental Affairs.
- DOE 185 Confidential Assistant (Secretary) to the Director, Office of Congressional and Public Affairs.
- DOE 186 Staff Assistant to the Director, Office of Congressional and Public Affairs.
- DOE 192 Staff Assistant to the Special Assistant, Office of Programs and Policy.
- DOE 197 Director, Division of Congressional Liaison.
- DOE 212 Confidential Assistant (Secretary) to the Assistant Secretary for Nuclear Energy.
- DOE 218 Consumer Affairs Specialist to the Director, Office of Consumer and Public Affairs.
- DOE 221 Staff Assistant to the Assistant to the Secretary for Public Affairs.
- DOE 222 Confidential Assistant (Secretary) to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
- DOE 224 Confidential Assistant (Secretary) to the Special Assistant to the Secretary.
- DOE 226 Advisor to Member of the Commission.
- DOE 231 Staff Assistant to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
- DOE 233 Speech Writer to the Director, Office of Public Affairs.
- DOE 234 Director, Office of Public Affairs.
- DOE 235 Staff Assistant to the Director, Office of Policy Planning and Analysis.
- DOE 238 Staff Assistant to the Deputy Assistant Secretary.
- DOE 239 Staff Assistant to the Special Assistant to the Secretary.
- DOE 240 Staff Assistant to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
- DOE 241 Staff Assistant to the Director.

- DOE 242 Staff Assistant to the Special Assistant to the Secretary for Programs and Policies.
- DOE 243 Staff Assistant to the Assistant Secretary.
- DOE 244 Director, Office of Consumer Affairs.
- DOE 245 Staff Assistant to the Deputy Assistant Secretary.
- DOE 246 Staff Assistant to the Assistant Secretary.
- DOE 247 Director, Division of Intergovernmental Affairs.
- DOE 248 Confidential Assistant to the Chairman, Federal Energy Regulatory Commission.
- DOE 249 Staff Assistant to the Administrator, Economic Regulatory Administration.
- DOE 251 Intergovernmental Affairs Specialist to the Director of Intergovernmental Affairs.
- DOE 256 Confidential Assistant to the General Counsel.
- DOE 257 Staff Assistant to the Administrator, Energy Information Administration.
- DOE 258 Research Assistant to the Special Assistant to the Secretary.
- DOE 259 Private Secretary to the Chairman.

213.3332 Small Business Administration.

- SBA 30 Special Assistant to the Associate Administrator for Minority, Small Business and Capital Ownership Development.
- SBA 35 Special Assistant to the Associate Administrator for Minority, Small Business and Capital Ownership Development.
- SBA 43 Confidential Assistant to the Associate Administrator for Congressional and Legislative Affairs.
- SBA 49 Special Assistant to the Administrator.
- SBA 56 Confidential Assistant and Secretary to the Inspector General.
- SBA 58 Confidential Assistant to the Administrator.
- SBA 61 Special Assistant to the Inspector General.
- SBA 64 Special Assistant to the Regional Administrator.
- SBA 66 Special Assistant to the Regional Administrator.
- SBA 68 Confidential Assistant to the Regional Administrator.
- SBA 70 Assistant to the Regional Administrator.
- SBA 72 Special Assistant to the Regional Administrator.
- SBA 90 Confidential Assistant to the Administrator.
- SBA 91 Special Assistant to the Assistant Administrator.
- SBA 92 Confidential Program Assistant to the Special Assistant.
- SBA 94 Special Assistant to the Administrator.
- SBA 99 Special Assistant to the Regional Administrator.

213.3333 Federal Deposit Insurance Corporation.

FDIC 2 Secretary to the Members.
FDIC 7 Special Assistant to the Director,
Congressional Liaison Staff.

213.3334 Federal Trade Commission.

FTC 1 Staffing Assistant to the Chairman.

213.3335 Office of the Federal Inspector.

OFI 1 Special Assistant to the Federal
Inspector.

213.3337 General Services Administration.

GSA 16 Confidential Assistant to the
Administrator, Public Buildings Service.
GSA 75 Special Assistant to the
Administrator, Public Buildings Service.
GSA 80 Confidential Assistant to the
Archivist.
GSA 87 Confidential Assistant to the
Regional Administrator.
GSA 88 Confidential Assistant to the
Regional Administrator.
GSA 93 Executive Assistant to the
Administrator.
GSA 94 Staff Assistant to the
Administrator.
GSA 97 Confidential Assistant to the
Commissioner, Federal Property
Resources Service.
GSA 103 Confidential Assistant to the
Commissioner, Federal Property
Resources Service.
GSA 104 Director, Office of
Communications.

213.3338 Federal Communications Commission.

FCC 5 Director to the Chairman.
FCC 7 Paralegal Specialist to the Attorney-
Advisor.
FCC 8 Confidential Staff Assistant to the
Chief.
FCC 9 Communications Analyst to the
Administrative Assistant to Chairman.
FCC 10 Legislative Affairs Officer to the
General Counsel.

213.3339 U.S. International Trade Commission.

ITC 1 Secretary (Steno) to the Chairman.
ITC 5 Secretary (Typing) to the
Commissioner.
ITC 7 Staff Assistant to the Chairman.
ITC 9 Confidential Assistant to a
Commissioner.
ITC 13 Staff Assistant (Legal) to a
Commissioner.
ITC 14 Confidential Assistant to a
Commissioner.
ITC 15 Staff Assistant (Legal) to a
Commissioner.
ITC 18 Confidential Assistant to a
Commissioner.
ITC 20 Staff Assistant (Legal) to a
Commissioner.
ITC 22 Staff Assistant to a Commissioner.
ITC 23 Staff Assistant to the Chairman.
ITC 24 Staff Assistant (Legal) to a
Commissioner.

ITC 25 Staff Assistant (Economics) to a
Commissioner.
ITC 26 Professional Assistant (Legal) to a
Commissioner.
ITC 27 Congressional Liaison for the
Chairman.
ITC 29 Staff Assistant to a Commissioner.
ITC 30 Confidential Assistant to a
Commissioner.
ITC 31 Staff Assistant (Economics) to a
Commissioner.
ITC 32 Staff Assistant to a Commissioner.
ITC 33 Staff Assistant to a Commissioner.

213.3340 Civil Aeronautics Board.

CAB 10 Community Relations Specialist to
the Director.
CAB 12 Community Relations
Representative to the Director.
CAB 13 Community Relations
Representative to the Director.
CAB 14 Community Relations
Representative to the Director.
CAB 18 Community Relations
Representative to the Director.
CAB 19 Community Relations
Representative to the Director.

213.3341 National Labor Relations Board.

NLRB 1 Confidential Staff Assistant to the
Chairman.
NLRB 2 Confidential Assistant to the
Chairman.
NLRB 3 Confidential Assistant to a Board
Member.
NLRB 4 Confidential Assistant to a Board
Member.
NLRB 5 Confidential Assistant to a Board
Member.
NLRB 6 Confidential Assistant to a Board
Member.
NLRB 9 Confidential Staff Assistant to the
General Counsel.
NLRB 16 Staff Assistant to the Executive
Assistant.

213.3342 Export-Import Bank of the United States.

EXIM 1 Personal and Confidential Assistant
to the President and Chairman.
EXIM 2 Private Secretary to the First Vice
President and Vice Chairman.
EXIM 4 Private Secretary to the Director.
EXIM 5 Secretary (Steno) to the Director.
EXIM 12 Secretary (Steno) to the Sr. Vice
President.
EXIM 15 Secretary (Steno) to the President
and Chairman.
EXIM 16 Secretary (Steno) to the General
Counsel.
EXIM 24 Secretary (Steno) to the Senior
Vice President-Director for Credits and
Financial Guarantees.
EXIM 26 Assistant to the President and
Chairman.
EXIM 32 Special Assistant to the First Vice
President and Vice Chairman.
EXIM 34 Special Assistant to the First Vice
President and Vice Chairman.

213.3344 Occupational Safety and Health Review Commission.

OSHR 2 Special Assistant to the
Chairman.

OSHR 3 Confidential Assistant to a
Commissioner.
OSHR 6 Confidential Assistant to a
Commissioner.

213.3346 Selective Service System.

SSS 10 Special Assistant to the Director.
SSS 11 Secretary (Steno) to the Director.

213.3348 National Aeronautics and Space Administration.

NASA 1 Secretary (Steno) to the
Administrator.

213.3350 Foreign Claims Settlement Commission of the United States.

FCSC 3 Private Secretary to the Chairman.

213.3351 Federal Mine Safety and Health Review Commission.

FM 3 Confidential Secretary to the
Commission.
FM 4 Confidential Secretary to the
Commission.
FM 5 Confidential Secretary to the
Chairman.
FM 7 Attorney Adviser (General) to a
Commissioner.
FM 8 Attorney Adviser (General) to a
Commissioner.
FM 10 Attorney Adviser (General) to a
Commissioner.
FM 12 Confidential Secretary to the General
Counsel.

213.3352 Government Printing Office.

GPO 2 Executive Assistant to the Public
Printer.
GPO 3 Congressional Relations Officer.
GPO 6 Confidential Assistant to the Public
Printer.
GPO 7 Secretary to the Deputy Public
Printer.
GPO 8 Associate General Counsel.
GPO 11 Secretary to the Congressional
Relations Officer.
GPO 12 Staff Assistant to the Legislative
Liaison Officer.
GPO 13 Policy Affairs Specialist to the
Legislative Liaison Officer.

213.3354 Federal Home Loan Bank Board.

FHLB 1 Secretary to the Chairman.
FHLB 3 Secretary to a Board Member.
FHLB 4 Secretary to a Board Member.
FHLB 5 Special Assistant to the Chairman.
FHLB 6 Assistant to a Board Member.
FHLB 8 Secretary to the Executive Assistant
to the Chairman.
FHLB 9 Secretary (Steno) to the Assistant
to a Board Member.
FHLB 10 Secretary to the Assistant to a
Board Member.
FHLB 11 Director, Office of
Communications.
FHLB 14 Secretary to the General Counsel.
FHLB 19 Congressional Liaison to the
Chairman.
FHLB 21 Secretary (Steno) to the
Congressional Liaison.
FHLB 25 Staff Assistant to the
Congressional Liaison.
FHLB 26 Secretary (Typing) to the Director.

FHLB 27 Secretary to the Deputy General Counsel.
 FHLB 31 Special Assistant to the Director.
 FHLB 32 Secretary to the Director.

213.3356 Commission on Civil Rights.

CCR 1 Confidential Secretary to the Staff Director.
 CCR 9 Special Assistant to the Staff Director.
 CCR 10 Special Assistant to the Staff Director.
 CCR 12 Confidential Assistant to the Vice Chairperson.
 CCR 13 Special Assistant to the Chairman.

213.3357 National Credit Union Administration.

NCUA 2 Public Information Officer to the Chairman.
 NCUA 3 Legislative Liaison Officer to the General Counsel.
 NCUA 9 Staff Assistant to the Board Member.

213.3359 ACTION.

ACT 23 Special Assistant to the Director.
 ACT 29 Staff Assistant to the Director.
 ACT 30 Staff Assistant to the Director.
 ACT 31 Special Assistant to the Director.
 ACT 32 Staff Assistant to the Associate Director.
 ACT 34 Special Assistant to the Director.
 ACT 41 Deputy Assistant Director for Planning and Budget.
 ACT 42 Legislative Officer to the Assistant Director.
 ACT 43 Special Assistant to the Assistant Director.
 ACT 44 Special Assistant to the Deputy Associate Director.
 ACT 45 Public Information Officer to the Assistant Director.
 ACT 48 Special Assistant to the Deputy Director.
 ACT 51 Special Assistant to the Assistant Director.
 ACT 54 Staff Assistant to the Deputy Director.
 ACT 56 Special Assistant to the Associate Director.
 ACT 59 Secretary (Typing) to the Director.
 ACT 60 Special Assistant to the Deputy Associate Director.
 ACT 61 Legislative Officer to the Assistant Director.
 ACT 63 Young Volunteers Program Officer to the Deputy Associate Director.
 ACT 66 Special Assistant to the Assistant Director.
 ACT 67 Special Assistant to the Assistant Director.
 ACT 68 Special Assistant to the Director.
 ACT 69 Assistant Director to the Director.
 ACT 70 Staff Assistant to the Public Information Office.
 ACT 71 Special Assistant to the Deputy Assistant Director.

213.3360 Consumer Product Safety Commission.

CPSC 14 Special Assistant to a Commissioner.
 CPSC 23 Secretary (Steno) to a Commissioner.

CPSC 26 Secretary to a Commissioner.
 CPSC 28 Staff Assistant to a Commissioner.

213.3363 Harry S. Truman Scholarship Foundation.

HT 1 Secretary (Steno) to the Executive Secretary.

213.3364 U.S. Arms Control and Disarmament Agency.

ACDA 1 Private Secretary to the Director.
 ACDA 4 Private Secretary to the Assistant Director.
 ACDA 5 Private Secretary to the Assistant Director.
 ACDA 7 Private Secretary to the General Counsel.
 ACDA 10 Special Assistant to the General Counsel.
 ACDA 11 Congressional Relations Officer to the General Counsel.
 ACDA 15 Secretary to the Executive Director, General Advisory Committee.
 ACDA 18 Secretary to the Special Representative for Negotiations.

213.3367 Federal Maritime Commission.

FMC 3 Confidential Assistant to a Commissioner.
 FMC 4 Confidential Assistant to a Commissioner.
 FMC 5 Confidential Assistant to a Commissioner.
 FMC 7 Secretary (Steno) to a Commissioner.
 FMC 8 Secretary (Steno) to a Commissioner.
 FMC 9 Secretary (Steno) to a Commissioner.
 FMC 10 Secretary (Steno) to a Commissioner.
 FMC 15 Secretary to the Chairman.
 FMC 19 Public Information Specialist to the Chairman.
 FMC 21 Counsel to the Chairman.
 FMC 22 Executive Assistant to the Chairman.
 FMC 23 Secretary (Steno) to the Executive Assistant to the Chairman.
 FMC 24 Chauffeur-Messenger to the Chairman.
 FMC 1 Special Assistant to the Director.

213.3368 Agency for International Development.

AID 4 Secretary to the Administrator.
 AID 20 Special Assistant to the Assistant Administrator (Asia).
 AID 31 Special Assistant to the Assistant Administrator.
 AID 32 Special Assistant to the Assistant Administrator.
 AID 33 Special Assistant to the Director, Office of Legislative Affairs.
 AID 34 Special Assistant to the Assistant Administrator.

213.3372 Administrative Office of United States Courts.

AOUSC 4 Attorney/Advisor to the Legislative Affairs Officer.

213.3377 Equal Employment Opportunity Commission.

EEOC 8 Secretary to a Member.
 EEOC 9 Special Assistant to a Member.
 EEOC 13 Secretary to the Chairman.

EEOC 17 Special Assistant to a Member.
 EEOC 35 Secretary (Steno) to the Director.

213.3379 Commodity Futures Trading Commission.

CFTC 1 Administrative Assistant to the Chairman.
 CFTC 3 Administrative Assistant to a Commissioner.
 CFTC 5 Administrative Assistant to a Commissioner.
 CFTC 6 Administrative Assistant to a Commissioner.
 CFTC 7 Public Information Officer to a Chairman.
 CFTC 8 Congressional Relations Officer to the Chairman.
 CFTC 12 Special Assistant to a Commissioner.
 CFTC 14 Special Assistant to a Commissioner.
 CFTC 20 Governmental Affairs Specialist to the Chairman.
 CFTC 21 Governmental Affairs Specialist to the Chairman.

213.3382 National Foundation on the Arts and the Humanities.

NEH 39 Congressional Liaison Specialist to the Congressional Liaison Officer.
 NEH 2 Assistant to the Chairman.
 NEH 9 Congressional Liaison Officer to the Chairman.
 NEH 44 Congressional Liaison Specialist to the Congressional Liaison Officer.
 NEH 45 Special Assistant to the Chairman.
 NEH 49 Associate Deputy Chairman to the Deputy Chairman.
 NEH 31 Staff Assistant to the Deputy Chairman.
 NEH 47 Special Assistant to the Chairman.
 NEH 48 Congressional Liaison Officer to the Chairman.

213.3383 Metric Board.

MB 4 Staff Assistant to the Executive Director.

213.3384 Department of Housing and Urban Development.

HUD 1 Confidential Assistant to the Secretary.
 HUD 6 Confidential Assistant to the General Counsel.
 HUD 35 Senior Assistant for Congressional Relations to the Director.
 HUD 36 Assistant for Congressional Relations to the Deputy Assistant Secretary.
 HUD 37 Assistant for Congressional Relations to the Deputy Assistant Secretary.
 HUD 39 Assistant for Congressional Relations to the Director.
 HUD 41 Assistant for Congressional Relations to the Deputy Assistant Secretary.
 HUD 42 Assistant for Congressional Relations to the Deputy Assistant Secretary.
 HUD 45 Assistant for Congressional Relations to the Congressional Relations Officer.

- HUD 60 Public Information Specialist to the Assistant Secretary for Public Affairs.
- HUD 65 Special Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 68 Executive Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 76 Confidential Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 78 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 114 Special Assistant to the Secretary for the Executive Secretariat.
- HUD 126 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 137 Special Assistant to Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 153 Executive Assistant to the President, Government National Mortgage Association.
- HUD 157 Executive Assistant to the General Manager, New Community Development Corporation.
- HUD 160 Special Assistant to the Assistant Secretary.
- HUD 164 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 168 Staff Assistant to the Secretary.
- HUD 170 Special Assistant to the Deputy Under Secretary for Economic Affairs.
- HUD 174 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 175 Assistant for Congressional Relations to Deputy Assistant Secretary.
- HUD 181 Executive Assistant to the General Manager, New Communities Development Corporation.
- HUD 182 Special Assistant to the General Deputy Assistant Secretary.
- HUD 184 Assistant for Congressional Relations to the Director, Office of Legislation and Intergovernmental Relations.
- HUD 186 Staff Assistant to the Secretary.
- HUD 187 Special Assistant to the Deputy Assistant Secretary.
- HUD 192 Special Assistant to the Secretary.
- HUD 193 Special Assistant to the General Counsel.
- HUD 195 Special Assistant to the Assistant Secretary, for Community Planning and Development.
- HUD 197 Special Advisor to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 202 Executive Assistant to the Assistant Secretary for Legislation and Congressional Relations.
- HUD 203 Legislative Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
- HUD 204 Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
- HUD 206 Intergovernmental Relations Officer to the Deputy Under Secretary.
- HUD 207 Intergovernmental Relations Officer to the Deputy Under Secretary.
- HUD 208 Intergovernmental Relations Officer to the Deputy Under Secretary.
- HUD 209 Assistant Intergovernmental Relations Officer to the Deputy Under Secretary.
- HUD 211 Assistant for Congressional Relations.
- HUD 215 Executive Assistant to the Deputy Assistant Secretary.
- HUD 218 Executive Assistant to the Regional Administrator.
- HUD 225 Executive Assistant to the Regional Administrator.
- HUD 227 Executive Assistant to the Regional Administrator.
- HUD 237 Secretary to the Regional Administrator.
- HUD 240 Special Assistant to the Assistant to the Secretary.
- HUD 245 Intergovernmental Relations Officer to the Deputy Under Secretary.
- HUD 247 Special Assistant to the Associate General Deputy Assistant Secretary, Office of Housing.
- HUD 255 Executive Assistant to the Assistant Secretary for Policy Development and Review.
- HUD 258 Staff Assistant to the Under Secretary.
- HUD 260 Executive Assistant to the Assistant Secretary for Housing.
- HUD 261 Special Assistant to the Secretary for Indian and Alaska Native Programs.
- HUD 272 Urban Policy Specialist to the Assistant Secretary, Office of Community Planning and Development.
- HUD 275 Special Assistant to the Under Secretary.
- HUD 276 Staff Assistant to the Assistant Secretary for Housing.
- HUD 278 Special Assistant to the Deputy Assistant Secretary.
- HUD 279 Director, Office of Non-Governmental Entities.
- HUD 280 Special Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 283 Director, Office of Small and Disadvantaged Business Utilization.
- HUD 285 Special Assistant to the Deputy Assistant Secretary.
- HUD 287 Special Assistant to the Regional Administrator.
- HUD 288 Assistant for Congressional Relations to the Deputy Assistant Secretary.
- HUD 292 Special Assistant to the Deputy Assistant Secretary.
- HUD 293 Staff Assistant to the President, Government National Mortgage Association.
- HUD 311 Associate Deputy Assistant Secretary for Multifamily Housing Programs.
- HUD 312 Special Assistant to the Regional Administrator.
- HUD 315 Special Assistant to the Deputy Assistant Secretary.
- HUD 316 Special Assistant to the Regional Administrator.
- HUD 317 Special Assistant to the Regional Administrator.
- HUD 318 Executive Assistant to the Deputy Assistant Secretary.
- HUD 319 Executive to the Regional Administrator.
- HUD 320 Special Assistant to the Assistant Secretary for Administration.
- HUD 321 Staff Assistant (Typing) to the Under Secretary for Field Coordination.
- HUD 322 Special Assistant to the Regional Administrator.
- HUD 323 Executive Assistant to the General Deputy Assistant Secretary.
- HUD 324 Special Assistant to the Regional Administrator.
- HUD 325 Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.
- HUD 326 Staff Assistant to the Secretary.
- HUD 328 Deputy Assistant to the Secretary for Public Affairs.
- HUD 329 Special Assistant to the Secretary.
- HUD 330 Staff Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 331 Special Assistant to the Secretary.
- HUD 332 Special Assistant to the Regional Administrator.
- HUD 334 Special Assistant to the Regional Administrator.
- HUD 335 Special Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 336 Special Assistant to the Assistant Secretary for Public Affairs.
- HUD 338 Special Assistant to the Deputy Assistant Secretary for Policy and Budget.
- HUD 339 Special Assistant to the Regional Administrator for Governmental Relations.
- HUD 340 Staff Assistant to the Secretary.
- HUD 343 Special Assistant to the Regional Administrator.
- HUD 345 Staff Assistant to the Deputy Assistant Secretary.
- HUD 346 Staff Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 347 Intergovernmental Relations Officer to the Deputy Under Secretary.
- HUD 348 Secretary (Sleno) to the Under Secretary.
- HUD 350 Special Assistant for Regional Council Programs.
- HUD 353 Staff Assistant to the President for Solar Energy and the Energy Conservation Bank.
- HUD 355 Special Assistant to the Regional Administrator.
- 213.3389 National Mediation Board.*
- NMB 52 Confidential Assistant to the Chairman.
- NMB 53 Confidential Assistant to a Member.
- NMB 54 Confidential Assistant to a Member.
- 213.3391 Office of Personnel Management.*
- OPM 1 Special Assistant to the Director.
- OPM 2 Staff Assistant (Typing) to the Director.
- OPM 3 Supervisory Confidential Assistant to the Director, Office of Public Affairs.
- OPM 4 Special Assistant to the Deputy Director.
- OPM 5 Supervisory Special Assistant to the Director.
- OPM 6 Special Assistant to the Director.

- OPM 7 Special Assistant to the General Counsel.
- OPM 8 Confidential Assistant to the Director.
- OPM 9 Staff Assistant (Typing) to the Confidential Assistant to the Director.
- OPM 10 Special Assistant to the Deputy Director.

213.3392 Federal Labor Relations Authority.

- FLRA 1 Confidential Secretary to the Chairman.
- FLRA 4 Executive Assistant to the Chairman.
- FLRA 6 Executive Assistant to a Member.

213.3393 Pension Benefit Guaranty Corporation.

- PBGC 1 Secretary (Steno) to the Executive Director.

213.3394 Department of Transportation.

- DOT 1 Confidential Secretary to the Secretary.
- DOT 3 Personal Assistant to the Secretary.
- DOT 14 Chauffeur to the Secretary.
- DOT 20 Congressional Liaison Officer to the Director, Congressional Relations.
- DOT 38 Special Assistant to the Deputy Administrator.
- DOT 40 Special Assistant to the Administrator.
- DOT 43 Confidential Secretary to the Administrator.
- DOT 54 Congressional Liaison Officer to the Director.
- DOT 55 Congressional Liaison Officer to the Director.
- DOT 57 Special Assistant to the Assistant Secretary, Office of Governmental Affairs.
- DOT 60 Congressional Liaison Officer to the Director.
- DOT 61 Special Assistant to the Secretary.
- DOT 69 Public Information Officer to the Administrator.
- DOT 70 Executive Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 77 Special Assistant to the Director of Public Affairs.
- DOT 78 Special Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 90 Special Assistant to the Federal Railroad Administrator.
- DOT 100 Chief, Consumer Participation Division to the Director.
- DOT 110 Private Secretary to the Chief Counsel.
- DOT 117 Staff Assistant to the Secretary.
- DOT 121 Congressional Liaison Officer to the Director.
- DOT 123 Intergovernmental Liaison Officer to the Director.
- DOT 125 Special Assistant to the General Counsel.
- DOT 126 Director, Office of Public Affairs, Federal Highway Administration.
- DOT 127 Special Assistant to the Assistant Secretary for Budget and Programs.
- DOT 128 Special Assistant to the Federal Highway Administrator.
- DOT 129 Special Assistant to the General Counsel.
- DOT 130 Staff Assistant to the Secretary.
- DOT 131 Special Assistant to the Administrator, Federal Highway Administration.
- DOT 139 Secretary (Steno) to the Special Assistant.
- DOT 142 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Affairs.
- DOT 145 Staff Assistant to the Secretary.
- DOT 147 Staff Assistant to the Director.
- DOT 148 Special Assistant to the Director.
- DOT 149 Staff Assistant to the Secretary.
- DOT 150 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
- DOT 151 Special Assistant to the Deputy Secretary.
- DOT 152 Consumer and Public Affairs Officer to the Administrator.
- DOT 153 Congressional Liaison Officer to the Assistant Secretary for Governmental Affairs.
- DOT 157 Secretary (Steno) to the Associate Administrator for Policy and International Aviation.
- DOT 158 Confidential Secretary to the General Counsel.
- DOT 159 Special Assistant to the Secretary.
- DOT 172 Receptionist to the Secretary.
- DOT 181 Special Assistant to the Inspector General.
- DOT 183 Staff Assistant to the Regional Representative.
- DOT 184 Staff Assistant to the Regional Representative of the Secretary.
- DOT 185 Special Assistant to the Assistant Secretary for Policy and International Affairs.
- DOT 187 Special Assistant to the Director, Office of Civil Rights.
- DOT 189 Staff Assistant to the Director, Office of Public Affairs and Consumer Participation.
- DOT 190 Special Assistant to the Chief of Staff for Policy.
- DOT 191 Special Assistant to the Assistant Administrator for Public Affairs.
- DOT 192 Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.
- DOT 193 Special Assistant to the Director of Civil Rights.
- DOT 194 Special Assistant to the Administrator.
- DOT 196 Special Assistant to the Regional Representative of the Secretary.
- DOT 198 Special Assistant to the Federal Highway Administrator.
- DOT 200 Staff Assistant to the Director, Office of Civil Rights.
- DOT 201 Director, Executive Staff, President's Commission on Drunk Driving.
- DOT 202 Special Assistant to the Federal Highway Administrator.
- DOT 203 Staff Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 204 Special Assistant to the Administrator, Federal Railroad Administration.
- DOT 205 Confidential Secretary (Steno) to

- the Administrator, Urban Mass Transit Administration.
- DOT 206 Staff Assistant to the Assistant Secretary for Budget and Programs.
- DOT 207 Staff Assistant to the Inspector General.
- DOT 208 Director, Executive Secretariat, Urban Mass Transportation Administration.
- DOT 209 Special Assistant to the Administrator, Urban Mass Transportation Administration.
- DOT 210 Staff Assistant to the Regional Representative of the Secretary.
- DOT 211 Staff Assistant to the Administrator, Office of Administration.
- DOT 212 Regional Representative of the Secretary.
- DOT 213 Staff Assistant to the Director, Office of Civil Rights.
- DOT 215 Special Assistant to the Director, Office of Public Affairs and Consumer Participation.
- DOT 216 Special Assistant to the Administrator, Federal Aviation Administration.
- DOT 218 Congressional Liaison Specialist to the Director, Office of Congressional Affairs.
- DOT 219 Executive Officer, Executive Secretariat.

213.3395 Federal Emergency Management Agency.

- FEMA 1 Executive Assistant (Steno) to the Director.
- FEMA 3 Director, Congressional Relations.
- FEMA 15 Special Assistant to the Administrator, Federal Insurance Administration.
- FEMA 23 Special Assistant to the Director.
- FEMA 24 Assistant to the Director.
- FEMA 25 Assistant to the Director for Program Planning.
- FEMA 27 Assistant to the Deputy Director.
- FEMA 28 Special Assistant to the Director.
- FEMA 29 Special Assistant to the Associate Director.
- FEMA 30 Assistant to the Director.

213.3396 National Transportation Safety Board.

- NTSB 1 Administrative Assistant to the Member.
- NTSB 25 Special Assistant to a Board Member.
- NTSB 31 Confidential Assistant to a Board Member.
- NTSB 32 Special Assistant to the Chairman.
- NTSB 34 Confidential Assistant to a Board Member.
- NTSB 98 Special Assistant to a Board Member.
- NTSB 102 Special Assistant and Counsel to the Chairman.
- Office of Personnel Management.
- Donald J. Devine,
- Director.

United States Federal Register

Friday
October 29, 1982

Part XII

Environmental Protection Agency

Regulation of Fuels and Fuel Additives

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 80**

[AEN-FRL-2234-2]

Regulation of Fuels and Fuel Additives**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA is taking final action to replace the present 0.50 gram per gallon (gpg) standard for the average lead content of all gasoline with a standard for the lead content of leaded gasoline only. Effective November 1, 1982, large refineries are required to meet a standard of 1.10 gpg. Certain smaller refineries are subject to a 1.90 gpg standard until July 1, 1983, at which time they will also be subject to the 1.10 gpg standard. In general, this notice redefines a small refinery as a facility producing less than 10,000 barrels of gasoline per day which was in operation or under construction prior to October 1, 1976, and which is not owned or controlled by a large refiner. This definition will significantly reduce the number of facilities which presently qualify for treatment as small refineries. This notice also provides that imported leaded gasoline is subject to the 1.10 gpg standard. Both domestic refineries and importers will be allowed to average their lead usage so long as the applicable standards are not exceeded and certain other criteria are met.

DATE: The final actions taken in this notice are effective November 1, 1982. Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., the information collection provisions in this rule (SS 80.20 (a)(3), (a)(4), and (b)(3)) will be submitted to the Office of Management and Budget (OMB). These requirements are not effective until approved by that office. A notice of that approval will be published in the *Federal Register*.

ADDRESS: Comments and other information relevant to this rulemaking (Docket No. A-81-36) may be viewed at the Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The Central Docket Section is located in the West Tower Lobby of EPA Headquarters and dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN-

397), EPA, 401 M Street, S.W., Washington, D.C. 20460. Telephone (202) 382-2633.

SUPPLEMENTARY INFORMATION:**Background**

On February 22, 1982, EPA announced that it would consider whether conditions justify rescission or modification of its regulations (promulgated in 1973) requiring refiners to meet a 0.5 gpg standard for the average lead content of gasoline. 47 FR 4812. This standard was then in effect for all refineries except those classified as small refineries (under 50,000 barrels per day (bpd) capacity and not owned by a refiner with total capacity over 137,500 bpd). Small refineries would have been subject to this standard beginning on October 1, 1982, absent any change in the regulations. EPA's decision to reconsider these regulations was based on the question of whether the standard is still necessary due to the ever-increasing use of unleaded gasoline in this country, as all new cars now require the use of unleaded fuel to protect their emission control systems. EPA's notice listed alternative actions ranging from retention of the 0.5 gpg standard to rescission of the regulations, and requested comments on the various alternatives. On the same date, EPA proposed to suspend indefinitely the October 1, 1982, compliance date for small refineries to comply with the 0.5 gpg standard, pending completion of the review of the regulation. 47 FR 4814.

In response to the two February 22, 1982, notices of proposed rulemaking, more than 700 written comments were submitted. In addition, the Agency received the oral testimony of 81 witnesses at a public hearing held on April 15 and 16, 1982, in Arlington, Virginia.

Based on a review of these comments and testimony, as well as on information developed by the Agency, EPA issued three rulemaking notices on August 27, 1982. 47 FR 38070.¹ In the first notice, EPA announced that it had determined that it would not relax or rescind the overall standard of 0.5 gpg and therefore was withdrawing that portion of the February 22 proposal. EPA determined that rescinding or relaxing the present lead standard would result in an increase in lead emissions to the atmosphere, that environmental lead exposure continues to be a national health concern and that there is no new information that would lead EPA to determine that continuing control of lead in gasoline is not appropriate.

¹ These notices contain detailed information on the history of the lead phasedown program.

In a second notice, EPA proposed regulations which would replace the present regulatory program governing the lead content of gasoline. 47 FR 38078. In place of the present standard of 0.5 gpg for all gasoline (leaded and unleaded) produced by a refinery, the Agency proposed a two-tiered standard regulating the lead content of leaded gasoline only. Under the proposal, larger refineries would be subject to a standard of 1.10 gpg for leaded gasoline, while small refineries (redefined as discussed below) would be subject to a 2.50 gpg standard for leaded gasoline.

This notice also proposed to amend the definition of a small refinery in a manner that would reduce the number of facilities eligible for the less stringent 2.50 gpg standard compared to the number eligible for small refinery treatment under the rules then in effect. Under this proposal, a small refinery would have been required to meet four criteria for eligibility: (1) It must have been in operation or under construction prior to October 1, 1976; (2) it must have been in operation during at least two quarters in the past year; (3) its most recent quarterly production of gasoline must have been no more than an average of 10,000 barrels per day; and (4) it must not be owned or controlled by a refiner with a total combined production during the most recent quarter of 70,000 barrels per day or more.

Another major element of the proposed regulations was a requirement that the average lead content of imported leaded gasoline sold or offered for sale not exceed 1.10 gpg. The final major element of the proposed regulations was a provision that would permit two or more refineries, whether owned by the same refiner or not, to average their lead usage over a calendar quarter. Importers of leaded gasoline would be treated as refiners for purposes of this averaging provision.

In the third notice of rulemaking, EPA suspended the compliance date of the 0.5 gpg standard for small refineries from October 1, 1982, to October 31, 1982. 47 FR 38090. This suspension was based on the Agency's intention to take final action prior to November 1, 1982, on the proposal to amend the lead phasedown regulations described above. In order to correct a potential enforcement problem, EPA also promulgated a final rule replacing the 0.5 gpg standard with one of 0.50 gpg (significant to two places).

On September 7 and 8, 1982, the Agency held a public hearing in Arlington, Virginia, to receive oral testimony on the notice of proposed

rulemaking. Thirty-four witnesses (representing large refineries, small refineries, blenders, petroleum industry trade associations, the lead industry, the medical community, and environmental groups) presented testimony at the hearing. In addition, more than 400 written comments were submitted to the Agency by the close of the comment period on October 8, 1982. All such testimony and written comments have been considered in the development of today's final rulemaking action. Testimony and written comments submitted in response to the February 22, 1982, proposals have also been considered. Summaries of all such testimony and comments have been prepared and placed in the rulemaking docket.

In total, the Agency received over eleven hundred written comments and oral testimony by over one hundred ten witnesses in response to the February 22, 1982, and August 27, 1982, notices of proposed rulemaking. Because of this very large number of comments, only those comments and testimony that resulted in changes from the proposal in this final action are discussed below. Many comments in response to the February 22 proposals have already been addressed in the three Federal Register notices published on August 27. EPA's responses to other significant comments appear in a separate document entitled "Supplemental Response to Comments on the February 22, 1982, and August 27, 1982, Proposals to Amend the Gasoline Lead Content Regulations." This separate document has been included in Docket Number A-81-36, and is incorporated by reference in this notice. This supplemental document may be reviewed at the EPA Central Docket Section (see the "ADDRESS" section above), or a copy may be obtained by writing to Richard Kozlowski at the address listed in the "FOR FURTHER INFORMATION" section above.

Today's Final Action

A. Leaded Gasoline Standards for Large and Small Refineries

In the August 27, 1982, notice of proposed rulemaking (NPRM), EPA proposed a substitute for the current system that permits a refinery to average its lead usage over all grades of gasoline (including unleaded) produced in a three-month period (pooled standard). This notice proposed to establish ceilings on the lead content of leaded gasoline produced during a calendar quarter. Large refineries would be subject to a standard of 1.10 gpg, while smaller refineries (as redefined)

would not be permitted to exceed a standard of 2.50 gpg. Unleaded gasoline would continue to be subject to the requirements that it not contain any lead additives and that it not include more than trace elements of other lead (no more than 0.05 gpg).

The Agency's rationale for the proposed change from a pooled to a leaded standard and for the specific standards for large and small refineries was detailed in the August 27 NPRM (see 47 FR 38079-82). Among the major reasons for proposing standards for leaded gasoline was that such a system would not discriminate against any entity which does not produce unleaded gasoline with which to reduce the average lead content of its total output. In addition, as the production of unleaded gasoline increases in the future, the proposed system would preclude increases in the lead content of leaded gasoline that would have been allowed under the pooled average system. Thus, it was expected that total lead emissions would decrease over time as leaded gasoline usage declined.

The numerical standards for large and small refineries were based on the Agency's intent to impose standards which, in the aggregate, would not permit increased short-term lead usage over that which would be permitted under the standard that would otherwise be in effect (i.e., 0.50 gpg for all refineries), and that would result in a long-term decrease in lead usage. The proposed standards were predicted to result in a reduction of 31% in total lead usage over the period 1983 through 1990, compared with the imposition of a 0.50 gpg standard on all refineries starting October 1, 1982.

In today's final rulemaking action, EPA is adopting lead content standards for leaded gasoline only. A large refinery standard has been established at the level of 1.10 gpg, as proposed. After a review of public comments and testimony, the Agency continues to believe that the rationale for a leaded standard in general and for the specific large refinery standard, as outlined in the NPRM, is correct.² EPA is also today establishing a short-term standard of 1.90 gpg for small refineries.³ This short-

² Minor changes have been made to the portion of the regulations which establishes general requirements for refiners (§ 80.20(a)), in order to clarify that lead contained in gasoline blending stocks and components must be reported to the Agency and counted in calculations of average lead content, as recommended by commenters. A definition of the term "gasoline blending stocks or components" has also been added to the "Definition" section of the regulations.

³ The small refinery provisions adopted on August 7, 1979 (44 FR 46277) were scheduled to expire on October 1, 1982. This expiration date was extended

term small refinery standard will be in effect from November 1, 1982, to June 30, 1983. The rationale for the numerical level and the duration of the small refinery standard is outlined below.

The proposed standards were designed to provide present levels of lead usage approximately equivalent to those that would have occurred under the 0.50 gpg pooled standard, and to accelerate reductions in future lead usage, resulting in a cumulative additional reduction in lead usage of 31% in the 1983 to 1990 period. Several commenters noted that the data used by EPA to project gasoline sales and leaded/unleaded grade splits, on which the predictions of lead usage were based, tended to predict a faster growth of unleaded gasoline usage than had actually been observed to date. For example, while EPA had used data predicting that 64% of total gasoline would be unleaded in 1983, it was noted that such a split was highly unlikely because the current measured use of unleaded fuel was only 52% in mid-1982.

After reviewing gasoline usage projections, EPA recognized that it had overestimated the percentage of future unleaded gasoline usage and commissioned a study by Sobotka and Company, Inc., (SCI) to revise these predictions. The results are shown in the section entitled "Environmental Impact" below. These new projections were used in the development of this final rule. With these new projections, it is estimated that the standards promulgated today will, in the short-term (1983), slightly surpass the reduction in lead usage that would have been achieved with a 0.50 gpg pooled standard and, in the long-term (1983-1990), will result in an approximately 34% reduction in lead usage compared to such a pooled standard.

In the August 27 notice of proposed rulemaking, EPA specifically solicited comments on the issue of whether the special standard for small refineries should be limited to some definite time period. A number of commenters on both the February and August proposals argued that small refineries should not be subject to a more relaxed lead content standard on a permanent basis. Numerous commenters, including

to November 1, 1982, in the August 27, 1982, suspension notice (47 FR 38094). In today's actions, EPA is promulgating a new small refinery standard (§ 80.20(b)), a new small refinery definition (§ 80.2(p)), and an importer definition (replacing the previous § 80.2(r)). These actions have the effect of removing the expiration date for these sections. The additional provision adopted on August 7, 1979, i.e., the definition of "owned or controlled" in § 80.2(q), has not been changed today, and it is being continued in effect indefinitely.

refiners, environmental groups, the U.S. Department of Justice, trade associations, private citizens and others, urged EPA to apply a uniform standard to all refineries immediately or within a relatively short period of time, thus ending the special treatment afforded small refineries. Several commenters maintained that a uniform standard is more consistent with the objectives of the Clean Air Act because lead is harmful regardless of the source and, therefore, all sources should be regulated equally.

Many commenters, principally owners of large refineries, stated that the special treatment afforded small refineries was inequitable and was disrupting the market. Those refiners that had spent money to comply with the lead phasedown requirements maintained that they were being treated unfairly and that EPA should not continue to reward those refiners who did not comply. Some commenters pointed out that § 211(g) of the Clean Air Act was designed to allow owners of small refineries time to make expenditures and that, while many did, others who had adequate opportunity had refused to take the necessary steps. Others argued that owners of small refineries had been on notice for over five years that these facilities must eventually meet the same standard as large refineries. Others, including the U.S. Department of Justice, noted that the special treatment afforded small refineries encourages inefficient operations. Finally, one commenter noted that the lead phasedown program would be easier to administer with one standard and that EPA would be in a better position to predict and control overall lead levels in gasoline.

EPA is persuaded by these comments that permanent special treatment for small refineries would be inequitable and inconsistent with the purposes of the Clean Air Act, including section 211(g). The Agency has therefore determined that small refineries will be subject to the same 1.10 gpg standard as large refineries beginning July 1, 1983. The Agency is establishing a less stringent standard for this additional eight month period primarily in view of the uncertainty that prevailed during the period between the initial February proposal and today's action. During that period owners of small refineries had some reason to believe that they might not be subject to the same standard as large refineries. Such owners may therefore have delayed projects designed to meet a more stringent standard. Even if the eight-month period is too short to permit compliance

through construction programs in some cases, refineries that are temporarily short of octane producing capability will be able to attain the 1.10 gpg standard after July 1, 1983, through purchases of blending stocks or by use of the averaging provisions of the regulation. For these reasons, the Agency believes that the additional nine-month extension (including the one month granted in the August 27 suspension notice) of a special small refinery standard is both equitable and adequate to permit compliance.

The proposed 2.50 gpg standard for small refineries was based on a weighted average of the current standards for the two smallest classes of small refineries. However, many commenters noted that this was far above the amount of lead that these refineries on the average actually had used in the past, and further that this was far in excess of that amount which was necessary to put them on an equal footing with large refineries. They argued that the use of this amount of lead in leaded gasoline would give small refineries a distinct cost advantage over their competitors who had to meet the more stringent standard. Further, several commenters noted that small refineries could now meet a leaded standard between 1.40 gpg and 2.20 gpg.

The Agency has looked at this issue and has concluded that, with averaging, small refineries could as soon as 1983 meet a standard of 1.40 gpg and produce gasoline at about the same equivalent cost as large refineries at a 1.10 gpg standard. EPA estimates that the current average usage of lead in leaded gas by small refineries is 2.17 gpg. Although a standard of 1.40 gpg may be achievable in 1983, on average, the Agency recognizes that it would be impractical to require small refineries to meet even that standard immediately and that, therefore, some additional flexibility may be needed while averaging agreements and processing arrangements are worked out. Therefore, the Agency has determined that an interim standard of 1.90 gpg for small refineries is appropriate. This standard will require only a slight decrease in average lead usage from that currently used by small refineries, and it should generally be achievable by these refineries through use of the averaging provisions in the regulations.

EPA's decision to phase out the separate standard for small refineries is consistent with the requirements of section 211(g) of the Act. Small refineries were granted special treatment only until October 1, 1982, after which time EPA is to promulgate

appropriate regulations "taking into account the experience" under the lead phasedown program. It is evident from the comments received that the experience under the two-tiered approach has been that it fosters inequities, as small refineries are granted a competitive advantage over large refineries. EPA has concluded that this two-tiered approach can no longer be justified, in light of the health effects of lead exposure and the scope and profitability of small refinery operations.

Several commenters made the point that the new leaded gasoline standards would in fact result in lower lead emissions, as compared to the .50 gpg pooled standard, only so long as decreased usage of leaded gasoline continues in the marketplace. These commenters argued that the Agency should include provisions in these regulations that would limit the lead in gasoline should such decreased usage of leaded gasoline no longer continue. The Agency has considered the points raised by these commenters and does not believe it is now necessary to develop a regulatory scheme to handle such a contingency. The Agency firmly intends that gasoline lead usage continue to be reduced and, should leaded gasoline usage not decrease substantially (as expected), EPA will take whatever action is necessary to assure that lead usage in gasoline continues to be reduced. The agency believes that it is likely that leaded gasoline usage will continue to decrease in the future. Further, the Agency believes that it has enough time to develop a specific regulation to deal with whatever problems may arise in the future with respect to a significant increase in the use of leaded gasoline. This would result in a better rule than attempting to now predict and cure problems that are only possibilities at this point.

The effective date for both the large and small refinery standards is November 1, 1982. Both large and small refineries will be subject to an initial five-month compliance period (November 1, 1982, to March 31, 1983), and afterward to quarterly compliance periods. Large refineries are currently in the middle of a compliance period in which they are subject to a 0.50 gpg pooled standard (October 1 to December 31, 1982), and they will also be required to demonstrate compliance with the pooled standard during this period. In order to provide flexibility, however, such compliance may be demonstrated either for the complete quarter or for the month of October 1982 only. Small refineries are presently subject to a four-month compliance period (July 1 to

October 31, 1982) which ends on the day prior to the effective date of this regulation, and therefore compliance with the pooled standard after the end of that period is not required.

B. Small Refinery Definition

The August 27 notice proposed a new definition of small refinery that included four elements:

(1) The refinery was in operation or under construction during the one-year period prior to October 1, 1976;

(2) The refinery was producing gasoline during at least two of the quarters in the one-year period prior to June 30, 1982, as evidenced by submittal of the required quarterly lead content reports to EPA by the date of the proposed rulemaking;

(3) The production rate of gasoline at the refinery during the calendar quarter for which small refinery status is claimed is no more than an average of 10,000 bpd; and

(4) The refinery is not owned or controlled by a refiner with a total production rate during the calendar quarter of greater than 70,000 bpd.

An extensive discussion of the rationale for this definition was included in the proposed notice. In today's action, EPA is essentially retaining this four-part definition, although it has been modified in order to eliminate unintended loopholes contained in the proposal.

Cutoff Date. The portion of the definition establishing an October 1, 1976, cutoff date has been modified to eliminate ambiguities caused by the proposed definition. First, the phrase "in operation" has been clarified to mean that a refinery was producing gasoline prior to the cutoff date, as evidenced by submittal of lead usage report to EPA prior to January 1, 1977. (40 CFR 80.20(a)(3) at the time required all refineries to submit lead usage reports within 15 days after the close of each calendar quarter.) The second ambiguity was created by the lack of a definition of the phrase "under construction." Rather than attempt to define this broad term, the Agency has amended the final definition by adding the additional requirement that any such facility must have been in operation prior to October 1, 1979 (again as evidenced by timely submittal of a lead usage report to EPA). Since any facility actually under construction prior to October 1, 1976, should have been operational within a three-year period, this amendment should clarify which facilities qualify under this portion of the definition.

Current Existence of Refinery. The portion of the definition requiring that a refinery produced gasoline in the July

1981 to June 1982 period, as evidenced by submittal of lead usage reports for at least two quarters during this period to EPA, has been retained unchanged. EPA believes that the rationale for this portion of the definition set forth in the NPRM has continuing validity.

Size Cutoff. The portion of the definition establishing a maximum average daily production of 10,000 barrels for small refinery treatment has been modified to eliminate several loopholes identified by commenters on the proposal. First, the final definition now requires that a refinery have produced no more than an average of 10,000 bpd in each compliance period since July 1, 1981. Production of more than that amount in any compliance period between July 1, 1981, and October 31, 1982, means that the refinery will be subject to the 1.10 gpg standard starting on November 1, 1982. If production has been below that level to date but increases after November 1, 1982, the refinery will be subject to the 1.10 gpg standard for the compliance period in which that production level is exceeded, as well as all subsequent compliance periods.

Such a definition will eliminate what one commenter, who filed extensive comments on the subject, termed the "backsliding" problem. This term refers to the ability of refineries that have historically been above the 10,000 bpd production level, but that otherwise qualify for small refinery treatment, to decrease their production in order to qualify fully. These refineries would have been able to do so under the proposed definition, which looked only to production levels for the quarter in which small refinery status was claimed. Up to 16 additional facilities were estimated to have been able to decrease production and thus become small refineries under the proposed definition, resulting in increased lead usage. Since EPA believes that facilities able to produce more than 10,000 bpd in any compliance period during the past year are able to meet a more stringent standard, the revised definition will preclude them from claiming small refinery status and using more lead than they would otherwise be entitled to do.

Many commenters also noted that the proposed definition would place no restrictions on the leaded gasoline production of qualifying small refineries, no matter how small they currently are, so long as their total production remained below the 10,000 bpd level. Commenters noted that such a lack of restrictions would allow a tripling of lead usage by the small refinery group, compared to their present levels. They also pointed out that the proposed

definition, therefore, would have been likely to result in little difference in lead usage compared to requiring all refineries to comply with the present 0.50 gpg pooled standard, and might have resulted in greater lead usage in the 1983-1990 period. Finally, it was urged that the proposal would provide a financial windfall, particularly in conjunction with the proposed averaging mechanism, for a small refinery class already subject to less stringent standards.

Such a loophole was certainly not intended by the Agency. In fact, in the August 27 proposal, EPA stated its intention to limit the small refinery standard to the current leaded gasoline production levels of these facilities, and requested comments on appropriate methods to achieve such a limitation. Therefore, § 80.20(b)(1)(i) of the final regulations has been clarified to provide that the less stringent small refinery standard will only apply to a refinery's historic production level, as measured by its average daily production of leaded gasoline in the July 1981 to June 1982 period. Production in excess of this average amount will be subject to the 1.10 gpg standard. For example, assume that a refinery's average daily production of leaded gasoline during the July 1981 to June 1982 period was 5000 barrels. If its production of leaded gasoline in the April to June 1983 quarter were 500,000 barrels, 455,000 barrels (5000 bpd × 91 days) would be subject to the 1.90 gpg small refinery standard, while the additional 45,000 barrels would be subject to a 1.10 gpg standard.

Ownership. The portion of the definition establishing a maximum production rate for the owning/controlling refiner has also been modified to eliminate several potential loopholes in the proposal. Instead of providing a criterion applicable only to the period in which small refinery status is claimed, the final definition now requires that a refiner have an average daily production of no more than 70,000 barrels of gasoline during each quarter beginning on or after July 1, 1981. This modification will serve to eliminate a "backsliding" problem similar to that outlined for individual refineries above.

In addition, the definition specifies that this production level must be met by both the current owning/controlling refiner and any other refiner who owned or controlled the refinery in this time period. This provision will eliminate a problem identified by another commenter concerning the proposed definition. This commenter noted that, in the one-year period prior to June 30, 1982, 19 refineries owned by "large"

refiners produced near or below 10,000 bpd and would otherwise meet the proposed definition of a small refinery. Since January 1982, two of these refineries have been sold and the sale of a third announced, according to this commenter. If such refineries can be sold to a "small" refiner and thereby become eligible for small refinery treatment, greatly increased lead usage would result, according to this commenter's calculations, since all of these refineries are presently subject to the large refinery 0.50 gpg pooled standard. Since such refineries have the demonstrated ability to meet a more stringent standard, the mere fact of a change of ownership should not allow leaded gasoline production at a less stringent standard. Thus EPA has revised the definition to close this unintended loophole.

C. Imports

The August 27 notice proposed to require that imported leaded gasoline sold or offered for sale in the United States not exceed the same 1.10 gpg standard that would apply to leaded gasoline produced by all except very small-sized domestic refineries. The importer of leaded gasoline for purposes of resale (i.e., the first entity to offer the gasoline for sale in this country) would be responsible for complying with this requirement. This importer would be permitted to average the lead content of imported leaded gasoline on a quarterly basis in determining compliance with the lead standard. Averaging over a calendar quarter would allow such importers the same flexibility that domestic refineries would be afforded. In addition, the August 27 notice proposed to amend the regulatory provisions dealing with rights of entry/ tests and inspections (§ 80.4) and requests for information (§ 80.7) to include references to importers and imported gasoline (and to make certain other minor modifications).

The notice of proposed rulemaking contained a detailed rationale for the regulation of imported gasoline (which has not previously been subject to EPA's gasoline lead regulations), the legal authority for such regulation, and the basis for development of the proposed regulatory scheme. The vast majority of commenters on both the February 22 and August 27 notices favored the regulation of gasoline imported into the United States, and this provision of the regulations is being adopted without significant change from the proposal. Two relatively minor changes have been made to this provision in order to correct unintended loopholes pointed out by commenters on the proposal.

First, the regulation has been amended to make imported gasoline blending stocks and components subject to the testing and reporting requirements of this paragraph. Second, paragraphs (c)(2) (iii) and (iv) of § 80.20 of the regulations have been revised to make clear that the lead already contained in imported leaded gasoline when it enters the United States must be counted in determining compliance with this provision.

D. Inter-Refinery Averaging

In the August 27 notice, EPA proposed to allow all refineries, whether owned by the same refiner or not, to average lead usage over a calendar quarter. Importers of leaded gasoline would also be permitted to take advantage of averaging.

Under the proposal, one or more refineries would be able to demonstrate compliance with the applicable lead content standard for leaded gasoline by "constructively allocating" their actual lead usage in any manner agreed upon by the refineries. Constructive allocation means one refinery reporting the lead actually used by another. In order to assure that total lead usage would be fully reported and that it would not exceed levels permitted for the averaging refineries, three constraints were proposed to be placed on the averaging of lead usage among two or more refineries:

(1) The average constructive lead content of leaded gasoline produced in a calendar quarter by each refinery that is not a small refinery could not exceed 1.10 gpg;

(2) The average constructive lead content of leaded gasoline produced in a calendar quarter by each small refinery could not exceed 2.50 gpg; and

(3) The total amount of constructively allocated lead usage in a calendar quarter by all refineries which have agreed to average lead usage, as reported to EPA, would have to be equal to the actual lead usage in that time period by such refineries.

The response to the August 27 NPRM on this issue was very similar to that received when this concept was first proposed in the February 22 notice. Those opposed to the concept asserted that the following results would occur if the proposal were adopted, compared to a regulatory scheme without inter-refinery averaging:

(1) Greater lead usage would occur outside California, especially in urban areas, due to the difference between Federal standards and the more stringent California lead content standards;

(2) Greater lead usage would result in the East, due to a transfer from more modern refineries in the South and West to old refineries with less octane enhancement capability;

(3) Increased lead usage in general would result, since small refineries are now significantly below current standards;

(4) A complex regulatory system would be created, like the DOE entitlements program, with great administrative, monitoring, and enforcement difficulties;

(5) Loopholes (e.g., "backsliding") would be created as the result of economic incentives generated by averaging;

(6) A financial windfall would be reaped by owners of those small refineries that could produce leaded gasoline with lead levels below the proposed 2.50 gpg standard.

In addition, commenters argued that such a provision would be contrary to the announced EPA goal that a reduction in gasoline lead usage should be required to the extent possible and that it would be inconsistent with EPA's concern expressed in the NPRM in regard to present wide variations in the lead content of gasoline among different areas of the country. Other commenters alleged that averaging would not result in significant cost savings and that the marketplace already provides a workable mechanism to accomplish the goals of averaging.

As a result of an evaluation of these comments, EPA is today including additional restrictions on the use of inter-refinery averaging, which it believes (in conjunction with changes in the small refinery definition) will alleviate the major problems raised by commenters. First, a refinery located in California (or any other state with more stringent gasoline lead content standards than the Federal standards) would be allowed to average with other refineries only to the extent that the constructive (or actual) lead usage of the California-type refinery does not exceed applicable state standards. Second, a small refinery subject to the 1.90 gpg standard would not be allowed to "trade" any unused allowable lead usage to a large refinery (although the reverse transaction would be allowed). In addition, as noted above, the applicable small refinery standard until July 1, 1983, has been decreased to 1.90 gpg, thus further reducing any windfall to owners of small refineries.

EPA continues to believe that the benefits of averaging, as outlined in the August 27 NPRM, outweigh any potential disadvantages. This is

especially true in light of the Agency's adoption of the two additional limitations outlined above, which serve to cure major weaknesses of the proposal. Since averaging is voluntary, only those refiners who find it beneficial will make use of this provision. The following examples illustrate how the averaging system would work.

Example 1. Refinery A, a large refinery, uses 120,000 kilograms of lead in 100,000,000 gallons of leaded gasoline during a calendar quarter. Refinery A would be permitted under the regulations to average with Refinery B, another large refinery, whose lead usage during the same period was 100,000 kilograms of lead in 100,000,000 gallons of leaded gasoline. Averaging would be permitted in this example because the constructive average lead content of the leaded gasoline produced by each refinery would be 1.10 gpg, the maximum allowable for large refineries.

		A	B
1A.	Actual lead usage (1,000 kg.)	120	100
1B.	Constructive lead allocation (1,000 kg.)	-10	+10
1C.	Constructive lead usage (1,000 kg.) [1A + 1B]	110	110
2.	Leaded gasoline production (1,000,000 gallons)	100	100
3A.	Actual average lead content (gpg) [1A/2]	1.20	1.00
3B.	Constructive average lead content (gpg) [1C/2]	1.10	1.10

Similarly, two small refineries would be permitted to average if the constructive average lead content of the leaded gasoline produced by each refinery did not exceed 1.90 gpg, as calculated in the manner outlined above.

Example 2. Refinery A, a large refinery, uses the same amount of lead in the same amount of leaded gasoline as in Example 1. Refinery C, a small refinery, uses 28,000 kilograms of lead in 20,000,000 gallons of leaded gasoline during the same period. Although Refinery C's actual average lead content of 1.40 gpg would have allowed it to "receive" a constructive lead allocation of 10,000 kilograms from Refinery A under the proposed regulations (1.90 gpg - 1.40 gpg = .50 gpg; .50 gpg × 20,000,000 gallons = 10,000 kilograms), the final regulations do not allow a small refinery to "trade" its unused allowable lead usage to a large refinery.

Example 3. Refinery B, a large refinery, uses the same amount of lead in the same amount of leaded gasoline as in Example 1. Refinery D, a small refinery, uses 48,000 kilograms of lead in 20,000,000 gallons of leaded gasoline during the same period. Averaging in this example would involve the constructive allocation of 10,000 kilograms of lead usage from Refinery D to Refinery B, resulting in constructive average lead contents of 1.10 gpg for Refinery B and 1.90 gpg for Refinery D. Such averaging is permitted under the final regulations because

it is the large refinery (operating under the tighter standards), not the small refinery, that is "trading" its unused allowable lead usage.

		B	D
1A.	Actual lead usage (1,000 kg.)	100	48
1B.	Constructive lead allocation (1,000 kg.)	+10	-10
1C.	Constructive lead usage (1,000 kg.) [1A + 1B]	110	38
2.	Leaded gasoline production (1,000,000 gallons)	100	20
3A.	Actual average lead content (gpg) [1A/2]	1.00	2.40
3B.	Constructive average lead content (gpg) [1C/2]	1.10	1.90

Example 4. Refinery E, a small refinery located in California, uses 12,000 kilograms of lead in 10,000,000 gallons of gasoline, of which 8,000,000 gallons (80%) is leaded, during a calendar quarter. Such lead usage results in an actual average lead content of 1.20 gpg pooled and 1.50 leaded. Under the final regulations, Refinery E would be allowed to average (with another small refinery) only to the extent that it does not constructively exceed California's lead content standard, which is presently a 1.4 gpg pooled standard for small refineries. Thus Refinery E would be allowed constructive lead usage of up to 14,000 kilograms (1.4 gpg × 10,000,000 gallons), which would result in a constructive average lead content of its leaded gasoline production of 1.75 gpg (14,000 kg/8,000,000 gallons of leaded gasoline). If Refinery E were permitted to average up to the level of the Federal standard, its constructive lead usage could be up to 15,200 kilograms (1.90 gpg × 8,000,000 gallons of leaded), resulting in a constructive pooled average of 1.52 gpg (15,200 kilograms/10,000,000 gallons total production). Since Refinery E is not actually allowed to use this amount of lead under California's regulations, it will not be allowed to do so constructively under Federal regulations.

Environmental Impact

Total Lead Usage. As part of its evaluation of the lead phasedown program and the comments on the proposed rules, the Agency has re-evaluated its estimates for the total amount of lead contributed to the environment by gasoline in the period 1983 through 1990. Projections were made for both the current lead phasedown regulations (in which the 0.50 gpg pooled standard would apply to all refineries beginning November 1, 1982) and the regulations promulgated in this notice. Several commenters noted that the gasoline volume forecasts and the expected leaded gasoline demand projections in the August 27 proposal tended to overestimate the percentage of unleaded gasoline in each of the years in this period. These comments focused on the estimates of 64 percent unleaded gasoline in 1983, noting that actual data

compiled by the Department of Energy shows 52 percent unleaded gasoline in July 1982. In response to these comments, the Agency contracted with SCI to provide revised estimates of future gasoline demand and grade splits. The projections in this section (shown in Table 1) are based on the SCI estimates.

Since the regulations differentiate between large and small refineries until July 1, 1983, it is necessary to estimate the total gasoline volume that will be produced by small refineries, as now defined, for the first six months of 1983. Based on information collected by the Agency, the proportion of total gasoline production produced by small refineries was found to be approximately 3.4 percent for the second quarter of 1982, or a total production of 870 million gallons for that quarter. For purposes of the projections made by the Agency, this quarterly volume is assumed to remain constant for the first two quarters of calendar year 1983. Further, of this projected volume, the leaded gasoline portion is assumed to be 78 percent, the same as the leaded gasoline proportion for small refineries in the first quarter of 1982 (the most recent period for which such data are available). Thus small refinery leaded gasoline is assumed to be 678.6 million gallons per quarter, or 1.357 billion gallons for the first two quarters of 1983.

The Agency's projections are shown in Table 1. The first two columns are the SCI projections of total and leaded gasoline demand. The total lead usage under a 0.50 gpg pooled standard for all refineries is presented in column 3. It is derived by multiplying 0.50 gpg by the total gasoline volume for the period January 1, 1983, through the end of 1990. For this period, the amount of lead usage allowed by a 0.50 gpg pooled standard would be less than the economically optimal amount of lead usage.

The total lead usage under the regulations promulgated today is calculated as follows: For 1983, half of the small refineries' annual leaded gasoline production (two calendar quarters) is at 1.90 gpg (1.357 × 1.90 = 2.579 billion grams) and the other half is at the uniform standard of 1.10 gpg (1.357 × 1.10 = 1.493 billion grams). The sum of these (2.579 + 1.493 = 4.072 billion grams) is the small refinery contribution. To this is added the large refinery contribution, which is 38.984 billion leaded gallons subject to the 1.10 gpg standard (or 42.882 billion grams) to get a 1983 total of 46.954 billion grams. Subsequent

years are computed by multiplying the total leaded gasoline volume by the 1.10 standard. The total lead usage by both classes of refineries is listed in column 4.

Column 5 shows the difference in total lead usage between a 0.50 gpg pooled standard (column 3) and the regulations published today (column 4). This column shows that the new regulations will result in a lower total lead usage than the pooled standard for all years. For the period 1983-1990, the new regulations will result in the use of 115.7 billion grams (or about 127,400 short tons) of lead less than would have occurred under the former regulations, a reduction of about 34%.

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Table 1

Gasoline volume projections and estimated lead usage for calendar years 1983 through 1990

Calendar Year	Gasoline volume (Billions of gallons)		Total lead (billions of grams)		Reduction (difference)
	Total	Leaded	0.50 gpg pooled standard (all refineries)	1.10 gpg leaded standard (1.90 gpg Temp. Std. for small)*	
1983	96.1	41.7	48.1	47.0	1.1
1984	92.3	35.4	46.1	39.0	7.1
1985	89.2	29.7	44.6	32.7	11.9
1986	86.1	25.3	43.0	27.8	15.2
1987	83.8	22.1	41.9	24.3	17.6
1988	81.5	19.5	40.7	21.4	19.3
1989	79.2	17.0	39.6	18.7	20.9
1990	77.7	14.7	38.8	16.2	22.6
Totals			342.8	227.1	115.7

* The temporary 1.90 gpg leaded standard for small refineries is applicable for the first two quarters of 1983.

BILLING CODE 6560-50-C

Health Impact. The August 27 notices, particularly the withdrawal notice, contained an extensive discussion of health issues related to the gasoline lead content regulations and the Agency's conclusions on this subject, including its determination that further reductions in total lead usage are appropriate to protect the public health. All comments received in response to the August 27 notice of proposed rulemaking, in addition to those received in response to the February 22 notices, have been reviewed to determine whether EPA's analysis of health issues was correct and its health-related conclusions justified, particularly in regard to the need for accelerated reductions in lead usage.

Based on its review of public comments on this issue, it is EPA's conclusion that the findings contained in the August 27 notices still represent its best judgment on the health implications of the exposure of the national population (particularly pre-school children) to environmental lead. Thus, it is the Agency's finding that there is a continued need for the control of lead in gasoline and that the available evidence indicates that further action by EPA to reduce lead in gasoline is a prudent and reasonable course of action to take in order to protect public health.

Economic Impacts

EPA has examined the economic impacts of limiting gasoline lead usage under leaded gasoline standards, and the distribution of compliance costs among various groups of refineries. EPA believes that today's final rule, which results in an additional reduction in lead usage over the next eight years of approximately 33 percent, will protect the populace in the most cost-effective manner for that level of reduction and will also be the most equitable for all gasoline producers. A detailed discussion of the economic benefits of a leaded gasoline standard is contained in the August 27 NPRM.

Today's final regulations differ from the previous regulations in that they impose limits only on the leaded gasoline produced by a refinery, rather than on the refinery's total gasoline production (i.e., both leaded and unleaded). In addition, the regulations allow refineries to minimize costs by allowing compliance to be demonstrated by averaging with other refineries. At the same level of total lead usage, a leaded gasoline standard will slightly reduce costs for the industry as a whole compared to a pooled standard, if averaging does not occur or if it occurs less than is economically optimal. For small refineries, however, it

substantially reduces the costs of compliance. The provision to allow averaging of lead usage should further reduce industry costs of compliance.

The costs of this regulation, compared with the current 0.50 gpg pooled standard, vary with time. In general, the costs are small for large refineries in earlier years (1983 and 1984), and then increase in later years (especially 1987-1990). The basic reason for this cost increase is that, under a pooled standard, the lead content of leaded gasoline would almost certainly have increased in later years from its current average of about 1.1 gpg to about 2.5-3.0 gpg (the economically optimal range of lead usage). Under the new regulations, lead content of leaded gasoline may not exceed 1.10 gpg.

Until June 30, 1983, small refineries will be able to defer capital investments since they have a less stringent standard. The value of these deferred capital investments will be between zero and \$8 million (annualized) for the period that the 1.90 gpg standard applies. In addition, even at the 1.10 gpg standard, owners of small refineries will be able to defer 25% of the capital investment they would have had to make to comply with a 0.50 gpg pooled standard. With averaging, they may be able to defer all capital investments. Further, EPA estimates a small refinery operating cost saving in 1983 of \$17 million. Refineries previously defined as small but no longer eligible for special treatment are also somewhat better off in 1983 under this regulation than under the 0.50 gpg pooled standard, since they probably make less than the national average share of unleaded gasoline. Thus, these refineries could not benefit as much as large refineries under a pooled standard. Conversely, a leaded standard may assist them. EPA has not quantified this potential saving. EPA estimates that, compared with the current 0.50 gpg pooled standard, the present value of the increased operating costs for all refiners under the new standard over the period 1983-1990 is \$859 million. This represents an increased cost of about 0.60 cents per gallon of leaded gasoline or 0.18 cents per gallon of total gasoline sold during this time period. In addition, the energy penalty of this regulation has been estimated to be 27 million barrels of petroleum over the eight-year period.

For small refineries, even after July 1, 1983, when they will be required to meet the same 1.10 gpg standard as large refineries, the new leaded standard is less difficult for them to meet than the 0.50 gpg pooled standard. The reason is the same as was cited previously,

namely that small refineries generally make a smaller percentage of their gasoline as unleaded than large refineries. Therefore, a pooled standard restricts the amount of lead they can use in leaded gasoline more than it does the large refineries with a greater unleaded share. In 1985 and later years, EPA's analysis indicates that, on the average, the cost per gallon of gasoline of meeting the 1.10 gpg standard will be the same for large and small refineries if small refineries maintain their current volume and leaded/unleaded mix.

For small refineries the cost of meeting this standard will be lower than the cost of meeting the 0.50 gpg pooled standard, until their proportion of leaded gasoline sales falls off significantly as the percentage of unleaded gasoline sales increases.

A number of commenters submitted cost estimates that were substantially higher than EPA's estimates. Upon examination, most of these studies confirm EPA's methods but differ principally in assumptions. One major difference, accounting for most of the cost differences, is that one industry study explicitly assumed, and others appear to assume, a capital charge for operating already existing surplus refiner equipment. Much of this equipment was built in anticipation of higher gasoline demand, and the interest on the capital used to build them must be paid whether or not EPA's regulation results in their being used. Since these capital costs are already sunk and will not change based on this regulation, EPA does not use a capital charge for this already existing equipment. Another difference is that some industry studies used the EPA projections in the August 27 proposal or other unrealistic projections of future unleaded gasoline usage. As indicated above, EPA's estimates of the unleaded gasoline market in 1983-1990 are now lower than those in the proposal.

A series of memoranda in the docket discusses the methodology in detail and provides greater information on the costs of compliance, including annual breakdowns.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 603(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis, unless the head of the agency certifies that a rule will not have a significant

economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b). EPA prepared an initial regulatory flexibility analysis for the regulations proposed in the August 27, 1982, notice, and this initial analysis was placed in the rulemaking docket at that time.

Under 5 U.S.C. 604(a), whenever an agency promulgates a final rule after being required to publish a general notice of proposed rulemaking, it is required to prepare a final regulatory flexibility analysis, which must include: (1) A statement of the need for the final rule and its objectives; (2) a summary of the issues raised in public comments on the initial analysis, a summary of the agency's assessment of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and (3) a description of each of the significant alternatives to the rule considered by the agency and the reasons for rejection of such alternatives. EPA has prepared a final regulatory flexibility analysis for this rule, which has been placed in rulemaking docket A-81-36. Copies of this analysis can also be obtained by writing to Richard G. Kozlowski at the address listed in the "For Further Information" section, above.

National Academy of Sciences Recommendations

Section 307(d)(3) of the Clean Air Act, 42 U.S.C. 7607(d)(3), requires that rulemaking proceedings under § 211 of the Act, 42 U.S.C. 7545, take into account any pertinent findings, comments, and recommendations by the National Academy of Sciences. Pertinent findings by the NAS are contained in the 1980 report, "Lead in the Human Environment," prepared by the Committee on Lead in the Environment of the National Academy of Sciences. The major recommendations in this report pertinent to regulatory controls are the following:

(1) "Efforts to control exposure to lead should proceed with full acknowledgement of the necessary imprecision of estimates of the costs, risks, and benefits."

(2) "Control strategies should be based on coordinated, integrated measures to reduce exposure from all significant sources."

(3) "Improved institutional mechanisms should be developed to permit a more systematic, consistent approach to the management of lead hazards."

(4) "Expanded and more concerted efforts should be made to identify children at risk and remove sources of lead from their environments. A serious

effort should also be made to reduce the 'background' level of exposure of the general population to lead. The most important elements in control strategies include population screening, lead paint removal, reduction of lead emissions from gasoline combustion, and reduction of lead levels in foods."

The Agency has taken these recommendations into account in the development of this regulatory action, which it believes will provide for accelerated implementation of these recommendations to the extent that they can be met through the lead phasedown program.

Additional Information

Executive Order 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the Order as those likely to result in:

- (1) An annual adverse effect on the economy of \$100 million or more;
- (2) A major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Office of Management and Budget (OMB) has determined that the analyses already prepared by EPA and in the record are sufficient to meet the requirements of the Executive Order for regulatory impact analyses. A letter from OMB to that effect has been placed in the docket of this rulemaking.

This action was submitted to OMB for review under Executive Order 12291. Any comments from OMB and any EPA responses are available for public inspection at the Central Docket Section, U.S. Environmental Protection Agency, West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460 (Docket A-81-36).

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, the information collection provisions in this rule will be submitted to the Office of Management and Budget (OMB). These requirements are not effective until approved by that office. A notice of that approval will be published in the **Federal Register**.

The final actions described in this notice are made under the authority of sections 211 and 301 of the Clean Air Act and are nationally applicable. Under section 307(b)(1) of the Clean Air Act, judicial review may be sought only in the United States Court of Appeals for the District of Columbia Circuit.

Petitions for judicial review must be filed on or before December 28, 1982.

EPA finds that there is "good cause" under the Administrative Procedure Act, 5 U.S.C. 553(d), to make this rule effective on November 1, 1982 (with the exception of those information collection provisions subject to OMB approval). "Good cause" exists because, under a later effective date, all small refineries (as previously defined) would become subject to a 0.50 gpg pooled standard on November 1. Such a standard would be in effect for only a short period of time, after which some refineries in this group would be subject to a 1.10 gpg leaded standard and others to a 1.90 gpg leaded standard. A later effective date would therefore result in each small refinery being subject to three different standards (including the standard effective through October 31) in a very brief time period, creating an unreasonable burden on these entities and resulting in administrative and enforcement confusion for both regulated parties and the Agency. "Good cause" also exists because, for those refineries that will meet the new small refinery definition, this rule "relieves a restriction" and grants a temporary benefit within the meaning of 5 U.S.C. 553(d). Such a benefit will also result for most previously small refineries subject to a 1.10 gpg leaded standard under these regulations, since this standard will be less restrictive than a 0.50 gpg pooled standard.

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Penalties.

(Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7545 and 7601(a))

Dated: October 27, 1982.

Anne M. Gorsuch,
Administrator.

PART 80—[AMENDED]

For the reasons set forth in the preamble, Part 80 of Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 80.2(q) was added to Part 80 at 44 FR 46277 (August 7, 1979), to expire on October 1, 1982. On August 27, 1982, at 47 FR 38094, this expiration date was extended to November 1, 1982. Section 80.2(q) is hereby continued in effect indefinitely.

2. Section 80.2 is amended by revising paragraphs (p) and (r), and by adding new paragraph (s) to read as follows:

§ 80.2 Definition.

* * * * *

(p) "Small refinery" means a refinery:

(1) The gasoline producing capacity of which was either:

(i) In operation at any time during the one-year period immediately preceding October 1, 1976, as evidenced by submittal to EPA prior to January 1, 1977, of a report for any compliance period during such period, pursuant to § 80.20(a)(3); or

(ii) In operation at any time prior to October 1, 1979 (as evidenced by submittal to EPA by January 1, 1980, of a report for any compliance period ending prior to that date, pursuant to § 80.20(a)(3)) and under construction at any time during the one-year period immediately preceding October 1, 1976;

(2) Which has an average daily production of 10,000 barrels of gasoline or less during each compliance period since July 1, 1981;

(3) Which is not owned or controlled by any refiner that has a total combined average daily production of greater than 70,000 barrels of gasoline during any compliance period since July 1, 1981, and was not owned or controlled by a refiner with such production during any period of ownership or control since July 1, 1981; and

(4) Which has produced gasoline during the period July 1, 1981, to June 30, 1982, as evidenced by submittal to EPA prior to August 27, 1982, of a report for any two compliance periods during this period, pursuant to § 80.20(b)(2).

(r) "Importer" means a person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

(s) "Gasoline blending stock or component" means any liquid compound which is blended with other liquid compounds or with lead additives to produce gasoline.

3. Section 80.4 is revised to read as follows:

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative, upon presentation of appropriate credentials, shall have a right to enter upon or through any refinery (including any small refinery), retail outlet, wholesale purchaser-consumer facility, the premises or property of any distributor, or any place where gasoline is stored, and shall have the right to make inspections, take samples and conduct tests to determine compliance with the requirements of this Part.

4. Section 80.7 is amended by revising paragraph (c) to read as follows:

§ 80.7 Requests for information.

(c) Any refiner, distributor, wholesale purchaser-consumer, retailer, or importer shall provide such other information as the Administrator or his authorized representative may reasonably require to enable him to determine whether such refiner, distributor, wholesale purchaser-consumer, retailer, or importer has acted or is acting in compliance with section 211(c) of the Act and the regulations thereunder and shall, upon the request of the Administrator or his authorized representative, produce and allow reproduction of any relevant records at all reasonable times. Such information may include but is not limited to records of unleaded gasoline inventory at a wholesale purchaser-consumer facility or a retail outlet, unleaded pump meter readings at a wholesale purchaser-consumer facility or a retail outlet, and receipts providing the date of acquisition of signs, labels, and nozzles required by § 80.22. No person shall be required to furnish information requested under this paragraph if he can establish that such information is not maintained in the normal course of his business.

5. Section 80.20 is revised to read as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a) General requirements.

(1) In the production of gasoline at a refinery that is not a small refinery (as defined in § 80.2(p)), a refiner shall not:

(i) Produce leaded gasoline whose average lead content during the period November 1, 1982, to March 31, 1983, or any calendar quarter thereafter, exceeds 1.10 grams of lead per gallon of leaded gasoline.

(ii) Produce gasoline whose average lead content during the calendar quarter October 1, 1982, to December 31, 1982, exceeds .50 grams of lead per gallon of gasoline, except that this provision shall not apply if the average lead content of gasoline produced during the month of October 1982 does not exceed .50 grams of lead per gallon of gasoline or if the refinery was subject during the month of October 1982 to a lead content standard different than .50 grams of lead per gallon of gasoline.

(2)(i) Except as provided in paragraph (d)(1) of this section, compliance with the requirements of paragraph (a)(1)(i) of this section shall be determined by dividing the total grams of lead used in the production of leaded gasoline (including the lead in gasoline blending stocks and components used in such production) at a refinery during a

compliance period by the total gallons of leaded gasoline produced at the refinery in the same compliance period).

(ii) Compliance with the requirements of paragraph (a)(1)(ii) shall be determined by dividing the total grams of lead used in the production of gasoline at a refinery during either the month of October 1982 or the calendar quarter October 1, 1982, to December 31, 1982, by the total gallons of gasoline produced at the refinery during the same period.

(3) For the period November 1, 1982, to March 31, 1983, and for each calendar quarter thereafter, each refiner shall submit to the Administrator a report which contains the following information for each refinery:

(i) The total grams of lead in the refinery's inventory (including its lead additive inventory and its inventory of gasoline blending stocks and components) on the first day of the compliance period;

(ii) The total grams of lead (including lead additives and lead in gasoline blending stocks and components) received by the refinery during the compliance period;

(iii) The total grams of lead additives shipped from the refinery during the compliance period;

(iv) The total grams of lead in the refinery's inventory (including its lead additive inventory and its inventory of gasoline blending stocks and components) on the last day of the compliance period;

(v) The total gallons of leaded gasoline produced by the refinery during the compliance period;

(vi) The total gallons of unleaded gasoline produced by the refinery during the compliance period;

(vii) The total grams of lead used in the production of leaded gasoline (including lead additives and the lead in gasoline blending stocks and components used in such production) by the refinery during the compliance period;

(viii) The average lead content of each gallon of leaded gasoline produced by the refinery during the compliance period;

(ix) The total grams of lead used in the production of products other than gasoline by the refinery during the compliance period, by type of product;

(x) The total gallons of products other than gasoline in which lead was used that were produced by the refinery during the compliance period, by type of product; and

(xi) If any of the products listed in paragraph (a)(3)(ix) were sold or otherwise transferred to another

refinery during the compliance period, the total gallons of each product so transferred, the name and address of the refinery to which the transfer was made, and the date of such transfer. Reports shall be submitted within 15 days after the close of the compliance period on forms prescribed by the Administrator.

(4) For either the month of October 1982 or the calendar quarter October 1, 1982, to December 31, 1982 (as appropriate to determine compliance with paragraph (a)(1)(ii)), each refiner shall submit to the Administrator a report which contains the following information for each refinery that is not a small refinery:

(i) The total grams of lead additive in the refinery's inventory on the first day of the period;

(ii) The total grams of lead received during the period;

(iii) The total grams of lead in the refinery's lead additive inventory on the last day of the period;

(iv) The total gallons of gasoline produced by such refinery during the period; and

(v) The average lead content of each gallon of gasoline produced during the period.

Reports shall be submitted by January 15, 1983, on forms prescribed by the Administrator.

(b) Requirements for small refineries.

(1) In the production of gasoline of a small refinery (as defined in § 80.2(p)), a refiner shall not:

(i) Produce leaded gasoline whose lead content during the period November 1, 1982, to March 31, 1983, or the calendar quarter April 1, 1983, to June 30, 1983, exceeds 1.90 grams of lead per gallon for that amount of leaded gasoline produced in such period up to the refinery's historic production level. For purposes of this paragraph, "historic production level" means the average number of gallons of leaded gasoline that the refinery produced each day during the period July 1, 1981, to June 30, 1982, multiplied by the number of days in the compliance period (and then rounded to the nearest thousand barrels). The average lead content of that amount of leaded gasoline produced during each compliance period in excess of the historic production level may not exceed 1.10 grams per gallon.

(ii) Produce leaded gasoline whose lead content during any calendar quarter beginning on or after July 1, 1983, exceeds 1.10 grams of lead per gallon of leaded gasoline.

(2) Except as provided in paragraph (d)(1) of this section, compliance with the requirements of paragraph (b)(1) shall be determined by dividing the total

grams of lead used in the production of leaded gasoline at a small refinery during a compliance period by the total gallons of leaded gasoline produced at the small refinery in the same compliance period.

(3) A refiner shall submit reports for each small refinery as specified in paragraph (a)(3) of this section.

(c) Requirements for imported leaded gasoline.

(1) No importer shall sell or offer for sale leaded gasoline which has been imported into the United States and whose average lead content during the period November 1, 1982, to March 31, 1983, or any calendar quarter thereafter exceeds 1.10 grams of lead per gallon of such gasoline.

(2) Except as provided in paragraph (d) of this section, compliance with the requirements of paragraph (c)(1) shall be determined by calculating:

(i) The lead content of each shipment of imported leaded gasoline sold by the importer during a compliance period, determined by performance by the importer of the test for lead in gasoline set forth in Appendix B of this Part upon a representative sample of gasoline in the shipment;

(ii) The total gallons of leaded gasoline in each such shipment;

(iii) The total grams of lead in each such shipment, determined by multiplying the lead content of the shipment by the total gallons of leaded gasoline in the shipment;

(iv) The total grams of lead in all such shipments sold during the compliance period;

(v) The total gallons of leaded gasoline in all such shipments sold during the compliance period; and

(vi) The average lead content of all imported leaded gasoline sold during the compliance period, determined by dividing the total in paragraph (c)(2)(iv) by the total in paragraph (c)(2)(v).

(3) For the period November 1, 1982, to March 31, 1983, and each calendar quarter thereafter, each importer who sells imported leaded gasoline or imported gasoline blending stocks or components shall submit to the Administrator a report which contains the following information:

(i) The information described in paragraph (c)(2)(i) through (vi) of this section;

(ii) The lead content of each shipment of imported gasoline blending stocks or components sold by the importer during the compliance period, determined by performance by the importer of the test for lead in gasoline set forth in Appendix B of this Part upon a representative sample of gasoline in the shipment;

(iii) The total gallons of gasoline blending stocks or components in each such shipment;

(iv) The total grams of lead in each such shipment, determined by multiplying the lead content of the shipment by the total gallons of gasoline blending stocks or components in the shipment;

(v) For each shipment of imported leaded gasoline or imported gasoline blending stocks or components sold during the reporting period: name and address of importer; name and address of consignee; date of entry; and vessel or carrier number (where applicable).

(vi) For each shipment of imported gasoline blending stocks or components sold during the compliance period, the name and address of the refinery or the other person to which the sale was made, the total gallons of product sold, the total grams of lead in the product sold and the date of such sale. Reports shall be submitted within 15 days after the close of the compliance period on forms prescribed by the Administrator.

(4) Any importer who adds lead to gasoline or gasoline blending stocks or components during a compliance period shall also submit a report pursuant to paragraph (a)(3) or (b)(3) of this section, whichever is appropriate.

(d) Inter-refinery averaging. (1) As an alternative means of demonstrating compliance with the requirements of paragraph (a)(1)(i), paragraph (b)(1), or paragraph (c)(1) of this section, one or more refiners may demonstrate such compliance by constructively allocating lead usage between or among two or more refineries (including small refineries) in any manner agreed upon by the refiner(s), so long as:

(i) The average constructive lead content of leaded gasoline produced in a compliance period by each refinery that is not a small refinery, and by a small refinery after July 1, 1983, does not exceed 1.10 grams of lead per gallon of leaded gasoline produced; and

(ii) The average constructive lead content of leaded gasoline produced in a compliance period by each small refinery prior to July 1, 1983, does not exceed the level(s) specified in paragraph (b)(1)(i) of this section; and

(iii) The total amount of lead usage in a compliance period by all such refineries, as constructively allocated and reported, is equal to the total amount of lead actually used in the compliance period by all such refineries; and

(iv) The actual or constructive lead content of gasoline produced by each refinery does not exceed any applicable

state statutory or regulatory standards; and

(v) Prior to July 1, 1983, lead usage may not be constructively allocated from a refinery that is not a small refinery to a small refinery.

(2) Any refinery who demonstrates compliance with the requirements of this section pursuant to paragraph (d)(1) shall submit to the Administrator, as an additional part of the report required by paragraph (a)(3), paragraph (b)(3), or paragraph (c)(3) of this section, the following information:

(i) The total grams of lead actually used by the reporting refinery during the compliance period and constructively allocated to another refinery, and the name and address of such other refinery (for each such constructive allocation);

(ii) The total grams of lead actually used by another refinery during the

compliance period and constructively allocated to the reporting refinery, and the name and address of such other refinery (for each such constructive allocation);

(iii) The total grams of lead constructively used in the production of leaded gasoline by the reporting refinery during the compliance period, as determined by performing the following calculations upon the total grams of lead actually used by the reporting refinery during the compliance period: (A) subtracting the total grams of lead indicated in paragraph (d)(2)(i), and (B) adding the total grams of lead indicated in paragraph (d)(2)(ii); and

(iv) The constructive average lead content of each gallon of leaded gasoline produced by the reporting refinery during the compliance period, as determined by dividing the total

grams of lead indicated in paragraph (d)(2)(iii) by the total gallons of leaded gasoline produced by the reporting refinery during the compliance period. When compliance is demonstrated pursuant to paragraph (d)(1) by more than one refiner, each such report shall also include supporting documentation adequate to show the agreement of all such refiners to the constructive allocation of lead usage stated in the report.

(3) For purposes of paragraphs (d)(1) and (d)(2), the total amount of imported leaded gasoline sold during a compliance period by each importer shall be treated as the output of a single refinery, and each importer shall be treated as a refiner.

[FR Doc. 82-29924 Filed 10-27-82; 3:03 pm]

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