

# federal register

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Friday  
July 1, 1983

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## Selected Subjects

**Administrative Practice and Procedure**  
Labor Department

**Air Pollution Control**  
Environmental Protection Agency

**Alliens**  
Immigration and Naturalization Service

**Animal Drugs**  
Food and Drug Administration

**Animal Feeds**  
Food and Drug Administration

**Charter Flights**  
Civil Aeronautics Board

**Color Additives**  
Food and Drug Administration

**Fisheries**  
National Oceanic and Atmospheric Administration

**Flood Insurance**  
Federal Emergency Management Agency

**Food Additives**  
Food and Drug Administration

**Government Employees**  
Personnel Management Office

**Government Procurement**  
Agency for International Development  
Energy Department

**Grant Programs—Labor**  
Employment and Training Administration

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

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Personnel Management Office

### Marketing Agreements

Agricultural Marketing Service

### Milk Marketing Orders

Agricultural Marketing Service

### National Banks

Comptroller of Currency

### Organization and Functions (Government Agencies)

Federal Emergency Management Agency

### Postal Service

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### Quarantine

Animal and Plant Health Inspection Service

### Surplus Government Property

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### Trade Practices

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## 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 reflect the transfer of certain responsibilities for the Department's information collection budget and reports clearance control.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert V. Head, Deputy Director, Office of Information Resources Management, U.S. Department of Agriculture, Washington, D.C., (202) 475-4148.

**SUPPLEMENTARY INFORMATION:** The Secretary has consolidated the responsibilities under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, under the Assistant Secretary for Administration who serves as the senior official for information resources management for the Department. This document transfers to this senior official and the Director of the Office of Information Resources Management the reports control and information collection responsibilities under the Act.

This rule relates to internal agency management. Therefore, pursuant to statutory provisions codified at 5 U.S.C. 553, it is found upon good cause that notice and other public procedure 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 12291. Finally, this action is not a rule as defined by 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 2.25 is amended by adding a new paragraph (f)(16) to read as follows:

#### § 2.25 Delegations of authority to the Assistant Secretary for Administration.

\* \* \* \* \*

(f) \* \* \*

(16) Review, clear, and coordinate all statistical forms, survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

\* \* \* \* \*

3. Section 2.27 is amended by revising paragraph (a)(8) to read as follows:

#### § 2.27 Delegations of authority to the Assistant Secretary for Economics.

\* \* \* \* \*

(a) \* \* \*

(8) Improve statistics in the Department; maintain liaison with OMB and other Federal agencies for

coordination of statistical methods and techniques.

\* \* \* \* \*

#### Subpart J—Delegations of Authority by the Assistant Secretary for Administration

4. Section 2.81 is amended by adding a new paragraph (a)(19) to read as follows:

#### § 2.81 Director, Office of Information Resources Management.

(a) *Delegations.* \* \* \*

(19) Review, clear, and coordinate all statistical forms, survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

#### Subpart K—Delegations of Authority by the Assistant Secretary for Economics

5. Section 2.85 is amended by revising paragraph (a)(3) to read as follows:

#### § 2.85 Administrator, Statistical Reporting Service.

(a) *Delegations.* \* \* \*

(3) Improve statistics in the Department; maintain liaison with OMB and other Federal agencies for coordination of statistical methods and techniques.

\* \* \* \* \*

For Subpart C:

John R. Block,  
Secretary of Agriculture.

Dated: June 28, 1983.

For Subpart J:

John J. Franke, Jr.,  
Assistant Secretary for Administration.

Dated: June 28, 1983.

For Subpart K:

William G. Leshner,  
Assistant Secretary for Economics.

Dated: June 28, 1983.

[FR Doc. 83-17833 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-01-M

**Agricultural Marketing Service****7 CFR Part 1046**

[Milk Order No. 46; Docket No. AO-123-A50]

**Milk in the Louisville-Lexington-Evansville Marketing Area; Order Amending Order****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

**SUMMARY:** This action replaces the order's seasonal production incentive program known as the "Louisville plan" with a seasonal base-excess plan for distributing to producers their returns from the sale of milk. The change was proposed by Dairymen, Inc. (DI), a cooperative that represents a large portion of the dairy farmers that supply milk for the market. This action is needed to reflect current marketing conditions and to insure orderly marketing.

Under the provisions of the base-excess plan adopted herein, each producer will establish a new "base" annually. It will be determined from the dairy farmer's milk deliveries during the base-forming months of September-December. During the following months of March through June, minimum payments to such producer will be based on the amounts of base and excess milk marketed by the dairy farmer. In the other months (July through February), producers will be paid not less than the marketwide uniform price for all of their milk deliveries. This new producer payment plan will encourage level milk production throughout the year.

More than two-thirds of the producers who voted in a referendum approved the issuance of the amended order.

**EFFECTIVE DATE:** August 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-4829).

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:  
Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3992).

Recommended Decision: Issued April 22, 1983; published April 27, 1983 (48 FR 19030).

Suspension Order: Issued April 22, 1983; published April 27, 1983 (48 FR 19017).

Final Decision: Issued May 31, 1983; published June 3, 1983 (48 FR 24905).

**Findings and Determinations**

The findings and determinations hereinafter set forth supplement those that were made when the Louisville-Lexington-Evansville order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical

means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

**List of Subjects in 7 CFR Part 1046**

Milk marketing orders, Milk, Dairy products.

**Order Relative to Handling**

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

**PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA**

1. A new paragraph (d) is added to § 1046.32 to read as follows:

**§ 1046.32 Other reports.**

(d) Each handler described in § 1046.9 (a), (b) and (c) shall report to the market administrator on or before the 8th day after the end of each month of March through June the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base milk received from each producer during the month.

2. Section 1046.61 is revised to read as follows:

**§ 1046.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).**

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1046.60 for all handlers who filed the reports prescribed in § 1046.30 for the month and who made the payments pursuant to § 1046.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund.

(3) Add an amount equal to the total value of the minus location adjustments and subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1046.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and  
(ii) The total hundredweight for which a value is computed pursuant to § 1046.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of

base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

#### § 1046.62 [Amended]

3. In paragraph (b) of § 1046.62, the words "uniform price" are changed to "applicable uniform price(s) pursuant to § 1046.61".

#### § 1046.71 [Amended]

4. In paragraph (a)(2)(i) of § 1046.71, the words "uniform price" are changed to "applicable uniform price(s)".

5. In § 1046.73, paragraphs (a), (b), (d) and (e) are revised to read as follows:

#### § 1046.73 Payments to producers and to cooperative associations.

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher. If the producer had no established base upon which to receive payments during the base-paying months of March through June, the applicable rate for making payments to such producer pursuant to this paragraph shall be the Class III price for the preceding month.

(b) On or before the 17th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1046.74 and 1046.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month subject to the following adjustments:

(1) Plus or minus adjustments for errors made in previous payments to such producer;

(2) Minus payments made to such producer pursuant to paragraph (a) of this section;

(3) Minus deductions for marketing services made pursuant to § 1046.86; and

(4) Minus proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association.

(d) In making the payments to producers pursuant to paragraph (b) of

this section, each handler shall furnish each producer a supporting statement which shall show the following:

(1) The month and identity of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) For the months of March through June the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required under the order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount or rate per hundredweight and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler; and

(3) On or before the 7th day after the end of each month of March through June, the total pounds of base milk received.

#### § 1046.74 [Amended]

6. In § 1046.74, the words "uniform price" are changed to "uniform price(s)".

#### § 1046.75 [Amended]

7. In paragraph (a) of § 1046.75, the words "uniform price for producer milk" are changed to "uniform price and the uniform price for base milk".

8. A new centerheading and five new sections (§§ 1046.90, 1046.91, 1046.92, 1046.93 and 1046.94) are added after § 1046.86 to read as follows:

#### Base-Excess Plan

##### § 1046.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

**§ 1046.91 Excess milk.**

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

**§ 1046.92 Computation of base for each producer.**

(a) Subject to § 1046.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

**§ 1046.93 Base rules.**

(a) Except as provided in § 1046.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective. An application for a base transfer shall be on a form approved by the market administrator and signed by the baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, the application must be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additional base that would be applicable during March through June of the same year. A producer who received base by transfer on or after February 1 may not transfer a portion of the base to be applicable during March through June of the same year, but may transfer the entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed

by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which such combination of bases is to be effective.

(e) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased up to 90 percent of such producer's average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (e) (1), (2), or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on such producer's farm was substantially reduced because of conditions beyond the producer's control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the producer from supplying milk from the farm to a plant.

**§ 1046.94 Announcement of established bases.**

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from such producer of the base established by the producer. In lieu of notifying each individual producer-member of a cooperative association, the market administrator shall notify the cooperative association of each member's base if requested to do so by the cooperative association.

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

Effective date: August 1, 1983.

Signed at Washington, D.C., on: June 28, 1983.

**John Ford,**

*Deputy Assistant Secretary, Marketing and Inspection Services.*

[FR Doc. 83-17831 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-02-M

**Farmers Home Administration****7 CFR Part 1867****Sale of Abstracts of Title**

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding the sale of abstracts of title. This regulation is being removed since the portions of it that affect the public are contained elsewhere in the CFR. The intended effect of this action is to remove an unneeded regulation from the CFR.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Patrick McKenney, Acting Chief, Property and Procurement Branch, Directives and Administrative Services Division, Farmers Home Administration, USDA, South Agriculture Building, Washington, DC 20250. Telephone (202) 382-8206.

**SUPPLEMENTARY INFORMATION:** This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal Agency management. Since the information affecting the public is provided in the regulations issued by General Services Administration (GSA) and contained in 41 CFR Part 101-45, publication of this regulation is not necessary. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the change involves Agency management, and publication for comment is unnecessary.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal action.

significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

This action does not affect any programs listed in the current Catalog of Federal Domestic Assistance (CFDA).

#### List of Subjects in 7 CFR Part 1887

Government property, Surplus government property.

#### PART 1887—[RESERVED]

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended by removing and reserving Part 1887.

(5 U.S.C. 301. Interpret or apply Sec. 203, 63 Stat. 382, as amended (40 U.S.C. 484))

Dated: June 23, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

(FR Doc. 83-17632 Filed 6-30-83; 8:45 am)

BILLING CODE 3410-07-M

#### Agricultural Marketing Service

##### 7 CFR Part 910

[Lemon Reg. 418, Lemon Reg. 417, 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 July 3-9, 1983, and increases the quantity of lemons that may be shipped during the period June 26-July 2, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

**DATES:** The regulation becomes effective July 3, 1983, and the amendment is effective for the period June 26-July 2, 1983.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, 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. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified 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 Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is 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 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on June 28, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues strong.

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 time.

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

Marketing agreements and orders, California, Arizona, Lemons.

#### PART 910—[AMENDED]

1. Section 910.718 is added as follows:

#### § 910.718 Lemon regulation 418.

The quantity of lemons grown in California and Arizona which may be handled during the period July 3, 1983, through July 9, 1983, is established at 350,000 cartons.

2. Section 910.717 Lemon Regulation 417 (48 FR 28969) is revised to read as follows:

#### § 910.717 Lemon regulation 417.

The quantity of lemons grown in California and Arizona which may be handled during the period June 26, 1983, through July 2, 1983, is established at 400,000 cartons.

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

Dated: June 30, 1983.

D. S. Kuryloski,

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

(FR Doc. 83-18058 Filed 6-30-83; 12:22 pm)

BILLING CODE 3410-02-M

#### DEPARTMENT OF JUSTICE

#### Immigration and Naturalization Service

#### 8 CFR Parts 204, 214, 231 and 235

#### Miscellaneous Technical Amendments

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule makes various technical and editorial amendments to 8 CFR without changing the substance of the affected provisions.

**EFFECTIVE DATE:** July 5, 1983.

**FOR FURTHER INFORMATION CONTACT:** Stanley J. Kiesziel, Attorney-Advisor, Immigration and Naturalization Service, 425 I St. NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** In paragraph 8 CFR 204.1(c)(3)(i), the spelling of "petitioner" is corrected to read "petitioner". The numbering of paragraph 8 CFR 204.1(c)(5) is corrected to read "(6) Classification of Pub. L. 97-359 Amerasian."

In § 214.1, paragraphs (b) (1) and (3) are amended by adding the article "a" in clause (iii) of both paragraphs.

In § 214.2, editorial corrections are made to paragraphs (f)(7)(iv) and (m)(11)(iii) as follows:

In the first sentence of paragraph (f)(7)(iv), the words "upon completion of an" are removed and the words "to pursue another" are substituted in their place. This language conflicted with the provisions of paragraph (f)(7)(i) by

unintentionally requiring students to first complete their current programs before being eligible for transfers. F-1 students may transfer schools either upon completion of their programs or to pursue other educational programs without having completed their admitting programs.

In paragraph (m)(11)(iii), the superfluous preposition "of" is removed.

In § 214.3, the sixth sentence of paragraph (b) is corrected by revising the phrase "of one is issued" to read "if one is issued."

In § 214.3, paragraph (g) is amended by removing the words "Visa type" under (ix) and substituting the words, "Nonimmigrant classification."

In § 231.1, the seventh sentence of paragraph (a) is corrected by revising the phrase "port or entry" to read "port of entry."

In § 235.8(a), the first sentence in the paragraph was repeated. This rule removes the repetitive sentence and improves readability.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendments in this order are merely technical in nature.

This order is not a rule within the meaning of 5 U.S.C. 601(2) since it is merely a technical amendment and the Regulatory Flexibility Act does not apply.

This rule is not a rule within the meaning of Section 1(b) of E.O. 12291.

#### List of Subjects

##### 8 CFR Part 204

Aliens.

##### 8 CFR Part 214

Administrative practice and procedure, Students.

##### 8 CFR Part 231

Aliens, Canada, Virgin Islands.

##### 8 CFR Part 235

Aliens, Inspections.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

#### PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

##### § 204.1 [Corrected]

§ 204.1 is amended as follows:

1. Paragraph (c)(3)(i) is amended to correct the word "petitioner" to read "petitioner" in the last sentence of the paragraph.

2. Paragraph (c) "(5)" *Classification of Pub. L. 97-359 Amerasian* is amended to

read "(6)" *Classification of Pub. L. 97-359 Amerasian*.

#### PART 214—NONIMMIGRANT CLASSES

##### § 214.1 [Amended]

3. In § 214.1, paragraphs (b) (1) and (3) are amended by revising clause (iii) of both paragraphs to read as follows:

##### § 214.1 Requirements for admission, extension, and maintenance of status.

(b) \* \* \*

(1) \* \* \*

(iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

(2) \* \* \*

(3) \* \* \*

(iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

##### § 214.2 [Corrected]

4. In § 214.2, the first sentence in paragraphs (f)(7)(iv) and (m)(11)(iii) are revised to read as follows:

##### § 214.2 Special requirements for admission, extension, and maintenance of status.

(f) \* \* \*

(7) \* \* \*

(iv) *School transfer in conjunction with an application for extension of stay.* If an F-1 student wishes to transfer to another school to pursue another educational program, the student's application for an extension of stay and school transfer must be accompanied by Form I-20A-B properly and completely filled out by the student and by the designated official of the school the student wishes to attend.

(m) \* \* \*

(11) \* \* \*

(iii) *Student who has not been pursuing a full course of study.* If an M-1 student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status under paragraph (m)(16) of this section.

##### § 214.3 [Amended]

5. In § 214.3, the sixth sentence of paragraph (b) is amended by revising the phrase, "of one issued," to read "if one is issued."

6. In § 214.3, the first sentence of paragraph (c) is amended by removing the second word "been" in the first clause.

7. In § 214.3, paragraph (g) is amended by revising clause (ix) to read as follows:

##### § 214.3 Petitions for approval of schools.

(g) \* \* \*

(ix) Nonimmigrant classification.

#### PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

9. In § 231.1, paragraph (a) is revised to read as follows:

##### § 231.1 Arrival manifest for passengers.

(a) *Requirement for manifest.* The master, captain, or agent of every vessel or aircraft arriving in the United States from a foreign place or outlying possession of the United States shall present an arrival manifest to the immigration officer at the port of entry. The manifest must be in the form of a separate Arrival/Departure Record, Form I-94, prepared on board for each passenger except: United States citizens, lawful permanent resident aliens of the United States, and immigrants to the United States. In addition, a properly completed Aircraft/Vessel Report, Form I-92, must be submitted for each arriving aircraft vessel which is transporting passengers. Manifests are not required by vessels or aircraft arriving directly from Canada on a trip originating in that country or arriving in the Virgin Islands of the United States directly from a trip originating in the British Virgin Islands.

#### PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

8. In § 235.8, paragraph (a) is revised to read as follows:

##### § 235.8 Temporary exclusion.

(a) *Report.* Any immigration officer who temporarily excludes any alien under section 235(c) of the Act shall report the action promptly to the district director who has administrative jurisdiction over the port at which the alien arrived. The immigration officer shall, if possible, take a brief sworn question-and-answer statement from the alien, and the alien shall be notified by personal service of Form I-147 of the action taken and the right to make written representations. If the subject of the report is an alien who seeks to enter the United States other than under

section 101(a)(15)(D) of the Act, the district director shall forward the report to the regional commissioner for further action as provided in paragraph (b) of this section.

(Secs. 103, 204, 214, 231 and 235 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1154, 1184, 1221 and 1225)

Dated: June 27, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner for Examinations,  
Immigration and Naturalization Service.

[FR Doc. 83-17826 Filed 6-30-83; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 78

[Docket No. 83-080]

#### Quarantined Areas

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

**ACTION:** Withdrawal of a rule.

**SUMMARY:** This document withdraws a rule which would have provided that the entire State of Texas be quarantined effective June 1, 1983, because of brucellosis. The quarantine never became effective because of a court order restraining the enforcement of the rule. Another rulemaking document was published on June 17, 1983, suspending the effective date of the rule quarantining Texas and requesting comments concerning the establishment of such quarantine. As a result of legislative action by Texas, it has been determined that it is no longer necessary to consider the establishment of a quarantine of Texas because of brucellosis.

**EFFECTIVE DATE:** June 29, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Billy C. Johnson, VS, APHIS, USDA, Room 848, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8144.

**SUPPLEMENTARY INFORMATION:** This document amends the brucellosis regulations in 9 CFR Part 78 (referred to below as the regulations) by withdrawing a rule which was intended to quarantine the entire State of Texas because of brucellosis. This rule never became effective because of a court order.

The regulations are designed to regulate the interstate movement of certain animals in order to prevent the

dissemination of brucellosis, a contagious disease of cattle, other bovine, and swine. Among other things, these regulations impose restrictions on the interstate movement of cattle from quarantined areas. Section 78.22 provides for the listing of those areas within the United States which are quarantined because of brucellosis.

The regulations in Part 78 form the basis of the national program to eradicate brucellosis. This program is administered by means of individual cooperative agreements between the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture and the individual States.

Brucellosis occurs in Texas, and Texas cooperates with APHIS in the program. Texas had promulgated certain rules and regulations designed, among other things, to prevent the interstate spread of brucellosis from Texas. However, Texas Animal Health Commission brucellosis regulations concerning cattle were not being enforced against all people in the State, since State Courts in Texas had held that these regulations were unenforceable (*R.J. Nunley v. Texas Animal Health Commission*, Cause No. 12506, Dist. Ct., Uvalde County, TX, 1979; and *Pan American Livestock Exposition, et al. v. Texas Animal Health Commission and R.J. Nunley*, Cause No. 314,470, Dist. Ct., Travis County, TX, 1982). Accordingly, it appeared that a Federal quarantine of Texas was necessary in order to prevent the interstate spread of brucellosis.

An interim rule to amend the brucellosis regulations was published in the *Federal Register* on May 26, 1983 (48 FR 23624-23625), and provided that the entire State of Texas was to be quarantined effective June 1, 1983, because of brucellosis. This interim rule was published on an emergency basis without an opportunity for public comment prior to the scheduled effective date of the quarantine. On May 31, 1983, the Federal District Court for the Western District of Texas, Austin Division, issued an order restraining the enforcement of the interim rule. At a hearing on May 31, 1983, the Court held that there were insufficient grounds for establishing the quarantine on an emergency basis, ruling that notice and the opportunity for public comment prior to establishing the quarantine were necessary. A document was published in the *Federal Register* on June 17, 1983 (48 FR 28067), suspending the effective date of the interim rule, giving notice that Veterinary Services was considering the establishment of a quarantine of Texas because of

brucellosis, and requesting comments on this issue.

However, on June 27, 1983, legislation became effective in Texas which authorizes the establishment of brucellosis regulations which would be enforceable against all people in the State and would be adequate for preventing the interstate spread of brucellosis. Further, Veterinary Services has been advised by Texas officials that action is being taken to establish such regulations. Under these circumstances it has been determined that there is no longer a need to consider the establishment of a quarantine of Texas because of brucellosis.

#### List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

#### PART 78—BRUCELLOSIS

Accordingly, 9 CFR 78.22 is amended by replacing the phrase "The entire State of Texas" which appears after the introductory paragraph, with the word "None."

**Authority:** Secs. 4-6, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-3, 33 Stat. 1264-1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114a-1, 115, 120, 121, 123-125, 134b, 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 29th day of June, 1983.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 83-17860 Filed 6-29-83; 1:10 pm]

BILLING CODE 3410-34-M

## FEDERAL ELECTION COMMISSION

### 11 CFR Parts 100, 110, and 9003

[Notice 1983-17]

#### Candidate's Use of Property in Which Spouse has an Interest

**AGENCY:** Federal Election Commission.

**ACTION:** Final rule: Announcement of effective date.

**SUMMARY:** On April 27, 1983, (48 FR 19019), the Commission published the text of revisions to its regulations at 11 CFR Parts 100, 110 and 9003 governing the application of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431 *et seq.*), to a federal candidate's use of property in which his or her spouse has an interest. The Commission announces that these regulations are effective as of July 1, 1983.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW, Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** 2 U.S.C. 438(d) and 26 U.S.C. 9009(c) require that any rule or regulations prescribed by the Commission to implement Title 2 and Title 26, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulations within 30 days after its transmittal, the Commission may finally prescribe the regulations in question. The regulations made effective by this notice were transmitted to Congress on April 22, 1983. Thirty legislative days expired in the Senate and in the House as of June 21, 1983.

#### Announcement of Effective Date

11 CFR Parts 100, 110 and 9003, as published at 48 FR 19019-19021, are effective as of July 1, 1983.

Dated: June 28, 1983.

Danny L. McDonald,  
Chairman, Federal Election Commission.

[FR Doc. 83-17829 Filed 6-30-83; 8:45 am]

BILLING CODE 6715-01-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 320

[Docket No. 41303]

#### Procedures for Awarding Japanese Charter Authorizations

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Final rule.

**SUMMARY:** The CAB is adopting an amendment to its rules governing the allocation of charter flights to Japan. These rules previously penalized an excessive transfer of "grandfather" authorizations and non-use of any authorizations in a given year by taking back a number of authorized flights in future years. The amendment allows carriers to return unneeded authorizations for the allotment year beginning October 1, 1982, for Board redistribution. Authorizations so returned will not subject the returning carriers to transfer or non-use penalties. The amendment is intended to facilitate the maximum use of these limited charter authorizations.

**DATES:** Effective: July 1, 1983.

Adopted: June 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** George Wellington, Bureau of

International Aviation, 202-673-5878; or Joseph Brooks, Office of the General Counsel, 202-673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

**SUPPLEMENTARY INFORMATION:** In Notice of Proposed Rulemaking PDR-83 (48 FR 14636, April 5, 1983) we proposed to amend the transfer and penalty provisions of Part 320, which provides for the allocation among U.S. carriers of authorizations to operate charters in the United States-Japan market. The NPRM was issued in response to a Petition for Rulemaking filed by The Flying Tiger Line Inc.

The rule, as presently structured, allocates among U.S. carriers 300 yearly one-way charter flights to which the United States is entitled under the terms of an interim aviation agreement with Japan (this agreement was first set forth in a June 4, 1982 Record of Consultations and made effective in a September 7, 1982 Memorandum of Understanding). The rule allocates a portion of these flights to carriers with a history of operations in the market (grandfather allocations) and the remainder through a lottery. These authorizations were formally allocated by Order 82-10-46.

To assure that the authorizations are used efficiently and not wasted, the rule allows for the intercarrier transfer of authorizations; but it imposes a penalty on excessive transfers of grandfather authorizations, requiring carriers that transfer more than ten percent of their grandfather authorizations in any year to forfeit one flight in each future year for each flight transferred above the ten percent threshold. The rule also places a penalty on the non-use of any authorization—requiring a forfeiture of two flights in each future year for every flight not used.

The transfer and penalty provisions of the rule were included because of our anticipation that there would be considerable demand for Japan charters, as evidenced both by the historic levels of charter operations by U.S. carriers in the U.S.-Japan market and by the great interest expressed by U.S. carriers in the market and in the proposed rule.

In PDR-83 we proposed to modify the transfer and penalty provisions of Part 320 in view of the fact that actual demand for Japan charter authorizations, in this first year of the interim agreement, seems to be far less than we anticipated. We feared that the transfer and penalty provisions of Part 320 might in this circumstance deter carriers from using the authorizations most effectively. Thus, in order to facilitate the use of authorizations, we proposed to (1) permit carriers holding

authorizations to return, for this allocation year, unwanted authorizations to us for reallocation, without penalty, and (2) allow redistribution of these returned authorizations through a lottery or, if demand for the returned authorizations was less than the number returned, to allocate authorizations to carriers bidding for this secondary lottery (in the amount of their bids) and distribute the remaining authorizations on a first-come-first-served basis. We proposed to make this "free return" provision available for both grandfather authorizations and any lottery authorizations which carriers found they could not use or transfer themselves.

We noted that our proposal would not guarantee that all authorizations would necessarily be used, but tentatively found that carriers would be more likely to accept and use authorizations if they received them free through a government reallocation system than if they had to search for and purchase or trade for them among their competitors. We stated our belief that our proposed modified transfer and penalty provisions would give carriers increased flexibility in their efforts to use these authorizations in an effective manner under any conditions of demand for the charters.

We also stated that the apparent need for a change in Part 320, so soon after its adoption, demonstrated a need for us to reexamine the rule as a whole. We, therefore, proposed to modify Part 320 to call for a review of the rule *no later than* 18 months from the date of its adoption (the rule presently calls for such a review to take place 18 months after adoption). We stated our intent to commence this review in the near future.

#### Comments

Comments to the NPRM have been filed by Airlift International, Arrow Airways and Capitol Air, The Flying Tiger Line, Northeastern International Airlines, Transamerica Airlines, the Department of Transportation, and the Office of Management and Budget.

Among the commenting carriers, FTL, Northeastern International, and Transamerica supported adoption of a reallocation provision, in view of what they perceived to be low demand for Japan charters. While FTL favored the redistribution method we proposed, Northeastern International and Transamerica preferred redistribution on a first-come-first-served basis. Northeastern International also stated that it believed inter-carrier transfers of authorizations should be prohibited, except in cases of emergency, and that

any further redistribution (after the reallocation proposed in the NPRM) be accomplished by an additional Board reallocation process. Transamerica also stated that the prohibition by the Japanese authorities of the commingling of U.S.-and Japan-originating charter traffic on the same aircraft prevents the operation of back-to-back charter programs and results in the operation of occasional *ad hoc* charters with inefficient ferry legs. Transamerica states that while it recognizes that the negotiation, rather than the rulemaking, process is the proper forum to address this concern, the changes proposed in the NPRM would help relieve the regulatory hardship resulting from the Japanese anti-commingling policy.

Airlift stated that there is insufficient evidence that a change to Part 320 is necessary, and that the transfer penalty applied to grandfather carriers is a "reasonable burden" in view of their preferred treatment under the rule. Airlift stated that, in any event, action is not warranted at this time, in light of the petition for review of the rule now pending in the Court of Appeals for the District of Columbia Circuit (*Arrow Airways, Inc., Capitol Air, Inc. and Airlift International, Inc. v. Civil Aeronautics Board*, D.C. Cir., case nos. 82-2188, 82-2392).

In response to our request in PDR-83 that carriers advise us of the number of authorizations they estimate they would return under such a rule change, Arrow/Capitol and Northeastern International state that they would return their entire allocations (a total of 20 flights), and Transamerica stated that it would return all its remaining authorizations (48 flights). FTL, the other commenting carrier holding Japan charter authorizations, did not provide information on the number of charters it intends to return.

DOT basically supported our proposal, but favored redistribution of the authorizations on a first-come-first-served basis if at all possible. DOT expressed concern that the lottery method of redistribution might deter interest in Japan charters, since carriers would need to speculate on their need for authorizations and incur the risk of penalty if they received flights and were subsequently unable to use them.

OMB stated that the transfer and non-use penalties were unnecessary in the original rule and that these provisions hinder the incentive for carriers to dispose of authorizations in an efficient manner. OMB recommended that we eliminate these penalties, or, at a minimum, that we eliminate the penalty for non-use of authorizations. OMB stated that the non-use penalty is

pointless if demand is so low that the authorizations cannot be used by any carrier, and that, if demand is high, the value of the authorizations will prove to be sufficient incentive for carriers to dispose of them properly.

#### Disposition

After review of the comments, we have decided to adopt the amendment to Part 320 substantially as proposed. As we stated in PDR-83, in adopting Part 320 we anticipated that there would be a considerable demand for Japan charter authorizations, and also that penalty provisions were necessary to assure that these valuable authorizations were used in the most efficient way possible. In PDR-83 we stated our preliminary determination that demand for authorizations was in fact very low in this first year and that remedial measures were necessary to reallocate unwarranted authorizations among carriers that might be able to use them. Since the issuance of PDR-83 we have seen nothing to indicate that demand for Japan charters among U.S. carriers has increased. Only 20 authorizations have been used in the more than seven months that have passed since the beginning of this allotment year. Further, Transamerica, which had filed a notice of intent to operate a program of 36 passenger charters this allotment year and next, has cancelled all flights in this program. In addition, to date the transfer mechanism of Part 320 has been little used, with only four authorizations being transferred for use by other carriers.

Thus, it appears that a large number of authorizations will likely expire unused at the end of this allotment year, and that some action on our part is called for. We find that a reallocation process, as proposed in PDR-83, will help make unwanted authorizations available to other U.S. carriers which may be able, in the remaining months of this allotment year, to mount successful charter operations in the Japan market. We find that the potential public benefits of such operations warrant a modification of the rule at this time.

We disagree with the assertion of Airlift that these measures are unnecessary and, if deemed necessary, should await judicial review of the rule. As noted, the evidence available to us indicates that, absent the changes we are adopting here, a substantial number of authorizations would likely go unused. Our action is being taken solely to assure the most efficient public use of the authorizations, and is not intended to relieve carriers receiving grandfather authorizations of their responsibility to make their best efforts to use the

authorizations they have been awarded. The amendment we are adopting today relates only to this allotment year, based on what we find to be the circumstances now (the low demand for charters this year); we are not now altering the application of the existing penalty provisions of Part 320 to future years' operations under the rule. We will consider the need for this and other changes in our soon-forthcoming comprehensive reexamination of Part 320. Further, as we stated in PDR-83, we are not persuaded that we should defer action on this matter pending judicial review of our action adopting Part 320. We will submit this amendment to the Court for review prior to its effective date.

The revised rule provides that carriers wishing to return authorizations may do so, without incurring penalty, by a date to be set in an order we will issue concurrently to implement the reallocation process. The rule provides that carriers wishing to obtain these returned authorizations shall file requests, by a date also set by that order, containing the number of authorizations they seek. Authorizations may be returned, and requested, in blocks of any size. Although in PDR-83 we proposed that returns and requests be in blocks of at least two flights (one round-trip), we find that reallocations as small as one flight may prove useful to carriers wishing to operate cargo charters.

We will initially distribute returned authorizations to the carriers requesting them in response to our order, and then distribute any remaining flights on a first-come-first-served basis during the remainder of the year, unless the number of initial requests exceeds the number of available authorizations. In this latter case, we will hold a lottery, as proposed in PDR-83, to distribute the returned authorizations.

In the final rule, the Board is reserving the power to determine and announce the size of the authorization blocks drawn in a lottery. The most appropriate size of such blocks will depend on the absolute and relative sizes of the reallocation bids, along with the size of the returned pool. The Board would base its determination on policies of fairness, efficient utilization of authorizations, and (other considerations roughly equal) distribution among interested carriers.

Once the returned authorizations have been reallocated, the normal provisions of Part 320 will apply; that is, the recipient carriers will be required to file notices of intent to use authorizations and reports of authorizations used, and,

if they transfer authorizations to other carriers, notices of transfer. Also, the penalties for non-use of authorizations will apply to recipient carriers. We are not persuaded by Northeastern International's contention that transfers subsequent to our reallocation should be prohibited, as we find that the ability to transfer authorizations may help carriers to obtain the most efficient use of the charters should their operational plans change.

As noted above, we are issuing an order concurrently with this rule to implement these procedures.

We do not find any substantive difference between our proposed allocation method, as described above, and the first-income-first-served method advocated by DOT, Transamerica, and Northeastern International. Any first-come method requires a publicly-announced starting point, from which it can be determined which requests are "first." The only purpose of a lottery is to handle in an orderly and fair way the possible situation where there are more initial requests, at the time when the returned authorizations are first made available, than there are available authorizations. A "pure" first-come-first-served system in such a case could create a disorderly and inequitable race to the door and/or sidewalk camp-out. The simplest way to avoid that contingency is to establish a short initial period during which all applicants and their requests will be considered "tied for first," and then chosen by random selection if the number of requested authorizations exceeds the number available. That is the method proposed and hereby established. It is the only reason for a lottery, and the only situation in which one will be used. Although we do not know at this time how many authorizations will be turned in and available for redistribution, it does not appear from the information provided in this proceeding that a lottery will be necessary.

We are not persuaded by OMB's argument that we should eliminate all the penalty provisions of Part 320 in this proceeding. They were initially put into place after careful consideration of similar arguments made by OMB in the original rulemaking proceeding. We are attempting here merely to make changes for this year's allotment of charters to facilitate their use. OMB's suggestion goes beyond the limited purpose of this rulemaking, and its consideration could unnecessarily delay the implementation of this rule. We find that such a delay is not in the public interest in view of the lateness in the allocation year and the consequent need to adopt a final rule

quickly. Further, we shall consider the question of the need for penalties as a part of our overall review of Part 320 which, as discussed below, we intend to commence soon.

In adopting Part 320, we recognized that the interim agreement with Japan, and its provisions, were new, and that the allocative provisions we were implementing were novel. We provided in the rule (section 320.4(b)(3)) for a comprehensive review of the operation of the rule 18 months after adoption and for changes to be made if necessary. In PDR-83 we proposed conducting this review in the near future (and in any event, no later than 18 months after adoption of the rule). We find that, in light of the uncertainty of the demand for Japan charters, and the need to amend the rule so soon after its adoption, the advancement of the date for this review is warranted, and we are therefore adopting the proposed change.

#### Smith, Member, Concurring

As I noted in my concurring and dissenting statement to the NPRM on this proposal, I have opposed from the beginning the grandfathering and the buy/sell aspects of the charter allocation program. The first compensated incumbents for having to face competition in the market and the second could have rewarded carriers who had no intention of providing the transportation.

As it has turned out, the grandfathered carriers, who argued so hard to get their slots, have not used them and no aftermarket has developed. The demand upon which the lottery was predicated never materialized. A simple first-come, first served mechanism would have been sufficient to distribute the charters, and may be the best way to proceed in future years.

I agree that under the circumstances we should not penalize carriers for non-use of their allocation during this first year, so that these charters may be made available to other qualified applicants.

I also agree that we need to take a hard look at the balance of this program to reexamine whether the scheme which was devised is worth preserving.

James R. Smith

#### Regulatory Flexibility Act

In PDR-83, the Board certified that none of the changes proposed would, if adopted, have a significant economic impact on a substantial number of small entities. As noted in the NPRM, none of the direct air carriers eligible for participation in Part 320 allocations is a small business, and any indirect effect of this amendment on charter operators,

some of which are small businesses, would be marginal. No comments were filed in response to the Board's negative certification of the proposed rule, and the Board knows of no other reason to change the negative certification.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the amended application requirements in section 320.16 have been submitted to the Office of Management and Budget for approval. These have been approved by OMB under number 3024-0055.

#### Effective Date

As discussed above, one of the main reasons for this amendment is to allow maximum use of the Japan charter authorizations for the year ending September 30, 1983. To do this, it is essential that the reallocation process established here be completed as soon as possible. The changes are permissive in nature and relieve restrictions. For these reasons, it is found for good cause that an effective date less than 30 days after publication is in the public interest, and the amendments will be effective July 1, 1983.

#### List of Subjects in 14 CFR Part 320

Charter flights, Reporting requirements, Treaties.

#### PART 320—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 320, *Procedures for Awarding Japanese Charter Authorizations* as follows:

1. The Table of Contents entry for § 320.16 is revised to read:

• • • • •  
320.16 Reallocation of Authorizations  
• • • • •

2. The authority for Part 320 is:

Authority: Secs. 204, 401, 407, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766, 797; 49 U.S.C. 1324, 1371, 1377, 1502.

3. Section 320.15 is amended by designating the existing paragraph as "(a)" and by adding a new paragraph (b) to read:

§ 320.15 Unused charter authorizations.  
• • • • •

(b) Notwithstanding paragraph (a) of this section, any carrier may without penalty return to the Board, by a date established by the Board, any of its allocated authorizations that it is unable to use during the allocation year that began on October 1, 1982.

4. Section 320.16 is revised to read:

**§ 320.16 Reallocation of authorizations.**

(a) Any charter authorizations forfeited will be reallocated by the Board in a secondary lottery under this paragraph.

(1) Secondary lotteries are open to all carriers that meet the eligibility requirements of § 320.12(a), except for carriers that have forfeited one or more flight authorizations under § 320.15(a) and carriers that have transferred more than 10 percent of their grandfather authorizations under § 320.14(c).

(2) The Board will issue an order shortly after the end of each allocation year establishing the number of authorizations available to be reallocated, and the manner in which and when applications will be entertained. These secondary lotteries will be held not later than November 1 of the following allocation year in which one or more charter flight authorizations were forfeited.

(b) The procedure for the return of charter authorizations under § 320.15(b), and their reallocation, shall be as follows:

(1) Returned authorizations shall be available to those carriers meeting the eligibility requirements of § 320.12(a).

(2) The Board will establish by order a period of three working days within which carriers may return authorizations. The Board will immediately post, for public inspection in its Docket Section, a notice of any returned authorizations.

(3) By the same order, the Board will establish a deadline, three working days after the end of the return period, for the filing of initial requests for returned authorizations. Requests may be for any number of authorizations, up to the total number returned.

(4) If the total number of authorizations requested during the initial period is less than the number returned, the authorizations will be distributed to the carriers as requested. Any remaining authorizations will be distributed after the initial period on a first-come-first-served basis.

(5) If the total number of authorizations requested during the initial period is greater than the number available, the Board will announce by order and hold a lottery to distribute the authorizations. The Board will, if it finds the need, determine and announce the size of the blocks of authorizations to be chosen in its order announcing the lottery.

(Note.—The revised application requirements contained in § 320.16 have been approved by the Office of Management and Budget under number 3024-0055.)

5. Paragraph (b)(3) of § 320.4 is revised to read:

**§ 320.4 Charter authorizations.**

• • • • •  
(b) • • •

(3) The Board will review the procedures provided by this part not later than 18 months after adoption and make changes after notice and opportunity for public comment as necessary.

• • • • •  
By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 83-17749 Filed 6-30-83; 8:45 am]  
BILLING CODE 6320-01-M

**14 CFR Part 320****Procedures for Awarding Japanese Charter Authorizations**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Order establishing procedures for reallocation of Japan charter authorizations.

**SUMMARY:** This order establishes procedures for the reallocation of unneeded Japan charter authorizations currently held by U.S. carriers. Carriers may return authorizations, and file initial requests for these returned authorizations, by the dates shown below. If more authorizations are initially requested than are available, the Board will hold a lottery to distribute these authorizations.

**DATES:** Returns of authorizations by: July 7, 1983. Initial requests for authorizations by: July 12, 1983.

Dated: June 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** George Wellington, Bureau of International Aviation, 202-673-5878; or Joseph Brooks, Office of the General Counsel, 202-673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

**SUPPLEMENTARY INFORMATION:****Order Establishing Procedures for Reallocation of Japan Charter Authorizations**

By PR-260, adopted June 16, 1983, the Board amended Part 320, which governs the allocation among U.S. carriers of charter flights to Japan. The amended rule provides for carriers now holding Japan charter authorizations under Part 320 to turn back to the Board unneeded authorizations, in this allotment year, for redistribution to other carriers

interested in using them.<sup>1</sup> The amendment provides that redistribution will be on a first-come-first-served basis, or, if determined necessary by a greater initial demand for authorizations than supply, by means of a lottery. In this order we are establishing the procedures for the redistribution process.

**Returns of Authorizations**

Carriers wishing to return unneeded Japan charter authorizations may do so by July 7, 1983 (three working days after the effective date of PR-260). Returns should be made in letter form, addressed to the Chief, Regulatory Affairs Division, Bureau of International Aviation. Envelopes containing returns should be prominently marked "RETURN OF JAPAN CHARTER AUTHORIZATION." Returns should include:

- (1) The full name of the carrier;
- (2) The name, address, and telephone number of a representative of the carrier, to be contacted if the need arises;
- (3) The number of authorizations being returned, identified by the numbers assigned these authorizations in Order 82-10-46;<sup>2</sup> and
- (4) A certification that the authorizations being returned are in fact available and have not previously been used.

We recommend that carriers confirm the staff's receipt of their returns. Copies of all letters returning authorizations will be available for public inspection in the Regulatory Affairs Division. In addition, immediately upon the expiration of the time period for returns, we will post in our Docket section a notice showing the number of authorizations available for redistribution. Interested persons may also contact the staff at (202) 673-5878 to learn the number of available authorizations.

**Requests for Authorizations**

Carriers wishing to obtain returned authorizations may file requests for them with the Chief, Regulatory Affairs Division, Bureau of International Aviation. Requests received during an initial period ending at c.o.b. July 12, 1983, will be eligible for the lottery should one be found necessary. Should fewer authorizations be requested than are available (thus, not triggering a

<sup>1</sup> The amendment also relieves carriers returning authorizations from any penalties they might have incurred by transferring, or not using, these unneeded authorizations.

<sup>2</sup> Order 82-10-46 formally issued Japan charter authorizations to recipient carriers.

lottery), requests may also be made under these provisions for the remainder of the allotment year (or until all returned authorizations have been awarded).

Requests should be made in letter form, and envelopes containing these requests should be prominently marked "REQUEST FOR JAPAN CHARTER AUTHORIZATION." Requests should include:

- (1) The full name of the carrier;
- (2) The name, address, and telephone number of a representative of the carrier, to be contacted if the need arises;
- (3) The number of authorizations the carrier seeks; and
- (4) A certification that the carrier meets the eligibility standards of § 320.12(a).<sup>3</sup>

We recommend that carriers confirm receipt of their requests. We reserve the right to request additional information from requesting carriers regarding their eligibility, and to reject the request of any carrier which does not meet these eligibility requirements.

We will determine, based upon the number of authorizations returned, and the number requested by c.o.b. July 12, 1983, whether it is necessary to hold a lottery to distribute these authorizations, in accordance with the provisions of § 320.16(b) (4) and (5). If a lottery is found to be necessary, because of an excessive number of initial requests relative to the number of authorizations available, we will issue a further order establishing procedures for the lottery.

If we find that a lottery is not necessary, we will promptly distribute available authorizations to the carriers filing these requests. We will distribute any remaining authorizations on a first-come-first-served basis throughout the remainder of the allocation year to carriers filing requests for them. We will distribute all returned authorizations by their originally assigned authorization numbers, and carriers receiving them must refer to these numbers when filing notices and reports required by Part 320.<sup>4</sup>

<sup>3</sup> To be eligible under Part 320, a requesting carrier must hold a charter certificate authorizing transpacific service or a scheduled route certificate, hold FAR 121 operating authority from the Federal Aviation Administration, and be an operating air carrier possessing aircraft having an over-water range at maximum payload of at least 3,000 statute miles.

<sup>4</sup> As noted in PR-260, recipient carriers are required to file notices of intent to use authorizations, reports of authorizations used, and, if they transfer these authorizations to other carriers, notices of transfers. These reporting requirements and amended filing requirements have been approved by the Office of Management and Budget under number 3024-0055.

As a final matter, we realize that the three-working-day time periods for returns, and initial requests, are tight. We believe, however, that expeditious action is necessary so that authorizations which cannot be used by carriers presently holding them can be redistributed as promptly as possible.

Accordingly, acting under authority delegated by the Board in its Regulations, 14 CFR 385.26(cc):

1. We invite U.S. carriers holding Japan charter authorizations issued under Order 82-10-46, at their option, to return unneeded authorizations to the Board by July 7, 1983, for redistribution, as provided in Part 320 and this order;
2. We invite U.S. carriers meeting the eligibility requirements of § 320.12(a) to file initial requests for returned authorizations by July 12, 1983, and subsequent requests to the extent authorizations are available, as provided in Part 320 and this order;
3. We will distribute returned authorizations among requesting carriers as provided in Part 320 and this order;
4. We may amend, revoke, or modify this order at any time and without hearing; and
5. This order will be published in the Federal Register.

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within ten days after the date of service of this order.

This order is effective immediately, and the filing of a petition for review shall not alter such effectiveness.

**Daniel M. Kasper,**  
*Director, Bureau of International Aviation.*

**Phyllis T. Kaylor,**  
*Secretary.*

[FR Doc. 83-17750 Filed 6-30-83; 8:45 am]  
BILLING CODE 6320-01-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[Docket No. 9112]

#### Beatrice Foods Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.  
**ACTION:** Dismissal order.

**SUMMARY:** This Final Order dismisses the complaint challenging Beatrice Foods Co.'s acquisition of Tropicana Products Inc. The Commission found

that the loss of actual competition in the ready-to-serve orange juice industry was too little to establish a violation of the Clayton Act.

**DATES:** Complaint issued June 29, 1978, Final Order issued May 26, 1983.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** FTC/CS-6, Katherine Boland, Washington, D.C. 20580. (202) 724-1668.

**SUPPLEMENTARY INFORMATION:** In the Matter of Beatrice Foods Co., a corporation, and Tropicana Products, Inc., a corporation.

### List of Subjects in 16 CFR Part 13

#### Orange juice.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Final Order is as follows:

### Final Order

This matter has been heard by the Commission upon the appeal of respondents from the initial decision and upon briefs and oral argument in support of and in opposition to their appeal. For the reasons stated in the accompanying Opinion, the Commission has determined to sustain respondents' appeal. All motions which have not yet been disposed of in the accompanying Opinion or by prior orders of the Commission are denied. Accordingly,

*It is ordered* that the complaint is dismissed.

By the Commission.  
Issued: May 26, 1983.  
**Emily H. Rock,**  
*Secretary.*

[FR Doc. 83-17827 Filed 6-30-83; 8:45 am]  
BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

#### 20 CFR Part 416

[Regulations No. 16]

#### Supplemental Security Income for the Aged, Blind, and Disabled; Subpart K—Income

#### Correction

In FR Doc. 83-13894 beginning on page 23177 in the issue of Tuesday, May 24,

<sup>1</sup> Copies of the Complaint, Initial Decision, Opinion of the Commission, Concurring Opinion of Commissioner Douglas and the Final Order filed with the original document.

1983, make the following corrections:

1. On page 23178, second column, first complete paragraph, sixth line, "not" should read "now".

2. On page 23179, second column, § 416.1111(d), fourth line, "service" should read "services".

BILLING CODE 1505-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Part 675

#### Comprehensive Employment and Training Act Regulations; Individuals' Eligibility for Upgrading

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Final rule.

**SUMMARY:** This document contains a revision to the regulation for the eligibility requirements under Title II-C upgrading training. The revision will allow individuals to be eligible for upgrading without regard to the length of time they have been working in either entry level, unskilled or semi-skilled positions or positions with little or no advancement opportunity.

Final rules for programs under Title II of the Comprehensive Employment and Training Act (CETA) were published on May 20, 1980, 45 FR 33846.

**EFFECTIVE DATE:** August 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert N. Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street, N.W., Room 6402, Washington, D.C. 20213, telephone number: (202) 376-6903.

**SUPPLEMENTARY INFORMATION:** This amendment to the CETA regulation in 20 CFR 657.5-3(a)(1)(ii) removes the six-month employment tenure requirement for participation in CETA Title II-C upgrading programs. This change is necessary to enable grantees to fully utilize FY 1983 funds in a manner consistent both with the expiring CETA and the new Job Training Partnership Act (JTPA). This amendment will permit current funds to be used consistent with the dislocated workers' program under Title III of JTPA by assisting unemployed workers to return to work through upgrade training.

This amendment is being published as a final rule. It is merely a technical amendment which removes a regulatory condition on the use of funds consistent with the underlying CETA and JTPA statutes. Moreover, full rulemaking

procedures would unduly interfere with programmatic implementation of this rule prior to the expiration of FY 1983 funding.

#### Rulemaking Certifications

This revision is procedural in nature. Therefore, these rules are not classified as "major" under Executive Order 12291 on Federal regulations and no regulatory impact analysis is required.

The Department has determined that this rule will have no "significant economic impact upon a substantial number of small entities" within the meaning of Section 3 (a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, Stat. 1164 (5 U.S.C. 605(b)). The only direct recipients of Federal funds under the regulations are the several States and units of local government which generally have over 100,000 in population.

#### List of Subjects in 20 CFR Part 675

Grant programs—labor, Manpower training programs.

#### PART 675—[AMENDED]

Accordingly, for the reasons set out in the preamble, Part 675, Chapter V of Title 20 of the Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 675 reads as follows:

**Authority:** Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95-524, 92 Stat. 1907).

2. In § 675.5-3, paragraph (a)(1)(ii) is revised to read as follows:

#### § 675.5-3 Eligibility requirements under Title II-C upgrading and retraining.

(a) \* \* \*

(1) \* \* \*

(ii) Working in either entry level, unskilled or semi-skilled positions or positions with little or no advancement opportunity in a normal promotional line;

Signed at Washington, D.C., this 28th day of June 1983.

Raymond J. Donovan,  
Secretary of Labor.

[FR Doc. 83-17830 Filed 6-30-83; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES Food and Drug Administration

#### 21 CFR Part 81

[Docket No. 76N-0366]

#### Provisional Listing of D&C Yellow No. 10 for Use in Drugs and Cosmetics; Postponement of Closing Date

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Yellow No. 10 for use as a color additive in drugs and cosmetics. The new closing date will be September 2, 1983. This brief postponement will provide additional time for the agency to review and consider the scientific and legal aspects of the results of the toxicological studies on D&C Yellow No. 10 submitted by several petitioners and to prepare the appropriate Federal Register document(s).

**DATES:** Effective July 1, 1983, the new closing date for D&C Yellow No. 10 will be September 2, 1983.

**FOR FURTHER INFORMATION CONTACT:** James H. Maryanski, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** FDA established the current closing date of July 1, 1983, for the provisional listing of D&C Yellow No. 10 in drugs and cosmetics by a rule published in the Federal Register of April 29, 1983 (48 FR 19366). The agency extended the closing date until July 1, 1983, to provide time for the agency to complete its review and consider the scientific and legal aspects of the results of the toxicological studies on D&C Yellow No. 10 submitted by several petitioners. Previously in the Federal Register of March 27, 1981 (46 FR 18954), FDA had published a rule establishing the April 30, 1983 closing date to provide time for completion of FDA's review and evaluation of the data concerning the use of D&C Yellow No. 10 and to publish a final decision on the petitions for the permanent listing of this color additive. The amendments set forth below will postpone the July 1, 1983 closing date for the provisional listing of the color additive until September 2, 1983.

FDA's review and evaluation of the data relevant to the use of D&C Yellow No. 10 have required more time than anticipated. The agency therefore concludes that the brief extension of the closing date to September 2, 1983, is

necessary. This brief postponement will provide time for the agency to complete its review and prepare the appropriate Federal Register document(s). No harm to the public health will result from this extension.

Because of the short time until the July 1, 1983 closing date, FDA concludes that notice and public procedure on these amendments are impracticable, and that good cause exists for issuing this postponement as a final rule. This final rule will permit the uninterrupted use of this color additive until September 2, 1983. To prevent any interruption in the provisional listing of D&C Yellow No. 10 and in accordance with 5 U.S.C. 553(d) (1) and (3), this final rule is being made effective on July 1, 1983.

#### List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

#### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

##### § 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "D&C Yellow No. 10" in paragraph (b) to read "September 2, 1983."

##### § 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "D&C Yellow No. 10 in paragraph (d) to read "September 2, 1983."

*Effective date.* This final rule shall be effective July 1, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: June 13, 1983.

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

[FR Doc. 83-17743 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 81

[Docket No. 76N-0366]

#### Provisional Listing of FD&C Blue No. 2; Postponement of Closing Date

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Blue No. 2 for use as a color additive in food and ingested drugs. The new closing date will be September 2, 1983. This brief postponement will provide additional time for the agency to complete evaluation of objections received in response to the final regulation approving the petition for the permanent listing of FD&C Blue No. 2.

**DATES:** Effective July 1, 1983, the new closing date for FD&C Blue No. 2 will be September 2, 1983.

**FOR FURTHER INFORMATION CONTACT:** Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of February 4, 1983 (48 FR 5252), FDA published a final rule that amended the color additive regulations by "permanently" listing FD&C Blue No. 2 under §§ 74.102 and 74.1102 (21 CFR 74.102 and 74.1102). The final rule also amended § 81.1(a) (21 CFR 81.1(a)) by removing FD&C Blue No. 2 from the provisional lists of color additives and amended § 81.27(d) (21 CFR 81.27(d)) by removing FD&C Blue No. 2 from the conditions of provisional listing. Additionally, the final rule amended § 82.102 (21 CFR 82.102) for FD&C Blue No. 2 to conform the identity and specifications to the requirements of § 74.102 (a)(1) and (b).

The agency received a letter stating objections to the listing regulation and requesting a hearing on those objections. The letter is on file at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, under Docket No. 83N-0009.

To provide FDA time to evaluate and to act on the objections, the current closing date of July 1, 1983, for the provisional listing of FD&C Blue No. 2 was established by a final rule published in the Federal Register of April 29, 1983 (48 FR 19364). The final rule announced that the regulations that permanently listed FD&C Blue No. 2 for food and ingested drug use were stayed pending final agency action on the objections.

The review and evaluation of the objections received in response to the final rule approving the petition for the permanent listing of FD&C Blue No. 2 have required more time than anticipated. Therefore, FDA concludes that a brief extension of the closing date to September 2, 1983, is necessary. FDA concludes that the brief postponement will provide the additional time needed for the agency to complete its review and to prepare the appropriate Federal Register document(s). The agency has also concluded that no harm to the public health will result from this extension.

Because of the short time until the July 1, 1983, closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This regulation will permit the uninterrupted use of this color additive until September 2, 1983. To prevent any interruption in the provisional listing of FD&C Blue No. 2 and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on July 1, 1983.

#### List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

#### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

##### § 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "FD&C Blue No. 2" in paragraph (a) to read "September 2, 1983."

##### § 81.27 [Amended]

1. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "FD&C Blue No. 2" in paragraph (d) to read "September 2, 1983."

*Effective date.* This final rule is effective July 1, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C.

371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)

Dated: June 15, 1983.

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

[FR Doc. 83-17411 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 175

[Docket No. 82F-0139]

### Indirect Food Additives; Adhesive Coatings and Components

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of *gamma*-aminopropyltrimethoxysilane as a component of adhesives intended for food-contact use. This action responds to a food additive petition filed by Union Carbide Corp.

**DATES:** Effective July 1, 1983; objections by August 1, 1983.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** James H. Maryanski, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of June 15, 1982 (47 FR 25773), FDA announced that a petition (FAP 2B3626) had been filed by Union Carbide Corp., Old Saw Mill River Rd., Tarrytown, NY 10591, proposing that the food additive regulations be amended to provide for the safe use of *gamma*-aminopropyltrimethoxysilane as a component of adhesives intended for food-contact use.

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

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As

provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding may be seen in the Dockets Management Branch (address above).

#### List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

#### PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

##### § 175.105 Adhesives.

- (c) \* \* \*  
(5) \* \* \*

Substances	Limitations
<i>gamma</i> -Aminopropyltrimethoxysilane (CAS Reg. No. 13822-56-5)	

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 1, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual

information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

**Effective date.** This regulation shall become effective July 1, 1983.

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

Dated: June 22, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-17744 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 176

[Docket No. 83F-0056]

### Indirect Food Additives: Paper and Paperboard Components; Components of Paper and Paperboard in Contact With Aqueous and Fatty Foods

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to remove the upper viscosity limit in the current regulation for sodium carboxymethyl guar gum in paper and paperboard intended to contact aqueous and fatty foods. This action responds to a food additive petition by Celanese Water Soluble Polymers, a Division of Celanese Corp.

**DATES:** Effective July 1, 1983; objections by August 1, 1983.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice in the Federal Register of March 18, 1983 (48 FR 11513), FDA announced that a food additive petition (FAP 3B3704) had been filed by Celanese

Water Soluble Polymers, A Division of Celanese Corp., One Riverfront Plaza, Louisville, KY 40201, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended by removing the upper viscosity limit for sodium carboxymethyl guar gum.

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

The petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition, in accordance with § 171.1(h) (21 CFR 171.1(h)), are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the *Federal Register*. No new information or comments have been received that would alter the agency's previous determination that the action is of a type that does not individually or cumulatively have a significant impact on the human environment and that neither an environmental assessment nor an environmental impact statement is required.

#### List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

#### PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), (348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 176 is amended in § 176.170(a)(5) by revising the listing for sodium carboxymethyl guar gum to read as follows:

§ 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods.*

(a) \* \* \*  
(5) \* \* \*

List of substances	Limitations
Sodium carboxymethyl guar gum having a minimum viscosity of 2,700 centipoises at 25° C after 24 hours as determined by RV-series Brookfield viscometer (or equivalent) using a No. 4 spindle at 20 r.p.m. and using a test sample prepared by dissolving 8 grams of sodium carboxymethyl guar gum in 392 milliliters of 0.2-percent-by-weight aqueous sodium <i>o</i> -phenylphenate solution.	For use only as a dry-strength and formation-aid agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and used at a level not to exceed 1% by weight of finished dry paper or paperboard fibers.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 1, 1983 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective July 1, 1983.

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

Dated: June 22, 1983.

Richard J. Ronk,  
*Acting Director, Bureau of Foods.*

[FR Doc. 83-17591 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 177

[Docket No. 82F-0287]

#### Indirect Food Additives: Polymers; Polyethylene Phthalate Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of styrenemaleic anhydride resin, partial-2-butoxyethyl ester, ammonium salt, in coatings for polyethylene phthalate polymers intended for use in contact with food. This action is taken in response to a petition filed by ICI Americas, Inc.

**DATES:** Effective July 1, 1983; objections by August 1, 1983.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Michael E. Kashtock, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the *Federal Register* of October 1, 1982 (47 FR 43426), FDA announced that a petition (FAP 2B3646) had been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 177.1630 *Polyethylene phthalate polymers* (21 CFR 177.1630) be amended to provide for the safe use of styrenemaleic anhydride resin, partial-2-butoxyethyl ester, ammonium salt, in coatings for polyethylene phthalate polymers intended for use in contact with food.

The agency has evaluated data in the petition and other relevant material, and concludes that the proposed food additive use is safe and that § 177.1630 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an

environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

#### PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 171.1630(e)(4) (iii) by adding a new item to read as follows:

#### § 177.1630 Polyethylene phthalate polymers.

- (e) \* \* \*
- (4) \* \* \*
- (iii) Coatings:

Styrene-maleic anhydride resin, partial 2-butoxyethyl ester, ammonium salt (CAS Reg. No. 68890-80-2). For use only as a coating for polyethylene phthalate films complying with paragraph (a) of this section, at levels not to exceed 0.025 gram per square meter (0.016 milligram per square inch) of the film, in contact with food of types VIII and IX in Table 1 of § 176.170(c) of this chapter, under use conditions E, F, and G in Table 2 of § 176.170(c) of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 1, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual

information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective July 1, 1983.

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

Dated: June 21, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-17592 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 177

[Docket No. 82F-0107]

#### Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polymer modifiers formulated from adipic acid, 1,3-benzenedimethanamine, and  $\alpha$ -(3-aminopropyl)- $\omega$ -[3-aminopropoxy]polyoxyethylene in Nylon 6 film intended for use in contact with food. This action is based on a petition filed by Springborn Institute for Bioresearch, Inc.

**DATES:** Effective July 1, 1983; objections by August 1, 1983.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**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:** In a notice published in the Federal Register of April 27, 1982 (47 FR 18051), FDA announced that a petition (FAP 2B3625) had been filed by the Springborn Institute for Bioresearch, Inc., Spencerville, OH 45887, proposing that the food additive regulations be amended to provide for the safe use of polymer modifiers in Nylon 6 film complying with § 177.1500 [21 CFR

177.1500] intended for use in contact with food. The polymer modifiers are formulated from adipic acid, 1,3-benzenedimethanamine, and  $\alpha$ -(3-aminopropyl)- $\omega$ -[3-aminopropoxy]polyoxyethylene. In the notice of filing, the adipic acid was listed as hexanedioic acid. The common name, adipic acid, is being used in the regulation below to be consistent with other listings under § 177.1500.

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

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

#### List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

#### PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.1500 by adding new paragraph (a)(10) and new item 10 in paragraph (b), to read as follows:

#### § 177.1500 Nylon resins.

- (a) \* \* \*
- (1) Impact modified Nylon MXD-6 resins manufactured by the condensation of adipic acid, 1,3-

benzenedimethanamine, and  $\alpha$ -(3-aminopropyl)- $\omega$ -(3-aminopropoxy)polyoxyethylene under

such conditions that the  $\alpha$ -(3-aminopropyl)- $\omega$ -(3-aminopropoxy)polyoxyethylene

monomer content does not exceed 7 percent by weight of the finished resin.  
(b) \* \* \*

Nylon resins	Specific gravity	Melting point degrees Fahrenheit	Solubility in boiling 4.2N HCl	Maximum extractable fraction as selected solvents (expressed in percent by weight of resin)			
				Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
10. Impact modified Nylon MXD-6 resins for use only as polymer modifiers in Nylon 6 resin films complying with paragraph (a)(6) of this section, at levels not to exceed 13 percent by weight of films whose average thickness will not exceed 15 microns (0.6 mils). The finished film is used for packaging, transporting, or holding food, excluding beverages containing more than 8 percent alcohol (by volume) at temperatures not to exceed 120° F (conditions of use E, F, and G in table 2 in § 176.170(c) of this chapter).	1.21±0.02	437-491	Dissolves in 1 h	2.0	2.5	1.0	1.0

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 1, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation shall become effective July 1, 1983.

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

Dated: June 22, 1983.

Richard J. Ronk,  
Acting Director, Bureau of Foods.

[FR Doc. 83-17593 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 520

### Oral Dosage Form New Animal Drugs Not Subject to Certification; Monensin Blocks

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Moorman Manufacturing Co., providing for revised labeling for use of monensin blocks as free choice feed for cattle on pasture that may require supplemental feed, and to reflect that the product is a protein-mineral block.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Jack C. Taylor, Bureau of Veterinary Medicine (HFV-126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

**SUPPLEMENTARY INFORMATION:** Moorman Manufacturing Co., 1000 North 30th St., Quincy, IL 62301, filed supplemental NADA 115-581 providing for revised labeling for use of monensin blocks as a free choice feed for cattle on pasture that may require a supplemental feed. The product has been previously approved for cattle under winter-like pasture conditions requiring supplemental feed. The revised labeling more accurately reflects the approved conditions of use. Because this supplement does not change the approved use of the drug, this approval is considered equivalent to a Category II supplement (42 FR 64367; December 23, 1977) which did not require reevaluation of the safety and effectiveness data in the original approval. The supplemental NADA is approved and the regulations are amended to reflect the approval.

In addition, the regulations state that this product and the product of a different sponsor are molasses-mineral blocks. In the interest of accuracy, the regulations are amended to specify that the products are protein-mineral blocks.

Approval of this supplement did not require the generation of new effectiveness or safety data. Therefore, a freedom of information summary is not required.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1) (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.

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

Animal drugs, oral.

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

##### § 520.1448a [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1448a *Monensin blocks* in paragraphs (a)(1) and (b)(1) by removing the phrase "molasses-mineral block" and inserting in its place "protein-mineral block", and in paragraph (b)(4)(iii) by removing the phrase "under winter-like pasture conditions requiring supplemental feed" and inserting in its place "on pasture which may require supplemental feed."

*Effective date.* July 1, 1983.  
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 24, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-17594 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 540

### Penicillin Antibiotic Drugs for Animal Use; Amendment of Certain Regulations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations to revoke those portions that reflect approval for NADA 65-282, potassium phenoxymethyl penicillin tablets (V-Cillin K<sup>®</sup> Tablets); NADA 65-283, potassium phenoxymethyl penicillin for oral solution (V-Cillin K<sup>®</sup> Oral Solution); and NADA 65-284, procaine penicillin G aqueous suspension (Duracillin<sup>®</sup> A.S.). The sponsor, Elanco Products Co., requested that approval of these NADA's be withdrawn.

**EFFECTIVE DATE:** July 11, 1983.

#### FOR FURTHER INFORMATION CONTACT:

Leonard D. Krinsky, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

**SUPPLEMENTARY INFORMATION:** In a notice published elsewhere in this issue of the Federal Register, the approval for NADA 65-282, NADA 65-283, and NADA 65-284 is being withdrawn. The sponsor, Elanco Products Co., by letter dated August 19, 1982, requested the withdrawal of approval of these NADA's because the products are not being manufactured or sold, and the firm does not intend to sell them in the future. This document amends the regulations by revoking those portions that reflect approval of these NADA's.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(2) [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.

#### List of Subjects in 21 CFR Part 540

Animal drugs: Antibiotics, Penicillin.

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 5.84), Part 540 is amended as follows:

### PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

1. In § 540.173a by revising paragraph (c)(2), to read as follows:

§ 540.173a Phenoxymethyl penicillin for oral suspension; potassium phenoxymethyl penicillin for oral solution.

(c) \* \* \*

(2) *Sponsor.* To No. 05064 in § 510.600(c) of this chapter, approval for 125 milligrams per 5 milliliters.

2. In § 540.173b by revising paragraph (c)(2), to read as follows:

§ 540.173b Potassium phenoxymethyl penicillin tablets.

(c) \* \* \*

(2) *Sponsor.* To No. 050604 in § 510.600(c) of this chapter, approval for tablets containing 125 or 250 milligrams of the drug.

#### § 540.274b [Amended]

3. In § 540.274b *Procaine penicillin G aqueous suspension* by removing and reserving paragraph (c)(1).

*Effective date.* July 11, 1983.

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

Dated: June 22, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine

[FR Doc. 83-17407 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 558

### New Animal Drugs in Animal Feeds; Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of supplemental new animal drug applications (NADA's) filed by SmithKline Animal Health Products, clarifying directions for use of virginiamycin in medicated swine feed.

**EFFECTIVE DATE:** July 1, 1983.

#### FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

#### SUPPLEMENTARY INFORMATION:

SmithKline Animal Health Products,

Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, has filed supplements to NADA's 91-467 and 91-513 which cover use of virginiamycin premixes in swine feed. The supplements requested revision of directions for use of virginiamycin in swine feed (21 CFR 558.635(f)(1)(iv) and (v)) to improve clarity. No change is being made in the indications for use or level of use of the drug. The supplements are approved and the regulations are amended accordingly.

Approval of these supplemental applications does not change the approved conditions of use of the drug. The use levels for virginiamycin in the feed remain the same. Approval did not require new effectiveness or safety data. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval. In addition, a freedom of information summary for approval of the supplement is not required.

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.

#### 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), § 558.635 is amended by revising paragraph (f)(1)(iv) and (v) to read as follows:

#### § 558.635 Virginiamycin

(f) \* \* \*

(1) \* \* \*

(iv) 10 grams per ton from weaning up to 120 pounds for increased rate of weight gain and improved feed efficiency, followed by 5 grams per ton to market weight for increased rate of weight gain and improved feed efficiency. For continuous use from weaning to market weight.

(v) 10 grams per ton from weaning up to 120 pounds for increased rate of weight gain and improved feed efficiency, followed by 5 to 10 grams per ton to market weight for increased rate of weight gain. For continuous use from weaning to market weight.

Effective date, July 1, 1983.

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

Dated: June 22, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-17410 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

## POSTAL SERVICE

### 39 CFR Part 111

#### Virgin Islands; Mail Security Regulations

AGENCY: Postal Service.

ACTION: Final rule.

**SUMMARY:** The Postal Service adopts, without change, its proposal to amend its regulations to authorize its employees, in accordance with a recently-enacted law, to permit Virgin Islands tax officials to record the names and addresses on mail parcels appearing to contain taxable merchandise originating outside the Islands and to be delivered in the Islands. No mail may be opened, delayed, detained, or interfered with under this rule.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun, (202) 245-4620.

**SUPPLEMENTARY INFORMATION:** On January 18, 1983, the Postal Service published in the *Federal Register*, 48 FR 2141, a notice of proposed rulemaking on tax collection assistance in the Virgin Islands. The notice explained that the purpose of the proposal was to effectuate section 302 of Pub. L. No. 97-357 (October 19, 1982), and invited public comments. The Postal Service received no comments on the proposal, and hereby adopts, without change, the following amendment of the Domestic Mail Manual, which is incorporated by reference in the *Federal Register*. See 39 CFR 111.1 (1982).

#### List of Subjects in 39 CFR Part 111

Postal Service.

### Part 111—General Information on Postal Service

#### Part 115—Mail Security

Part 115 of the Domestic Mail Manual is amended by revising 115.96 to read as follows:

*.96 Excise Tax Collection in the Commonwealth of Puerto Rico and the United States Virgin Islands.*

Under 48 U.S.C. 741a and 48 U.S.C. 1574, respectively, postal employees in any post office in the Commonwealth of Puerto Rico and the United States Virgin Islands are authorized to permit local excise tax officials to record for tax collection purposes the names and addresses that appear on the exterior of all incoming parcels which appear to contain taxable items, except those sent by registered mail. A postal employee must be present during such recording and no mail may be opened, detained, or delayed for this purpose.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the *Federal Register* as provided in 39 CFR 111.3 (39 U.S.C. 401, 403, 3623(d)).

W. Allen Sanders,

Associate General Counsel, General Law & Administration.

[FR Doc. 83-17628 Filed 6-30-83; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 33

[OA-FRL 2391-1]

#### Procurement Under Assistance Agreements; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final Rule; correction.

**SUMMARY:** This document corrects a final rule on procurement under EPA assistance agreements that appeared at page 12922 in the *Federal Register* of Monday, March 28, 1983, (48 FR 12922). This action is necessary to clarify when formal advertising is required in the Superfund program, to clarify when recipients must submit the documentation required in Appendix A, to correct typographical errors and to correct citations in the final rule.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Administration Division (PM-216),

Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382-5296.

Dated: June 20, 1983.

William Benoit,

Acting Deputy Assistant Administrator for Administration.

Accordingly, the following corrections are made in FR Doc. 83-7084 appearing on page 12922 in the March 28, 1983, issue: 1. On page 12926 in § 33.001(b)(4), "(4) Identifies the procurements. . ." is corrected to read "(4) Identifies the procurement. . ."

2. On page 12927 in § 33.001(g), "To the extend . . ." is corrected to read, "To the extent . . ."

3. On page 12927 in § 33.001(g), is corrected by deleting ". . . § 33.211 'Recipient reporting requirements' . . ."

4. On page 12928 in the middle of column 1 in § 33.110(e)(3), ". . . negotiation," to authorize a . . ." is corrected to read ". . . negotiation procurement method," to authorize a . . ."

5. On page 12928 in § 33.110(e)(5), ". . . action award, and . . ." is corrected to read, ". . . action construction award, and . . ."

6. On page 12928 in § 33.210(f), ". . . advertising method (see Subpart E)." is corrected to read, ". . . advertising method for a construction award (see Subpart E)."

7. On page 12928 in § 33.211(e), ". . . offerors and the name of each bidder or . . ." is corrected to read ". . . offers and the name of each bidder or . . ."

8. On page 12929 in § 33.225, "(see § 30.610)" is corrected to read "(see 40 CFR 30.610)".

9. On page 12930 in § 33.280(a), ". . . however, pay contractors and subcontractors more than this amount." is corrected to read ". . . however, pay consultants more than this amount.)"

10. On page 12931 in § 33.420(f), ". . . Federally Assisted Contracts." is corrected to read ". . . Federally Assisted Construction Contracts."

11. On page 12931 in § 33.430(b), "Payments discounts may be used to . . ." is corrected to read "Payment discounts may be used to . . ."

12. On page 12931 in § 33.510(b), ". . . Assisted Contracts." is corrected to read ". . . Assisted Construction Contracts."

13. On page 12932 at the top of column 1, in § 33.520(b), ". . . the request for proposal." is corrected to read, ". . . the request for proposals."

14. On page 12932 in § 33.525(a), ". . . award of subagreements." is corrected to read, ". . . award of subagreement."

15. On page 12933 in § 33.810(a), "(a) Energy efficiency (§ 33.1024)" is corrected to read, "(a) Energy efficiency (§ 33.1021)".

16. On page 12933 in § 33.905(a), ". . . actions which EPA funds as part of a . . ." is corrected to read, ". . . action construction awards which EPA funds as part of a . . ."

17. On page 12933, § 33.1016, is corrected by adding, "(This clause applies only when required by statute.) directly under the section title.

18. On page 12933 in § 33.905(b), "(b) Studies, investigations, or engineering activities which precede a remedial action activity are not subject . . ." is corrected to read, "(b) Studies, investigations, or engineering activities, such as design and remedial construction oversight, are not subject . . ."

19. On page 12934 in clause 1, ". . . subagreement and that these clause . . ." is corrected to read ". . . subagreement and that these clauses . . ."

20. On page 12934 at the top of column 2 in clause 3, paragraph (b), ". . . may at any time, by written order make . . ." is corrected by adding a comma after "written order".

21. On page 12934 at the bottom of column 3 in clause 5, paragraph (b), ". . . delay or interruption and modify the contract writing." is corrected to read, ". . . delay or interruption and modify the subagreement in writing."

22. On page 12936 at the top of column 1 the first paragraph, eleventh line, change the word "contract" to "subagreement".

23. On page 12936 in clause 12, ". . . subagreements award under 40 CFR Part 35 Subparts E and I." is corrected to read, ". . . subagreement awards under 40 CFR Part 35, Subparts E and I."

24. On page 12936 in § 33.1110(a), ". . . concerning their solicitations or contract . . ." is corrected to read, ". . . concerning their solicitations or subagreement . . ."

25. On page 12937 in § 33.1125(a), ". . . Grants for Headquarters—awarded . . ." is corrected to read ". . . Grants for headquarters—awarded. . ."

26. On page 12937 in Appendix A, paragraph (a)(2), ". . . § 33.115(b)." is corrected to read ". . . § 33.115(c)."

27. On page 12937 in Appendix A, paragraph (b)(1), ". . . Documentation." the recipient must submit to the award official the records required by this section." is corrected to read, ". . . Documentation." the recipient must submit to the award official, unless he

instructs otherwise, the records required by this section."

28. On page 12937 in Appendix A, paragraph (b)(4), "§ 33.415," is corrected to read "§ 33.410."

[FR Doc. 83-17816 filed 6-30-83; 8:45 am]  
BILLING CODE 6560-50-M

#### 40 CFR Part 52

[A-6-FRL 2350-7]

### Approval and Promulgation of Implementation Plans; New Mexico Plan for the Bernalillo County Carbon Monoxide Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rulemaking announces approval of the 1982 State Implementation Plan (SIP) for attainment of the National Ambient Air Quality Standard (NAAQS) for carbon monoxide (CO) in Bernalillo County, New Mexico. This action is based on the demonstration in the plan that it will ensure attainment and maintenance of the CO standard in Bernalillo County, New Mexico by December 31, 1987 as required under Part D of the Clean Air Act (CAA) as amended in 1977. EPA also withdraws the conditional approval and fully approves the 1979 CO SIP control strategy and regulations for Bernalillo County.

**EFFECTIVE DATE:** August 1, 1983.

**ADDRESSES:** Copies of the State's submittal and other relevant material are available for public inspection during normal business hours at the following locations:

Middle Rio Grande Council of Governments, 924 Park Avenue SW., Albuquerque, N.M. 87102  
The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408  
Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460  
Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270.

**FOR FURTHER INFORMATION CONTACT:** Robert Broyles, State Programs Section, Air Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

#### SUPPLEMENTAL INFORMATION:

##### I. Background

On June 28, 1982, pursuant to Part D of

the Clean Air Act, the State of New Mexico submitted a 1982 SIP revision to EPA for attainment of the CO standard in Bernalillo County by December 31, 1987. The EPA proposed approval of this plan on November 10, 1982 (47 FR 50927), after a review of the plan in accordance with the general requirements for the 1982 Carbon Monoxide and Ozone SIPs published on January 22, 1981 (46 FR 7182). Additional background information can be found in the November 10, 1982, proposal. EPA also proposed to withdraw the conditional approval and fully approve the 1979 CO control strategy and regulations for Bernalillo County.

The proposed approval of the 1982 SIP was issued with the understanding that final action would not be taken until the State formally submitted the Albuquerque/Bernalillo County Air Quality Control Board Regulations governing the I/M program and the Albuquerque Traffic Code amendment pertaining to enforcement of the I/M ordinances as part of the 1982 SIP revision. The Traffic Code amendment makes it a violation of the Code for the owner or operator of a motor vehicle to fail to display on the vehicle windshield a current I/M sticker when required to do so by the city and county I/M ordinances. The city and county ordinances require all gasoline powered light duty vehicles, 1968 and newer, to participate in the I/M program and provides a penalty of up to \$300 and/or 90 days in jail for failure to comply. On January 26, 1983, an addendum to the Bernalillo County CO SIP containing the requested material and appropriate administrative changes to the table of contents and the I/M program description was submitted to EPA by the Governor. Therefore, EPA is today approving the Part D 1982 Bernalillo County CO attainment plan. EPA is also withdrawing the conditional approval and fully approving the 1979 CO control strategy and regulations for Bernalillo County.

##### II. Response to Comments

A 60 day public comment period was provided on the proposed rulemaking. During this time, one comment was received. The comment came from the Albuquerque Environmental Health and Energy Department and pointed out that the I/M program will apply to "all vehicles, 1968 model year and later" as opposed to "vehicles less than fifteen years old" as indicated in the notice of proposed action. This correction has

been noted and appropriate adjustments made to the official SIP file.

### III. Regulatory Process

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

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this section must be filed in the United States Court of Appeals for the appropriate circuit by August 30, 1983. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

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

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

**Note.**—Incorporation by reference of the Implementation Plan for the State of New Mexico was approved by the Director of the Office of Federal Register on July 1, 1982.

(Secs. 110, 171-178, Clean Air Act, as amended, and section 129 of the Clean Air Act Amendments of 1977 (42 U.S.C. 7410, 7501 to 7508 and 7502 note))

Dated: June 28, 1983.

William D. Ruckelshaus,  
Administrator.

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

#### Subpart GG—New Mexico

1. Section 52.1620 is amended by adding new paragraph (c)(34) as follows:

##### § 52.1620 Identification of plan.

• • • • •  
(c) • • •

(34) Revisions to the plan for attainment of the standard for Carbon Monoxide in Bernalillo County were submitted by the Governor on June 28, 1982, and January 26, 1983, which included the Albuquerque/Bernalillo County Air Quality Control Board Regulation Number 28, adopted October 19, 1982.

##### § 52.1627 [Reserved]

2. Section 52.1627 is removed and reserved.

[FR Doc. 83-17819 Filed 6-30-83; 8:45 am]

BILLING CODE 6560-50-M

### INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

#### Agency for International Development

##### 41 CFR Ch. 7

[AIDPR Notice 83-5]

#### Miscellaneous Revisions to the AID Procurement Regulations

**AGENCY:** Agency for International Development.

**ACTION:** Final rule.

**SUMMARY:** This AIDPR Notice makes miscellaneous changes to the AID Procurement Regulations. It corrects miscellaneous office or form titles; updates regulatory references; implements FPR Amendment 225 by incorporating a contract clause covering facilities capital cost of money; incorporates a requirement for contractor personnel emergency locator data into contract clauses, in accordance with AID procedures to assist AID in situations involving contractor personnel emergencies; and corrects Appendix E to reflect current AID policy on availability of post medical facilities for U.S. citizen employees under cooperating country contracts.

**EFFECTIVE DATE:** This AIDPR Notice is effective on June 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Patricia L. Bullock, M/SER/CM/SD/POL, Agency for International Development, Washington, D.C. 20523. Telephone (703) 235-9107.

**SUPPLEMENTARY INFORMATION:** This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Section 8(b) of the Order, by the Director, OMB, in a letter dated April 8, 1981, as amended October 4, 1982. The determination required by paragraph 4a of OFPP Policy Letter 80-5, and the certification required by the Regulatory Flexibility Act have been made and are included in the body of this AIDPR Notice.

#### List of Subjects in 41 CFR Ch. 7

Government procurement.

### PART 7-1—GENERAL

#### Subpart 7-1.3—General Policies

##### § 7-1.313 [Amended]

1. Paragraph (a)(14) of § 7-1.313, record of contract actions, is amended by removing the reference to " \* \* \* Office of Data Management \* \* \* ", in its place inserting " \* \* \* Office of

Information Resources Management \* \* \* ".

#### Subpart 7-1.10—Publicizing Procurement Actions

##### § 7-1.1001 [Amended]

2. Paragraph (b)(2) of § 7-1.1001 General policy, is amended by removing the reference to " \* \* \* 1420-7, Construction Contractor's Questionnaire \* \* \* ".

### PART 7-3—PROCUREMENT BY NEGOTIATION

#### Subpart 7-3.1—Use of Negotiation

##### § 7-3.103-50 [Amended]

3. Paragraph (a) of § 7-3.103-50, Debriefing of unsuccessful offerors, is amended by removing the reference to " \* \* \* FPR 1-3.103(b) \* \* \* ", and in its place inserting " \* \* \* FPR 1-3.103(c) \* \* \* ".

### PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

#### Subpart 7-4.8—Consulting Services, Studies, and Reports.

##### §§ 7-4.803 and 7-4.803-50 [Amended]

4. Paragraph (c)(2) of both § 7-4.803, Contracting requirements—consulting services, and § 7-4.803-50, Contracting requirements—studies and reports, are amended by revising the last sentence of each to read as follows:

" \* \* \* Where appropriate, describe the results of an AID Data Bank (located in the Acquisitions Development Information and Utilization Service, Bureau for Program and Policy Coordination (PPC/E/DIU)) search."

5. Paragraph (III) of the Organizational Conflict of Interest Representation in paragraph (e)(1) of § 7-4.803, Contracting requirements—consulting services, is amended by removing the reference to " \* \* \* FPR 1-1.601-1(e) ", and in its place inserting " \* \* \* FPR 1-1.602(b) of FPR Temporary Regulation 65."

#### Subpart 7-4.9—Unsolicited Proposals

##### § 7-4.905 [Amended]

6. Paragraph (a) of § 7-4.905, Advance guidance, is amended by removing the reference to " \* \* \* either PRE/SDB/SB, Room 633 PP or S&T/PO/RES, Room 214 E RPC.", and in its place inserting " \* \* \* either PRE/SDB, Room 3328 or S&T/RUR, Room 309 RPC."

##### § 7-4.908 [Amended]

7. § 7-4.908, Agency point of contact, is amended by removing the references

" \* \* \* PRE/SDB/SB, Room 633 PP," and " \* \* \* S&T/PO/RES, Room 214E RPC.", inserting in their places respectively " \* \* \* ES, Room 5945 NS.", and " \* \* \* S&T/RUR, Room 309 RPC."

#### Subpart 7-4.56—General Selection Procedures

##### § 7-4.5604 [Amended]

8. Paragraph (b) of § 7-4.5604, Sources, is amended by removing the reference to " \* \* \* (see § 7-1.1003-7) \* \* \*".

##### § 7-4.5606 [Amended]

9. Paragraph (b) of § 7-4.5606, Request for proposal, is amended by removing the reference to " \* \* \* § 7-3.807-3 and \* \* \*".

#### Subpart 7-4.57—Educational Institution & International Research Center Selection Procedure

##### § 7-4.5701 [Amended]

10. Paragraph (b) of § 7-4.5701, Definitions, is amended by removing the reference to " \* \* \* Bureau for Development Support.", and in its place inserting " \* \* \* Bureau for Science and Technology."

##### § 7-4.5702 [Amended]

11. § 7-4.5702, Applicability, is amended by removing the reference to " \* \* \* contracts for research and development negotiated pursuant to Subpart 7-4.53 of this part, or to \* \* \*".

#### Subpart 7-4.58—Collaborative Assistance Selection Procedure

##### § 7-4.5801 [Amended]

12. § 7-4.5801, Definition, is amended by removing paragraph (b) and redesignating paragraph (c) as (b).

#### PART 7-6—FOREIGN PURCHASES

#### Subpart 7-6.51—Source, Origin, and Nationality

##### § 7-6.5103 [Amended]

13. Paragraph (e) of § 7-6.5103, Contract clause-source and nationality requirements, is amended by removing the reference to " \* \* \* paragraph (d)(2) \* \* \*" and in its place inserting " \* \* \* paragraph (d) \* \* \*".

##### § 7-6.5105 [Amended]

14. Paragraph (b) of § 7-6.5105, Geographic source waivers, is amended by removing the reference to " \* \* \* § 7-7.5101 \* \* \*", and in its place inserting " \* \* \* § 7-6.5101 \* \* \*".

#### PART 7-7—CONTRACT CLAUSES

#### Subpart 7-7.1—Fixed-Price Supply Contracts

##### § 7-7.102-1 [Amended]

15. Paragraph (a) of § 7-7.102-1, Definitions, is amended by removing the words " \* \* \* Assistant Administrator for Program and Management Services \* \* \*" and in their place inserting " \* \* \* Associate Assistant to the Administrator for Management \* \* \*".

#### Subpart 7-7.50—Clauses for Cost Reimbursement Contracts

16. § 7-7.5001-3, Biographical data, is amended by adding the following new paragraph (b):

##### § 7-7.5001-3 Biographical data.

(b) Emergency locator information: The Contractor agrees to provide the following information to the Mission Administrative Officer on or before the arrival in the host country of every contract employee or dependent:

(1) The individual's full name, home address, and telephone number.

(2) The name and number of the contract, and whether the individual is an employee or dependent.

(3) The contractor's name, home office address, and telephone number, including any after-hours emergency number(s), and the name of the contractor's home office staff member having administrative responsibility for the contract.

(4) The name, address, and telephone number(s) of each individual's next of kin.

(5) Any special instructions pertaining to emergency situations such as power of attorney designees or alternate contact persons.

##### § 7-7.5003-9 [Amended]

17. Paragraph (h) of § 7-7.5003-9, Health and Accident Coverage for AID Participant Trainees, is amended by removing the reference to " \* \* \* January 31, 1983 \* \* \*", and in its place inserting " \* \* \* June 30, 1983 \* \* \*".

##### § 7-7.5003-12 [Amended]

18. Paragraph (a)(2) of § 7-7.5003-12, Organizational conflicts of interest, is amended by removing the reference to " \* \* \* FPR 1-1.601-1(e).", and in its place inserting " \* \* \* FPR 1-1.602(b) of Federal Procurement Temporary Regulation 85."

19. A new § 7-7.5003-13, is added as follows:

##### § 7-7.5003-13 Facilities capital cost of money.

Insert the clause set forth in FPR 1-3.808-5(b) under the conditions prescribed therein.

#### Subpart 7-7.53—Contracts for Participant Training

##### § 7-7.5301-22 [Amended]

20. § 7-7.5301-22, Notice, is amended by revising the title to read " \* \* \* Notices \* \* \*".

#### Subpart 7-7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

21. § 7-7.5501-3, Biographical data, is amended by adding the following new paragraph (b):

##### § 7-7.5501-3 Biographical data.

(b) Emergency locator information. The Contractor agrees to provide the following information to the Mission Administrative Officer on or before the arrival in the host country of every contract employee or dependent:

(1) The individual's full name, home address, and telephone number.

(2) The name and number of the contract, and whether the individual is an employee or dependent.

(3) The contractor's name, home office address, and telephone number, including any after-hours emergency number(s), and the name of the contractor's home office staff member having administrative responsibility for the contract.

(4) The name, address, and telephone number(s) of each individual's next of kin.

(5) Any special instructions pertaining to emergency situations such as power of attorney designees or alternate contact persons.

##### § 7-7.5501-15 [Amended]

22. Paragraph (d) of § 7-7.5501-15, Training of foreign country nationals, is amended by removing the reference to " \* \* \* and Participant Biographical Data AID Form 1380-2 \* \* \*".

##### § 7-7.5501-17 [Amended]

23. § 7-7.5501-17, Subcontracts, is amended by removing the reference to " \* \* \* FPR 1-7.402 \* \* \*", and in its place inserting " \* \* \* FPR 1-7.402-8 \* \* \*".

##### § 7-7.5501-22 [Amended]

24. Paragraph (b)(1) of § 7-7.5501-22, Rights in data and publication, is amended by removing the reference to " \* \* \* the Federal Register of May 14, 1973 (38 FR 12621) \* \* \*", and in its

place inserting " \* \* \* AIDPR Appendix K (46 FR 31592, June, 1981) \* \* \*".

**§ 7-7.5501-32 [Amended]**

25. § 7-7.5501-32, Officials not to benefit, is amended by removing the reference to " \* \* \* AIDPR 7-7.102.", and in its place inserting " \* \* \* AIDPR 7-7.102-17."

**§ 7-7.5502-1 [Amended]**

26. § 7-7.5502-1, Definitions, is amended by removing paragraphs (d) and (n) and by redesignating paragraphs (e) through (q) as (d) through (o).

**PART 7-10—BONDS AND INSURANCE**

**Subpart 7-10.106—Advance payment bonds**

**§ 7-10.106 [Amended]**

27. Paragraph (c) of § 7-10.106, Advance payment bonds, is amended by removing the sentence "See, e.g., FPR 1-30.414-2 (d), (e) & (k), and AIDPR 7-30.4502 C.(3), D.7, D.8. and E."

**Subpart 7-10.4—Insurance Under Fixed-Price Contracts**

**§ 7-10.402 [Amended]**

28. Paragraph (b) of § 7-10.402, Workmen's compensation insurance overseas, is amended by removing the phrase "As of July 31, 1979 \* \* \*".

**PART 7-12—LABOR**

**Subpart 7-12.51—Security Clearance**

**§§ 7-12.5100 and 7-12.5102 [Amended]**

29. §§ 7-12.5100, General, and 7-12.5102, AID Directives, are removed in their entirety.

**PART 7-16—PROCUREMENT FORMS**

**Subpart 7-16.5—Forms for Advertised and Negotiated Nonpersonal Services Contracts (Other Than Construction)**

**§ 7-16.500 [Amended]**

30. § 7-16.500 Scope of subpart, is amended by removing the reference to " \* \* \* SER/MP/PAV \* \* \*", and in its place inserting " \* \* \* M/SER/MO/PUM \* \* \*".

**Subpart 7-16.8—Miscellaneous Forms**

**§ 7-16.800 [Amended]**

31. § 7-16.800, Scope of subpart, is amended by removing the reference to " \* \* \* SER/MO/PAV \* \* \*", and in its place inserting " \* \* \* M/SER/MO/PUM \* \* \*".

**§ 7-16.850 [Amended]**

32. § 7-16.850, Small Business/Minority Business Enterprise

Procurement Review Form, is amended by deleting the reference to " \* \* \* § 7-2.704-6.", and in its place inserting " \* \* \* § 7-1.704-6."

**PART 7-30—CONTRACT FINANCING**

**Subpart 7-30.50—Federal Reserve Letter of Credit Method of Disbursing Advances to Non-profit Institutions**

**§ 7-30.5001 [Amended]**

33. Paragraph (d) of § 7-30.5001, Guidelines for use of the Federal Reserve Letter of Credit, is removed.

**§ 7-30.5002 [Amended]**

34. § 7-30.5002, Contract clause—Federal Reserve Letter of Credit, is amended by removing the reference to " \* \* \* AIDPR 7-1.107.", and in its place inserting " \* \* \* AIDPR 7-1.009."

**PART 7-50—EXTRAORDINARY CONTRACTUAL ACTIONS TO PROTECT FOREIGN POLICY INTERESTS OF THE UNITED STATES**

**Subpart 7-50.2—Requests for Contractual Adjustment**

**§ 7-50.208-2 [Amended]**

35. § 7-50.208-2 Intra-agency coordination, is amended by removing the reference to " \* \* \* Auditor General \* \* \*", and in its place inserting " \* \* \* Inspector General \* \* \*".

**AIDPR Appendices to Chapter 7**

36. The Appendices table of contents is amended by revising the entry for Appendix I to read as follows:

Appendix I—Approval and Reporting Requirements for Contractor Salaries.

Appendix D—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations.

37. Subparagraphs (a), (b), (c)(2), and (c)(3), of Paragraph 5, *Duties and Responsibilities*, is amended by removing reference to " \* \* \* SER/CM/SD/SUP \* \* \*", and in its place inserting " \* \* \* M/SER/CM/SD/SS \* \* \*".

38. Subparagraphs (b), (b)(2), and (c), of Paragraph 5, *Duties and Responsibilities*, is amended by removing reference to " \* \* \* SER/MO/PAV \* \* \*" in its place inserting " \* \* \* M/SER/MO/PUM \* \* \*".

**Appendix E—Logistic Support Overseas to AID Direct Contractors**

39. Subparagraph (c)(1)(iii) of Paragraph 2, *Policy*, is amended by adding the following phrase " \* \* \* except with the approval of the

Ambassador \* \* \*" after the word "eligible" each time it appears.

**Appendix G—Contract Closeout Procedures**

40. Subparagraph (a), Paragraph 2, *Closeout Procedures*, and subparagraph (b), Paragraph 4, *Procedures*, are amended by removing references to " \* \* \* CM/SD/SUP \* \* \*" and in their places inserting " \* \* \* M/SER/CM/SD/SS \* \* \*".

41. Paragraph 5, *Availability of Contract Closeout Checklist*, is amended by removing reference to " \* \* \* MO/PAV \* \* \*" and in its place inserting " \* \* \* M/SER/MO/PUM \* \* \*".

**Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance**

42. Subparagraph (d)(3)(iii) of Paragraph 4, *Implementation Procedures*, is amended by deleting reference to " \* \* \* CM/SOD/OSC \* \* \*", in its place inserting " \* \* \* M/SER/CM/SOD/OSC \* \* \*".

**Appendix I—Approval and Reporting Procedures for Contractor Salaries**

43. Subparagraph (a) *Salary Approvals*, Paragraph 2, *Procedures*, is amended by revising the first sentence to read as follows:

(a) *Salary approval*. In accordance with AID Procurement Regulations, § 7-15.205-6, § 7-15.303-51, and § 7-15.603-2.50, contracting officer approvals of salaries exceeding the FS-1 rate are to be based upon a memorandum from the Technical Office approved by the Assistant Administrator or Mission Director having program responsibility for the contract. \* \* \*

44. Paragraph 3, *Approval Control Numbering And Submission to SER/CM*, is amended by removing the reference to " \* \* \* SER/CM/SD/SUP \* \* \*" and " \* \* \* SER/CM \* \* \*", and in their places inserting " \* \* \* M/SER/CM/SD/SS \* \* \*" and " \* \* \* M/SER/CM \* \* \*" respectively.

**Appendix J—Response to Audit Recommendations**

45. Paragraph 2, *Applicability*, is amended by removing reference to " \* \* \* SER/CM \* \* \*", and in its place inserting " \* \* \* M/SER/CM \* \* \*".

46. Subparagraph (a) of Paragraph 4, *The Role of the Contracting Officer*, is amended by revising the first sentence to read as follows:

Pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601-613), as implemented in FPR Temporary Regulation 55, and as provided in FPR 1-1.402 and AIDPR 7-1.452-1, Contracting Officers have the authority to negotiate and enter into settlements with

contractors of costs questioned under audit reports. \* \* \*

47. Paragraph 5, *Procedures*, is amended by removing all references to " \* \* \* SER/CM \* \* \* " and " \* \* \* CM/SD/SUP \* \* \* " and inserting " \* \* \* M/SER/CM \* \* \* " and " \* \* \* M/SER/CM/SD/SS \* \* \* ", and in their places respectively.

48. Subparagraph (b)(3), *Audit Recommendations Questioning Costs Under AID Direct Contracts, Collection*, of Paragraph 5, *Procedures*, is amended by removing the reference to " \* \* \* FM/PAD \* \* \* " and inserting " \* \* \* M/FM/PAD \* \* \* " in its place.

49. Paragraph 6, *Closing Audit Recommendations*, is amended by removing the reference to " \* \* \* SER/CM \* \* \* " and " \* \* \* CM/SD/SUP \* \* \* " and inserting " \* \* \* M/SER/CM \* \* \* " and " \* \* \* M/SER/CM/SD/SS \* \* \* ", in their places respectively.

50. Subparagraph (a), *General*, of Paragraph 7, *Clearances*, is amended by removing references to " \* \* \* SER/CM \* \* \* " and " \* \* \* AA/SER \* \* \* " and inserting " \* \* \* M/SER/CM \* \* \* " and " \* \* \* M/AAA/SER \* \* \* ", in their places respectively.

51. Subparagraph (b), Paragraph 7, *Clearances*, is revised as follows:

(b) *Final Decision Pursuant to the Disputes Clause*: If settlement of an audit requires final decision by the Contracting Officer pursuant to the Disputes Clause, such decisions shall be issued only after legal review.

**Appendix L—Review and Certification of Procurement Regulations** is amended as follows:

52. Paragraph 2, *Background*, is amended by removing the reference to " \* \* \* DAA/SER's August 19 letter. ", and in its place inserting " \* \* \* DAA/SER's (now M/AAA/SER) August 19 letter. "

53. Paragraph 3, *Procedure*, is amended by removing all references to " \* \* \* CM/SD/POL \* \* \* " " \* \* \* DAA/SER \* \* \* " " \* \* \* SER/CM \* \* \* " " \* \* \* Assistant General Counsel for Contracting and Litigation (GC/C&L) \* \* \* " and " \* \* \* GC/C&L \* \* \* ", in their places inserting " \* \* \* M/SER/CM/SD/POL \* \* \* " " \* \* \* M/AAA/SER \* \* \* " " \* \* \* M/SER/CM \* \* \* " " \* \* \* Assistant General Counsel for Contract and Commodity Management (GC/CCM) \* \* \* " and " \* \* \* GC/CCM \* \* \* ", respectively.

#### Determination

As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy

Act (Pub. L. 93-400, as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6 (h) of the Act.

Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

#### Certification

Pursuant to the Regulatory Flexibility Act, I hereby certify as head of the Agency, under AIDPR 7-1.204, that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Authority: This AIDPR Notice is issued under 41 CFR 7-1.008-51.

Dated: June 24, 1983.

John F. Owens,

Associate Assistant to the Assistant Administrator for Management.

[FR Doc. 83-17796 Filed 6-30-83; 8:45 am]

BILLING CODE 6116-01-M

## DEPARTMENT OF ENERGY

### 41 CFR Parts 9-3, 9-18, and 9-50

#### Procurement Regulations

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the DOE Procurement Regulations. The revisions update the Regulations as a result of changes of Government-wide Federal Procurement Regulations and (i) revise and appropriately restructure profit and fee determination policies and techniques for use in connection with research and development, manufacture, architect-engineer, and support service contracts and subcontracts (Part 9-3); (ii) revise existing policy regarding negotiation of profit or fee for construction, and construction management contracts (Part 9-18); (iii) revise existing policy regarding fees for management and operating, and on-site contracts (Part 9-50); and (iv) add changes clarifying the allowability of corporate or home office general and administrative (G&A) expenses applicable to the performance of contracts subject to Part 9-50 (Subpart 9-50.15). A detailed listing of the changes is given below under the section entitled "Supplementary Information."

**EFFECTIVE DATE:** August 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert Benson, Business and Financial

Policy Branch (MA-421.1), Procurement and Assistance Management, Department of Energy (202) 252-8178

Christopher T. Smith, Office of General Counsel, AGC for Procurement and Financial Incentives (GC44), Department of Energy (202) 252-1526

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Public Comments
- III. Statutory and Regulatory Requirements

#### I. Background

This notice publishes as a final rule certain changes to the DOE Procurement Regulations (DOE-PR) 41 CFR Chapter 9, which were proposed in the Federal Register on December 15, 1982 (47 FR 56256) and on March 25, 1983 (48 FR 12564). The changes are discussed more specifically in the following paragraphs and DOE's consideration of the comments received on the proposals is discussed in Section II below. Other changes proposed in the two specified Federal Register notices will be published at a later date and any comments received on those proposals will be addressed at that time. The specific changes made to the DOE-PR are as follows:

*Change 1* (Proposed as Change 10.1 in the March 25, 1983 Federal Register) is a listing of additions or alterations to the Table of Contents.

*Change 2* (Proposed as Change 10.3 in the March 25, 1983 Federal Register) replaces the existing text of § 9-3.808 of Subpart 9-3.8, "Profit of Fee," in order to implement Amendment 225, October 14, 1982 (47 FR 50251), of the Federal Procurement Regulations (FPR). The FPR amendment concerns, in part, cost of money cost principles covering facilities capital and capital assets under construction, and policies for establishing profit or fee prenegotiation objectives. The revision results in restructuring and clarification of profit and fee determination policies in order to provide an approach that will (i) ensure appropriate consideration by contracting officers of the relative value of prescribed profit influencing factors when setting profit objectives and (ii) serve as basis for documenting the objective and explaining any significant departures from it in reaching final agreement on price. This results in a structured system, which includes use of a weighted guidelines technique. This system is designed to properly reflect differences among contracts, and the circumstances relating thereto, and to provide appropriate relative profit/fee values in consideration for these

differences and circumstances through the use of relative weights developed for application by the contracting officer to prescribed measurement bases. Each profit factor or subfactor, or component thereof, has been assigned weights relative to its value to the contract's overall effort. The effect of the FPR facilities capital cost of money cost principle has been recognized in the assigned weights, and ranges within the weights; consequently, no offset to the determined prenegotiation profit objective is necessary or will be made for cost of money recognized as a cost. In general, the system applies to all DOE negotiated procurement actions, except for construction and construction management contracts; contracts for the management, operation and/or maintenance of Government facilities; contracts with educational organizations; and commercialization and demonstration type contracts. Profit and fee prenegotiation development techniques for these excepted contracts are covered by other DOE-PR provisions.

*Change 3* (Proposed as Change 10.4 in the March 25, 1983 Federal Register) adds new coverage to the existing text of Subpart 9-39, "Subcontracting Policies and Procedures," in order to provide policy regarding determination of profit or fee objectives under negotiated subcontracts. The policy coincides with the provisions set forth in Change 2. In brief, the policy provides that DOE prime contractors may use a weighted guidelines or a structured approach that distinguishes different levels of investment if the acquisition would be subject to the weighted guidelines under a prime DOE contract.

*Change 4* (Proposed as Change 9.11 in the December 15, 1982 Federal Register) revises the existing text of § 9-18.307-2 by adding a specific profit and fee determination policy for construction and construction management contracts to the Department's negotiation procedure. The added policy implements Amendment 225 of the Federal Procurement Regulations which identifies factors and considerations relating to the development of prenegotiation profit and fee objectives.

*Change 5* (Proposed as change 9.12 in the December 15, 1982 Federal Register) revises policies and procedures in Subpart 9-50.3 regarding fees under management and operating contracts to implement Amendment 225 of the Federal Procurement Regulations, which identifies factors and considerations relating to the development of prenegotiation profit and fee objectives.

*Change 6* revises the text of § 9-50.1505-2 and 9-50.1507-3 to provide

procedures and guidance relating to the applicability and reimbursement of corporate or home office general and administrative expenses under contracts covered by Part 9-50. The revised provisions specify conditions under which such expenses may be allowable as a contract cost or reimbursable through fee. These technical changes are necessary to conform these sections to the revised profit provisions in Subpart 9-50.3.

## II. Public Comments

Notices of proposed rulemaking for the final rule being promulgated today were published in the *Federal Register* of December 15, 1982, 47 FR 56256 (referred to therein as proposed changes 9.11 and 9.12), and of March 25, 1983, 48 FR 12564 (referred to therein as proposed changes 10.1, 10.3, and 10.4), inviting public comments for 30-day periods ending January 14, 1983, and April 25, 1983, respectively. Comments were received from seven sources. The following summarizes the comments and suggestions pertinent to the proposed DOE-PR revisions and actions taken in response thereto. Certain comments received went beyond the scope of the proposed revisions which are solely designed to establish internal guidance and procedure applicable to DOE contracting officials and, as a result they have not been included in the following summary.

*Comment:* Five commentators questioned, in one way or another, the use of the fee schedules in §§ 9-18.307-50 and 9-50.306-5 for establishing fees for DOE construction, construction management, and management and operating contractors. Two commentators suggested the exclusive use of the weighted guidelines technique set forth in Part 9-3.8 for establishing fees. Another commentator stated that the fee schedules should not set maximum fees less than statutory limitations (refer to 304(b) of the Federal Property and Administrative Services Act as amended (41 U.S.C. 254(b))). Other commentators suggested that the fee schedules do not permit sufficient rewards for performance excellence or use of contractor provided facilities and other investments.

*Response:* DOE intends that contract fee objectives are to be established, not by the fee schedules contained in this rule, but by the use of a fee development approach which requires consideration of key fee or profit influencing factors (including performance and investment) set forth and discussed in §§ 9-18.307-50(c) and 9-50.306-4(b) of this rule. The schedules, included in recognition of the complexities of the fee determination

process and to assist in promoting consistent and uniform application, depict measurement norms for the typical DOE project. They set forth amounts of fees that contracting activities are allowed to award for a particular size of transaction without prior review and agreement by the Senior Procurement Official, DOE Headquarters. It should be understood that the fee amounts contained in the schedules are not maxima; rather, they are related to the total operating/capital costs (fee base) only for the approval purposes discussed above. The operating/capital costs (fee base) level is not representative of the amount of a contractor's own cost investment in a typical DOE construction project or contractor operation of a DOE lab or production facility, since they are normally totally financed by DOE advance payments under the letter-of-credit method and involve extensive use of Government-owned property. For this reason, the fee, fee base, and percentages reflected in the schedule do not necessarily have a relevant relationship to statutory fee ceilings and, accordingly, following the statutory ceilings would be inappropriate. The limited (if any) amounts of contractor investment also rules against the weighted guidelines technique, which is essentially designed to reward contractor cost and asset investment, as a suitable method for determining fee rewards for performance of the types of projects covered by this rule. Accordingly, exclusive use of the weighted guidelines technique is inappropriate for DOE contracts covered by Part 9-50. However, it is recognized that a different situation exists when a contract calls for the contractor to use its own resources, including facilities and equipment, and to make its own cost investment for contract performance, i.e., when there is no advance payment covering project costs. In such a case, further considerations, including the possible use of a weighted guidelines technique, may be appropriate when establishing a prenegotiation profit or fee objective. In consideration of the comments concerning reward for performance excellence or use of contractor facilities or other investments, §§ 9-18.307-50(b) and 9-50.306-1(c) have been revised accordingly.

*Comment:* One commentator questioned whether the judgments required of DOE negotiating officials on establishing fees on an annual or multi-year basis as set forth in § 9-50.306-1 and evaluating the factors set forth in §§ 9-18.307-50(c) and 9-50.306-4 will

produce reasonably repeatable and predictable results since application of these provisions requires subjective evaluations.

*Response:* The guidance on establishing fees and on the use of the prescribed factors as set forth in the proposed and final rule is the continuation of a long-standing DOE procedure and is consistent with the requirements set forth in FPR Amendment 225. The guidance provides techniques to be used uniformly and consistently in negotiations of applicable DOE contract actions. DOE intends that the provisions identified by the commentator produce prenegotiation fee objectives which are soundly based and uniquely suited to the nature and circumstances related to each particular procurement transaction. For this reason, the amount of fee awarded for a particular procurement action should not predetermine the amount of fee to be considered in pricing and negotiating another transaction. Regardless of the types of structured approaches which may be used for determining fees, DOE has concluded that the full exercise of judgment by the responsible contracting official is, in the final analysis, the keystone of productive negotiations.

*Comment:* Two commentators suggested that the fees set forth in the schedules in §§ 9-18.307-50 and 9-50.306 appear to be insufficient if they include allowable, allocable, and applicable home office G&A expenses as previous DOE procedures have provided.

*Response:* It is the belief of the DOE that, in most instances, a DOE management and operating contract has limited direct or specific benefit from home office or corporate G&A expenses incurred for the company as a whole because the DOE contract generally provides for all G&A effort at the site for this kind of contract. However, to the degree such benefits flow to the DOE operations, recognition of this benefit is considered to be adequately compensated through fee allowance. The basis of recognition through fee allowance is associated not only with the limited benefit of home office G&A to the DOE project because most G&A types of requirements and efforts are provided by DOE directly at the site, but also with the difficulty of determining and assessing the dollar value of home office G&A expenses that might be applicable or have benefit to a management and operating contract as structured by the DOE. Conventional allocation techniques, i.e., total operating costs, labor dollars or hours, etc., are generally not considered

appropriate because they normally distribute such expenses over a base representative of contractor investment. Contractor investments and home office contributions are minimal under DOE's operating and management contracts in as much as they are totally financed and supported by DOE advance payments under the letter-of-credit method and by the provision of government-owned facilities and property. Nevertheless, where benefits of home office G&A may be found to be significantly associated with operation of a DOE facility or plant, DOE policies permit recognition of such benefits through charges of a lump sum amount to the DOE contract. In further consideration of this matter and this comment, DOE is revising § 9-50.1505-2 to clarify that the revised fee schedules being promulgated in the final rule recognize corporate office G&A on a general basis, and, if significant direct benefits are to be recognized and paid as a direct cost, they may be in addition to the maximum fee allowances contained therein. While similar conditions also limit home office G&A charges to construction and construction management contracts, these conditions are not so pervasive as in the case of management and operating contracts.

This final rule also provides for the contracting officer to recognize as a cost of performing a construction or construction management contract, with no off-set to maximum fee allowances in the fee schedule published today, those home office G&A expenses they determine are allowable, allocable and applicable to contract performance. The mere provision of such cost recognition, however, does not mandate its allowance or reimbursement as a cost. In any particular contract, the contracting officer may determine or conclude fee allowances adequately remunerate a contractor for home office G&A expenses.

*Comment:* One commentator suggested two revisions to the proposed rule relating to contracts covered by Part 9-50. In the first suggestion, for a specific contract which calls for a combination of work categories (e.g., production, research and development, operating and management, construction, or construction management); a separate fee should be established based on the costs pertinent to each category. This procedure would allow each fee objective so established to be compared against the "beginning" portion of each fee schedule; and as a result, produce a higher fee percent for each base fee segment than the fee percent applicable to the combined total cost. For substantially the same reason,

the commentator also suggested that the proposed rule be revised to provide for treating the costs associated with each contract change order as a new cost requirement for fee comparison purposes.

*Response:* As in the proposed rule, the final rule permits each work category to be treated separately for fee determination purposes and for the related comparison against applicable fee schedules. Accordingly, no change is necessary to respond to this comment. With respect to the second suggestion, the manner in which DOE funds contracts covered by Part 9-50 would not make the suggested procedure practicable. DOE's fee determination procedure requires consideration of all funded project costs to include change orders. Change orders, which are normally issued in accordance with established task orders, are generally recognized in the total funding and other factors affecting the fee determination process upon contract award. Accordingly, it would constitute a duplication of fees if a fee were established for each change order, when issued. Since DOE believes that the issues involved in both of the commentators' suggestions are appropriately covered in this rule, no changes are considered necessary.

*Other changes:* Some of the final rule revisions, based on comments received and further analysis by DOE, require related technical changes to other pertinent DOE provisions. These revisions are set forth as follows:

(1) Sections 9-50.1505-2 and 9-50.1507-3 have been modified to the extent necessary to reflect the revisions proposed and included in the final rule regarding the allowability of allowable, allocable, and applicable home office G&A expenses.

(2) Section 9-50.306-2(c) has been modified to (a) clearly provide that the management allowances, which may be allowed for educational institutions, include overall management and administrative costs directly associated with contract performance; and (b) to clearly provide that payments for management/administrative allowances, when agreement cannot be reached between the contracting parties, shall not exceed the DOE estimate of the anticipated central indirect expenses applicable to the project.

(3) The fee schedules in §§ 9-18.307-50(e) and 9-50.306-5 have been modified to provide for an incremental rate for fee amounts applicable to a fee base greater than the maximum fee bases shown.

(4) The fee reduction percentages in § 9-18.307-50(e) for Class A, B, C, and D

projects have been increased over the percentages as proposed because of a typographical error in the proposal.

(5) The "maximum total percentage" column in the schedule under § 9-50.306-8(d) has been modified by changing the next to last figure in the column from 290 to 190 in order to correct a typographical error.

(6) Additional language is included in 9-50.306-7 and an appropriate cross-reference is added to § 9-18.307-50(f) to clearly define the term "special equipment" referred to in those sections.

(7) Slight rearrangements of the paragraph sequencing has been made in several sections, without changing the language of the paragraphs, to provide for better continuity and ease of reading.

(8) Additional language was added in § 9-18.307-50(e) to clarify the intent that the only adjustments to be made when applying the construction management schedule would be for excess use of the contractor's own force account labor.

(9) Additional language has been added in §§ 9-18.307, 9-50.306.8 to highlight the waiver requirement when total award-fee levels will exceed the statutory levels of 10 U.S.C. 2306(d).

(10) In various sections, the language was revised to increase its clarity. These technical, non-substantive changes were based on further analysis by DOE.

### III. Statutory and Regulatory Requirements

#### A. Review Under Executive Order 12291

Inasmuch as this final rule relates to agency management of the procurement function, the OMB clearance procedures set forth in Executive Order 12291 (February 17, 1981) are not applicable.

#### B. Review Under the Regulatory Flexibility Act

This final rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

#### C. Review Under the Paperwork Reduction Act

DOE has determined that this rulemaking imposes no information collection and reporting requirements on organizations and individuals external to DOE that may be subject to this regulation. Accordingly no review under

the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.) is required.

#### D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 et. seq. (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the DOE guidelines (10 CFR Part 1020), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

#### List of Subjects in 41 CFR Parts 9-3, 9-18, and 9-50

Government procurement, Labor, Reporting and record keeping requirements, Operating contractors.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., June 24, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

The regulations in 41 CFR Chapter 9 are amended as set forth below:

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254).

#### Change 1

The Table of Contents of Part 9-3 is amended by revising Subpart 9-3.8, adding Section 9-3.903-2 to Subpart 9-3.9; for Part 9-18 by adding Sections 9-18.307-2 and 9-18.307-50 to Subpart 9-18.3; and for Part 9-50 by reserving Section 9-50.305 of Subpart 9-50.3 and adding Sections 9-50.306 through 9-50.306-8 to read as follows:

### PART 9-3—PROCUREMENT BY NEGOTIATION

#### Subpart 9-3.8—Price Negotiation Policies and Techniques

Sec.

- 9-3.808 Profit or fee.
- 9-3.808-1 [Reserved]
- 9-3.808-2 General.
- 9-3.808-4 Contracting officer's responsibilities.
- 9-3.808-6 Profit analysis factors.
- 9-3.808-50 Weighted guidelines system.
- 9-3.808-51 Documentation.
- 9-3.808-52 Exceptions.
- 9-3.808-53 Special consideration—contracts with nonprofit organizations (other than educational institutions).
- 9-3.808-54 Contracts with educational institutions.

- Sec.
- 9-3.808-55 Alternative techniques.
- 9-3.808-56 Weighted guidelines application considerations.

#### Subpart 9-3.9—Subcontracting Policies and Procedures

- 9-3.903-2 Review and approval of subcontracts.

### PART 9-18—PROCUREMENT OF CONSTRUCTION

#### Subpart 9-18.3—Negotiations

- 9-18.307-2 Cost reimbursement type contracts.
- 9-18.307-50 Profit and fee.

### PART 9-50—OPERATING AND ON-SITE SERVICE CONTRACTS

#### Subpart 9-50.3—Procurement

- 9-50.305 [Reserved]
- 9-50.306 Profit and fees.
- 9-50.306-1 Policy.
- 9-50.306-2 Special considerations—educational institutions.
- 9-50.306-3 Special considerations—nonprofit organizations (other than educational institutions).
- 9-50.306-4 Considerations and techniques for determining fees.
- 9-50.306-5 Limitations.
- 9-50.306-6 Fee base.
- 9-50.306-7 Special equipment purchases.
- 9-50.306-8 Special considerations—award fee.

#### Subpart 9-50.15—Contract Cost Principles and Procedures

#### Change 2

Change 2 replaces the existing text of section 9-3.808 of Subpart 9-3.8, "Profit or Fee," in order to implement Amendment 225 of the Federal Procurement Regulations. The FPR amendment concerns prenegotiation profit determination and establishes a cost of money cost principle covering facilities capital cost of money and cost of money as an element of capital assets under construction. The revision results in a restructuring and clarification of profit and fee determination policies. Section 9-3.808 is revised to read as follows:

#### Subpart 9-3.8—Price Negotiation Policies and Techniques

**§ 9-3.808 Profit or fee****§ 9-3.808-1 [Reserved]****§ 9-3.808-2 General.**

(a) *Objective.* It is the intent of DOE to remunerate contractors for financial and other risks which they may assume, resources they use, and organization, performance and management capabilities they employ. Profits or fees shall be negotiated for this purpose; however, when profit or fee is determined as a separate element of the contract price, the aim of negotiation should be to fit it to the acquisition, giving due weight to effort, risk, facilities investment, and special factors as set forth in this subpart.

(b) *Commercial (for profit) organizations.* Profit or fee renegotiation objectives for contracts with commercial (for profit) organizations shall be determined as provided in this subpart.

(c) *Nonprofit organizations.* It is DOE's general policy to pay fees in contracts with nonprofit organizations other than educational institutions and governmental bodies; however, it is a matter of negotiation whether a fee will be paid in a given case. In making this decision, the DOE negotiating official should consider whether the contractor is ordinarily paid fees for the type of work involved. The profit objective should be reasonable in relation to the task to be performed and the requirements placed on the contractor.

(d) *Educational institutions.* It is DOE policy not to pay fees under contracts with educational institutions.

(e) *State, local and Indian tribal governments.* Profits or fees shall not be paid under contracts with State, local, and Indian tribal Governments.

(f) *Management and operating contracts.* Refer to Part 9-50 for profit and fee techniques applicable to management and operating contracts.

(g) *Cost-plus-award-fee-contracts.* When a contract is to be awarded on a cost-plus-award-fee basis in accordance with DOE PR 9-3.405-50, several special considerations are appropriate.

(1) The base fee portion of the fee objective of an award fee contract may range from 0% up to the 50% level of the fee amount for a Cost-Plus-Fixed-Fee (CPFF) contract, arrived at using the weighted guidelines or other techniques. However, the base amount should not normally exceed 50% of the otherwise applicable fixed fee. In the event this 50% limit is exceeded, appropriate documentation shall be entered into the contract file. In no event shall the base fee exceed 60% of the fixed fee amount.

(2) The base fee plus the amount included in the award fee pool normally should not exceed the fixed fee using the weighted guidelines techniques by more than 50%. However, in the event the base fee is to be less than 50% of the fixed fee, the maximum potential award fee may be increased proportionately with the decrease in the base fee amount.

(3) The following maximum potential award fees shall apply in award fee contracts: (percent is stated as percent of the fixed fee amount determined by the use of weighted guidelines technique).

Base fee percent	Award fee percent	Maximum total percentage
50	100	150
40	120	160
30	140	170
20	160	180
10	180	190
0	200	200

(4) Prior approval of the Senior Procurement Official, Headquarters, is required for total fees (base plus award fee pool) exceeding the guidelines in the preceding paragraph.

(h) *Cost sharing contracts.* No fee or profit shall be paid when the contract involves a cost sharing arrangement.

**§ 9-3.808-4 Contracting officer's responsibilities.**

(h) The statutory limitations on profit and fees as set forth in Federal Procurement Regulation 1-3.808-4(e) shall be followed, except as exempted for DOE architect-engineer contracts covering AEC and BPA functions per § 9-3.405-5(b). Waivers to apply the maximum cost-plus-award-fee percentage in § 9-3.808-2(g)(3) in those situations that shall result in potential fees exceeding the limitations cited in FPR 1-3.808-4(e) shall be forwarded to the Senior Procurement Official, Headquarters.

**§ 9-3.808-6 Profit analysis factors.**

A profit/fee technique, consistently applied, provides contracting officers with (a) a systematic approach that will insure consideration of the relative value of the various profit factors described in § 9-3.808-50 in the establishment of a profit objective and the conduct of negotiations; and (b) a basis for documentation of this objective, including an explanation of any significant departure from it in reaching a final agreement. The contracting officer's analysis of these prescribed factors can be based on information available prior to negotiations. Such information is furnished in proposals, audit data,

performance reports, preaward surveys and the like.

**§ 9-3.808-50 Weighted guidelines system.**

(a) To properly reflect differences among contracts and the circumstances relating thereto and to select the appropriate relative profit/fee in consideration of these differences and circumstances, weightings have been developed for application by the contracting officer to standard measurement bases representative of the prescribed profit factors cited in paragraph (f) of this section. This is a structured system, referred to herein as weighted guidelines. Each profit factor or subfactor, or component thereof, has been assigned weights relative to their value to the contract's overall effort. The range of weights to be applied to each profit factor is also set forth in paragraph (f) of this section. Guidance on how to apply the weighted guidelines technique is set forth in § 9-3.808-56.

(b) Except as set forth in § 9-3.808-52, the weighted guidelines system shall be used in establishing the profit objective for negotiation of contracts where cost analysis is performed.

(c) Contractors shall not be required to submit the details of their profit objectives, for purposes of weighted guideline evaluation and development, but they shall not be prohibited from doing so if they desire.

(d) The negotiation process does not contemplate or require agreement on either estimated cost elements or profit elements. Accordingly, although the details of analysis and evaluation may be discussed in the fact-finding phase of the negotiation process in order to develop a mutual understanding of the logic of the respective positions, specific agreement on the exact weights or values of the individual profit factors is not required and shall not be attempted.

(e) If a change or modification is of a relatively small dollar amount and is basically the same type of work as required in the basic contract, the application of the weighted guidelines method will generally result in a profit objective similar to the profit objective in the basic contract and, therefore, the basic profit rate may be applied to the contract change or modification. In cases where the change or modification calls for substantially different work, then the basic contract profit and the contractor's effort may be radically changed and a detailed analysis of the profit factors would be a necessity. Also, if the dollar amount of the change or contract specification is very significant in comparison to the contract

dollar amount, a detailed analysis should be made.

(f) The factors set forth below are to be used in determining DOE profit objectives. The factors and weight ranges for each factor shall be used in all instances where the weighted guidelines are applied.

Profit factors	Weight ranges (percent)
I. Contractor Effort (Weights applied to cost):	
A. Material acquisitions:	
1. Purchased parts	1 to 3.
2. Subcontracted items	1 to 4.
3. Other materials	1 to 3.
B. Labor skills:	
1. Technical and managerial:	
a. Scientific	10 to 20.
b. Project management/administration	8 to 20.
c. Engineering	8 to 14.
2. Manufacturing	4 to 8.
3. Support services	4 to 14.
C. Overhead:	
1. Technical and managerial	5 to 8.
2. Manufacturing	3 to 6.
3. Support services	3 to 7.
D. Other direct costs	3 to 8.
E. G&A (General Management) expenses	5 to 7.
II. Contract Risk (type of contract—weights applied to total cost of items IA thru E)	0 to 8.
III. Capital Investment (Weights applied to the net book value of allocable facilities)	5 to 20.
IV. Independent Research and Development:	
A. Investment in IR&D program (Weights applied to allocable IR&D costs)	5 to 7.
B. Developed items employed (Weights applied to total profit \$ for items IA thru E)	0 to 20.
V. Special Program Participation (Weights applied to total profit \$ for items IA thru E)	-5 to +5.
VI. Other Considerations (Weights applied to total profit \$ for items IA thru E)	-5 to +5.
VII. Productivity/Performance (special computation)	(As computed).

#### § 9-3.808-51 Documentation.

Determination of the profit or fee objective, in accordance with this Subpart shall be fully documented. A pro forma worksheet, DOE Form PR-336, has been prepared to assist the contracting officer in this effort. Since the profit objective is the contracting officer's pre-negotiation evaluation of a total profit allowance for the proposed contract, the amounts developed for each category of cost will probably change in the course of negotiation. Furthermore, the negotiated profit will probably vary from the profit objective and from the prenegotiation detailed application of the weighted guidelines technique to each element of the contractor's input to total performance. Since the profit objective is viewed as a whole rather than as its component parts, insignificant variations from the pre-negotiation profit objective, as a result of changes to the contractor's input to total performance, need not be

documented in detail. Conversely, significant deviations from the profit objective necessary to reach a final agreement on profit or fee shall be explained in the record of negotiation prepared in accordance with FPR 1-3.811.

#### § 9-3.808-52 Exceptions.

(a) For contracts not expected to exceed \$500,000, the weighted guidelines need not necessarily be used; however, the contracting officer may use the weighted guidelines for contracts below this amount if he or she elects to do so.

(b) For the following classes of contracts, the weighted guidelines shall not be used:

- (1) Commercialization and demonstration type contracts;
- (2) Management and operating contracts for management, operation and/or maintenance of Government facilities;
- (3) Construction contracts;
- (4) Construction management contracts;
- (5) Contracts primarily requiring delivery of material supplied by subcontractors;
- (6) Termination settlements; and
- (7) Contracts with educational institutions.

(c) In addition to paragraphs (a) and (b) of this section, the contracting officer need not use the weighted guidelines in unusual pricing situations where the weighted guidelines method has been determined by the DOE negotiating official to be unsuitable. Such exception shall be justified in writing and shall be authorized by the Head of the Procuring Activity. The contract file shall include this documentation and any other information that may support the exception.

(d) If the contracting officer makes a written determination that the pricing situation meets any of the circumstances set forth above, other methods for establishing the profit objective may be used. For contracts other than those subject to Part 9-50, the selected method shall be supported in a manner similar to that used in the weighted guidelines (profit factor breakdown and documentation of profit objectives); however, investment or other factors that would not be applicable to the contract shall be excluded from the profit objective determination. It is intended that the methods will result in profit objectives for noncapital intensive contracts that are below those generally developed for capital intensive contracts.

#### § 9-3.808-53 Special considerations—contracts with nonprofit organizations (other than educational institutions)

(a) For purposes of identification, nonprofit organizations are defined as those business entities organized and operated exclusively for charitable, scientific, or educational purposes, of which no part of the net earnings inure to the benefit of any private shareholder or individual, of which no substantial part of the activities is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office, and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

(b) In computing the amount of profit or fee to be paid, the DOE negotiating official shall take into account the tax benefits received by a nonprofit organization. While it is difficult to establish the degree to which a remuneration under any given contract contributes to an organization's overall net profit, the DOE negotiating official should assume that there is an element or profit in any amount to be paid.

(c) In order to assure consideration of the tax posture of nonprofit organizations during a profit or fee negotiation, the DOE negotiating official shall calculate the fee as for a contract with a commercial concern and then reduce it at least 25%. However, depending on the circumstances, the contracting officer may pay fees somewhere between this amount and the appropriate fee as if it were a commercial concern. When this is the case, the contract files should be documented to specifically state the reason or reasons.

(d) Where a contract with a nonprofit organization is for the operation of Government-owned facilities, the fee should be calculated using the procedures and schedules applicable to operating contracts as set forth in Part 9-50.

#### § 9-3.808-54 Contracts with educational institutions.

In certain situations DOE may contract with a university to manage or operate Government-owned laboratories. These efforts are generally apart from, and not in conjunction with, their other activities, and the complexity and magnitude of the work are not normally found in standard university research or study contracts. Such operating contracts are subject to the provisions set forth in § 9-50.306-2.

**§ 9-3.808-55 Alternative techniques.**

(a) Fees to be paid on construction contracts and construction management contracts shall be determined in accordance with the applicable Profit/Fee Technique for such contracts set forth in § 9-18.307-50.

(b) Profits and fees to be paid on contracts under \$500,000, not using the weighted guidelines, shall be judgmentally developed by the contracting officer by assigning individual dollar amounts to the factors appropriate to DOE profit considerations discussed in § 9-3.808-50(f).

(c) Contracts which require only delivery or furnishing of goods or services supplied by subcontracts shall include a fee or profit which, in the best judgment of the contracting officer, is appropriate. It would be expected there would be a declining relationship of profit/fee dollars in relation to total costs. The higher the cost of subcontracts, for example, the lower the profit/fee ratio to these costs would be.

(d) Profit/Fee considerations in termination settlements are often a question of equity. They are a matter of negotiation. They should not, however, exceed what would have otherwise been payable under weighted guidelines had the termination not occurred.

**§ 9-3.808-56 Weighted guidelines application considerations.**

(a) *General.* (1) Section 9-3.808-50(f) lists those DOE factors which are given consideration for profit/fee determination in all cases in which profit is to be specifically negotiated. This section discusses these factors and provides guidance on how they should be evaluated.

(2) The profit/fee elements (factors or subfactors) relating to Contractor Effort, as shown § 9-3.808-50(f), item I, are similar to those cost elements contained in most contractor Contract Pricing Proposals. Often, individual proposals will be in a different format, but, since these factors and subfactors are broad and basic, they provide sufficient guidance to evaluate all items of cost generally found in proposals.

(3) In making a judgment of the value of each factor, the contracting officer should recognize the definition, description, and purpose of the factors, together with consideration for evaluating them as set forth herein.

(4) The effect of the FPR facilities capital cost of money cost principle (FPR 1-15.205.51) has been recognized in the weights assigned for arriving at profit and fee objectives; consequently, no offset is necessary or will be made to

the prenegotiation profit objectives for cost of money recognized as a cost.

(b) *Contractor effort.* (1) This factor is a measure of how much the contractor is expected to contribute to the overall effort necessary to meet the contract performance requirements in an efficient manner. This factor, which is apart from the contractor's basic responsibility for contract performance, takes into account what resources are necessary, and what the contractor must do, to accomplish a conversion of ideas and materials into the final product or service called for in the contract. This factor recognizes that, within a given performance output or within a given sales dollar figure, necessary efforts on the part of individual contractors can vary widely in both value and quantity, and, that the profit objective should reflect the extent and nature of the contractor's contribution to total performance. The evaluation of this factor requires an analysis of the cost content of the proposed contract, as discussed in paragraph (b)(2) through (4) of this section. *Not to be included as part of the cost base (for purposes of computing profit) is any amount calculated for the cost of money for facilities capital computed in accordance with Cost Accounting Standard 414.*

(2) The following comprise the base elements for measuring contractor effort:

(i) *Material acquisition.* Analysis of material acquisition cost items shall include an evaluation of the managerial and technical effort necessary to obtain the required purchased parts, subcontracted items or services, and other materials, including consideration of the number of orders and supplies and whether established sources are available or new sources must be developed. In reviewing this element:

(A) The contracting officer shall determine whether the contractor will obtain the material and tooling by routine orders from readily available suppliers (particularly orders of substantial value in relation to the total contract cost) or by subcontracts, and shall consider the extent to which the prime contractor will be required to develop complex specifications involving creative design or close tolerance manufacturing requirements.

(B) Consideration shall be given to the managerial and technical efforts necessary for the prime contractor to administer subcontracts and select subcontracts, including efforts to break out sole source subcontractors through the introduction of competition. These determinations and considerations shall be made for purchases of raw materials or basic commodities, purchases of

processed material, including all types of components of standard or near standard characteristics, and purchases of pieces, assemblies, subassemblies, special tooling, and other products special to the end item. In the application of this criterion, it should be recognized that the contribution of the prime contractor to his purchasing program may be substantial. This may apply in the management of subcontracting programs involving many sources, new complex components and instrumentation, incomplete specifications, and close surveillance by the prime contractor's representative.

(C) Recognized costs proposed as direct material costs, or proposed as material overhead costs, such as scrap charges, shall be treated and evaluated as material costs for profit evaluation.

(D) Intracompany transfers which are accepted at price, in accordance with FPR 1-15.205-22(e), shall be evaluated as material. Other intracompany transfers shall be evaluated by individual components of cost, i.e., material, labor, and overhead.

(ii) *Labor (technical and managerial, manufacturing, and support services).* Analyses of the labor cost content of the contract shall include evaluation of the comparative quality and level of the talents, skills, and experience of those personnel to be employed for contract performance. In reviewing this element:

(A) Technical and managerial labor shall be evaluated, for the purpose of assigning profit dollars, by giving consideration to the amount of notable scientific, unusual or scarce engineering, and top management talent needed in contrast to journeyman engineering effort, professional staff, or closely related supporting personnel. The diversity, or lack thereof, of scientific, engineering and managerial specialties required for contract performance and the corresponding need for related supervision and coordination shall be evaluated. By way of definition, project management and administration labor falling within this category includes senior project management personnel who oversee and direct the work, and usually consist of the project managers, project engineers, and comparable management personnel who form the project management team that plans, directs, and takes responsibility for the execution of the program or project assignment. The cost element for project management and administration labor usually applies to architect-engineer (A-E) contracts. The weight assigned will take into consideration the dollar amount of the project supervised.

(B) Manufacturing labor shall be evaluated by giving consideration to the variety and range of required manufacturing labor skills (i.e., department heads, supervisors, skilled and unskilled labor) and the contractor's manpower resources for meeting these requirements.

(C) Support services labor shall be evaluated in a manner similar to the above by assigning higher weights to professional-type skills and lower weights to semi-professional or other type skills required for contract performance. Support services labor represents those classifications of direct labor whose effects are not identifiable with the descriptions of labor in paragraph (A) and (B) above and may include labor classifications assigned exclusively for contract performance, such as on-site A-E firm employees performing project activities related to accounting, contract administration (including reporting), cost engineering, secretarial, clerical and the like. Care should be taken that direct charges of this nature are appropriately classified as direct rather than indirect, and that like activities are not allocated indirectly either to this contract or to the contractor's other work assignments. A weighting in excess of 9 percent for support service contract labor normally will be justified only when the quality, skill, and experience of the support labor warrants a weighting corresponding to category (A), above.

(iii) *General management (overhead and general and administrative (G&A) but exclusive of IR&D cost)*. In reviewing this element:

(A) Analysis of overhead and G&A expenses includes evaluation of the makeup of these expenses and how much they contribute to contract performance. This analysis shall include a determination of the amount of labor within the expense pools and how this labor would be treated if it were considered as direct labor under the contract. The allocable labor elements shall be given the same profit consideration that they would receive if they were treated as direct labor. The other elements of these expense pools shall be evaluated to determine whether they are routine expenses (such as utilities, supplies, and maintenance) and hence given lesser profit consideration, or whether they contribute significantly to contract performance. Depreciation expenses on facilities capital will be excluded from consideration since the profit reward for facilities capital investment is separately weighted as discussed in § 9-3.808-56(d). The composite of the individual

determinations in relation to the elements of the expense pools will be the profit consideration given the pools as a whole. The procedure for assigning relative values to such expenses differs from the method used in assigning values for the direct labor. The upper and lower limits assignable to the direct labor are absolute. In the case of overhead expenses, individual expenses may be assigned values outside the range as long as the composite ratio is within the range.

(B) It is not necessary that the contractor's accounting system break down the overhead expenses within the classification of technical and managerial (or engineering) overhead, manufacturing overhead, and general and administrative expenses, unless dictated otherwise by Cost Accounting Standards (CAS). The contractor whose accounting system only reflects one overhead rate on all direct labor need not make changes to reflect more detail data (if CAS exempt) to correspond with the above classifications. In evaluating such a contractor's overhead rate, the contracting officer can break out the applicable sections of the composite rate which can be classified as technical, managerial, or engineering overhead, manufacturing overhead, and general and administrative expenses and follow the appropriate evaluation technique.

(C) There is a critical factor to consider in the determination of profit in this area. Management problems surface in various degrees and the management expertise exercised to solve them shall be considered as an element of profit. For example, a new program for an item that is on the cutting edge of the state of the art will cause more problems and require more managerial time and abilities of a higher order than a follow-on contract. If new contracts create more problems and require a higher profit consideration, follow-ons shall be adjusted downward as many of the problems may have been solved. In any event, an evaluation shall be made of the underlying managerial effort involved on a case-by-case basis.

(D) It may not be necessary for the contracting officer to make a separate profit evaluation of overhead expenses with each acquisition of substantially the same circumstance or service with the same contractor. Where an analysis of the profit weight to be assigned to the overhead pool has been made, the weight to be assigned may be used for future contracts with the same contractor until there is a change in the cost composition of the overhead pool or the contract circumstances, or until the

factors discussed in paragraph (C) above are relevant.

(iv) *Other direct costs (exclusive of CAS 414, facilities capital cost of money)*. In evaluating this element, it should be remembered:

(A) Proposals, particularly for research and development, often list as direct costs the kinds of expenses usually treated as indirect for other contracts. Examples are travel and subsistence, consultants, telephone, computer costs and reports reproduction. The accounting treatment of a cost category does not change the weight appropriate to the cost being evaluated.

(B) The weight ranges in the format cover the broad categories of direct material, labor, and G&A expenses. Although cost submissions may vary from the way shown in the format, all cost categories contained in submissions will fall under one of the broad groupings shown in the format. Because other direct costs are not direct material or direct labor, it follows that they will be considered as indirect costs for weighting purposes.

(c) *Contract risk*. (1) This factor reflects the policy of the Department of Energy that contractors bear an equitable share of cost risk, and to compensate them for the assumption of that risk. A contractor's risk associated with costs to perform under a Government contract is usually minimal under cost-reimbursement-type contracts. In developing a prenegotiation profit or fee objective, the contracting officer will need to consider the type of contract to be negotiated and the anticipated contractor cost risk. This consideration is one of the most important factors in arriving at a prenegotiation profit objective.

(2) Profit/Fee allowances for contractor assumption of cost risk shall require a determination of the degree of cost responsibility the contractor assumes, and the reliability of the cost estimates in relation to the task assumed. This factor is specifically limited to the risk of costs of contract performance, including unallowable cost elements. Thus, such risks on the part of the contractor as reputation, losing a commercial market, losing potential profits in other fields, or any risk on the part of the contracting activity, such as the risk of not acquiring an effective product or service, are not within the scope of this factor.

(3) The first and basic determination of the degree of cost responsibility assumed by the contractor is related to the sharing of total risk of performance

cost by the Government and the contractor through the selection of contract type. The extremes are a cost-plus-fixed-fee contract, requiring only that the contractor use his best efforts to perform a task, and a firm fixed-price contract. A cost-plus-fixed-fee contract reflects a minimum assumption of cost responsibility, whereas a firm fixed-price contract reflects a complete assumption of cost responsibility.

(4) The second determination is that of the reliability of the cost estimates. Sound price negotiation requires well-defined contract objectives and reliable cost estimates which, among other things, take the difficulty of the task into consideration. Prior production experience assists the contractor in preparing reliable cost estimates on new contracts for similar items.

(5) Contractors are likely to assume greater cost risk when confident that contracting officers analyze the risk incident to proposed contracts and show they are willing to compensate contractors for it. Generally, a cost-plus-fixed-fee contract will not justify a reward for risk in excess of 0.5 percent, nor will a firm-fixed price contract justify a reward of less than the minimum on the following weighted guidelines. Where proper contract-type selection has been made, the reward for risk, by contract type, will usually fall into the following percentage ranges which are applied to total recognized contract costs, exclusive of facilities capital cost of money:

(i) Type of contract and percentage ranges for profit objectives developed for equipment and supply contracts:

	Percent
Cost-Plus-Fixed Fee	0 to 0.5.
Cost-Plus-Incentive Fee:	
With Cost Incentives Only	1 to 2.
With Multiple Incentives	1.5 to 3.
Fixed-Price-Incentive:	
With Cost Incentives Only	3 to 5.
With Multiple Incentives	4 to 6.
Prospective Price Redeterminable	4 to 6.
Firm Fixed-Price	6 to 8.

(ii) Type of contract and percentage ranges for profit objectives developed for research and development contracts:

	Percent
Cost-Plus-Fixed Fee	0 to 0.5.
Cost-Plus-Incentive Fee:	
With Cost Incentives Only	1 to 2.
With Multiple Incentives	1.5 to 3.
Fixed-Price-Incentive:	
With Cost Incentives Only	2 to 4.
With Multiple Incentives	3 to 5.
Prospective Price Redeterminable	3 to 5.
Firm Fixed-Price	5 to 7.

(iii) Type of contract and percentage ranges for profit objectives developed for contracts for services.

	Percent
Cost-Plus-Fixed Fee	0 to 0.5.
Cost-Plus-Incentive Fee	1 to 2.
Fixed-Price-Incentive	2 to 3.
Firm Fixed-Price	3 to 4.

(6) In assessing the selection and application of a weighting factor, the DOE negotiating official should remember:

(i) These ranges may not be appropriate for all acquisitions. For instance, a fixed price incentive contract that is closely priced with a low ceiling price and high incentive share may be tantamount to a firm fixed price contract. In this situation, the contracting officer may determine that a basis exists for high confidence in the reasonableness of the estimate and that little opportunity exists for cost reduction without extraordinary efforts. On the other hand, a contract with a high ceiling and low incentive formula can be considered to contain cost-plus-incentive-fee contract features. In this situation, the contracting officer may determine that the Government is retaining much of the contract responsibility and that the risk assumed by the contractor is minimal. Similarly, if a cost-plus-incentive-fee contract includes an unlimited downward (negative) fee adjustment on cost control, it could be comparable to a fixed incentive contract. In such a pricing environment, the contracting officer may determine that the Government has transferred a greater amount of cost responsibility to the contractor than is typical under a normal cost-plus-incentive-fee contract.

(ii) The acquisition may not obviously fit a specific category shown. For example, effort under a particular A-E contract may better fall into the category of R&D, rather than services. Judgment is required, therefore, in establishing the category and weights to be applied in a given case.

(iii) The contractor's subcontracting program may have a significant impact on the contractor's acceptance of risk under a contract form. It can cause risk to increase or decrease in terms of both cost and performance. This consideration shall be a part of the contracting officer's overall evaluation in selecting a factor to apply for cost risk. It may be determined, for instance, that the prime contractor has effectively transferred real cost risk to a subcontractor and the contract cost risk evaluation, as a result, may be below the range that would otherwise apply for

the contract type being proposed. This situation will be found to exist only in a few extraordinary situations under circumstances of (a) to follow-on production contract, in which a substantial portion of the total contract costs represents a single subcontract or a few subcontracts, and (b) the fullest incentive reward and penalty features on cost performance having been passed by the prime contractor to the subcontractor. In an acquisition in which all of these circumstances are found to exist, a lower than usual profit weight may be applied to the aggregate of all recognized costs, including the subcontract portion. The contract risk evaluation should not be lowered, however, merely on the basis that a substantial portion of the contract costs represents subcontract costs (when there is no substantial transfer of the contractor's risk) since such action eventually can result in an undue or undesirable lessening of the amount of work let on subcontracts.

(iv) In making a contract cost risk evaluation in an acquisition that involves executing a definitive contract for a letter contract, unpriced change orders, and unpriced orders under BOA's, the effect on total contract cost risk as a result of having partial performance before a definitive contract is executed should be considered. Under some circumstances it may be concluded that the amount of cost risk has been effectively reduced. Under other circumstances it may be apparent that the contractor's cost risk remained substantially unchanged. To be equitable, the determination of a profit weight for application to the total of all recognized costs, both those incurred and those yet to be expended, must be made with consideration of all attendant circumstances and not be just the portion of costs incurred, or percentage of work completed, prior to the execution of a definitive contract.

(v) Time and material, labor hour, and overhaul contracts prices on a time and material basis shall be considered to be cost-plus-fixed-fee contracts for the purpose of establishing a profit weight in the evaluation of the contractor's assumption of contract cost risk.

(d) *Capital investment (facilities)*. (1) This element relates to the consideration to be given in the profit objective in recognition of the investment risk associated with the facilities employed by the contractor. Measurement of the amount of facilities capital employed is discussed in FPR 1-3.1301-4 and 1-3.1301-8. Five to twenty percent of the net book value of facilities capital allocated to the contract is the normal

range of weight for this profit factor. The key factors that the contracting officer shall consider in evaluating this factor are:

- (i) The overall cost effectiveness of the facilities employed;
- (ii) Whether the facilities are general purpose or special purpose items;
- (iii) The age of the facilities;
- (iv) The relationship of the remaining writeoff life of the investment and the length of the program(s) or contract(s) on which the facilities are employed; and
- (v) Special contract provisions that reduce the contractor's risk of recovery of facilities capital investment (termination-protection clauses, multiyear cancellation ceilings, etc.).

(2) To assist in evaluating new investment, the contracting officer should request the contractor to submit reasonable evidence that the new facilities are part of an approved investment plan and that achievable benefits to the Government will result from the investment. New industrial facilities and equipment shall receive maximum weight when they—

- (i) Are to be acquired by the contractor primarily for Government and energy related business and effort;
- (ii) Have a long service life;
- (iii) Have a limited economic life due to limited alternative uses; and
- (iv) Reduce the total life cycle cost of the products produced for, or services to, the Department of Energy.

To the extent that the new investment represents routine replacement of existing assets, a lesser weight shall be assigned.

(e) *Independent research and development.* This factor rewards contractors in two ways:

(1) As a reward for the contractor's investment in a viable independent research and development program; considering, among other things, the program's quality, scope, and resources employed. The normal weight range for this factor is from 5 to 7 percent of allowable IR&D costs allocable to the prospective contract.

(2) As a reward for contractors who assume the extra risk of developing items with energy program applications on their own initiative with no direct Government assistance and little or no indirect Government assistance. Profit weights in the range of 0 to 20 percent of the basic profit dollars (total of profit dollars for items I.A. through I.E., § 9-3.808-50(f)) are normal for this factor. The weight selection is to be based on the amount of assistance provided by the Government through independent research and/or development expense

allowance under previous Government contracts and the extent the contractor already has been compensated for independent development through prior sales of the identical item to the Government.

(f) *Participation in special programs.*

(1) A composite percentage weight within the range of -5 percent to +5 percent of the basic profit objective (total of profit dollars for items I.A. through I.E., § 9-3.808-50(f)) may be assigned for this profit objective. This profit factor, which may apply to special circumstances as well as a particular acquisition, relates to rewards of outstanding achievement in contractor participation in the Government's small business, small disadvantaged business, labor surplus, energy conservation and other special programs. Participation that is rated as merely satisfactory shall be assigned a weight of zero, generally. Evidence of effective support may justify a plus weight and poor support a negative weight.

(2) In assessing this factor, the contracting officer:

(i) Shall give favorable consideration to the contractor's policies and procedures that effectively support Government small business and small disadvantaged business subcontracting programs, pursuant to §9-1.710 & FPR 1-710. Any unusual effort that the contractor displays in subcontracting with small business or small disadvantaged business concerns, particularly for development-type work likely to result in later production opportunities, and the overall effectiveness of the contractor in subcontracting with, and furnishing assistance to, such concerns shall be considered. Conversely, failure or unwillingness on the part of the contractor to support Government small or small disadvantaged business policies shall be viewed as evidence of poor performance for the purpose of establishing a profit objective.

(ii) Shall make a similar review and evaluation of the contractor's policies and procedures supporting the Government's labor surplus area program, pursuant to §9-1.805. In particular, favorable consideration shall be given to a contractor who (a) makes a significant effort to help find jobs and provide training for the hardcore unemployed, or (b) promotes maximum subcontractor utilization of certified eligible concerns, as defined in FPR 1-1.801.

(iii) Shall give favorable consideration to the contractor's initiatives and accomplishments in the conservation of energy and in carrying out any other special Government programs.

(g) *Other considerations.* (1) Particular situations may justify consideration of a profit allowance in addition to those specifically identified elsewhere in the guidelines. These situations shall be identified and the reason(s) for their use documented in the records of price negotiation. An assigned weight of -5 to +5 percent of the basic profit objective is the normal range for this profit factor depending on the circumstances of the particular acquisition. A zero weight designates a satisfactory or average effort.

(2) Examples of "other considerations" are described in the following subparagraphs.

(i) *Cost-control and other past accomplishments.* This factor allows additional profit opportunities to a prospective contractor that has previously demonstrated its ability to perform similar tasks effectively and economically. In addition, consideration should be given to (a) measures taken by the prospective contractor that result in productivity improvements and (b) other cost-reduction accomplishments that will benefit Government contracts. Among other things, consideration should be given to the contractor's efforts to explore additional production opportunities or to improve or develop new product, manufacturing or performance technologies to reduce production cost.

(ii) *Complexity of R&D or services assignment.* A weighting for the complexity of the R&D or services assignment will be considered when a contract, such as an A-E contract, relates to a DOE project facility. The following complexity categories are to be used for the purpose of establishing the appropriate fee weight:

*Class A*—Manufacturing plants involving continuous closed processes or other complicated operations requiring a high degree of design control; nuclear reactors, power generation systems and facilities and atomic particle accelerators; complex laboratories or industrial units especially designed for processing, testing or handling highly radioactive materials; facilities to be used for research, development, experimental or demonstration purposes which involve advance or unique design considerations that are peculiar to the purposes for which the facility is built.

*Class B*—Normal manufacturing processes and assembly operations such as ore dressing, metal working plants and simple processing plants; power plant and accessory switching and transformer stations; water treatment plants; sewage disposal plants; hospitals and ordinary laboratories.

*Class C*—Permanent administrative and general service buildings, permanent housing, roads, railroads, grading, sewers, storm

drains and water and power distribution systems.

**Class D—Construction camps and facilities and other construction of a temporary nature.**

(iii) **Operating capital.** This factor includes consideration of the level of the contractor's operating or working capital investment required for effective contract performance. This level will vary, depending on such circumstances as (a) the nature of the work and duration of the contract, (b) contract type and dollar magnitude, (c) the reimbursement or progress payment rate, (d) the contractor's financial management practices, and (e) the frequency of and time lag between billings and Government payments. Such circumstances should be taken into account in determining what profit adjustment, if any, is appropriate under this subfactor. When the contractor will invest relatively few dollars for operating capital purposes (because of cost reimbursement and progress payment rates, or when an advance payment method (such as a letter of credit) is used to finance the contractor), a negative adjustment may be appropriate.

(h) **Productivity/Performance adjustment for follow-on contracts.** (1) One of the objectives of the DOE profit policy is to reduce costs needed to achieve national energy goals by encouraging contractor investment in modern cost-reducing facilities and other improvements in efficiency and performance. To the extent that costs serve as the basis for pricing (both cost and profit), success in reducing costs can serve in turn to reduce the magnitude of prospective profit dollars on follow-on contracts. For example, a cost-plus-award-fee contract may be awarded as the first of two or more contracts required for a major energy program. The incentive to increase productivity or performance and reduce cost under the first contract works against the contractor on any follow-on contracts because the reduced level of costs becomes a part of the basis for pricing subsequent contracts. In order to mitigate the relative loss of prospective profit dollars on a follow-on contract that occurs when costs are reduced under the predecessor contract or contracts due to productivity or performance gains, a special "Productivity/Performance Reward" may be included in the prenegotiation profit objective of a pending follow-on acquisition under certain circumstances.

(2) The "Productivity/Performance Reward" may be applied when all of the following criteria are met:

(i) The pending acquisition is for a follow-on contract.

(ii) Reliable actual cost data relating to the predecessor contract or contracts is available to establish a fair and reasonable cost baseline.

(iii) Changes made in the configuration of the item being acquired or in the technical aspects of the services being performed are not likely to invalidate price comparability.

(3) The amount of productivity or performance reward for a given follow-on contract is based on the estimated cost reduction on the predecessor contract or contracts that can be attributed to productivity or performance gains. Set forth below are principles and procedures that apply to estimating cost reductions and calculating the productivity or performance reward:

(i) The contractor shall prepare and support the cost reduction estimate.

(ii) The overall contract cost decrease shall be based on estimated decreases measured at the unit cost level, or equivalent.

(iii) The lowest average unit cost or its equivalent (exclusive of profit) for a preceding performance period or production run shall serve as the unit cost baseline.

(iv) A technique shall be employed to determine that portion of the cost decrease attributable to productivity or performance gains as opposed to other factors such as the effects of quality differences between the base contract and the pending acquisition.

(v) When the parties agree that the estimated overall contract cost decrease is materially affected by price level differences between the base period and the current point in time, an economic price adjustment may be applied to the estimate.

(vi) The reward shall be calculated by multiplying the contract cost decrease due to productivity/performance gains by the base profit objective rate.

(vii) The degree of review and validation of the data supporting the reward calculation shall be commensurate with the materiality of this profit element in relation to the overall price objective.

(4) There may be several methods advanced, by both contracting officers and contractors, to quantify productivity/performance gains. Any technique may be acceptable, provided it equitably takes into account the principles and procedures listed above.

#### Change 3

Change 3 adds new coverage to the existing text of Subpart 9-3.9, "Subcontracting Policies and Procedures," in order to provide policy regarding determination of profit or fee

objectives under negotiated subcontracts. The policy coincides with the provisions set forth in Change 2. Section 9-3.903-2 is added to Subpart 9-3.9 to read as follows:

#### § 9-3.903-2 Review and approval of subcontracts

(d) For determining profit/fee objectives under negotiated subcontracts, the prime contractor may use a weighted guidelines or a structured approach that distinguishes different levels of investment if the acquisition would be subject to the weighted guidelines under a prime DOE contract. If the acquisition falls into one of the exceptions to the DOE weighted guidelines applications as cited in § 9-3.808-52, the prime contractor may use other techniques to establish profit objectives.

#### Change 4

The existing text of 9-18.307, "Negotiations," is being replaced by a new text to further implement section 1-18.307-2 of the Federal Procurement Regulations by adding new consideration for profit and fee determinations to the Department's negotiation procedures. In addition, § 9-18.307-50 is added to state the Department's profit and fee policy. The new sections will read as follows:

#### § 9-18.307-2 Cost reimbursement type contracts.

The fee for a cost reimbursement type contract shall be negotiated in accordance with § 9-18.307-50. See § 9-3.805 for other negotiation aspects.

#### § 9-18.307-50 Profit and fee.

(a) **Policy** (1) Business concerns awarded a DOE architect-engineer, construction, or construction management contract shall be paid a profit or fee if requested or solicited. The profit or fee objective for an architect-engineer, construction, or construction management contract shall be an amount appropriate for the type of effort contained therein. It is the intent of DOE to (i) reward contractors based on the complexity of work, (ii) reward contractors who demonstrate and establish excellent records of performance and (iii) reward contractors who contribute their own resources, including facilities and investment of capital.

(2) Standard fees or across the board agreements will not be used or made. Profit or fee objectives are to be determined for each contract according to the effect or task contracted for thereunder.

(3) Profit or fees payable on construction or construction management contracts shall be established in accordance with the appropriate procedures and schedules set forth in this subpart.

(4) Profit or fees for architect-engineer contracts shall be established in accordance with the weighted guidelines techniques discussed in Subpart 9-3.808.

(b) *Limitations.* Amounts payable under construction and construction management contracts shall not exceed amounts derived from the schedules established for this purpose. Request to pay fees in excess of these levels should be forwarded to the Senior Procurement Official, Headquarters, for review and approval. When a contract action subject to this § 9-18.307 calls for the contractor to use its own resources, including facilities and equipment, and to make its own cost investment for contract performance (i.e., when there is no letter-of-credit financing) the fee amount prepared for approval may be based on the weighted guidelines approach (see § 9-3.808-50).

(c) *Factors for determining fees.* (1) The profit policy stated in § 9-18.307-50(a) reflects, in a broad sense, recognition that profit is compensation to contractors for the entrepreneurial function of organizing and managing resources (including capital resources), and the assumption of risk that all costs of performance (operating and capital) may not be reimbursable.

(2) The best approach calls for a structure that allows judgmental evaluation and determination of fee dollars for prescribed factors which impact the need for, and the rewards associated with, fee or profits, as follows.

(i) Management risk relating to performance, including the (a) quantity and diversity of principal work tasks required to do the job, (b) labor intensity of the job, (c) special control problems, and (d) advance planning, forecasting and other such requirements.

(ii) The presence or absence of financial risk, including the type and terms of the contract;

(iii) The relative difficulty of work, including consideration of technical and administrative knowledge, skill, experience and clarity of technical specifications;

(iv) Degree and amount of contract work required to be performed by and with the contractor's own resources, including the extent to which the contractor contributes plant, equipment, or working capital (labor, etc.);

(v) Duration of project;

(vi) Size of operation;

(vii) Benefits which may accrue to the contractor from gaining experience and know-how, from establishing or enhancing a reputation, or from being enabled to hold or expand a staff whose loyalties are primarily to the contractor; and

(viii) Other special considerations, including support of Government programs such as those relating to small and minority business in subcontracting, energy conservation, etc.

(3) The total fee objective and amount for a particular procurement is established by judgmental considerations of the above factors, assigning profit values as deemed appropriate for each factor and totaling the resulting profit amounts.

(4) In recognition of the complexity of this process and to assist in promoting a reasonable degree of consistency and uniformity in its application, fee schedules have been developed and set forth fee amounts that contracting activities are allowed to negotiate for a particular transaction without obtaining prior approval of the Senior Procurement Official, Headquarters. To facilitate application to a contract, these fee amounts are related to a total fee base which is defined as total operating capital costs.

(d) *Considerations affecting fee amounts.* (1) In selecting final fee amounts for the various factors in paragraph (c) of this section, the DOE negotiating official will have to make several judgments as discussed in this subsection

(2) Complexity of a construction project shall be considered by analysis of its major parts. For a project which includes items of work of different degrees of complexity, a single average classification should be considered, or

the work should be divided into separate classifications. The following class identifications are appropriate for proper fee determinations.

*Class A*—Manufacturing plants involving continuous closed processes or other complicated operations requiring a high degree of design layout or process control; nuclear reactors; atomic particle accelerators; complex laboratories or industrial units especially designed for handling radioactive materials.

*Class B*—Normal manufacturing processes and assembly operations such as ore dressing, metal working plant and simple processing plants; power plants and accessory switching and transformer stations; water treatment plants; sewage disposal plants; hospitals; and ordinary laboratories.

*Class C*—Permanent administrative and general service buildings, permanent housing, roads, railroads, grading, sewers, storm drains, and water and power distribution systems.

*Class D*—Construction camps and facilities and other construction of a temporary nature.

(3) Normal management elements of principal tasks relating to a construction contract cover several categories of tasks with differing rates of application throughout the construction period. The principal elements of management effort are outlined in this paragraph. Although each project has a total management value equal to 100% for all elements, the distribution of effort among the various elements will be different for each project due to differences in project character or size. The basic management elements and the normal range of effort expected to apply for a normal sized project are as follows. When the normally expected effort will not be performed by a contractor, this fact should be considered in arriving at appropriate fee amounts.

Management elements	Effort range	
	Minimum	Maximum
<i>I. Broad Project Planning</i>		
Overall project planning and scheduling, establishment of key project organization and consultation with the A-E and DOE. Performed by highest level of contractor's officers, technical personnel and project manager.	15	25
<i>II. Field Planning</i>		
Mobilization and demobilization of top field organization from the contractor's existing organization and from other sources as necessary. Detailed project planning and scheduling for construction of facilities. Performed by the project manager and top field professional staff.	18	20
<i>III. Labor Supervision</i>		
Direct supervision of manual employees. Performed by contractor's subprofessional staff, such as superintendents and foremen (some salaried and some hourly rate). This includes the contractor's personnel to coordinate and expedite the work of subcontractors.	12	16
<i>IV. Procurement and Subcontracting</i>		
Procurement of other than special equipment. Selection of subcontractors and execution and administration of subcontracts. Performed by contractor's staff under supervision and direction of elements I and II.	12	16
<i>V. Labor Relations and Recruitment (Manual)</i>		
Performed by the contractor's staff under supervision and direction of elements I, II and III. This includes demobilization of work forces.	7	11
<i>VI. Recruitment of Supervisory Staff</i>		
Staffing required to supplement the organization under elements I and II, and demobilization during completion of the project. Performed by contractor's permanent staff and recruitment personnel under supervision and direction of management elements I and II.	4	6

Management elements	Effort range	
	Minimum	Maximum
VII. Expediting Expediting procurement performed by contractor's staff and by subcontractors. Performed by contractor's staff under supervision and direction of elements I and II	4	6
VIII. Construction Equipment Operations This includes mobilization and demobilization. Performed by contractor's staff under supervision, direction and coordination of elements I, II, III, and IV	4	6
IX. Other Services Timekeeping, cost accounting, estimating, reporting, security, etc., by the contractor's staff under supervision and direction of elements I and II	4	6

(4) Fee considerations dealing with the duration of a project are usually provided by the consideration given to the degree of complexity and magnitude of the work. In only very unusual circumstances should it be necessary to award more fees or adjust downward the fee levels because of the period of services or length of time involved in the project.

(5) The size of the operation is to a considerable degree a continuation of the complexity factor, and the degree and amount of work required to be performed by and with the contractor's own resources. No separate adjustments are required for consideration of those factors.

(6) The degree and amount of work required to be performed by and with the contractor's own resources affect the level of fees. Amounts are based on expectations of complete construction services normally associated with a construction or construction management contract. In the case of a construction contract, reduced services can be in the form of excessive subcontracting or supporting procurement actions and labor relation interfaces being made by the government. If an unusual amount of such work is performed by other than the contractor, it will be necessary to reflect downward adjustments in the fee levels to provide for the reduction in services required.

(e) *Fee schedules.* (1) The schedules included in this paragraph provide maximum fee levels for CFFF construction and construction management contracts. The fees are related to the estimated cost (fee base) for the construction work and services to be performed. In addition to a basic fee, a separate schedule in § 9-18.307-50(e)(6) below has been developed for determining the fee applicable to special equipment purchases and to reflect a differing level of fee consideration associated with the subcontractor effort under construction management contracts. Such costs are excluded from the basic fees determination, but represent effort that warrants fee consideration.

(2) The schedule of base fees for construction contracts is as follows:

#### CONSTRUCTION CONTRACTS SCHEDULE

Fee base	Fee	Fee (percent)	Increment (percent)
\$100,000	\$5,400	5.40	5.25
300,000	15,900	5.30	5.00
500,000	25,900	5.18	4.72
1,000,000	49,500	4.95	3.33
3,000,000	116,100	3.87	2.62
5,000,000	172,500	3.45	2.53
10,000,000	299,000	2.99	2.18
15,000,000	408,000	2.72	1.90
25,000,000	598,000	2.39	1.68
40,000,000	850,000	2.13	1.46
60,000,000	1,142,000	1.90	1.28
80,000,000	1,398,000	1.75	1.24
100,000,000	1,646,000	1.65	1.03
150,000,000	2,161,000	1.44	.80
200,000,000	2,561,000	1.28	.65
300,000,000	3,211,000	1.07	.50
400,000,000	3,711,000	.93	.35
500,000,000	4,061,000	.81	
Over 500M	4,061,000	<sup>1</sup> + .35	

<sup>1</sup> Excess.

(3) When applying the Construction Contracts Schedule for establishing maximum payable basic fees, adjustments shall be made to the Schedule fee amounts for complexity levels, excessive subcontracting, normal contractor services performed by the government or another contractor as follows:

(i) The target fee amounts, set forth in the fee schedule, shall not be adjusted for a Class A project, which is maximum complexity. A Class B project requires a 10% reduction in amounts. Class C and D projects require a 20% and 30% reduction, respectively. The various classes are defined in § 9-18.307-50(d)(2).

(ii) The target fee schedule provides for 45% of the contract work to be subcontracted for such things as electrical and other specialties. Excessive subcontracting results when such efforts exceed 45% of the total contract work. To establish appropriate fee reductions for excessive subcontracting, the DOE negotiating official should first determine the amount of subcontracting as a percentage of the total contract work. Next, the DOE negotiating official should determine a percentage by which the prime contractor's normal requirement (based on requirement for

doing work with its own forces) is reduced due to the excessive subcontracting and, finally, multiply the two percentages to determine a fee reduction factor.

(iii) If procurement or other services normally expected of the contractor are performed by the government, or another DOE prime or operating contractor, a fee reduction may also be required. The DOE negotiating official should first determine what percentage of the total procurement or other required services is performed by others (See § 9-18.307-50(d)(3)). Then the DOE negotiating official should apply this percentage reduction to the normally assigned weightings for the management services or effort as discussed in § 9-18.307-50(d)(3) to arrive at the appropriate reduction factor.

(4) The schedule of base fees for construction management contracts is as follows:

#### CONSTRUCTION MANAGEMENT CONTRACTS SCHEDULE

Fee base	Fee	Fee (percent)	Increment (percent)
\$100,000	\$5,400	5.40	5.25
300,000	15,900	5.30	5.00
500,000	25,900	5.18	4.72
1,000,000	49,500	4.95	3.33
3,000,000	116,100	3.87	2.62
5,000,000	172,500	3.45	2.53
10,000,000	299,000	2.99	2.18
15,000,000	408,000	2.72	1.90
25,000,000	598,000	2.39	1.68
40,000,000	850,000	2.13	1.46
60,000,000	1,142,000	1.90	1.28
80,000,000	1,398,000	1.75	1.24
100,000,000	1,646,000	1.65	1.03
Over 100M	1,646,000	<sup>1</sup> +1.03	

<sup>1</sup> Excess.

(5)(i) When applying the basic Construction Management Contracts Schedule for determining maximum payable fees, no adjustments are necessary to such payable fees for contractor Force account labor used for work which should otherwise be subcontracted until such Force account work exceeds, in the aggregate, 20% of the Fee Base. Excessive use of Force account work results when such effort exceeds 20% of the fee base; and, when this occurs, appropriate fee reductions for such excessive Force account labor shall be computed as follows:

(A) Determine the percentage amount of Force account work to total contractor effort.

(B) Determine the percentage amount of subcontract work reduced due to the use of Force account work.

(C) Multiply the two percentages to determine the fee reduction factor.

(ii) It is not expected that reductions in the Construction Management Contracts Schedule fee amounts will be

made for complexity, reduced requirements and similar adjustments as made for construction contracts.

(f) The schedule of fees for special equipment purchases and considerations of the subcontract program under a construction management contract is as follows:

SPECIAL EQUIPMENT PURCHASES/  
SUBCONTRACT WORK SCHEDULE

Fee base	Fee	Fee (percent)	Increment (percent)
\$100,000	\$1,500	1.50	1.50
200,000	3,000	1.50	1.47
400,000	5,940	1.48	1.39
600,000	8,720	1.45	1.29
800,000	11,300	1.41	1.15
1,000,000	13,600	1.36	1.00
2,000,000	23,600	1.18	.60
4,000,000	39,600	.99	.62
6,000,000	52,000	.87	.62
8,000,000	64,400	.81	.57
10,000,000	75,800	.76	.53
15,000,000	102,300	.68	.45
25,000,000	147,300	.59	.42
40,000,000	210,300	.53	.36
60,000,000	282,300	.47	.33
80,000,000	348,300	.44	.28
100,000,000	404,800	.41	.22
150,000,000	514,300	.34	.15
200,000,000	589,300	.29	.09
300,000,000	679,300	.23	
Over 300M	679,300	1+.09	

<sup>1</sup> Excess.

(f) *Fee Base.* (1) The fee base shown in the Construction Contracts Schedule and Construction Management Contracts Schedule represents that estimate of cost to which a percentage factor is applied to determine maximum fee allowances. The fee base is the estimated necessary allowable cost of the construction work or other services which are to be performed. It shall include the estimated cost for, but is not limited to, the following as they may apply in the case of a construction/construction management contract:

- (i) Site preparation and utilities.
  - (ii) Construction (labor-materials-supplies) of buildings and auxiliary facilities.
  - (iii) Construction (labor-materials-supplies) to complete/construct temporary buildings.
  - (iv) Design services to support the foregoing.
  - (v) General management and job planning cost.
  - (vi) Labor supervision.
  - (vii) Procurement and acquisition administration.
  - (viii) Construction performed by subcontractors.
  - (ix) Installation of government furnished or contractor acquired special equipment.
  - (x) Equipment.
- (2) The fee base for the basic fee determination for a construction contract and construction management contract shall include all necessary and

allowable costs cited in paragraph (f)(1) as appropriate to the type of contract; except, any home office G&A expense paid as a contract cost per § 9-50.1505-2 shall be excluded from the fee base. The fee base shall exclude:

- (i) Cost of land.
- (ii) Cost of engineering (A&E work).
- (iii) Contingency estimate.
- (iv) Equipment rentals or use charges.
- (v) Cost of government furnished equipment or materials.

(vi) Special equipment as defined in § 9-18.306-50(b)(4).

(3) A separate fee base shall be established for special equipment for use in applying the Special Equipment Purchases or Subcontract Work Schedule (see § 9-18.307-50(e)(6)). The fee base for determination of applicable fees on special equipment shall be based on the estimated purchase price of the equipment.

(4) The fee base under the Construction Management Schedule for a maximum basic fee determination for a construction management contract shall be comprised of only the costs of the construction manager's own efforts. However, it is recognized that in the case of construction management contracts, the actual construction work will be performed by subcontractors. In most cases the subcontract awards for the construction work will be made by the management contractor. Occasionally the contract may involve management of construction performed under a contract awarded by the Department or by one of the Department's operating contractors. In all of these cases, the actual cost of the construction work shall be excluded from the fee base used to determine the maximum basic fee (under the Construction Management Schedule) applicable to a construction management contract. A separate fee base for additional allowances (using the Special Equipment Purchases or Subcontract Work Schedule) shall be established, which shall be comprised of these subcontract construction costs, equipment purchases, and other items' costs that are contracted for or purchased by the construction manager.

(g) *Special considerations—award fee.* (1) If a construction or construction management contract is to be awarded on a cost-plus-award-fee basis, several special considerations are appropriate.

(2) In construction or construction management contracts, the base fee portion of the fee should not normally exceed 50% of the otherwise applicable fixed fee. However, the base amount may range from 0 up to the 50% level of the fixed fee amount. In the event 50% of the fixed fee amount is exceeded,

appropriate documentation shall be entered into the contract file. In no event shall the base fee exceed 60% of the fixed fee amount.

(3) The base fee plus the amount included in award fee pool should not normally exceed the fixed fee (as subjectively determined or as developed from the fee schedule) by more than 50%. However, in the event the base fee is to be less than 50% of the fixed fee, the maximum potential award fee may be increased proportionately with the decreases in base fee amounts.

(4) The following maximum potential award fees shall apply in award fee contracts:

[Percent is stated as percent of fee schedule amounts]

Base fee	Award fee	Maximum total
50	100	150
40	120	160
30	140	170
20	160	180
10	180	190
0	200	200

(5) Prior approval of the Senior Procurement Official, Headquarters, is required for total fees (base plus award fee pool) exceeding the guidelines in this § 9-18.307-50(g)(4). Additionally, in the event use of the award fee guidelines exceeds the statutory limitations discussed in FPR 1-3.808-4(e), prior approval of the Senior Procurement Official shall also be required.

#### Change 5

A new § 9-50.305 is added and designated "Reserved". A new § 9-50.306, "Profit and Fees," is added to establish policy and procedures regarding fees under management and operating, and on-site services contracts. The text will read:

#### § 9-50.305 (Reserved)

#### § 9-50.306 Profit and fees.

#### § 9-50.306-1 Policy.

(a) Organizations awarded a DOE management, operating and/or on-site service contract as defined in this subpart, except those contractors who are educational institutions, may be paid a fee, if requested or solicited. The fee objective for a management and operating contract and/or on-site service contract subject to this subpart, shall be an amount which is appropriate for the type of effort contracted for. It is the intent of DOE to: (1) Reward operating, management and/or on-site service contractors based on the difficulty of work and the level of required skills, (2) reward those contractors who demonstrate and have

excellent records of performance, and (3) where applicable, recognize contractors who contribute or utilize their own facilities or other investment capital.

(b) Fee objectives and amounts are to be determined for each contract according to the effort or task contracted for thereunder. Standard fees or across the board agreements will not be used or made. Due to the nature of funding operating contracts, it is anticipated that fees shall be established in accordance with the annual (or as otherwise established) funding cycle; however, a longer period may be used, particularly for production efforts.

(c) Fee amounts payable on contracts for administration, management, operation, and on-site support of Government-owned facilities shall be established in accordance with this part. Amounts payable shall not exceed maximum amounts derived from the appropriate fee schedule established for this purpose. Requests to pay fees in excess of the maximum will be sent to the Senior Procurement Official, Headquarters, for review and approval.

(d) Maximum fee for on-site service contracts shall be determined using the schedule(s) most closely related to the service(s) to be performed. This may be either the production or R&D schedules or the maximum fee schedules for construction or construction management cited in Subpart 9-18. If architect-engineer services are involved, the weighted guidelines, profit-fee technique cited in Subpart 9-3.808 shall be applied.

(e) When a contract subject to the provisions of Part 9-50 calls for the contractor to use its own resources, including facilities and equipment, and to make its own cost investment for contract performance, e.g., when there is no letter-of-credit financing, consideration will be given to approval of fee amounts based on assigning some weighting to appropriate profit factors relative to their values to the contractor's overall effort. As appropriate, the weighted guidelines developed in § 9-3.808-50 may be applied.

**§ 9-50.306-2 Special considerations—educational institutions.**

(a) DOE policy is generally not to pay fees under contracts with educational institutions.

(b) Notwithstanding paragraph (a) of this section it may be, under special circumstances, permissible to reimburse or pay a management allowance to any educational institution provided such allowance can be justified and have the

approval of the Head of the Procuring Activity.

(c) It is the basic DOE objective to negotiate settlements of amounts for payment under an operating contract that represent educational institution indirect expenses (including overall management and administrative costs directly associated with contract performance), allocable to, or reimbursable under, the contract. These amounts are normally considered a contract cost item. In the event the parties cannot agree as to a proper amount, a management allowance may be paid. Such payments shall not exceed the DOE estimate of properly allocable indirect expenses.

**§ 9-50.306-3 Special considerations—nonprofit organizations (other than educational institutions).**

(a) Unless there is reason to do otherwise, it is general policy to pay fees for a management and operating contract with a nonprofit organization; however, it is a matter of negotiation whether a fee will be paid in a given case.

(b) In computing the amounts to be paid, the tax status of the nonprofit organization should be considered. It is difficult to establish a degree to which a fee under any given contract contributes to an organization's overall net profit since the DOE compensates through its fee allowances certain unallowable costs and generally compensates through its fee certain general and administrative expenses. It should be assumed, however, there is an element of profit in the fees paid under management and operating contracts.

(c) In order to assure consideration of the tax benefits of nonprofit organizations the maximum payable fixed fee cited in the fee schedules of this subpart should be reduced by at least 25%. However, depending upon the circumstances and with appropriate justification, fees may be paid between this reduced amount and the fee amount established by the fee schedule.

**§ 9-50.306-4 Considerations and techniques for determining fees.**

(a) The intent of the fee policy stated in § 9-50.306-1 reflects, in a broad sense, recognition that a fee is remuneration to contractors for the entrepreneurial function of organizing and managing resources, the use of contractor resources (including capital resources), and the assumption of risk that all incurred costs (operating and capital) may not be reimbursable.

(b) Use of a purely cost-based structured approach for determining fee objectives and amounts for typical DOE

management and operating contracts is inappropriate considering the limited level of contractor cost, capital goods, and operating capital outlays for performance of such contracts. Instead of being solely cost-based, the desirable approach calls for a structure that allows judgmental evaluation of significant factors, as follows, and selection of fee values therefor:

(1) Management risk relating to performance, including the: (i) Quality and diversity of principal work tasks required to do the job, (ii) labor intensity of the job, (iii) special control problems, and (iv) advance planning, forecasting and other such requirements;

(2) The presence or absence of financial risk, including the type and terms of the contract;

(3) The relative difficulty of work, including consideration of technical and administrative knowledge, skill, experience and clarity of technical specifications;

(4) Degree and amount of contract work required to be performed by and with the contractor's own resources, including the extent to which the contractor contributes plant, equipment, computers, or working capital (labor, etc.);

(5) Duration of project;

(6) Size of operation;

(7) Influence of alternate investment opportunities available to the contractor (i.e., the extent to which undertaking a task for the Government displaces a contractor's opportunity to make a profit with the same staff and equipment in some other field of activity);

(8) The relationship of a proposed fee to fees being paid for similar work;

(9) The extent to which the activity contemplated is fundamentally a service being furnished to the Government or is an activity in which the contractor has a substantial independent interest, a factor especially pertinent to research work which is closely allied to a contractor's own program and to operations which involve furnishing research facilities which would otherwise not be available because of their large cost;

(10) Benefits which may accrue to the contractor from gaining experience and know-how, from establishing or enhancing a reputation, or from being enabled to hold or expand a staff whose loyalties are primarily to the contractor; and

(11) Other special considerations, including support of Government programs such as those relating to small and minority business in subcontracting, energy conservation, etc.

(c) The fee objective and amount for a particular negotiation is established by judgmental considerations of the above factors, assigning fee values as deemed appropriate for each factor and totaling the resulting amounts.

(d) In recognition of the complexities of this fee determination process, and to assist in promoting a reasonable degree of consistency and uniformity in its application, the fee schedules in § 9-50.306-5 set forth the maximum amounts of fee that contracting activities are allowed to award for a particular transaction without obtaining prior approval of the Senior Procurement Official, Headquarters. To facilitate application of the schedules to a contract, the fee amounts therein are related to the total cost base which is defined as the fee base.

#### § 9-50.306-5 Limitations.

(a) Fee schedules representing the maximum allowable fee to be paid under operating and management contracts have been established for the following management and operating contract tasks or efforts.

- (1) Production/Manufacturing, and
- (2) Research and Development.

(b) The applicable schedules and maximum fees are:

#### PRODUCTION EFFORTS

Fee base	Fee	Fee (percent)	Increment (percent)
Up to \$1 million		7.00	7.00
\$1,000,000	\$70,000	7.00	6.05
3,000,000	191,000	6.37	5.25
5,000,000	296,000	5.92	4.18
10,000,000	505,000	5.05	3.50
15,000,000	680,000	4.53	3.30
25,000,000	1,010,000	4.04	2.86
40,000,000	1,439,000	3.60	2.41
60,000,000	1,921,000	3.20	2.07
80,000,000	2,335,000	2.92	1.50
100,000,000	2,635,000	2.64	1.10
150,000,000	3,185,000	2.12	.60
200,000,000	3,465,000	1.74	.50
300,000,000	3,985,000	1.33	.40
400,000,000	4,365,000	1.10	.30
500,000,000	4,685,000	.94	
Over 500M	4,685,000	+ .30	

<sup>1</sup> Excess.

#### RESEARCH AND DEVELOPMENT EFFORTS

Fee base	Fee	Fee (percent)	Increment (percent)
\$25,000	\$2,500	10.00	9.74
50,000	4,935	9.87	8.97
100,000	9,420	9.42	8.22
200,000	17,840	8.82	7.64
400,000	32,920	8.23	7.28
600,000	47,480	7.91	6.92
800,000	61,320	7.67	6.69
1,000,000	74,700	7.47	6.38
3,000,000	202,300	6.74	6.11
5,000,000	324,500	6.49	5.53
10,000,000	601,000	6.01	4.82
15,000,000	842,000	5.61	4.15
25,000,000	1,257,000	5.03	3.60
40,000,000	1,797,000	4.49	3.10
60,000,000	2,417,000	4.03	2.40
80,000,000	2,897,000	3.62	1.88
100,000,000	3,273,000	3.27	1.12

#### RESEARCH AND DEVELOPMENT EFFORTS— Continued

Fee base	Fee	Fee (percent)	Increment (percent)
150,000,000	3,833,000	2.56	.65
200,000,000	4,158,000	2.08	.55
300,000,000	4,708,000	1.57	.45
400,000,000	5,158,000	1.29	.35
500,000,000	5,508,000	1.10	
Over 500M	5,508,000	+ .35	

<sup>1</sup> Excess.

#### § 9-50.306-6 Fee base.

(a) The fee base is that estimate of necessary allowable costs to which a fee percentage has been applied to determine the maximum fee allowances. It represents the cost of the production or R&D work to be performed, exclusive of the cost of source and special nuclear materials; estimated costs of land, buildings and facilities whether to be leased, purchased or constructed; depreciation of Government facilities; and any estimate of effort for which a separate fee is to be negotiated.

(b) The fee base, in addition to the above adjustments, shall exclude:

- (1) Estimated cost of capital equipment procured by subcontract;
- (2) Estimated cost of Government-furnished materials, services and equipment;
- (3) Estimated cost or price of subcontract(s) and other major procurements that distort the management efforts of the contractor;
- (4) Other similar costs which are of such magnitude or nature as to distort the technical directions and management efforts actually required of the contractor;

(5) All estimates of costs not directly incurred by or reimbursed to the operating contractor;

(6) Estimates of home office or corporate general and administrative expenses that shall be reimbursed through the operating contract;

(7) Estimates of any independent research and development cost or bid and proposal expenses that may be approved under the operating contract.

(c) In calculating the fee base for application of the production schedule, the estimated cost of R&D work and of process development with which goes beyond normal technical support required to insure continuity of operation shall be excluded. The maximum fee for such R&D and process development work is calculated separately, starting at the beginning of the R&D schedule.

(d) The schedules in this part are not intended to reflect compensation for unusual architect-engineer or construction contracts. Such services shall be covered by special agreements

based on the policies applying to architect-engineer or construction contracts. Fees paid for such services are in addition to the operating fees and are calculated using the provisions of that subpart relating to architect-engineer or construction fees.

(e) The fee schedules provide maximum fees payable assuming satisfactory contract performance. There may be times, for differing reasons, when it is deemed the applicable fee schedule does not adequately compensate the contractor. In such situations, if the circumstances should arise, consideration should be given to fees in excess of the fee schedules.

(f) Proposals to compensate a contractor in excess of the maximum fee schedules should be submitted to the Senior Procurement Official, Headquarters, Washington, D.C. Proposals should contain documentation and state specifically why the contractor is entitled to additional fees. (See also, § 9-50.306-1(c).)

#### § 9-50.306-7 Special equipment purchases.

(a) Special equipment is sometimes procured in conjunction with operating or on-site service contracts. When an operating contractor procures special equipment, the DOE negotiating official shall determine separate fees for the equipment using the schedule in § 9-18.307-50(e)(6).

(b) In determining appropriate fees to be paid, the DOE negotiating official should consider such factors as complexity of equipment, ratio of procurement transactions of volume of equipment to be purchased and completeness of services. Where possible, the reasonableness of the fees should be checked by their relationship to actual costs of comparable procurement services.

(c) The maximum allowable fee for such services shall not exceed the fee schedule set forth in § 9-18.307-50 for such services as performed by construction contractors. The fee is based on the estimated price of the equipment being purchased.

(d) For purposes of this part, special equipment is equipment for which the purchase price is of such a magnitude compared to the cost of installation as to distort the amount of technical direction and management effort required of the contractor. The determination of specific items of equipment in this category requires application of judgment and careful study of the circumstances involved for each project. This category of equipment would generally include items such as:

(1) Major items of prefabricated process or research equipment.

(2) Major items of preassembled equipment such as packaged boilers, generators, machine tools, and large electrical equipment. In some cases, it would also include special apparatus or devices such as reactor vessels and reactor charging machines.

**§ 9-50.305-8 Special considerations—award fee.**

(a) If a management, operating and/or on-site service contract is to be awarded on a cost-plus-award fee basis, several special considerations are appropriate.

(b) In management, operating and on-site service contracts, the base fee portion of the fee objective should not normally exceed 50% of the otherwise applicable fixed fee. However, the base amount may range from 0 to 50% level of the fixed fee amount. In the event this 50% level is exceeded, appropriate documentation shall be entered into the contract file. In no event shall the base fee exceed 60% of the fixed fee amount.

(c) The base fee plus the amount included in award fee pool should normally not exceed the fixed fee (as subjectively determined or as developed from the fee schedule) by more than 50%. However, in the event the base fee is to be less than 50% of the fixed fee, the maximum potential award fee may be increased proportionately with the decreases in base fee amounts.

(d) The following maximum potential award fees shall apply in award fee contracts.

(Percent is stated as percent of fee schedule amounts)

Base fee	Award fee	Maximum total
50	100	150
40	120	160
30	140	170
20	160	180
10	180	190
0	200	200

(e) Prior approval of the Senior Procurement Official, Headquarters is required for total fee (base plus award fee pool) exceeding the guidelines in paragraph (d), of this section.

Additionally, in the event use of the award fee guidelines in paragraph (d) of this section, result in total fees which exceed or are expected to exceed the statutory limitations imposed by 10 U.S.C 2306(d) and 41 U.S.C. 254(b), prior approval of the Senior Procurement Official, Headquarters shall be obtained.

**Change 6**

The text of § 9-50.1505-2 is being replaced by a new text to provide procedures and guidance relating to the

reimbursement of home office G&A expenses. The change will make this section consistent with the fee policy in § 9-50.306. That portion of the opening sentence of § 9-50.1507-3 which reads "Although DOE generally compensates operating, construction, and on-site architect-engineer contractors through fee for company general and administrative expenses (see § 9-50.1505-2)," is removed. The text of each section will now read:

**§ 9-50.1505-2 Compensation through fee.**

(a) The DOE considers that its fee allowance for management and operating contracts provides for the recognition of appropriate compensation for home or corporate office general and administrative expenses incurred in the general management of the contractor's business as a whole.

(b) The above policy is not intended to preclude the payment of general and administrative expenses merely because they are incurred or accounted for at or by a contractor's home or corporate office and not the operating site. The DOE recognizes some benefit of such cost to the DOE program. The basis of recognition through fee allowance is associated with the difficulty of determining and assessing the dollar value of such expenses that might be applicable to, or have benefit to, a management and operating contract as structured by the DOE. Conventional allocation techniques, i.e., total operating costs, labor dollars or hours, etc., are generally not considered appropriate because they normally distribute such expenses over a base representative of contractor investment (in terms of its own resources, including labor, material, overhead, etc.).

Contractor investments and home office contributions are minimal under DOE's operating and management contracts in as much they are totally financed and supported by DOE advance payments under the letter-of-credit method and by DOE's provision of government-owned and project-exclusive facilities, property, and other needed resources.

(c) Notwithstanding the above concept, it is recognized that from time to time the fee amounts established for a management and operating contract to meet the purpose cited in § 9-50.306-1, and in consideration of the factors in § 9-50.306-3, may be considered insufficient to adequately recognize a contractor's general and administrative expenses incurred in general management and administration of the contractor's business as a whole and which appear to have a directly benefiting relationship to the DOE program. Such recognitions may be the

basis of requesting fee amounts in excess of the limitations set forth in § 9-50.306-4 or alternatively, in any particular case, the contractor may be compensated on the basis of cost in accordance with § 9-50.1505-1 if the Head of the Procuring Activity or other approving contract official authorizes or approves the procedure and a fair and reasonable amount can be agreed upon. Such amount shall normally be in addition to the applicable fee amounts.

**§ 9-50.1507-3 Company general and administrative expenses.**

The DOE allows company general and administrative expenses under off-site architect-engineer, supply and research contracts with commercial contractors performing the work in their own facilities. Contractor's general and administrative expenses, may, however, be included for reimbursement under such DOE off-site architect-engineer, supply and research contracts, only to the extent that they are established, after careful examination, to be allowable in nature and properly allocable to the work. Work performed in a contractor's own facilities under an operating or construction contract may likewise be allowed to bear the properly allocable portion of allowable company general and administrative expense.

[FR Doc. 83-17751 Filed 6-30-83; 8:45 am]

BILLING CODE 6450-01-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 2**

**Technical Correction to Organization, Functions, and Delegations of Authority**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** This document makes technical changes in the FEMA Organizational Statement and the Delegations of Authority section to reflect changes made by the Agency in administration of the programs.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** William L. Harding, Office of General Counsel, FEMA, Room 840, 500 C Street, SW., Washington, DC (202) 287-0377. List of Subjects in 44 CFR Part 2: Authority Delegations (Government Agencies), Organization and Functions (Government Agencies).

Accordingly, Part 2 of Title 44, Code of Federal Regulations is amended as follows:

#### PART 2—[AMENDED]

1. The Table of Contents is amended by (revising the heading for § 2.16 to read "Training and Fire Programs Directorate/National Emergency Training Center" and by revising the heading for § 2.66 to read "Associate Director, Training and Fire Programs.")

#### § 2.15 [Amended]

2. Section 2.15 is amended by removing the second sentence of the introductory paragraph.

#### § 2.16 [Amended]

3. Section 2.16 is amended by revising the heading to read "Training and Fire Programs Directorate/National Emergency Training Center."

#### § 2.66 [Amended]

4. Section 2.66 is amended by revising the heading to read "Associate Director, Training and Fire Programs."

#### § 2.54 [Amended]

5. Section 2.54(b) is amended by inserting before the period at the end of the first sentence the following: ", provided that notwithstanding the foregoing such authority may be exercised by the Executive Deputy Director."

#### § 2.67 [Amended]

6. Section 2.67(e) is removed.  
7. Sec. 2.69 is amended by revising paragraph (a) to read as follows:

#### § 2.69 General Counsel (GC).

(a) Accept service of process on behalf of the Agency, and on behalf of its officials and employees in connection with performance of their official duties.

George Jett,  
General Counsel.

June 24, 1983.

[FR Doc. 83-17712 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-01-M

#### 44 CFR Part 64

[Docket No. FEMA 6537]

#### List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The date listed in the fourth column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal

Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

#### § 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Colorado: Delta County	Orchard City, city	080258	830516, emergency; 830516, regular	770527
Connecticut: Windham County	Eastford, town of	090115	750526, emergency; 830516, regular	740315
Iowa: Polk County	Ankeny, city of	190226	750513, emergency; 830516, regular	740405
Illinois:				
Jackson County	Grand Tower, city of	170300	740430, emergency; 830516, regular	740109
Franklin County	West Frankfort, city of	170239	750513, emergency; 830516, regular	740308
Indiana: Lake County	Munster, town of	180139	741111, emergency; 830516, regular	741217
Kansas: Barton County	Great Bend, city of	200019	770224, emergency; 830516, regular	760319

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Massachusetts: Worcester County	Fitchburg, city of	250304	750709, emergency; 830516, regular	740405
Michigan:				
Kent County	Lowell, city of	260108	741227, emergency; 830516, regular	740510
Kalamazoo County	Portage, city of	260577	760520, emergency; 830516, regular	750919
Missouri: Jefferson County	Jefferson County*	290808	750610, emergency; 830516, regular	800729
New Jersey: Monmouth County	Kearnsburg, borough of	340303	720526, emergency; 830516, regular	730420
New York:				
Steuben County	Avoca, village of	360765	740705, emergency; 830516, regular	740412
Nassau County	Baxter Estates, village of	360459	750715, emergency; 830516, regular	740614
Steuben County	Cohocton, town of	360771	750506, emergency; 830516, regular	740628
Do	Cohocton, village of	361556	750115, emergency; 830516, regular	741018
Wayne County	Galen, town of	361225	760802, emergency; 830516, regular	741206
Nassau County	Lawrence, village of	360478	750627, emergency; 830516, regular	740621
Orleans County	New York Mills, village of	360537	750523, emergency; 830516, regular	740607
Suffolk County	Nissequoque, village of	361510	750203, emergency; 830516, regular	741122
Greene County	Prattville, town of	360296	751028, emergency; 830516, regular	740920
Virginia: Accomack County	Accomack County*	510001	740110, emergency; 830516, regular	741213
Total=22.				

Key for reading 4th column (effective date): First two digits designate the year, Middle two digits designate the month, Last two digits designate the day.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 15, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17713 Filed 6-30-83; 9:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 64]

[Docket No. FEMA 6540]

#### Suspension of Community Eligibility Under the National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

**EFFECTIVE DATES:** The third date ("Susp.") listed in the fourth column.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain

management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the Federal Register.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or

acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood

insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt)

(enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

#### List of Subjects in 44 CFR Part 64.

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetic sequence new entries to the table.

#### § 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified	Date <sup>1</sup> certain Federal assistance no longer available in special flood hazard area
<i>Region II</i>					
New Jersey:					
Morris	Jefferson, township of	340522B	June 27, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Oct. 25, 1974, June 16, 1976	July 5, 1983.
Atlantic	Port Republic, city of	340016B	Nov. 25, 1974, emergency; July 5, 1983, regular; July 5, 1983, suspended.	July 16, 1976, Aug. 23, 1974.	Do.
New York:					
Ulster	Ellenville, village of	360975B	Nov. 26, 1973, emergency; July 5, 1983, regular; July 5, 1983, suspended.	June 18, 1976, May 24, 1974	Do.
Oneida	New Hartford, village of	360536B	Jan. 23, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 22, 1974, May 28, 1976	Do.
<i>Region III</i>					
Pennsylvania: York	Codorus, township of	421142B	Mar. 26, 1974, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Aug. 1974, Mar. 26, 1976	Do.
<i>Region IV</i>					
Georgia:					
Fayette	Unincorporated areas	130432B	Jan. 25, 1977, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 20, 1976	Do.
Hall	Gainesville, city of	130263C	Dec. 17, 1974, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Aug. 22, 1975, Jan. 16, 1976, Mar. 7, 1980.	Do.
Newton	Unincorporated areas	130143A	May 23, 1977, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Apr. 23, 1976	Do.
Tennessee:					
Madison	Jackson, city of	470113C	Apr. 18, 1974, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Nov. 1, 1974, Sept. 2, 1977, Sept. 19, 1980.	Do.
Madison	Unincorporated areas	470112	Apr. 23, 1974, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 3, 1978	Do.
Florida: Broward	Dania, city of	120034C	Sept. 8, 1972, emergency; February 15, 1976, regular; July 5, 1983, suspended.	June 28, 1974, May 14, 1976, Feb. 15, 1978.	Do.
Georgia: DeKalb	Unincorporated areas	130065C	June 5, 1970, emergency; May 15, 1980, regular; July 5, 1983, suspended.	Jan. 30, 1976, Apr. 15, 1977, May 15, 1980.	Do.
<i>Region V</i>					
Illinois:					
Lake	Lake Zurich, village of	170376B	Oct. 11, 1974, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Mar. 29, 1974, Apr. 25, 1975	Do.
McHenry	McHenry, city of	170483D	Emergency; Nov. 19, 1980 regular; July 5, 1983, suspended.	Mar. 29, 1974, Sept. 24, 1976, Nov. 19, 1980.	Do.
Indiana:					
Grant	Gas City, city of	180075B	July 21, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	July 19, 1974 Apr. 9, 1976	Do.
Harrison	Mauckport, town of	180403B	Feb. 20, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Dec. 7, 1973, Dec. 26, 1975	Do.
Harrison	New Amsterdam, town of	180306B	Mar. 6, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 1, 1974, June 11, 1976	Do.
Franklin and Fairfield	Columbus, city of	390170B	May 21, 1971, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 3, 1976, Aug. 9, 1974	Do.
Franklin	Unincorporated areas	390167B	May 21, 1971, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 3, 1976	Do.
Belmont	Martins Ferry, city of	390029B	July 16, 1976, emergency; July 5, 1983, regular; July 5, 1983, suspended.	June 2, 1975, July 16, 1976	Do.
Meigs	Pomeroy, village of	390389B	July 24, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 15, 1974, Mar. 30, 1976	Do.
Belmont	Powhatan Point, village of	390030B	May 9, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Feb. 15, 1974, Aug. 29, 1975	Do.
Meigs	Syracuse, village of	390391B	July 2, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Apr. 5, 1974, June 11, 1976	Do.
<i>Region VI</i>					
Wisconsin: Sheboygan	Plymouth, city of	550428A	Feb. 14, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Nov. 1, 1974	Do.
<i>Region IX</i>					
Arizona: Yuma	Yuma, city of	040102B	Aug. 20, 1975, emergency; July 5, 1983, regular; July 5, 1983, suspended.	Apr. 12, 1974, Nov. 19, 1976	Do.

<sup>1</sup> Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 17, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17714 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

#### National Flood Insurance Program; Correction

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Deletion of interim rule for selected communities.

**SUMMARY:** The Federal Emergency Management Agency has erroneously published interim rules for modified base flood elevation determinations. This notice will serve to delete that publication for the communities listed in the table below. The interim rule referenced a newspaper publication at which time a 90-day appeal period would be initiated. In fact, no 90-day

appeal period was required for these communities, as the revised Flood Insurance Rate Map (FIRM) did not change base flood elevations. This deletion, however, in no way affects the status of the revised FIRM. Each community's revised FIRM is still in effect.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, \* Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The table below lists the communities affected by this deletion notice and the date, volume, and page number at which the interim rule was published in the Federal Register.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Associate Director, State and Local Programs and Support reconsider the changes. These modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.4.)

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

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

Community	FEMA Docket No.	Federal Register publication
Louisiana, City of Monroe, Ouachita Parish	6510	48 FR 20696, May 9, 1983.
New York, Town of Big Flats, Chemung County	6510	48 FR 20696, May 9, 1983.
Pennsylvania, Borough of Morrisville, Bucks County	6510	48 FR 20696, May 9, 1983.
Pennsylvania, City of New Kensington, Westmoreland County	6510	48 FR 20696, May 9, 1983.
Vermont, Town of Essex, Chittenden County	6510	48 FR 20696, May 9, 1983.
Arizona, Town of Surprise, Maricopa County	6510	48 FR 20696, May 9, 1983.
California, City of Merced, Merced County	6510	48 FR 20696, May 9, 1983.
California, City of Stockton, San Joaquin County	6510	48 FR 20696, May 9, 1983.
Utah, Carbon County, Unincorporated areas	6510	48 FR 20696, May 9, 1983.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17725 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

[Docket No. FEMA-6542]

#### Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Interim rule.

**SUMMARY:** This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

**DATES:** These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 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.

The changes in the base (100-year) flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice to technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

State and County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
New York: Onondaga	Manlius, Town	<i>Eagle Bulletin</i> , June 1, 1983, and June 8, 1983.	Honorable Richard L. Lowenberg, Town Supervisor of Manlius, 301 Brooklee Drive, P.O. Box 9, Fayetteville, NY 13066.	May 20, 1983	360584B

State and County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
South Carolina: Greenville	City of Greenville	<i>The Greenville News</i> , Nov. 19, 1982, Nov. 26, 1982.	Honorable Manny Luthi, Mayor, City of Greenville, P.O. Box 2207, Greenville, SC 29602.	Nov. 26, 1982	450091B

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 15, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17726 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Phoenix, Ariz., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a

condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20817. Telephone: (800) 638-8620.

The map amendments listed are in accordance with § 70.7(a):

Map No. 040051, Panel 0050B, published on October 6, 1980, in FR Volume 45, No. 195, Page 66116, indicates that the existing structures located on Lots 30, 31, 32, 34, and 35 of Valley Vista Unit Five, recorded in Book 121 of Maps, page 14, in the office of the County Recorder of Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040051, Panel 0050B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(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); and Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17716 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Scottsdale, Arizona; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Scottsdale, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the City of Scottsdale, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition

of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 045012, Panel Number H&I-20, published on October 6, 1980, in FR Volume 45, No. 195, Page 66116, indicates that The Colony at Scottsdale, as described in Book 171, Page 17, of the Maricopa County, Arizona, Plat Records, is located within the Special Flood Hazard Area.

Map Number FIRM 045012, Panel Number H&I-20, is hereby corrected to reflect that existing structure located at 6450 North 78th Street, Number 213 of the above-mentioned property is not within the Special Flood Hazard Area identified on January 9, 1976. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17717 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6081]

#### Letter of Map Amendment for the County of Olmsted, Minn., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Olmsted, Minnesota. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Olmsted, Minnesota, that a certain structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that structure as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 270626, Panel 0125A, published on June 22, 1981, in Volume FR 46, No. 119, Page 32240, indicates that the tract of land 3.31 acres, more or less,

in Section 33 Township 107 North of Range 14 West Olmsted County, Minnesota, recorded in Book 350 Page 653, Office of the Register, Olmsted County, Minnesota is located within the Special Flood Hazard Area.

Map Number 270626 Panel 0125A is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on May 19, 1981. However, the property would still be partially inundated by a flood having a one-percent chance of occurrence in any given year.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

Dave McLoughlin,

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 83-17715 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Rochester, Minn., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Rochester, Minnesota. It has been determined by the Associate Director, State and Local Programs and

Support that certain property is not within the Special Flood Hazard Area, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Rochester, Minnesota.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a): Map Number 275246, Panel 0006B, published on October 6, 1980, in Volume 45, No. 195 FR 66083, indicates that Lots 3 through 8 in Block 3, and Lots 3, 4, 11 and 12 in Block 4, Green Meadows West, Rochester, Minnesota, as recorded on Document Number 400700, in the Office of Recorder, Olmsted County, Minnesota, are located within the Special Flood Hazard Area.

Map Number 275246, Panel 0006B is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on February 4, 1982. These lots are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood Insurance—flood plains.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

Dave McLoughlin,

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 83-17716 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6520]

#### Letter of Map Amendment for the City of Tulsa, Okla., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to

purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 405381, Panel Number 45E, published on June 24, 1983 in FR Volume 48 No. 101, page 23233, indicates that Cherokee Village Subdivision, Block 5, Lot 22, as described on Plat Number 2536, of the Tulsa County Land Records, is located within the Special Flood Hazard Area.

Map Number FIRM 405381, Panel Number 45E, is hereby corrected to reflect that existing structure located at 11532, East 17th Place, Tulsa, Oklahoma of the above-mentioned property is not within the Special Flood Hazard Area identified on October 15, 1982. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.  
(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; delegation of authority to associate Director, State and Local Programs and Support)

Issued: May 5, 1983.

**Dave McLoughlin,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 83-17721 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-5909]

#### Letter of Map Amendment for the City of Abilene, Tex., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Abilene, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the City of Abilene, Texas, that certain properties are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject properties are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those properties as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda,

Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 485450, Panel Number 0020B, published on October 6, 1980, in FR Volume 45, No. 195, Page 66097, indicates that Lots 1-5, Block H, Quail Park, Section 3, as described in Deed Book Volume 1138, Pages 901-902, of the Office of the Clerk, Taylor County, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 485450 Panel Number 0020B, is hereby corrected to reflect that existing structures located on Lots 1-5, Block H, Quail Park, Section 3, of the above-mentioned properties are not within the Special Flood Hazard Area identified on August 23, 1979. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

Flood insurance—flood plains.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

**Dave McLoughlin,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 83-17719 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 70

[Docket No. FEMA-6452]

#### Letter of Map Amendment for the City of El Paso, Tex., Under National Flood Insurance Program

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, map correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published

a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of El Paso, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map (FIRM) for the City of El Paso, Texas, that certain structures are not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structures are not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for those structures as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 480214, Panel Number 0026B, published on November 19, 1982, in FR Volume 47, No. 224, Page 52182, indicates that Lots 1-4, 6, 8-10, Block 1, Las Villitas Subdivision, as described in Deed Book Volume 57, Page 47, File No. 61162 in the Office of the Clerk, El Paso, Texas, are located within the Special Flood Hazard Area.

Map Number FIRM 480214, Panel Number 0026B, is hereby corrected to reflect that existing structures located on the above-mentioned properties are not within the Special Flood Hazard Area identified on October 15, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 70

##### Flood insurance—flood plains.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

**Dave McLoughlin,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 83-17720 Filed 6-30-83; 8:45 am]

**BILLING CODE 6718-03-M**

#### 44 CFR Part 70

##### Letter of Map Amendment Under National Flood Insurance Program.

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule, correction.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) published Final Rules and map amendments for specific properties in thirteen communities. The amendments established that certain properties in each community were not within a Special Flood Hazard Area (SFHA) and removed the requirement to purchase flood insurance for the properties as a condition of Federal or federally-related financial assistance for construction or acquisition purchases.

Each of these publications contains an incorrect date for the "Effective Date."

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

#### SUPPLEMENTARY INFORMATION:

Following is a list of the thirteen communities, the description of the property amended in each community, and the incorrect effective date. The correct effective date is noted in the third column.

Community, State property and docket No.	Incorrect effective date	Correct effective date
Stafford County, VA, L-1027, Section 3, Aquia Harbour, Docket No. FEMA-5957	12/23/80	5/20/83
City of Watauga, TX, Lot 5, Block 10, Docket No. FEMA-8354	7/13/82	5/20/83
City of El Paso, TX, Lot 6, Block 35, Lot 7, Block 36, Colonia Del Valle, Docket No. FEMA-8452	11/19/82	5/20/83
City of South Lake, TX, Lot 9, Block 1, Twin Creeks Addition, Docket No. FEMA-8379	8/9/82	5/20/83
Town of Clinton, NJ, Lots 14 and 15, Block 13, Docket No. FEMA-5909	10/6/80	5/20/83
Town of Henrietta, NY, Lot 4, Township 12, Range 7, Docket No. FEMA-5952	12/15/80	3/23/83
City of Tulsa, Tulsa, Osage, and Rogers Counties, OK, Subdivision of Woodland, Glen Fourth, Docket No. FEMA-5909	10/6/82	4/13/83
City of Bedford, TX, Lots 1-4, Block G, Woodfield Addition, Docket No. FEMA-5909	7/18/77	4/13/83
City of Austin, TX, Lot 6, Block A, Lots 27-30, Block B, Lakewood Subdivision, Docket No. FEMA-6173	10/26/81	4/13/83
Township of South Lebanon, PA, 1600 King Street, Docket No. FEMA-6237	1/25/82	3/23/83
Brazoria County, TX, 48.22162 acre tract, Docket No. FEMA-5909	10/27/78	3/14/83
Somerset County, MD, Block 17, Parcel 2, Docket No. FEMA-6116	6/15/81	5/20/83
City of Allentown, PA, 234 Wabash Street, Docket No. FEMA-6124	1/27/82	2/15/83

The "Effective Date" for each should have been the date of actual publication in the Federal Register.

#### List of Subjects in 44 CFR Part 70

##### Flood insurance—flood plains.

(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; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: June 13, 1983.

**Dave McLoughlin,**

*Deputy Associate Director, State and Local Programs and Support.*

[FR Doc. 83-17722 Filed 6-30-83; 8:45 am]

**BILLING CODE 6718-03-M**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 611

## Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

## Correction

In FR Doc. 83-14780, beginning on page 24719, in the issue of Thursday, June 2, 1983, on page 24720, in the third column, in § 611.93(c)(2)(ii)(D)(2)(i), after the tenth line the following should be inserted: "is increased. Any increase in a nations groundfish allocation".

BILLING CODE 1505-01-M

## 50 CFR Part 663

[Docket No. 30624-114]

## Pacific Coast Groundfish Fishery; Inseason Adjustments and Requests for Comments

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

**ACTION:** Rule-related notice; inseason adjustments and request for comments.

**SUMMARY:** NOAA issues this notice modifying the restrictions on commercial fishing for sablefish and the *Sebastes* complex of rockfish taken in certain areas off the coasts of Washington, Oregon, and California, and seeking public comment on these actions.

These actions are authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan at 50 CFR 663.22(a). Reductions in the level of fishing are necessary to reduce further the biological stress on certain species of the *Sebastes* complex which is occurring at current fishing levels. Conversely, relaxation of trip limits for sablefish less than 22 inches long should allow the optimum yield for that species to be landed. These adjustments supersede and replace actions taken with respect to sablefish and the *Sebastes* complex on February 28, 1983 (48 FR 8283).

**DATES:** This notice is effective from 0001 hours Pacific Standard Time June 28, 1983, until modified, superseded, or rescinded. Comments will be accepted until July 13, 1983.

**ADDRESSES:** Send comments to H.A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115 or Floyd S.

Anders, Jr., Acting Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

**FOR FURTHER INFORMATION CONTACT:** H. A. Larkins, 206-527-6150, or Floyd S. Anders, Jr., 213-548-2575.

**SUPPLEMENTARY INFORMATION:** The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982, and final implementing regulations were published October 5, 1982 (47 FR 43964). The regulations allow the Secretary of Commerce (Secretary) to reduce fishing levels if it is determined that continued fishing at current levels would cause biological stress to any species.

At its January 1983 meeting, the Pacific Fishery Management Council (Council) recommended that the Secretary impose trip limits on widow rockfish, *Sebastes* complex, and sablefish less than 22 inches long. These restrictions were implemented on February 28, 1983 (48 FR 8283), with the intent of reducing the harvest of those species to avoid exceeding annual harvest guidelines. These guidelines are designed to prevent landings from exceeding the optimum yields (OYs) for widow rockfish and sablefish. For the *Sebastes* complex in the Vancouver and Columbia areas, (Vancouver-Columbia area) the 1983 guidelines initially was for landings not to exceed a level halfway between the 1982 landings and the 1983 summed allowable biological catches (ABCs) (recently revised at 14,000 metric tons (mt)). This harvest guideline was intended to reduce the adverse impact that a drastic reduction in harvest level would have on the fishing industry and the coastal communities. The February action included provisions to adjust the trip limits in-season to allow annual goals to be met. Inseason action would be taken if the projected landings are not within 10 percent of the expected amount or in response to a finding of further biological stress. This notice announces the 1983 landing projections to June 30, modifies the 1983 goal for the *Sebastes* complex and establishes the revision as a quota, revises the 1983 trip limits for sablefish and the *Sebastes* complex, and serves as notice of management action for the *Sebastes* complex to be implemented in 1984.

**Widow Rockfish**

The 1983 OY for widow rockfish is 10,500 mt. The projected landings of this species (based on data available June 1, 1983) are 11,048 mt, about five percent above OY. Approximately 55 percent of the OY was estimated to have been taken by June 1, 1983, whereas 52

percent of the landed catch was taken in the first six months of 1982. Accordingly, landings of widow rockfish in 1983 are within 10 percent of the expected amount, and no further restrictions on landings of this species are imposed at this time. The fishing restrictions published on February 28, 1983 (48 FR 8283) are still in effect as follows:

**Secretarial Action**

No more than 30,000 pounds (round weight) of widow rockfish may be taken and retained, or landed, per vessel per fishing trip until this trip limit is modified, superseded, or rescinded. This trip limit may be modified in response to findings of further biological stress. Landings of widow rockfish in excess of OY will be prohibited under 50 CFR 663.21(b).

**Sablefish**

The 1983 OY for sablefish is 17,400 mt. Because the size and trip limits on sablefish essentially were not effective until March, and because the completeness of California data was not known, two estimates of 1983 landings were made. The first, which assumes California data are complete through April, predicts coastwide landings of 10,422 mt of sablefish in 1983. The second estimate, 16,468 mt, assumes California data are complete only through February, before the size and trip limits were implemented. Washington and Oregon data are considered virtually complete through April 1983. Consequently, the data available June 1, 1983, although imprecise, indicate that the 17,400 mt OY for sablefish will not be reached in 1983 if landings continue at current levels. Both projections indicate that landings for the first half of 1983 are more than 10 percent below the proportion taken during the first half of 1982.

The Council determined that the most prudent way to achieve OY would be to liberalize the trip limit for sablefish smaller than 22 inches, thereby allowing landings of previously discarded, incidentally-caught sablefish. Moreover, the initial trip limit which prohibited taking, retaining, or landing small sablefish in excess of 333 fish, 1,000 pounds (round weight), or 10 percent (round weight), whichever is greatest per vessel per trip, proved cumbersome from both a compliance and enforcement standpoint. At the request of fishermen and law enforcement officials and in an attempt to facilitate achievement of OY, the Council recommended simplifying and increasing the trip limit for sablefish smaller than 22 inches to 5,000 pounds

(round weight) per vessel per trip. As with the initial action, this modification does not apply to sablefish caught south of Point Conception or in Monterey Bay where no size limit is imposed. No other change to sablefish fishing was recommended by the Council at this time.

#### Secretarial Action

The Secretary concurs with the Council's recommendation. The sablefish trip limit imposed on February 28, 1983 (48 FR 8285) is modified as follows:

No more than 5,000 pounds of sablefish smaller than 22 inches (total length) may be taken and retained, or landed per vessel per fishing trip in the area north of Point Conception (34°27' N. latitude), excluding Monterey Bay (37°00' to 36°30' N. latitude). Total length is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without resort to mutilation of the fish or the use of additional force to extend the length of the fish. For sablefish which have been "headed," the minimum size limit is 18 inches measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact. No sablefish may be retained which is in such a condition that its length has been extended or cannot be determined by the methods stated herein. These provisions for sablefish will remain in effect until modified, superseded, or rescinded. They will be reviewed and adjusted as necessary when 95 percent of OY is reached [50 CFR 663.27(b)(3)] or in response to a finding of further biological stress. Landings of sablefishing excess of OY are prohibited according to 50 CFR 663.21(b).

#### Sebastes complex

The harvest guideline of 14,000 mt for the *Sebastes* complex was established for the Vancouver-Columbia area at a level halfway between the 1982 landings (18,510 mt) and the sum of the 1983 ABC estimates (9,500 mt). Based on data available on June 1 for the Vancouver-Columbia area, landings for 1983 are projected to be 23,100 mt if fishing continues at current levels. Almost 80 percent of the present harvest guideline is expected to be taken by July 1, 1983, whereas in 1982 less than half the landings of the *Sebastes* complex in the Vancouver-Columbia area occurred in the first six months.

The trip limit of 40,000 pounds imposed in March 1983 has not reduced harvest levels sufficiently. In some

areas, fishermen offset the impact of the trip limit by increasing the number of trips. If the 1983 catch in the Vancouver-Columbia area were restricted to the initial harvest guideline of 14,000 mt and landings continued at the current rate, the fishery for the *Sebastes* complex would close for all directed and incidental commercial fishing in early August. Public testimony indicated that immediate closure of the directed fishery would have a precipitous effect on the economy of coastal communities, disrupt established groundfish markets, and force some processing plants to close. Few alternate fisheries exist, and the abrupt termination of the *Sebastes* fishery would not provide the industry with an adequate opportunity to explore and adapt to alternate fisheries or operations. The Council agreed that a more gradual deceleration of fishing effort would be less disruptive. It also recognized that continued high harvest levels greatly increase the risk of reducing long-term productivity of the resource, particularly for yellowtail rockfish.

Consequently, the Council agreed to an interim measure to reduce impacts on the fishing industry and coastal communities by further restricting effort on the *Sebastes* complex while increasing the 1983 harvest guideline to the level of the 1982 landings (18,500 mt), thereby allowing directed harvest to continue. However, the Council recommended that the harvest guideline of 18,500 mt be established as a quota for 1983. If and when the harvest reaches this level, no further commercial harvest of *Sebastes* will be allowed in the Vancouver-Columbia area.

The Council also recommended retaining the coastwide trip limit of 40,000 pounds with an additional restriction for the Vancouver-Columbia area which allows only one commercial landing of *Sebastes* per week in excess of 3,000 pounds. This modification was designed to avoid severe effort shifts out of the Vancouver-Columbia area, and to allow unlimited landing of incidental catches of less than 3,000 pounds.

#### Secretarial Action

The Secretary concurs with the Council's recommendation to reduce fishing effort directed toward the *Sebastes* complex during 1983 and announces the following actions:

- (1) The revised harvest guideline for the *Sebastes* complex landed by commercial fishing vessels in the Vancouver-Columbia area is 18,500 mt.
- (2) The 18,500 mt harvest guideline is established as a harvest quota and all commercial landings (directed and incidental) of the *Sebastes* complex in

the Vancouver-Columbia area will be prohibited after the 18,500 mt quota is landed, or is projected to be landed.

(3) No more than 40,000 pounds (round weight) of the *Sebastes* complex may be taken and retained, or landed, per vessel per fishing trip coastwide.

(4) Only one commercial landing per week in excess of 3,000 pounds of the *Sebastes* complex caught in the Vancouver-Columbia area may be made. This provision also applies to pink shrimp vessels on trips of more than two days. All landings will be counted toward the 18,500 mt quota. A "week" is defined as seven consecutive days beginning 0001 hours Sunday and ending at 2400 hours Saturday, local time.

#### 1984 Sebastes Management Actions

Recognizing the immediate economic needs of the fishing industry and the coastal communities for a transition period to adjust to more severe restrictions, the Council liberalized the total catch limit for 1983. At the same time, the Council acknowledged that the *Sebastes* complex has been fished heavily in the Vancouver-Columbia area for the past several years and that catches must be restricted to about the ABC level to prevent a serious reduction in stock size, the recovery from which might require several years of no directed fishery. Consequently, the Council recommended harvest quotas in the Vancouver-Columbia area for 1984 for the *Sebastes* complex and all flatfish managed under the FMP. The Council also recommended a quota on the flatfish in this area to prevent an excessive shift of the fishery onto flatfish when the landings of the *Sebastes* complex are curtailed. The numerical harvest quotas may not exceed (but may be less than) 130 percent of the ABCs for the species or species complex when they are established.

The Council and its groundfish management task force will meet in September to review the status of the *Sebastes* complex and flatfish stocks. The proposed ABC's will be published in the Federal Register about November 1983, as provided for in § 663.24, and the final ABCs will be published about December 1, 1983. Regulations establishing harvest quotas and other appropriate management measures for 1984 also will be published at that time. If 1984 catches of these species complexes reach the established harvest quotas, directed and incidental catches and landings in the Vancouver-Columbia area must cease for the remainder of 1984.

### Secretarial Action

The Secretary concurs with the Council recommendation for management in 1984. Harvest quotas for 1984 in the Vancouver-Columbia area may not exceed 130 percent of the 1984 ABCs for either the *Sebastes* complex or flatfish complex which will be announced about December 1, as will the exact amount by which the quota may exceed the ABC's. Harvest of these species and complexes, however, may not exceed the harvest quota.

### Other Fisheries

These modifications of the 1983 trip limits for sablefish and the *Sebastes* complex apply to vessels of the United States. For vessels delivering fish to foreign processors, the specified trip limits (as modified) apply on a haul-by-haul basis. The limits are not applicable to foreign trawlers or joint venture processors operating in the Pacific whiting fishery because there currently is no foreign fishery on whiting and because current foreign fishing regulations are more restrictive than the limits announced in this notice. Sablefish and rockfish are taken only incidentally in these operations.

### Classification

The determinations to impose these fishing restrictions are based on the most recent data available. The

aggregated data upon which these determinations are based are available for public inspection at the Office of the Director, Northwest Region, during business hours until the end of the comment period (see ADDRESSES above).

These actions are taken under the authority of 50 CFR 663.23 and are taken in compliance with Executive Order 12291. The actions are covered by the regulatory flexibility analysis prepared for the authorizing regulations.

Section 663.23 of the groundfish regulations state that the Secretary will publish a notice of proposed regulatory action before taking such action unless he determines that such notice and public review are impracticable, unnecessary, or contrary to the public interest. For the reasons outlined at 48 FR 8286, the two modifications, which are to be effective in 1983, are taken without prior notice in the *Federal Register*. The public had additional opportunity to comment on inseason actions affecting sablefish and the *Sebastes* complex at the Council's May 11-12, 1983, meeting in Seattle, Washington, at which time the Groundfish Management Team advised the Council of preliminary indications that the harvest guideline for the *Sebastes* complex at the Council's May. The public also participated in meetings of the Council's Groundfish Management Team (June 1-2, 1983, in

Portland, Oregon), the Groundfish Advisory Subpanel and Scientific and Statistical Committee (June 7, 1983 in Portland, Oregon), and the Groundfish Task Force (June 3, 1983, in Portland, Oregon) where management recommendations were developed for Council consideration. A public hearing and public comment session was held during the Council meeting (June 8-9, 1983, in Portland, Oregon) at which the Council made its recommendations to the Secretary for additional inseason actions. Further public comments will be accepted for 15 days after publication of this notice in the *Federal Register*. In addition, further public comments on the 1984 management actions will be invited at time.

The Secretary also finds good cause for the reasons noted above, to waive the 30-day delayed effectiveness provision of under 50 CFR 663.23(c).

### List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

(16 U.S.C. 1801 et seq.)

Dated: June 28, 1983.

**Carmen J. Blondin,**

*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 83-17797 Filed 6-28-83; 3:28 pm]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 48, No. 128

Friday, July 1, 1983

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

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 339, 432, 752, and 831

#### Medical Determinations Related to Employability; Reduction in Grade and Removal Based on Unacceptable Performance; Adverse Action; Retirement

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule revision and request for comments.

**SUMMARY:** The Office of Personnel Management is publishing for comment a revision of its proposed rules which, when published as final regulations, will implement recommendations resulting from OPM's study of "fitness-for-duty" examination procedures. Current regulations do not identify circumstances in which, in order to make medical determinations related to employability, it is appropriate for agencies to require employees or applicants to submit medical information or to undergo medical examinations, and they inadequately protect employees' rights when an examination is ordered. The revised proposed regulations focus on the proper use of medical information and medical examinations for minimizing the time to make appropriate and defensible decisions in all personnel areas including leave management, disability retirement, and personnel actions based on deficient performance, conduct or attendance.

**DATE:** Comments must be received on or before August 30, 1983.

**ADDRESS:** Written comments may be sent to Appellate Policies Division, Office of Planning and Evaluation, Room 7459, Office of Personnel Management, 1900 E St., NW., Washington, DC. 20415.

**FOR FURTHER INFORMATION CONTACT:**  
Part 339—Nancy Kingsbury, (202) 632-6013  
Parts 432 and 752—Cynthia Field, (202) 254-5517

Part 831—Mary Sugar, (202) 632-4634  
**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management published proposed regulations on "fitness for duty" examination procedures in the Federal Register on August 12, 1980. (See 45 FR 53481.) We received comments from 21 Federal agencies, eight labor organizations, ten psychological associations and medical centers, seven individuals, and three interested citizen groups and research organizations. Based on these comments and our continuing work, extensive changes have been made in the regulations. Specific comments are discussed below by major subject. Because of the extent of the changes, we are publishing these revised proposed regulations for public comment.

#### I. Agency Needs for Medical Information

Federal agencies have a legitimate interest in employee's health for various reasons related to employees' continued employment and duty status. They need to know that employees in positions with physical/medical standards related to retention, or with occupational/environmental standards requiring medical surveillance, continue to meet the job related requirements. They also need to make defensible decisions when an employee requests a benefit or special treatment; e.g., sick leave, light duty, changes in working conditions, or alleges that a medical condition accounts for inadequate performance, conduct, or attendance. In these cases, the agency needs documentation of the medical condition to determine the relationship, if any, between the medical condition and the service deficiency and whether or not problems can be corrected. They also need to know the medical status of employees (or former employees) receiving injury compensation to make restoration to duty decisions.

In the past, the common method to obtain the medical information has been for the agency to order a "fitness for duty" exam. Frequently, the procedure would require an inordinate amount of time before any type of decision could be made or final resolution achieved. The purpose of these proposed regulations is to provide instructions on how to deal with questions about the health of employees in recognition of the individual's responsibility to document

his or her health status. These proposed regulations will enable the agencies to make timely, credible, defensible decisions within weeks rather than months or years.

Part 339 covers medical determinations related to employability and related requirements for, and limitations on, documentation and the use of medical examinations, both mandatory and optional, for applicants and employees. Part 339 provides for a nonadversarial medical decision process which can be used in all situations where decisions have to be made about the consequences of a medical condition with respect to employability. Parts 432 and 752 explain the procedures to be used by both employees and agencies when employees raise a question of health in connection with personnel actions taken under these regulatory provisions. Part 831 deals with applications for disability retirement and sets forth limitations on and requirements for agency-filed disability retirement applications on behalf of employees. In the future we plan to issue additional regulations which further clarify procedures to be used in determining qualifications for initial hire.

We note that nothing in these proposed regulations diminishes or is inconsistent with an agency's responsibility to reasonably accommodate to a known handicapping condition. The Equal Employment Opportunity Commission is responsible for policies governing nondiscrimination based on handicapping conditions, and for deciding appeals of agency decisions on whether or not employees are qualified handicapped persons, and if so, whether or not the agency made reasonable attempts to accommodate to a handicapping condition. We further note that the definition of "physical or mental impairment" in 29 CFR § 1613.702(b) of EEOC regulations is broader than the proposed definition of "medical condition." However, this distinction is crucial for the disability retirement program, since the law defines disability as "disease or injury."

#### II. Part 339, Medical Determinations Related to Employability

§ 339.101 stipulates that Part 339 defines the circumstances under which medical examinations may be conducted and medical documentation

may be acquired for employees in the competitive service. The regulations do not apply to positions in the excepted service, including the Postal Service, unless the agency itself administratively adopts Part 339. However, in actions under Parts 752 and 432 involving veterans, agencies with excepted service veterans would be required to consider medical documentation offered by an employee. Likewise, agency-filed disability retirement procedures apply to excepted agencies or positions.

#### Definitions

Proposed § 339.102 contains definitions needed in Part 339. "Medical condition" is defined as a health impairment which results from injury or disease, including psychiatric disease. It does not, however, include personality, character, behavior, or adjustment disorders which may affect an individual's capacity to function on or off the job. This is approximately the same definition proposed in 1980.

We received 15 objections to the definition of "medical condition" from psychological associations and agencies. These objections were based on the alleged difficulty of distinguishing psychiatric disease from personality, character, or behavior disorders. Those who commented felt this distinction was ambiguous, confusing, and useless to managers.

We have decided to continue the definition of "medical condition" in the revised proposed regulations, after lengthy consideration of these comments, in order to determine finally whether the proposed definition is the best approach or can be improved. This is a complex area and we realize the distinction cannot always easily be made between psychiatric disease and personality and other related disorders.

In addition, we have added a general statement of purpose at the beginning of the revised regulations (§ 339.101) which also calls attention to agencies' obligations under other regulatory provisions to deal with handicapping conditions, whether they result from medical conditions or not. These regulations do not address the circumstances in which agencies have an obligation under title 29 to provide reasonable accommodation.

In March 1981, we added a definition of "medical documentation" to Part 831. However, since the same medical documentation is necessary for all health-related personnel decisions, including OPM's disability retirement decisions, we propose to delete it from Part 831 and add it with slight changes to Part 339. Use of this definition, in conjunction with adequate review by

the agency, is the key to avoiding the need for agency examinations. The first five items of documentation specified in the definition in proposed § 339.102 are clinical information customarily included in a physician's report to another physician. The remaining items relate the medical condition to the employee's position, to the personnel decision to be made, and to the consequences of the medical condition with respect to the employee's non-working activities. Although the list appears extensive, when there is a significant medical condition, one physician can usually convey the information to another physician in comparatively few words. Often, a copy of a physician's office or hospital records will contain the necessary information, with no need for a new evaluation.

OPM has found, through experience in using this type of medical documentation in advising agencies and in deciding disability retirement applications, that it works well. The regulations emphasize the items pertaining to non-work activities because any restrictions placed on an employee's work activities (such as weight-lifting limitations) are suspect if the same restrictions have not also been imposed on the employee's off-duty activities. Placement of this definition in Part 339, with a cross-reference in Part 831, makes it clear that the agency needs the same medical information as OPM and reduces the possibility of inconsistent decisions by an agency (for example, to grant extensive sick leave) and by OPM to disallow an application for disability retirement. When the medical documentation is reviewed, the agency can make defensible decisions to grant or not grant extensive leave, to restrict an employee from performing certain duties, to accommodate or reassign an employee, or any other decisions which may culminate in an adverse personnel action, an application for disability retirement, or both. The submission of a disability retirement application to OPM is the end of a process which has assessed the individual's employability, and the better the quality of the supporting documentation, the greater the likelihood of a rapid and definitive decision by OPM.

Because the techniques which physicians use to collect information about patients (medical history, physical examination, laboratory studies, X-rays, other special tests) are generally standardized, when a medical evaluation is carried out in accordance with standard techniques and procedures it is likely that any physician

would obtain very similar clinical findings.

Proposed § 339.102 defines the criteria for review of medical documentation and examination reports for use by a physician acting in the interest of the agency. There are two separate determinations which the physician must make: (1) Whether or not the diagnosis or clinical impression is justified in accordance with established diagnostic criteria, and (2) whether or not, given the diagnosis, the conclusions and recommendations are consistent with generally accepted medical principles and practice. When there is a defined standard for medical documentation and established criteria for its review, it becomes evident that the medical decisions are not made in an adversary arena; all physicians are held to the same standard of documentation and the same criteria for review. There may be some occasions when a physician must carry out both functions, as when an agency physician does the examination and then reviews the results for an employability determination. However, so long as the physician is cognizant of the distinction between acquiring medical documentation and carrying out review, there is not necessarily a conflict between these functions. When a physician acts within the framework of established diagnostic criteria and generally accepted medical principles and practice, the recommendations and conclusions will be supportable medically, whether the physician has examined the patient personally or not, and will not be arbitrary with respect to administrative matters. Frequently agencies have no medical support available to management. Agencies need medical support services to assist management by answering questions and receiving and reviewing documentation when health-related personnel issues arise. Revised FPM Chapter 339 will provide information about ways agencies can obtain needed medical support services.

In response to numerous questions we have added definitions of "sudden" and "subtle" incapacitation to clarify the meaning of those terms. Sudden incapacitation may result, for example, from a seizure, the abrupt onset of severe pain, or the dislocation of an unstable shoulder. Subtle incapacitation may result, for example, from loss of alertness caused by medication, from a fall in blood sugar (in an individual who suffers from hypoglycemia) or from the loss of visual field associated with some types of migraine headaches.

### III. Medical Disqualifications

For the time being, existing Part 339 language is retained governing OPM's authority to determine physical/medical qualifications (and the authority to establish physical and medical standards inherent in 5 U.S.C. 83301, Rule 2.1(a) and Part 300). Further clarification of these regulations and supporting guidance materials will be proposed in the near future.

### IV. Medical Examinations

An agency can expect an employee who raises a health question in connection with a request for some benefit or special treatment, such as sick leave, light duty, accommodation of a handicapping medical condition, etc., to confirm the existence of a medical condition by providing sufficient information about the condition so that management can decide whether or not it has a basis for approval of the request. In the absence of clear documentation requirements, employees often provide inadequate, conclusory medical statements to support the request, causing the agency to make an inappropriate decision. The uncertainty frequently leads the agency to a conclusion that it needs its own medical examination. Our experience has shown that, when the agency tells the employee specifically what medical information it must have to approve a request, it can make a defensible, expeditious personnel decision based on evidence submitted by the employee, without an agency provided medical examination.

### V. Mandatory Medical Examinations

In the process of developing these proposed regulations, we have concluded that the primary need for an agency to order medical examinations is to determine whether or not employees who occupy positions for which there is an established physical or medical requirement for retention or occupational/environmental standard requiring medical surveillance, continue to meet the established requirements. In these cases the employee must submit to medical examinations as a condition of employment. Otherwise agencies generally do not need to conduct medical examinations of employees.

The Government's authority to order medical examinations of employees is implicit in 5 U.S.C. 3301 (2) which allows agencies to determine the medical qualifications of applicants. Contrary to union comments on the earlier proposed regulations, we have concluded that because the Government was intended to be able to determine whether or not applicants meet the medical standards,

the Government must also be able to determine if employees continue to meet requirements for retention in their positions. Accordingly, Subpart C of these revised proposed regulations provides for mandatory medical examinations of employees who occupy positions, and applicants for positions, that have physical/medical selection or retention standards or occupational/environmental standards which require medical surveillance.

Mandatory medical examinations must be related directly to those standards or medical surveillance requirements. In addition to the elements of a basic medical examination, which will be identified in FPM instructions, an employee may be examined only to determine whether he or she meets the specific requirements of the retention standards or established occupational/environmental standards concerning physical, chemical, or biological agents in the environment. FPM instructions will specify that refusal to participate in a mandatory medical examination may be cause for removal under Part 752.

One agency suggested that we add a provision authorizing agencies to order employees to undergo medical examinations when they are suspected of abusing alcohol. We have not adopted this suggestion primarily because abuse of alcohol or drugs on the job is most appropriately resolved as a nonmedical issue. FPM Supplement 792-2 contains guidance on handling employees who may be abusing alcohol or drugs.

We have eliminated § 339.301(a)(2)(ii) of the proposed August 1980 regulations, which provided for a mandatory examination when the employee's presence on the job is considered dangerous. We agree with commenters that this type of provision could create significant potential for abuse. More importantly, by recognizing that the employee is responsible for raising and documenting medical conditions as mitigating factors, the agency can proceed to take appropriate nondisciplinary or disciplinary action based on the incidents of misconduct or deficient performance against employees whom they consider dangerous or disruptive. A record of the progressive discipline is frequently necessary to support a removal under MSPB's criteria for review of the penalty, which is set forth in *Douglas v. V.A.* (MSPB Dkt. No. AT075299006, April 10, 1981).

### VI. Optional Medical Examinations

Subpart C of the revised proposed regulations restricts agencies' authority

to offer but not require medical examinations to situations in which the employee has supplied medical documentation, as defined in the regulation (§ 339.102), and the agency cannot grant, support, or act further on the request without additional information about the employee's health status to verify or supplement the documentation supplied by the employee. § 339.301(b), of the revised proposed regulations, which covers all other employees and circumstances not subject to mandatory examinations, places the responsibility for providing medical documentation on the employee. If an employee who has been on extensive leave for health reasons, including LWOP while receiving workers' compensation benefits, refuses to document the need for continued leave, the agency could order the employee to return to duty or could place him or her in an AWOL status. We also propose to require that, when an employee or ex-employee is receiving injury compensation benefits, the agency must send the medical documentation and results of an examination to the OWCP for whatever action that office might wish to take, and inform OWCP when the individual refuses to cooperate. Since the OWCP itself has encouraged agencies to conduct their own examinations of employees who are receiving compensation, we do not view this provision as an intrusion into OWCP's authority.

### VII. Dealing With Suspected Medical Problems

One of the most publicized problems of past practice has resulted from "fitness-for-duty" examinations to support assessment of a service deficiency (attendance, performance, or conduct problems), which the agency suspects may be caused by a medical condition. The most sensitive issue has been suspected psychiatric problems. Agencies believed that they needed to be able to order medical examinations for two reasons—to assist an employee whom the agency suspects may be sick, and to protect themselves against reversals of removal actions.

Based on recent experience in advising agencies, we have concluded that when an employee who has a service deficiency is given a well defined opportunity to identify and document the existence of a medical condition, handicapping conditions, or other problem for the agency's review, the agency has fulfilled its responsibility to the employee. This conclusion is supported by the Merit Systems

Protection Board in various appellate decisions, especially those on the employee's responsibility to raise a problem with alcoholism as an affirmative defense. As in employee counseling programs when alcoholism is suspected, when the employee is given the opportunity to raise and document medical problems when problems concerning conduct, attendance, or performance first arise, rather than having the issue first come up when the situation has deteriorated to the point that an adverse personnel action is proposed, the agency is better able to defend it. There is a much better chance of preserving the employee's job or taking defensible personnel action. When the employee is given the opportunity to identify and document a medical condition, but denies that a medical problem exists, or if a medical condition is documented but cannot be reasonably accommodated, the agency has a well-documented case for whatever personnel action is necessary.

#### VIII. Procedure for Examinations

In any examination under this part, the agency would designate the physician. Mandatory examinations concern employees who are subject to employability determinations related to retention or occupational/environmental standards requiring medical surveillance as a condition of employment. In other situations, the employee will have alleged that he or she has a medical condition that warrants sick leave, light duty or some other modification in his or her working conditions, and will have furnished medical documentation which the agency has reviewed. If, at this point, the agency needs to supplement or verify information about the medical condition to establish that the benefit or special treatment requested by the employee is justified, because the examination is being conducted in the interest of the agency, it should have the authority to designate the physician. It must, however, review and consider any medical documentation from the employee's physician.

#### IX. Psychiatric Examinations

In view of the above discussion, it is apparent that the proposed changes to Parts 339 and 831 will greatly reduce the necessity for agency-offered psychiatric examinations, for conducting a psychiatric examination will be considered only upon the clinically supported recommendation of a physician. A non-psychiatric examination may be omitted in most cases where the employee already has medical documentation which satisfies the agency that a non-psychiatric

examination is unnecessary and that a psychiatric examination is necessary. The possibility that the disease may actually be caused by organic conditions must be ruled out before a psychiatric diagnosis can be made.

Two psychologists and virtually all of the psychological associations who responded suggested that "psychiatric evaluation" be changed to "mental health evaluation" because the former term excludes psychologists from conducting examinations under these regulations. Although we do not dispute the value of psychologists in treating a wide range of mental and emotional conditions, Part 339 deals exclusively with medical conditions. While a psychological evaluation may be of value and agencies have an obligation to accept and consider information from a treating psychologist, physicians must bear the final responsibility for evaluations under this part.

#### X. Payment for Examinations

Proposed § 339.353 clarifies that the agency pays for examinations under Part 339. This provision does not authorize payment for any examination obtained by the employee from his or her own physician in response to an agency's statement of need for medical documentation to support an employee's request based on the existence of a medical condition.

#### XI. Health Issues Raised in Connection With Proposed Adverse Personnel Actions Under Part 432 and Part 752

Use of the approach outlined above also solves the problem of medical issues which are first raised by the employee in the reply to a proposed removal or in the employee's appeal. When the employee requests a benefit or special treatment because of an alleged medical condition, he or she bears the responsibility to provide documentation which provides a basis upon which the agency can act on his or her request. Documentation which contains the information listed in § 339.102 provides what the agency needs. As with other requests, the agency can then normally make its decision on the medical issue without the necessity of an agency-offered examination. The fact that the agency is not required to offer an examination does not weaken its obligation to attempt to provide reasonable accommodation to an employee's medical condition any time it knows of the condition. In its guidance material, OPM will discuss this obligation and suggest ways agencies may meet it.

#### XII. Disability Retirement Under Part 831—General

We have deleted the definition of "medical documentation" in § 831.502. The same type of medical information is necessary for all types of medical issues, whether they are presented only to the agency, or also to OPM in an application for disability retirement. We have also added § 831.501 which provides that an employee's application for disability retirement would not delay any other personnel action. Current FPM guidance advises agencies that they may hold removals in abeyance pending OPM's initial decision on an application. This guidance sometimes results in agencies being unable to complete actions on proposed removals in a timely fashion when disability retirement is not warranted, but the employee uses the application as a delaying tactic. We have also included the criteria OPM uses in reviewing applications for disability retirement to make the regulation more complete. Formal notification to employees, employees' representatives, and third parties of these criteria by including them in our regulations should improve the quality of applications submitted to OPM.

#### XIII. Agency-Filed Disability Retirement Applications

A significant part of the current problem with "fitness-for-duty" examinations is caused by present policy and practice on applications for disability retirement filed by an agency on behalf of an employee. The general criterion for disability retirement requires that there be a service deficiency caused by a medical condition or service deficiency created by restriction from essential tasks or duties for medical reasons, and that it be impossible to accommodate or reassign the employee. In addition, longstanding OPM policy reflected in FPM Supplement 831-1 has been that an agency-filed application is appropriate *only* when the agency is prepared to proceed with a removal if OPM denies the application. Since the agency-filed application is therefore a substitute for, or an antecedent to, a removal under adverse action procedures, the agency-filed application procedures in Subpart I of Part 831, 5 CFR, currently parallel adverse action procedures.

However, OPM's review of agency-filed applications discloses that many applications are poorly documented, despite detailed FPM guidance on what is required. Consequently, a large percentage of agency-filed applications

are denied by OPM. This result does not serve the interests of either agency management or employees, but it does give credence to critic's charges that agency-filed disability applications are used by agencies to try to remove problem employees.

A particular problem regarding agency-filed applications results from the policy that, when an agency has reason to believe that an employee has a service deficiency caused by a psychological or emotional problem which causes the employee to be unable to decide to file an application for disability retirement, the agency is obligated to file an application on the employee's behalf before it separates him or her under adverse action procedures. Although this process is intended to protect the employee who is genuinely unable to make a decision to file his or her own application for disability retirement, it causes many unnecessary problems. The apparently seriously ill employee may refuse to provide medical information or participate in medical examinations offered by the agency or in some cases OPM, leaving OPM in the position of having to deny the application because there is no reason to conclude that a medical condition has caused the service deficiency. However, even when the employee cooperates with the agency or in some cases OPM, the record frequently does not show that there is significant psychiatric disease. Many cases reflect personality conflicts, adjustment reactions to situational problems on or off the job, or other problems which, while they may bring about serious management problems, are not caused by a medical condition. In these cases, when OPM has denied the application, the employee's reputation may have been damaged unnecessarily, additional time will have passed, and the agency will still have a management problem which it must resolve. Although we recognize the humanitarian concern behind the current policy and case law which provide for a third party to file on the employee's behalf, by restricting the use of agency-filed applications to narrowly prescribed situations, the problems cited above can be avoided and the employee will still be protected.

We propose to limit agency-filed applications to those situations in which the agency (1) is removing the employee, (2) has documentation that the employee is suffering from psychiatric disease and concludes that the psychiatric disease caused the service deficiency on which the decision to remove is based, (3) concludes that the employee is

incapable of making a decision to file his or her own application, and (4) determines there is no one else (family member, personal representative, or guardian) to assume this responsibility. When all these criteria are met, the agency must file on the employee's behalf.

In all other circumstances, the use of agency-filed applications would no longer be permitted. Instead, the agency would be required to resolve its problem through whatever action is appropriate. This is consistent with the approach in other parts of this proposal that the employee is responsible for raising and documenting a medical condition. The agency would continue to be required, before it effects a removal, to inform the employee with at least five years service of his or her possible eligibility for disability retirement, but only when it appears that the reasons for a removal have been caused by a medical condition.

By linking the agency-filed application to a decision to remove, the existing provisions of FPM Supplement 831-1 for notice, reply and agency decision become unnecessary since due process would be provided through the applicable removal procedure. Provision for notice to the employee that the agency is filing an application on his or her behalf and that he or she has the opportunity to submit medical documentation to OPM assure due process on the medical aspects.

We propose to restrict the timing of an agency-filed application to the actual decision to remove, since the agency's proposal to remove may be canceled or mitigated. If this proposal is adopted as a final regulation, we anticipate that the agency will inform the employee of its intent to file on the employee's behalf when it informs the employee of its decision to remove him or her. Based on 5 U.S.C. 8337(a), the application must be filed with OPM prior to the employee's separation but OPM will not process the application until it receives documentation of the employee's separation. We also propose the OPM must cancel a disability retirement it has approved when a final appellate, grievance or judicial decision reverses the removal and reinstates the employee, regardless of the reasons for the reversal. Reversal of the removal nullifies the basis for the agency's application.

We recognize that in some situations, employees who appear to be unable to make their own decisions will refuse to acknowledge or document a medical condition and that agencies will be unable to obtain medical documentation

to support an application for disability retirement. However, a separated employee has one year from separation to apply for disability retirement. This time limit is extended when OPM determines that the employee was not mentally competent to decide to apply for disability retirement at the time of separation. In these instances, documentation from a removal action will aid OPM to make a determination about the employee's competence at separation.

We propose to further limit the agency-filed application to circumstances in which the employee has no one but the agency to protect his or her interest because of our conclusion that the agency should step in to protect the employee's interests only when there is no one else to assume this responsibility. We note that any employee or appellant who is capable of making a decision to seek private representation is capable of other decisions. When there is an immediate family member (spouse, parent, or adult child) or a guardian, this person should be required to assume primary responsibility for the employee. The union representative of a bargaining unit employee would not be considered as a personal representative for this purpose.

Finally, we propose to delete the separate provisions for reconsideration and appeal of both employee- and agency-filed disability retirement applications now in Subpart L of Part 831. Section 831.109 contains identical procedures for other OPM decisions on retirement matters which were not previously extended to disability applications. However, there is no reason why the same procedures cannot be used for all OPM retirement decisions.

These changes would greatly reduce the number of agency-filed disability applications. In addition to reducing the possibility for abuse in agency-filed applications, there should be a reduction in workload for both agencies and OPM because of the elimination of the current procedures for agency-filed applications. Since the very small number of applications OPM should receive would be for employees who have been separated and are without income, OPM would expedite their processing.

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

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

#### **Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a

substantial number of small entities because it applies only to Federal employees.

#### List of Subjects

##### 5 CFR Part 339

Government employees, Health.

##### 5 CFR Part 432

Administrative practice and procedure, Government employees.

##### 5 CFR Part 752

Administrative practice and procedure, Government employees.

##### 5 CFR Part 831

Administrative practice and procedure, Claims, Firefighters, Government employees, Handicapped, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend Title 5, Code of Federal Regulations, as follows:

1. Part 339, *Qualification Requirements (Medical)* is revised to read as follows:

#### PART 339—MEDICAL DETERMINATIONS RELATED TO EMPLOYABILITY

##### Subpart A—General

Sec.

339.101 Purpose.

339.102 Definitions.

##### Subpart B—Medical Disqualifications

339.201 Medical disqualifications.

##### Subpart C—Medical Examinations

339.301 Examination authority.

339.302 Examination procedures.

339.303 Payment for examinations.

339.304 Records and reports.

Authority: 5 U.S.C. 3301; E.O. 9830, Feb. 24, 1947.

##### Subpart A—General

###### § 339.101 Purpose.

The applicability of this part to applicants and employees is defined by the specific regulation governing the personnel decision in which the medical issue arises. This part also defines the circumstances under which medical documentation may be acquired and under which examinations and evaluations may be conducted to determine the nature of a medical condition, knowledge of which is necessary to make personnel determinations under any part of this title. Personnel decisions based wholly or in part of the review of medical

documentation and the result of medical examinations and evaluations shall be made in accordance with all requirements of the appropriate part of this title and provisions of any other title.

###### § 339.102 Definitions.

For the purpose of this part: "Medical condition" means health impairment which results from injury or disease, including psychiatric disease. It does not, however, include personality, character, behavior, or adjustment disorders which may affect an individual's capacity to function on or off the job.

"Medical documentation" or "documentation of a medical condition" means a statement from a physician which provides the following kinds of information:

(a) The history of the specific medical condition(s), including references to findings from previous examinations, treatment, and responses to treatment;

(b) Clinical findings from the most recent medical evaluation, including any of the following which have been obtained: findings of physical examination; results of laboratory tests; X-rays; EKG's and other special evaluations or diagnostic procedures; and, in the case of psychiatric disease, the findings of a mental status examination and the results of psychological tests;

(c) Assessment of the current clinical status and plans for future treatment;

(d) Diagnosis;

(e) An estimate of the expected date of full or partial recovery;

(f) An explanation of the impact of the medical condition on life activities both on and off the job;

(g) Narrative explanation of the medical basis for any conclusion that the medical condition has or has not become static or well stabilized;

(h) Narrative explanation of the medical basis for any conclusion which indicates the likelihood that the individual is, or is not, expected to experience sudden or subtle incapacitation as a result of the medical condition;

(i) Narrative explanation of the medical basis for any conclusion that duty restrictions or accommodations are or are not warranted and, if they are, an explanation of their therapeutic or risk avoiding value and the nature of any similar restrictions or accommodations recommended for non-work-related activities; and

(j) Narrative explanation of the medical basis for any conclusion which indicates the likelihood that the individual is, or is not, expected to

suffer injury or harm with, or without, accommodation, by carrying out the task, or duties of a position for which he/she is assigned or qualified.

"Medical specialist" means any physician who is board-certified in a medical specialty, or a physician serving on active duty in the uniformed services who is board-eligible and who is designated by the uniformed service to perform examinations under this part.

"Physician" means a licensed Doctor of Medicine or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations under this part.

"Review of medical documentation" means assessment of medical documentation by, or in coordination with, a physician to ensure that the following criteria are met:

(a) The diagnosis or clinical impression is justified in accordance with established diagnostic criteria; and

(b) The conclusions and recommendations are consistent with generally accepted medical principles and practice.

"Static or well stabilized medical condition" means a medical condition which is not likely to change:

(a) As a consequence of the natural progression of the condition;

(b) Specifically as a result of the normal aging process; or

(c) In response to the work environment or the work itself.

"Subtle incapacitation" means gradual, initially inapparent impairment of physical or mental function which is likely to result in a performance failure, whether reversible or not.

"Sudden incapacitation" means abrupt onset of loss of control of physical or mental function.

##### Subpart B—Medical Disqualifications

###### § 339.201 Medical disqualifications.

Subject to Subpart C of Part 731 of this chapter, OPM may deny an applicant examination, deny an eligible appointment, and instruct an agency to remove an appointee by reason of physical or mental unfitness for the position for which he or she has applied to which he or she has been appointed.

##### Subpart C—Medical Examinations

###### § 339.301 Examination authority.

(a) An agency may require an individual who has applied for or occupies a position which has physical/medical standards for selection or retention or established occupational/environmental standards which require

medical surveillance to report for a medical evaluation:

(1) Prior to appointment or selection (including reemployment on the basis of full or partial recovery from a medical condition);

(2) On a regularly recurring, periodic basis; and

(3) Whenever there is a direct question about an employee's continued capacity to meet the requirements of the position or conditions of employment.

(b) An agency may offer a medical examination when an individual has made a request for medical reasons for a change in duty status, assignments, or working conditions or any other benefit or special treatment (including reemployment on the basis of full or partial recovery from a medical condition) and the agency, after it has received and reviewed medical documentation, determines that it cannot grant, support, or act further on the request without verification of the clinical findings and current clinical status.

(c) Any medical evaluation required of an individual shall be carried out and used in accordance with 29 CFR 1613.706.

#### § 339.302 Examination procedures.

(a) When an agency orders or offers a medical examination under this subpart it shall inform the applicant or employee in writing of its reasons for ordering or offering the examination and the consequences of failure to cooperate.

(b) The agency shall designate the examining physician, but shall offer the employee or former employee an opportunity to submit medical documentation from his or her personal physician, which the agency shall review and consider.

(c) The agency shall provide the examining physician with a copy of any approved medical evaluation protocol, any applicable standards and requirements for the position, and/or a detailed description of the duties of the position, including critical elements, as defined in Part 430 of this chapter, physical demands, and environmental factors.

(d) An agency shall order or offer a psychiatric evaluation to an employee only when the employee first provides results of a general medical or psychiatric examination, or the agency has first conducted a non-psychiatric medical examination, and, after review of the documentation or examination report, the agency's physician concurs that a psychiatric evaluation is warranted for medical reasons. Unless not medically indicated in the psychiatrist's judgment, a psychiatric

evaluation normally consists of more than one interview with the employee and includes psychological testing.

(e) All medical specialty examinations ordered or offered under this subpart shall be conducted by a medical specialist.

#### § 339.303 Payment for examinations.

Agencies shall pay for all agency ordered or agency offered examinations of employees conducted under this subpart. Agencies shall also pay for all required pre-employment examinations of applicants which are conducted by a physician designated by the agency. However, applicants and employees, not the agency, shall pay for a medical examination conducted by a private physician selected by the applicant or employee, unless a statute, regulation, or appropriations act gives the agency authority to pay this expense.

#### § 339.304 Records and reports.

(a) Agencies shall receive and maintain all medical documentation and records of examinations obtained under this part in accordance with instructions provided by OPM.

(b) The report of an examination conducted under this subpart shall be made available to the applicant or employee under the provisions of § 294.401 of this chapter.

(c) Agencies shall forward to the Office of Workers' Compensation Programs (OWCP), Department of Labor, a copy of all medical documentation and reports of examinations of individuals who are receiving or have applied for injury compensation benefits. The agency shall also report to the OWCP the failure of such individuals to provide requested medical documentation or to report for examinations that the agency orders or offers under this subpart.

2. Section 432.204 is amended by adding paragraph (d) to read as follows:

#### § 432.204 Procedures.

(d) *Consideration of medical condition.* If the employee wishes the agency to consider any medical condition which may contribute to his or her unacceptable performance, he or she shall furnish medical documentation (as defined in § 339.102 of this chapter) of the condition. After its review of the medical documentation supplied by the employee, the agency may, at its option, offer a medical examination in accordance with the criteria in § 339.301(b)(3) and procedure in § 339.302 of this chapter. If the employee has five years of service and the agency concludes that a medical condition has

caused the unacceptable performance, the agency shall provide advice concerning disability retirement. The agency shall consider the provisions of 29 CFR § 1613.704, which require reasonable accommodation of a qualified employee who is handicapped. (5 U.S.C. 4305)

3. In § 752.404, paragraph (c)(3) is added and paragraph (f) is revised to read as follows:

#### § 752.404 Procedures.

(c) *Employee's answer.* \* \* \*

(3) If an answer suggests or indicates that there is a medical condition which may contribute to a conduct, performance, or leave problem, the employee shall furnish medical documentation (as defined in § 339.102 of this chapter) of the condition. After its review of the medical documentation supplied by the employee, the agency may, at its option, offer a medical examination in accordance with the criteria in § 339.301(b)(3) and procedure in § 339.302 of this chapter. If the employee has five years of service and the agency concludes that a medical condition has caused the service deficiency, the agency shall provide advice concerning disability retirement. The agency shall consider the provisions of 29 CFR 1613.704, which require reasonable accommodation of a qualified employee who is handicapped.

(f) *Agency decision.* In arriving at its decision, the agency shall not consider any reasons for action other than those specified in the notice of proposed action. It shall consider any answer of the employee and/or his or her representative made to a designated official and any medical documentation furnished under paragraph (c) of this section. The agency shall deliver the notice of decision to the employee at or before the time the action will be effective, and advise the employee of appeal rights. (5 U.S.C. 7504, 7514)

(5 U.S.C. 7504, 7514)

4. Section 831.109(b) is revised to read as follows:

#### § 831.109 Initial decision and reconsideration.

(b) *Actions covered elsewhere.* (1) A request for reconsideration of termination of annuity payments under 5 U.S.C. 8311-22 shall be made in accordance with the procedures set out in Subpart K of this part.

(2) A request for reconsideration of a decision to collect an erroneous annuity

overpayment shall be made in accordance with § 831.1303(b) of this part.

5. Under § 831.501, paragraph (d) is revised and paragraph (e) added, to read as follows:

**§ 831.501 [Amended]**

(d) An employee's application for disability retirement shall not preclude or delay any other appropriate personnel action by the employing agency.

(e) When a department or agency files an application for disability retirement of an employee, it shall do so in accordance with Subpart L of this part. Medical documentation shall be obtained in accordance with Part 339 of this chapter.

6. In § 831.502, paragraph (a) is amended by removing the definition of "medical information" and adding alphabetically the definitions listed below; and paragraph (b) is revised to read as follows:

**§ 831.502 Disability retirement.**

(a) \* \* \*  
"Examination" and "reexamination" mean an evaluation of evidentiary material related to the question of disability. Unless OPM exercises its choice of physician, the cost of providing medical information rests with the employee or disability annuitant, who will provide any information necessary to OPM's evaluation.

"Income from wages and/or self-employment" means money or property received by a disability annuitant as consideration for or in reward of personal services or a work product, or as a profit from a business (sole proprietorship, partnership, or corporation) wholly or partly owned by the disability annuitant and in which the disability annuitant has an active role in the management thereof; and also includes, for a disability annuitant reemployed by the Federal Government, any amount offset or deducted under the provisions of 5 U.S.C. 8344. Income is deemed earned in the calendar year in which it is received.

"Medical documentation," "documentation of a medical condition," and "physician" have the same meaning given these terms in § 339.102 of this chapter.

"Same grade or pay level" means, in regard to a vacant position within the same pay system as the position the employee presently occupies, the same grade and an equivalent amount of basic pay, as defined in 5 U.S.C. 8331(3); in

regard to a vacant position in another pay system, an equivalent amount of basic pay, as defined in 5 U.S.C. 8331(3).

(b) *Proof of Claim.* No claim for disability retirement shall be allowed unless OPM determines that the claim should be granted based upon documentation provided by the applicant which demonstrates the following:

(1) A deficiency in service with respect to performance, conduct or attendance, or in the absence of any actual service deficiency, a showing that the medical condition is incompatible with either useful service or retention in the position;

(2) A medical condition which is defined as a disease or injury;

(3) A relationship between the service deficiency and the medical condition such that the medical condition has caused the service deficiency;

(4) The duration of the medical condition, past and expected, and a showing that the condition, in all probability, will continue for at least a year;

(5) The applicant became disabled while serving under the Civil Service Retirement System;

(6) The agency's inability to make reasonable accommodation to the employee's medical condition; and

(7) The absence of another available position, within the employing agency and commuting area, at the same grade or pay level and tenure, for which the employee is qualified for reassignment.

7. Subpart L of Part 831 is revised to read as follows:

**Subpart L—Disability Retirement on Application by an Agency**

Sec.	
831.1201	Scope.
831.1202	Definitions.
831.1203	Basis for filing application.
831.1204	Agency procedure.
831.1205	Office of Personnel Management procedure.
831.1206	Cancellation of retirement.

**§ 831.1201 Scope.**

This subpart prescribes the procedures to be followed when an agency files an application for the employee's disability retirement in the course of removing an employee.

**§ 831.1202 Definitions.**

"Medical documentation," "documentation of a medical condition," and "review of medical documentation," have the same meaning given these terms in § 339.102 of this chapter.

**§ 831.1203 Basis for filing application.**

(a) An agency shall file an application for disability retirement of an employee who has five years of civilian Federal service under the following conditions:

(1) The agency has issued a decision to remove the employee;

(2) The agency concludes, after its review of medical documentation, that cause for removal is due to psychiatric disease;

(3) The employee is institutionalized, or based on the agency's review of medical and other information, it concludes that the employee is incapable of making a decision to file an application for disability retirement; and

(4) The employee has no personal representative, immediate family member, or guardian to file an application on his or her behalf.

(b) When an agency issues a decision to remove and the conditions described in paragraph (a) of this section have not been satisfied but the removal is based on reasons apparently caused by a medical condition, the agency shall advise the employee of his or her possible eligibility for disability retirement.

**§ 831.1204 Agency procedure.**

(a) The agency shall inform the employee in writing at the same time it informs the employee of its removal decision, or any time before the separation is effected, that: (1) The agency is submitting a disability retirement application on the employee's behalf to OPM, (2) the employee may review information in accordance with the criteria in § 294.401 (b) of this chapter, and (3) the action does not affect the employee's right to submit a voluntary application for disability retirement under § 831.502 of this part.

(b) When an agency submits an application for disability retirement to OPM under this subpart, it shall provide OPM with copies of the decision to remove, the medical documentation, and any other documents needed to show that the cause for removal is due to a medical condition. Following separation, the agency shall provide OPM a copy of the documentation of the separation.

**§ 831.1205 Office of Personnel Management procedure.**

(a) OPM shall not act on any application for disability retirement under this subpart until it receives the appropriate documentation of the separation. When OPM receives a complete application for disability retirement under this subpart, it shall notify the former employee that it has received the application, and that he or

she may submit medical documentation. OPM shall determine entitlement to disability retirement under the provisions of § 831.502 of this part.

(b) OPM shall issue its decision in writing. The decision shall include a statement of findings and conclusions, and an explanation of the right to request reconsideration under § 831.109 of this part.

#### § 831.1206 Cancellation of retirement.

OPM shall cancel any disability retirement when a final decision of an administrative authority or court reverses the removal action and orders the reinstatement of an employee to the agency rolls.

(5 U.S.C. 8347)

[FR Doc. 83-17620 Filed 6-30-83; 8:45 am]

BILLING CODE 5325-01-M

### 5 CFR Part 890

#### Federal Employees Health Benefits Program; Miscellaneous Amendments

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) proposes to amend its Federal Employees Health Benefits (FEHB) regulations to: (1) Correct several spelling, typographical and reference errors, (2) clarify several definitions, (3) delete sections which are no longer applicable, and (4) expand opportunities to enroll for certain eligible employees who lose coverage outside the FEHB Program.

**DATE:** Comments must be received on or before August 30, 1983.

**ADDRESS:** Send comments to Jerome D. Julius, Assistant Director for Pay and Benefits Policy, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044; or deliver to room 44351, 1900 E Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Barbara Myers, Office of Pay and Benefits Policy, (202) 632-9677.

**SUPPLEMENTARY INFORMATION:** OPM proposes to make the following specific changes in Part 890:

a. Section 890.204 would be deleted and § 890.205 would be renumbered as § 890.204. The requirements specified at 5 CFR 890.204 concerning comprehensive plan networks were specifically designed for the original, experimental network because of the unique requirements of that network arrangement, one of which was uniform rating. When the experimental network contract expired, § 890.204 became obsolete. Its requirements no longer

apply to networks which are or may become part of the FEHB Program in the future. New networks are currently contracted for under the requirements outlined in § 890.201 through 890.203 because these basic regulations are broad enough to apply to alternate delivery systems, such as comprehensive medical plan networks, whose fundamental benefits and rate structures are comparable to those of any other type of health benefit plan entering the FEHB Program.

b. Paragraph 890.301(g)(1) would be amended to allow any employee who loses coverage under any federally-sponsored health benefits program or under the Retired Federal Employees Health Benefits (RFEHB) Program to register to enroll or change enrollment in the REHB Program, if eligible. Prior to this amendment, the opportunity to register to enroll was provided to employees who lost coverage under some Federal programs [e.g., the Uniformed Service Health Benefits Program (includes CHAMPUS), and the RFEHB Programs], but not to employees who lost coverage under other Federal programs [e.g., the Public Health Service and Indian Health Service].

c. Paragraph 890.301(1) would be amended to clarify the eligibility of an employee who is age 19 or over to enroll in the FEHB Program when he/she loses coverage under his/her parent's health insurance. The purpose of the current regulation is to permit an employee who loses coverage under his/her parent's family health insurance outside the FEHB Program to enroll in the FEHB Program. Based on the once uniform practice of health plans to remove a child from the parent's plan when he/she was no longer a dependent, a child would generally lose coverage under a parent's plan when he/she reaches age 19. Over the years, this age has changed and there is no longer a set age for such loss of coverage. In recognition of this, the amendment specifies the event, rather than an arbitrary age.

d. A new paragraph 890.301(x) would be added to permit certain changes in enrollment when an employee is required to relocate outside the commuting area. The employee would be permitted to (1) enroll when he/she loses coverage under a spouse's non-Federal enrollment and (2) change to self and family coverage when the spouse loses coverage under a non-Federal enrollment.

e. Paragraph 890.306(d) would be revised to eliminate the requirement that the enrollee return to pay or annuity status before an enrollment change due to the birth or addition of a child can become effective. This revision would

make this paragraph compatible with paragraph 890.502(b) which requires that an individual pay the employee share of the enrollment cost for any period during which the enrollment continues. The effective date of an enrollment change under this event would be the same for all employees, regardless of whether they are in a pay or nonpay status.

f. Paragraph 890.502(b) would be amended to provide that withholdings are not required for the period between the end of the pay period in which an individual separates from service and the beginning of any annuity payments, if later. (Contributions are not required from the former employing agency for this period.) This amendment reflects changes resulting from a provision of Pub. L. 97-253, The Omnibus Budget Reconciliation Act of 1982, dated September 8, 1982. Under this provision, the annuity of an employee or Member whose retirement is based on a voluntary separation will commence on the first day of the month after the month in which the employee retires or pay ceases and the age and service requirements for title to an annuity are met. Since no pay or annuity is received during this interim period, no withholding is required.

In addition to the revisions addressed above, several editorial revisions would be made to clarify the definitions of "enrolled" and "unmarried" and to correct a minor technical error in § 890.301(i).

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

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal employees and annuitants.

#### List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health Insurance, Retirement.

Office of Personnel Management.

Donald J. Devine,

Director.

#### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Accordingly, OPM proposes to amend Part 890 of title 5 of the Code of Federal Regulations as follows:

1. In § 890.101, paragraph (a)(10) is revised to read as follows:

**§ 890.101 Definitions; time computations.**

(a) \* \* \*

(10) "Register" means to file with the employing office a properly completed health benefits registration form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means a valid registration form has been accepted by the employing office and the enrollment in a health benefit plan approved by OPM under this part has not been terminated or cancelled.

**§ 890.204 [Removed]**

**§ 890.205 [Redesignated as § 890.204]**

2. Section 890.204 is removed and § 890.205 is redesignated as § 890.204.

3. Section 890.301 is amended by revising paragraphs (g)(1), (i) and (l), and a new paragraph (x) is added to read as follows:

**§ 890.301 Opportunities to register to enroll and change enrollment.**

(g) *Loss of coverage under Federal programs.* (1) An employee who is not enrolled, but is covered by another federally-sponsored health benefits program or by an enrollment under Part 891 of this chapter, and whose coverage or enrollment terminates under the other federally-sponsored program or Part 891, may register to be enrolled or change enrollment:

(i) Within 31 days after termination of coverage for a reason other than death;

or  
(ii) Within 60 days after termination of coverage because of death of the enrollee.

(i) *Termination by employee organization plan.* An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may register, if the plan terminates his/her enrollment, within 31 days after termination of his/her enrollment in the employee organization plan, to be enrolled in another health benefits plan. However, the employee or annuitant may not change his/her enrollment from self alone to self and family.

(l) *Loss of coverage under parent's non-Federal plan.* An employee who is not registered to be enrolled may

register to be enrolled within 31 days after he/she loses coverage under his/her parent's non-Federal health plan for a reason other than death and within 60 days after loss of coverage because of the parent's death.

(x) *Directed reassignment from commuting area.* (1) An employee whose reassignment is directed out of the commuting area and who loses coverage under a spouse's non-Federal enrollment because the non-federally employed spouse terminates his/her employment to accompany the Federal employee, may register to enroll within the period beginning 31 days before the date he/she leaves employment in the old commuting area and ending 31 days after arrival at the place of employment in the new commuting area.

(2) An employee whose reassignment is directed out of the commuting area and whose spouse loses non-Federal coverage when he/she terminates non-Federal employment to accompany the Federal employee, may change enrollment from self only to self and family within the period beginning 31 days before the date he/she leaves employment on the old commuting area and ending 31 days after arrival at the place of employment in the new commuting area.

4. In § 890.302, paragraph (g) is revised to read as follows:

**§ 890.302 Coverage of family members.**

(g) *Meaning of unmarried.* A child who has never married or whose marriage has been annulled, or a child who is divorced or widowed is considered to be unmarried.

5. In § 890.306, paragraph (d) would be revised to read as follows:

**§ 890.306 Effective dates.**

(d) *Birth or addition of a child.* The effective date of a change in enrollment under § 890.301(e) made in conjunction with the birth of a child, or the addition of a child as a new family member in some other manner, is the first day of the pay period in which the child is born or becomes an eligible family member.

6. In § 890.502, paragraph (b) is revised to read as follows:

**§ 890.502 Employee withholdings and contributions.**

(b)(1) Except as provided in paragraph (b)(2) of this section, an employee or annuitant is responsible for payment of the employee share of the cost of enrollment for every pay period during

which the enrollment continues. In each pay period for which health benefits withholdings are not made but during which the enrollment of an employee or annuitant continues, he/she will incur an indebtedness due the United States in the amount of the proper employee withholdings required for that pay period.

(2) Withholdings are not required for the period between the end of the pay period in which an individual separates from service and the commencement of an immediate annuity, if later.

(3) The employing officer shall establish a method for accepting direct payment for the indebtedness from the individual before initiation of a recovery action. An individual who incurs an indebtedness under this paragraph is deemed to consent to have the full amount of the indebtedness withheld from future salary, or from any other monies owed to the employee by the Federal Government, as an indebtedness due the United States. If the indebtedness cannot be withheld in full from salary, it may be recovered from other sources normally available to the employing office for the recovery of an indebtedness due the United States.

(5 U.S.C. 8913)

[FR Doc. 83-17819 Filed 6-30-83; 8:45 am]  
BILLING CODE 6325-01-M

**POSTAL SERVICE**

**39 CFR Part 10**

**International Express Mail Service to Colombia**

**AGENCY:** Postal Service.

**ACTION:** Proposed International Express Mail Service to Colombia.

**SUMMARY:** Pursuant to an agreement with the postal administration of Colombia, the Postal Service proposes to begin International Express Mail Service with Colombia at postage rates indicated in the table below. The proposed service is scheduled to begin on September 3, 1983.

**DATE:** Comments must be received on or before July 30, 1983.

**FOR FURTHER INFORMATION CONTACT:** Leon W. Perlinn (202) 245-4414.

**ADDRESS:** Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260-5350. Copies of all written comments will be available for public inspection and photocopying between 9

a.m. and 4 p.m., Monday through Friday, in room 8620, 475 L'Enfant Plaza West, SW., Washington, D.C.

**SUPPLEMENTARY INFORMATION:** The International Mail Manual is incorporated by reference in the Federal Register, 39 CFR 10.1. Additions to the manual concerning the proposed new service, including the rate table reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553) do not apply (39 U.S.C. 410(a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to Colombia at the rates indicated in the table below.

#### List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

#### COLOMBIA.—INTERNATIONAL EXPRESS MAIL

Custom designed service <sup>1</sup> *		On-demand service <sup>2</sup> *	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	\$27.00	1	\$19.00
2	29.90	2	21.90
3	32.80	3	24.80
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

<sup>1</sup> Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

<sup>2</sup> Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International

Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted. (39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-17819 Filed 6-30-83; 8:45 am]

BILLING CODE 7710-12-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### 43 CFR Part 426

#### Acreege Limitation; Reclamation Rules and Regulations

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of extension of comment period on proposed rules.

**SUMMARY:** This notice extends the comment period on the acreage limitation proposed rules (48 FR 19900, May 3, 1983) from July 5, 1983, to August 5, 1983. The extended period will allow individuals sufficient time to review and provide comments on the published proposed rules and regulations. All comments received during the extended period will be considered before revisions are made to the proposed rules.

**DATE:** Comments are due on or before August 5, 1983.

**ADDRESS:** Written comments on the proposed rules should be submitted to: Vernon S. Cooper, Chief, Acreage Limitation Branch, Bureau of Reclamation, E&R Center, D-410, P.O. Box 25007, Denver, Colorado 80225, telephone (303) 234-7195.

**FOR FURTHER INFORMATION CONTACT:** Vernon S. Cooper, Chief, Acreage Limitation Branch, Bureau of Reclamation, E&R Center, D-410, P.O. Box 25007, Denver, Colorado 80225, telephone (303) 234-7195.

**SUPPLEMENTARY INFORMATION:** The Bureau of Reclamation published proposed rules and regulations on acreage limitation in the Federal Register on May 3, 1983. These rules establish uniform criteria and procedures to administer Title II of the Reclamation Reform Act of 1982 (96 Stat. 1263). The Bureau of Reclamation has conducted 14 public hearings throughout the West and in Washington, D.C., to receive testimony on its proposed rules.

Dated: June 28, 1983.

H.W. Furman II,

Acting Commissioner, Bureau of Reclamation.

[FR Doc. 83-17798 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-09-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-6012]

#### National Flood Insurance Program; Revision of 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 Township of LeBoeuf, Erie County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Federal Register at 47 FR 23448 on May 28, 1982, and hence supersedes those previously published rules.

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

**ADDRESSES:** Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the LeBoeuf Township Building, Waterford, Pennsylvania.

Send comments to: Honorable James H. Glover, Chairman of the LeBoeuf Township, Board of Supervisors, R.D. 1, Waterford, Pennsylvania 16441.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 267-0230.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the Township of LeBoeuf, Erie County, Pennsylvania, 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 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).

These modified 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 flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain 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 flood plain 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, Floodplains.

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

Source of flooding	Location	# Depth in feet above ground. Elevation in feet (NGVD)
French Creek	U.S. Route 6 (upstream side)	*1,165
	Flats Road (upstream side)	*1,174
	Approximately 1,800' above Dewey Road.	*1,197

(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 19387; and delegation of authority to the Associate Director)

Issued: June 2, 1983.

Dave McLoughlin,  
Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-17727 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-03-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 301

[Docket No. 30627-117]

#### Pacific Halibut Fisheries; Withdrawal of Proposed Rulemaking

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

**ACTION:** Withdrawal of proposed rulemaking.

**SUMMARY:** NOAA by this document withdraws the proposed rule for the Pacific Halibut Fisheries that appeared at page 4861 in the *Federal Register* of Thursday, February 9, 1983 (48 FR 4861). NOAA's decision was based on a recommendation from the Office of Management and Budget, which concluded that the proposed moratorium would have interfered with some fundamental social and economic freedoms, especially those that relate to fishing traditions off Alaska, failed to solve economic problems of the industry, and created economic inefficiencies.

**FOR FURTHER INFORMATION CONTACT:** Jim Branson (Executive Director, North Pacific Fishery Management Council), 907-274-4563.

(16 U.S.C. 1801 *et seq.*)

Dated: June 28, 1983.

Carmen J. Blondin,  
Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-17710 Filed 6-28-83; 2:27 pm]

BILLING CODE 3510-22-M

#### 50 CFR Part 611 and 672

[Docket No. 30627-116]

#### Foreign Fishing, Groundfish of the Gulf of Alaska; Implementation of Conservation and Management Measures

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

**ACTION:** Proposed rule.

**SUMMARY:** NOAA issues this proposed rule to implement Amendment 11 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. Implementation of measures contained in this amendment is necessary for conservation and management of the fishery. These measures are intended to provide for fuller utilization of certain available groundfish species, mitigate chances of overfishing local stocks, and enhance the data used for inseason management decisions.

**DATE:** Written comments must be received on or before August 12, 1983.

**ADDRESSES:** Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Individual copies of the amendment, the environmental assessment, and the regulatory impact review/initial regulatory flexibility analysis may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, 907-274-4563.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg (Fisheries Management Biologist), 907-586-7230.

**SUPPLEMENTARY INFORMATION:** On February 24, 1978, the NOAA Assistant Administrator for Fisheries (Assistant Administrator) approved the fishery management plan (FMP) for the groundfish fishery of the Gulf of Alaska. The FMP governs foreign and domestic fishing for groundfish in the fishery conservation zone (FCZ) in the Gulf of Alaska between 132° 40' W. longitude (Dixon Entrance) and 170° 00' W. longitude. The FMP was originally published in the *Federal Register* on April 21, 1978 (43 FR 17242). Since then it has been amended ten times. Amendment 11, which was approved by the North Pacific Fishery Management Council (Council) at its March 26-27, May 19-20, and July 21-22, 1982, meetings, contains five parts.

A description of and reasons for each part of Amendment 11 follow:

1. *The optimum yield for pollock in the Central Regulatory Area would be increased from 95,200 metric tons (mt) to 143,000 mt.* The optimum yield (OY) increase would accommodate the rapidly expanding domestic fisheries in the Central Regulatory Area that are targeting on pollock and delivering to foreign processing vessels at sea in joint ventures. This fishery is capitalizing on pollock that concentrate during early spring in Shelikof Strait between Kodiak Island and the Alaska Peninsula. Joint venture harvests of pollock in the area have increased from 1,900 mt in 1980, to

17,000 mt in 1981, to more than 77,000 mt in 1982. Commitments from foreign purchasers of U.S.-caught groundfish could result in a harvest in excess of 100,000 mt in 1983. The new OY is at the midpoint of the maximum sustainable yield (MSY) range, which was derived from estimates of the total exploitable biomass.

The total exploitable biomass of pollock has been estimated for the Gulf of Alaska from results of trawl surveys conducted by the National Marine Fisheries Service to be between 1,041,000 and 2,081,000 mt. On the basis of the distribution of pollock throughout the Gulf, the total exploitable biomass in the Central Regulatory Area is estimated to be between 595,000 and 1,191,000 mt. Using a relationship prescribed by the FMP, MSY in the Central Regulatory Area is then calculated to be between 95,200 and 191,000 mt. The initial OY established by the FMP was set conservatively at the low end of the MSY range. A preliminary cohort analysis of pollock catch indicates that the exploitable biomass in the Central Regulatory Area is higher than when MSY was first calculated. The Council, therefore, has determined that the proposed OY is appropriate.

Based on testimony to the Council, the 143,000 mt OY would be apportioned among domestic annual processing (DAP), joint venture processing (JVP), reserves, and the total allowable level of foreign fishing (TALFF) as follows: DAP=5,380 mt, JVP=104,020 mt, Reserves=28,600 mt, and TALFF=5,000.

2(a). *The Yakutat District of the Eastern Regulatory Area would be divided into two districts—East Yakutat (137° 00'–140° 00' W. longitude) and West Yakutat (140° 00'–147° 00' W. longitude) to enable better management of the sablefish fishery.* Under the current management regime, a single OY for sablefish and its DAP, JVP, and TALFF components, are established for the entire Yakutat District, which is between 137° 00' and 147° 00' W. longitudes. Foreign fishing, however, is restricted in the Yakutat District to the area west of 140° 00' W. longitude. Foreign fishermen, then, can attempt to harvest the entire allocation from an area smaller than the allocation area, which could result in overfishing of local stocks. Domestic fishermen may also attempt to harvest the entire DAP and JVP amounts of sablefish from a smaller area. Dividing the Yakutat District into two districts and apportioning the OY for sablefish between the two districts will avoid the problem, and the fisheries and local stocks of sablefish would be

managed more conservatively. Also, because foreign fishing was recently restricted to west of 140° 00' W. longitude, the data used to analyze the condition of stocks has changed. Under the new system, foreign catch reporting would be consistent with areas where foreign fishing is presently permissible.

2(b). *The optimum yield for sablefish in the fishery conservation zone would be reduced from 12,300 mt to a range of 7,730 to 8,980 mt and apportioned among the regulatory areas and districts.* The sablefish resource is generally depressed throughout the Gulf of Alaska as evidenced by analysis of foreign and domestic catch and effort data and the magnitudes of recent catches compared to those of previous years. Whereas sablefish were once so abundant that

total annual catches in excess of 20,000 mt were possible (the largest total catch was 36,505 mt in 1972), total catches since 1978 have been comparatively small, ranging from 7,461 mt in 1982 to 9,763 mt in 1981.

The Council has determined that sablefish stocks should be managed to allow for faster rebuilding than would occur if they were harvested at the equilibrium yield (EY) level, estimated to be between 10,965 and 12,630 mt in the Gulf of Alaska (Table 1). OY is set equal to the Acceptable Biological Catch (ABC), which is approximately equal to 75 percent of the EY, and is apportioned among the regulatory areas and districts of the Gulf of Alaska in proportion to the most current estimate of the distribution of the sablefish.

TABLE 1.—EQUILIBRIUM YIELDS AND OPTIMUM YIELDS (=ABC'S) IN THE REGULATORY AREAS AND DISTRICTS OF THE GULF OF ALASKA

	Regulatory areas				Districts	Total
	Western	Central	West Yakutat	East Yakutat	Southeast	
EY(mt)	2,225	4,075	2,240	1,135 to 1,510	1,290 to 2,590	10,965 to 12,630
OY(mt)	1,670	3,060	1,680	850 to 1,135	* 470 to 1,435	* 500 8,230 to 9,480 <sup>1</sup>

<sup>1</sup> Total OY includes 500 mt allocated to the Southeast Inside District which is State of Alaska waters and managed by the State.

\* Outside.  
\* Inside.

3(a). *A framework procedure would be established to allow the Regional Director to determine annually the expected domestic annual harvest (DAH) and the DAP and JVP components of the DAH for each species.* The Council is presently able to adjust the DAP and JVP components of DAH only by amending the FMP, a process that is too lengthy to be responsive to the needs of the fishing industry. Future specifications of DAP's and JVP's necessary to support domestic processors and joint ventures are expected to change, but the amount of change is unpredictable at this time.

The Council adopted the framework procedure to assure that sufficient quantities of groundfish would be available to accommodate the changing needs of the U.S. industry. Under the proposed framework procedure, initial DAP and JVP amounts would equal the amounts harvested by domestic fishermen during the previous fishing year plus any additional amounts that are necessary to satisfy the expected need for the new fishing year. The Regional Director, upon recommendation from the Council, would publish a rule-related notice in the Federal Register that would propose apportionments of each OY among DAP, JVP, and TALFF as soon as practicable

after October 1. Based on comments received, he would publish a second rule-related notice of final apportionment figures before January 1 of each year. Hence, planning by domestic and foreign fishermen would be enhanced on the basis of timely apportionments.

3(b). *The domestic nonprocessed (DNP) component of DAH that was apportioned for bait and personal consumption would be eliminated as a component of DAP.* Amounts specified as DNP for bait and personal consumption are not specifically monitored. DNP amounts are presently designated only for Pacific cod and "other species." Rather than continue to specify small DNP amounts for those species, DNP is eliminated as a component of DAH.

3(c). *The reserve and surplus DAH apportionment procedures would be modified to allow the Secretary to apportion reserves and surplus DAH to TALFF on the dates already specified in current regulations or on any other dates he determines necessary.* Current regulations provide for the Secretary of Commerce (Secretary) to apportion to DAH any amounts of the reserves on three specified dates or at any other time considered necessary; however, reserves may be apportioned to TALFF

only after April 1, June 1, and August 1 and then only in certain amounts. Surplus DAH may be reapportioned to TALFF only after August 1. The current limitations in the timing of apportionments of those amounts of groundfish considered surplus to U.S. fishing needs has constrained full utilization of available groundfish. Under this proposed measure the Secretary may apportion to TALFF any amount of reserves or DAH, which are surplus to U.S. fishing needs for the remainder of the fishing year, as soon as practicable after April 1, June 1, and August 1, or on any other date considered necessary.

If an apportionment is made on dates other than those scheduled, and immediate action is necessary to prevent the closure of a fishery, the Secretary could act without affording a prior opportunity for public comment. Public comments on the necessity for and extent of the apportionment would than be submitted for a period of 15 days after the effective date of such action. In light of any comments received, the Secretary would reconsider his action and publish a notice to either confirm, modify, or rescind his action.

4. *The Secretary would have the authority to impose time and/or area restrictions on foreign nations for conservation reasons.* The FMP and current implementing regulations provide the Secretary with the authority to impose time and/or area restrictions on domestic fishermen by field order for conservation reasons. This amendment would provide the same authority to the Secretary to restrict foreign fisheries to protect stocks of Pacific halibut and other groundfish.

The rationale for this authority follows directly from objectives 1 and 2 of the FMP management regime, "(1) Rational and optimal use, in both the biological and socio-economic sense, of the region's fishery resources as a whole; (2) Protection of the Pacific halibut resource, which for decades has supported the only significant groundfish fishery in the region . . ."

In determining the necessity of an inseason time and/or area restriction, the Secretary would consider inseason fishery and observer-reported data on the following conditions:

- (i) the effect of overall fishing effort within a regulatory area;
- (ii) catch per unit of effort and rate of harvest;
- (iii) relative abundance of stocks within an area;
- (iv) amount of Pacific halibut being caught;

(v) condition of groundfish stocks within the area; and

(vi) any other factors relevant to the conservation and management of Pacific halibut and other groundfish resources.

5. *Domestic fishermen who intend to land groundfish outside State and Federal waters of Alaska would be required to advise management agencies by radio or telephone before leaving the FCZ or Alaska waters.* The Alaska Department of Fish and Game (ADF&G) and the National Marine Fisheries Service, Alaska Region, monitor the domestic groundfish fishery and have a need for timely receipt and analysis of catch data to prevent domestic quotas of groundfish from being exceeded, which could result in overfishing of groundfish stocks.

ADF&G has reported a number of instances of large catcher-processor vessels fishing in State and Federal waters in the Gulf of Alaska that were not properly documented, did not report Gulf of Alaska groundfish catches landed in Washington, or reported landings in Washington too late to be useful for inseason management decisions.

The Alaska Region has an additional need for timely catch data on which to base rational decisions relating to the apportionment of reserves to DAP, JVP, and TALFF to promote full utilization of available groundfish. Large domestic catcher-processor vessels are capable of harvesting substantial portions of the groundfish quotas for delivery outside Alaska. Knowledge of their departure and reports of their catches at ports outside Alaska is essential to permit successful inseason management.

6. *Extension of a Public Comment Period.* In addition to the proposed amendments to the FMP, NOAA proposes to change an existing regulation (§ 611.92(c)(1)(ii)(C)(4)) that now requires members of the public to submit their comments to the Regional Director no later than 15 days before the relevant date specified in the regulations. NOAA proposes that the number of days be reduced to 5, thereby allowing a longer period for public comment.

#### Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97-453, requires the Secretary to publish regulations proposed by a Council within 30 days of receipt of the amendment and regulations. At this time the Secretary has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable

law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment for this amendment and concluded that there will be no significant impact on the environment as a result of this rule. You may obtain a copy of the environmental assessment from the Council at the address listed above.

Implementation of this rule will not constitute an action that "may effect" endangered or threatened species or their habitat within the meaning of regulations implementing Section 7 of the Endangered Species Act of 1973.

The Assistant Administrator determined that approval and implementation of this rule would be carried out in a manner that is consistent to the maximum extent practicable with the Alaska Coastal Zone Management Program, as required by section 307(c) of the Coastal Zone Management Act of 1972 and its implementing regulation at 15 CFR Part 930, Subpart C.

This proposed rule does not contain a collection of information requirement within the meaning of the Paperwork Reduction Act. This proposed rule is exempt from the procedures of E.O. 12291 under § 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97-453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The Council prepared an initial regulatory flexibility analysis as part of the regulatory impact review which concludes that this proposed rule, if adopted, would have significant effects on small entities. You may obtain a copy of this analysis from the Council at the address listed above. The following summarizes this analysis:

Increasing the pollock OY to 143,000 mt is superior to maintaining it at its current level of 95,200 mt. Ex-vessel revenues to 25 U.S. fishermen participating in joint ventures in 1983 could be about \$11 million, which exceeds the loss to the U.S. government in foreign fees not received (between \$158,000 and \$1 million) due to reduction in TALFF.

Reducing the sablefish OY to 7,730-8,980 mt in Federal waters is superior to maintaining it at its current level of 12,300 mt although costs initially are greater than benefits. Losses in foreign

fees could be about \$481,690 and possible reductions in ex-vessel revenues in domestic operations and joint ventures could be about \$4 million and \$48,000, respectively. As stocks improve, however, and if catches were to return to the upper level of the MSY range, U.S. fishermen could receive about \$47 million.

Dividing the Yakutat District into two management districts for purposes of better managing the sablefish fisheries is superior to maintaining it as a single management area. Although fishermen's operating costs in terms of fuel and travel time would increase (e.g. by \$400 and 33 hours per boat) as they travel farther to harvest sablefish, these costs are exceeded by the benefits of better management of sablefish stocks, which have a potential ex-vessel value of between \$1.9 million and \$3.5 million. Under the alternative of maintaining the Yakutat District as a single area, the potential for overfishing local stocks increases, which would be a cost to the extent that sablefish stocks as well as potential revenues would be adversely impacted.

Establishing a procedure that allows the Secretary to apportion annually each groundfish species OY to DAP, JVP reserve, and TALFF is superior to the present process of accomplishing the apportions by plan amendments. This

measure would facilitate planning by the U.S. fishing industry, which would benefit from certainty as to the availability of fish stocks. The alternative to continue adjusting DAH components by plan amendments creates delays, which increases uncertainty for the industry.

Requiring fishermen to notify management agencies of their intended departure before leaving Federal or State waters to land fish outside Alaska, in addition to the present requirement that they report those catches after landing them, is superior to the existing requirement that they just report the catches. The only costs incurred by these fishermen are their time and nominal charge to notify a management agency through the marine operator. As a result of this requirement, management decisions, including reserve apportionments and inseason time and area closures for conservation reasons, would be based on the best available information, which contributes to a fishery that has a potential ex-vessel value of between \$15 million and \$324.4 million.

#### List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations.

Reporting and recordkeeping requirements.

50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: June 28, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR Parts 611 and 672 are proposed to be amended as follows:

#### PART 611—[AMENDED]

1. The authority section for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 611.92, paragraph (c)(1)(ii)(C)(4) is amended by removing the phrase "15 days" and inserting "5 days" in its place, paragraph (g) is redesignated as paragraph (h), figure 1 at paragraph (a)(1) and paragraphs (c)(1)(i), (c)(1)(ii)(A)(1), (c)(1)(ii)(B), (c)(1)(ii)(C)(3), and (c)(1)(ii)(C)(5)(iii) are revised, and a new paragraph (g) is added to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

(a) \* \* \*

(1) \* \* \*

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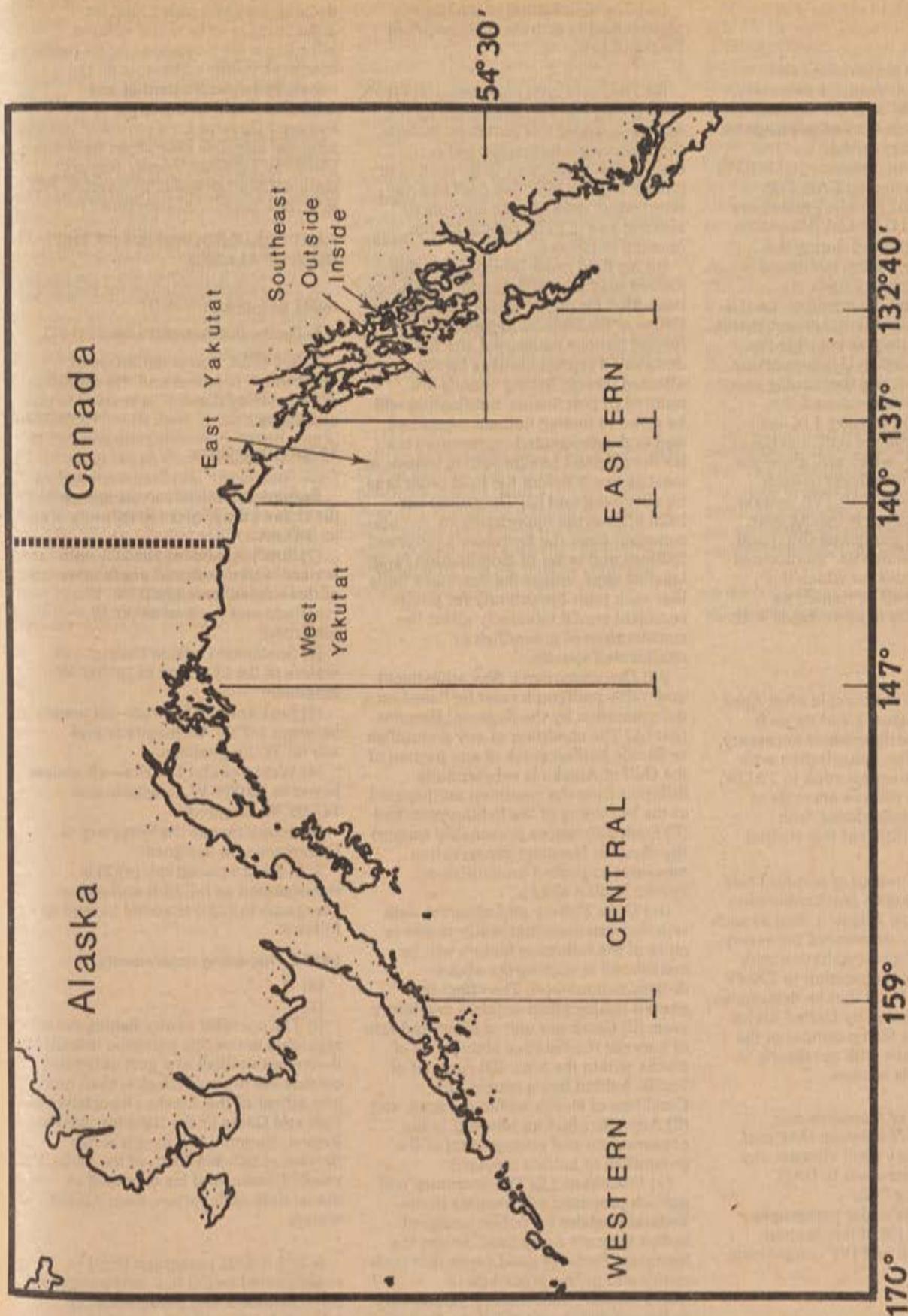


Figure 1 -- Regulatory Areas of the Gulf of Alaska (FMP)

(c) \* \* \*

(1) \* \* \*

(i) As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, shall publish a notice in the **Federal Register**, stating preliminary initial apportionments of optimum yields (OY) for each species among DAP, JVP, reserves, and TALFF. The preliminary specifications of DAP and JVP will be the amounts harvested during the previous years plus any additional amounts the Secretary finds are necessary to meet the needs of the U.S. industry. These additional amounts will reflect as accurately as possible the projected increases in U.S. processing and harvesting during the coming year. Based on comments received, the Secretary will, by January 1 of each year, publish a second notice in the **Federal Register**, which will show the final initial apportionment of each species' OY among DAP, JVP, reserve, and TALFF for the new fishing year. Species listed in paragraph (b)(1) and Table I of this section as "unallocated species," or species for which the TALFF is zero, will be treated as prohibited species in accordance with § 611.13.

(ii) \* \* \*

(A) \* \* \*

(1) As soon as practicable after April 1, June 1, and August 1 and on such other dates as he determines necessary, the Secretary, after consultation with the Council, may reapportion to TALFF, part or all of the reserve amounts of each species in accordance with paragraph (c)(1)(ii)(C) of this section.

(B) *Reapportionment of surplus DAP to TALFF.* As soon as practicable after April 1, June 1 and August 1, and as such other dates as he determines necessary, the Secretary, after consultation with the Council, may reapportion to TALFF any parts of the DAP that he determines will not be harvested by United States fishermen during the remainder of the year in accordance with paragraph (c)(1)(ii)(C) of this section.

(C) \* \* \*

(3) *Allocation of increases and decreases in DAP between DAP and JVP.* The Secretary shall allocate any increases and decreases in DAP amounts resulting from reapportionments under paragraphs (c)(1)(ii) (A) and (B) of this section between the DAP and JVP components of DAP.

(5) \* \* \*

(iii) The distribution of amounts apportioned to or from DAP between DAP and JVP.

(g) *Time and area closures.*—(1) *Field orders.*—(i) Field orders issued by the Secretary under this part must include the following information: (A) A description of the area to be opened or closed; (B) The effective date and any termination date of such opening or closure; and (C) The reason for the opening or closure.

(ii) No field order issued under this section may take effect until—(A) It has been filed for public inspection with the Office of the Federal Register; (B) The foreign nations concerned and the designated representatives for the affected foreign fishing vessels are notified (if practicable, notification will be given to foreign nations concerned and to the designated representatives for the affected foreign fishing vessels at least 48 hours before the field order is to be effective); and (C) The public has been offered the opportunity to comment upon the Secretary's proposed findings and order of modification for at least 30 days, unless the Secretary finds that such prior opportunity for public comment would adversely affect the conservation of groundfish or unallocated species.

(iii) *Determinations.* Any adjustment under this paragraph must be based on a determination by the Regional Director that (A) The condition of any groundfish or Pacific halibut stock in any portion of the Gulf of Alaska is substantially different from the condition anticipated at the beginning of the fishing year; and (B) Such differences reasonably support the need for inseason conservation measures to protect groundfish or Pacific halibut stocks.

(iv) *Data.* Fishery and observer data reported inseason that relate to one or more of the following factors will be considered in making the above determinations—(A) The effect of overall fishing effort within a regulatory area; (B) Catch per unit of effort and rate of harvest; (C) Relative abundance of stocks within the area; (D) Amount of Pacific halibut being caught; (E) Condition of stocks within the area; and (F) Any other factors relevant to the conservation and management of the groundfish or halibut resource.

(v) *Procedure.* (A) The Secretary will publish proposed adjustments in the **Federal Register** for public comment before they are made final, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest. (B) If the Secretary

decides, for good cause, that an adjustment is to be made without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, the adjustment will be accepted by the Regional Director for a period of 15 days after the effective date of the field order. (Address: Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.)

## PART 672—GROUND FISH OF THE GULF OF ALASKA

3. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 672.2, a new definition of "Secretary" is added and the definition of "regulatory district" is revised to read as follows:

### § 672.2 Definitions.

Regulatory district means any of four districts of the Eastern Regulatory area as follows:

(1) Southeast Inside District—all waters of the territorial sea (shoreward of three miles) east of 137°00' W. longitude and north of 54°30' W. longitude;

(2) Southeast Outside District—all waters of the FCZ east of 137°00' W. longitude;

(3) East Yakutat District—all waters between 137°00' W. longitude and 140°00' W. longitude; and

(4) West Yakutat District—all waters between 140°00' W. longitude and 147°00' W. longitude.

Secretary means the Secretary of Commerce or a designee.

5. In § 672.5 paragraph (a)(2) is redesignated as (a)(2)(ii) and a new paragraph (a)(2)(i) is added to read as follows:

### § 672.5 Reporting requirements.

(a) \* \* \*

(2) \* \* \*

(i) The operator of any fishing vessel regulated under this part who intends to deliver groundfish at a port of landing outside the State of Alaska, shall notify any officer of the Alaska Department of Fish and Game or the Director, Alaska Region, National Marine Fisheries Service at 907-586-7221, of his name, his vessel's name, and his expected or actual date of departure from Alaska waters.

6. In § 672.20, paragraph (c)(3) is redesignated as (c)(4), a new paragraph (c)(3) is added, and paragraphs (a), (c)(1)(i), (c)(2), and redesignated

paragraph (c)(4)(iii) are revised as follows:

**§ 672.20 Optimum yield.**

(a) Optimum yield, domestic annual harvest, total allowable level of foreign fishing, and reserves.

(1) The initial annual specifications of optimum yield (OY), reserves, estimates of domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP) and the total allowable level of foreign fishing (TALFF) for species regulated under this part are set forth in Table 1. The OY specifications remain in effect from year to year. The other specifications change from year to year in accordance with the procedure presented in paragraph (a)(2) of this section.

(2) As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, shall publish a notice in the **Federal Register** proposing the initial apportionments for the following year of the OYs specified in Table 1 among DAP, JVP, reserves, and TALFF. The Regional Director will receive public comments on these proposed apportionments. In light of these comments, the Secretary shall publish in the **Federal Register** by

January 1 of each year a notice prescribing the initial apportionments of OY among DAP, reserves and TALFF for that year. These amounts replace the corresponding amounts for the previous year in Table 1, a revised version of which will be published as part of the notice.

(3) When the combined catch by foreign and U.S. vessels reaches the OY amount for a species or species category, further fishing for all species will be prohibited in the applicable regulatory area or district for the remainder of the calendar year, except that fishing for sablefish by fishing vessels of the United States using logline gear will not be prohibited unless the OY for sablefish in the fishing area or district has been reached.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) In accordance with paragraph (c)(4) of this section and as soon as practicable after April 1, June 1, and August 1 and on such other dates as he determines necessary, the Secretary, after consultation with the Council, may apportion to TALFF, part or all of the reserves specified in Table 1.

\* \* \* \* \*

(2) *Apportionment of surplus DAH to TALFF.* In accordance with paragraph (c)(4) of this section and as soon as practicable after April 1, June 1 and August 1, and such other dates as he determines necessary, the Secretary, after consultation with the Council may apportion to TALFF, any parts of the DAH amounts specified in Table 1 that he determines will not be harvested by United States fishermen during the remainder of the year.

(3) *Allocation of increases and decreases in DAH among DAP and JVP.* The Secretary shall allocate any increases and decreases in DAH amounts resulting from apportionments under paragraphs (c)(1)(i) and (c)(2) of this section among the DAP and JVP components of DAH.

(4) \* \* \*

(iii) *Allocation of increases and decreases in DAH between DAP and JVP.* The Secretary shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (c)(1) and (c)(2) of this section between DAP and JVP.

\* \* \* \* \*

[FR Doc. 83-17732 Filed 6-28-83; 3:02 pm]

BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 48, No. 128

Friday, July 1, 1983

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

### Office of International Cooperation and Development; USDA Agribusiness Promotion Council; Meeting

Notice is hereby given that the USDA Agribusiness Promotion Council committee on the Dominican Republic will meet July 12, 1983, 9:00 a.m. to 3:00 p.m. in Room 201-W of the U.S. Department of Agriculture Administration Building, 14th and Independence Avenue, Washington, D.C. The agenda will consist of selection of committee chairman, and discussion and planning of committee activities. The meeting will be open to the public. Written statements may be submitted to Joan S. Wallace, Administrator, USDA/OICD, Room 3047, South Building, Washington, D.C. 20250 until July 8, 1983.

Joan S. Wallace,  
Administrator.

[FR Doc. 83-17855 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-0P-M

## Federal Grain Inspection Service

### Request for Comments on Designation Applicant in the Area Currently Assigned to Cairo Grain Inspection Agency; Illinois

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice requests comments from interested parties on the applicant for official agency designation in the area currently assigned to Cairo Grain Inspection Agency.

**DATE:** Comments to be postmarked on or before August 15, 1983.

**ADDRESS:** Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S.

Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

#### FOR FURTHER INFORMATION CONTACT:

Lewis Lebakken, Jr., telephone (202) 382-1738.

#### SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The May 2, 1983, issue of the *Federal Register* (48 FR 19763) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the area currently assigned to the official agency. Applications were to be postmarked by June 1, 1983.

Cairo Grain Inspection Agency (Cairo), the only applicant, requested designation for the entire geographic area currently assigned to that agency. Cairo applied for a designation renewal.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their comments concerning the applicant for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than August 15, 1983.

Comments and other available information will be considered before a final decision is made in this matter. Notice of the final decision will be published in the *Federal Register*, and the applicant will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Date: June 22, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-17748 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-02-M

### Designation Renewals of Eastern Iowa Grain Inspection and Weighing Service, Inc., Iowa, and Keokuk Grain Inspection Service, Inc., Iowa

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the designation renewals of Eastern Iowa Grain Inspection and Weighing Service, Inc., and Keokuk Grain Inspection Service, Inc., as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

**EFFECTIVE DATE:** August 1, 1983.

**ADDRESS:** James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The February 1, 1983, issue of the *Federal Register* (48 FR 4496) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Eastern Iowa's and Keokuk's designations terminate on July 31, 1983, and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by March 3, 1983.

Eastern Iowa and Keokuk were the only applicants for each respective designation.

FGIS announced the names of these applicants and requested comments on same in the April 1, 1983, issue of the *Federal Register* (48 FR 14015). Comments were to be postmarked by May 16, 1983.

One comment was received from a grain firm discussing the service the firm received from Eastern Iowa. No

comments were received regarding Keokuk's designation renewal.

FGIS has evaluated all available information, regarding the designation criteria in Section 7(f)(1)(A) of the Act and in accordance with Section 7(f)(1)(B), and has determined that Eastern Iowa and Keokuk are able to provide official services in the geographic areas for which their designations are being renewed. Each assigned area is the entire geographic area, as previously described in the February 1 Federal Register issue.

Effective August 1, 1983, and terminating July 31, 1986, the responsibility for providing official inspection services in the specified geographic areas are assigned to Eastern Iowa and Keokuk, respectively.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, the agencies will provide official services not requiring a licensed inspector to all locations within their geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons also may obtain a list of the specified service points by contacting the agencies at the following addresses:

Eastern Iowa Grain Inspection and Weighing Service, Inc., R.R. #1, Box 588, Blue Grass, IA 52726  
Keokuk Grain Inspection Service, Inc., P.O. Box 381, RR2, Prices Creek, Keokuk, IA 52632

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 [7 U.S.C. 79])

Dated: June 22, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-17747 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-02-M

#### Request for Designation Applicants To Perform Official Services in the Geographic Area Currently Assigned to Alva Grain Inspection Department, Oklahoma and Connecticut Department of Agriculture, Connecticut

**AGENCY:** Federal Grain Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), official agency

designations shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each of the specified agencies. The official agencies are Alva Grain Inspection Department and Connecticut Department of Agriculture.

**DATE:** Applications to be postmarked on or before August 1, 1983.

**ADDRESS:** James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide such official services in an assigned geographic area.

Alva Grain Inspection Department (Alva), P.O. Box 501, Alva, Oklahoma 73717, was designated on an interim basis as an official agency under the Act for the performance of inspection functions on October 1, 1982. Connecticut Department of Agriculture (Connecticut), 165 Capitol Avenue, Hartford, Connecticut 06115, was designated as an official agency under the Act for the performance of inspection functions on September 30, 1978.

The agencies' designations will terminate on December 31, 1983. For Connecticut, this date reflects administrative extensions of official

agency designations, as discussed in the July 16, 1979, issue of the Federal Register (44 FR 41275). Section 7(g)(1) of the Act states generally that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Alva, in Oklahoma, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following: Alfalfa, Beckham, Caddo, Custer, Dewey, Ellis, Greer, Harper, Kiowa, Major, Roger Mills, Washita, Woods, and Woodward Counties.

The geographic area presently assigned to Connecticut, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the entire State of Connecticut.

Interested parties, including Alva and Connecticut, are hereby given opportunity to apply for designation as the official agency to perform the official services in each geographic area, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in the specified geographic areas are for the period beginning January 1, 1984, and ending December 31, 1986. Parties wishing to apply for these designations should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than August 1, 1983, to be eligible for consideration.

Applications submitted and other available information will be considered in making a determination as to which applicant will be designated to provide official services in a geographic area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 [7 U.S.C. 79])

Dated: June 22, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-17746 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-02-M

#### Forest Service

##### National Forest Timber Sales; Control of Skewed Bidding; Procedures

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of proposed policy.

**SUMMARY:** This proposal upon adoption would revise agency procedures for establishing bid rates for National Forest timber sale contracts. The

primary purpose of these procedures is to reduce the Government's revenue losses associated with skewed bidding, the practice in which a bidder on a multispecies timber sale attributes most of the total bid value to one species and bids the minimum price on the others. The proposal would limit the amount of the bid price that the bidder could attribute to individual species. The proposed revised procedures would better protect the Government's earnings on timber sales as well as preserve competition among prospective purchasers.

**DATE:** Comments must be received by August 30, 1983.

**ADDRESSES:** Send written comments to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

All written submissions made pursuant to this notice will be available for public inspection during regular business hours in the office of the Director, Timber Management Staff, South Agriculture Building, Room 3207, 12th and Independence Avenue, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Lloyd W. Olson, Timber Management Staff, Forest Service, USDA; (202) 447-4051.

**SUPPLEMENTARY INFORMATION:** The National Forest Management Act authorizes the sale of timber from National Forest System lands to private purchasers through competitive bidding. Timber may not be sold at less than appraised value (16 U.S.C. 472a).

National Forest timber sales often include more than one species of timber. In such cases, prospective purchasers offer bids by species. The high bid is determined by multiplying the price bid for a species by the estimated timber volume of that species. The sale is awarded to the qualified bidder whose bid has the highest total value.

A bidder who has a better market for a particular species may place most of the bid value on that species and bid the minimum prices established by the Forest Service on the other species. Known as "skewed bidding," this practice is also sometimes used when a bidder believes there are possible inaccuracies in the Forest Service's volume estimates of a particular species.

Skewed bidding enables bidders to tailor their bids to their competitive strengths. Its use is a comparatively recent development in Forest Service timber sales, and has been concentrated in the western areas with higher priced timber.

While skewed bidding can be advantageous to purchasers, it can

reduce Government receipts and increase Forest Service sale administration costs.

These results were documented in a review of skewed bidding by the General Accounting Office (GAO/RCED-83-37). This proposal is made in partial response to the recommendations in that review.

The effects of skewed bidding can best be explained by presenting an

example of skewed bidding. For instance, consider a 10 million board feet (10 MMBF) timber sale containing Douglas-fir, Ponderosa pine, hemlock, and cedar. The advertised rates (that is, the minimum bid the Government will accept for each species), the Government estimate of the volume by species and the offers of Bidders A, B, and C are in Exhibit I.

EXHIBIT I.—SAMPLE TIMBER SALE BIDS

Species	Douglas-fir	Ponderosa pine	Hemlock	Cedar	Average total
Estimated volume (million board feet)	5,000	3,500	900	600	10,000
Estimated volume (percent)	50	35	9	6	100
Advertised rates (dollars per million board feet)	\$50	\$40	\$10	\$5	\$40.20
Advertised value	\$250,000	\$140,000	\$9,000	\$3,000	\$402,000
Bidder "A" bid rate (dollars per million board feet)	\$50	\$40	\$10	\$500	\$69.90
Bidder "A" bid value	\$250,000	\$140,000	\$9,000	\$300,000	\$699,000
Bidder "B" bid rate (dollars per million board feet)	\$80	\$80	\$10	\$5	\$69.20
Bidder "B" bid value	\$400,000	\$280,000	\$9,000	\$3,000	\$692,000
Bidder "C" bid rate (dollars per million board feet)	\$60	\$60	\$10	\$5	\$52.20
Bidder "C" bid value	\$300,000	\$210,000	\$9,000	\$3,000	\$522,000

Based on the circumstances in Exhibit I, Bidder "A" would be awarded the sale because the \$699,000 total bid was higher than the bids of "B" and "C." Note that most of "A's" bid was on cedar, which was estimated as 6 percent of the total sale volume.

Timber sale volumes are estimated based on sampling. Often the actual volume of timber in a sale differs from that estimated at the time of sale. Timber sale purchasers of most western timber sales pay the Government for the

volume of timber actually removed.

If, in the Sample Timber Sale illustrated in Exhibit I, there were actually more Douglas-fir and less cedar removed than was originally estimated by the Forest Service, the Government could, in effect, lose money. In this instance, Bidder "B's" offer would have netted the Government \$203,000 more than that offered by Bidder "A" who was awarded the sale. This difference equals almost half the original advertised value of the sale.

EXHIBIT II.—RETURNS TO GOVERNMENT BASED ON ACTUAL TIMBER VOLUME IN THE SAMPLE TIMBER SALE

Species	Douglas-fir	Ponderosa pine	Hemlock	Cedar	Total average
Estimated volume (million board feet)	5,000	3,500	900	600	10,000
Actual volume (million board feet)	5,400	3,500	900	200	10,000
Advertised rates (million board feet)	\$50	\$40	\$10	\$5	\$42.00
Advertised value	\$270,000	\$140,000	\$9,000	\$1,000	\$420,000
Bidder "A" bid rate (dollars per million board feet)	\$50	\$40	\$10	\$500	\$51.90
Bidder "A" bid value	\$270,000	\$140,000	\$9,000	\$100,000	\$510,000
Bidder "B" bid rate (dollars per million board feet)	\$80	\$80	\$10	\$5	\$72.20
Bidder "B" bid value	\$432,000	\$280,000	\$9,000	\$1,000	\$722,000
Bidder "C" bid rate (dollars per million board feet)	\$60	\$60	\$10	\$5	\$54.40
Bidder "C" bid value	\$324,000	\$210,000	\$9,000	\$1,000	\$544,000

Thus, a purchaser who skews a bid can actually pay less than the total amount bid where the Forest Service has over estimated the volume of the skewed bid species and/or underestimated the volume of all of the other species.

Also, in this Sample Timber Sale, Forest Service administration costs would be increased over normal levels to make sure that all the \$500 per MBF cedar was actually removed from the sale area and paid for. Because the purchaser only pays for the timber

removed from the sale, the Government could not afford to have the purchaser leave any cedar on the sale. Ordinary contract administration practices would not be adequate enough to protect the Government because of the high cedar value offered by Bidder "A." Harvest of a high value species on a sale must be carefully monitored by Government personnel to guard against unnecessary damage to that high priced species since the purchaser only pays for merchantable timber.

The Forest Service has neither the finances nor the personnel to estimate the volume of timber to the standards necessary to protect the Government from errors in volume estimated on individual species. Therefore, another alternative is needed to ensure that skewed bidding does not result in the public receiving an inequitable return on National Forest timber sales. Accordingly, the Forest Service is proposing to limit the use of skewed bidding. However, the Forest Service also recognizes the need to maintain competition among purchasers since this stabilizes the industry and contributes to a better return to the Government. Therefore, this proposal is to limit skewed bidding, not eliminate it.

#### Proposed Policy

The proposal included two methods to limit skewed bidding, which would have joint application to appropriate sales as determined under guidelines set forth in this proposal. First, species comprising 10 percent or less of the total estimated sale volume would be sold at fixed rates established by the Forest Service and, therefore, would not be subject to bidding. For example, under this approach in the Sample Timber Sale, Exhibit I, the hemlock would be sold for \$10/MBF and the cedar for \$5/MBF. These species would not be biddable. No bids above the fixed rates would be considered.

The only biddable species in a timber sale would be those comprising 10 percent or more of the total estimated sale volume. For example, based on the information in Exhibit I, Douglas fir and Ponderosa pine would be biddable species on the Sample Timber Sale.

With respect to biddable species, bids would be made on the weighted average rates of all the biddable species on the sale, rather than on a species-by-species basis.

As shown in Exhibit I, Bidder "A's" offer of \$699,000 for the Sample Timber Sale was the apparent high bid. Under this proposal, Bidder "A" would have to distribute the \$699,000 between the biddable and nonbiddable species as follows:

#### EXHIBIT III.—DISTRIBUTION OF BIDDER "A'S" OFFER BETWEEN BIDDABLE AND NON-BIDDABLE SPECIES

[Sample timber sale]	
Total offer-sample timber sale	\$699,000
Less advertised value hemlock	9,000
Less advertised value cedar	3,000
	-\$12,000
Amount of bidder "A's" offer for biddable species	687,000

The second proposed method to constrain the use of skewed bidding is to limit the amount of the offer that the bidder can place on individual biddable species.

The amount that a bidder offers above advertised, or minimum, timber rates is called the "bid premium." Under the proposal the maximum bid that a bidder could allot to a single biddable species would be limited by:

1. The advertised rate of that species;
2. The average bid premium that the bidder offers for all biddable species in the sale; and,
3. A value factor. The value factor for each biddable species would be

$$\text{Average Bid Premium} = \frac{\$687,000 - \$390,000}{5,000/\text{MBF} + 3,500/\text{MBF}} = \$34.94/\text{MBF}$$

Using the information from Exhibit I, Exhibit IV shows the calculation of the value factors for the Sample Timber Sale.

#### EXHIBIT IV.—CALCULATION OF THE VALUE FACTORS FOR THE SAMPLE TIMBER SALE

Biddable species	Advertised value	Value factor
Douglas-fir	\$250,000	<sup>1</sup> 0.6
Ponderosa pine	140,000	<sup>2</sup> 0.4
Total	390,000	1.0

<sup>1</sup> \$250,000/\$390,000=0.6  
<sup>2</sup> \$140,000/\$390,000=0.4

Under the proposed method, the maximum amount that the high bidder on a timber sale contract could allocate to a biddable species would be the sum of:

1. The advertised rate of that species;
2. The bidder's average bid premium on biddable species; and
3. The product of the bidder's average bid premium times the value factor.

The maximum amount that Bidder "A" could allot to Douglas-fir would be determined as follows:

Advertised rate	\$50.00
Average bid premium	34.94
(Bid premium × value factor) = (\$34.94 × 0.6)	20.96
Maximum bid amount (million board feet)	105.90

The maximum amount that Bidder "A" could allot to Ponderosa pine would be determined as follows:

Advertised rate	\$40.00
Average bid premium	34.94

computed by the Forest Service prior to the sale. The value factor would be calculated by dividing the advertised value of the biddable species by the total advertised value of all biddable species.

Continuing the example of the Sample Timber Sale, Bidder "A" would now distribute the \$687,000 offer for the biddable species (Exhibit III) between the Douglas-fir and Ponderosa Pine.

Bidder "A's" average bid premium for the biddable species is calculated by dividing the difference between the bid and advertised value by the volume of the biddable species.

$$(\text{Bid premium} \times \text{value factor}) = (\$34.94 \times 0.4) \dots\dots\dots 13.98$$

$$\text{Maximum bid amount (million board feet)} \dots\dots\dots 88.92$$

Bidder "A" could distribute the bid on the biddable species in the Sample Timber Sale in any manner that would conform to all the following parameters:

1. The bid rate for Douglas-fir would have to exceed \$50.00/MBF and be equal to or less than \$105.90/MBF.
2. The bid rate for Ponderosa pine would have to exceed \$40.00/MBF and be equal to or less than \$88.92/MBF; and,
3. The total bid rate on Douglas-fir and Ponderosa pine would have to be at least \$687,000.

These bidding methods are proposed for use on scaled timber sales in Regions 1, 5, and 6. If adopted, it may be used in other Regions if the authorizing officer decides that this method may be necessary to identify the bid that will return the most revenue to the Government.

These bidding methods would not be used for sales with less than an estimated volume of 1 million board feet unless the authorizing officer decides that it may be necessary on a smaller sale in order to control skewed bidding.

Under the proposal, Regional Foresters could increase the minimum volume requirement for biddable species to above 10 percent if they decided that the additional restriction might be necessary to minimize skewed bidding.

The rules and regulations governing bidding methods and award of National Forest timber sale contracts are set forth at 36 CFR Part 223. Timber sale policies and procedures to implement those rules and regulations are set forth in Title 2400 of the Forest Service Manual. This proposed rule, if adopted, would be incorporated in Title 2400 of the Forest Service Manual.

Dated: June 28, 1983.

J. Lamar Beasley,  
Acting Chief.

[FR Doc. 83-17854 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-11-M

### Soil Conservation Service

#### Stowe Road Agricultural Land Drainage, RC&D Measure, New York; Environmental 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 Stowe Road Agricultural Land Drainage RC&D Measure, St. Lawrence County, New York.

**FOR FURTHER INFORMATION CONTACT:** Paul A. Dodd, State Conservationist, Soil Conservation Services, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423 5521.

**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, Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns agricultural land drainage to relieve wetness problems that are extensive enough to adversely affect the communities' efficiency of land use, level of income, and quality of the environment. The planned works of improvement include modifications of 4,130 feet of existing channel by clearing and deepening to a depth of approximately 5 to 6 feet, revegetation of 7.3 acres of disturbed

areas, replacement of a culvert under Stowe Road, and installation of a grade control structure at English Settlement Road to control erosion.

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 Paul A. Dodd.

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: June 21, 1983.

Paul A. Dodd,

State Conservationist.

[FR Doc. 83-17822 Filed 6-30-83; 8:45 am]

BILLING CODE 3410-16-M

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

#### Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 1:00 PM to 5:00 PM, Tuesday, July 12, 1983, to take place in the Main Hall of the Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C. 20024.

Items to be considered are as follows: ATBCB Authorities and Delegations, Jurisdiction Statement for ATBCB Committees, ATBCB Procurement Policy; ATBCB FY 1985 Budget Planning Document; Election of the ATBCB Executive Committee.

The meeting will be closed to the public during discussion of the following agenda item due to the personal nature of this item: Confirmation of Candidate for ATBCB General Counsel.

DATE: July 12, 1983—1:00 PM—5:00 PM.

ADDRESS: Main Hall, Disabled American Veterans (DAV) National Service and

Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Larry Allison, Director of Public Information, (202) 245-1591 (voice or TDD).

Committee meetings of the ATBCB will be held on Monday, July 11, and Tuesday morning, July 12, in the Hubert Humphrey Building. Contact Larry Allison, Director of Public Information, (202) 245-1591 (voice or TDD), for further information.

Wm. Bradford Reynolds,  
Chairperson.

[FR Doc. 83-17786 Filed 6-30-83; 8:45 am]

BILLING CODE 4000-07-M

### DEPARTMENT OF COMMERCE

#### International Trade Administration

#### Tomato Products From Greece; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** On November 9, 1982, the Department of Commerce published in the Federal Register the preliminary results of its administrative review of the countervailing duty order on tomato products from Greece. The review covered the period January 1, 1980 through December 31, 1980. The notice stated that the Department had preliminarily determined the net subsidies to range from 3.65 to 46.80 drachmas per gross kilogram, depending on the specific product.

Interested parties were invited to comment on the preliminary results. After review of all comments received, the final results of the review are the same as those presented in the preliminary results.

EFFECTIVE DATE: July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Lorenza Olivas or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 9, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 50733) the preliminary results of its administrative review of the countervailing duty order on tomato

products from Greece (37 FR 6360, March 28, 1972). The Department has now completed that administrative review.

#### Scope of the Review

Imports covered by the review are tomato paste and sauce, peeled tomatoes and tomato juice. Such imports are currently classifiable under items 141.6520, 141.6540, 141.6600 and 166.3000 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1980 through December 31, 1980, and a program of acquisition assistance to processors of tomatoes.

#### Analysis of Comments Received

Interested parties were invited to comment on our preliminary results. The Department received comments from the Government of Greece and from the Greek Canners Association.

*Comment 1:* The Greek government objects to the assessment of countervailing duties on Greek tomato products since the acquisition assistance program functions similarly to the European Communities' ("the EC") support program. The Greek program compensated tomato processors for the difference between the cost of Greek tomatoes, purchased at prices equivalent to the cost of tomatoes from the EC, and the cost of tomatoes from non-EC producers. Because the Department has revoked the countervailing duty order on EC tomato products, and Greece is now a member of the EC, the Greek government contends that the countervailing duty on Greek tomato products should also be abolished.

*Department's Position:* The International Trade Commission ("the ITC") issued a negative injury determination on EC tomato products and we revoked the countervailing duty order. We subsequently revoked the outstanding orders on French tomato products and Italian tomato products, relying on the ITC's determination for EC tomato products, because both France and Italy were members of the EC during the period reviewed by the ITC. Greece was not then a member of the EC and it was not included in the ITC determination. The ITC is now considering the question of injury to a domestic industry from imports of these

products from Greece; however, the ITC has not yet issued a determination.

The Government of Greece has indicated that during the period of review, the acquisition assistance program was modelled after the EC program. However, we revoked the countervailing duty order on tomato products from the EC only because of the ITC's negative injury determination, not because we believed that the programs concerned did not confer subsidies. Since a benefit continues to be bestowed upon Greek tomato products, the Department must assess countervailing duties on these products and must impose a cash deposit on future shipments, pending an ITC injury determination on the products.

*Comment 2:* The Greek Canners Association argues that the Greek government did not adopt any financial support program for processors of tomatoes, but provides financial aid to the tomato growers. The aid is in the form of supported higher prices for tomatoes and therefore is merely channeled through the tomato processors.

*Department's Position:* In its response to our questionnaires, the Greek government stated that it abolished in August 1979 the regime of production subsidies to tomato growers and adopted a new program providing funds directly to the processors, ostensibly to compensate them for the higher acquisition cost of tomatoes initially from Greek and now EC growers. The Department has consistently found such payments countervailable. See "Preliminary Affirmative Countervailing Duty Determination" regarding sodium gluconate from the EC (46 FR 45975).

*Comment 3:* The Greek Canners Association questions the level of benefits found by the Department and claims that tomato processors actually suffer under this program because they must finance purchases of tomatoes, and receive compensation for price differentials 15 to 24 months later, without regard to the financing costs incurred. Thus, they experience a net loss of the interest expense involved in borrowing funds to cover the price differential. The Association argues that we should take such expenses into account in calculating the subsidy.

*Department's Position:* The Greek

Canners Association provided no information concerning the cause for the delay in payment. Nor did it provide information on price differentials, amounts financed, or interest rates associated with such financing, with which the Department could quantify any possible reduction in the net benefit conferred. Even if we had received such information, we would permit offset only if the government mandated that deferral of receipt of the subsidy.

#### Final Results of the Review

After consideration of all comments received, the final results of our review are the same as those presented in the preliminary results. We determine that the net subsidies conferred on tomato products from Greece during 1980 are those shown in the Appendix to this notice.

Accordingly, the Department will instruct the Customs Service to assess countervailing duties at those rates on all shipments of this merchandise exported on or after January 1, 1980, and on or before December 31, 1980.

Further, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties at the rates specified in the Appendix on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now beginning the next administrative review.

The Department encourages interested parties to review the public record and to submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41)

Dated: June 26, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

**Appendix**  
*Subsidies Conferred*

## (1) Tomato paste and sauce:

Concentration (percent)	Drachmas per Gross Kilogram (packing size)					
	Not less than	But less than	More than 1.5 kg.	From 1.5 to 0.7 kg	From 0.7 to 0.25 kg	From 0.25 to 0.15
12	14	6.9	8.09	8.75	10.60	11.93
14	16	7.54	8.84	9.56	11.58	13.03
16	18	8.17	9.58	10.36	12.56	14.12
18	20	8.82	10.34	11.19	13.55	15.25
20	22	9.46	11.09	11.99	14.53	16.34
22	24	10.09	11.83	12.80	15.51	17.44
24	26	10.73	12.58	13.61	16.48	18.54
26	28	11.36	13.32	14.41	17.46	19.64
28	30	12.00	14.07	15.22	18.44	20.74
30	32	12.64	14.81	16.03	19.42	21.84
32	34	13.27	15.56	16.83	20.39	22.94
34	36	13.91	16.31	17.64	21.37	24.04
36	38	14.54	17.05	18.45	22.35	25.10
38	40	15.19	17.81	19.27	23.34	26.26
40	42	15.83	18.56	20.08	24.32	27.36
42	44	16.46	19.31	20.88	25.30	28.45
44	46	17.10	20.06	21.68	26.28	29.55
46	48	17.73	20.81	22.48	27.26	30.65
48	50	18.37	21.56	23.28	28.24	31.75
50	52	19.00	22.31	24.08	29.22	32.85
52	54	19.64	23.06	24.88	30.20	33.95
54	56	20.27	23.81	25.68	31.18	35.05
56	58	20.91	24.56	26.48	32.16	36.15
58	60	21.54	25.31	27.28	33.14	37.25
60	62	22.18	26.06	28.08	34.12	38.35
62	64	22.81	26.81	28.88	35.10	39.45
64	66	23.45	27.56	29.68	36.08	40.55
66	68	24.08	28.31	30.48	37.06	41.65
68	70	24.72	29.06	31.28	38.04	42.75
70	72	25.35	29.81	32.08	39.02	43.85
72	74	26.00	30.56	32.88	40.00	44.95
74	76	26.63	31.31	33.68	40.98	46.05
76	78	27.27	32.06	34.48	41.96	47.15
78	80	27.90	32.81	35.28	42.94	48.25
80	82	28.54	33.56	36.08	43.92	49.35
82	84	29.17	34.31	36.88	44.90	50.45
84	86	29.81	35.06	37.68	45.88	51.55
86	88	30.44	35.81	38.48	46.86	52.65
88	90	31.08	36.56	39.28	47.84	53.75
90	92	31.71	37.31	40.08	48.82	54.85
92	94	32.35	38.06	40.88	49.80	55.95
94	96	32.98	38.81	41.68	50.78	57.05
96	98	33.62	39.56	42.48	51.76	58.15
98	100	34.25	40.31	43.28	52.74	59.25

(2) Tomato juice: 3.65 drachmas per gross kilogram

(3) Peeled tomatoes: 6.30 drachmas per gross kilogram

[FR Doc. 83-17799 Filed 6-30-83; 8:45 am]

BILLING CODE 3510-25-M

**National Oceanic and Atmospheric Administration**

**National Marine Fisheries Service, Taking of Marine Mammals Incidental to Commercial Fishing Operations**

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**ACTION:** Notice of Determination.

**SUMMARY:** The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State finds that Peruvian flag purse seine vessels have not purse seined for yellowfin tuna in the eastern tropical Pacific Ocean (ETP) since at least January 1, 1981. Therefore, the importation prohibition on yellowfin tuna from Peru, imposed on January 1, 1978, under the Marine Mammal Protection Act, is no longer appropriate and is hereby rescinded.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. B. Brumsted, Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235 (telephone: (202) 634-7529).

**SUPPLEMENTARY INFORMATION:** The NMFS published regulations in the Federal Register on December 23, 1977 (42 FR 64551-64560) governing the taking of marine mammals incidental to commercial fishing operations. These regulations included provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the tuna purse

seine fishery in the ETP. Effective January 1, 1978, these importation provisions made the importation of yellowfin tuna and tuna products from nations known to be involved in the ETP fishery contingent upon certain findings by the Assistant Administrator for Fisheries. The Assistant Administrator must find either (a) that the fishing operations of the nation concerned "... are conducted in conformance with U.S. regulations and standards," or (b) that "although not in conformity with these regulations such fishing is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations" (see 50 CFR 216.24(e)(5)).

At the time these regulations were promulgated, the Government of Peru had approximately ten purse seine vessels operating in the ETP. As the Government of Peru did not certify that these purse seine vessels were fishing in conformance with U.S. regulations regarding the protection of porpoises, a prohibition on importing yellowfin tuna and tuna products was imposed, effective January 1, 1978. The Government of Peru has now certified that since at least January 1, 1981, it has not had any purse seine vessels fishing in the ETP; therefore, the NMFS has determined that the requirements for Peru to obtain a finding of conformance under 50 CFR 216.24(e)(5)(i) is no longer applicable and Peru may export yellowfin tuna and tuna products to the United States.

In making this determination, the Assistant Administrator for Fisheries considered all available information.

The information submitted by the Government of Peru is available at the information contact address set out above.

Dated: June 24, 1983.

**Carmen J. Blondin,**

*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 83-17842 Filed 6-30-83; 8:45 am]

BILLING CODE 3510-22-M

**National Technical Information Service**

**Government-Owned Inventions; Availability for Licensing**

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

**George Kudravetz,**

*Program Manager, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.*

**Department of Agriculture**

SN 6-238,401 (4,381,023) Auxiliary

Torque Back-Up Roll

SN 6-290,542 (4,385,702) Vibrating

Separator

**Department of the Air Force**

SN 6-441,814 Helmet Mounted

Telescope

SN 6-482,377 Two-Dimensional Bulk

Acoustic Wave Correlator-Convolver

SN 6-486,477 Optical Disc Transport

System

SN 6-486,598 Flexible Line Support

Assembly

SN 6-487,340 Clock Distribution Circuit

for Active Aperture Antenna Array

SN 6-488,900 Robotic Kitting

SN 6-492,862 High Performance Liquid

Chromatography (HPLC) Analysis of

Sulfur Mustards and Their

Decomposition By-Products by

Derivatization

**Department of the Army**

SN 6-328,766 (4,376,663) Method for

Growing an Epitaxial Layer of CDTE

on an Epitaxial Layer of HGCDE  
Grown on a CDTE Substrate  
SN 6-478,385 Contoured Configured  
Detonating Cord and Detonator

#### Department of Commerce

SN 6-192,129 (4,386,233) Cryptographic  
Key Notarization Methods and  
Apparatus  
SN 6-465,942 Method and Apparatus  
Utilizing Crystalline Compound  
Superconducting Elements Having  
Extended Strain Operating Range  
Capabilities Without Critical Current  
Degradation

#### Department of Health and Human Services

SN 6-302,557 (4,386,093) ( $\pm$ ) 3-  
Deazarristeromycin and Uses

#### Department of the Interior

SN 6-238,027 (4,385,998) Removal of  
Suspended Solids from Water

#### Department of the Navy

SN 5-895,828 (4,376,302) Piezoelectric  
Polymer Hydrophone  
SN 6-101,362 (4,347,593) Piezoceramic  
Tubular Element with Zero End  
Displacement  
SN 6-214,601 (4,380,022) Monolithic Fully  
Integrated Class B Push-Pull  
Microwave GaAs Mesfet with  
Differential Inputs and Outputs with  
reduced Miller Effect  
SN 6-314,327 (4,374,665)  
Magnetostrictive Devices

[FR Doc. 83-17709 Filed 6-30-83; 8:45 am]

BILLING CODE 3510-04-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Announcement of Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Colombia, Effective on July 1, 1983

June 28, 1983.

**AGENCY:** Committee for the  
Implementation of Textile Agreements.

**ACTION:** Establishing import restraint  
levels for certain cotton, wool and man-  
made fiber textile products from  
Colombia during the twelve-month  
period beginning on July 1, 1983 and  
extending through June 30, 1984.

**SUMMARY:** On July 1, and August 11,  
1982, the Governments of the United  
States and Colombia signed a Bilateral  
Cotton, Wool and Man-Made Fiber  
Agreement which establishes specific  
levels for cotton, wool and man-made  
fiber textile products in Categories 320,  
444, and 641, produced or manufactured  
in Colombia and exported during the

twelve-month period which begins on  
July 1, 1983. It also provides consultation  
levels for categories, such as Category  
435 which are not subject to specific  
ceilings and which may be adjusted  
during the agreement year. Accordingly,  
there is published below a letter from  
the Chairman of the Committee for the  
Implementation of Textile Agreements  
to the Commissioner of Customs  
directing that entry into the United  
States for consumption, or withdrawal  
from warehouse for consumption, of  
cotton, wool, and man-made fiber textile  
products in the foregoing categories be  
limited to the designated twelve-month  
levels of restraint.

A description of the textile categories  
in terms of T.S.U.S.A. numbers was  
published in the *Federal Register* on  
December 13, 1982 (47 FR 55709), as  
amended on April 7, 1983 (48 FR 15175)  
and May 3, 1983 (48 FR 19924)).

This letter and the actions taken  
pursuant to it are not designed to  
implement all of the provisions of the  
bilateral agreement, but are designed to  
assist only in the implementation of  
certain of its provisions.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:**  
William J. Boyd, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
Washington, D.C. 20230; (202/377-4212).  
Walter C. Lenahan,  
*Chairman, Committee for the Implementation  
of Textile Agreements.*

June 28, 1983.

Commissioner of Customs, Department of the  
Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of  
Section 204 of the Agricultural Act of 1956, as  
amended (7 U.S.C. 1854), and the  
Arrangement Regarding International Trade  
in Textiles done at Geneva on December 20,  
1973, as extended on December 15, 1977 and  
December 22, 1981; pursuant to the Bilateral  
Cotton, Wool, and Man-Made Fiber Textile  
Agreement of July 1, and August 11, 1982,  
between the Governments of the United  
States and Colombia; and in accordance with  
the provisions of Executive Order 11651 of  
March 3, 1972, as amended by Executive  
Order 11951 of January 5, 1977, you are  
directed to prohibit, effective on July 1, 1983  
and for the twelve-month period extending  
through June 30, 1984, entry into the United  
States for consumption and withdrawal from  
warehouse for consumption of cotton, wool,  
and man-made fiber textile products,  
exported from Colombia in the following  
categories, in excess of the indicated twelve-  
month levels of restraint:

Category	12-Month level of restraint
320	7,000,000 square yards.
435	5,596 dozen.

Category	12-Month level of restraint
444	4,432 dozen.
641	186,298 dozen.

In carrying out this directive, entries of  
cotton, wool and man-made fiber textile  
products in the foregoing categories,  
produced or manufactured in Colombia,  
which have been exported to the United  
States on and after July 1, 1982 and extending  
through June 30, 1983 shall, to the extent of  
any unfilled balances, be charged against the  
levels of restraint established for such goods  
during that twelve-month period. In the event  
the levels of restraint established for that  
period have been exhausted by previous  
entries, such goods shall be subject to the  
levels set forth in this letter.

The levels set forth above are subject to  
adjustment in the future according to the  
provisions of the bilateral agreement of July 1  
and August 11, 1982, between the  
Governments of the United States and  
Colombia, which provide, in part, that: (1)  
Within the applicable group limits of the  
agreement, specific levels of restraint may be  
exceeded by designated percentages; (2)  
these same levels may also be increased for  
carryover and carryforward up to 11 percent  
of the applicable category limit; (3) certain  
consultation levels may be increased within  
the applicable group limits upon agreement  
between the two governments; and (4)  
administrative arrangements or adjustments  
may be made to resolve minor problems  
arising in the implementation of the  
agreement. Any appropriate adjustment  
under the provisions of the bilateral  
agreement, referred to above will be made to  
you by letter.

A description of the textile categories in  
terms of T.S.U.S.A. numbers was published in  
the *Federal Register* on December 13, 1982 (47  
FR 55709), as amended on April 7, 1983 (48 FR  
15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the  
Commissioner of Customs should construe  
entry into the United States for consumption  
to include entry for consumption into the  
Commonwealth of Puerto Rico.

The actions taken with respect to the  
Government of Colombia and with respect to  
imports of Cotton, wool and man-made fiber  
textile products from Colombia have been  
determined by the Committee for the  
Implementation of Textile Agreements to  
involve foreign affairs functions of the United  
States. Therefore, these directions to the  
Commissioner of Customs, which are  
necessary for the implementation of such  
actions, fall within the foreign affairs  
exception to the rule-making provisions of 5  
U.S.C. 553. This letter will be published in the  
*Federal Register*.

Sincerely,

Walter C. Lenahan,

*Chairman, Committee for the Implementation  
of Textile Agreements.*

[FR Doc. 83-17809 Filed 6-30-83; 8:45 am]

BILLING CODE 3510-25-M

### Increasing the Import Restraint Levels for Certain Wool and Man-Made Fiber Textile Products From Romania

June 28, 1983.

**AGENCY:** Committee for the Implementation of the Textile Agreements.

**ACTION:** Increasing to account for the application of carryforward the levels established for man-made fiber suits in Category 643/644 pt. (only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060) from 24,811 dozen to 26,497 dozen and for men's wool suits in Category 443 from 7,365 dozen to 7,828 dozen. This adjustment applies to goods produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

**SUMMARY:** The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania provides for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. Pursuant to the terms of the bilateral agreement, as amended, the levels of restraint established for Categories 443 and 643/644 pt. are being increased for the twelve-month period which began on January 1, 1983 to account for the application of carryforward.

**EFFECTIVE DATE:** June 29, 1983.

**FOR FURTHER INFORMATION CONTACT:** Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, (202/377-4212).

**SUPPLEMENTARY INFORMATION:** On February 28, 1983, there was published in the *Federal Register* (48 FR 8325) a letter dated February 22, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of wool and man-made fiber textile products, including Categories 643/644 pt. and 443, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below, the Chairman of the

Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint established for Categories 643/644 pt. and 443 to the designated amount.

**Walter C. Lenahan,**

*Chairman, Committee for the Implementation of Textile Agreements.*

June 28, 1983.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: On February 22, 1983, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of wool and man-made fiber textile products, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Effective on June 29, 1983 paragraph 1 of the directive of February 22, 1983 is further amended to include adjusted levels of restraint of 26,497 dozen for man-made fiber textile products in Category 643/644 pt.,<sup>2</sup> and 7,828 dozen for wool textile products in Category 443,<sup>2</sup> produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The action taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of man-made fiber textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, this direction to the Commissioner of Customs, which is necessary for the implementation of such action, falls within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 83-17806 Filed 6-30-83; 8:45 am]

**BILLING CODE 3510-25-M**

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) Specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (2) consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising under these provisions of the agreement.

<sup>2</sup> In Category 643/644, only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060.

<sup>3</sup> The levels of restraint have not been adjusted to reflect any imports after December 31, 1982.

### Soliciting Public Comment on Bilateral Textile Consultations With the Government of the Republic of Korea to Review Trade in Categories 613 and 631

June 28, 1983.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** On June 21, 1983 the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Categories 613 (spun non-cellulosic woven fabric) and 631 (man-made fiber gloves). This request was made on the basis of the agreement of December 14, 1982, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool, and man-made fiber textiles and textile products.

**SUMMARY:** The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Categories 613 and 631, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on this category, as defined in the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement, with the Government of the Republic of Korea.

Any party wishing to comment or provide data or information regarding the treatment of Categories 613 and 631 under the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement with the Government of the Republic of Korea, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce,

14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-17807 Filed 6-30-83; 8:45 am]

BILLING CODE 3510-25-M

## COMMODITY FUTURES TRADING COMMISSION

### MidAmerican Commodity Exchange and New York Mercantile Exchange; Proposed Rules Relating to Exchange Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Proposed Adoption of Contract Market Rules.

**SUMMARY:** The MidAmerican Commodity Exchange ("MCE") and the New York Mercantile Exchange ("NYMEX") have submitted to the Commission proposed rules setting speculative position limits for currently designated contract markets pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.161 and 1.41 (1982), Section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (Supp. V 1981). The Commodity Futures Trading Commission ("Commission") has determined that for currently designated contracts, initial exchange proposals to set speculative limits are potentially of major economic significance.

Accordingly, the Commission has determined that publication of these proposals is in the public interest, that receipt of public comment will assist the Commission in its consideration of the exchange submissions, and that publication is consistent with the purposes of the Commodity Exchange Act.

**SUPPLEMENTARY INFORMATION:** The MCE has submitted to the Commission pursuant to Commission Rules 1.61 and 1.41, 17 CFR 1.61 and 1.41 (1982) and Section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C.

7a(12) (Supp. V 1981) proposed exchange rules setting speculative position limits in four designated contract markets. These are: Chicago silver, silver coins, gold and U.S. Treasury bonds. The NYMEX has submitted to the Commission proposed exchange rules setting speculative limits in designated contract markets in New York No. 2 heating oil, Gulf Coast No. 2 heating oil, New York leaded gasoline, Gulf Coast leaded gasoline, platinum, and palladium.<sup>1</sup>

The Commission, in accordance with Section 5a(12) of the Act, has determined that the proposed rules setting exchange speculative position limits on currently designated contracts are potentially of major economic significance.<sup>2</sup> Accordingly, the Commission seeks to receive comments from interested persons with respect to these proposed exchange rules. The MCE's and NYMEX's speculative limit proposals will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the MCE and NYMEX in support of these proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulation thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 15 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed exchange rules should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by (30 days).

<sup>1</sup>In addition, six other domestic boards of trade have submitted for Commission approval speculative position limits for currently designated contract markets. The proposed rules submitted by the Chicago Mercantile Exchange, the Commodity Exchange, Inc., and the New York Futures Exchange have already been published in the Federal Register on July 20, 1982 (47 FR 31417); correction, 47 FR 34615 (August 10, 1982); 47 FR 56537 (December 17, 1982).

<sup>2</sup>This determination is based upon a finding that the initial imposition of speculative position limits for designated contract markets which currently do not have such limits may be of economic significance to those currently trading in a contract which has no existing speculative limits. However, the Commission believes that the subsequent adjustment of existing exchange speculative limits generally would not be of major economic significance.

Such comments letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on June 27, 1983.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 17785-6 Filed 6-20-83; 8:45 am]

BILLING CODE 6351-01-M

## CONSUMER PRODUCT SAFETY COMMISSION

### Public Meeting Concerning Metal Chimneys for Wood Burning Appliances

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

**SUMMARY:** The Commission has scheduled a public meeting to obtain additional information about the safety of factory-built metal chimneys for wood burning appliances. Participation by members of the public is invited.

**DATES:** (1) The meeting will begin at 10:00 a.m., July 14, 1983. (2) Requests from members of the public who desire to make presentations should be received by the Office of the Secretary not later than July 7, 1983.

**ADDRESS:** The meeting will be in the third floor conference room at 1111 18th Street, NW., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

(1) For information about the interests of the Commission in the safety of metal chimneys, Douglas Noble, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6554. (2) To request an opportunity to make a presentation at the meeting, Sheldon Butts, Deputy Secretary, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6800.

**SUPPLEMENTARY INFORMATION:** With the increase in the use of coal and wood burning appliances to heat homes, there has been a significant increase in the number of chimney-related fires. The Commission's staff estimates that chimneys connected to woodstoves are a causal factor in about 45,000 fires a year and that about 21,500 of these involve factory-built metal chimneys. The three major reported causes of fires associated with metal, factory-built chimneys are improper installation of the chimney, that creosote deposited within the chimney ignited, and that the chimney's structural integrity is lost

through foreseeable normal use and it fails to vent flue gas properly. These reasons are not mutually exclusive.

In order to find out more about why metal chimneys fail in use, the Commission contracted with Artech Corporation for an investigation of the possible reasons why chimneys actually involved in fires had failed. Two types of chimneys were analyzed, each of which had been involved in a fire. The first is a triple-wall construction in which there are two air spaces between the interior and exterior of the chimney. The other type is a double wall, "solid pack" construction in which the space between the walls is filled with a fiber insulation. The two types of chimneys subjected to the failure analyses were chosen because they were thought to be typical of the industry. Artech prepared a report for each of the two manufacturers whose products were tested.

The conclusions of the two reports are similar, and raise serious questions about the safety of factory-built metal chimneys when used with wood stoves and fireplace inserts. Specifically, these problems are the following:

1. *Poor quality control.* Examination of chimney samples of one manufacturer found that both series 304 and 430 stainless steels had been used in the same chimney section, even though the specifications for this chimney call for all 430 stainless steel. The use of different steels can cause stresses due to unequal thermal expansion. The use of different metals in contact can also accelerate corrosion. In a failed sample of the other manufacturer, Artech found that inadequate spot welding contributed to the failure.

2. *Gradual degradation of chimneys at temperatures that can be expected during normal use.*

(a) 430 stainless steel, used in both manufacturers' chimneys, will embrittle during prolonged exposure to temperatures in the range of 700-1000°F, affecting the ductility of the metal (ability to change form or adjust to stress without damage). Artech notes that cleaning embrittled metal with a wire brush may be sufficient to cause damage.

(b) 304 stainless, when exposed to temperatures of 800-1650°F, deteriorates through a condition known as sensitization, causing a significant loss of corrosion resistance, which could cause the flue system to crack and disintegrate.

(c) Both types of metals deteriorate by a mechanism known as scaling at temperatures of 1450°F and above.

Artech concludes that the temperatures that cause embrittlement

or sensitization can occur in chimneys used with wood or coal burning stoves.

3. *Inability safely to withstand chimney fires which occur when creosote ignites.* Extreme differences between the thermal expansion rates of the inner and outer chimney wall(s) may result in the inner lining buckling, especially if the lining has degraded in mechanical properties because of embrittlement, sensitization, or scaling.

Artech and the Commission's staff have also examined new factory-built metal chimney sections manufactured by 9 other firms, and all of these use the same metals and the same general types of construction as the two discussed in the Artech reports. Therefore, the Commission's staff believes that Artech's general findings would also apply to these other metal chimneys.

Artech also concluded that the voluntary standards to which the manufacturers of factory-built metal chimneys adhere permit the use of either series 300 or 400 stainless steels for flue gas liners and are not interpreted by manufacturers as requiring that different components of the same chimney be constructed of the same series of stainless steel. Thus the voluntary standard may not address adequately (1) the problem of differing thermal expansion rates; (2) problem of accelerated corrosion due to different metals in contact with each other; or (3) the metallurgical deterioration of 300 and 400 series stainless steels during prolonged exposure to temperatures in the 700-1650°F range, which CPSC has data to show is a temperature range that can be expected during normal use. Further, the standard does not require that chimneys be subjected to temperature levels similar to the maximum levels that could be generated in a chimney fire.

In response to preliminary inquiries by the Commission's staff, the sponsoring organization of the voluntary standard and two manufacturers have indicated that they do not believe that, for the most part, the fires that are occurring with metal chimneys are due to the types of failures identified by Artech.

In order to find out more about this potential problem, the Commission has scheduled a public meeting. One portion of the meeting will consist of a briefing by the Commission's staff on the information it has obtained to date on the risk that may be associated with factory-built metal chimneys. The other part of the meeting will consist of presentations by members of the public, followed by questions from the Commissioners. The Commission is primarily interested in presentations

from the public on the risks of fire identified by Artech and on the causes of actual fires associated with factory-built metal chimneys.

Copies of the Artech reports (with the manufacturers' names deleted) and other materials concerning this product may be obtained from the Commission's Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207.

Members of the public who desire to make presentation at the meeting should call or write Sheldon Butts, Deputy Secretary, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6800 not later than July 7, 1983.

Presentations from members of the public should be limited to approximately ten minutes. Persons desiring to make presentations are encouraged to submit a written text or summary of their presentations to the Office of the Secretary not later than July 7, 1983.

The Commission reserves the right to impose further time restrictions on all presentations from members of the public, and to limit duplicative presentations.

The public meeting will begin at 10:00 a.m. on July 14, 1983, in the third floor conference room, 1111 18th Street NW., Washington, D.C. and will conclude on the same day.

Dated: June 28, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-17805 Filed 6-30-83; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF ENERGY

### Voluntary Agreement and Plan of Action to Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notices is provided:

A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on July 11, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m.

The agenda for the meeting is as follows:

1. Opening remarks.
2. AST-4 matters.
3. Pricing in an emergency.
4. Industry chairmanships—staffing/succession.
5. Per diem expenses of ISAG members in AST-4.

6. Quarterly Oil Forecast.
7. End June assessment.

II. A meeting of Subcommittee C of the IAB to the IEA will be held on July 11, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 2:00 p.m.

The agenda for the meeting is as follows:

1. Opening remarks.
2. Experience with legal clearances for AST-4.
3. Status of application for legal clearance under EEC Treaty.
4. IEA Dispute Settlement Centre developments.
5. Availability of contract breach defense.
6. Future work program.

III. A meeting of the IAB to the IEA will be held on July 12, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m.

The agenda for the meeting is as follows:

1. Opening remarks:
  - (a) Adoption of the agenda; and
  - (b) Approval of record notes of March 7, 1983, IAB meeting.
2. Correspondence and communication with IEA and Reporting Companies.
3. AST-4 matters—reports from:
  - (a) ISAG Manager;
  - (b) Group of Experts; and
  - (c) IEA Secretariat.
4. Report of Subcommittee A on its meeting of July 11, 1983.
5. Oil supply and demand:
  - (a) End June assessment; and
  - (b) Quarterly Oil Forecast.
6. Report of Subcommittee C on its meeting of July 11, 1983.
7. Staffing of committees and groups.
8. Nest IAB meeting.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meetings will not be open to the public.

Issued in Washington, D.C., June 30, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-17780 Filed 6-30-83; 8:45 am]

BILLING CODE 6450-01-M

#### Announcement of Decision To Proceed With Construction of the Waste Isolation Pilot Plant (WIPP)

**AGENCY:** Department of Energy.

**ACTION:** Decision to proceed with waste isolation pilot plant construction.

**SUMMARY:** The Department of Energy (DOE) announces its intention to proceed with the construction of the Waste Isolation Pilot Plant (WIPP) at the

Los Medanos Site in Southeastern New Mexico. This public announcement completes the public review process provided by a Stipulated Agreement between the State of New Mexico and the Department of Energy in *State of New Mexico vs. U.S. Department of Energy, et al.*, Civ. No. 81-0363 JB, D.N.M.

The construction and operation of the WIPP is for the purpose of demonstrating the safe permanent disposal of radioactive transuranic nuclear wastes and for research and development in a retrievable fashion with various high-level defense waste forms in a mined repository. Based on eight years of field and laboratory studies, concluding with the analyses and results of the Site and Preliminary Design Validation program, the DOE has concluded that the Los Medanos site is suitable for this mission.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Joseph M. McGough, Project Manager, WIPP Project Office, Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115; 505-766-3884, and

Mr. Lawrence H. Harmon, WIPP Program Manager, Office of Defense Waste and Byproducts Management, DP-12.1, Department of Energy, Washington, D.C. 20545; 301-353-5505.

**SUPPLEMENTARY INFORMATION:** The WIPP Project was defined and authorized by Pub. L. 96-164, the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980, and was the subject of a Record of Decision published at 46 FR 9162 (January 28, 1981). As defined in Pub. L. 96-164, the WIPP Project is " \* \* \* a defense activity of the Department of Energy administered by the Assistant Secretary of Energy for Defense Programs, for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive waste resulting from the defense activities and programs of the United States \* \* \*"

In May, 1981, the State of New Mexico filed suite against the Department of Energy challenging the WIPP project (*State of New Mexico vs U.S. Department of Energy, et al.*, Civ. No 81-0363 JB, D.N.M.). On July 1, 1981, the parties entered into a Stipulated Agreement in which the DOE agreed to conduct certain specified field studies and analyses and present the results to the State for their review. Additionally, DOE agreed that at the conclusion of the Site and Preliminary Design Validation (SPDV) phase it would provide a summary document of the results of SPDV and other site validation studies and allow a sixty-day period for the State and public to comment on this

summary. The Department of Energy announced the availability of WIPP-DOE-161, "Summary Of The Results Of The Evaluation Of The WIPP Site And Preliminary Design Validation Program" on March 31, 1983 (48 FR 13486) and solicited comments on the report from the State of New Mexico and the public. In addition, DOE announced a public hearing on WIPP-DOE-161 on April 15, 1983 (48 FR 16329) and the hearing occurred on May 16, 1983, in Albuquerque, New Mexico. In the Stipulated Agreement, the DOE also agreed to respond to any comments made by the State and interested members of the public before entering its decision on whether the information obtained warrants proceeding with permanent facility construction for the WIPP Project.

The written comments and all testimony given at the public hearing were reviewed and considered by the Department. The written comments and the Department's responses to them are contained in the following documents:

WIPP-DOE-173, "DOE Responses To The Public's Comments On 'Summary Of The Results Of The Evaluation Of The WIPP Site And Preliminary Design Validation Program' (WIPP-DOE-161)"

WIPP-DOE-174, "DOE Responses To The State Of New Mexico's Comments On 'Summary Of The Results Of The Evaluation Of The WIPP Site And Preliminary Design Validation Program' (WIPP-DOE-161)"

Copies of these documents and transcripts of the hearing are available for public review in the following libraries or reading rooms:

DOE Public Reading Room, National Atomic Museum, Building 10358, Kirtland Air Force Base (East) Albuquerque, New Mexico 87115;  
 Carlsbad Public Library, 101 South Halagueno Street, Carlsbad, New Mexico 88220;  
 New Mexico State Library, 325 Don Gaspar, Santa Fe, New Mexico 87503;  
 Martin Speare Memorial Library, New Mexico Tech, Campus Station, Socorro, New Mexico 87801;  
 Hobbs Public Library, 509 N. Shipp, Hobbs, New Mexico 88240;  
 Roswell Public Library, 301 N. Pennsylvania Street, Roswell, New Mexico 87801;  
 Zimmerman Library, Government Publications Department, University of New Mexico, Albuquerque, New Mexico 87138;  
 Thomas Brannigan Library, 106 W. Hadley, Las Cruces, New Mexico 88001; and

Freedom of Information Reading Room,  
Room 1E-190, U.S. Department of  
Energy, Forrestal Building, 1000  
Independence Avenue, S.W.,  
Washington, D.C. 20585.

Based on DOE's review of WIPP-DOE-161, the comments received on WIPP-DOE-161, the responses to the comments (WIPP-DOE-173 and -174) and all other supporting documentation, the Department has decided to proceed with construction. The SPDV phase of the project confirms that: (1) Subsurface geology at the site is suitable and consistent with expectations based on surface investigations and (2) the major WIPP design elements and design bases have been validated by observation and measurement. The results of all of the studies and analyses conducted since 1974 confirm that construction of the WIPP project can proceed in a safe and environmentally acceptable manner. Additionally, since the SPDV and other site validation activities did not result in significant new information relevant to environmental concerns, DOE has determined that no supplement to the Final Environmental Impact Statement on WIPP is required.

Issued at Washington, D.C. on June 29, 1983.

Herman E. Roser,

*Assistant Secretary for Defense Programs.*

[FR Doc. 83-17927 Filed 6-30-83; 8:45 am]

BILLING CODE 6450-01-M

## Office of Hearings and Appeals

### Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Energy.

**ACTION:** Notice of implementation of special refund procedures and solicitation of comments.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to eligible claimants \$16,500,000 obtained by the DOE under the terms of a consent order entered into with Aminoil U.S.A., Inc. and its subsidiaries, affiliates, and predecessors in interest. The funds were provided by the firm in order to settle all claims and disputes arising from an audit by the Office of Enforcement.

**DATE AND ADDRESS:** Comments must be filed within 30 days of publication of this notice in the *Federal Register* and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue,

N.W., Washington, D.C., 20461. All comments should display conspicuously a reference to case number HEF-0007.

**FOR FURTHER INFORMATION CONTACT:** Richard T. Tedrow, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461; (202) 633-9350.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants \$16,500,000 obtained by the DOE under the terms of a consent order entered into with Aminoil, U.S.A., Inc. and its subsidiaries, affiliates, and predecessors in interest (hereinafter jointly referred to as "Aminoil") on April 8, 1981. The funds were provided to the DOE by the firm in order to settle all claims which the Office of Enforcement (OE) could have pursued under the DOE price regulations relating to transactions by Aminoil involving natural gas liquids and products (NGLs) for the period from September 1973 through January 1981. In the consent order, the parties stipulated that the OE would file with the OHA a petition for the implementation of special procedures for the distribution of refunds from the settlement fund, pursuant to 10 CFR Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Aminoil. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of NGLs or covered products from the firm during the consent order period, September 1, 1973 through January 28, 1981. In addition, the DOE determined that Applications for Refund also should be accepted from all persons who bought products which were produced with or from the NGLs sold by Aminoil during the relevant time period. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for covered products charged by Aminoil, including specific documentation concerning the date, place, price, and volume of product purchases, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and

the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also refers to possible procedures for the distribution of any funds remaining after all valid claims are paid. The DOE solicits comments on those procedures and any other proposals that claimants may suggest for the distribution of any funds remaining after claims have been paid.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refunds, therefore, should *not* be filed at this time. Appropriate public notice, including notice published in the *Federal Register*, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the *Federal Register* and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: June 27, 1983.

George B. Breznay,  
*Director, Office of Hearings and Appeals.*

### Proposed Decision and Order of the Department of Energy Special Refund Procedures

June 27, 1983.

Name of Petitioner: Office of Special Counsel,  
Economic Regulatory Administration; In  
the Matter of Aminoil, U.S.A., Inc.

Case Number: HEF-0007

The regulations of the Department of Energy (DOE) permit the Economic Regulatory Administration's Office of Special Counsel (OSC) to request the Office of Hearings and Appeals (OHA) to formulate and implement procedures for distributing funds received as a result of an enforcement proceeding involving alleged violations of the DOE regulations. See 10 CFR Part 205, Subpart V. In accordance with those regulatory provisions, the OSC filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with Aminoil, U.S.A., Inc. (Aminoil) and its subsidiaries, affiliates, and predecessors in interest. (1) Pursuant to the Consent Order, Aminoil

agreed to make refunds for alleged violations of the DOE price regulations in the amount of \$16,500,000. The funds have been paid to the DOE and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding their final distribution.(2)

### I. Background

Aminoil is a "gas plant operator" and "gas plant owner" as those terms are defined in 10 CFR 212.162. During the relevant time periods, Aminoil was therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150, Subpart L and 10 CFR, Part 212, Subparts E and K. Those regulations governed the maximum lawful prices that could be charged in the first sales of natural gas liquids and products (NGLs). The funds involved in this proceeding were obtained as a result of a Consent Order agreed to in settlement of alleged overcharges in the sales of NGLs by Aminoil.

In its audit of Aminoil, the Office of Enforcement (OE) (now the Office of Special Counsel) found possible overcharges with respect to the first sales of NGLs during the period from September 1, 1973 through October 31, 1978. During this period Aminoil owned, operated, or had an interest in the production of NGLs from plants located in California, Louisiana, North Dakota, Oklahoma, and Texas. In order to settle all claims and disputes between the parties during the period September 1, 1973 through January 28, 1981, Aminoil and OE entered into a Proposed Consent Order on April 6, 1981, whereby Aminoil agreed to pay \$16,500,000 to DOE. The parties further agreed that the funds were to be distributed by the DOE pursuant to 10 CFR Part 205, Subpart V. Notice of the Proposed Consent Order was published in the *Federal Register* at 46 FR 23970 (April 29, 1981), and interested persons were invited to submit comments and written notification of potential claims against the settlement funds. In response, the following firms and individuals identified themselves as potential claimants: La Gasco Enterprises, Inc.; Dale McFarland; Culf Oil Corporation; Diamond Shamrock Corporation; Small's L.P. Gas Company; Cities Service Company; Enterprise Products Company; and Gengnagel Fuel Company.(3) The Proposed Consent Order was finalized without modification and published in the *Federal Register* at 46 FR 31321 (June 15, 1981).

### II. Jurisdiction

The procedural regulations of the Department of Energy set forth

guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process is available for use in situations where the Economic Regulatory Administration (ERA) is unable either to readily identify persons who are entitled to refunds or to ascertain the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR 205.260. For a more detailed discussion of Subpart V, see *Office of Special Counsel for Compliance*, No. DFF-0003 (March 13, 1981) (proposed decision), 46 FR 17643 (March 19, 1981); *Office of Enforcement*, No. BEF-0021 (March 13, 1981) (proposed decision), 46 FR 17639 (March 19, 1981) (hereinafter referred to as *Alcoa*).

After reviewing the Petition submitted in this proceeding, we have concluded that the implementation of Subpart V proceedings is appropriate. As stated by the OSC, there is a significant degree of difficulty in identifying the persons who were injured by the alleged overcharges. Moreover, even in cases where an injured person can be identified, it is difficult to ascertain the level of refunds that such persons should receive. Prior to decontrol, NGLs were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to persons who were injured. However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 3 CFR 124 (1981), 46 FR 9909 (January 18, 1981). As a result of decontrol, price rollbacks are no longer an effective means of making restitution to purchasers who were overcharged in the past.

Therefore, in order to direct refund moneys to the parties actually injured by the alleged overcharges, a determination must be made regarding the extent to which the higher costs were passed through to downstream customers by initial purchasers. The Subpart V regulations provide a regulatory framework in which procedures are devised to examine the complicated cost passthrough questions on the basis of a public record, and thereby fairly compensate persons who may have been injured by alleged pricing violations. The Office of Hearings and Appeals therefore proposes to exercise jurisdiction over the funds received from Aminoil pursuant to the Consent Order underlying the Petition for the Implementation of Special Refund Proceedings filed by the OSC in this matter.

### III. Authority to Fashion Refund Procedures

In several prior decisions involving Petitions for the Implementation of Special Refund Procedures, we have discussed the OHA's authority to establish refund procedures pursuant to Subpart V. See, e.g., *Office of Enforcement*, 9 DOE ¶ 82,508 at 85,046-49 (1981) (hereinafter cited as *Coline*); *Office of Enforcement*, No. DEF-0006 (February 27, 1981) (proposed decision), 46 FR 15320, 15322-23 (March 5, 1981) (hereinafter cited as *Vickers*). Specifically, Subpart V authorizes the Office of Hearings and Appeals, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements. 10 CFR 205.81-205.82. The special refund procedures are part of an overall regulatory program and are intended to implement several different statutes. Congress provided for mandatory price controls on crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 (1976). NGLs are included within the definition of petroleum products and were therefore subject to the provisions of the DOE price regulations during the period covered by the Consent Order. See *Mobil Oil Corp. v. FEA*, 566 F.2d 87 (Temp. Emer. Ct. App. 1977).

The authority to enforce the regulations governing the pricing of petroleum products such as NGLs was first exercised by the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note, sections 201 *et seq.* (1970), then delegated in turn to the Federal Energy Office, the Administrator of the Federal Energy Administration, and finally, in 1977, to the Secretary of Energy. Federal Energy Administration Act (FEAA) section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), section 301(a), 42 U.S.C. 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As previously noted in our Subpart V decisions, the DOE's enforcement process is designed to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and providing refunds to persons injured by the regulatory

violation. *Vickers*; see also *Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—compensating overcharged persons—further the specific goal in Section 4(b)(1)(F) of the EPAA of providing for the "equitable distribution \* \* \* refined petroleum products at equitable prices \* \* \* among all users." 15 U.S.C. 753(b)(1)(F).

#### IV. Proposed Refund Procedures

The procedures to be devised in this case should, to the maximum extent practicable, provide for the distribution of the refund amounts to the parties who bore the effects of the alleged overcharges. This serves not only to fulfill the objectives expressed in the statutes and regulations discussed above, and the Consent Order itself, but also recognizes our obligation "to ascertain those overcharged, and refund them, with interest, from the restitution funds." *Citronelle-Mobile Gathering v. Edwards*, 669 F.2d 717, 723 (Temp. Emer. Ct. App. 1982), cert. denied, 103 S. Ct. 172 (1982).

As we have stated before, making refunds to overcharged persons is the primary focus of Subpart V. 10 CFR 205.280; see *Alcoa*; *Vickers*. It offers a means of compensating many individuals who, because they either lack the resources or do not have a substantial enough financial stake in the outcome to institute their own private lawsuits under Section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Subpart V process is also an efficient administrative mechanism for returning overcharges to injured parties because it eliminates the need for long and costly court actions.

In our previous NGL cases we have adopted a two-stage refund procedure. See *Coline*; *Office of Enforcement*, 9 DOE ¶ 82,540 (1982); *Office of Enforcement*, 9 DOE ¶ 82,542 (1982); *Office of Enforcement*, 9 DOE ¶ 82,566 (1982); *Office of Enforcement*, 9 DOE ¶ 82,567 (1982). In the first stage, parties which purchased NGLs produced by the natural gas processor involved are permitted to file Applications for Refund for a portion of the settlement fund. In addition to satisfying the filing requirements of 10 CFR 205.283, the applicant is required to demonstrate that during the relevant time period it purchased a specific quantity of NGLs or products which were produced with or from the NGLs sold by the consenting firm. In addition, unless the applicant was an ultimate consumer, a party claiming that it is entitled to a refund must demonstrate that it was injured by an increase in costs resulting from the alleged overcharges. See, e.g., *Palo Pinto Oil & Gas/Gulf Oil Corp.*, 10 DOE ¶

85,049 (1983). Downstream purchasers are also permitted to file Applications for Refund during the first stage. Finally, we will accept and evaluate on a case-by-case basis applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers. See, e.g., *Tenneco Oil Co./System Fuels, Inc.*, 9 DOE ¶ 82,579 (1982) (non-profit subsidiary of four electric utilities received refund amounts to be disbursed to each utility).

After meritorious claims are paid to firms and individuals in the first stage, a second stage may be necessary if there are any Consent Order funds remaining. The procedures by which we propose to distribute the funds obtained from Aminoil are discussed below in greater detail.

#### A. Refunds to Identifiable Purchasers

As a first stage in the refund process, the Consent Order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of NGLs by Aminoil during the Consent Order period, September 1, 1973 through January 28, 1981. To the extent that the first purchasers of NGLs can establish that they absorbed the overcharges rather than passed them on to their customers, they will be entitled to a *pro rata* share of the Consent Order funds. In order to qualify for a refund, a first purchaser will be required to demonstrate that during the period covered by the Aminoil Consent Order the firm itself incurred some injury as a result of the alleged overcharges. This injury could be demonstrated in a number of ways, e.g., lost customers, decreased market share, decreased profit margins on the product resold or manufactured from the NGLs, or any other showing that may substantiate a claim of injury related to the alleged overcharges. In addition, a reseller generally must demonstrate that at the time it purchased covered products from its supplier it had unrecovered product costs which were at least equal to the amount of the refund claimed. Thus, the firm must have maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. We note, however, that the existence of banks does not conclusively indicate that the firm was injured by the alleged overcharges. *Enterprise Products Co.*, 10 DOE ¶ 85,017 (1982).

If the initial purchasers are able to make these showings, it is possible that the entire amount of the funds at issue

in this proceeding might be disbursed to them. In the event they are unable to make a satisfactory showing, the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchased NGLs from the first purchasers. Applications for refund from subsequent downstream purchasers will be considered on the same basis during the first stage of the refund proceeding.

In order to establish entitlement to a refund, any person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of NGLs or products which were produced with or from the NGLs sold by Aminoil. Privity with either the natural gas plant operator or one of its first purchasers need not be established; evidence need only be presented that the products purchased by a claimant flowed through a chain of distribution leading back to one of the relevant natural gas processing plants. In addition, unless the purchaser is an ultimate consumer, it should generally be able to demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified product should be in a position to show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb the cost increases that are represented by the alleged overcharges. In the absence of that showing, we could conclude that the claimant was not injured in a monetary sense by the alleged overcharge.

However, in several recent Subpart V decisions, we noted that the nature of the showing generally required may be too complicated for smaller individuals and firms who might otherwise be entitled to apply for refunds. See, e.g., *Office of Special Counsel*, 9 DOE ¶ 82,545 at 85,245 (1982) (hereinafter cited as *Pennzoil*); *Office of Enforcement*, 8 DOE ¶ 82,597 at 85,396. We also observed that requiring smaller purchasers to fully document their injuries might discourage them from applying for a refund since the expense of preparing such an application could well exceed the refund to be gained. *Pennzoil*, at 85,245. In certain cases, therefore, we have established a threshold level of purchases (for example, 50,000 gallons per month or 600,000 gallons per year) pursuant to which applicants—primarily smaller firms and individuals—who do not meet the threshold were not required to make a detailed showing of actual injury. For those applicants who were claiming less than that level of

purchases, we required only proof of the amount of products purchased by the applicant during the consent order period. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from interested parties and the public on this issue, including the appropriate threshold level of purchases to be applied to refund applications in this proceeding. Actual refunds to persons who establish their entitlement to a portion of the Consent Order funds will be made on a volumetric basis, *i.e.*, refunds will be based on the proportion of NGLs purchased by the applicant to the total amount of NGLs sold by Aminoil during the relevant period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs (unless the claim falls below any threshold that is subsequently established), and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the Consent Order involved in this proceeding, we intend to widely publicize the distribution process and to provide an opportunity for any affected party to file a claim.

As a final matter, we note that refund applications filed on behalf of a groups of claimants identifying themselves as adversely affected purchasers also will be considered. In particular, we hope that groups such as associations of propane dealers and agricultural cooperatives will come forward with applications for refunds on behalf of their members who were consumers of these products. See *Tenneco Oil Co./Farmland Industries, Inc.*, 9 DOE ¶82,597 (1982). We have noted in a previous case that the agreement governing the prices which a cooperative may charge its members make it likely that any refunds which the entity receives would automatically be passed through to its customers. See *Office of Special Counsel*, 9 DOE ¶82,538 (1982). Consequently, we propose to exempt from having to offer proof of injury cooperatives or regulated firms who file applications for refund which include a full explanation of the manner in which refunds will be passed through to their customers. *Id.* at 85,203. Interested parties who plan to comment on the proposed NGL claim procedures may wish to inspect Applications for Refund which have been filed in our previous

NGL-related special refund cases. They are available for inspection in our public docket room.

#### *B. Distribution of the Remainder of the Refund Amount*

After all of the claims of parties identifying themselves as adversely affected purchasers of the NGLs sold by Aminoil have been filed and the share of the Settlement fund to which applicants are entitled has been determined, the refund account provided by Aminoil pursuant to the Consent Order, while diminished, may not be exhausted. A second stage proceeding may then be necessary to complete the disbursement of the Consent Order funds.

In this Decision, we are not proposing specific second-stage refund procedures. This step would be of little value at this stage of the proceeding, since the amount of funds remaining after all meritorious claims have been paid during the first-stage directly affects the appropriateness of the second-stage distribution scheme. However, in order for members of the public to be made aware of the second-stage procedures that we might adopt, we note that a number of alternatives have been set forth in prior proposed decisions involving the distribution of funds received in settlement of enforcement proceedings in which the OE alleged that overcharges had occurred in sales of NGLs. See *Office of Enforcement*, No. BEF-0030, *et al.* (May 1, 1981) (proposed decision), 46 FR 25535 (May 7, 1981); *Office of Enforcement*, No. BEF-0014, *et al.* (May 22, 1981) (proposed decision), 46 FR 28929 (May 29, 1981); *Office of Enforcement*, No. BEF-0049, *et al.* (August 18, 1981) (proposed decision), 46 FR 42743 (August 24, 1981). Very similar second-stage alternatives were proposed in *Vickers*, 46 FR at 15323-24 (proposed decision). Although we will not discuss these second-stage alternatives here, we do refer interested parties to the comments OHA received regarding possible second-stage procedures in prior cases. Those comments are summarized and briefly addressed in the final decision and order issued in the *Vickers* case. *Office of Enforcement*, 8 DOE ¶82,587 at 85,398-99 (1981). See also *Office of Special Counsel*, 10 DOE ¶85,048 at 88,217 (1982) (Amoco decision).

In response to this proposed decision, we will accept and consider comments received within 30 days after publication of this decision in the *Federal Register*, and then issue a final decision establishing procedures for the first-stage distribution of Aminoil's Consent Order funds. In the final decision, we will also discuss summarily any comments received concerning possible second-stage procedures and, if

necessary, solicit another round of comments on the distribution of the residual funds. In this way, we will have several opportunities to resolve the outstanding issues before reaching a final decision on the second stage, if any, of this proceeding.

#### It is Therefore Ordered That:

The \$16,500,000 refund amount supplied by Aminoil, U.S.A., Inc., plus interest, will be distributed in accordance with the foregoing Decision.

#### Footnotes

(1) The following firms were subsidiaries, affiliates, or predecessors in interest of Aminoil during the audit period September 1, 1973 through October 31, 1978: Signal Oil & Gas Company; Amtane, Inc.; and Solar Gas, Inc. For purposes of this proceeding, any reference to Aminoil includes the aforementioned firms.

(2) As of April 1, 1983, the \$16,500,000 principal deposited in Aminoil's Consent Order account had accrued \$4,179,073.11 in interest, bringing the total amount in the account to \$20,679,073.11.

(3) Prior to issuance of this Proposed Decision and Order, the following firms also identified themselves as potential claimants: Hanks LP Gas; Millers LP Gas; Orland LP-Gas, Inc.; Pennington LP-Gas, Inc., and Rural Natural Gas Co.

[FR Doc. 83-17604 Filed 6-30-83; 8:45 am]

BILLING CODE 6450-01-M

#### Issuance of Decisions and Orders; Week of May 23, Through May 27, 1983

During the week of May 23 through May 27, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

**George B. Breznay,**

Director, Office of Hearings and Appeals.  
June 27, 1983.

#### Appeals

*Arthur D. Little, Inc.*, May 24, 1983, HFA-0139

Arthur D. Little, Inc. filed an Appeal from a partial denial by the Chicago Operations Office of a Request for Information which the firm had submitted under the Freedom of

Information Act. The firm sought information concerning a request for contract proposals. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 5 should be released to the public. The DOE also found that the initial determination failed to explain adequately the basis for the determination that the documents withheld pursuant to Exemption 4, and certain documents withheld pursuant to Exemption 5 were exempt from mandatory disclosure. These documents were remanded to the Chicago Operations Office for a new determination.

*Empire State Petroleum Ass'n, May 24, 1983, HEA-0001*

The Empire State Petroleum Association filed an Appeal from a Ruling issued by the Assistant Secretary for Conservation and Renewable Energy pursuant to Section 216 of the National Energy and Conservation Policy Act (NECPA). That section of NECPA generally prohibits a public utility from supplying or installing a residential energy conservation measure for any residential customer. Certain exceptions to the general rule are incorporated in the statute. The Assistant Secretary's Ruling granted an exemption from the prohibitions in Section 216 to the Long Island Lighting Company for the supply and installation of domestic solar hot water systems. The Assistant Secretary determined that LILCO had completed substantial preparations for the supply and installation activities as of November 9, 1978, the effective date of the NECPA, and therefore qualified for the grandfather exemption in Section 216(d)(2) of the NECPA. In considering the Appeal, the DOE found that the Office of Conservation and Renewable Energy did not state either the legal or factual bases for determination that LILCO had made substantial preparations for the supply and installation of solar hot water systems. The Ruling did not state the basis for its apparent conclusion that preparations for a demonstration project established by LILCO were sufficient to constitute substantial preparations for the full-scale commercial project. Accordingly, the matter was remanded to the Office of Conservation and Renewable Energy for further consideration.

*Gentry & Wagner, May 26, 1983, HFA-0143*

The DOE issued a Decision and Order concerning an Appeal from a Freedom of Information Act (FOIA) request that was denied by the FOIA Officer of DOE's Oak Ridge Operations Office. Appellants sought the release of the transcript of a Merit Systems Protection Board proceeding, a copy of which was held by the DOE, at a cost of \$0.10 per page. On appeal, the Office of Hearings and Appeals determined that the appropriate charge for the requested transcript is \$0.10 per page. Accordingly, the Appeal was granted.

#### Remedial Order

*Economic Regulatory Administration/Ray Agasino, d.b.a. Ray's Auto Service, et al., May 25, 1983, HRW-0007 through HRW-0016*

The ERA filed motions to modify and then issue as final orders ten Proposed Remedial

Orders issued to motor gasoline retail outlets. None of the recipients of the PROs had filed a Notice of Objection or Statement of Objections with the Office of Hearings and Appeals. The DOE granted ERA motion that PROs be modified to require that interest be assessed at the rate of one percent per month, which reflects the current agency interest policy for overcharges by motor gasoline retailers. The DOE further found that the PROs should be modified to require that the refunds be deposited in an escrow account for ultimate disposition pursuant to an application for implementation of special refund procedures. The PROs, as modified, were issued as final Remedial Orders.

#### Motions for Discovery

*Eldon Spencer, Inc., May 24, 1983, BRD-1273*

Eldon Spencer, Inc. filed a Motion for Discovery in connection with its statement of Objections to a Proposed Remedial Order that the Economic Regulatory Administration issued to the firm on June 12, 1980. In its discovery motion, Spencer requested responses to interrogatories and the productions of related documents in support of its objections with respect to the following issues: (i) The netting of undercharges with overcharges, (ii) the equal application rule, (iii) the calculation of base period costs, (iv) non-product cost allowances, (v) the treatment of transportation costs, (vi) interest on overcharges, and (vii) the agency's compliance with Section 18(a) of the Federal Energy Administration Act of 1974. In considering the Motion for Discovery, the DOE determined that the discovery sought by the firm would not elicit evidence that was relevant and material to the issues raised by the Statement of Objections. Accordingly, the Motion for Discovery was denied.

*Ben Shimek, May 24, 1983, HRD-0083, HRH-0013*

Ben Shimek filed Motions for Discovery and for Evidentiary Hearing in connection with his Statement of Objections to six Proposed Remedial Orders which were issued to him by the Economic Regulatory Administration. If Shimek's motions were granted, the ERA would provide certain discovery which Shimek requested and an Evidentiary Hearing would be held concerning issues raised by his Statement of Objections. The DOE concluded that most of the discovery sought by Shimek's Motion for Discovery should be denied, with the exception of requests seeking information concerning the ERA's recalculation of the PROs' alleged overcharges, which was made after the issuance of the PROs. In addition, Shimek's Motion for Evidentiary Hearing was denied with respect to all issues except one, which was dismissed without prejudice pending the ERA's response to the discovery granted regarding its recalculations.

#### Interlocutory Order

*Vessels Gas Processing Co., Vessels Gas Processing, Ltd., May 25, 1983 HRZ-0149*

Vessels Gas Processing Company and Vessels Gas Processing, Ltd. (Vessels) filed a Motion to Join Halliburton Company (Halliburton) as a party in a proceeding involving a Proposed Remedial Order (PRO) issued to Vessels on November 5, 1982 (Case No. HRO-0111). If Vessels' Motion to Join

were granted, Halliburton would be held jointly liable for any overcharges ultimately established. In considering the Motion to Join, the DOE determined that Halliburton's nexus to the transactions which precipitated the PRO was such that the firms' joinder would facilitate the adjudication of the PRO and better effectuate any restitution which might be required. Accordingly, the Motion to Join was granted.

#### Implementation of Special Refund Procedures

*Office of Enforcement: In the Matters of Worldwide Energy Corporation, Lovelady Oil Company, Gas Engine and Compressor Service and Fagadau Energy Corporation, May 27, 1983, HQF-0015 through HQF-0018*

The Office of Hearings and Appeals issued Decisions and Orders establishing special refund procedures for distributing funds obtained by the DOE through consent orders entered into by Fagadau Energy Corporation, Worldwide Energy Corporation, Gas Engine and Compressor Service, and one other firm. *Office of Enforcement*, 9 DOE ¶ 82,587 (1982), and Lovelady Oil Company and four other firms. *Office of Enforcement*, 9 DOE ¶ 82,569 (1982). These Decisions established a two-stage refund distribution process. In the first stage, applications for refund would have been accepted from claimants who purchased refined products from the firms who signed the consent orders. The deadline for the submission of first-stage claims passed without any firms filing claims for a portion of the Worldwide, Lovelady, Gas Engine and Fagadau consent order funds. Consequently, the DOE determined that, under the circumstances of these cases, the settlement funds should be distributed to state governments in the respective market areas served by the four firms upon approval by the Office of Hearings and Appeals of plans submitted by the states for use of the funds in a manner that would benefit probable injured parties in those states.

*PVM Oil Assoc., Inc./Missouri Pacific Railroad Company, May 24, 1983, HQF-0019*

On December 15, 1982, the Office of Hearings and Appeals issued a Decision and Order setting forth second-stage refund procedures in the matter of PVM Oil Associates, Inc. *Office of Enforcement*, 10 DOE ¶ 85,072 (1982). In that determination, the DOE concluded that Missouri Pacific Railroad Company should receive a portion of the PVM settlement fund upon fulfillment of certain conditions. The DOE determined that Missouri Pacific had satisfied the conditions set forth in the December 15 determination and, consequently, an order was issued directing the payment of the specified funds to Missouri Pacific.

#### Refund Applications

*Standard Oil Company (Indiana)/H. H. White Oil Co., Inc., et al., May 27, 1983, RF21-966 et al.*

The DOE issued a Decision and Order concerning 73 Applications for Refund filed by wholesalers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special*

*Counsel*, 10 DOE § 85,048 (1982). In considering these applications, the DOE concluded that each of the 73 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$93,017.

*Standard Oil Company (Indiana)/H. H. White Oil Co., Inc., et al., May 27, 1983, RF21-967 et al.*

The DOE issued a Decision and Order concerning 65 Applications for Refund filed by resellers of Amoco middle distillates. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE § 85,048 (1982). In considering these applications, the DOE concluded that each of the 65 applicants should receive a refund based upon the total volume of their Amoco middle distillate purchases. The refunds granted in this proceeding total \$62,148.

*Standard Oil Company (Indiana)/Kelly-Moross Service, et al., May 23, 1983, RF21-893*

The DOE issued a Decision and Order concerning 119 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE § 85,048 (1982). In considering these applications, the DOE concluded that each of the 119 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$115,760.

*Standard Oil Company (Indiana)/Long's Amoco et al., May 23, 1983, RF21-5904 et al.*

The DOE issued a Decision and Order concerning 149 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE § 85,048 (1982). In considering these applications, the DOE concluded that each of the 149 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled \$139,294.

*Standard Oil Company (Indiana)/R.L. Hildebrand Enterprises, et al., May 27, 1983, RF21-4325 et al.*

The DOE issued a Decision and Order concerning 25 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE § 85,048 (1982). In

considering these applications, the DOE concluded that each of the 25 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$36,684.

*Standard Oil Company (Indiana)/Southeastern Oil Co., Inc., May 26, 1983, RF21-174 et al.*

The DOE issued a Decision and Order concerning 24 Applications for Refund filed by resellers of Amoco middle distillates. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE § 85,048 (1982). In considering these applications, the DOE concluded that each of the 24 applicants should receive a refund based upon the total volume of their Amoco middle distillate purchases. The refunds granted in this proceeding total \$36,771.

*Standard Oil Company (Indiana)/the Spencer Companies, Inc., May 25, 1983, RF21-175 et al.*

The DOE issued a Decision and Order concerning 52 Applications for Refund filed by wholesalers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE § 85,048 (1982). In considering these applications, the DOE concluded that each of the 52 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total \$831,581.

#### Dismissals

The following submissions were dismissed:

Name	Case No.
Associated Display Services, Inc.	RF21-7630
Bryant and Blount Oil Co.	HEE-0058
Butler Oil Co./Butler & Curtis Oil, Inc.	RF21-5903
Carl Norman Carlson	RF21-8043
Charles Barnes	HFA-0141
Charles G. Swan	RF21-7550
City of Gaylord	RF21-7805
Cordes Oil Co.	RF21-5917
Dan's American Service	RF21-6238
Dark Oil Co.	RF21-8034
Darwent G. Blue	RF21-7906
Decounter Fertilizer	RF21-6398
	RF21-6399
Donald Kennedy	RF21-7905
Dr. Guy H. Mahan	RF21-7804
E. Trovato	RF21-7069
Edward H. Wolf & Sons, Inc.	RF21-5718
Evans Oil Co.	RF21-6709
Ferguson Oil Co.	RF21-4305
Gerald L. Purkey	RF21-3540
I-94 and Exit 85	RF21-5043
Independent School Dist. 262	RF21-8053
Independent School Dist. 376	RF21-7187
	RF21-7188
J & L Oil, Inc.	RF21-6395
James Doyle	RF21-8142
	RF21-8143

Name	Case No.
James J. Goetzmann	RF21-8010
Joan Harrington Trenbeth	RF21-7884
Joe E. Carroll	RF21-8079
John P. Markoff, Sr.	RF21-7314
K. Lafferty	RF21-7695
Knock Oil Co.	RF21-5732
Lamberton Public School	RF21-7279
Lamberton Public School	RF21-7280
M. Sternfield	RF21-7887
Maynard & Lesieur Inc.	RF21-5640
Midwest Truckstop	RF21-8140
Mike's Amoco	RF21-5714
Miller Oil Co., Inc.	RF21-6635
Minnewaska Dist. Hospital	RF21-7572
Morris Oil Co.	RF21-2732
	RF21-2733
North State Motor Lines, Inc.	RF21-2337
Osborne Oil Co.	RF21-6705
Parke Oil Co.	RF21-5530
Paulsen Oil Co.	RF21-5495
Peekenschneider Oil Co., Inc.	RF21-5979
Rich Hill & Sons	RF21-5509
Richard Wink	RF21-5729
Ronald C. Hartsock	RF21-7524
Ruth E. Bohn	RF21-7866
Schneider Oil Co.	RF21-5692
Sires Oil Co.	RF21-6041
Sister Helen Margaret McGinley	RF21-7865
Storling R. Ripley	RF21-8007
Stewart & Sons, Ltd.	RF21-5629
Strong Oil Co., Inc.	RF21-5688
Summa Energy Corp.	HRO-0131
Terry's Amoco Service	RF21-6522
Thomberg Oil Co.	RF21-5711
Willadean Bergbreiter	RF21-6338

[FR Doc. 83-17803 Filed 6-30-83; 8:45 am]

BILLING CODE 8450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2383-3]

### Availability of Environmental Impact Statements Filed June 6 Through June 10, 1983 Pursuant to 40 CFR 1506.9

#### Correction

In FR Doc. 83-16287 beginning on page 27825 in the issue of Friday, June 17, 1983 make the following corrections:

1. On page 27825, column three under Corps of Engineers, line three, "Pembine" should read "Penbina".
2. On page 27826, column one, line one, "Topele" should read "Tooele".
3. On page 27826, column one, under Department of Justice, line two, "Allen" should read "Alien".

BILLING CODE 1505-01-M

[OPTS-51473; TSH-FRL 2391-8]

**Toxic and Hazardous Substances Control; Receipt of 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 twenty-six PMNs and provides a summary of each.

**DATES:** Close of Review Period:

PMN 83-840, 83-841, 83-842, 83-843, and 83-844—September 14, 1983.

PMN 83-845, 83-846, 83-847, and 83-848—September 17, 1983.

PMN 83-849, 83-850, 83-851, 83-852, 83-853, 83-854, 83-855, 83-856, 83-857, 83-858, and 83-859—September 18, 1983.

PMN 83-860, 83-861, and 83-862—September 19, 1983.

PMN 83-863, 83-864 and 83-865—September 20, 1983.

Written comments by:

PMN 83-840, 83-841, 83-842, 83-843 and 83-844—August 15, 1983.

PMN 83-845, 83-846, 83-847 and 83-848—August 18, 1983.

PMN 83-849, 83-850, 83-851, 83-852, 83-853, 83-854, 83-855, 83-856, 83-857, 83-858 and 83-859—August 19, 1983.

PMN 83-860, 83-861 and 83-862—August 20, 1983.

PMN 83-863, 83-864 and 83-865—August 21, 1983.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51473]" and the specific PMN number should be sent to:

Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

**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 83-840****Manufacturer:** DRC Chemicals.

**Chemical:** (S) Polymer of methyl glucoside, propylene oxide, ethylene oxide, diethylene glycol, and polyethylene terephthalate.

**Use/Production:** Confidential. Prod. range: 5,000,000-22,000,000 kg/yr.

**Toxicity Data:** No data submitted.

**Exposure:** Use: dermal, a total of 1 worker, up to 1 hr/da, up to 250 da/yr.

**Environmental Release/Disposal:** More than 10,000 kg/yr released to water.

**PMN 83-841****Manufacturer:** Confidential.

**Chemical:** (S) 2,2-dimethyl-1,3-propanediol polymer with 1,4-cyclohexane-dimethanol, 1,6-hexanedioic acid, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid.

**Use/Production:** (G) Open use. Prod. range: 1,700-100,000 kg/yr.

**Toxicity Data:** No data submitted.

**Exposure:** Manufacture, processing and use: dermal, a total of 14 workers, up to 8 hrs/da, up to 260 da/yr.

**Environmental Release/Disposal:** 10-1,000 kg/yr released to land. Disposal by approved landfill.

**PMN 83-842****Manufacturer:** Confidential.

**Chemical:** (S) 2,2-dimethyl-1,3-propanediol, polymer with 1,6-hexanedioic acid, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid.

**Use/Production:** (G) Open use. Prod. range: 1,500-160,000 kg/yr.

**Toxicity Data:** No data submitted.

**Exposure:** Manufacture, processing and use: dermal, a total of 14 workers, up to 8 hrs/da, up to 260 da/yr.

**Environmental Release/Disposal:** 10-1,000 kg/yr released to land. Disposal by approved landfill.

**PMN 83-843**

**Importer:** American Hoechst Corporation.

**Chemical:** (S) 2,2'-(ethylenedioxy-bis-(2-phenylazo))-bis-[N-2,3-dihydro-2-oxo-1H-benzimidazol-5-yl]3-oxo-butanamide).

**Use/Import:** (S) Industrial colorant for plastics. Prod. range: 1,000-6,000 kg/yr.

**Toxicity Data:** Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Negative.

**Exposure:** Less than 70 man hours/yr.

**Environmental Release/Disposal:** Limited release. Disposal by landfill.

**PMN 83-844**

**Manufacturer:** Confidential.  
**Chemical:** (G) Disubstituted heteropolycyclic dye.

**Use/Production:** (G) Water colorant used as a minor component in industrial, commercial, and consumer application. Prod. range: Confidential.

**Toxicity Data:** Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg;

Irritation: Skin—Not a primary irritant, Eye—Not a primary irritant; 96 hr. LC<sub>50</sub>

(Rainbow trout)—120 mg/l; 72 hr. LC<sub>50</sub>

(Rainbow trout)—120 mg/l; 48 hr. LC<sub>50</sub>

(Rainbow trout)—150 mg/l; 24 hr. LC<sub>50</sub>

(Rainbow trout)—>200 mg/l; 96 hr. LC<sub>50</sub>

(Bluegill)—71 mg/l; 72 hr. LC<sub>50</sub>

(Bluegill)—77 mg/l; 48 hr. LC<sub>50</sub>

(Bluegill)—81 mg/l; 24 hr. LC<sub>50</sub>

(Bluegill)—>100 mg/l; Ames Test: Negative.

**Exposure:** Confidential.  
**Environmental Release/Disposal:**

Confidential. Disposal by publicly owned treatment works (POTW).

**PMN 83-845**

**Importer:** Confidential.  
**Chemical:** (G) C.I. direct blue 291.

**Use/Production:** (S) Dye for cellulosic fiber. Import range: Confidential.

**Toxicity Data:** Ames Test: Negative.

**Exposure:** No data submitted.

**Environmental Release/Disposal:** No data submitted.

**PMN 83-846**

**Importer:** Confidential.  
**Chemical:** (G) C.I. basic blue 54.

**Use/Import:** (S) Dye for cationic dyeable fibers. Import range: Confidential.

**Toxicity Data:** Acute oral: >2,000 mg/kg.

**Exposure:** No data submitted.

**Environmental Release/Disposal:** No data submitted.

**PMN 83-847**

**Importer:** Confidential.  
**Chemical:** (G) Spiro-xanthene.

**Use/Import:** Confidential. Import range: Confidential.

**Toxicity Data:** Acute oral: >10 g/kg; Acute dermal: >10 g/kg; Irritation: Skin—Non-irritating, Eye—Non-irritating.

**Exposure:** Confidential.

**Environmental Release/Disposal:** No data submitted.

**PMN 83-848**

**Manufacturer:** Confidential.  
**Chemical:** (G) Modified polyester polyurethane containing substituted

alkanediol and diphenylmethane diisocyanate.

*Use/Production.* (S) Industrial laminating adhesive for fabric and film. Prod. range: 1,000-50,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: dermal and inhalation.

*Environmental Release/Disposal.* No release.

#### PMN 83-849

*Manufacturer.* Confidential.

*Chemical.* (G) Metal complex with substituted 4-phenylazo pyrazol-3-one and substituted benzenesulfonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: a total of 3 workers, up to 4 hrs per batch per worker.

*Environmental Release/Disposal.* No release.

#### PMN 83-850

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted phenylazo naphthalenesulfonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: a total of 3 workers, up to 4 hrs per batch.

*Environmental Release/Disposal.* No release.

#### PMN 83-851

*Importer.* Confidential.

*Chemical.* (G) Substituted phosphonium borate.

*Use/Import.* (G) Rubber additive. Import range: Confidential.

*Toxicity Data.* Acute oral: 1,800 mg/kg; Irritation: Skin-Non-irritating, Eye-Non-irritating; Ames Test: Non-mutagenic.

*Exposure.* No exposure.

*Environmental Release/Disposal.* No release.

#### PMN 83-852

*Manufacturer.* Confidential.

*Chemical.* (G) Addition polymerization product of: isobornyl methacrylate, isobutyl methacrylate and isocyanatoethyl methacrylate.

*Use/Production.* (S) Additive used to cure coating. Prod. range: 8,000-20,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, use and disposal: dermal and inhalation, a total of 515 workers, up to 2 hrs/da, up to 250 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air with 10-100 kg/yr to land. Disposal by incineration.

#### PMN 83-853

*Manufacturer.* Confidential.

*Chemical.* (G) Polymer of aliphatic diol, hydroxy functional resin, aromatic diacid, aliphatic diacid, and aromatic polyacid.

*Use/Production.* (S) Industrial thermoset polymer for coating metal surfaces. Prod. range: 4,000-32,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing, use and disposal: dermal, a total of 9 workers, up to 10 hrs/da, up to 40 da/yr.

*Environmental Release/Disposal.* 10 to 100 kg/yr released to land. Disposal by approved landfill.

#### PMN 83-854

*Manufacturer.* Confidential.

*Chemical.* (G) Salt of aminomethyl phosphonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Release is negligible. Disposal by POTW and Resource Conservation and Recovery Act (RCRA) approved methods.

#### PMN 83-855

*Manufacturer.* Confidential.

*Chemical.* (G) Salt of aminomethyl phosphonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Release is negligible. Disposal by POTW and RCRA approved methods.

#### PMN 83-856

*Manufacturer.* Confidential.

*Chemical.* (G) Salt of aminomethyl phosphonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Release is negligible. Disposal by POTW and RCRA approved methods.

#### PMN 83-857

*Manufacturer.* Confidential.

*Chemical.* (G) Salt of aminomethylene phosphonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Release is negligible. Disposal by POTW and RCRA approved methods.

#### PMN 83-858

*Manufacturer.* Confidential.

*Chemical.* (G) Salt of aminomethylene phosphonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Release is negligible. Disposal by POTW and RCRA approved methods.

#### PMN 83-859

*Manufacturer.* Confidential.

*Chemical.* (G) Salt of aminomethylene phosphonic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Release is negligible. Disposal by POTW and RCRA approved methods.

#### PMN 83-860

*Importer.* Confidential.

*Chemical.* (G) Metal complexed substituted aromatic azo compound.

*Use/Import.* (S) Textile fiber colorant. Import range: Confidential.

*Toxicity Data.* Acute oral: > 5,000 mg/kg; Irritation: Skin-Non-irritant.

*Exposure.* Use: dermal and inhalation, 1 person/shift, 1 hr/shift at a maximum of 30 sites.

*Environmental Release/Disposal.* Between 10-100 kg/yr released to water. Disposal by biological treatment system.

#### PMN 83-861

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted vinyl polymer.

*Use/Production.* (G) Semi-conductor manufacturing. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

#### PMN 83-862

*Manufacturer.* Confidential.

*Chemical.* (G) Anhydro polyol monoalkanoate.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data on the PMN substance submitted.

*Exposure.* Manufacture: a total of 1 worker, up to 1 hr per batch.

*Environmental Release/Disposal.* Disposal by treatment system.

#### PMN 83-863

*Importer.* American Hoechst Corporation.

*Chemical.* (G) Thiazolium salt, N-substituted, 3-substituted.

*Use/Import.* Confidential. Import range: 3-5 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: a total of 8-10 workers, up to 72 manhours/yr.

*Environmental Release/Disposal.* No release.

**PMN 83-864**

*Manufacturer.* Confidential.

*Chemical.* (G) disazo pigment of a substituted benzidine and acetoacetanilide derivative.

*Use/Production.* (S) Industrial pigment. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 2 workers, up to 4 hrs/da, up to 200 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to water. Disposal by POTW and biological treatment system.

**PMN 83-865**

*Manufacturer.* Confidential.

*Chemical.* (G) Diazo pigment of a substituted benzidine and p-aminoacetanilide derivative.

*Use/Production.* (S) Industrial pigment. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: dermal, a total of 2 workers, up to 4 hrs/da, up to 200 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to water. Disposal by POTW and biological treatment system.

Dated: June 27, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-17753 Filed 6-30-83; 8:45 am]

BILLING CODE 6560-50-M

**[OPTS-59130, TSH-FRL 2391-7]**

**Certain Chemicals; Premanufacture Exemption Applications**

**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 two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

**DATE:** Written comments by: July 18, 1983.

**ADDRESS:** Written comments, identified by the document control number "(OPTS-59130)" and the specific TME number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 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 83-65**

*Manufacturer.* Confidential.

*Chemical.* (G) Modified rosin zinc salt.

*Use/Production.* (S) Stabilizer for PVC. Prod. range: Confidential.

*Toxicity Data.* No data on the TME substance submitted.

*Exposure.* Manufacture: dermal, a total of 2 workers, up to 1 hr/da, up to 1 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air, water and land. Disposal by reclamation and privately owned treatment system.

**TME 83-66**

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted vinyl polymer.

*Use/Production.* (S) Semi-conductor manufacturing. Prod. range: Confidential.

*Toxicity Data.* No data on the TME substance submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

Dated: June 27, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-17754 Filed 6-30-83; 8:45 am]

BILLING CODE 6560-50-M

**[ER-FRL-2391-6]**

**Availability of Environmental Impact Statements Filed June 20 Through June 24, 1983 Pursuant to 40 CFR Part 1506.9**

**RESPONSIBLE AGENCY:** Office of Federal Activities General Information (202) 382-5075 or 382-5076.

US Army Corps of Engineers:

EIS No. 830337, Final, COE, NY, Moriches Inlet Navigational Improvements, Suffolk County, Due: Aug. 1, 1983.

EIS No. 830336, FSUpl, COE, CA, South Fork Flood Control Plan, Santa Clara River, Los Angeles County Due: Aug. 1, 1983.

Department of Commerce:

EIS No. 830334, FSUpl, NOA, SEV, OR, WA, CA, PAC 1983 Salmon Fisheries Commercial and Recreational FMP, Due: Aug. 1, 1983.

Department of the Interior:

EIS No. 830335, Draft, BLM, AL, Southern Appalachian Coal Region, Round Two Leasing, Due: Aug. 26, 1983.

EIS No. 830343, Final, MMS, CA, PAC 1983 Central California OCS Oil and Gas Sale No. 73, Leasing, Due: Aug. 1, 1983.

Department of Energy:

EIS No. 830339, Draft, DOE, AZ, Liberty-Coolidge 230 kV Transmission line, Const., Maricopa/Pinal Cos, Due: Aug. 15, 1983.

Department of Transportation:

EIS No. 830333, Draft, FAA, CA, Burbank-Glendale-Pasadena Airport, Passenger Terminal Replacement, Due: Aug. 15, 1983.

EIS No. 830332, Final, FHW, OH, OH-8 Relocation, Hudson Drive to OH-303/OH-8, Summit County, Due: Aug. 1, 1983.

EIS No. 830341, Final, FHW, GA, Eugene Talmadge Memorial Bridge (US 17A) Replacement, Chatham County, Due: Aug. 1, 1983.

EIS No. 830342, Final, FHW, NB, Harrison St/Giles Rd/1-80 Upgrading and Construction, Douglas/Sarpy Cos, Due: Aug. 1, 1983.

Nuclear Regulatory Commission:

EIS No. 830344, Draft, NRC, PA, Limerick Generating Station, Units 1 and 2, Licenses, Montgomery County, Due: Aug. 15, 1983.

Department of Agriculture:

EIS No. 830338, Draft, AFS, CA, Mgmt. of Vegetation for Reforestation, Pacific Southwest Region NFs, Due: Aug. 31, 1983.

EIS No. 830340, Draft, SCS, ND, English Coulee Watershed Protection/Flood Prevention, Grand Forks Co., Due: Aug. 15, 1983.

EIS No. 830331, Final, SCS, OK, Turkey Creek Watershed Flood Protection Plan, Due: Aug. 1, 1983.

**Amended Notices:**

EIS No. 830330, Draft, MMS, CA, Pac 1984 Southern California OCS Oil/Gas Sale, Leasing, Pacific Ocean, Published FR 6/24/83—Incorrect due date, Due: Aug. 16, 1983.

EIS No. 830345, Draft, COE, OH, Lorain Harbor Commercial Navigational Improvements, Lorain County, Correction: This EIS should have been included in the Notice of Availability of Environmental Impact Statements filed May 31 through June 3, 1983—Published FR 6/10/83, Due: July 25, 1983.

EIS No. 830328, Draft, MMS, AK, 1984 Navarin Basin OCS Oil and Gas Sale, Leasing, Bering Sea, Published FR 6/24/83—Review extended, Due: Aug. 19, 1983. Dated: June 28, 1983.

**Pasquale A. Alberico,**

*Acting Director, Office of Federal Activities.*

[FR Doc. 83-17793 Filed 6-30-83; 8:45 am]

**BILLING CODE 6560-50-M**

**Intent To Prepare an Environmental Impact Statement (EIS) and Conduct a Public Scoping Meeting; Turpentine Run Wastewater Facilities Plan, Virgin Islands**

**AGENCY:** Environmental Protection Agency (EPA), Region II.

**ACTION:** Notice of Intent to prepare a draft EIS on the Mangrove Lagoon/Turpentine Run Wastewater Facilities Plan, St. Thomas, U.S. Virgin Islands.

**PURPOSE:** In accordance with section 102(2)(C) of the National Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Edward Als, EIS Project Monitor, Environmental Impact Branch, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 400, New York, New York 10278, Telephone No. Commercial (212) 264-1375, FTS 8-264-1375.

**SUMMARY:** EPA intends to prepare an EIS on the Mangrove Lagoon/Turpentine Run facilities plan which has been prepared for the eastern portion of St. Thomas, U.S. Virgin Islands. Copies of the detailed Notice are available from the Project Monitor identified above.

**Scoping**

EPA will hold a meeting to determine the scope of the draft EIS on August 4, 1983 at 7:00 PM at the Legislative Conference Room, Senate Building, Charlotte Amalie, St. Thomas 00801. The public will be involved to the maximum

extent possible and is encouraged to participate in the planning process.

EPA estimates the draft EIS will be available for public review in approximately eight (8) months. 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.

**Pasquale A. Alberico**

*Acting Director, Office of Federal Activities (A-104).*

[FR Doc. 83-17794 Filed 6-30-83; 8:45 am]

**BILLING CODE 6560-50-M**

**FEDERAL COMMUNICATIONS COMMISSION**

[MM Docket No. 83-577; File No. BPH-811215AF et al.]

**Rochel Wright, Anthony Jones, and John Wright et al.; Hearings**

In re Applications of: Rochel Wright, Anthony Jones, and John Wright, Wichita, Kansas; MM Docket No. 83-577, File No. BPH-811215AF; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 257 feet; Constance J. Wodlinger, Wichita, Kansas; MM Docket No. 83-578, File No. BPH-820322AV; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 697 feet; Channel 287, Inc, Wichita, Kansas; MM Docket No. 83-579, File No. BPH-820412AR; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 727 feet; Palmer Communications Incorporated, Wichita, Kansas; MM Docket No. 83-580, File No. BPH-820414AI; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 700 feet; Stacia Broadcasting Corp., Wichita, Kansas; MM Docket No. 83-581, File No. BPH-820414AN; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 697 feet; Telecommunications Partners, Ltd., Wichita, Kansas; MM Docket No. 83-582, File No. BPH-820414AG; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 696 feet; Young Broadcasting Company, Wichita, Kansas; MM Docket No. 83-583, File No. BPH-820414AS; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 697 feet; Mid-States Broadcasting, Inc., Haysville, Kansas; MM Docket No. 83-584, File No. BPH-820415AT; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 697 feet; Stereo 105, Inc., Wichita, Kansas; MM Docket No. 83-585, File No. BPH-820415AW; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 697 feet; Gliner and Associates, Inc., Wichita, Kansas; MM Docket No. 83-586, File No. BPH-820415BB; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 692 feet; Great Plains Communications, Inc., Haysville, Kansas; MM Docket No. 83-587, File No. BPH-820415BC; Req: 105.3 MHz,

Channel 287, 100 kW (H&V), 692.65 feet; B. Scott Reardon III d/b/a Sedgwick Broadcasting Company, Haysville, Kansas; MM Docket No. 83-588, File No. BPH-820415BE; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 700 feet; Wichita Wireless Corporation, Wichita, Kansas; MM Docket No. 83-589, File No. BPH-820415BF; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 715 feet; Douglas Broadcasting West, Inc., Haysville, Kansas; MM Docket No. 83-590, File No. BPH-820415BJ; Req: 105.3 MHz, Channel 287, 100 kW (H&V), 702 feet; For Construction Permits for a New FM Station; designating applications for consolidated hearing on stated issues.

**Hearing Designation Order**

Adopted: May 31, 1983.

Released: June 28, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed for a new commercial FM station at Wichita and Haysville, Kansas.

2. Palmer Communications' application indicates that it will require twenty-one full-time and four part-time employees at Wichita. The Commission requires that if there will be five or more fulltime station employees, the applicant must complete and file Section VI of FCC Form 301 in triplicate, and supply a statement detailing the applicant's hiring and promotion policies even though there may be only a few members of minority races residing within the proposed service area. Palmer has failed to do so. To remedy this deficiency, Palmer must, within 30 days of the release of this Order, submit amended Section VI and model EEO program, as appropriate, to the presiding Administrative Law Judge.

3. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. We have no evidence that Wright, Jones, and Wright, Palmer Communications and Douglas Broadcasting West, Inc. published the required notice, nor have the applicants provided a certification that public notice will be published. To remedy this deficiency, they must publish local notice, if they have not already done so, and so inform the presiding Administrative Law Judge.

4. In answer to Section II, paragraph 9, Stereo 105 states it has an arrangement with SpaceCom, Inc. under which Mr. Clark, the 100% owner of Stereo 105, can construct the proposed station and

operate for three months. However, Stereo 105 has failed to submit the appropriate documentation necessary to clarify the arrangement between the applicant, its principal, and SpaceCom, Inc. as it relates to ownership and control. Accordingly, Stereo 105 will be given 30 days from the release of this Order to submit documentation of the agreement to the presiding Administrative Law Judge.

5. Wright, Jones, and Wright, and Sedgwick has certified as to their financial qualifications. However, the certifications submitted do not substantially meet the certification set out in revised Section III, Form 301.<sup>1</sup> Accordingly, the applicants will be given the opportunity to submit to the Administrative Law Judge the certification required by the Form or to advise that they cannot make the required certification. In the latter event, the Administrative Law Judge shall specify an issue as may be appropriate.

6. Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause it may be located outside that community. Sedgwick has failed to indicate that it plans to locate its main studio in the city of license. Under these circumstances, Sedgwick has failed to submit information that meets the requirements of § 73.1125. Accordingly, an issue will be specified.

7. Since no determination has been received from the Federal Aviation Administration as to whether the antenna proposed by Sedgwick would constitute a hazard to air navigation, an issue with respect thereto will be included and the F.A.A. made a party to the proceeding.

8. Bernard F. Clark of Stereo 105, Inc. proposes to divest himself of his 25% interest in D&B Radio, applicant for an FM broadcast station at San Luis Obispo, California. Mr. Frank Chappell of Great Plains Communications, Inc. proposes to resign as Vice President, Corporate Development of Kansas State Network, Inc., licensee of KARS-TV, Wichita, Kansas. Since the ownership of these stations and the proposed stations would not violate our multiple ownership rules, we will not require divestiture at this time. However, should Stereo 105 or Great Plains be the preferred applicant, we assume the presiding Administrative Law Judge will impose a suitable condition requiring

divestiture before commencement of operation of the instant station.

9. Gliner and Associates filed a petition for leave to amend on November 19, 1982 regarding the death of Peter B. Fox and the acquisition of Mr. Fox's 40% stock interest by Joanna Gliner, thereby increasing Mrs. Gliner's percentage interest in the applicant to 70% from 30%. Amendments of this nature constitute an "involuntary" transfer of control and are acceptable although the time for major amendments as of right has passed. *Rose Broadcasting Company*, 68 FCC 2d 1242, 1248-49(1978). However, as Channel 287, Inc. points out, this amendment cannot be employed by the applicant to gain a comparative advantage. Therefore, the amendment will be accepted for filing, but any comparative advantage disallowed.

10. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations.

2. To determine, whether Sedgwick's main studio will be within the community of license as required by Section 73.1125, and if not, whether good cause exists for waiver of the rule.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Sedgwick would constitute a hazard to air navigation.

4. To determine, in the light of Section 307(b) of the Communications Act of

1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. *It is further ordered*, That Palmer Communications shall, within 30 days of the release of this Order, submit amended Section VI and model EEO program, as appropriate, to the presiding Administrative Law Judge.

14. *It is further ordered*, That Wright, Jones, and Wright; Palmer Communications; and Douglas Broadcasting West shall inform the presiding Administrative Law Judge as to whether they have complied with the public notice requirements of § 73.3580(f) of the Commission's Rules.

15. *It is further ordered*, That Stereo 105 shall, within 30 days of the release of this Order, submit documentation of its arrangement with SpaceCom to the presiding Administrative Law Judge.

16. *It is further ordered*, That the Gliner and Associates amendment dated November 19, 1982 is accepted.

17. *It is further ordered*, That Wright, Jones and Wright, and Sedgwick, shall within 30 days of the release of this Order, submit a financial certification in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

18. *It is further ordered*, That the Federal Aviation Administration *is made a party* to this proceeding with respect to the air hazard issue only.

19. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. *It is further ordered*, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the

<sup>1</sup> Wright, Jones, and Wright have failed to sign the certification, while Sedgwick has failed to answer one of the questions required for a valid certification.

manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,  
Broadcast Bureau.

[FR Doc. 83-17374 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-351]

## American Telephone & Telegraph Co.; Hearing

### Memorandum Opinion and Order

In the Matter of: American Telephone and Telegraph Company; CC Docket No. 81-351; 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 (5-5-82; 47 FR 19447).

Adopted: June 23, 1983.

Released: June 28, 1983.

By the Commission: Commissioner Fogarty not participating.

1. We consider at this time the most recent development in our investigation of the tariff provisions governing American Telephone and Telegraph Company's (AT&T) tariff for terrestrial television transmission services. Presently before us are an Interim Settlement Proposal submitted on December 1, 1982, by the User Parties<sup>1</sup>, AT&T's comments on the proposal, and the User Parties' response.<sup>2</sup> As explained below, we believe that the rate structure proposed by the User Parties would be reasonable for use in a future AT&T filing proposing revisions to its Series 7000 service offerings and may provide an adequate basis for terminating this investigation. To the extent that the User Parties and AT&T continue to differ on issues of rate levels, changes in late order charges, and related matters, we believe that our ordinary tariff review processes will provide an adequate opportunity to decide each on its own merits.

### Background

2. Since its inception in the late 1940's AT&T's terrestrial television transmission service (Series 7000) has

been offered on a full time and part time or occasional basis.<sup>3</sup> The three major television networks are virtually the only users of full time service, while part time service, which is offered at a substantially higher per hour rate, is used by occasional distributors of sports, news, and entertainment programming, as well as by the networks. For this reason, the Commission has been concerned over the years that AT&T's Series 7000 rate structure might unreasonably discriminate against part time or occasional users.

3. Our concern in this regard has led the Commission to undertake several investigations of the Series 7000 rate structure focused primarily on the discrimination issue. Over a decade ago, for example, the Review Board upheld a Hearing Examiner's finding, after a formal hearing, that full time and occasional use were "like" service under Section 202(a) of the Communications Act, 47 U.S.C. 202(a), and that the Series 7000 rate structure in effect at that time resulted in unreasonable discrimination against occasional users.<sup>4</sup> During the pendency of that proceeding, AT&T filed new rate schedules, which among other things, reduced the rate for occasional use and set up a sliding scale which allowed monthly contract customers to purchase service in amounts of one to 24 hours per day. Because the Commission believed that the new rates and rate structure might at least ameliorate the unlawful discrimination in the existing tariffs, it allowed the revisions to become effective while setting them for investigation in Docket No. 18684.<sup>5</sup>

4. Then in 1972, AT&T submitted new tariffs which proposed increases in the part time use rates and the adoption of a single full time, 24 hour per day service. AT&T claimed these revisions were necessary to prevent its largest contract users, namely the networks, from shifting to specialized microwave carriers. This tariff filing was suspended and its investigation was consolidated into the ongoing Docket No. 18684 proceeding. However, the investigation was terminated without a decision on the merits when we accepted a stipulation of the parties to a revised

tariff.<sup>6</sup> Under the terms of this stipulation, which was effective until December 31, 1975, AT&T retained the suspended rates, except that the increased for occasional use channels was reduced.

5. In 1977, after the 1973 stipulation had expired, AT&T filed revisions to the Series 7000 offering which would have increased part time rates substantially, while proposing much smaller rate increases or rate reductions to full time services. In rejecting these revisions, the Commission reaffirmed that full time and part time services are "like" within the meaning of Section 202(a) and concluded that AT&T had failed even to attempt a cost justification for its proposed rate structure.<sup>7</sup>

6. The present investigation was instituted in May 1981 after AT&T filed new tariff revisions which purportedly brought part time and full time Series 7000 services into a unified rate schedule. However, it appeared to us that under these revisions, the rate disparities between full time and part time users would continue and were not justified. Thus, we suspended these revisions and set for investigation various rate structure issues.<sup>8</sup> After compiling a record of written pleadings, we found the revisions unjustified or unreasonable, and therefore unlawful.<sup>9</sup> Accordingly, aside from across the board increases to all private line rates in 1980 and 1981, the rates and rate structure agreed to in the 1973 stipulation have remained in effect to the present. In order to finally resolve the long-standing discrimination issue, we commenced a second phase of the latest investigation for the purpose of prescribing a reasonable series 7000 rate structure. We requested comments on our proposed prescription of an interim rate structure, which could be observed in operation and form the basis for a more permanent prescription. Issues of the proper rate level were generally deferred until the question of a non-

<sup>1</sup> AT&T, Docket No. 18684, 44 FCC 2d 525, 527 (1973).

<sup>2</sup> AT&T, 67 FCC 2d 1134 (1978), *recon. denied*, 70 FCC 2d 2031 (1979), *aff'd sub nom.* ABC v. FCC, 663 F. 2d 133 (D.C. Cir. 1980).

<sup>3</sup> AT&T, Docket No. 81-351, 86 FCC 2d 861 (1981). Specifically, we were concerned that the rate structure under those revisions was not sufficiently sensitive to actual usage; that the sloping rate for IXC and SC services and the special facilities construction charges for full time service would each result in higher rates for part time users; and that the form of rate averaging proposed by AT&T might result in fragmentation of the Series 7000 market according to different service attributes, such as length of service, that bear little relation to actual costs incurred.

<sup>4</sup> AT&T, CC Docket No. 81-351, 88 FCC 2d 1656 (1982).

<sup>5</sup> There are three principal Series 7000 service elements: interexchange channels (IXC's), station connections (SC's), and local channels. IXC's connect AT&T Television Operating Centers (TOC's) located in cities around the United States. SC's connect the IXC's to local channels, which in turn connect the TOC's to the studio or other point of origination.

<sup>6</sup> Hughes Sports Network, Inc. v. AT&T, 25 FCC 2d 550 (Rev. Bd. 1970), *review granted in part*, 34 FCC 2d 691 (1972).

<sup>7</sup> Docket No. 18684, FCC 69-1038, released October 9, 1969.

<sup>1</sup> The User Parties are: The American Broadcasting Companies, Inc.; CBS, Inc.; National Broadcasting Company, Inc.; Hughes Television Network; the Commissioner of Baseball; the Association of Independent Television Stations, Inc.; and Cable News Network, Inc.

<sup>2</sup> Also before us are the comments of: Entertainment and Sports Programming Network, Inc.; Storer Communications, Inc.; the National Basketball Association and the National Hockey League; and the National Association of Broadcasters.

discriminatory rate structure was resolved.<sup>10</sup>

7. On December 1, 1982, the User Parties submitted the Interim Settlement Proposal now before us. Under the proposal, the existing part time/full time rate structure would be basically retained. The only change would be a reduction in part time IXC rates and an increase in full time IXC rates so that 60 percent of the IXC revenue requirement would be recovered by full time IXC rates and 40 percent by part time rates.<sup>11</sup> Future increases in revenue requirements would also be distributed on a 60-40 basis between full time and part time IXC services. The proposed settlement also requests that pending AT&T proposals advanced earlier in this proceeding for increased late order and cancellation charges be withdrawn, that customers be allowed the option of providing their own local channels, and that the agreement remain in effect for 18 months during which time the rates would be frozen.

8. In commenting on the proposed settlement, AT&T largely agrees that the proposed rate structure could be reasonable and workable for Series 7000 service. It approves using the existing rate structure as modified by the 60/40 percent proposal, and also agrees that use of this proposal could be reasonable to allocate future increases in the revenue requirement. However, AT&T claims that the specific rates proposed by the User Parties would not generate revenues equal to existing revenues for terrestrial television transmission service and should not form the basis for any settlement. In fact, according to AT&T, rates for all Series 7000 service elements would have to be increased even further to achieve a return for this service equal to the 12.75 percent rate of return authorized for the company as a whole. It also opposes the User Parties' request that the increased late order and cancellation charges be withdrawn, claiming that customer ordering practices frequently result in a loss of revenue. Thus, AT&T asserts that modifications to the proposed settlement are necessary to enable it to recover its revenue requirement for this service. Finally, AT&T does not agree to allow interconnection of customer-provided local channels and the freezing of rates for 18 months. In response, the User Parties request that we convene a "working session" to be attended by all interested parties for the purpose of

resolving the remaining differences between AT&T and the User Parties.

#### Discussion

9. As noted above, the purpose of this investigation has been to determine whether the disparity between part time and full time rates for terrestrial television transmission service unreasonably discriminates against part time users and, if necessary, to prescribe a rate structure for the Series 7000 offering.<sup>12</sup> However, the parties to the Interim Settlement Proposal, including the major part time and full time users of Series 7000 service, apparently agree that a modified version of the existing rate structure is basically acceptable to them all. Although each might prefer a rate structure more favorable to its particular interests, these parties all accept a full time/part time structure based on a 60/40 allocation of costs as reasonable and non-discriminatory. AT&T also believes the proposed rate structure is acceptable. While a mutual understanding has thus apparently been reached on the core issue of this long-standing controversy, the parties disagree upon other issues which may or may not bear upon this basic understanding and which were not among the issues specifically designated for investigation.

10. It appears to us that the agreement has brought us close to a conclusion of this matter. We agree with the parties that the full time/part time rate structure based on a 60/40 cost allocation could be reasonable for the foreseeable future. A structure upon which the various classes of customers agree is not likely to be unreasonably discriminatory. We also believe that the rate structure issue is severable from the other remaining issues because it resolves this discrimination issue by allocating costs. The other issues largely concern the overall rate level, termination liabilities, and points of interconnection, issues not of allocation and discrimination among customers but of whether the carrier is proposing reasonable terms for all customers. Under these circumstances, it appears to us that the fairest and most expeditious way to resolve these remaining issues is the normal tariff review process. The issues on which AT&T and the User Parties disagree are, for one thing, outside the scope of those

<sup>10</sup> The only issue in this investigation concerning the rate level was whether certain investment in lines should be allowed as part of the rate base. See 86 FCC 2d 861 at 872-73. We have already decided that issue, see 88 FCC 2d 1656 at 1676-77, and it is not contested here. We also considered and resolved certain cost issues raised by the networks, although those issues were not specifically raised in the designation order.

originally set for investigation and have not been fully presented for public scrutiny or considered in context. The normal tariff review process is also limited in time, while negotiations might continue indefinitely or fail. We see no persuasive reason to substitute negotiations on these other points for the statutory process set out in the Communications Act and our Rules. If AT&T wishes to propose the rate increases and other tariff changes it claims are necessary, it will be required to submit the usual justification, and the User Parties will then have an opportunity to address the reasonableness of these proposals.

11. We are assuming that the 60/40 allocation and rate structure as filed will be generally acceptable to users, though they may disagree with AT&T on other issues. If, however, the User Parties are unwilling to accept this allocation absent a favorable resolution of the other issues, and believe it in fact to be unreasonable when taken alone, we will consider their comments on AT&T's next tariff filing, assuming it incorporates the 60/40 split, and decide at that time whether to allow it to become effective, and if rate structure questions persist, whether to move forward with Commission prescription of a Series 7000 rate structure. We defer further proceedings in this docket until the tariff review process is completed or until AT&T informs us that it is unwilling to use the 60/40 rate structure. We will issue a further order at that time.

12. In view of the foregoing, *it is ordered*, That the filing date for reply comments in this investigation *is deferred* until further notice.

13. *It is further ordered*, That the Secretary shall cause this order to be published in the **Federal Register**.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-17777 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-618; File No. BPH-811208 AI et al.]

#### Bay City FM, Inc., et al.; Hearing Hearing Designation Order

In re applications of; Bay City FM, Inc., Bay City, Texas; MM Docket No. 83-618; File No. BPH-811208AI; Req: 92.1 MHz, Channel 221A, 3.0 kW (H&V), 300 feet; Margaret K. Sandlin, Bay City, Texas; MM Docket No. 83-619, File No. BPH-820623AI; Req: 92.1 MHz Channel 221A, 3.0 kW(H&V), 300 feet; designating

<sup>10</sup> *Id.*

<sup>11</sup> The User Parties calculate that this would result in an approximate 9 percent increase in the full time IXC rate and an approximate 25 percent decrease in the part time rate.

applications for consolidated hearing on stated issues; For a Construction Permit for a New FM Station.

Adopted: June 3, 1983.  
Released: June 28, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Bay City FM, Inc. (Bay City) and Margaret K. Sandlin (Sandlin).

2. Bay City. Applicant has not responded to Question 7(c), Page 1, Section II, Form 301. Applicant shall amend its application by submitting its response to the presiding Administrative Law Judge within 30 days of the release of this Order.

3. Applicants for new broadcast stations are required to give local notice of the filing of their applications in accordance with § 73.3580 of the Commission's Rules. They must then file proof of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Bay City has done either. If it has not already done so, Bay City will be required to file a statement that it has complied with the public notice requirement with the Administrative Law Judge within 30 days of the release of this Order.

4. Since no determination has been reached that the antenna proposed by Bay City would not constitute a menace to air navigation, an issue regarding this matter is required.

5. Sandlin. Sandlin has proposed a transmitter site that is short-spaced (51 miles instead of 65 miles), under § 73.207 of the Commission's Rules, with that of existing station KYND, Pasadena, Texas. Station KYND, however, has obtained Commission approval to change to channel 225 (See Docket 81-233). This change by KYND will eliminate the short-spaced situation. Accordingly, in the event of a grant of Sandlin's application, the construction permit shall contain an appropriate condition.

6. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any one of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *It Is Ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *Are Designated for Hearing in a Consolidated Proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Bay City, whether there is a reasonable possibility that the tower height and location proposed by Bay City would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered*, That the Federal Aviation Administration *is made a party* to the proceeding with respect to the air hazard issue only.

10. *It is further ordered*, That Bay City shall amend its application as specified in Paragraphs 2 and 3 above with the presiding Administrative Law Judge, within 30 days of the release of this Order.

11. *It is further ordered*, That, in the event of a grant of the application of Sandlin, the construction permit shall contain the following conditions:

Program tests for Sandlin will not commence on channel 221 until program tests for KYND(FM) commence on channel 225 and a license will not be granted for Sandlin on channel 221 until a license is granted for KYND on channel 225.

12. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issue specified in this Order.

13. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and

shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division.

[FR Doc. 83-17774 Filed 6-30-83; 9:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-621; File No. 10292-CM-P-80 et al.]

### Broadcast Data Corp. et al.; Hearing Memorandum Opinion and Order

In re applications of; Broadcast Data Corp; CC Docket No. 83-621, File No. 10292-CM-P-80; and Kravetz Media Corporation; CC Docket NO. 83-622, File No. 50029-CM-P-81; For Construction Permits in the Multipoint Distribution Service for a New Station at Fayetteville, Arkansas; designating applications for consolidated hearing on stated issues.

Adopted June 8, 1983.

Released June 28, 1983.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.<sup>1</sup> These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Fayetteville, Arkansas. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.<sup>2</sup>

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.<sup>3</sup>

<sup>1</sup> On September 10, 1981, Richard L. Vega (Vega) and Christopher Laning (Laning) executed an Assets Sale and Purchase Agreement with Broadcast Data Corp. (Buyer) to assign the construction permits of Northstar Communications (pursuant to Licenses granted and/or applications pending before the Federal Communications Commission) to Broadcast Data Corp. Broadcast Data Corp. is a wholly-owned subsidiary of Graphic Scanning Corporation. See International Television Corporation, File No. 50078-CM-AP/AL-(5)-82 (released June 25, 1982).

<sup>2</sup> On March 28, 1983, Northstar Communications was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive applications.

<sup>3</sup> This finding is subject to paragraph 6, *infra*.

3. Accordingly, *It is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *Are Designated for Hearing*, in a *Consolidated Proceeding*, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:<sup>4</sup>

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered*, That Broadcast Data Corp., Kravetz Media Corporation and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. *It is further ordered*, That any authorization granted to Broadcast Data Corp., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

<sup>4</sup>Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

8. The Secretary shall cause a copy of this Order to be published in the *Federal Register*.

James R. Keegan,  
Chief, Domestic Facilities Division, Common  
Carrier Bureau.

[FR Doc. 83-17779 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-575; File No. BRCT-820802J9 et al]

### Harriscop of Chicago, Inc. et al; Hearing

#### Hearing Designation Order

In re applications of; Harriscop of Chicago, Inc. et al, a Joint Venture d.b.a. Video 44; MM Docket No. 83-575, File No. BRCT-820802J9; For Renewal of License of Station WSNS-TV, Channel 44, Chicago, Illinois, and Monroe Communications Corporation, Chicago, Illinois, MM Docket No. 83-576; File No. BPCCT-821101KH; For A Construction Permit; designating application for consolidated hearing on states issues.

Adopted: May 31, 1983.

Released: June 29, 1983

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Harriscop of Chicago, Inc., Essaness Theatres Corporation, and National Subscription Television of Chicago, Inc., a Joint Venture, d.b.a. Video 44 ("Video 44"), for renewal of license of Station WSNS-TV, Chicago, Illinois, and Monroe Communications Corporation ("Monroe") for a new television station on the channel presently occupied by WSNS-TV.<sup>1</sup>

2. Section 76.501(a)(2) of the Commission's Rules prohibits direct or indirect ownership of both a cable television system and a television broadcast station if the television station would place a Grade B contour over any part of the service area of the cable system. Wayne J. Fickinger, a 10% shareholder of Monroe, is a limited partner in Cablevision Systems Development Company which has cable franchises for Evanston and Oak Park, Illinois. Both Evanston and Oak Park fall within the Grade B contour of the proposed television station. Accordingly, an appropriate issue will be specified.

<sup>1</sup>Monroe's application was amended on April 11, 1983, and May 10, 1983, with respect to the communications interest of one of its principals, Arthur Velasquez. In as much as the rules require applicants to keep pending applications current, the amendments are accepted for 1.65 purposes only.

3. Section 73.636(a)(1) of the Commission's Rules states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly controls one or more AM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the AM broadcast station. Note 8 exempts UHF applicants from the blanket prohibition of § 73.636(a)(1) and, instead, requires a case-by-case analysis to determine whether common ownership, operation or control of the station in question would be in the public interest. Arthur R. Velasquez, and officer, director, and 10% stockholder of Monroe, is also a principal of CID Broadcasting, Inc. ("CID"), an applicant (BP-810105AE) for a new AM station in Chicago, Illinois. That mutually exclusive application is currently pending. In the event both applications were eventually granted, Monroe's proposed Grade A contour would envelop Chicago. However, Mr. Velasquez has stated that if the CID application is granted, he will divest himself of his interest in Monroe. Therefore, any grant of Monroe's instant application will be conditioned upon Mr. Velasquez's divestiture of all interest in, and connection with, Monroe in the event that the CID application is granted. The CID application will be similarly conditioned when designated for comparative hearing or granted.

4. Monroe has specified the present facilities of WSNS-TV and thus proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of more than 1000 Kilowatts. The proposal poses no interference threat to United States television stations; however it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). Canadian consent has been issued for Video 44, the present licensee of WSNS-TV and, accordingly, in the event of a grant of Monroe's application, its construction permit shall be appropriately conditioned.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity.

Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *It is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Monroe whether common ownership, operation or control of a cable television system would be consistent with § 76.501(a)(2) of the Commission's Rules, and if not, whether circumstances exist that would warrant a waiver of the rule.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest, convenience and necessity.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered*, That in event of a grant of the Monroe application, the construction permit shall contain the following condition:

In the event that the CID Broadcasting, Inc. application (BP-810105AE) for a new AM station in Chicago is granted, prior to the commencement of operation of that radio station, Arthur R. Velasquez shall certify to the Commission that he has divested himself of all interest in, and connection with, Monroe Communications Corporation.

8. *It is further ordered*, That, in the event of a grant of the Monroe application, the construction permit shall also be conditioned as follows:

Operation with maximum effective radiated power in excess of 1,000 kilowatts shall not commence absent Canadian consent.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-17778 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

[Docket No. 16679; Filed No. BRCT-58 et al.]

### RKO General Inc., et al.; Hearing Memorandum Opinion and Order

In re applications of: RKO General, Inc. (KHJ-TV), Los Angeles, California, Docket No. 16679, File No. BRCT-58; for renewal of broadcast license; Fidelity Television, Inc., Norwalk, California, Docket No. 16680, File No. BPCT-3655; for construction permit for new television broadcast station (6-11-66; 31 FR 8253).

Adopted: June 2, 1983.

Released: June 8, 1983.

By the Commission: Commissioner Fogarty not participating.

1. Before the Commission for consideration is a Decision<sup>1</sup> by the United States Court of Appeals, District of Columbia Circuit, remanding a Commission Order<sup>2</sup> finding RKO General, Inc. (RKO) unqualified to remain the licensee of station KHJ-TV, Los Angeles.<sup>3</sup> In its Decision the Court Affirmed that part of the Commission's action finding RKO unqualified to remain the licensee of WNAC-TV, Boston, but did so on the single ground of lack of candor.<sup>4</sup> Given this more

<sup>1</sup> *RKO General, Inc. v. FCC*, 670 F.2d 215 (1981), cert. denied, 102 S.Ct. 1974, 2931 (1982).

<sup>2</sup> *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 355 (1980).

<sup>3</sup> This Order accompanied a Commission Decision finding RKO unqualified to remain the licensee of WNAC-TV, Boston, Massachusetts. *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 1 (1980). The appeal of the subject Order had been consolidated by the Court with the appeals of the Commission Boston Decision and a similar Order issued in Docket Nos. 19991-92. *RKO General, Inc. (WOR-TV)*, 78 FCC 2d 357 (1980).

<sup>4</sup> The Commission found RKO unqualified for its lack of candor in not reporting an investigation by the Securities and Exchange Commission (SEC) into the improper corporate practices of the General Tire & Rubber Company, the corporate parent of RKO, and for unequivocally denying charges raised by Community Broadcasting of Boston, Inc., a challenger in the Boston proceeding, when RKO knew or should have known that there was substantial truth to the allegations raise: for intentionally filing false and improper annual financial reports; and for engaging in illegal reciprocal trade practices. Reciprocal trade practices, or reciprocity, is the practice whereby one company conditions its purchases of goods from another company on the second company's willingness to purchase other products from the first.

restricted view of RKO's disqualifying acts, the Court has directed the Commission to assess the impact of RKO's disqualification in Boston on RKO's qualifications as the licensee of KHJ-TV, noting that RKO's misconduct on the lack of candor issue did not occur directly before the trier of fact in the Los Angeles proceeding. The Court further directed the Commission to afford RKO an opportunity to demonstrate that KHJ-TV deserved treatment different from that accorded its Boston station.

### Motion To Terminate

2. Also pending before the Commission is a Motion To Terminate the Los Angeles proceeding filed by RKO.<sup>5</sup> RKO argues that the involvement of the competing party in the Los Angeles case, Fidelity Television, Inc. (Fidelity), with respect to the Boston case was limited to questions pertaining to reciprocal trade practices, which have now been resolved in RKO's behalf.<sup>6</sup>

<sup>5</sup> Motion of RKO General, Inc. for Termination of Pending Comparative Proceeding for Channel 9, Los Angeles and Norwalk, California filed August 25, 1982. Oppositions were filed September 17, 1982 by both Fidelity and the Broadcast Bureau, to which RKO filed a consolidated reply on October 4, 1982.

<sup>6</sup> After the Los Angeles case was designated for hearing, *RKO General, Inc. (KHJ-TV)*, FCC 66-503, released June 8, 1966, RKO and General Tire were charged by the Department of Justice with engaging in improper reciprocal trade practices violative of the antitrust laws. *U.S. v. The General Tire & Rubber Company, et al.*, Civil Action No. C-67-155, U.S.D.C., Northern District of Ohio, Eastern Division. Because of the impact these practices might have on RKO's basic qualifications, the Commission conditioned any grant of renewal in both the Los Angeles and Boston cases on the outcome of the antitrust suit. See *RKO General, Inc. (KHJ-TV)*, FCC 68-892, 14 RR 2d 90 (Rev. Bd. 1968) and FCC 68M-394, released March 11, 1968 and *RKO General, Inc. (WNAC-TV)*, 20 FCC 2d 848 (1959), respectively. However, the antitrust suit was terminated before questions of RKO's reciprocity were resolved. The Commission then directed that such questions should be addressed in the Boston proceeding, adding that any grant of renewal for KHJ-TV would be subject to the outcome of the Boston case, *RKO General, Inc. (KHJ-TV)*, 31 FCC 2d 70 (1971). The Commission made Fidelity a party to the Boston proceeding, and stated that final action in the KHJ-TV proceeding "would be held in abeyance pending the conclusion of the adjudicatory proceeding involving WNAC-TV Boston, Docket No. 16759, and that thereafter such action would be taken as appears to be necessary and appropriate in light of the evidence introduced in, and the outcome of, the Boston proceeding concerning the qualifications of RKO to be or to continue to be a licensee." *RKO General, Inc. (KHJ-TV)*, 44 FCC 2d 123, 137 (1973). The Administrative Law Judge in the Boston proceeding thereafter concluded that there was "no reason to either disqualify RKO as a licensee or to assess [a] comparative dermerit against its proposal . . . under the reciprocal trade practices issue. *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 147, 335 (LD, 1974). The Commission reached a different conclusion, *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 1 (1980), but was reversed by the Court, *RKO General, Inc. v. FCC*, 670 F.2d 215 (D.C. Cir. 1981).

RKO contends that Fidelity has no further role to play in this proceeding and its application for a construction permit should therefore be unconditionally denied.

3. RKO's pleading brings into sharp focus the question of whether the conditional language in the Los Angeles case was intended to cover all issues arising out of the Boston proceeding which might bear on RKO's qualifications or whether it was limited specifically to the reciprocity issues.<sup>7</sup> This question has been before the Commission on several occasions previously, and it is clear that an expansive interpretation was the intention of the Commission.

4. In its Decision finding RKO unqualified to be the licensee of WNAC-TV, the Commission was faced with the question of the interrelationship between the Boston and Los Angeles proceedings. The Commission rejected RKO's contention that Fidelity's interest was limited to the pre-1975 designated issues on reciprocity and that those were the only issues bearing on RKO's qualifications to remain the licensee of KHJ-TV.<sup>8</sup> The Commission held that the two proceedings were interrelated because questions of reciprocity and the "matters under consideration as a result of the SEC investigation" both pertained to RKO's basic qualification.<sup>9</sup> The

Commission also relied on the Court's earlier pronouncement that Fidelity could appeal any decision reached in Boston, "and the agency's interpretation of it in deciding whether to revoke RKO's license for KHJ \* \* \*"<sup>10</sup>

5. Additionally, when RKO requested approval of its assignment application to the two competing Boston applicants, Community and the Dudley Station Corporation (Dudley), Fidelity filed a petition in that proceeding asking the Commission to refrain from taking any action that might be prejudicial to its rights against RKO in the Los Angeles proceedings.<sup>11</sup> RKO in turn asserted that Fidelity had no standing to participate in the Boston proceeding on questions not pertaining to reciprocity.<sup>12</sup> The Commission in effect rejected RKO's contention when it subsequently permitted Fidelity to participate in oral argument and to file pleadings on the impact of questions raised by the Special Report on RKO's qualifications in the Boston case.<sup>13</sup>

6. We also reject RKO's assertion that this proceeding should be opened to new applicants. Fidelity has thus far been found basically qualified to be a Commission licensee.<sup>14</sup> Under our rules

Rubber Company and Michael Gerald O'Neil, No. 78-0799, filed May 10, 1976. The Commission ultimately concluded that RKO was unqualified to remain the licensee of WNAC-TV for, *inter alia*, its lack of candor in reporting the SEC investigation. *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 1 (1980). As a consequence of the interrelationship between the Boston and the Los Angeles proceedings, the Commission further concluded that RKO's disqualification in Boston compelled its disqualification in Los Angeles. *Id.* at 117 and *RKO General, Inc. (KHJ-TV)*, 78 FCC 2d 355 (1980).

<sup>10</sup> *Fidelity Television, Inc. v. FCC*, supra, 515 F.2d at 993 n.13.

<sup>11</sup> Petition to Deny Assignment Application and Comments on Joint Petition for Approval of Agreement filed October 6, 1978 by Fidelity (Docket Nos. 18759-61). Fidelity subsequently argued that it had an absolute right to participate in the Boston proceeding without any restrictions as to the issues bearing on RKO's qualifications. See, Reply to Joint Opposition to Petition to Deny filed November 13, 1978 with addendums filed November 14 and 18, 1978; Reply to Comments of RKO General, Inc. filed December 21, 1978; Comments on Joint Motion for Expedient Disposition, filed March 5, 1979; Reply to RKO's Proposed Findings and Conclusion filed September 24, 1979. These pleadings were submitted in the Boston proceedings.

<sup>12</sup> See Joint Opposition to Petition to Deny, filed October 26, 1978; Comments on Fidelity's Reply, filed December 7, 1978; Proposed Findings, Conclusions and Proffered Evidence, filed August 27, 1979 (Appendix B); and Reply of RKO General, Inc. filed September 24, 1979. These pleadings were also filed in the Boston proceeding.

<sup>13</sup> See Order, *RKO General, Inc. (WNAC-TV)*, FCC 79-403 released June 28, 1979.

<sup>14</sup> *RKO General, Inc. (KHJ-TV)*, 44 FCC 2d 149 (I.D. 1969); *RKO General, Inc. (KHJ-TV)*, 44 FCC 2d 123 (1973). The Court did not disturb this conclusion. *Fidelity Television, Inc. v. FCC*, 502 F.2d 443 (D.C. Cir. 1974). *Fidelity Television, Inc. v. FCC*, 515 F.2d 684, rehearing denied 515 F.2d 703 (D.C. Cir.), cert. denied, 423 U.S. 926 (1975).

and procedures, an applicant in an adjudicatory proceeding is entitled to a final Commission decision on the merits of its application without consideration of belated challengers.<sup>15</sup> Other than Fidelity and RKO, no entity filed an application prior to the cut-off date. Only if both applicants were found unqualified would we have reason to entertain new applications for this station.<sup>16</sup>

#### Issues on Remand

7. Having disposed on this preliminary matter, we turn next to a discussion of the questions which must now be considered in the context of the RKO/Fidelity contest. In its Boston Decision, the Commission found three independent grounds for RKO's disqualification: (1) RKO's involvement in illegal reciprocal trade practices; (2) RKO's intentional filing of false and misleading annual financial reports; and (3) RKO's lack of candor in its dealings with the Commission.<sup>17</sup> Relying on the language conditional renewal of KHJ-TV's license on the outcome of the Boston proceeding, the Commission further concluded that RKO's disqualification in Boston compelled a similar conclusion with regard to RKO's stewardship of Station KHJ-TV.<sup>18</sup>

8. On review, the Court rejected the Commission's conclusion that RKO's reciprocal trade practices warranted its disqualification. The Court also found an inadequate basis for the Commission's conclusion that RKO had intentionally, and with an intent to deceive, filed false annual financial statements. The Court held that it was error to premise disqualification on this ground, without holding a further evidentiary hearing. However, the Court agreed that RKO's lack of candor supported the Commission's conclusion that RKO was unqualified to remain the licensee of WNAC-TV, Boston.

9. In light of the narrower grounds underlying RKO's disqualification, and the fact that the sole remaining basis for

<sup>15</sup> *Ashbocker Radio Radio Corp. v. FCC*, 326 U.S. 333 (1945), and see generally *RKO General, Inc. (WNAC-TV)*, supra, 78 FCC 2d at 319-321. *Ranger v. FCC*, 111 U.S. App. D.C. 44, 294 F.2d 240 (1961).

<sup>16</sup> See, e.g., *FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134 (1940); *WORZ, Inc. v. FCC*, 345 F.2d 85 (D.C. Cir. 1965).

<sup>17</sup> *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 1 (1980).

<sup>18</sup> *RKO General, Inc. (KHJ-TV)*, 78 FCC 2d 355 (1980). A similar conclusion was reached in a third proceeding, which involved RKO's renewal application for Station WOR-TV, New York City. *RKO General, Inc. (WOR-TV)*, 78 FCC 2d 357 (1980). That case has since been terminated upon RKO's agreement to relocate its VHF channel in Secaucus, New Jersey. FCC 82-559, released March 29, 1983.

<sup>7</sup> Two issues based on reciprocity were designated against RKO in the Boston proceeding: (1) Whether RKO had engaged in illegal reciprocal trades and (2) whether General Tire and RKO employees had testified falsely in the Los Angeles proceeding regarding their knowledge of the reciprocal trade practices of General Tire and RKO.

<sup>8</sup> *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d at 24-25.

<sup>9</sup> After the parties had filed exceptions to the ALJ's Boston Decision, Community Broadcasting, Inc. (Community) filed a petition to enlarge issues against RKO. Community Petition to Reopen the Record, Enlarge the Issues and Remand for Further Hearing, filed December 10, 1975. Community charged General Tire, RKO corporate parent, with a vast array of improper foreign and domestic practices. RKO unequivocally denied any impropriety. Opposition to Community's Petition to Reopen filed January 21, 1976. Meanwhile, the Securities and Exchange Commission (SEC) had, by May 1975, initiated its own investigation into the same questions raised by Community. The SEC upgraded its inquiry into a formal investigation in February 1976. General Tire reported the SEC's inquiries to its stockholders in its annual stockholders report, 1975 Annual Report of the General Tire & Rubber Company, pp. 4-5. See Proposed Findings and Conclusion of Fidelity Television, Inc., pp. 35-37 and Exhibit 3, submitted August 27, 1979 in the Boston proceeding. However, RKO did not report these matters to the Commission until after the SEC had filed a Complaint, *SEC v. The General Tire & Rubber Company and Michael Gerald O'Neil*, No. 78-0799, filed May 10, 1976, against General Tire and had negotiated a final judgment of permanent injunction (Final Judgment) ordering General Tire to cease its questionable overseas and domestic activities. Final Judgment of Permanent Injunction against the General Tire &

finding RKO disqualified occurred only in the Boston proceeding, the Court rejected the Commission's conclusion that RKO's disqualification in Boston automatically compelled a similar conclusion in the Los Angeles case. It thus remanded the Commission's Los Angeles Order for further consideration.<sup>19</sup>

10. *Candor*. In its Decision the Court recognized that RKO's lack of candor in the Boston proceeding is *res judicata*.<sup>20</sup> Accordingly, no further evidence on this narrow question need be permitted and the parties may address the resultant legal question, *i.e.*, the impact of that conclusion on RKO's qualifications to remain the licensee of KHJ-TV, by written submissions and/or oral argument, as deemed appropriate by the ALJ. Furthermore, before making this determination, RKO will have an opportunity to make a broad showing of the broadcast history and policy of KHJ-TV in mitigation of any adverse findings that might otherwise be made.<sup>21</sup>

11. *Barter and Trade*. General Tire kept inaccurate records of its barter and trade transactions involving exchanges of unsold air time for programming, merchandise, services and other things of value. As a direct result of these inaccurate records, RKO submitted false financial reports to the Commission. In its remand the Court stated, at page 226: "Whether RKO submitted inaccurate reports knowingly and with intent to mislead the Commission remains an unresolved and material question of fact \* \* \* An issue will be specified to allow resolution of this matter."

12. A second area of concern has developed as a result of the barter and trade practices. During the course of the Boston proceeding RKO informed the Commission that the Internal Revenue Service (IRS) had initiated an audit of RKO's barter and trade transactions.<sup>22</sup> At that time RKO stated its belief that "it ultimately will be able to provide information satisfactory to the IRS for all but a small fraction of the total barter transactions reported to the FCC for the years (1971-76) in question. Even as to the remaining fraction for which documentation sufficient to meet IRS requirements for validating expense deductions may not be found, RKO

believes it will be able to obtain some reasonable proof as to the disposition of a portion thereof." In Reply Comments filed September 24, 1979 RKO reported that "[I]t now appears that RKO will ultimately be able to document to the satisfaction of the IRS the disposition of all but a small fraction of its barter consideration."<sup>23</sup>

13. Approximately a year later, and after the Commission had issued its decision finding RKO unqualified in Boston, RKO notified the Commission that the IRS examination had been completed and a report had been issued.<sup>24</sup> RKO then reported that the IRS proposed assessing an additional income tax against General Tire and its subsidiaries of \$24,494,538, of which \$20,100,000 was in dispute. Again RKO represented that it intended to submit "additional documentation with respect to the deductibility of the items disallowed by the Internal Revenue Service in the examination reports."<sup>25</sup>

14. On December 31, 1981, RKO filed a "Statement for the Information of the Commission" indicating that it had reached an agreement with IRS to pay \$13 million in additional income tax. On April 20, 1982, RKO reported an assessment of still additional income tax for years not covered by the earlier settlement. We will not inquire into the conduct that resulted in the tax underpayment. Our concern is limited to RKO's efforts to assuage Commission concern over the then pending IRS investigation. Whether RKO had a basis for predicting an optimistic outcome to the investigation in the light of all other pertinent circumstances is critical. An appropriate candor issue will be specified.

15. We will remand this case to an ALJ for further proceedings in accordance with the Court's Order. In order to insure the earliest possible determination concerning RKO's qualifications, we will direct the presiding ALJ to consider on an expedited basis the questions concerning RKO's basic qualifications, *i.e.*, RKO's lack of candor, whether RKO intentionally filed false annual financial reports, and whether RKO was lacking in candor in its assurances regarding the IRS investigations into its past tax deficiencies. At the same time, the ALJ should also consider what impact, if any, these matters have upon RKO's comparative qualifications. Upon completion of these proceedings, the ALJ

shall prepare, consistent with the need for expedition, a Supplemental Initial Decision covering the above matters. Any appeal from the Supplemental Initial Decision will be filed with the Commission.

#### Remaining Considerations

16. At this time we will also dispose of a number of other pleadings which have accumulated over the course of this proceeding. The first of these is a Fidelity Motion to Expedite and to Place KHJ-TV's Profits in Escrow.<sup>26</sup> By our action today we are moving towards a resolution of this protracted case at the earliest possible time. With respect to the question of placing KHJ-TV's profits in escrow, such a course of action is statutorily prohibited. Under Section 307(d) of the Communications Act, 47 U.S.C. 307(d), the Commission is obliged to continue the license in effect when it has not acted upon a renewal application prior to the expiration of the previous license term. Unlike the cases relied upon by Fidelity, RKO has not been found finally disqualified. Hence, it is entitled to continue as the licensee of KHJ-TV until a final determination is reached. Accordingly this aspect of Fidelity's petition will be denied.

17. Two petitions for Leave to Intervene are also pending before the Commission. The first of these is part of a Petition for Extraordinary Relief filed February 27, 1980 by The Committee to Eliminate the UHF Handicap on Television in Los Angeles (Committee). Section 1.223 of the Rules requires that a potential intervenor must set forth its interest in the proceeding; show how its participation will assist the Commission in its determination of designated issues; delineate any proposed new issues which should be considered; explain why it was unable to file its petition within 30 days after publication in the *Federal Register* of the hearing issues or any substantial amendments thereto; and submit affidavits from persons with knowledge of the facts set forth in the petition. On analysis of the Committee's pleading we conclude that the petition was untimely and totally lacking affidavits from persons having personal knowledge of the alleged facts which the Committee wishes to have the Commission consider; and has failed to explain how its participation will in any way assist the Commission in disposing of the issues before us. Having failed to

<sup>19</sup> The Court stated: "RKO's misconduct did not occur before the trier of fact in either the Los Angeles or New York City proceedings. Accordingly, these decisions must be remanded to the Commission for further consideration as it deems appropriate." *RKO General, Inc. (WNAC-TV) v. FCC*, *supra*, 670 F. 2d at 236.

<sup>20</sup> *Id.* at 237.

<sup>21</sup> *Id.* See also fn. 43, *infra*.

<sup>22</sup> Proposed Findings, Conclusions and Proffered Evidence filed August 27, 1979 by RKO, at p. 29 (Docket Nos. 18759-61).

<sup>23</sup> Reply of RKO General, Inc. filed September 24, 1979 at p. 25.

<sup>24</sup> Statement for the Information of the Commission filed August 12, 1980 by RKO General, Inc.

<sup>25</sup> *Id.*

<sup>26</sup> Motion to Expedite Los Angeles Remand Proceeding and Place KHJ-TV Profits in Escrow filed November 4, 1982 by Fidelity. An Opposition was filed by RKO on November 16, 1982 and Comments by the Broadcast Bureau on November 23, 1982.

make the threshold showing necessary for intervention, the Committee's request will be denied.

18. Moreover, the Committee's suggestion that new applications be accepted would require waiver of the Commission's cut-off rules. The cut-off rules are designed to permit this agency to close the door to new parties so that a choice can be made between timely filed applicants,<sup>27</sup> thereby giving timely filed applicants protection<sup>28</sup> against opportunistic late-comers. The Committee has shown no unusual and compelling circumstances warranting waiver of this rule. The remaining aspects of the Committee's request for extraordinary relief envision combining rulemaking<sup>29</sup> with the present adjudicatory proceeding. In light of the different Standards governing rule making and adjudicatory proceedings, it has been the Commission's policy not to consider allocation questions in the context of a comparative broadcast hearing.<sup>30</sup>

19. A second petition for leave to intervene has been filed by a group identifying itself as the City of Angel Broadcasting, Inc. (City of Angels).<sup>31</sup> The petition will be denied. City of Angels has not shown how its participation will assist the Commission in the resolution of any outstanding issues. Nor has the petitioner included affidavits from persons with knowledge of the facts set forth in its pleading. Finally, City of Angels failed to show good cause for its late filing. In sum, City of Angels has totally failed to meet the criteria for intervention prescribed in Section 1.223 of our Rules.<sup>32</sup>

20. Also pending before the Commission are three Fidelity Petitions for Leave to Amend,<sup>33</sup> which have been opposed by the Bureau and/or RKO.<sup>34</sup>

<sup>27</sup> See *RKO General, Inc. (WNAC-TV)*, 89 FCC 2d at 320-321, for a comprehensive discussion of the policy and practice underlying the cut-off rules.

<sup>28</sup> *Ranger v. FCC*, 111 U.S. App. D.C. 44, 47, 294 F.2d 240 (1961).

<sup>29</sup> Changes to the Television Table of Assignments are accomplished through rulemaking proceedings. See Section 1.401, 1.420 and 73.606 of the Commission's Rules. See also *Logansport Broadcasting Corp. v. United States*, 93 U.S. App. D.C. 342, 210 F.2d 24 (1954).

<sup>30</sup> See e.g., *David L. Kartz*, 19 RR 1367 (1960).

<sup>31</sup> Motion for Leave to Intervene and Petition to Reopen Proceedings filed June 13, 1980.

<sup>32</sup> In light of our dismissal of the City of Angels' Motion for Leave to Intervene, we will dismiss as moot that petitioner's Motion for Leave to File an Additional Pleading and its accompanying Reply Comments both filed August 28, 1980.

<sup>33</sup> The dates of these petitions are November 27, 1979, February 22, 1980, and June 9, 1980, respectively.

<sup>34</sup> The Bureau filed oppositions on December 5, 1979, March 4, 1980 and June 17, 1980, respectively, with RKO limiting its objections to the first two petitions. Fidelity filed unauthorized responses to

The three opposed amendments reflect changes in Fidelity's application regarding ownership and business and broadcast interest changes of its stockholders. A fourth petition reports steps Fidelity has undertaken to assure that all future changes to its application will be timely and accurately filed.<sup>35</sup>

21. The subject matter of the three opposed amendments reflect voluntary events that occurred prior to the 30 day time period for reporting changes, and Fidelity has not shown good cause for its late filings. Consequently, Fidelity has failed to satisfy the prerequisites of Section 73.3522(b)(1).<sup>36</sup> On the other hand, fidelity is obliged to keep its application current.<sup>37</sup> Moreover, acceptance of these amendments will not prejudice RKO since Fidelity will not gain any comparative advantage.<sup>38</sup> Nor would acceptance of the amendments disrupt this proceeding. Accordingly, the amendments will be accepted,<sup>39</sup> but for the sole purpose of permitting compliance with 47 CFR 1.65 by Fidelity.<sup>40</sup> Fidelity's September 29, 1980 amendment will be accepted for the same reason, to keep its application current, and with the same caveat that no comparative advantage will accrue to Fidelity.

22. A final pleading pending before the Commission is a "Motion to Strike or Dismiss" filed by RKO on October 21, 1976. Briefly, RKO filed a request on September 21, 1976 seeking to spin off RKO General, Inc. from its parent corporation, the General Tire and Rubber Company. When Fidelity opposed the spinoff request, RKO filed the instant motion. In our Decision granting a construction permit to NETV, Inc. for a new television station to

the December 5, 1979 and March 4, 1980 oppositions, which will be dismissed pursuant to Commission Rule, Section 1.294.

<sup>35</sup> Petition for Leave to Amend, filed September 29, 1980. This proposed amendment was filed in response to a recommendation made in the Broadcast Bureau's pleading filed August 19, 1980 pursuant to Commission Order, FCC 80-329, 78 FCC 2d 355, released June 6, 1980.

<sup>36</sup> Section 1.65 of the Commission's Rules imposes a continuing obligation to maintain a current application. Information no longer accurate and complete in all substantial respects must be corrected "as promptly as possible and in any event within 30 days, unless good cause is shown."

<sup>37</sup> Rule 73.3522(b)(2) permits acceptance of post designation amendments upon a good cause showing for late filing.

<sup>38</sup> *Erwin O'Conner Broadcasting Co.*, 22 FCC 2d 140 (Rev. Bd. 1970).

<sup>39</sup> *Cf. International Panorama TV, Inc. (KTON-TV)*, FCC 81M-850, released March 25, 1981 (ALJ).

<sup>40</sup> Acceptance of Fidelity's amendments does not constitute a prejudgment of the effect, if any, of the applicant's failure to amend its application in a timely fashion. This question may be addressed more fully by the Presiding Judge after a determination is made regarding RKO's qualifications.

operate on Channel 7, Boston, Massachusetts (Docket Nos. 18759-61), "we disposed of this underlying spin-off proposal as moot."<sup>41</sup> Accordingly, the Motion to Strike an opposition to that spin-off proposal will similarly be dismissed as moot.

23. Accordingly, it is ordered, That the record is reopened an remanded for expedited proceedings in accordance with this Memorandum Opinion and Order under the following issues:

(1) To determine whether in light of its disqualification in Docket Nos. 18759-61, RKO has the requisite qualifications to remain the licensee of Station KHJ-TV, for Los Angeles.

(2) To determine whether RKO General, Inc. intentionally filed false and misleading financial reports with the Commission.

(3) To determine whether RKO misled the Commission or was lacking in candor in providing details of the IRS investigation into RKO's and General Tire's tax deficiencies.

(4) To determine whether KHJ-TV's history and policy mitigates any adverse conclusions reached above.<sup>42</sup>

(5) To determine whether, in light of evidence adduced under the foregoing issues, RKO General, Inc. possesses the requisite qualifications to remain the licensee of KHJ-TV.

(6) To determine what impact, if any, the findings with respect to the foregoing issues may have upon RKO's comparative qualifications in seeking renewal of its license for KHJ-TV.

24. It is further ordered, That the Motion to Expedite and to Place KHJ-TV's Profits in Escrow filed November 4, 1982 by Fidelity Television, Inc. is granted to the extent herein indicated and is denied in all other respects.

25. It is further ordered, That the Petition for Extraordinary Relief filed February 27, 1980 by the Committee to Eliminate the UHF Handicap in Television in Los Angeles is denied.

26. It is further ordered, That the Motion for Leave to Intervene and

<sup>41</sup> *RKO General, Inc. (WNAC-TV)*, 89 FCC 2d 297 (1982). See also *RKO General, Inc. (WHBQ)*, 82 FCC 2d 291, 297-305 (1980) and *RKO General, Inc. (WNAC-TV)*, 78 FCC 2d 1, 118 (1980).

<sup>42</sup> *RKO General, Inc. (WNAC-TV)*, 89 FCC 2d at 342. RKO's 1976 spin-off proposal was considered moot because of, *inter alia*, subsequent superseding spin-off requests filed March 13, 1980 and July 3, 1980.

<sup>43</sup> The right of RKO to offer mitigating evidence stems from the Court's recognition that "individual stations have different broadcast histories and policies." *RKO General, Inc. (WNAC-TV) v. FCC*, supra, 670 F.2d at 237. Because of these differences the Court concluded that KHJ-TV was entitled "to appear directly before the Commission and to argue that they deserve different treatment than RKO's Boston station." *Id.*

Petition to Reopen Proceedings filed June 13, 1980 by the City of Angels Broadcasting, Inc. *is denied.*

27. *It is further ordered*, That the Motion for Leave to File an Additional Pleading filed August 28, 1980 by City of Los Angeles Broadcasting, Inc. *is dismissed as moot.*

28. *It is further ordered*, That the Petitions for Leave to Amend filed November 27, 1979, February 22, 1980, June 9, 1980 and September 29, 1980 by Fidelity Television, Inc. *are granted* and the amendments *are accepted.*

29. *It is further ordered*, That the Motion to Strike filed December 18, 1979 by the Broadcast Bureau *is granted* and the Responses filed December 14, 1979 and March 14, 1980 by Fidelity Television, Inc. *are dismissed.*

30. *It is further ordered*, That the Motion to Strike or Dismiss filed October 21, 1976 by RKO General, Inc., *is dismissed as moot.*

Federal Communications Commission.

William J. Tricarico,  
Secretary.

[FR Doc. 83-17773 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

#### Telecommunications Industry Advisory Group Separations and Costing Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Separations and Costing Subcommittee scheduled for Monday, July 18 and Tuesday, July 19, 1983. The meeting will begin at 10:00 a.m. in the offices of AT&T, Conference Room F (10th Floor), located at 1120 20th Street, NW., Washington, D.C. and will be open to the public. The agenda is as follows:

- I. Review of Minutes of Previous Meeting;
- II. General Administrative Matters;
- III. Establishing Principles For Determining The Product and Service Categories For Making Separations and Costing Recommendations;
- IV. Other Business;
- V. Presentation of Oral Statements;

and

- VI. Adjournment.
- With prior approval of Subcommittee Chairman Eric Leighton, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr.

Leighton (518/462-2030) at least five days prior to the meeting date.

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[FR Doc. 83-17775 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

#### Petitions for Reconsideration of Actions in Rulemaking Proceedings; Correction To Report No. 1409

June 27, 1983.

Report No. 1409, released June 14, 1983, and printed in the *Federal Register* at 48 FR 28333 (June 21, 1983), inadvertently listed a petition for reconsideration filed by John D. Lane and Ramsey L. Woodworth, attorneys for Los Angeles County Sheriff's Department on May 13, 1983. This petition should not have been given Public Notice. Therefore Report No. 1409 is hereby rescinded.

Federal Communications Commission.

William J. Tricarico,  
Secretary.

[FR Doc. 83-17776 Filed 6-30-83; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### Emergency Food and Shelter National Board Program Plan Supplement

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Emergency Food and Shelter National Board Program Plan, 48 FR 20014 (May 3, 1983) and 48 FR 22278 (May 17, 1983).

**DATED:** June 27, 1983.

**FOR MORE INFORMATION CONTACT:** Karen Keefer, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 287-0567.

Dennis Kwiatkowski,  
Chairman, National Board for Emergency Food and Shelter Program.

The National Board has formally amended the Plan as follows:

1. To clarify the meaning of the word "expended" as used in the Program Plan, the National Board agrees that "expended by September 30, 1983" means "committed/obligated/encumbered". Signed legal agreements proving that funds are obligated must accompany the end-of-award reports that local private voluntary organizations (PVOs) submit to the local

boards by October 15, 1983, and which local boards then submit to the National Board by October 31, 1983. All monies must be paid out and all local PVOs' bank accounts must be closed no later than March 31, 1984. The National Board will inform local PVOs' of this change by notification included in the letters which accompany checks to the local recipients. All monies not paid out by March 31, 1984 must be returned to the National Board.

With this clarification of "expended", the National Board differentiates between the following two terms:

"End-of-award"—September 30, 1983; the date by which all funds must be obligated.

"End-of-program"—no later than March 31, 1984; the date by which all funds must be paid out and all bank accounts closed.

2. In Annex 2.2, "Financial Terms and Conditions—Provisions Applicable to Local Private Voluntary Organizations," the following amendments apply:

a. Addition of the underscored part to paragraph 5.e. (pertaining to Financial Management Systems):

"As a minimum, the PVOs must maintain a register of cash receipts and disbursements and original supporting documentation such as purchase orders, invoices, cancelled checks and whatever other documentation is necessary to support their cost under the program, *as well as signed documents showing use of any funds legally obligated or encumbered.*"

b. Addition of new paragraph 5.g.:

"In cases where more than one civil jurisdiction (a city and a balance of county) recommends awards to the same recipient, the recipient shall maintain independent financial and program records per each civil jurisdiction award. Funds are not to be co-mingled."

c. Paragraph 8 is changed to now read: "*Financial Reporting Requirements:*

Recipient shall submit a final Financial Status Report within 15 calendar days after the end date of the award. The Local Board will provide the appropriate final report envelope with the form printed on it. The envelope should contain copies of documentation as outlined in 5.e. above."

d. In Paragraph 9.b.2., the italicized words which follow reflect the corrections made to the original wording:

"The recipient shall submit to the *Local Board* within 15 days after completion of the award all financial and other data required by the *National Board (NB)* to close out the award. The

NB may grant extensions when requested by the recipient."

3. 48 FR 22278 (May 17, 1983) failed to include the listing for Arizona. Those localities and the award amounts for each are:

Apache County	\$34,997.75
Gila County	35,293.32
Graham County	15,142.61
Greenlee County	16,037.81
Maricopa County	535,362.37
Mohave County	31,298.64
Navajo County	41,483.80
Pima County	197,825.04
Pinal County	41,044.66
Santa Cruz County	15,108.63
Yuma County	54,683.97

4. On June 10, 1983, the National Board met to consider two appeals from non-selected localities which felt they met the initial criteria established by the Board. In screening these appeals for consideration at the Board meeting, the United Way of America found that seven counties did not meet the initial criteria since determinations were made on the basis of civil jurisdictions rather than counties. However, they would become eligible if the numbers of unemployed in all civil jurisdictions within the county were aggregated. These counties had over 18,000 unemployed persons and the 1982 average annual unemployment rate was 7.8% or more. The seven counties and their award amounts are:

Contra Costa County, CA	\$49,505.19
New Haven County, CT	49,505.19
Essex County, MA	46,054.25
Middlesex County, NJ	46,548.48
Delaware County, PA	36,764.74
Salt Lake County, UT	39,114.09
Spokane County, WA	32,508.06

With funding of these additional seven counties, all monies available for the Emergency Food and Shelter National Board Program have now been allocated. Therefore, no other appeals can be considered.

[FR Doc. 83-17791 Filed 6-30-83; 8:45 am]  
BILLING CODE 6718-01-M

#### **Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice to all recipients of Federal Financial Assistance from FEMA.

**SUMMARY:** FEMA gives notice that, until such time as it has adopted and published its own specific implementing regulations, it will operate in accordance with the regulations developed by the Department of Health and Human Services (HHS), formerly

the Department of Health, Education and Welfare (HEW), the Agency responsible for promulgating general regulations to implement provisions of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, Room 820, 500 C Street, SW, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** FEMA notifies all recipients of Federal financial assistance from FEMA that they are required to comply with the provisions of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though FEMA has not yet issued final regulations implementing section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive Federal financial assistance do not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States shall, solely by reason of this handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Effective June 3, 1977, HEW, now HHS, issued final regulations implementing section 504 as it applies to recipients of Federal financial assistance from that Agency (45 CFR Part 84). Recipients of Federal financial assistance from FEMA may look to the HHS regulations for guidance as to their obligation under section 504 of the Rehabilitation Act.

June 23, 1983.

Louis O. Giuffrida,  
Director.

[FR Doc. 83-17789 Filed 6-30-83; 8:45 am]  
BILLING CODE 6718-01-M

#### **[FEMA-680-DR]**

#### **Utah; Amendment to Notice of Major-Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Notice of a major disaster for the State of Utah (FEMA-680-DR), dated April 30, 1983, and related determinations.

**DATED:** June 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice: The notice of a major disaster for the State of Utah dated April 30, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 30, 1983.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-17788 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-02-M

#### **[Docket FEMA-REP-7-NE-2]**

#### **Nebraska Radiological Emergency Response Plan**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice of receipt of plan.

**SUMMARY:** For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and state and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the state and local government plans, the State of Nebraska has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Nebraska, and include those of local governments near the Nebraska Public Power District, Cooper Nuclear Station located in Nemaha County, Nebraska.

**DATE:** Plans received May 11, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. Patrick J. Breheny, Regional Director, FEMA Region VII, 911 Walnut Street, Kansas City, Missouri 64108; (816) 374-5912.

**SUPPLEMENTARY INFORMATION:**

#### **Notice**

In support of the Federal requirement for emergency response plans, FEMA has proposed a rule describing its procedures for review and approval of state and local government's radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.08), "Review and Approval of State Radiological Emergency Plans and Preparedness," the "Nebraska Radiological Emergency Response Plan

for Nuclear Power Plant Incidents" was received by the Federal Emergency Management Agency Region VII Office.

Included are plans for local governments which are wholly or partially within the emergency planning zones of the Cooper Nuclear Station. Plans are included for Nemaha, Richardson, and Otoe Counties.

Copies of the Plan are available for review at the FEMA Region VII Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1171 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Patrick J. Breheny, Regional Director, at the above address within thirty days of this Federal Register notice.

Patrick J. Breheny,  
Regional Director.

[FR Doc. 83-17838 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-01-M

[Docket FEMA-REP-7-MO-1]

**Missouri Radiological Emergency Response Plan**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice of receipt of plan.

**SUMMARY:** For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and state and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the state and local government plans, the State of Missouri has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Missouri, and include those of local governments near the Callaway Nuclear Plant located in Callaway County, Missouri.

**DATE:** Plans received May 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. Patrick J. Breheny, Regional Director, FEMA Region VII, 911 Walnut Street, Kansas City, Missouri 64106; (816) 374-5912.

**SUPPLEMENTARY INFORMATION:**

**Notice**

In support of the Federal requirement for emergency response plans, FEMA has proposed a rule describing its procedures for review and approval of state and local government's radiological emergency response plans.

Pursuant to this proposed FEMA rule (44 CFR 350.08), "Review and Approval of State Radiological Emergency Plans and Preparedness," the "Missouri Nuclear Accident Plan-Callaway" was received by the Federal Emergency Management Agency Region VII Office.

Included are plans for local governments which are wholly or partially within the emergency planning zones of the Callaway Nuclear Plant. Plans are included for Montgomery, Osage, Gasconade, and Callaway Counties.

Copies of the Plan are available for review at the FEMA Region VII Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1011 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Patrick J. Breheny, Regional Director, at the above address within thirty days of this Federal Register notice.

Patrick J. Breheny,  
Regional Director.

[FR Doc. 83-17837 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-01-M

[Docket No. FEMA-REP-7-MO-2]

**Missouri Radiological Emergency Response Plan**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice of receipt of plan.

**SUMMARY:** For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and state and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the state and local government plans, the State of Missouri has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Missouri, and include those of local governments near the Nebraska Public Power District, Cooper Nuclear Station located in Nemaha County, Nebraska.

**DATE:** Plans received May 26, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. Patrick J. Breheny, Regional Director, FEMA Region VII, 911 Walnut Street, Kansas City, Missouri 64106; (816) 374-5912.

**SUPPLEMENTARY INFORMATION:**  
**Notice**

In support of the Federal requirement for emergency response plans, FEMA has proposed a rule describing its procedures for review and approval of state and local government's radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.08), "Review and Approval of State Radiological Emergency Plans and Preparedness," the "Missouri Nuclear Accident Plan—Cooper Nuclear Station" was received by the Federal Emergency Management Agency Region VII Office.

Included are plans for local governments which are wholly or partially within the emergency planning zones of the Cooper Station. Plans are included for Atchinson County, Missouri.

Copies of the Plan are available for review at the FEMA Region VII Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5. There are 536 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Patrick J. Breheny, Regional Director, at the above address within thirty days of this Federal Register notice.

Patrick J. Breheny,  
Regional Director.

[FR Doc. 83-17839 Filed 6-30-83; 8:45 am]

BILLING CODE 6718-01-M

**FEDERAL HOME LOAN BANK BOARD**

**Colonial Savings Association, Houston, Texas; Appointment of Receiver**

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B) (West Supp. 1983), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Colonial Savings Association, Houston, Texas, on June 23, 1983.

Dated: June 25, 1983.

Gregory B. Smith,  
Acting Secretary.

[FR Doc. 83-17768 Filed 6-30-83; 9:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

[Docket No. 83-21]

**Modification of New York Freight Bureau Agreement No. 5700-29; Availability of Finding of No Significant Impact**

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 83-21 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Docket No. 83-21 involves Agreement No. 5700-29. This agreement would extend the scope of the basic New York Freight Bureau (NYFB) Conference agreement to include inland points in the U.S. via Atlantic and Gulf Coast ports. It would also extend NYFB's ratemaking authority to include through and joint rates, but would allow individual members to file their own intermodal tariffs until this Conference files an intermodal tariff.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,  
Secretary.

[FR Doc. 83-17784 Filed 6-30-83; 8:45 am]  
BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

**Meeting of Consumer Advisory Council**

The Consumer Advisory Council will meet on Wednesday, July 20, and Thursday, July 21. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The July 20 session is expected to begin at 1:00 p.m. and to continue until 5:30 p.m. The July 21 session is expected to begin at 9:00 a.m. and to conclude at 3:00 p.m., with a lunch break from 1:00 to 2:00 p.m. The Martin Building is located on C Street,

Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will consider the following topics:

1. *Federal Reserve's Implementation of the Community Reinvestment Act (CRA)*. Further consideration of and action on a report from the Council's CRA Review Committee on the effectiveness of the Federal Reserve's implementation of CRA, including community affairs activities, CRA examination and protest procedures, and examiner training in CRA.

2. *Bank Policies on Dormant Accounts*. Discussion of (1) the results of the U.S. General Accounting Office survey of bank policies and procedures regarding inactive accounts, and (2) ways in which institutions could be encouraged to voluntarily disclose their policies on charging special service fees or withholding the payment of interest on inactive accounts.

3. *Briefing on the Credit Reporting Industry*. Informational briefing by a Council member explaining what services a credit bureau offers, how information is obtained and placed into a credit bureau file, the data and information contained in a credit report, and use of a credit report for decisionmaking.

4. *Delayed Availability of Funds*. A staff briefing on legislative and operational developments in this area, and a discussion of what additional steps the Board might take regarding the disclosure of delayed funds availability policies.

5. *Supervisory Role in Encouraging Forebearance*. A staff briefing on existing Federal Reserve examination procedures regarding mortgage foreclosures, and a discussion of whether there is a need for greater emphasis on forbearance.

6. *Board Review of Equal Credit Opportunity Regulation*. Discussion of the Board's planned review of Regulation B as part of its Regulatory Improvement Project and any issues that Council members believe should be addressed in the review.

7. *Regulatory Update*. Status report on recent Board regulatory actions in the area of consumer financial services.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver,

Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, July 15, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, June 24, 1983.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 83-17526 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

**Formation of Bank Holding Companies; Horizon Bancorp et al.**

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 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 La Salle Street, Chicago, Illinois 60690:

1. *Horizon Bancorp*, Michigan City, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First Merchants National Bank of Michigan City, Michigan City, Indiana. Comments on this application must be received not later than July 20, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Merchants State Holding Company*, Humboldt, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Merchants State Bank, Humboldt, Tennessee. Comments

on this application must be received not later than July 20, 1983.

2. *W.B.T. Holding Company*, Memphis, Tennessee; to become a bank holding company by acquiring at least 80 percent of the voting shares of Central Trade Bank, Memphis, Tennessee. Comments on this application must be received not later than July 25, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Marathon Bancorp*, Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Marathon National Bank, Los Angeles, California. Comments on this application must be received not later than July 25, 1983.

Board of Governors of the Federal Reserve System, June 24, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-17577 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

#### Bank Holding Companies; Proposed de Novo Nonbank Activities; Deutsche Bank AG et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, 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 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.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated.

Comments and requests for hearing 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.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Deutsche Bank AG*, Frankfurt, Federal Republic of Germany (sales financing and leasing; entire United States and Canada): To permit Daimler-Benz AG (approximately 28 percent of the stock of which is owned by Deutsche Bank AG) through its subsidiary, Mercedes-Benz Credit corporation (the "Company"), to move its regional office in Portland, Oregon from 7931 Northeast Halsey to 1981 Southwest Marlow Avenue. The Company, from offices in the United States, currently provides dealers of affiliates of Daimler-Benz AG in the United States and Canada with wholesale financing in the form of loans to finance dealers inventories secured by such inventories and provides customers of affiliates of Daimler-Benz AG in the United States and Canada and their dealers with retail financing consisting of purchases by the Company from such affiliates and their dealers of retail installment obligations undertaken by the customer in respect of equipment purchased by the customer, of purchases of lease receivable and dealer rental receivables in respect of the equipment leased by the customer and of full payout leasing of products of such affiliates and such dealers. In connection therewith, the Company facilitates the making available, through an independent insurance agent of credit life, accident and physical damage insurance. The Portland, Oregon regional office will service the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. Comments on this application must be received not later than July 25, 1983.

B. **Federal Reserve Bank of Minneapolis**. (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota (lending, loan servicing activities; Minnesota, Wisconsin, Iowa, South Dakota, North Dakota, Montana, Nebraska, Illinois, Missouri, Kansas, Colorado, Wyoming, Texas, Oklahoma, Idaho, Washington, and Oregon): To engage, through its subsidiary, Norwest Agricultural Credit, Inc., in lending and loan servicing activities including the

making, acquiring, or servicing for its own account or for the account of others, loans, real estate mortgages, and other extensions of credit. These activities would be conducted from offices of its subsidiary located in York, Nebraska, serving the above designated States. Comments on this application must be received not later than July 20, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Rainier Bancorporation*, Seattle, Washington (mortgage banking and insurance activities, Arizona): To establish *de novo* offices of its subsidiary, Rainier Mortgage Company, to engage in general mortgage banking, including but not limited to making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by liens on residential and non-residential real estate; servicing loans and other extensions of credit for any person; selling mortgage loans in the secondary market and offering mortgage term life insurance, accident, health and disability insurance directly related to such lending activities. The insurance activities are permitted under the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, Section 601(A). These activities will be conducted from offices in Prescott and Yuma, Arizona, serving the State of Arizona. Comments on this application must be received not later than July 25, 1983.

2. *Security Pacific Corporation*, Los Angeles, California (financing and credit-related insurance activities; Indiana): To engage through its subsidiary, Security Pacific Finance Corp., in making or acquiring, for its own account or for others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or consumer finance company, and acting as agent or broker for the sale of credit life, credit accident and health and credit property insurance, such as permitted pursuant to Section 601 (A) and (D) of Title VI of the Garn-St Germain Act. These activities would be conducted from an office of Security Pacific Finance Corp., located in Mishawaka, Indiana, serving the State of Indiana. Comments on this application must be received not later than July 25, 1983.

Board of Governors of the Federal Reserve System, June 24, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-17578 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

#### Acquisition of Bank Shares by Bank Holding Companies; First American Corp; et al.

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 as 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. *First American Corporation*, Nashville, Tennessee; to acquire 100 percent of the voting shares or assets of First American Bank of Chattanooga, Chattanooga, Tennessee. Comments on this application must be received not later than July 27, 1983.

**B. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President, 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Ames National Corporation*, Ames, Iowa; to acquire 95 percent of the voting shares of State Bank & Trust Co., Nevada, Iowa. Comments on this application must be received not later than July 27, 1983.

**C. Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First Interstate Bancorp*, Los Angeles, California; to acquire 96 percent of the voting shares of Big Stone State Bank, Stone City, South Dakota. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than July 27, 1983.

2. *First Sleepy Eye Bancorporation, Inc.*, Sleepy Eye, Minnesota; to acquire 81.3 percent of the voting shares or assets of State Bank of Butterfield, Butterfield, Minnesota. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than July 26, 1983.

Board of Governors of the Federal Reserve System, June 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-17781 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

#### Formation of Bank Holding Companies; Loudon County Bancshares; Inc. et al.

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 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. *Loudon County Bancshares, Inc.*, Lenoir City, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Loudon County, Lenoir City, Tennessee. Comments on this application must be received not later than July 27, 1983.

**B. Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *McGregor Banco, Inc.*, McGregor, Minnesota; to become a bank holding company by acquiring 83.93 percent of the voting shares of State Bank of McGregor, McGregor, Minnesota. Comments on this application must be received not later than July 27, 1983.

2. *S.B.T. Financial, Inc.*, Townsend, Montana; to become a bank holding company by acquiring 100 percent of the voting shares of The State Bank of Townsend, Townsend, Montana. Comments on this application must be received not later than July 27, 1983.

**C. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Capital Investment Company, Inc.*, Albion, Nebraska; to become a bank holding company by acquiring 81.6 percent of the voting shares of First National Bank of Albion, Albion, Nebraska. Comments on this application must be received not later than July 27, 1983.

**D. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Frontier Financial Corporation*, Everett, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Frontier Bank, Everett, Washington. Comments on this application must be received not later than July 18, 1983.

**E. Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First Bancorp of Wayne, Inc.*, Sprague, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Kenova, Kenova, West Virginia. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond. Comments on this application must be received not later than July 27, 1983.

Board of Governors of the Federal Reserve System, June 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-17782 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

#### Bank Holding Companies; Proposed de Novo Nonbank Activities; UST Corp. et al

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, 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 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 the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing 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.

**A. Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *UST Corp.*, Boston, Massachusetts (investment advisory activities; Florida): To engage, through its subsidiary, FCA Corp., in providing a total analysis of the client's financial picture, including analysis and recommendation of appropriate investments; furnishing general economic information and advice; statistical forecasting services and industry studies; and making general financial planning recommendations. These activities would be conducted from an office in Ft. Lauderdale, Florida, serving the State of Florida. Comments on this application must be received not later than July 26, 1983.

**B. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *First Interstate Bancorp.*, Los Angeles, California (mortgage company activities, New York): To engage, through its subsidiary, Thomas L. Karsten & Associates, in providing real estate appraisal services; real estate investment advisory services to closed-end pooled real estate funds that are registered investment companies; financial advisory services to state and local governments regarding real estate investments and development projects; real-estate-related management

consulting to nonaffiliated depository institutions; and real estate investment advisory services, general economic advice, and industry studies to other persons. These activities would be conducted from an office in New York, New York, serving New York State and the greater New York metropolitan area. This application is to establish a new office of a previously approved activity conducted through a wholly-owned subsidiary. Comments on this application must be received not later than July 27, 1983.

2. *Manufacturers Hanover Corporation*, New York, New York (sales finance activity and credit insurance; New Mexico): To continue to hold the shares of its wholly owned indirect subsidiary, Manufacturers Hanover Financial Services of New Mexico, Inc. ("MHFS") after MHFS expands the activities of its office located in Albuquerque, New Mexico, to include all types of sales finance activity and single and joint credit life insurance. This office serves the entire State of New Mexico. Comments on this application must be received not later than July 27, 1983.

**C. Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (mortgage activities; New Jersey) To engage through a wholly-owned subsidiary, Kissell-New Jersey, Inc., of its wholly-owned subsidiary, The Kissell Company, in the origination, processing and servicing of mortgage real estate loans by mail. Mail solicitations will be conducted from an office in Trenton, New Jersey, and will serve the State of New Jersey. Comments on this application must be received not later than July 20, 1983.

2. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (mortgage activities; New York) To engage through a wholly-owned subsidiary, Kissell-New York, Inc., of its wholly-owned subsidiary, The Kissell Company, in the origination, processing and servicing of mortgage real estate loans by mail. Mail solicitations will be conducted from an office in New York City, and will serve the State of New York. Comments on this application must be received not later than July 20, 1983.

**D. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mountain Bancshares, Inc.*, Yellville, Arkansas (real estate appraisal; Arkansas): To engage directly in real estate appraisal. This activity would be performed from an office in Bull Shoals, Arkansas, serving Marion, Baxter and Boone Counties in the State

of Arkansas. Comments on this application must be received not later than July 25, 1983.

**E. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas Texas 75222:

1. *Mercantile Texas Corporation*, Dallas, Texas (investment advice, extensions of credit, and real estate appraisals; United States): To engage, through its subsidiary, Mercantile Realty Services Corporation, in the following: acting as an investment or financial advisor to the extent of (i) serving as an investment advisor, as defined in Section 2(a)(20) of the Investment Company Act, (ii) providing portfolio investment advice to any other person, (iii) furnishing general economic information and advice, and (iv) conducting such incidental activities as are necessary to carry on the activities specified in the preceding clauses (i), (ii) and (iii); making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made, for example, by a mortgage finance, credit card or factoring company, and servicing any such loans; and performing real estate appraisals. These activities would be conducted from offices in Dallas, Texas, serving all states of the United States, and District of Columbia, and Puerto Rico. Comments on this application must be received not later than July 27, 1983.

2. *Mercantile Texas Corporation* ("Mercantile"), Dallas, Texas (insurance activities; Texas) To engage, through its subsidiary, Mercantile Texas General Agency, Inc., in supervising on behalf of insurance underwriters the activities of retail insurance agents who sell fidelity insurance and property and casualty insurance on the real and personal property used in the operations of Mercantile or any of its subsidiaries and group insurance that protects the employees of Mercantile or any of its subsidiaries, all in accordance with Section 601(E) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from an office of said subsidiary located in Dallas, Texas, serving the State of Texas. Comments on this application must be received not later than July 27, 1983.

**F. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Cal Rep Bancorp, Inc.*, Bakersfield, California (insurance activities; California): To act as agent for the sale of life, accident and health insurance

directly related to extensions of credit by its subsidiary, California Republic Bank, pursuant to Section 4(c)(8) of the Bank Holding Company Act as amended by Section 601(A) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from offices of Applicant's subsidiary bank in Bakersfield, Frazier Park and Tehachapi, California, serving Kern County, California, and in Lancaster, California, serving Los Angeles County, California. Comments on this application must be received not later than July 27, 1983.

2. *First Interstate Bancorp.*, Los Angeles, California (leasing company activities; United States): To engage, through its subsidiaries, First Interstate Leasing Services Company and First Interstate Leasing, Inc., in leasing company activities by leasing personal property which was acquired specifically for the leasing transaction, in leases which are the functional equivalent of extensions of credit. These activities would be conducted from offices in Los Angeles, California, serving the United States. Comments on this application must be received not later than July 27, 1983.

3. *Security Pacific Corporation*, Los Angeles, California (mortgage and servicing activities; Colorado): To engage, through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others; and the servicing of such loans for others. These activities would be conducted from offices of Security Pacific Mortgage Corporation in Denver, Littleton and Longmont, Colorado, serving the State of Colorado. Comments on this application must be received not later than July 27, 1983.

4. *United Bancorporation Alaska, Inc.*, Anchorage, Alaska (lending, servicing, and insurance activities; Alaska): To engage, through its subsidiary UBA Mortgage Company, Inc., in making or acquiring loans and other extensions of credit such as would be made by a mortgage company and/or commercial financial company including: real estate construction loans, both commercial and residential; real estate residential term loans; commercial loans secured by a borrower's inventory, accounts receivable, or other assets; and installment consumer loans; and servicing such loans for others, in accordance with the Board's Regulation Y; and to act as agent or broker for

credit related life, accident, health or unemployment insurance, pursuant to section 601(A) of Title VI of the Garn-St Germain Act. These activities would be performed in the State of Alaska. Comments on this application must be received not later than July 27, 1983.

Board of Governors of the Federal Reserve System, June 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc: 83-17783 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0475]

### Fee Schedules for Federal Reserve Bank Services

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Request for comment.

**SUMMARY:** The Board of Governors is requesting public comment on a proposal to revise the fee structures for the Federal Reserve's definitive securities safekeeping and noncash collection services. The definitive securities safekeeping fee structure would be revised by eliminating the account switch fee, converting the bond redemption fee to a collection fee and establishing a new account maintenance fee. The noncash collection fee structure would be revised by adding an out-of-district component to the coupon collection fee and converting the bond collection fee from a per-item basis to a per-transaction basis.

**DATE:** Comments must be received by August 8, 1983.

**ADDRESS:** Comments, which should refer to Docket No. R-0475, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR 261.6(a).

**FOR FURTHER INFORMATION CONTACT:** Gerald D. Manypenny, Manager (202/452-3954) or Mark J. Stewart, Senior Operations Analyst (202/452-2223), Division of Federal Reserve Bank Operations; or Gilbert T. Schwartz, Associate General Counsel (202/452-3625) or Daniel L. Rhoads, Attorney (202/452-3711), Legal Division.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of the Monetary Control Act of 1980 (Title I of

Pub. L. 96-221) (MCA), the Board adopted fee schedules for the Federal Reserve's definitive securities safekeeping and noncash collection services effective October 1, 1981. 46 FR 37972 (July 23, 1981). These fee schedules were designed to fully recover the costs of providing the services, including a private sector adjustment factor (PSAF) of 16 percent.

As a result of pricing, volume in both definitive securities safekeeping and noncash collection declined approximately 30 percent during the first 12 months of pricing. Revenues for 1982 for these services were \$14.6 million and costs, including the 16 percent private sector adjustment factor, were \$22.7 million. Accordingly, in 1982 the System recovered 64 percent of the costs, plus PSAF, of providing these services.

In response to this shortfall, Federal Reserve Banks initiated vigorous cost reduction efforts, resulting in a reduction in total costs for definitive securities safekeeping of approximately 27 percent and total costs for noncash collection of approximately 8 percent between the first quarter of 1982 and the first quarter of 1983.

In addition to continuing cost reduction efforts, Reserve Banks are developing product enhancements to meet the needs of depository institutions in their districts. For example, the Federal Reserve Banks of Atlanta, Cleveland and Chicago will be conducting pilot programs beginning July 1, 1983, to test the feasibility of providing a mixed deposit option in the noncash collection service. Under this program, these Reserve Banks would offer participating depository institutions the opportunity to deposit coupons in a mixed deposit, reducing the need for these institutions to pre-sort coupons according to whether the paying agents are located within or outside of the district. The receiving Reserve Bank would sort the coupons and forward them for payment. The Dallas Federal Reserve Bank will also be conducting a pilot program that establishes higher fees for noncash collection items (other than coupons) based upon higher costs associated with collecting such items.

Changes in the fee structures and schedules for the definitive securities safekeeping and noncash collection services, however, are necessary to provide for the recovery of costs of providing these services. Further, the proposed changes would simplify the existing fee structures.

At present, the fee schedule for definitive securities safekeeping includes and account switch fee that is

charged whenever a security is transferred between accounts held by the same institution. This fee contributed only 2 percent of the revenues for this service and unnecessarily complicated the fee structure. Further, the present schedules establish different fees for processing a bond redemption from safekeeping and a bond collection deposited over the counter. However, experience has indicated that the services are essentially identical and consequently there is little reason to price them separately. Comment is, therefore, requested on the proposal to eliminate the account switch fee and charge a bond collection fee instead of a bond redemption fee.

With respect to the account maintenance fee component of the definitive securities safekeeping fee schedule, it is proposed that this fee be differentiated on the number of receipts/issues in the account. Large volume holdings in a single account requires less servicing such as billing entries, statements, advices, and tracers than an equivalent volume of receipts/issues in a number of accounts. Under the proposal, therefore, account maintenance fees would continue to be charged on a per receipt/issue basis but accounts with 400 or more receipts/issues would be charged a lower per receipt/issue fee than would accounts with less than 400 receipts/issues.

The proposed fee structure for the definitive securities safekeeping service would establish transaction fees for deposits and withdrawals of securities as well as for purchase and sale transactions. Additionally, actual charges for postage and insurance would be assessed. The monthly account maintenance fee would be established on a per receipt/issue basis with a lower rate charged for receipts/issues above 400.

Several changes are also being proposed for the noncash collection fee structure. At present, a depositor of coupons payable out of district is charged both the receiving and the collecting Federal Reserve Banks' fees. Since depositors are not always certain which Reserve Bank is the collecting Bank, and since each Reserve Bank has different fee schedules, this structure

creates some confusion and makes it difficult for users of the this service to forecast monthly billings and compare charges among the various providers of this service. Therefore, it is proposed to add an out-of-district component to the coupon collection price. Further, some bond collections currently are priced on a per-item basis and others on a per-transaction basis, depending on the size of the deposit. The proposal would eliminate this confusion by pricing all bond collections on a transaction basis.

The proposed noncash collection fee structure would include fees per coupon envelope collected and a surcharge per coupon envelope collected out of district. Fees for postage and insurance would be charged based on the value of the coupons being collected. For bond redemptions, fees would be assessed on a per-transaction basis together with actual charges for postage and insurance.

As a result of these modifications, the Federal Reserve is proposing to revise its fee schedules for its definitive securities safekeeping and noncash collection services as indicated in the attachment.

*Additional Considerations.* The Federal Reserve is one of the largest custodians of definitive municipal securities in the country. Reserve Banks currently safekeep approximately \$67 billion of definitive securities, the majority of which are municipal securities, and it is estimated that the Federal Reserve holds approximately 12 percent of the total \$425 billion outstanding in municipal bonds. Approximately 50 percent of these securities held by the Federal Reserve are maintained in priced definitive securities safekeeping. The remainder of the Federal Reserve's holdings are securities pledged as collateral for Treasury tax and loan (TT&L) account balances, other government deposits, and Federal Reserve discount window credit. In addition, in 1982, the Federal Reserve processed over 1.5 million coupon envelopes, 615,000 of which originated from securities maintained with the Federal Reserve for safekeeping.

The Federal Reserve believes that the offering of its definitive securities safekeeping and noncash collection

services provide substantial public benefits in the form of improving the range of services available to all depository institutions regardless of size and location, enhancing the quality of services provided, and improving the efficiency of the collection process.

For example, in the definitive safekeeping area, some Reserve Banks are offering "called bond notification" and "portfolio valuation" services. In the noncash collection area, the Federal Reserve's autocredit/autocharge program enables depositors to receive credit according to a fixed availability schedule. Further, the Federal Reserve provides an alternative to the circuitous routing of noncash items that may otherwise occur. However, the Board recognizes that the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), which requires registration of newly issued municipal securities, may reduce the significance of this service in the future. However, since outstanding municipal securities remain unaffected by TEFRA's requirements, such securities in definitive form will remain outstanding for perhaps as long as twenty years or more. This suggests that there will continue to be a need for the definitive safekeeping and related noncash collection services during the transition period. In view of these considerations, the public is requested to comment on what they perceive the Federal Reserve's role should be in continuing to offer definitive safekeeping and noncash collection services.

In addressing the issue of the Federal Reserve's role, commenters are requested to consider the availability of alternative providers of these services to remote and small depository institutions, the impact on depository institutions and alternative providers of these services if the Federal Reserve were to not offer the services, and how the Federal Reserve's role in maintaining securities as collateral for TT&L account balances, other government deposits and discount window borrowings would be affected.

By order of the Board of Governors of the Federal Reserve System, June 24, 1983.

William W. Wiles,

Secretary of the Board.

## PROPOSED 1983 PRICES

(Dollars)

	Definitive safekeeping				Noncash collection				
	Deposits (per transaction)	Withdrawals (per transaction)	Maintenance <sup>1</sup> per receipt		Purchase and sales (per transaction)	Bond collection (per transaction)	Local coupon (per envelope)	Inter district coupon (per envelope)	Per \$1,000 coupon value
			1-400	400+					
Boston	12.50	12.50	2.80	2.10	15.00	10.00	2.00	2.15	1.00
New York	35.50	35.50	5.35	4.75	23.00	35.50	2.50	2.75	.50
Philadelphia	10.00	15.00	3.00	2.00	19.00	10.00	* 2.90	2.55	1.00
Cleveland	15.00	15.00	2.25	1.75	25.00	15.00	3.00	2.50	.50
Richmond	15.00	15.00	1.50	1.00	20.00	20.00	2.00	2.50	1.00
Atlanta	(*)	(*)	(*)	(*)	N.A.	7.50	1.40	2.55	.75
Chicago	11.00	11.00	3.00	2.75	19.00	11.00	2.50	2.75	.70
Detroit	11.00	11.00	2.00	1.75	19.00	11.00	2.50	2.60	1.00
St. Louis	5.00	5.00	1.25	.90	N.A.	10.00	2.00	2.35	.75
Minneapolis	7.50	7.50	1.40	.75	10.00	7.50	2.50	2.70	.60
Kansas City	5.00	20.00	1.50	1.25	20.00	15.00	* 3.20	2.50	1.00
Dallas	5.00	15.00	2.75	2.50	26.50	15.00	2.10	2.55	1.00
San Francisco	N.A.	N.A.	N.A.	N.A.	23.50	35.50	6.00	N.A.	1.00

<sup>1</sup> Maintenance is generally priced on a per receipt basis except in New York, Cleveland, and Minneapolis where it is priced on a per issue basis.<sup>2</sup> The Federal Reserve Bank of Atlanta will continue its current prices under an experimental pricing structure. Additional information may be obtained from any Office in the Atlanta District.<sup>3</sup> The Federal Reserve Bank of Philadelphia also offers a fixed service contract option on coupon collection. Additional information may be obtained from the Reserve Bank.<sup>4</sup> The Federal Reserve Bank of Kansas City offers a municipal coupon collection option. Additional information may be obtained from any Office in the Tenth District.

N.A. Not applicable.

[FR Doc. 83-17575 Filed 6-30-83; 8:45 am]

BILLING CODE 6210-01-M

**GENERAL SERVICES  
ADMINISTRATION****Privacy Act of 1974; Deletion of a  
System of Records****AGENCY:** General Services  
Administration.**ACTION:** Notification of deletion of a  
system of records.**SUMMARY:** The General Services  
Administration is deleting a system of  
records, Federal Parking Fees Claims  
GSA/GOVT-1, that is no longer in use.**DATE:** Effective July 1, 1983.**FOR FURTHER INFORMATION CONTACT:**  
Mr. William Hiebert, Chief, Records and  
Forms Management Branch (ORAR),  
Information Management Division,  
General Services Administration,  
Washington, DC 20405. Telephone (202)  
535-7644.**SUPPLEMENTARY INFORMATION:** On  
August 5 and 20, 1981, and pursuant to  
the provisions of the Privacy Act of  
1974, there were published in the  
Federal Register (46 FR 39895 and 42335)  
notices of the system of records Federal  
Parking Fees Claims GSA/GOVT-1.  
This notice deletes this system of  
records. The records in the system have  
been destroyed.

Dated: June 23, 1983.

Clarence A. Lee, Jr.,  
Director of Administrative Services.

[FR Doc. 83-17823 Filed 6-30-83; 8:45 am]

BILLING CODE 6820-34-M

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Food and Drug Administration**

[Docket No. 82N-0032]

**Drug Products Suitable for  
Abbreviated New Drug Applications  
(1982); Supplement Number One****AGENCY:** Food and Drug Administration.**ACTION:** Notice.**SUMMARY:** The Food and Drug  
Administration (FDA) publishes the first  
supplement to the "List of Drug Products  
Suitable for Abbreviated New Drug  
Applications," which was made  
available on February 25, 1983, from the  
National Technical Information Service  
(NTIS). This supplement updates the List  
by adding several drug efficacy study  
implementation (DESI) drug products  
and closely related drug products  
determined by FDA to be safe, effective,  
and suitable for abbreviated new drug  
applications (ANDA's). This supplement  
also corrects several items in the  
original list and deletes three products  
erroneously included.**ADDRESS:** Written comments regarding  
the supplement, identified with Docket  
No. 82N-0032, may be submitted to the  
Dockets Management Branch (HFA-  
305), Food and Drug Administration, Rm.  
4-62, 5600 Fishers Lane, Rockville, MD  
20857.**FOR FURTHER INFORMATION CONTACT:**  
Herbert Gerstenzang, National Center  
for Drugs and Biologics (HFN-8), Food  
and Drug Administration, 5600 Fishers  
Lane, Rockville, MD 20857, 301-443-  
3650.For copies of the original list contact:  
National Technical Information Service,  
5285 Port Royal Rd., Springfield, VA  
22161, 703-487-4650. Identify with this  
accession number: PB 83-158972.**SUPPLEMENTARY INFORMATION:** In the  
Federal Register of February 25, 1983 (48  
FR 8133), FDA announced the  
availability of the "List of Drug Products  
Suitable for Abbreviated New Drug  
Applications." That list identifies the  
DESI drug products that have been the  
subject of Federal Register notices,  
published over a 12-year period, and  
states that a DESI drug is suitable for  
ANDA's. The preface to the list stated  
that the list would be updated and  
published annually and that, in the  
interim between printings, an update  
would be published in the Federal  
Register, about every 3 months, showing  
any additions, corrections, or deletions  
to the previous list. This is the first  
supplement to the list.**Additions***Acetaminophen; Codeine Phosphate*

Tablet; oral 650 mg; 60 mg.

*Aspirin; Hydrocodone Bitartrate*

Tablet; oral 500 mg; 5 mg.

*Bromodiphenhydramine HCl; Codeine  
Phosphate*

Syrup; oral 12.5 mg/5 ml; 10 mg/5 ml.

*Dexamethasone*

DEF Tablet; oral 1 mg; 6 mg.

*Dexbrompheniramine Maleate;  
Pseudoephedrine Sulfate*BIO capsule, controlled release; oral 6  
mg; 120 mg.

BIO tablet, controlled release; oral 6 mg; 120 mg.

*Dexchlorpheniramine Maleate*

Syrup; oral 2 mg/5 ml.

*Estradiol Cypionate; Testosterone Cypionate*

Injectable; injection 2 mg/ml; 50 mg/ml.

*Hydroflumethiazide; Reserpine*

BIO tablet; oral 25 mg; 0.125 mg.

*Isoetharine HCl*

Solution; inhalation 0.06%.

*Leucovorin Calcium*

Injectable; injection 5 mg/ml.

*Nandrolone Phenpropionate in Oil*

Injectable; injection 25 mg/ml; 50 mg/ml.

*Oxtriphylline*

Syrup; oral 50 mg/5 ml.

*Prednisolone*

Cream; topical 0.5%.

*Thioridazine HCl*

Concentrate; oral 100 mg/ml.

**Corrections**

1. Based on name change in USAN (United States Adopted Name), change the name *Piperazine Estrone Sulfate* to *Estropipate* and enter alphabetically as follows:

*Estropipate*

Cream; vaginal 1.5 mg/gm.  
BIO tablet; oral 0.75 mg; 1.5 mg; 3 mg; 6 mg.

2. Change designation under strength from "AMP" to "5ML" as follows:

*Calcium Gluceptate*

Injectable; injection EQ 90 mg calcium/5 ml.

3. For clarification change name *Progesterone* to *Progesterone in Oil*:

*Progesterone in Oil*

Injectable; injection 25 mg/ml; 50 mg/ml.

**Deletions**

*Diphenhydramine Hydrochloride*

Liquid; oral 12.5 mg/5 ml.

*Gonadotropin, Chorionic*

Injectable; injection 10,000 IU/vial.

*Hyoscyamine Sulfate; Phenobarbital*

Tablet; oral 0.125 mg; 15 mg.

Comments on this supplemental list should be addressed to the Dockets Management Branch (address above). Two copies of all comments should be

submitted, except that individuals may submit single copies. Comments should be identified by the docket number found in the brackets in the heading of this document. Comments received by the agency may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 23, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-17742 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82A-0357]

**Microbial Enzymes in Standardized Cheeses; Advisory Opinion**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing an advisory opinion that safe and suitable microbial enzymes may be used to aid in the curing or development of flavor of standardized cheeses where the standards provide for the addition of animal or plant enzymes for such uses.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth J. Campbell, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of September 19, 1978 (43 FR 42127), FDA published a proposal to revise nine cheese standards. One of the revisions pertained to the use of enzymes in the curing or development of flavor of cheese. The nine cheese standards then provided that a harmless preparation of enzymes of animal or plant origin could be used. The proposal provided that enzymes of animals, plant, or microbial origin could be used. In the Federal Register of June 29, 1982 (47 FR 28090), FDA pointed out that, although it had proposed to amend the nine cheese standards to permit use of microbial enzymes, such enzymes could not be used in any cheese until the standard for that cheese was amended by formal final action. In the Federal Register of January 21, 1983 (48 FR 2736), FDA published a final rule permitting use of microbial enzymes in the nine cheese standards. However, there are a number of other cheese standards that have not been amended to state specifically that microbial enzymes may be used.

FDA has received petitions from Kraft, Inc. (Docket No. 82A-0357) and Miles Laboratories, Inc. (Docket No. 76G-0117) requesting that FDA issue an advisory opinion that the phrase

"harmless preparation of enzymes of animal or plant origin" in existing cheese standards is intended to include enzymes of microbial origin. The petitioners contend that the use of enzymes of microbial origin was contemplated when the existing standards were promulgated. "Harmless enzyme" was first discussed by FDA in its proposed standards and amendments to standards for more than 30 varieties of natural cheese (see the Federal Register of February 21, 1947; 12 FR 1192). FDA stated that "A harmless enzyme preparation, containing one or more of the following enzymes, may be added at any time during the above described process: Amylase, catalase, erepsin, lipase, papain, pepsin, sucrase, trypsin, lactase, bromelin, zymase, chymotrypsin."

Kraft states in its petition that of the above 12 enzymes, amylase, catalase, lipase, sucrase (invertase), lactase, and zymase were all known to have had microbial origins, in 1947. Kraft also states that a number of these enzymes were commercially available at that time only as microbially derived enzymes. Kraft substantiates each statement. In fact, during the public hearings of the proposed standards, cheese experts spoke freely of enzymes derived from microorganisms as they expressed a general endorsement of the enzymes that FDA had listed in the 1947 proposal and of enzymes in general. No expert testified against the use of such enzymes except when they felt enzymes were unneeded. Following the public hearings, FDA revised the proposed regulations (April 22, 1949; 14 FR 1960) to contain enzyme provisions specifying that harmless enzymes of animal or plant origin may be used in standardized cheeses. The agency's grounds for the revisions, which appeared in the preamble of the proposed regulations in Finding of Fact 18 (14 FR 1961), were as follows:

The characteristics of a particular variety of cheese depend to a great extent on the method of manufacture and conditions of curing and the length of curing time. Certain enzymes present in the milk or in the coagulating agent or developed by microorganisms during manufacture contribute to the development of flavor and texture. In addition, enzymes from other animal or plant sources may be useful. The use of such enzymes may facilitate and accelerate the curing and flavor development of some varieties of cheese and reduce the cost of manufacture. Although added enzymes are now known to be used only in a few varieties of cheese, they may prove to be useful in other varieties, and there appears to be no reason to refuse to permit the use of harmless enzymes in the manufacture of all

types of cheese. It is impracticable at the present time to name the individual enzymes which may be useful. It is reasonable to permit harmless enzymes of animal or plant origin. The amount of enzymes that may be used should be limited, and it is reasonable to require that the solids content of the enzymes preparation should not exceed 0.1 percent of the weight of the milk used.

Kraft and Miles assert that, in light of the foregoing, FDA clearly contemplated a permissive treatment of all available enzymes that might be safe and useful in the manufacture of cheese. The petitioners state that the absence of specific provisions for enzymes of microbial origin in the revised proposed regulations is explained by the fact that, at that time, most scientists characterized all living things as either animal or plant, and that even after the development of provisions permitting use of harmless enzymes of animal or plant origin, microbes were not considered to be a separate class of life. These assertions are correct. In 1957, the Seventh Edition of Bergey's Manual of Determinative Bacteriology (on page 9) classified microbes as being in the division of the plant kingdom called *Protophyta*. Only in recent years have many scientists considered microbes as a class apart from animals and plants. Further, the petitions point out that, from 1947 to the present time, there has been no common commercial availability or use of any enzyme derived from any plant other than microbes.

In light of this history, the petitioners conclude that, when FDA revised cheese standards to provide for addition of enzymes of animal or plant origin, the agency intended that addition of enzymes of microbial origin also be permitted. In addition, the petitioners believe that significant burdens would be placed on the cheese industry and consumers unless FDA issues the requested advisory opinion. The petitions point out that cheese aged with microbial enzymes develops its flavor characteristics in much less time than cheese aged with animal enzymes. As a result, refrigerated warehousing time is reduced when microbial enzymes are used and considerable cost savings are realized. If use of microbial enzymes is not permitted with standardized cheeses, the costs of greater warehousing time will surely be passed on to consumers. These costs are unjustifiable because the use of microbial enzymes for flavor development produces a product that is equal to that made using enzymes from animal sources. Further, one of the petitioners states that it would be impossible to make cheese using the current methods if flavor development

by use of microbial enzymes were strictly prohibited. For example, the starter culture contains a number of enzymes from microbial sources which survive the cheesemaking and which provide flavor development during the curing of cheese. The petitions maintained that these burdens should not be imposed in light of the fact that microbial enzymes have been commonly used to cure cheese for as long as cheese has been the subject of agency standards.

FDA has thoroughly reviewed all of the history of incorporation of the phrase "harmless preparation of enzymes of animal or plant origin" in cheese standards and has concluded that the agency did not, by adopting that phrase, prohibit the use of enzymes of microbial origin in the cheeses for which standards were established. Quite the contrary, the presence of the phrase authorizes the use of such enzymes. Only in recent years has the meaning of the phrase been complicated by the classification of microbes as a class apart from animals and plants. It would be inappropriate for FDA to permit changes in the classification of biological systems to result in substantive changes in the agency's regulations, especially when the regulatory changes could result in significant burdens on both industry and consumers. Accordingly, FDA is advising that wherever the phrase "harmless preparation of enzymes of animal or plant origin" is included in a cheese definition and standard of identity, safe and suitable enzymes of microbial origin may be used in the standardized cheese.

This opinion is consistent with the agency's proposal to provide for the declaration of animal, plant, and microbial enzymes simply as "enzymes" in the label statement of ingredients (see 48 FR 2779; January 21, 1983). This opinion is also consistent with the agency's final rule that permitted the use of the word "enzymes" in the labeling provisions of the standards of identity for nine natural cheeses (see 48 FR 2736; January 21, 1983). Under these circumstances, FDA has no objection to the use of the term "enzymes" in the declaration on food labeling of enzymes of animal, plant, or microbial origin that are used in the production of cheese and cheese products.

In addition, the agency is considering a petition that requested that § 101.4(b) *Food; designation of ingredients* (21 CFR 101.4(b)) be amended to permit a declaration as "enzymes" of all safe and suitable enzymes of animal, plant, or microbial origin used in the production of cheese. When the agency's priorities

permit, FDA will consider making the amendments suggested in the petition. These amendments would essentially conform § 101.4(b) to the actions already taken, as described above, concerning individual food standards.

Dated: June 24, 1983.

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

FR Doc. 83-17741 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

### Elanco Products Co.; Penicillin For Animal Use; Withdrawal of Approval of NADA's

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADA's) for penicillin products for animal use because the sponsor, Elanco Products Co., requested the withdrawal of approval.

**EFFECTIVE DATE:** July 11, 1983.

**FOR FURTHER INFORMATION CONTACT:** Leonard D. Krinsky, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

**SUPPLEMENTARY INFORMATION:** Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, is the sponsor of NADA 65-282 for potassium phenoxymethyl penicillin tablet (V-Cillin K\* Tablets); NADA 65-283 for potassium phenoxymethyl penicillin for oral solution (V-Cillin K\* Oral Solution); and NADA 65-284 for procaine penicillin G aqueous suspension (Duracillin\*A.S.). The sponsor, by letter dated August 19, 1982, requested the withdrawal of approval of these NADA's because the products are not being manufactured or sold, and the firm does not intend to sell them in the future.

Section 514.115 *Withdrawal of approval of applications* (21 CFR 514.115) provides for the voluntary withdrawal of NADA's at the written request of the sponsor if the products are not being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) and in

accordance with § 514.115, notice is given that approval of NADA 65-282, NADA 65-283, and NADA 65-284 and all supplements thereto is hereby withdrawn, effective July 11, 1983.

In a document published elsewhere in this issue of the Federal Register, § 540.173a *Phenoxymethyl penicillin for oral suspension; potassium phenoxymethyl penicillin for oral solution* (21 CFR 540.173a), § 540.173b *Potassium phenoxymethyl penicillin tablets* (21 CFR 540.173b), and § 540.274b *Procaine penicillin G aqueous suspension* (21 CFR 540.274b) are amended to remove those portions that reflect approval of these NADA's.

Dated: June 22, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-17406 Filed 6-30-83; 8:45 am]

BILLING CODE 4180-01-M

#### Hess & Clark, Inc.; NF-180 Turkey Formula; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Hess & Clark, Inc., providing for use of nf-180 Turkey Formula (furazolidone suspension) for treating infectious sinusitis. The sponsor requested the withdrawal of approval.

**EFFECTIVE DATE:** July 11, 1983.

**FOR FURTHER INFORMATION CONTACT:** Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

**SUPPLEMENTARY INFORMATION:** Hess & Clark, Inc., 7th and Orange Sts., Ashland, OH 44805, is sponsor of NADA 11-405, which provides for intranasal injection of nf-180 Turkey Formula (100 milligrams furazolidone per milliliter of suspension) for treating infectious sinusitis. The application was approved on December 17, 1958. Approval of this NADA has not been codified in the Code of Federal Regulations. The product is one of several that were listed in a notice of opportunity for a hearing published in the Federal Register of May 13, 1976 (41 FR 19907). In its submission of September 16, 1982, to the Bureau of Veterinary Medicine, Hess & Clark, Inc., requested withdrawal of approval of the NADA under 21 CFR 514.115(d) because the product is no longer being marketed, waived the opportunity for a hearing,

and rescinded any request for a hearing on the NADA that is now in effect.

Section 514.115(d) allows the voluntary withdrawal of an approved NADA. Section 514.115(d) normally does not apply if the holder of the application whose withdrawal has been requested already has been afforded an opportunity for a hearing on a proposal to withdraw approval of the NADA. In this case, however, Hess & Clark's request is being granted because of the extended time that has elapsed since the notice of opportunity for hearing was published and also because the public interest will be served and the firm's interests will not be prejudiced by the withdrawal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) 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 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 11-405 and all supplements for Hess & Clark's nf-180 Turkey Formula is hereby withdrawn, effective July 11, 1983.

Dated: June 22, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-17406 Filed 6-30-83; 8:45 am]

BILLING CODE 4180-01-M

[Docket No. 83F-0202]

#### Witco Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notices.

**SUMMARY:** The food and Drug Administration (FDA) is announcing that the Witco Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,6-hexanediol adipic acid polyester as a component of adhesives intended for use in contact with food.

**FOR FURTHER INFORMATION CONTACT:** Geraldine E. Harris, 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 3B3709) has been filed by Witco Chemical Corp., Houston, TX 77045, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended

to provide for the safe use of 1,6-hexanediol adipic acid polyester as a component of adhesives 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: June 22, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-17402 Filed 6-30-83; 8:45 am]

BILLING CODE 4160-01-M

#### Health Care Financing Administration

##### Medicare Program; Economic Index for Physicians' Services for the Period July 1, 1983 Through June 30, 1984

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

**SUMMARY:** This sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare (title XVIII of the Social Security Act). The Medicare statute and regulations require that the calculation of these charges be subject to a limit based on appropriate indicators of economic changes. The economic index used for this purpose is 2.063 for the period July 1, 1983 through June 30, 1984. This is an increase of 5.85 percent over the economic index of 1.949 that was used for the previous 12 months.

**EFFECTIVE DATE:** July 1, 1983.

**FOR FURTHER INFORMATION, CONTACT:**

Paul Riesel (301) 597-1023, or Joseph Romans (301) 594-1023.

**SUPPLEMENTARY INFORMATION:**

#### Background

Payment under Medicare Part B for a physician's service is based on a reasonable charge which may not exceed the lowest of: (1) The physician's actual charge for the service, (2) his or her customary charge for that service, or (3) the prevailing charges of physicians for similar services in the locality. The prevailing charge for a service, before adjustment for the economic index, is calculated at the 75th percentile of physician customary charges. Section

1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) and HCFA regulations at 42 CFR 405.504 further require that the prevailing charge for a service in a locality not exceed the level in effect for that service in the locality on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change.

42 CFR 404.504 establishes an economic index for this purpose, consisting of two components: One measuring increases in general earnings level (attributable to factors other than increases in productivity) and the other measuring increases in expenses of the kind incurred by physicians.

#### Calculating the Economic Index

The Senate Finance Committee Report on Pub. L. 92-603 (1972 Amendments to the Social Security Act) explained that the index is intended to reflect inflationary trends accurately. See, generally, Senate Report No. 92-1230, 92 Cong. 2d Session (1972), pages 190-194. To obtain information on income and expenses, HCFA first contracted for a national survey of 5,000 physicians. We used results from an analysis of the data that showed that the expenses of medical practice for self-employed physicians account for approximately 40 percent of the gross income of practice, and net income accounts for approximately 60 percent. We verified that the estimated physician practice expenses are approximately 40 percent of the gross income of practice with data from other sources.

The analysis of the data also calculated weights for each type of practice expense by determining the ratio of the expense of each element to total practice expenses. (For example, the hourly earnings of non-supervisory personnel account for 47 percent of all the practice expenses of a self-employed physician.) The survey was based on a national probability sample of physicians, and the results are representative of the distribution of physicians in the United States.

Items 1 through 6 in Table 1 below are the elements used in computing the increase in physicians' expenses component of the economic index. Item 9, the net income component, is derived from information contained in items 7 and 8 and reflects increases in general earnings levels exclusive of productivity increases.

The principal source of the remaining data used is the data on labor statistics for calendar year 1982 as set forth in the Current Labor Statistics section of the April 1983 issue of The Monthly Labor Review, published by the U.S. Department of Labor. The increase for

each element and component from 1981 to 1982 was calculated on the basis of these data and their weighted values were summed. This yield an increased factor of 1.0587 (see Table 1). That factor, multiplied by the Economic index for the period ending June 30, 1983 (see 47 FR 28796-28797, June 30, 1982) adjusted as explained below (1.9482), resulted in the new economic index of 2.063. This means that the prevailing charges for physicians' services to be used during the 12-month period beginning July 1, 1983, may not exceed the prevailing charges in effect on June 30, 1973 by more than 106.3 percent.

Because the Bureau of Labor Statistics has periodically retroactively revised some of the statistics and data on which earlier economic indexes were based, it was necessary for us to recompute some of the values and ratios for earlier years in order to obtain an accurate index for the current year. As a result, the economic index for July 1, 1982 through June 30, 1983, was adjusted from 1.949 to 1.9482. Table 2 sets forth the revised

values for that year and the preceding years.

It should be noted that, although we have recalculated prior year indexes, this does not change the applicability of the earlier indexes as published. Rather, prior year figures were recalculated only to reflect newly available data in order to prepare an accurate index for the period beginning July 1, 1983. Thus the effective increase in the economic index is 5.85 percent above the index used for the previous 12-month period.

It should also be noted that in an attempt to control rising Medicare costs, we forwarded to Congress for consideration a legislative proposal to freeze for one year the prevailing and customary charge levels for physicians' services. If Congress agreed, the economic index would not have increased by 5.85 percent on July 1, 1983. Instead, the prevailing charge levels that applied to services furnished after June 1982 but before July 1983 would also apply to services furnished after June 1983 but before July 1984. At this point, Congress has not enacted our proposal.

TABLE 1.—CALCULATION OF THE INCREASE FACTOR FOR THE PERIOD JULY 1983 THROUGH JUNE 1984 TO BE APPLIED TO THE REVISED ECONOMIC INDEX FOR THE PRIOR 12-MONTH PERIOD

	Ratio of 1982 values to 1981 values	Weight (percent) <sup>1</sup>
1. Hourly earnings of nonsupervisory workers in finance, insurance, and real estate	1.0745	.47×40
2. Housing component of the consumer price index	1.0733	.23×40
3. Private transportation component of the consumer price index	1.0363	.07×40
4. Drugs and pharmaceutical component of the producer price index	1.0858	.09×40
5. All other miscellaneous expenses (tied to the entire consumer price index)	1.0599	.04×40
6. Premiums for malpractice insurance	* 1.1481	.10×40
7. Average weekly earnings of production and nonsupervisory workers	1.0459	
8. Index of output per man hour of employed nonfarm workers	1.0010	
9. Change in average weekly earnings net of change in output per man hour	1.0449	60
Increase factor of the economic index over the prior 12-month period	1.0587	

<sup>1</sup> The weights, including the malpractice component, were derived from a special study done for HCFA by a consultant in 1982.

\* Derived from a survey of several major insurers.

TABLE 2.—DETERMINATION OF THE ECONOMIC INDEX FOR THE PERIOD JULY 1983 THROUGH JUNE 1984

[Economic Index for the period adjusted for revision in BLS Statistics since the announcement]<sup>1</sup>

12-Month period ending June 30	Ratio
1976	1.1784
1977	1.2615
1978	1.3326
1979	1.4107
1980	1.5104
1981	1.6394
1982	1.7910
1983	1.9482
1984	2.0626

<sup>1</sup> See text for explanation.

#### Impact Analysis

The increase in the economic index used by carriers to update the prevailing charge limitations for physician services

will increase 5.85 percent for the period July 1, 1983 through June 30, 1984.

The update will result in an increase in Medicare payments to physicians of approximately \$260 million for the applicable period.

This notice merely announces an amount required by the formula adopted from the Senate Finance Committee Report that accompanied the legislative amendment creating this limitation. As this notice does not alter any regulation or policy, no analyses under Executive Order 12291 or the Regulatory Flexibility Act, Pub. L. 96-354, are required.

(Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 8, 1983.

Carolyn K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-17532 Filed 6-30-83; 8:45 am]

BILLING CODE 4120-03-M

### Office of the Secretary

#### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 24.

#### Public Health Service

##### Office of the Assistant Secretary for Health

Subject: Survey of the Antecedents, Mediators, and Health Consequences of Stress—New.

Respondents: Individuals.

OMB Desk Officer: Fay S. Iudicello.

#### Centers for Disease Control

Subject: Weekly Morbidity and Mortality Reports (0920-0014)—Extension/No change.

Respondents: State and territorial health departments.

Subject: Residential and Occupational Characteristics of Tuberculosis Patients—New.

Respondents: State and local tuberculosis control personnel.

Subject: Annual Morbidity Reporting Series (0920-0007)—Extension/No change.

Respondents: State and territorial health Departments.

OMB Desk Officer: Fay S. Iudicello.

#### Health Care Financing Administration

Subject: GPPP-Special Administrative Cost Report, Quarterly Invoice and Final Special Administrative Costs—Extension/No change.

Respondents: Group Practice Prepayment Plans participating in the Medicare program.

OMB Desk Officer: Fay S. Iudicello.

#### Social Security Administration

Subject: Third Party Query Input (SSA-491-TC)—New.

Respondents: Federal, State and local government organizations and non-government organizations requesting information on Social Security beneficiaries.

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 the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: June 27, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-17763 Filed 6-30-83; 8:45 am]

BILLING CODE 4150-04-M

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of Administration

[Docket No. N-83-1260]

#### Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESS:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the

information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from Davis S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

#### Submission of Proposed Information Collection to OMB

Proposal: Application for Approval as a Mortgage-Backed Securities Issuer.

Office: Government National Mortgage Association.

Form Number: HUD-1701.

Frequency Of Submission: On Occasion.

Affected Public: Businesses or Other For-Profit and Small Businesses or Organizations.

Estimated Burden Hours: 75.

Status: Revision.

Contact: Patricia Gifford, HUD, (202) 755-5550 and Robert Neal, OMB, (202) 395-7316.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 43 U.S.C. 3535(d).

Dated: June 22, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-17834 Filed 6-30-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1259]

#### Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration; HUD.

ACTION: Notice.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is

soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

#### Submission of Proposed Information Collection to OMB

Proposal: Issuer's Monthly Remittance Advice.

Office: GNMA.  
Form Number: HUD-1714SN.  
Frequency of Submission: Monthly.  
Affected Public: Business or Other Institutions (except farms).

Estimated Burden hours: 71,200.  
Status: New.

Contact: Pat Gifford, HUD, (202) 755-5550 and Robert Neal, OMB, (202) 395-7316.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

#### Submission of Proposed Information Collection to OMB

Proposal: Mortgagee Questionnaire.  
Office: Housing.  
Form Number: HUD-9800.  
Frequency of Submission: Annually.  
Affected Public: Businesses or Other For-Profit.

Estimated Burden Hours: 11,600.  
Status: Extension.  
Contact: William Ingleton, HUD, (202) 755-6672 and Robert Neal, OMB, (202) 395-7316.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 16, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-17835 Filed 6-30-83; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### California Desert Plan; Availability

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice of availability.

**SUMMARY:** Notice is hereby given that the pre-planning analysis for the 1983 Amendments to the California Desert Plan is available for public review and comment.

Fourteen proposed amendments to the California Desert Plan have been accepted for consideration by the 1983 amendment review of the plan. The proposed amendments consist of a wide variety of actions, including the designation of new Areas of Critical Environmental Concern, changes in classification of grazing allotments, incorporation of guidelines for land sales into the Plan, and changes in vehicle access. The pre-plan describes the following topics.

1. Purpose and need for action;
2. Geographic setting;
3. Scope and level of analysis planned;
4. Significant resource values and issues;
5. Alternatives;
6. EIS preparation schedule; and
7. Public participation schedule.

Comments are being accepted from the public until 30 days from the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

Dated: June 21, 1983.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83-17453 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-84-M

#### Intent; Navajo and Apache Counties Planning Analysis

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Intent to prepare a Planning Analysis for the Navajo and Apache Planning Area in the Phoenix Resource Area, Phoenix District, Arizona.

**SUPPLEMENTARY INFORMATION:** The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to identify, in land use plans, lands that are available for disposal. The Planning Analysis for the Navajo and Apache Counties Planning Area will address the land disposal issue in the planning area. Two alternatives—the proposed action and no action have been identified to date; others may be developed as a result of public comment.

For further information or to provide comments on the Planning Analysis contact: Tim Sanders, Division of Planning and Environmental Assistance, Bureau of Land Management, Phoenix District Office, 2929 West Clarendon, Phoenix, Arizona 85017, telephone (602) 241-2501.

William K. Barker,

District Manager.

June 22, 1983.

[FR Doc. 83-17764 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 56491]

#### New Mexico; Transfer of Submarginal Lands, Ramah Band of the Navajo Tribe in New Mexico

Dated: May 23, 1983.

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) of October 17, 1975, as amended by Pub. L. 97-434 of January 8, 1983 (96 Stat. 2280), the lands described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the Ramah Band of the Navajo Tribe for the use and benefit of the Ramah Navajo Indians subject to all valid rights,

reservations, rights-of-way, and easements of record.

These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 18, 1933 (48 Stat. 200), and any subsequent Emergency Relief Appropriations Acts, including but not limited to section 5 of the Emergency Relief Appropriation Act of 1939 (53 Stat. 927, 930) and section 4 of the Emergency Relief Appropriation Act, fiscal year 1941 (54 Stat. 611, 617).

2. Any existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Albuquerque, New Mexico. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Ramah Band of the Navajo Tribe.

#### 3. New Mexico Principal Meridian

T. 7 N., R. 15 W.,

Sec. 6, lots 1 to 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 8, all;

Sec. 30, lots 1 and 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 8 N., R. 15 W.,

Sec. 20, all;

Sec. 22, SW $\frac{1}{4}$ ;

Sec. 26, NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;

Sec. 28, all;

Sec. 34, all.

T. 10 N., R. 15 W.,

Sec. 34, SE $\frac{1}{4}$ .

T. 7 N., R. 16 W.,

Sec. 24, NE $\frac{1}{4}$ , S $\frac{1}{2}$ .

The areas described aggregate 4,807.05 acres in Cibola County, New Mexico.

Charles W. Luscher,

State Director.

[FR Doc. 83-17765 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-84-M

#### Fairbanks District Advisory Council; Meeting

The Advisory Council for the Fairbanks District of the Bureau of Land Management will have a general meeting on July 29, 1983. The location of the meeting will be the second floor training room at the BLM offices at Fort Wainwright, Gaffney and Marks Road. The meeting will convene at 8:30 a.m. and conclude at 5 p.m. Public comments will be received by the Council from 1 p.m. to 3 p.m.

The meeting will be devoted to a discussion of the White Mountains National Recreation Area and the

Steese National Conservation Area.

Discussion topics will include:

1. Recreational opportunities.
2. Mineral development.
3. Access.
4. Wildlife habitat.
5. Birch and Beaver Creek Wild Rivers.

All meetings and activities of the Council are open to the public.

Carl Johnson,

District Manager.

[FR Doc. 83-17767 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-84-M

#### District Advisory Councils; Call for Nominations

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Call for Nominations for District Advisory Councils.

**SUMMARY:** The purpose of this notice is to solicit public nominations to fill three positions whose terms expire this year on each of 51 Bureau of Land Management district advisory councils (excluding the California Desert District Advisory Council, which is on a different appointment schedule).

Each affected council comprises 10 members. Under the staggered-term arrangement instituted by the Secretary of the Interior in 1982, the terms of three members on each council will expire on December 31, 1983. Current council members may be reappointed or new members may be appointed.

Appointments made by the Secretary pursuant to this call will assure continued representation of specific categories of interest on each council. The new terms will expire December 31, 1986.

To ensure council membership that is balanced in terms of categories of interest represented and functions performed, nominees must be qualified to provide advice in specific areas identified with each council position now up for appointment. Categories for specific councils will be announced through local news releases in the appropriate States and Districts and will include the following:

Elected General Purpose Government  
Environmental Protection  
Recreation

Renewable Resources (livestock, forestry, agriculture)

Non-Renewable Resources (mining, oil and gas, extractive industries)

Transportation/Rights-of-Way  
Wildlife

Public-at-Large.

The purpose of the councils is to provide informed advice to the

respective District Managers on the management of the public lands. Members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for Government employees.

Each council normally will meet at least twice annually. Additional meetings may be called by the District Manager or his designee in connection with special needs for advice.

Persons wishing to nominate individuals or to be nominated to serve on a district advisory council should contact the appropriate District Manager of the Bureau of Land Management to ascertain which categories of interest are to be represented. They should then provide the District Manager with the names, addresses, professions, and other biographic data of qualified nominees.

**DATE:** All nominations should be received no later than August 15, 1983.

**ADDRESSES:** The mailing address of each Bureau District Manager is as follows:

#### Alaska

Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507

Fairbanks District Office, North Post of Fort Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707

#### Arizona

Arizona Strip District Office, 196 East Tabernacle, P.O. Box 250, St. George, Utah 84770

Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017

Safford District Office, 425 East 4th Street, Safford, Arizona 85546

Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364

#### California

Bakersfield District Office, 800 Truxton Avenue, Room 302, Bakersfield, California 93301

Susanville District Office, 705 Hall Street, P.O. Box 1090, Susanville, California 96130

Ukiah District Office, 555 Leslie Street, Ukiah, California 95482

#### Colorado

Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212

Craig District Office, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81625

Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501

Montrose District Office, 2465 South Townsend, P.O. Box 1269, Montrose, Colorado 81401

#### Idaho

Boise District Office, 3948 Development Avenue, Boise, Idaho 83705

Burley District Office, Route 3, Box 1, Burley, Idaho 83318

Coeur d'Alene District Office, 1808 North Third Street, Coeur d'Alene, Idaho 83814

Idaho Falls District Office, 940 Lincoln Road,  
Idaho Falls, Idaho 83401  
Salmon District Office, P.O. Box 430, Salmon,  
Idaho 83467  
Shoshone District Office, 400 West F Street,  
P.O. Box 2B, Shoshone, Idaho 83352

**Montana**

Butte District Office, 106 North Parkmont,  
P.O. Box 3388, Butte, Montana 59701  
Miles City District Office, West of Miles City,  
P.O. Box 940, Miles City, Montana 59301  
Dickinson District Office, 204 Sims, P.O. Box  
1229, Dickinson, North Dakota 58601  
Lewistown District Office, Airport Road,  
Lewistown, Montana 59457

**Nevada**

Battle Mountain District Office, P.O. Box 194,  
Battle Mountain, Nevada 89820  
Carson City District Office, 1050 East  
Williams Street, Suite 335, Carson City,  
Nevada 89701  
Elko District Office, P.O. Box 831, Elko,  
Nevada 89601  
Ely District Office, Star Route 5, Box 1, Ely,  
Nevada 89301  
Las Vegas District Office, 4765 Vegas Drive,  
P.O. Box 26569, Las Vegas, Nevada 89128  
Winnemucca District Office, 705 East 4th  
Street, Winnemucca, Nevada 89445

**New Mexico**

Albuquerque District Office, 3550 Pan  
American Freeway, N.E., P.O. Box 6770,  
Albuquerque, New Mexico 87107  
Las Cruces District Office, 1705 North Valley  
Drive, P.O. Box 1420, Las Cruces, New  
Mexico 88001  
Roswell District Office, 1717 West Second  
Street, Featherstone Farms Building, P.O.  
Box 1397, Roswell, New Mexico 88201

**Oregon**

Burns District Office, 74 South Alvord Street,  
Burns, Oregon 97720  
Coos Bay District Office, 333 South 4th Street,  
Coos Bay, Oregon 97420  
Eugene District Office, 1255 Pearl Street, P.O.  
Box 10226, Eugene, Oregon 97440  
Lakeview District Office, 1000 South 9th, P.O.  
Box 151, Lakeview, Oregon 97630  
Medford District Office, 3040 Biddle Road,  
Medford, Oregon 97501  
Prineville District Office, 185 East 4th Street,  
P.O. Box 550, Prineville, Oregon 97754  
Roseburg District Office, 777 N.W. Garden  
Valley Boulevard, Roseburg, Oregon 97470  
Salem District Office, 1717 Fabry Road, S.E.,  
P.O. Box 3227, Salem, Oregon 97302  
Spokane District Office, West 920 Riverside,  
Spokane, Washington 99201  
Vale District Office, 365 A Street West, P.O.  
Box 700, Vale, Oregon 97918

**Utah**

Cedar City District Office, 1579 North Main  
Street, P.O. Box 724, Cedar City, Utah 84720  
Moab District Office, 125 West 2nd South  
Main, P.O. Box 970, Moab, Utah 84532  
Richfield District Office, 150 East 900 North,  
Richfield, Utah 84701  
Salt Lake District Office, 2370 South 2300  
West, Salt Lake City, Utah 84119  
Vernal District Office, 170 South 500 East,  
Vernal, Utah 84078

**Wyoming**

Casper District Office, 951 Rancho Road,  
Casper, Wyoming 82601  
Rawlins District Office, P.O. Box 670, 1300  
3rd Street, Rawlins, Wyoming 82301  
Rock Springs District Office, P.O. Box 1869,  
Highway 167 North, Rock Springs,  
Wyoming 82901  
Worland District Office, P.O. Box 119, 1700  
Robertson Avenue, Worland, Wyoming  
82401.

**FOR FURTHER INFORMATION CONTACT:**

The respective District Managers.

Robert F. Burford,

Director.

June 20, 1983.

[FR Doc. 83-17767 Filed 6-30-83; 8:45 am]

**BILLING CODE 4310-64-M**

**[AA-6674-A]****Alaska Native Claims Selection;  
Koniag, Inc.**

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to KONIAG, INC., Regional Native Corporation (for the village of Karluk) for approximately 3,300 acres. The lands involved are within T. 29 S., R. 31 W., and T. 30 S., R. 31 W., Seward Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the KODIAK DAILY MIRROR upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until August 1, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Koniag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615.

Ruth Stockie,

Section Chief, Branch of ANCSA  
Adjudication.

[FR Doc. 83-17810 Filed 6-30-83; 8:45 am]

**BILLING CODE 4310-64-M**

**National Park Service****Kenai Fjords National Park, Alaska;  
Draft General Management Plan and  
Environmental Assessment**

**AGENCY:** National Park Service,  
Department of the Interior.

**ACTION:** Notice of Availability of Draft  
General Management Plan/  
Environmental Assessment for Kenai  
Fjords National Park, Alaska.

**SUMMARY:** This notice announces the availability of a Draft General Management Plan/Environmental Assessment for Kenai Fjords National Park, Alaska. This notice also announces public meetings for the purposes of receiving public comments on the Draft General Management Plan/Environmental Assessment.

**DATE:** Written comments should be received no later than August 15, 1983.

The dates of the public hearing regarding the Draft GMP/EA are: July 6, 7:00 p.m., Seward, City Hall July 7, 7:00 p.m., Anchorage, Regional Office, 540 West 5th Avenue

**ADDRESSES:** Comments on the Draft GMP/EA should be addressed to the Superintendent, Kenai Fjords National Park, Box 1727, Seward, Alaska 99664. Public reading copies will be available for review at the following locations: Parks and Forests Information Center, 540 W. 5th Avenue, Anchorage, Alaska

Headquarters, Kenai Fjords National Park, Seward, Alaska Seward Public Library, Seward, Alaska

Elmer E. Rasmuson Library, University of Alaska, Fairbanks, Alaska

Juneau Memorial Library, Juneau, Alaska

Department of Interior Central Library, Washington, D.C.

U.S. Geological Survey Library, 1526 Cole Blvd., Golden, Colorado

Alaska Resources Library, Federal Building, 701 C Street, Anchorage, Alaska

**FOR FURTHER INFORMATION CONTACT:**

Mr. David Moore, Superintendent, Kenai Fjords National Park, Box 1727, Seward, Alaska 99664 (Telephone (907) 224-3874) or Ms. Linda Nebel, Chief, Division of Planning and Design, National Park Service, 540 West Fifth Avenue, Anchorage, Alaska 99501 (Telephone (907) 271-4637). A limited number of copies of the document is available from the Superintendent.

**SUPPLEMENTARY INFORMATION:** The Park was established December 2, 1980 by the Alaska National Interest Lands Conservation Act, ANILCA, Pub. L. 96-487 (16 U.S.C. 1301 et seq.).

Subsequently, the National Park Service conducted informal scoping to determine management and environmental concerns of the public, state and federal agencies. Considering the issues raised within the framework of ANILCA, park policies, resources information, environmental concerns, and the needs of the visitors, alternatives were developed for consideration for the preservation and use of the park over the next ten to fifteen years.

The draft general management plan presents strategies for management of natural and cultural resources, access to the park, interpretation and information, and visitor use, and administrative facilities. Other topics addressed include staffing, wilderness suitability, zoning, carrying capacity, non-federal lands within the park boundary and tidelands and submerged lands.

Alternatives are presented for each major area of the park: the fjords, the icefield and the Exit Glacier area. Alternatives are also presented regarding the park headquarters and visitor center in Seward. The environmental consequences of the alternatives are assessed at the end of the document.

Dated: June 20, 1983.

Roger J. Contor,  
Regional Director.

[FR Doc. 83-17740 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-01-M

**General Management Plan;  
Eisenhower National Historic Site;  
Meeting and Inquiry**

**AGENCY:** National Park Service—  
Eisenhower National Historic Site.

**ACTION:** Notice of Preplanning Comment Period and Public Meetings on Draft General Management Plan.

**SUMMARY:** During the next 18 months the National Park Service will be developing a General Management Plan and Land Protection Plan which will guide the future of Eisenhower National Historic Site. During this process, the public will be asked to participate during several phases.

The first of the Preplanning Phase where the various management, land acquisition, and development issues are identified. To assist in this phase, the National Park Service has scheduled a public meeting to solicit the public's views on issues.

Dates and Locations: 7:00 p.m., Tuesday, July 18, 1983, Gettysburg, Pa., Cyclorama Visitor Center Auditorium.

Public comments during this phase of the planning process will be accepted until September 2, 1983. Comments should be addressed to: Superintendent, Gettysburg National Military Park, Gettysburg, PA 17325.

Dated: June 17, 1983.

James W. Coleman, Jr.,  
Regional Director, Mid-Atlantic Region.

[FR Doc. 83-17745 Filed 6-30-83; 8:45 am]

BILLING CODE 4310-70-M

**INTERSTATE COMMERCE  
COMMISSION**

[OP4-F-398]

**Motor Carriers; Decision-Notice;  
Finance Application**

The following applications 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 49 CFR 1182.1 of the Commission's Rules of Practice. 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 Rules 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. 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, in accordance with 49 CFR 1182.2(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, Members: Parker, Fortier and Krock.

Agatha L. Mergenovich,  
Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

MC-F-15297, filed May 25, 1983. Decided June 24, 1983. DAVID RUKIN *et al.*, 17 Franklin Turnpike, Mahwah, NJ 07430—CONTROL—INTERNATIONAL BUS SERVICES, INC., of the same address. Representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021. David Rukin, Barnett Rukin, Julius Eisen, Irwin Flateman, and Eleanore Rukin seek approval for the control of International Bus Services, Inc., which is a motor carrier of passengers pursuant to MC-155937 and sub-numbers thereunder, in a common interest with Hudson Transit Corporation (MC-133403); Hudson Transit Lines, Inc. (MC-228); Colonial Coach Corp. (MC-39491); Chenango Valley Bus Lines, Inc. (MC-141324); and Limousine Bus Rental Service, Inc. (MC-115456). The applicants control the aforementioned bus companies through stock ownership or management. The common control of Colonial Coach Corp., Chenango Valley Bus Lines, Inc., and Hudson Transit Corporation had previously been approved in MC-F-9891, MC-F-12502, and MC-F-10926, respectively.

[FR Doc. 83-17736 Filed 6-30-83; 8:45 am]  
BILLING CODE 7035-01-M

[OP4FC-397]

#### Motor Carrier Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate

Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notice within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

#### It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Please direct status inquiries to Team Four at (202) 275-7669.

Agatha L. Mergenovich,  
Secretary.

MC-FC-81541. By decision of June 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board, Members Fortier, Carleton, and Parker approved the transfer to TWIN CITY TOWING, INC., of St. Paul, MN, of certificate No. MC-111356, issued May 24, 1950, to KOEHLER SERVICE GARAGE, INC., of Minneapolis, MN, authorizing the transportation of *wrecked and disabled motor vehicles*, and *tractors* for replacement of wrecked or disabled tractors, in truckaway service, between points in the Minneapolis-St. Paul, MN Commercial Zone, on the one hand, and, on the other, points in IL, IA, MN, ND, SD, and WI. An application for temporary authority has been filed. Representative: Raymond W. Faricy, Jr., 170 E. 7th Pl., Suite 200, St. Paul, MN

55101, (612) 297-8484, for transferee, and Samuel Finkelstein, 715 Florida Ave. South, Suite 102, Golden Valley, MN 55428, (612) 541-1695, for transferor.

[FR Doc. 83-17737 Filed 6-30-83; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Hinkle Contracting Corporation, North Middletown Road, Paris, Kentucky 40361.

2. Wholly-owned subsidiary which will participate in the operation and the address of its principal office: Hinkle Hauling Co., Inc., North Middletown Road, Paris, Kentucky 40361.

1. Parent Corporation—Marshall Field & Company, 111 North State Street, Chicago, Illinois 60602.

2. Wholly-owned subsidiaries which will participate in the operations:

(i) Marshall Field Stores, Inc., a corporation incorporated in the State of Delaware;

(ii) Marshall Field's Chicago, Inc., a corporation incorporated in the State of Delaware.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-17735 Filed 6-30-83; 8:45 am]  
BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

#### Motor Carriers; Lease and Interchange of Vehicles by Motor Carriers

Decided: June 29, 1983.

Gross & Hecht Trucking, Inc. (Permit No. MC-59806), Gold Star, Inc. (Permit No. MC-148560), and Mountain Side Transport, Inc. (Permit No. MC-13267), petition for waiver of Subpart B, Section 1057.11 (except (b)), and § 1057.12 of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057).

We find:

Petitioners are all regulated carriers holding contract authority from this Commission. They also are under authorized common control (Dockets MCF-14810 and MC-F-13081). They jointly administer a common safety program.

The petition indicates that the carriers are seeking waivers of specific regulations which they believe to be

burdensome and restrictive in the frequent interchange of vehicles between themselves. The petition clearly indicates that this interchange is of a trip-lease nature, saying in pertinent part:

This practice is particularly useful and essential in eliminating deadhead mileage by the respective carriers on return hauls after delivery of outbound shipments.

Since the vehicle leasing being conducted is between regulated carriers, the governing regulations are those of 49 CFR Part 1057, Subpart C, § 1057.22. The applicability of this section is clearly indicated by the Commission in Ex Parte No. MC-168, served February 4, 1983, at page 6 of the decision, which says:

The trip-lease exemption (49 CFR 1057.22) permits authorized carriers to reposition their equipment in a financially productive manner, in accord with the conditions set forth therein . . .

The decision further points out, at page 7, that the general leasing requirements of §§ 1057.11 and 1057.12 apply only to the leases between carriers and owner-operators, saying:

. . . Our research has not revealed, conditions that exist in carrier/carrier relationships which are similar to those that chronically exist in carrier/owner-operator relationships. . . . That dissimilarity is essentially why the protections for owner-operators appear in a carrier/owner-operators rule (general leasing requirements) rather than a carrier/carrier rule (trip-lease exemption).

There has been some confusion in regard to 49 CFR Part 1057 which has led various petitioners to seek waiver of §§ 1057.11 and 1057.12 although they are not applicable to the interchange of equipment between regulated carriers. For this reason, rather than deny this petition as improper, we have accepted it as seeking waiver of those conditions in the appropriate regulations which petitioners, by implication, indicate are burdensome to the interchange of equipment between the commonly controlled companies. Should our interpretation of their need for relief from § 1057.22 be inaccurate or inappropriate we invite petitioners to seek further relief.

We further find that a denial of the requested relief, as modified, would offer no more protection to the public and would prevent greater efficiency, fuel economy, and costs savings.

*It is Ordered:*

1. The petition of Gross & Hecht Trucking, Inc. (Permit No. MC-59806), Gold Star, Inc. (Permit No. MC-148560), and Mountain Side Transport, Inc. (Permit No. MC-13267), for waiver of

Subpart B, Section 1057.11 (except paragraph (b)), and § 1057.12 of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057) is denied as filed.

2. Waivers are granted, however, to the following conditional provisions of 49 CFR Part 1057, Subpart C, § 1057.22, as determined by the Board to be those appropriate to the needs of the petitioners: 1057.22(a) equipment identification, (d) limited directional return of equipment and (e)(2) insofar as it requires the issuance of interchange receipts. In lieu of such receipts however, times of equipment possession must be identifiable by normal dispatch records of the involved carriers.

3. All provisions of § 1057.22, other than those waived above, will be applicable to the exchange of equipment between the petitioners, as long as they remain regulated carriers under common control.

4. Contractual relationships between owner-operators and the individual carriers will be governed by the complete leasing regulations of 49 CFR Part 1057, Subpart B, §§ 1057.11 and 1057.12.

By the Motor Carriers Leasing Board,  
Board Members J. Warren McFarland,  
Bernard Gaillard, and John H. O'Brien .  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-17733 Filed 6-30-83; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

*Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).* The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See

49 CFR Part 1160, Subpart D, published in the *Federal Register* on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These 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.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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.

Agatha L. Mergenovich,  
Secretary.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries about the following to Team Four at (202) 275-7669.

*Volume No. OP4-395*

Decided: June 24, 1983.

By the Commission, Review Board,  
Members: Parker, Williams, and Dowell.

MC 1427 (Sub-6), filed June 13, 1983.  
Applicant: NEW MEXICO  
TRANSPORTATION CO., INC., 515 N.  
Main St., Roswell, NM 88201.  
Representative: A. M. Smith (same  
address as applicant), (505) 622-2513.  
Transporting *passengers*, in charter and  
special operations, between points in  
the U.S. (except HI).

**Note.**—Applicant seeks to provide  
privately funded charter and special  
transportation.

MC 153457 (Sub-5), filed June 16, 1983.  
Applicant: TEXAS U.S. TRUCKING,  
INC., P.O. Box 4120, Ft. Worth, TX 76106.  
Representative: A. C. McAdams (same  
address as applicant), (817) 625-4191.  
Transporting *general commodities*,  
between El Segundo and Redondo  
Beach, CA, on the one hand, and, on the  
other, points in the U.S. (except AK and  
HI). 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  
specified points. The Certification  
should be sent to the Deputy Director,  
Section of Operating Rights, Interstate  
Commerce Commission, Washington,  
DC 20423.

MC 168716, filed June 16, 1983.  
Applicant: MISSOURI-ILLINOIS  
TRANSPORTATION, INC., Route 2, P.O.  
Box 41, Carterville, IL 62918.  
Representative: Grant M. Davis, 2217  
Juneway Terrace, Fayetteville, AR  
72701, (501) 443-3257. As a *broker of  
general commodities* (except household  
goods), between points in the U.S.  
(except AK and HI).

MC 168726, filed June 15, 1983.  
Applicant: BEN M. ZAGER, 1374 E. 41st  
St., Cleveland, OH 44103.  
Representative: Ben M. Zager (same  
address as applicant), (216) 361-3686. As

a *broker of general commodities* (except  
household goods), between points in the  
U.S.

MC 168736, filed June 16, 1983.  
Applicant: ALLEN K. PENTTILA, 1825  
McDonald Rd., Mt. Prospect, IL 60025.  
Representative: Allen K. Penttila (same  
address as applicant), (312) 298-3593. As  
a *broker of general commodities* (except  
household goods), between points in the  
U.S.

[FR Doc. 83-17738 Filed 6-30-83; 8:45 am]

BILLING CODE 7035-01-M

**Motor Carriers; Permanent Authority  
Decisions; Decision-Notice**

*Motor Common and Contract Carriers  
of Property (except fitness-only); Motor  
Common Carriers of Passengers (public  
interest); Freight Forwarders; Water  
Carriers; Household Goods Brokers.* The  
following applications for motor  
common or contract carriers of property,  
water carriage, freight forwarders, and  
household goods brokers are governed  
by Subpart A of Part 1160 of the  
Commission's General Rules of Practice.  
See 49 CFR Part 1160, Subpart A,  
published in the *Federal Register* on  
November 1, 1982, at 47 FR 49583, which  
redesignated the regulations at 49 CFR  
1100.251, published in the *Federal  
Register* December 31, 1980. For  
compliance procedures, see 49 CFR  
1160.19. Persons wishing to oppose an  
application must follow the rules under  
49 CFR Part 1160, Subpart B.

The following applications for motor  
common carriage of passengers, filed on  
or after November 19, 1982, are  
governed by Subpart D of 49 CFR Part  
1160, published in the *Federal Register*  
on November 24, 1982 at 47 FR 53271.  
For compliance procedures, see 49 CFR  
1160.86. Carriers operating pursuant to  
an intrastate certificate also must  
comply with 49 U.S.C. 10922(c)(2)(E).  
Persons wishing to oppose an  
application must follow the rules under  
49 CFR Part 1160, Subpart E. In addition  
to fitness grounds, these applications  
may be opposed on the grounds that the  
transportation to be authorized is not  
consistent with the public interest.

Applicant's representative is required  
to mail a copy of an application,  
including all supporting evidence, within  
three days of a request and upon  
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 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.

We make an additional preliminary  
finding with respect to each of the  
following types of applications as  
indicated: common carrier of property—  
that the service proposed will serve a  
useful public purpose, responsive to a  
public demand or need; water common  
carrier—that the transportation to be  
provided under the certificate is or will  
be required by the public convenience  
and necessity; water contract carrier,  
motor contract carrier of property,  
freight forwarder, and household goods  
broker—that the transportation will be  
consistent with the public interest and  
the transportation policy of section  
10101 of chapter 101 of Title 49 of the  
United States Code.

These presumptions 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.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-392.

Decided: June 23, 1983.

By the Commission, Review Board, Members: Carleton, Williams, and Ewing. MC 165616 (Sub-1), filed May 9, 1983, noticed in the Federal Register issue of June 3, 1983, and republished this issue. Applicant: J. M. HOLT & SONS CONSTRUCTION, INC., P.O. Box 794, Graham, NC 27253. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD504, Charlotte, NC 28205, (704) 372-8212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, VA, SC, NJ, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correct the territorial description

MC 166726, filed April 1, 1983, previously noticed in the Federal Register issue of April 18, 1983, and republished this issue. Applicant: CHRIS A. THOMASON, d.b.a. REX "N" DON VAN LINES, P.O. Box 217, Charleston, IL 62705. Representative: Edward D. McNamara, Jr., 907 South 4th St., P.O. Box 5039, Springfield, IL 62705, (217) 528-8476. Transporting *trailers*, between points, in IL, MO, IN, TN, OH, MI, KY, WI, MN, and IA, under continuing contracts(s) with Trailmobile, Inc., of Chicago, IL. CONDITION: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate No. MC-166726.

Volume No. OP4-393

Decided: June 21, 1983.

By the Commission, Review Board, Members: Dowell, Fortier, and Krock.

MC 168687, filed June 13, 1983. Applicant: D H & K LUMBER PIPE & SUPPLY, P.O. Box 265, Gordo, AL 35466. Representative: William Mack Dyer (same address as applicant), (205) 364-8522. Transporting *lumber and wood*

*products*, between points in Lamar County, AL, on the one hand, and, on the other, points in MS, LA, AR, TX, FL, GA, SC, NC, VA, WV, TN, KY, OH, IN, IL, WI, MI, and PA.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-394

Decided: June 24, 1983.

By the Commission, Review Board, Members: Parker, Williams and Dowell.

MC 106956 (Sub-12), filed June 13, 1983. Applicant: SYLVESTER TRUCKING CO., 7901 Sylvania Ave., Sylvania, OH 43560. Representative: Wolhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962-6492. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 155916 (Sub-5), filed June 16, 1983. Applicant: ARDMORE FARMS, INC., 1915 North Woodlawn Blvd., P.O. Box 183, Deland, FL 32720. Representative: William P. Jackson, Jr., 3428 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *food and related products*, between points in AL, FL, GA, NC, SC, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168266, filed June 13, 1983. Applicant: ROBERT L. HANSON, d.b.a. HANSON TRUCKING, 2204 Woodlawn, Missoula, MT 59801. Representative: Robert L. Hanson (same address as applicant), (406) 728-2178. Transporting *chemicals and related products*, between points in MI, ID, WA, OR, WY, CO, ND, SD, NE, KS, IL, and IA, under continuing contract(s) with Transbas, Inc., of Billings, MT.

MC 168656, filed June 14, 1983. Applicant: JAMES JOHN JOHANNSEN d.b.a. JOHANNSEN TRUCK SERVICE, 1001 North Estey, Luverne, MN 56156. Representative: James John Johannsen (same address as applicant), (507) 283-8829. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

Volume No. OP4-395

Decided: June 23, 1983.

By the Commission, Review Board, Members: Carleton, Parker and Joyce.

FF-707, filed June 16, 1983. Applicant: UNIVERSAL AIR FREIGHT, INC., Greater Pittsburgh Airport, Universal Air Freight Bldg., P.O. Box 12427, Pittsburgh, PA 15231. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, (412) 281-9494. As a freight forwarder, in

connection with the transportation of *textile mill products*, between points in the U.S.

MC 128007 (Sub-173), filed June 16, 1983. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburgh, PA 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601, (913) 234-0506. 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 National Presto Industries, Inc., of Eau Claire, WI.

MC 134777 (Sub-25), filed June 16, 1983. Applicant: SOONER EXPRESS, INC., P.O. Box 219, Madill, OK 73446. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 N. Classen Blvd., Oklahoma City, OK 73118. Transporting *petroleum and petroleum products*, between points in OK and TX.

MC 149536 (Sub-7), filed June 17, 1983. Applicant: RODCO LEASING, INC., 339-D Bliss St., P.O. Box 285, W. Springfield, MA 01090. Representative: David E. Tinker, 1000 Connecticut Ave., NW., Suite 112, Washington, DC 20036-5391, (202) 887-5868. 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).

MC 151407 (Sub-10), filed June 16, 1983. Applicant: T & T TRUCKING, INC., 274 N.W. 37th St., Miami, FL 33127. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI).

MC 168626, filed June 13, 1983. Applicant: THOMAS WOLFGANG AND HARRY CRALEY, d.b.a. CHAMPION LINE, 590 S. State St., York, PA 17403. Representative: Gary L. Snyder, 52 S. Duke St., York, PA 17401, (717) 854-3871. Transporting *general commodities* (except classes A and B explosives and household goods), between points in PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, VA, WV, and DC.

MC 168727, filed June 16, 1983. Applicant: JOSEPH WAYNE PARKER, P.O. Box 44, Addison, AL 35540. Representative: Joseph Wayne Parker (same address as applicant), (205) 745-1214. Transporting *lumber and wood products*, between points in AL, GA, MS, TN, KY, IN, IL, and MI.

MC 168737, filed June 17, 1983. Applicant: TNT TRUCKING, INC., Box 1917, Williston, ND 58801.

Representative: Samuel Rubentein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *materials, equipment and supplies* used in oil and gas well drilling, between points in the U.S. (except AK and HI, on the one hand, and, on the other, points in ND and WY).

Please direct status inquiries about the following to Team Four at (202) 275-7669.

*Volume No. OP4-399*

Decided: June 27, 1983.

By the Commission, Review Board, Members: Krock, Carleton, and Parker.

MC 147886 (Sub-18), filed June 20, 1983. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526-4114. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 155796 (Sub-9), filed June 20, 1983. Applicant: TRANSPORTATION SPECIALISTS, LTD., 440 Commercial Federal Tower, 2120 S. 72nd St., Omaha, NE 68124. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *such commodities* as are dealt in or used by photography supply houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 158846 (Sub-2), filed June 16, 1983. Applicant: MONARCH MARKET STREET CORPORATION, 505 Long Beach Blvd., Long Beach, NY 11561. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, (516) 427-0100. Transporting *beverages*, between points in the U.S. (except AK and HI).

MC 158906 (Sub-1), filed June 21, 1983. Applicant: ALSWAY, INC., 4635 N. Broadway Ave., Chicago, IL 60640. Representative: Barry Weintraub, Suite 403, 7700-Leesburg Pike, Falls Church, VA 22043, (703) 442-8330. Transporting *passenger automobiles and pickup trucks*, between points in the U.S. (except AK and HI).

MC 159927, filed June 16, 1983. Applicant: E & C STATELINERS, INC., P.O. Box 87, Caledonia, MN 55921. Representative: Joseph E. Ludden, 2707

South Ave., P.O. Box 1567, La Crosse, WI 54601, (608) 788-2000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Houston County, MN and Allamakee County, IA, on the one hand, and, on the other, points in WI, IL, IN, OH, MI, KY, IA, MN, TN, MS, AR, MO, ND, SD, NE, and KS, under continuing contract(s) with Staggenmeyer Stone Co., of Caledonia, MN, and Weber Construction, Inc., of New Albin, IA.

[FR Doc. 83-17739 Filed 6-30-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-146)]

**Rail Carriers; Burlington Northern Railroad Company—Abandonment—in Whitman County, WA; Findings**

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 4.85 mile rail line between Palouse (milepost 75.66) and Grinnell (milepost 70.81) in Whitman County, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of the Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-17734 Filed 6-30-83; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**"United States v. Cargo Gasoline Co., et al.," Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act,

15 U.S.C. 16(b) through (h), that a proposed final judgment and a competitive impact statement, as set out below, have been filed with the United States District Court for the Middle District of Florida, in Civil Action No. 79-846-CIV-J-B, *United States of America v. Cargo Gasoline Co., et al.*

The complaint in this case alleges that the defendants, companies which are or were in the retail gasoline business, engaged in a conspiracy to fix retail prices of gasoline sold in Florida.

The proposed judgment prohibits the defendants—Cargo Gasoline Co., Cargo Service Stations, Inc., Carse Oil Company, Inc., Colonial Service Stations, Inc., Eastern Oil Company, Gate Petroleum Company, The Imperial Florida Oil Company, Key Petroleum Inc., Star Service & Petroleum Company, Super Test Oil & Gas Company, Tampa Wholesale Company, T.D. McRae, Incorporated and United Petroleum, Inc.—from adhering to, maintaining, furthering, enforcing or entering into, directly or indirectly, any agreement or understanding to fix retail gasoline prices in the State of Florida. The defendants are further prohibited from attempting to induce, coerce or influence any other person to adhere to any suggested retail price for gasoline in Florida and from communicating any such price to another retailer.

Public comment is invited within the next 60 days. Such comments and responses thereto will be published in the *Federal Register* and filed with the Court.

Joseph H. Widmar,  
Director of Operations, Antitrust Division.

**Stipulation**

In the matter of United States District Court, Middle District of Florida, Jacksonville Division; *United States of America, Plaintiff v. Cargo Gasoline Co.; Cargo Service Stations, Inc.; Carse Oil Company, Inc.; Colonial Service Stations, Inc.; Eastern Oil Company; Gate Petroleum Company; The Imperial Florida Oil Company; Key Petroleum, Inc.; Star Service & Petroleum Company; Super Test Oil & Gas Company; Tampa Wholesale Company; T. D. McRae, Incorporated; and United Petroleum, Inc., Defendants*; Civil No. 79-846-CIV-J-B, Filed: June 24, 1983.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures

and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

Dated: June 24, 1983.

For the Plaintiff:

William F. Baxter,

*Assistant Attorney General.*

Joseph H. Widmar,

Donald A. Kinkaid,

John T. Orr,

*Attorneys, Antitrust Division, U.S. Department of Justice.*

Robert W. Merkle,

*United States Attorney.*

For the Defendant, Carse Oil Company, Inc.:

James M. Landis,

*Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.O. Box 3239, Tampa, Florida 33601.*

Robert W. Merkle,

*United States Attorney.*

For the Defendant, Colonial Service Stations, Inc.:

Samuel S. Jacobson,

*Datz, Jacobson & Lembcke, P.A., 2902 Independent Square, Jacksonville, Florida 32202.*

For the Defendant, Gate Petroleum Company:

C. Kenneth Norrie,

*Rogers, Towers, Bailey, Jones & Gay, 1300 Florida Title Building, Jacksonville, Florida 32202.*

For the Defendant, The Imperial Florida Oil Company (in liquidation):

Thomas F. Ryan,

*Sidley & Austin, One First National Plaza, Chicago, Illinois 60603.*

For the Defendant, Key Petroleum, Inc.:

Donald A. Gifford,

*Shackleford, Farris, Stallings, & Evans, P.O. Box 3324, Tampa, Florida 33601.*

For the Defendant, Star Service & Petroleum Company:

William A. Richter,

*Peper, Martin, Jensen, Maichel & Hetlage, 720 Olive Street, 24th Floor, St. Louis, Missouri 63101.*

For the Defendant, Super Test Oil & Gas Company:

C. Harris Dittmar,

*Bedell, Bedell, Dittmar & Zehmer, 1500 Barnett Bank Building, Jacksonville, Florida 32202.*

For the Defendant, Tampa Wholesale Company:

Sanford L. Bohrer,

*Paul & Thomson, 1300 Southeast First National Bank Building, Miami, Florida 33131.*

For the Defendants, T. D. McRae, Incorporated and United Petroleum, Inc.:

Ralph W. Rinehart,  
*915 North Tampa Street, Tampa, Florida 33602.*

For the Defendants, Cargo Gasoline Co., Cargo Service Stations, Inc. and Eastern Oil Company:

Charlie Luckie, Jr.,

*Dayton, Sumner, Luckie & McKnight, P.A., 106 South 6th Street, Dade City, Florida 33525.*

### Final Judgment

In the matter of United States District Court, Middle District of Florida, Jacksonville Division; United States of America, Plaintiff, v. Cargo Gasoline Co.; Cargo Service Stations, Inc.; Carse Oil Company, Inc.; Colonial Service Stations, Inc.; Eastern Oil Company; Gate Petroleum Company; The Imperial Florida Oil Company; Key Petroleum, Inc.; Star Service & Petroleum Company; Super Test Oil & Gas Company; Tampa Wholesale Company; T. D. McRae, Incorporated; and United Petroleum, Inc., Defendants; Civil No. 79-846-CIV-J-B. Filed: June 24, 1983.

Plaintiff, United States of America, having filed its Complaint herein on September 27, 1979, and the defendants having appeared and filed their answers to the Complaint denying the violations alleged therein, and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this final judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue and this Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure having determined there is no just reason for delay in entering a Final Judgment as to all of plaintiff's claims asserted in and arising out of the matters alleged in the Complaint against the defendants and having directed the entry of such a Final Judgment;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon the consent of the parties hereto,

It is hereby ordered, adjudged and decreed as follows:

### I

This Court has jurisdiction over the subject matter herein and the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Sherman Act (15 U.S.C. 1).

### II

As used in this Final Judgment:

A. "Retailer" means any person who is engaged in the retail sale of gasoline for use in motor vehicles in the State of Florida; and

B. "Person" means any individual, association, cooperative, partnership, corporation or other business or legal entity.

### III

The provisions of this Final Judgment apply in the State of Florida to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; *Provided, however,* That this Final Judgment shall not apply to transactions or communications solely between a defendant and its officers, directors, employees or agents, or to transactions or communications between or among such defendant and its subsidiaries, affiliated companies or its parent if any.

### IV

A. Each defendant is enjoined and restrained from adhering to, maintaining, furthering, enforcing or entering into directly or indirectly, any agreement understanding plan or program with any other person to raise, fix, stabilize or program with any other person to raise, fix, stabilize or maintain the prices at which gasoline is offered for retail sale in the State of Florida.

B. Each defendant is enjoined and restrained from acting, either unilaterally or in concert with any other person, directly or indirectly to induce, coerce or attempt to influence any other person to adhere to any suggested retail price for the sale of gasoline in the State of Florida.

C. Each defendant is enjoined and restrained from in any way communicating to a retailer, any future, suggested prospective or proposed retail price for the sale of gasoline in the State of Florida.

### V

Each defendant is directed to:

A. Furnish within thirty days after the date of entry of this Final Judgment a copy thereof to each of its officers and directors and to each of its employees and agents who has authority over the establishment of retail prices at which gasoline is to be sold in the State of Florida;

B. Furnish within thirty days after employment or association with that defendant a copy of this Final Judgment to each successor of those officers, directors, agents and employees described in Paragraph (A) of this Section, except that directors who have no direct authority over the establishment of retail gasoline prices in the State of Florida must be furnished a copy of the Final Judgment within ninety days after becoming associated with the defendant;

C. File with this Court and with the plaintiff within sixty days after the date of entry of this Final Judgment an affidavit as to the fact and manner of its compliance with Paragraph (A) of this Section;

D. Advise each person described in Paragraph (A) and (B) of this Section at the time that a copy of this Final Judgment is furnished to him or her that corporate counsel is available at all reasonable times to answer questions about compliance with this Final Judgment;

E. Obtain from each person described in Paragraph (A) and (B) of this Section a written receipt evidencing delivery to such person of a copy of this Final Judgment and retain such receipts in its files; and

F. Require as a condition of the sale or other disposition of all, or substantially all, of its total assets of its retail gasoline business in the state of Florida, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by the Final Judgment.

#### VI

Once each year defendant shall advise in writing each of its directors, officers, agents and employees who have been furnished a copy of this Final Judgment in compliance with Paragraphs (A) and (B) of Section V hereof, of the defendant's policy to abide by the Antitrust Laws of the United States and of the terms of Section IV hereof, verbatim, and shall file with the Court and serve upon the plaintiff an affidavit as to the fact and manner of its compliance with this Section, attaching a copy of such written advice as was so distributed.

#### VII

For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, for time to time:

A. Duly authorized representative of the Department of Justice shall, upon written request by the Attorney General or by the Assistant Attorney General in charge of the Antitrust Division, and on reasonable written notice to a defendant made to its principal office, be permitted:

1. Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of that defendant, which may have counsel present, relating to any of the matters contained in the Final Judgment; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, any of whom, together with such defendant, may have counsel present, regarding any such matters.

B. Upon written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment, as may be requested.

C. No information obtained by the means provided in this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by any defendant to the United States, such defendant represents and identifies in writing the material in any such information or documents to be that to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rule of Civil Procedure or as otherwise provided by statute, and the defendant marks each pertinent page of such material. "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure", or as otherwise provided by statute, then ten-days notice shall be given by the United States to such defendant prior to

divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

#### VIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

#### IX

This Final Judgment will expire on the tenth anniversary of its date of entry.

#### X

Entry of this Final Judgment is in the public interest.

Dated: June 24, 1983.

United States District Judge, Middle District of Florida.

#### Proposed Consent Decree; Competitive Impact Statement

In the matter of United States District Court, Middle District of Florida, Jacksonville Division; United States of America, Plaintiff, v. Cargo Gasoline Co.; Cargo Service Stations, Inc.; Carse Oil Company, Inc.; Colonial Service Stations, Inc.; Eastern Oil Company; Gate Petroleum Company; The Imperial Florida Oil Company; Key Petroleum, Inc.; Star Service & Petroleum Company; Super Test Oil & Gas Company; Tampa Wholesale Company; T. D. McRae, Incorporated; and United Petroleum, Inc., Defendants; Civil No. 79-848-CIV-J-B. Filed: June 24, 1983.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), the United States of America hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

#### I. Nature of the Proceeding

On September 27, 1979, the Department of Justice filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) alleging that the above-named defendants violated Section 1 of the Sherman Act (15 U.S.C. 1). The complaint alleges that the defendants and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in the retailing of gasoline, the substantial terms of which were to

fix, raise, maintain and stabilize retail prices of gasoline in the State of Florida. The complaint requests that each of the defendants be enjoined from continuing or renewing the alleged conspiracy and from engaging in any other conspiracy or agreement having a similar purpose or effect.

Entry by the Court of the proposed consent judgment will terminate the action as to all defendants, except that the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

All of the defendants were convicted in the companion criminal case which charged the same violation as this complaint.

## II. Description of the Practices Involved in the Alleged Violation

The defendants are, or were at the time of the complaint, engaged in the retail gasoline business. The complaint alleges that the defendants and co-conspirators engaged in a conspiracy from at least as early as January 1975 and continuing thereafter to at least December 1977, the substantial terms of which were to fix, raise, maintain and stabilize retail prices of gasoline in the State of Florida. The complaint further alleges that the defendants and co-conspirators actually fixed retail gasoline prices as they agreed to do. The complaint also alleges that the conspiracy may recur unless enjoined by the Court. The market area alleged to have been affected by the conspiracy is the State of Florida.

The complaint alleges that the conspiracy had the following effects, among others: (a) Prices of gasoline in Florida have been raised to and maintained and stabilized at artificial and non-competitive levels; (b) consumers have been deprived of the benefits of free and open competition in the sale of gasoline in Florida; and (c) competition among the defendants and co-conspirators in the sale of gasoline in Florida has been restrained.

If the defendants had gone to trial, the Government would have adduced evidence to show that the defendants and co-conspirators, in about January 1975, began their efforts to collusively coordinate retail prices. The defendants may all be characterized as independent, or private-brand, retailers as opposed to the major oil companies with nationally-known brand names. The independents generally priced their gasoline several cents a gallon below the majors. The conspiracy alleged in the complaint was directed at raising

and fixing the retail prices of gasoline at the independent level of the market.

To initiate a price increase, a defendant or co-conspirator would inform the executive director of the now-defunct Florida Independent Gasoline Marketers Association ("FIGMA") that he wished to increase his prices in a particular market. The FIGMA director would, in turn, telephone other independents affected by the proposed increase or "move" and attempt to obtain their commitments to join the move. This would either be done by explicit request or by the use of such expressions as asking the retailer to "take a look" at the move. It was generally understood in the industry that if a company agreed to take a look at a move, it would increase its prices if others increased theirs as promised. Various defendants and co-conspirators made direct contacts with their competitors, similar to those made by the FIGMA director, to further ensure the success of coordinated moves. In addition, several meetings were held at which defendants and co-conspirators discussed methods of improving price-coordinating efforts.

The geographic area affected by such coordinated price moves varied. Although statewide moves occurred several times a year, most moves involved particular metropolitan or local areas in Florida. The Tampa, Jacksonville and Orlando markets were among those often affected. The Panhandle area was rarely, if ever, affected because most of the conspirators did not have retail outlets there. For the same reason, very few of the coordination efforts were directed at the Miami-Ft. Lauderdale area.

In addition to the collusive contacts regarding prospective price increases, there were numerous telephone calls among the defendants and co-conspirators to enforce compliance with agreed-upon price increases after moves had taken place and to settle pricing disputes involving individual competing stations.

## III. Explanation of the Proposed Consent Judgment

The United States and defendants have stipulated that the proposed consent judgment, in the form negotiated by and among the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed

judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

**A. Prohibited Conduct.** The provisions of the proposed judgment shall apply to the retail gasoline operations of the defendants in the State of Florida. The proposed judgment prohibits the defendants from adhering to, maintaining, furthering, enforcing or entering into, directly or indirectly, any agreement or understanding to fix retail gasoline prices in the State of Florida. The defendants are further prohibited from attempting to induce, coerce, or influence any other person to adhere to any suggested retail price for gasoline in Florida and from communicating any such price to another retailer.

The proposed consent judgment requires that each defendant furnish a copy of the judgment to each of its officers and directors, and to each of its employees and agents who has authority over retail pricing in Florida and to advise each of them as to the availability of corporate counsel to answer questions regarding compliance. Each defendant is required to furnish to the Court and the plaintiff an affidavit as to the fact and manner of its notification of its officers, directors, employees and agents. Also, each defendant is required once each year for ten years to advise each such officer, employee and agent of its policy to abide by the antitrust laws and of the prohibitions contained in the proposed judgment and to file an affidavit as to the fact and manner of its compliance with the Court and the plaintiff.

The proposed consent judgment provides that each defendant shall require, as a condition of the sale of the assets of its retail gasoline business in Florida, that the acquiring party agree to be bound by the provisions of the judgment.

**B. Scope of the Proposed Judgment.** The proposed consent judgment will remain in effect for a period of ten years from its entry. By its terms the judgment applies to each defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons who act in concert with the defendant, provided that such persons have actual notice of the judgment, by personal service or otherwise.

Three of the defendants, Colonial Service Stations, Inc., The Imperial Florida Oil Company (in liquidation) and Tampa Wholesale Company, have discontinued all retail gasoline operations in Florida since the complaint was filed. The United States

has entered into separate stipulations with each of these defendants providing that the affirmative notice and reporting requirements of the proposed judgment shall not apply to them so long as they are not engaged in the retail sale of gasoline in the State of Florida. The portions of the proposed judgment prohibiting collusive conduct and future price communications remain fully applicable to these defendants.

**C. Effect of the Proposed Judgment on Competition.** The relief encompassed in the proposed consent judgment is designed to prevent any recurrence of the activities alleged in the complaint. The prohibitive language of the judgment should ensure that the defendants will independently determine their retail prices in the future in response to normal competitive forces. It would prevent the use of an organization such as FIGMA as a central clearinghouse for exchanging information on pricing intentions and coordinating collusive price increases. The proposed judgment would further prohibit the practice, engaged in by some defendants, of announcing in industry publications the date and amount of future retail price increases. Such announcements have been used in the past as a signalling device to competitors to aid in coordinating price moves.

The judgment provides two methods for determining the defendants' compliance with the terms of the judgment. First, the Government is given access, upon reasonable notice, to the records of the defendants to examine these records for possible violations of the judgment and is permitted to interview officers, agents or employees of the defendants. Second, the defendants may be required to submit written reports with respect to any matters contained in the proposed judgment.

It is the opinion of the Department of Justice that the proposed consent judgment contains fully adequate provisions to prevent future violations by these defendants of the type upon which this complaint is based and to ensure that the retail prices of the defendants are determined in a competitive atmosphere. In the Department's view, disposition of the lawsuit without further litigation against the defendants is appropriate in that the proposed judgment provides all the relief which the Government sought by filing its complaint; the additional expense of litigation would therefore not result in additional public benefit.

#### IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this consent judgment has no *prima facie* effect in any subsequent lawsuits which may be brought against these defendants.

#### V. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Donald A. Kinkaid, Antitrust Division, U.S. Department of Justice, 1776 Peachtree Street, N.W., Suite 420 Atlanta, Georgia 30309 within the 60-day period provided by the Act. These comments, and the Department's responses to them, will be filed with the Court and published in the *Federal Register*. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for such orders as may be necessary or appropriate for its modification, interpretation or enforcement.

#### VI. Alternatives to the Proposed Consent Judgment

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of this consent decree. The Department considers the substantive language of the judgment to be of sufficient scope and effectiveness to make litigation on relief unnecessary, as the judgement provides all relief which reasonably could have been expected after trial.

#### VII. Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in

formulating this proposed judgment. Consequently, none are being filed herewith.

Dated: June 24, 1983.

John T. Orr,

Attorney, U.S. Department of Justice, Antitrust Division, 1776 Peachtree Street, N.W., Atlanta, GA 30309, Telephone: (404) 881-3745, FTS 257-3745.

#### STIPULATION CONCERNING FINAL JUDGMENT RELATING TO TAMPA WHOLESALE COMPANY

In the matter of United States District Court, Middle District of Florida, Jacksonville Division; United States of America, Plaintiff, v. Cargo Gasoline Co.; Cargo Service Stations, Inc.; Carse Oil Company, Inc.; Colonial Service Stations, Inc.; Eastern Oil Company; Gate Petroleum Company; The Imperial Florida Oil Company; Key Petroleum, Inc.; Star Service & Petroleum Company; Super Test Oil & Gas Company; Tampa Wholesale Company; T. D. McRae, Incorporated; and United Petroleum, Inc., Defendants; Civil No. 79-848-CIV-J-B. Filed: June 24, 1983.

Plaintiff, United States of America, and defendant, Tampa Wholesale Company, hereby stipulate that Sections V and VI of the Final Judgment shall not apply to Tampa Wholesale Company, including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, so long as Tampa Wholesale Company does not engage in the retail sale of gasoline in the State of Florida. It is additionally stipulated that Section VII of the Final Judgment shall not be construed to affirmatively require Tampa Wholesale Company, including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as Tampa Wholesale Company is not engaged in the retail sale of gasoline in the State of Florida.

John T. Orr,

Counsel for the United States.

Sanford L. Bohrer,

Counsel for Tampa Wholesale Company.

Dated: June 24, 1983.

Judge Susan H. Black,

United States District Judge.

#### STIPULATION CONCERNING FINAL JUDGMENT RELATING TO THE IMPERIAL FLORIDA OIL COMPANY (IN LIQUIDATION)

In the matter of United States District Court, Middle District of Florida, Jacksonville Division; United States of America, Plaintiff, v. Cargo Gasoline Co.; Cargo Service Stations, Inc.; Carse Oil Company, Inc.;

Colonial Service Stations, Inc.; Eastern Oil Company; Gate Petroleum Company; The Imperial Florida Oil Company; Key Petroleum, Inc.; Star Service & Petroleum Company; Super Test Oil & Gas Company; Tampa Wholesale Company; T. D. McRae, Incorporated; and United Petroleum, Inc., *Defendants*; Civil No. 79-846-CIV-J-B. Filed: June 24, 1983.

Plaintiff, United States of America, and defendant, The Imperial Florida Oil Company (in liquidation), hereby stipulate that Sections V and VI of the Final Judgment shall not apply to The Imperial Florida Oil Company (in liquidation), including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, so long as The Imperial Florida Oil Company (in liquidation) does not engage in the retail sale of gasoline in the State of Florida. It is additionally stipulated that Section VII of the Final Judgment shall not be construed to affirmatively require The Imperial Florida Oil Company (in liquidation), including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as The Imperial Florida Oil Company (in liquidation) is not engaged in the retail sale of gasoline in the State of Florida.

John T. Orr,

*Counsel for the United States.*

Thomas F. Ryan,

*Counsel for The Imperial Florida Oil Company (in liquidation)*

Dated: June 24, 1983.

Judge Susan H. Black,

*United States District Judge.*

#### STIPULATION CONCERNING FINAL JUDGMENT RELATING TO COLONIAL SERVICE STATIONS, INC.

In the matter of United States District Court, Middle District of Florida, Jacksonville Division; United States of America, *Plaintiff*, v. Cargo Gasoline Co.; Cargo Service Stations, Inc.; Carse Oil Company, Inc.; Colonial Service Stations, Inc.; Eastern Oil Company; Gate Petroleum Company; The Imperial Florida Oil Company; Key Petroleum, Inc.; Star Service & Petroleum Company; Super Test Oil & Gas Company; Tampa Wholesale Company; T. D. McRae, Incorporated; and United Petroleum, Inc., *Defendants*. Civil No. 79-846-CIV-J-B. Filed: June 27, 1983

Plaintiff, United States of America, and defendant, Colonial Service Stations, Inc., hereby stipulate that Sections V and VI of the Final Judgment shall not apply to Colonial Service Stations, Inc., including its officers, directors, agents, representatives, employees, subsidiaries, successors and

assigns, so long as Colonial Service Stations, Inc. does not engage in the retail sale of gasoline in the State of Florida. It is additionally stipulated that Section VII of the Final Judgment shall not be construed to affirmatively require Colonial Service Stations, Inc., including its officers, directors, agents, representatives, employees, subsidiaries, successors and assigns, to maintain an office or otherwise hold themselves ready to comply with any aspect of Section VII so long as Colonial Service Stations, Inc. is not engaged in the retail sale of gasoline in the State of Florida.

John T. Orr,

*Counsel for the United States.*

Samuel S. Jacobson,

*Counsel for Colonial Service Stations, Inc.*

Dated: June 27, 1983.

Judge Susan H. Black,

*United States District Judge.*

[FR Doc. 83-17809 Filed 6-30-83; 8:45 am]

BILLING CODE 4410-01-M

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### Availability of Model Request for Proposals for Job Corps Center Operations; Open Meeting

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of availability of document and public meeting.

**SUMMARY:** The purpose of this notice is to alert interested persons to the availability of copies of a model Request for Proposals (RFP) for Job Corps center operations contracts which will be used for all future center procurements, and to advise those parties that the Department has forwarded this document to the Office of Management and Budget for review under the requirements of the Paperwork Reduction Act. Upon completion of the review, the Department will notify all interested persons of any changes or modifications to the document as a result of the review.

The Employment and Training Administration is announcing an open meeting for all interested persons to discuss the model RFP and the Job Corps procurement process.

**DATES:** Notices of participation should be submitted by July 6, 1983. The meeting will be held on July 12, 1983, beginning at 9:00 a.m.

**ADDRESSES:** Persons planning to attend the meeting should notify the office of

Job Corps, 601 D Street, NW., Room 6434, Washington, D.C. 20213, telephone (202) 376-2646. The meeting will be held in the Frances Perkins Building, 200 Constitution Avenue, Room N-3437 C and D, Washington, D.C.

##### FOR FURTHER INFORMATION CONTACT:

Copies of the model RFP may be obtained by submitting two self-addressed gummed labels citing JC-Model RFP to: U.S. Department of Labor, Employment and Training Administration, 601 D Street, NW., Room 7122, Washington, D.C. 20213, Attention: Jeannette Cohen, Office of Contracting.

Further information concerning the RFP or the open meeting may be obtained by contacting Jan Gullledge, Office of Job Corps, telephone (202) 376-2646.

**SUPPLEMENTARY INFORMATION:** The Job Training Partnership Act, Pub. L. 97-300, maintains the Job Corps as a distinct national program to assist disadvantaged youth who need and can benefit from an intensive program of basic education, vocational training, and supportive services, primarily in a residential setting, at Job Corps centers. The Department awards contracts for center operations on a competitive basis through the issuance of Requests for Proposals (RFP's). Effective upon publication of this notice, the model RFP will be used for all Job Corps center competitive procurements. Each center RFP will be issued following an announcement in the Commerce Business Daily with an Amendment which will specify information unique to the particular procurement such as center name, location, capacity, and vocational offerings. The meeting is for information purposes only and will cover general requirements set forth in the model RFP and its use in awarding contracts for Job Corps center operations.

Signed at Washington, D.C., this 22nd day of June 1983.

Edward A. Tomchick,

*Director, Office of Contracting.*

Peter E. Rell,

*Director, Office of Job Corps.*

[FR Doc. 83-17809 Filed 6-30-83; 8:45 am]

BILLING CODE 4510-30-M

#### Federal-State Unemployment Compensation Program; Ending of Extended Benefit Periods in the States of Illinois and Utah

This notice announces the ending of the Extended Benefit Periods in the

States of Illinois and Utah, effective on June 25, 1983

#### Background

The Federal-State extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

Extended Benefit Periods commenced in the State of Illinois on March 27, 1983 and in the State of Utah on January 23, 1983, and have now triggered off.

#### Determination of "off" Indicator

The heads of the employment security agencies of the States named above have determined that the rate of insured unemployment in each State for the period consisting of the week ending on June 4, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in each State.

Therefore, the Extended Benefit Periods in these States terminated with the week ending on June 25, 1983.

#### Information for Claimants

Each State employment security agency will furnish a written notice to

each individual who is filing claims for Extended Benefits at the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the States named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on June 24, 1983.

Albert Angrisani,  
Assistant Secretary of Labor.

[FR Doc. 83-17852 Filed 6-30-83; 8:45 am]

BILLING CODE 4510-30-M

#### Office of Pension and Welfare Benefit Programs

##### All Tools Co.; Profit Sharing Plan, et al.; Grant of Individual Exemptions

**AGENCY:** Office of Pension and Welfare Benefit Programs, Labor.

**ACTION:** Grant of Individual Exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because,

effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

##### All Tools Company Employee Profit Sharing Plan (the Plan) Located in Oklahoma City, Oklahoma

[Exemption Application No. D-3049; Prohibited Transaction Exemption 83-105]

#### Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) a loan, not to exceed 25% of the assets of the Plan, as described in the notice of proposed exemption, provided that the terms and conditions of the loan will be and remain at least as favorable to the Plan as an arm's length transaction would be with an unrelated party; and (2) the guarantee of repayment of the loan by the All Tools Company.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5395.

Comments and Hearing Requests: By letter dated May 9, 1983 the applicant notified the Department that the proposed loan would not exceed 25% of the assets of the Plan. The Department hereby incorporates such change into this final grant of the exemption.

For Further Information Contact: Horace C. Green of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Pension Plan for the Employees of C. David Meadows, M.D., P.A., the Money Purchase Pension Plan for the Employees of C. David Meadows, M.D., P.A. and the Profit Sharing Plan for the Employees of C. David Meadows, M.D., P.A. (collectively, the Plans) Located in Arlington, Texas**

[Exemption Application No. D-3530, D-3531, and D-3532; Prohibited Transaction Exemption 83-106]

#### Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the participation of the Plans in a loan to Drs. C. David Meadows (Dr. Meadows) and Joseph T. Sams (Dr. Sams) and to the repurchase of the Plans' participation interests by the Plans' trustee, provided that the terms of the transaction are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 10, 1983 at 48 FR 21021.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

**Employee Profit Sharing Plan of the Rocky Mountain Distributing Company (the Plan) Located in Englewood, Colorado**

[Exemption Application No. D-3903; Prohibited Transaction Exemption 83-107]

#### Exemption

The restrictions of section 406(a) 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the proposed sale of certain parcels of real property by the Plan to the Rocky Mountain distributing Company (the Employer), the sponsor of the Plan, provided the sales price is at least the fair market value of the properties at the time of the sale; and (2) the assumption by the Employer of certain indebtedness of the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of

proposed exemption published on April 1, 1983 at 48 FR 14080.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8973. (This is not a toll-free number.)

**Employee's Retirement Plan and Trust Agreement of Affiliated Pathologists, P.A. (the Plan) Located in Denton, Texas**

[Exemption Application No. D-4164; Prohibited Transaction Exemption 83-108]

#### Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of a 8.1302% interest in a joint venture to Affiliated Pathologists, P.A. (the Employer), a party in interest with respect to the Plan, provided that the amount paid to the Plan is not less than the fair market value at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 10, 1983 at 48 FR 21025.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

**Visonik of America, Inc. Profit Sharing Plan and Trust (the Plan) Located in Orinda, California**

[Exemption Application No. D-4208; Prohibited Transaction Exemption 83-109]

#### Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale of a limited partnership interest by the Plan to Visonik of America, Inc. (the Employer), a party in interest with respect to the Plan, provided that the amount paid to the Plan for its partnership interest is not less than fair market value at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 10, 1983 at 48 FR 21026.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 28th day of June, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-17801 Filed 6-30-83; 8:45 am]

BILLING CODE 4510-29-M

#### Strachan Shipping Co., et al.; Proposed Exemptions

**AGENCY:** Office of Pension and Welfare Benefit Programs, Labor.

**ACTION:** Notice of proposed exemption.

**SUMMARY:** This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income

Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of the *Federal Register* Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

**ADDRESS:** All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4528, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application Number stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

#### Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the *Federal Register*. Such notice shall include a copy of the notice of pendency of the exemption as published in the *Federal Register* and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file

with the Department for a complete statement of the facts and representations.

#### Employees Retirement Plan of Strachan Shipping Company (the Plan) Located in Savannah, Georgia

[Application No. D-3752]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a) and 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the loan of \$1,800,000 by the Plan to Strachan Shipping Company (the Employer), provided that the terms of the loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party on the date of the consummation of the transaction.

#### Summary of Facts and Representations

1. The Plan is a defined benefit pension plan. The trustee of the Plan is the Savannah Bank & Trust Company of Savannah, Georgia (the Trustee). As of June 30, 1982, the Plan assets had a total market value of \$9,529,917. The plan's assets are divided between two investment managers: Jamison, Eaton & Wood of Chatham, New Jersey and Minis and Co., Inc. of Savannah, Georgia.

2. The Employer is a Delaware corporation formed in 1949 and engaged in the ship agency and stevedoring business. The Employer has operated continuously in partnership or corporate form since its establishment in 1886 as Strachan and Company.

3. On April 26, 1982, the Employer entered into a 11-month lease for an office building located at 2840 Canal Street, New Orleans, Louisiana (the Property) at a rental of \$2,100 per month. The Employer wishes to purchase the Property to house its office in New Orleans. The Employer will be the primary occupant of the Property with the possibility of rental to others if any space is not required by the Employer.

4. The Employer has secured a sales contract to purchase the building for \$2,400,000. The Employer proposes to borrow the sum of \$1,800,000 (the Loan) from the Plan for the acquisition of the Property. The Plan will redeem certain of its short-term U.S. Treasury Notes to

fund the Loan. This sum represents Two-thirds of the \$2,400,000 purchase price of the property and renovation costs of \$300,000. The \$900,000 balance and renovation costs overrun, if any, will be funded by the Employer. The Loan will constitute approximately 19% of the total assets of the Plan.

5. The Loan will be repayable over a 10 year period in equal quarterly payments of \$45,000 principal, plus accrued interest on outstanding balances of the principal. The interest rate will be 16½% for the 10 year duration of the Loan, with the right to prepay in whole or in part on any payment date with 60 days prior notice.

6. The collateral for the Loan will be a first mortgage on the property with the plan as mortgagee. The mortgage will be properly recorded under the laws of the State of Louisiana. An independent appraisal performed by J.C. Felts, M.A.I., C.R.E., has established the value of the Property at \$3,450,000 as of April 6, 1983. Throughout the life of the Loan, the Property will have an appraisal value of not less than 150% of the outstanding principal balance of the Loan. In the event the value of the Property should decline below this 150% figure, the Employer has agreed to furnish additional collateral equal to at least the amount of such deficiency. Any such additional collateral would be held by the Trustee for such period as necessary to insure that the aggregate collateral would always equal or exceed 150% of the outstanding principal Loan balance.

7. The Hibernia National Bank (Hibernia) will serve as the independent fiduciary for the Loan. Hibernia certifies that it has no relationship to the Employer except normal commercial deposits which are not significant in relation to the total deposits of Hibernia. Hibernia has reviewed all the specific terms of the Loan, including the interest rate, and represented that the terms are fair market value terms. Hibernia has determined that the Loan comports with the purpose of the Plan and is in the best interest of the participants and beneficiaries of the Plan. Hibernia represents that it has examined the cash flow needs and diversification of assets requirements of the Plan and finds that the Loan is consistent with the needs and requirements of the Plan.

8. Hibernia will also perform the following specific duties with respect to the Loan:

- (1) Monitor repayment of the Loan;
- (2) Take all steps it deems necessary to protect and enforce the interests of the Plan, including:
  - (a) Reviewing the collateral to be sure the Loan is properly secured;

(b) Having the collateral appraised as frequently as it considers necessary to assure that the fair market value of the collateral remains at least 150% of the outstanding principal balance of the Loan, and

(c) Enforcing the Plan's rights in the collateral as it deems necessary to fully protect the interests of the Plan.

9. In summary, the applicant represents that the Loan meets the statutory criteria of section 408 of the Act because:

(i) The Employer will deliver a promissory note in negotiable form, secured by a first mortgage in the Property to the Plan;

(ii) The value of the collateral securing the Loan will remain at least 150% of the outstanding principal balance of the Loan; and

(iii) The independent fiduciary for the Loan has approved all of the terms of the Loan and has determined that it is in the interests of and protective of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Pickering Industries, Inc. Profit Sharing Plan and Trust (the Plan) Located in Tacoma, Washington**

[Application No. D-3828]

*Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 [40 FR 18471, April 28, 1975]. If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of certain real property (the Real Property) by the Plan to Pickering Industries, Inc. (Industries) for \$163,500 in cash, provided the amount paid for the Real Property is not less than its fair market value at the time the sale is consummated.

*Summary of the Facts and Representations*

1. Industries, a corporation maintaining its principal place of business at 1930 East "D" Street, Tacoma, Washington, is engaged in the wholesale brokerage of composition hardboard and plywood. To a limited extent, Industries also manufactures composition hardboard. Pick's Cove

(Pick's Cove), a wholly owned subsidiary of Industries, operates a marina facility on land owned by Industries.

2. The Plan is a defined contribution plan established by Industries on December 28, 1971. As of October 31, 1982, the Plan had total assets of \$374,999 and nine participants, all of whom were affiliated with Industries. The trustee of the Plan and decision-maker with respect to the Plan's investments is Mr. Gordon Pickering (Mr. Pickering). In addition to his trustee duties, Mr. Pickering as President of Industries. Mr. Pickering is also on the Board of Directors of Industries and Pick's Cove.

3. Among the assets of the Plan is the Real Property consisting of a parcel of land abutting the north border of the Industries' plant and also abutting a navigable waterway on its western border. The Real Property was acquired by the Plan for investment purposes and potential commercial use on March 18, 1977 from Foss Launch and Tug Company, an unrelated entity, for a total purchase price of \$113,300. The Plan presently owns the Real Property free of adverse liens or encumbrances.

4. On April 24, 1979, the Real Property was appraised for leasing purposes by Mr. Roger D. Ockfen (Mr. Ockfen), an independent MAI appraiser, from Tacoma, Washington. Mr. Ockfen placed the fair market value of the Real Property in its unimproved state at \$115,000. Based on this valuation, Mr. Ockfen set the fair market rental value of the Real Property at \$958 per month thereby providing the Plan with a 10 percent annual rate of return which he considered acceptable in the Tacoma market area for similar-type land. Mr. Ockfen also suggested that the 10 percent rate of return would be applicable to a long term triple net lease which would feature escalation clauses and require periodic revaluations of the Real Property.

5. Accordingly, on May 15, 1979, the Plan and Pick's Cove entered into a written lease whereby Pick's Cove agreed to pay the Plan a monthly rental of \$960 per month for ten years for use of the Real Property. After a period of five years, the lease provided that the rental would be adjusted upward on an annual basis in an amount commensurate with the Consumer Price Index. As additional rent, the Plan was to receive 50 percent of the gross income Pick's Cove earned from the Real Property to the extent that such income exceeded \$6,000 annually. The lease also provided that Pick's Cove would be responsible for all expenses relative to the payment of real estate taxes,

insurance and maintenance. As of July 31, 1982, Pick's Cove had accrued a rent payable to the Plan of \$38,778. This amount reflected rent accrued after November 1, 1979. In addition, Pick's Cove owned the Plan \$2,592 in accrued interest.

6. Beginning November 1, 1979, Industries began using the Real Property for parking purposes and compensated the Plan for such use. The fair rental value of the Real Property was established at \$250 per month. The parking lot leasing arrangement continued until October 31, 1981. Then, the Real Property was improved in anticipation of its use as a marina facility. As of October 5, 1982, the total outstanding balance for parking rent owed the Plan by Industries was \$3,000.

7. In an effort to develop the Real Property as a marina facility, the Plan accepted an advancement from Pick's Cove in the form of valuable improvements (the Improvements) during 1981. The Improvements included paving, landscaping, wiring and fencing. The total cost of the Improvements was \$53,000. The application states that Pick's Cove advanced the cost of the Improvements because of the Plan's depleted cash reserves which resulted from its purchase of the Real Property and its making cash distributions to two vested participants who had left Industries' employ.

In addition, Pick's Cove and Industries made interest-free cash advances (the Advancements) to the Plan. As of July 31, 1982, balance sheets for the Plan reflected total Advancements to the Plan of \$101 from Pick's Cove and \$705 from Industries.

8. The Real Property was reappraised on September 20, 1982 by Mr. Albert J. Nigro (Mr. Nigro) an independent CREA appraiser from Tacoma, Washington. Mr. Nigro determined that the fair market value of the Real Property in its improved state was \$214,800. Of this amount, \$163,500 represented the fair market value of the land and \$51,329 constituted the fair market value of the Improvements. In a letter of February 15, 1983, Mr. Nigro stated he did not anticipate a change in the value of the Real Property inasmuch as the Real Property has no special value to Industries by reason of its proximity to the Industries' business facility.

9. To improve the Plan's liquidity position and diversify its investment portfolio, an exemption is requested for the proposed cash sale of the Real Property to Industries for the sale price of \$163,500. The \$51,329 in Improvements to the Real Property will be retained by Pick's Cove and reflected

on the asset side of its balance sheet as "leasehold improvements." According to the exemption application, under Washington law, title to removable improvements remains with the "improver," in this situation, Pick's Cove.

10. The sale, which will take place within ninety days of the granting of the exemption, will be evidenced by a sales contract to be executed by the parties. All past due rentals owed the Plan together with interest computed at the rate of 13.5 percent will be paid as part of closing. The Plan will not incur any real estate fees or commissions in connection with the sale. In addition, the applicants represented they will, within sixty days of the date the exemption is granted, file Form 5330 with the Internal Revenue Service (the Service) and pay any excise taxes which may be due by reason of the past leasing of the Real Property and the making of the Improvements and the Advancements.

11. Mr. Lawrence McNerthney (Mr. McNerthney) will serve as an independent fiduciary with respect to the transactions described herein. Mr. McNerthney is an attorney who is affiliated with the Tacoma, Washington law firm of McGavick, Graves, Beale and McNerthney. Mr. McNerthney has had experience representing firms of various sizes in their business transactions and indicates that he is familiar with his duties, responsibilities and liabilities as a fiduciary to the Plan under applicable provisions of the Act. Mr. McNerthney is completely unrelated to the parties involved in the past and prospective transactions.

Mr. McNerthney represents he has examined the following transactions: (a) The rental of the Real Property by the Plan to Industries for the period November 1, 1979 through October 31, 1981 at \$250 per month; (b) rental of the Real Property to Pick's Cove for the period commencing November 1, 1979 through the current period at the rate of \$960 per month plus 50 percent of the gross income earned from the Real Property in excess of \$6,000 per month; (c) the improvements made by Pick's Cove to the Real Property totaling \$53,000 exclusive of interest; and (d) the proposed sale of the Real Property by the Plan to Industries for a cash sale price of \$163,500. In determining that the proposed transaction is appropriate for the Plan and in the best interests of its participants and beneficiaries, Mr. McNerthney represents he has reviewed all relevant documentation and discussed the past and proposed transactions with the principals and employees of Industries. As a

consequence of his examination, Mr. McNerthney has certified that: (a) The lease between the Plan and Industries was reasonable and payment of all outstanding balances for rent due thereunder plus interest computed at the rate of 13.5 percent will compensate the Plan fairly for use of the Real Property for parking purposes; (b) the lease between the Plan and Pick's Cove constituted fair rental compensation to the Plan and the amount of interest on the unpaid rental balance should accrue at the rate of 13.5 percent per annum; (c) the Advancements by Industries and Pick's Cove in the amount of \$705 and \$101, respectively, were reasonable in amount and will be repaid at the closing of the sale; and (d) the purchase price for the Real Property is reasonable and it will not work a hardship on the Plan or its beneficiaries or deprive the Plan of a fair purchase price.

12. It is represented that the proposed sale will satisfy the criteria of section 408 (a) of the Act because: (a) The transaction has been approved preliminarily by an independent fiduciary who will ensure the Plan is made whole as a consequence of the past prohibited transactions with Industries and Pick's Cove; (b) the purchase price for the Real Property has been determined by a qualified independent appraiser; (c) the sale will be a one-time transaction for cash in which the Plan will incur no real estate fees or commissions; and (d) the applicants will, within 60 days of the date of the granting of the exemption file Form 5330 with the Service and pay the appropriate excise taxes associated with the prior prohibited transactions.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

**Aladdin Industries, Incorporated Retirement Plan for Salaried Employees (the Plan) Located in Nashville, Tennessee**

[Application No. D-3952]

#### *Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale to the plan of land and a

ground lease with respect to the land by MetroCenter Properties (MetroCenter), a party in interest with respect to the Plan, provided that the terms and conditions of sale were at least as favorable to Plan as those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

#### *Effective Date*

If granted, the exemption will be effective April 29, 1983.

#### *Summary of Facts and Representations*

1. The Plan had net assets of \$14,555,846 as of December 31, 1982. Aladdin Industries, Inc. (Aladdin), which sponsors the Plan, is a diversified privately owned company with operations in more than 20 countries around the world. The assets of the Plan are held by the Northern Trust Company in a master retirement trust together with the assets of two other plans sponsored by Aladdin. The Plan holds approximately a 77% undivided interest in the assets of the master retirement trust. Investment discretion with respect to Plan assets has been delegated to Alliance Capital Management Corporation (Alliance), an investment adviser registered under the Investment Advisers Act of 1940.

2. MetroCenter is a partnership between Aladdin Resources, Inc. and Cumberland Bend Investments, Inc., both of whom are wholly owned subsidiaries of Aladdin. MetroCenter owned a parcel of land located at 2025 Metro Center Boulevard, Nashville, Tennessee. The land was subject to a \$750,000 mortgage held by the Third National Bank.<sup>1</sup>

3. MetroCenter leased the land to Associated Inns and Restaurants Company of America (AIRCOA). The initial term of the lease is 50 years with options to renew by AIRCOA for an additional 20 years. The initial term of the lease expires on December 31, 2030. Pursuant to section 15.01 of the lease, AIRCOA assigned its interest in the lease to Nashville M.H. Ltd. (M.H. Ltd.) and M.H. Ltd. entered into a management agreement with AIRCOA. MetroCenter consented to such assignment.<sup>2</sup>

4. AIRCOA constructed a building and operates a 298-room hotel and conference center known as the "Maxwell House Hotel" on the land.

<sup>1</sup> The applicant represents that the mortgage will be paid off by MetroCenter from the proceeds received from the Plan.

<sup>2</sup> The applicant represents that neither M.H. Ltd. nor AIRCOA is affiliated in any way with Aladdin or any of its affiliates.

Pursuant to the ground lease, M.H. Ltd. paid MetroCenter a base rental fee and a supplemental rental fee. The base rental fee was \$50,000 per annum and such amount was paid in quarterly installments. The supplemental rental fee was based on gross room revenue and such amounts were payable annually on November 30. The supplemental rental fee is based on the following schedule:

Rental income percent of gross room revenue	Gross room revenue	
	In excess of	Not more than
0	\$0	\$1,500,000
10	1,500,000	2,000,000
5	2,000,000	( <sup>1</sup> )

<sup>1</sup>No limit.

MetroCenter has received the following rentals under the lease:  
 March 29–September 30, 1979—\$25,000  
 October 1–September 30, 1980—\$101,428  
 October 1–September 30, 1981—\$137,630  
 October 1–September 30, 1982—\$148,684

5. The Plan's Retirement Plan Investment Committee removed \$2,101,000 from the investment discretion of Alliance; transferred such amount to the Commerce Union Bank (the Bank); and directed the Bank to acquire the land and the ground lease from MetroCenter on April 29, 1983 for \$2,101,000. The \$2,101,000 acquisition price was the fair market value of the land and ground lease as of January 12, 1983 as determined by Laventhol & Horwath, Certified Public Accountants (Laventhol & Horwath), located in Atlanta, Georgia. Laventhol & Horwath determined that the present value of the land (on reversion at lease expiration) was \$42,000 and that the present value of the ground lease was \$2,059,000 for a total value of \$2,101,000.

6. Since its acquisition, the land continues to be leased to M.H. Ltd. pursuant to the ground lease. All rental payments are net to the Plan and the applicant represents that the rental payments are not subject to unrelated business income taxes under the Code.

7. The Plan appointed the Bank to act as independent fiduciary with respect to the transaction.<sup>3</sup> The Bank, prior to

consummation of the transaction, represented that the acquisition of the land and ground lease was prudent and in the best interest of the Plan and its participants and beneficiaries. In arriving at this decision, the Bank reviewed the appraisal prepared by Laventhol & Horwath and the ground lease between MetroCenter and AIRCOA.

In relation to the Laventhol & Horwath appraisal, the Bank asked L. Stephen Nelson (Mr. Nelson), an independent appraiser, to give his opinion as to the reasonableness of the approach and the value arrived at in the appraisal. Mr. Nelson concurred with the values arrived by Laventhol & Horwath and with the method they used to evaluate the property.

In reviewing the lease, the Bank felt it is an arm's length agreement. The Bank represents that while the interest of the landlord under the lease is subordinated to the lien of any permanent mortgage holder on the property, that this is a standard provision in a situation involving a ground lease.

In considering the property as an investment for the Plan, the Bank represents that it looked at diversification of the Plan's investments, the value and quality of the Plan's assets, the income produced, the protection against inflation and future appreciation offered by the property.

8. In summary, the applicant represents that the transaction met the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The sales price paid by the Plan for the land and ground lease were determined pursuant to an independent appraisal;

(b) It was a one time transaction for cash;

(c) The base and supplemental rental payments as well as all other terms and conditions contained in the ground lease were determined pursuant to arm's-length negotiations between MetroCenter and AIRCOA; and

(d) The Bank, as Plan fiduciary, has determined that the transaction was appropriate and suitable for the Plan.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-6971. (This is not a toll-free number.)

of April 6, 1983, represents less than one percent of the total of Aladdin's assets. Further, the dealings with the Bank involves less than .02% of the Bank's assets.

### Fenix & Scisson, Inc. Employees' Profit Sharing Plan (the Plan) Located in Tulsa, Oklahoma

[Application No. D-4122]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason or section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash purchase by the Plan of 16.35 acres of improved real property (the Property) from Fenix & Scisson, Inc. (the Employer), the sponsor of the Plan, for \$140,000 provided that this amount does not exceed the fair market value of the Property on the date of purchase.

#### Summary of Facts and Representations

1. The Plan is a profit sharing plan with 324 participants. As of October 31, 1981, the Plan had net assets of \$4,507,215. Messrs. S.E. Scisson, Fred Scharf, and R. Paul Henry, officers and/or directors of the Employer, are the trustees of the Plan, and along with the Tallasi Management Company, Inc., (Tallasi), an investment company located in New York, have discretion over Plan assets. Tallasi manages approximately 50% of the Plan's assets and the trustees manage the balance. The Employer is a corporation specializing in subsurface engineering and construction.

2. The applicant requests an exemption to allow the sale of the Property to the Plan. The Property contains approximately 16.35 acres of land improved by light, industrial structures, and is located about four miles southwest of downtown Tulsa, Oklahoma, at 4600 South Elwood Avenue. Part of the Property fronts on the Arkansas River. The Property is currently leased to Hydro-Conduit Corp., a subsidiary of ARC America Corporation, unrelated parties with regard to the Plan and the Employer.

3. The subject lease is dated February 19, 1976, and is for a 20 year term. The lease provides for annual lease payments of \$7,500. The lease is "absolute net", as the lessee is responsible for the payment of all real estate taxes, maintenance, and other expenses. The lease provides the lessee an option to negotiate an additional 10 year lease upon the expiration of the

<sup>3</sup>Aladdin has never had any short-term or long-term borrowings or lines of credit with the Bank. However, the Bank is used from time to time to provide stand-by letters of credit which are used in connection with the importing of foreign inventory to Aladdin. As of April 6, 1983, the balance of such letters of credit was \$278,000. Additionally, Aladdin does have a general disbursements demand deposit account with the Bank as with other banks in the Nashville area. A floor balance of \$220,000 is maintained in this general disbursements demand deposit account. The total of the stand-by letters of credit and the demand deposit account balance as

current lease term with all terms of the lease subject to negotiation at that time. The Employer uses no portion of the Property, and does not own any other tracts of land in the Property's vicinity.

4. Mr. Terry H. VanTuyl, an MAI, SRPA appraiser of the Dorchester Companies, an appraisal firm located in Tulsa, Oklahoma, determined that, as of June 1, 1982, the value of the Property's fee simple interest subject to the lease was \$140,000. Mr. VanTuyl determined that the lessee's interest in the Property, as of the above date, was \$220,000, therefore bringing the total value of the Property to \$360,000. Mr. VanTuyl stated in his appraisal report that it is appropriate to apportion the Property's value because the lease provides certain ownership interests and rights to both the lessor (the Employer) and the lessee of the Property. Upon the expiration of the lease terms, the Plan will have a fee simple absolute interest in the Property.

5. The applicant represents that in addition to the aforementioned lease rental payments, the Plan will realize the \$220,000 difference between the purchase price and the fair market value of the of absolute fee simple interest in the Property upon the expiration of the lease. Additionally, the applicant represents that the Plan will realize a substantial gain associated with the probable appreciation of the Property over the remaining term of the lease.

6. Statements in previous appraisals of the Property performed in 1976 and 1979 by different appraisers of the Dorchester Companies indicated that it is possible that erosion caused by flooding of the Arkansas River could affect the total site area. Mr. VanTuyl did not address the erosion issue in his 1982 appraisal. Mr. Harold D. McKinney, a vice president of the Dorchester Companies, addressed Mr. VanTuyl's omission and thereby stated that the possibility of erosion affecting the total site area remains a distinct, but not necessarily probable, possibility.

7. The Employer proposes to sell its interests in the Property to the Plan for \$140,000 in cash. The Plan will not pay any expenses with regard to the sale. The purchase price represents approximately 3% of the Plan's assets.

8. Mr. D. J. Rubottom, C.F.A., C.M.C., has been appointed to serve as the independent fiduciary of the Plan with regard to the proposed purchase. Mr. Rubottom has served as a trustee and/or investment adviser to many employee benefit plans for over 25 years, and understands his duties, liabilities and responsibilities as a fiduciary of the Plan with regard to the transaction. Mr. Rubottom currently is the senior principal of Rubottom, Skaistis and

Associates, Inc., a financial advisory firm, and president of two of its affiliates, Investment Management, Inc., a registered investment advisor, and Southwest Venture Capital, Inc., a Small Business Investment Company licensed by the Small Business Administration.

9. Mr. Rubottom does not maintain any other business or commercial relationship with the Employer or any other party in interest. Mr. Rubottom represents that the rate of return from the Property will be favorable, and that the proposed purchase is appropriate, suitable, and in the best interests of the Plan and its participants and beneficiaries. Although in rendering such determination, Mr. Rubottom represents that he is aware of the fact that the Property may be subject to erosion, Mr. Rubottom has been advised that considerable action has been taken regarding flood control and land conservation in the Property's area by federal, state and local governments. In addition to the location of the Keystone Dam upstream, Mr. Rubottom represents that there is presently nearing completion a low water dam approximately two miles upstream of the Property. Mr. Rubottom represents that the development of the river frontage area and adjoining lands is very much a part of local property planning. In this regard, the applicant has received an evaluation from the Department of the Army, Tulsa District, Corps of Engineers (the Corps) who represent, by letter dated April 29, 1983, that the construction of buildings, including housing, is not precluded by the National Flood Insurance Program or by the city of Tulsa's Flood Plain Ordinance. However, the Corps represents that certain types of facilities, such as hospitals, schools and nursing homes, should not be located in the area of the Property.

10. Mr. Rubottom has also specifically addressed the Property's rate of return and represents that in a non-inflationary environment, i.e. one in which the probable appreciation in the Property is not counted, the total return on the Property will be 11.1% on a bond equivalent basis. Mr. Rubottom represents that this equates very favorably with an expected total return on other investments, such as U.S. Treasury Bonds, corporate bonds, and common stocks. Mr. Rubottom further represents that assuming an inflationary environment, the Property would likely provide a higher rate of return. Mr. Rubottom represents that diversification of the Plan's assets into real property is warranted, as the Plan does not currently hold any property in its portfolio.

11. IN summary, the applicant represents that the proposed purchase of the Property satisfies the statutory criteria of section 408(a) of the Act because (a) the purchase will be a one-time transaction for cash; (b) the Plan will be paying the fair market value of the Employer's interest in the Property as determined by an independent appraisal; (c) an independent party, Mr. Rubottom, has been appointed to serve as the fiduciary of the Plan with regard to the purchase; and (d) Mr. Rubottom has determined that the proposed purchase is appropriate, suitable, and in the best interests of the Plan.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 28th day of June, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-17800 Filed 6-30-83; 8:45 am]

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### Employee Benefit Plans; Proposed Exemptions From Certain of the Prohibited Transaction Restrictions

#### ACTION: Notice of Proposed Exemptions.

**SUMMARY:** This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

**ADDRESS:** All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

#### Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

#### Southern New England Telephone Company Pension Trust (the Trust) Located in New Haven, Connecticut

[Application No. D-3513]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

I. If the exemption is granted the restrictions of section 408(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to:

A. Effective January 1, 1975, the past extensions of credit by the Trust resulting from the Trust's acquisition of debt obligations of American Telephone and Telegraph Company (AT&T) and its subsidiaries, provided that the transactions have complied with the provisions of section 408(e) of the Act, as if the securities were deemed to be

qualifying employer securities as defined in the Act;

B. Effective January 24, 1977, the past purchases of AT&T stock by the Trust directly from AT&T under AT&T's Share Owner Dividend Reinvestment and Stock Purchase Plan (the Program); and

C. Effective upon the date of publication in the Federal Register of a grant of this individual exemption, the purchases by Trust of debt and/or equity securities issued by AT&T or any subsidiary, as would be permitted under section 408(e) of the Act if AT&T and its subsidiaries were considered to be affiliates of the Southern New England Telephone Company (the Employer), provided that the Trust's assets involved in such transactions are subject to the investment discretion and control of a fiduciary who is independent of both AT&T and the Employer.

#### Summary of Facts and Representations

1. The Trust is comprised of assets contributed on behalf of the Southern New England Telephone Pension Plan and the Southern New England Telephone Management Pension Plan (the Plans). The Plans are each defined benefit plans which, as of October 31, 1981, has total assets of \$503,532,787. The Plans currently have approximately 18,000 active and retired participants.

2. Hartford National Bank and Trust Company (Hartford) serves as the sole trustee of the Trust under a certain trust agreement executed between Hartford and the Employer. Hartford has investment management responsibility for a portion of the Trust's assets. The Trust's current investment managers are Capital Guardian Trust Company (Capital Guardian), American National Bank and Trust Company of Chicago, The Equitable Life Assurance Society, Analytic Investment Management, Inc., Gardner and Preston Moss, Inc., and CG Investment Management Corporation (collectively, the Investment Managers). Hartford and the Investment Managers are not related to or affiliated with the Employer or AT&T, and each exercises independent investment discretion with regard to their portion of the Trust's assets under management.

3. The Employer is the sponsor of the Plans, and is associated with AT&T and its subsidiaries through agreements known as license contracts (the Contracts). Under the Contracts the Employer may purchase telephones and related equipment manufactured under patents owned by AT&T, and AT&T may provide advice and assistance to the Employer concerning aspects of the Employer's business. AT&T and its subsidiaries provide long distance and

local telephone service through the United States.

4. AT&T owns 100% of the capital stock of all its regional subsidiaries except for its two associated regional companies, the Employer and Cincinnati Bell, Inc. AT&T owns, respectively, 22% and 31% of the Employer's and Cincinnati Bell Inc.'s outstanding shares of common stock. By virtue of AT&T's percentage ownership of the Employer, the applicant represents that AT&T and its subsidiaries are not "affiliates" of the Employer as described in section 4078(d)(7) of the Act. Accordingly, the applicant represents that securities issued by AT&T and its subsidiaries may not constitute "employer securities" as defined in section 407(d)(1) of the Act, and consequently not "qualifying employer securities" as defined in section 407(d)(5) and 407(e) of the Act. Accordingly, certain purchases, holdings and/or sales of securities issued by AT&T or its subsidiaries by the Plans may result in certain prohibited transactions as described in the Act, not exempt by any other provision of the Act.<sup>1</sup>

5. The applicant requests relief from section 406(a) of the Act for certain past prohibited transactions between the Plans and AT&T and its subsidiaries. On August 6, 1981, Hartford purchased on behalf of the Trust, on the secondary market, \$3,000,000 face amount of debentures issued by AT&T. The debentures mature in the year 2001 and bear interest at an annual rate of 5½%. Hartford purchased the debentures through the investment banking firm Saloman Brothers for a total cost of \$1,282,959. Saloman Brothers is not related to or affiliated with either Hartford, the Employer or AT&T. Hartford was not aware when it purchased the debentures that AT&T is not an affiliate of the Employer. The Trust has not disposed of the debentures since purchase. The applicant represents that the holding of the bonds by the Trust would constitute an extension of credit between the Trust and AT&T as described in section 406(a)(1)(B) of the Act.

6. As of October 31, 1981, the Trust owned \$47,700,000 face amount of obligations of AT&T subsidiaries. All of these obligations are debentures held in the portfolios of Hartford and CG Investment Management Corporation, and were purchased after April 15, 1977.

Although the Trust does not currently hold obligations of AT&T subsidiaries purchased earlier than April 1977, the Trust purchased and held obligations of AT&T subsidiaries from January 1975. The applicant represents that the holding of such obligations constitute extensions of credit between the Trust and AT&T subsidiaries as described in the Act.

7. As of October 31, 1981, AT&T and its affiliates debt obligations accounted for approximately 4.5% of the total market value of the Trust. The applicant represents that if AT&T and its subsidiaries debt obligations were considered to be qualifying employer securities as described in section 407(e) of the Act, the holding of such securities would comply with the provisions of section 408(e) of the Act.

8. The applicant also requests exemptive relief from section 406(a) of the Act for future transactions between the Plans and AT&T and its subsidiaries which would be permitted if AT&T and its subsidiaries were considered to be affiliates of the Employer. The applicant represents that any transaction subject to this exemption between the Plans and AT&T and its subsidiaries by virtue of deeming the corporations affiliates of one another would comply with the provisions of section 408(e) of the Act but would only be afforded relief from section 406(a) of the Act. Such transactions would include the purchase and holding of debt obligations and equity securities of AT&T and its subsidiaries between the Plans and AT&T or its subsidiaries.

9. The applicant represents that bonds issued by AT&T and its subsidiaries constitute approximately 98% of the new issue AAA utility bond market, and approximately 70% of the new issue AAA taxable non-government bond market, excluding those obligations issued by banks and finance companies. The applicant represents that the exemptive relief requested herein will provide the Plan with a broader range of the highest investment grade fixed income securities, and allow better diversification of the Trust's fixed income portfolio.

10. The applicant represents that any transaction between the Plans and AT&T or its subsidiaries will be subject to the sole discretion and control of Hartford or the Investment Managers, parties not related to or affiliated with AT&T, its subsidiaries, and/or the Employer. The Employer represents that if Hartford or any of the Investment Managers are replaced the successor trustee or Investment Managers will be

independent of AT&T, its subsidiaries and/or the Employer.

11. With respect to the Plans' investment in equity securities of AT&T and its subsidiaries, the applicant represents that it is unlikely that any initial purchases will be made directly from AT&T or its subsidiaries other than pursuant to the Program. The Program provides holders of record of AT&T common stock with a method to purchase additional common shares without the payment of any fees or commission expenses. Common shares may be purchased quarterly with reinvested cash dividends on all or less than all of the AT&T common shares registered in the participant's name. The price of common shares purchased with reinvested common share dividends is 95% of the market price average. Market price average is defined as the average of the daily high and low sale prices of the shares on the New York Stock Exchange for the period of five trading day ending on the date of purchase.

12. To date, the Plan has only invested in equity securities of AT&T pursuant to the Program when Capital Guardian purchased shares of AT&T common stock, on behalf of the Trust, on twenty-five dates ranging from January 24, 1977, to January 3, 1983. The stock was purchased at 95% of the market price average (the exercise price) and no commissions or other charges were paid in connection with the transactions.

13. A schedule prepared by Capital Guardian compared the exercise prices of the above purchases to a listing by Standard & Poors of the high, low, and closing prices of AT&T stock on the particular dates of purchase. The schedule discloses that, for the period from January 24, 1977, to October 28, 1981, (20 purchase dates), on only one instance did the exercise price exceed the quoted high price of the stock on the particular date of purchase. On two other instances the exercise price exceeded only the quoted low price of the stock, and on another instance the exercise price exceeded the quoted low and close price of the stock on the particular date of purchase. In each instance where the exercise price exceeded the quoted market price of the stock the difference between such prices was less than ½ of a point. On the other sixteen purchase dates the exercise prices were lower than the quoted low prices of the stock for the day. The applicant represents that for the 1982 and 1983 purchases the exercise price for such purchase was below the stock's market price on those dates.

14. Capital Guardian and other Investment Managers who have

<sup>1</sup> Section 406(e) of the Act, as supplemented by regulations (29 CFR 2510.406-(e); 45 FR 51194, August 1, 1980) provides statutory exemptive relief from section 406(a), 406 (b)(1) and (b)(2) for, inter alia, the acquisition, holding and sale of qualifying employer securities, subject to certain specified conditions.

discretion to invest Trust's assets under the Program, represent that the acquisition of AT&T stock under the Program is a prudent fiduciary procedure for various reasons: (a) no brokerage or other expenses is incurred by the Trust in effecting transactions under the Programs; (b) as noted above, the possibility of a purchase under the Program resulting in a higher price paid than if the shares were purchased on the open market would be unlikely, and if it occurred, would represent an isolated incident; and (c) because of the historic stability in the value of AT&T stock, fluctuations in market value of the stock will not be sufficient to offset the benefits to an investor under the Program Investment Managers will monitor the Trust's participation in the Program, and in the event an Investment Manager determines that the continued participation by the Trust is inappropriate, the trust's participation in the Program will be terminated.

15. In summary, the applicant represents that the proposed exemption satisfies the criteria of section 408(a) of the Act because (a) the past purchase of AT&T and subsidiary debt obligations have been subject to the investment discretion of independent fiduciaries unrelated to either the Employer and/or AT&T; (b) the past purchases of AT&T Stock by the Trust under the Program was subject to the investment discretion of Capital Guardian, an independent fiduciary; (c) the Plans' assets involved in the proposed transactions between the Plans and AT&T and its subsidiaries will be subject to the investment discretion and control of major corporate fiduciaries who are independent of both AT&T and the Employer; and (d) all transactions have been and will continue to be effected on terms not less favorable to the Trust than those obtainable in arm's-length transactions with unrelated parties.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Bell System Pension Plan Trust, the Bell System Management Pension Plan Trust, the Bell System Trust (the AT&T Trust), the General Electric Pension Plan, the International General Electric Puerto Rico, Inc. Pension Plan, and the General Electric Pension Trust (the GE Trust; collectively, the Trusts) Located in New York, New York

[Application Nos. D-3789, D3790, D-3791, D-3792 and D-3793]

#### Proposed Exemption

The Department is considering granting an exemption under the

authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the code shall not apply to the following transactions:

(1) the disbursement of permanent mortgage financing by the Trusts to Oxford-Ansco Development Company (Oxford), or directly to one or more of certain construction lenders, or affiliates thereof, for use in repaying construction financing originated by the construction lenders, and the receipt by such lenders of such disbursements;

(2) other transactions resulting from agreements among and between the Trusts, Oxford and the construction lenders as a result of the Trusts' commitment to disburse permanent financing including the acquisition and sale by the Trusts of equity interests in the subject property, provided such transactions have been negotiated, and will be effected, on an arm's-length basis; and

(3) following the acquisition of an equity interest by one or both Trust, the leasing of space in the property which is the subject of the Trusts' investment to parties in interest with respect to the Trusts provided that the terms of the leases are as favorable to the Trusts as leases offered to unrelated parties occupying similar space; and such leasing arrangements are approved on behalf of the Trust by fiduciaries not affiliated or otherwise related to such lessees in any manner which would affect the exercise of their judgment as fiduciaries.

#### Summary of Facts and Representations

1. The AT&T Trust is a tax-exempt trust established pursuant to the Bell System Trust Agreement dated October 1, 1980. The AT&T Trust was established by American Telephone and Telegraph Company (AT&T) as a group trust to hold, manage and invest assets held by trusts created under the Bell System Pension Plan and the Bell System Management Pension Plan (the Plans). As of December 31, 1980, the Plans covered approximately 1,100,000 participants, and had approximately \$36 billion in assets.

2. The GE Trust is a trust which maintains assets of the General Electric Company Pension Plan and the International General Electric Puerto Rico, Inc. Pension Plan. As of December 31, 1981, the GE Trust held assets of

approximately \$6.5 billion on behalf of approximately 400,000 participants.

3. The Board of directors of AT&T has adopted an investment policy which has been implemented through the delegation of investment responsibility to outside trustees and registered investment managers for most of the assets of the AT&T Trust. However, certain investment responsibility has been retained by AT&T with respect to the management of specific investments or specific types of investments. This authority has been delegated to the Vice President and Treasurer of AT&T, Ms. Virginia A. Dwyer, who discharges this responsibility with the assistance of AT&T personnel and independent consulting firms.

4. The GE Trust agreement provides for the board of directors of General Electric Company (GE) to appoint employees of GE to serve on the GE Benefit Plans Investment Committee (BPIC). The BPIC determines investment policies with respect to trust assets, and appoints the trustees of the GE Trust. While certain authority to direct the investment of the GE Trust has been allocated to the trustees (who are also employees of GE), BPIC has reserved certain authority over certain investments, including certain real estate investments. Substantially all of the assets of the GE Trust are held by the Chase Manhattan Bank (N.A.) and the Hartford National Bank through custodial agreements with the trustees.

5. The transactions involve the investment by the AT&T Trust and the GE Trust in a high-rise office complex to be constructed in the downtown central business district of Denver, Colorado (the Project). The Project, known as Republic Plaza, will consist of four structures including a 58 story office building, a financial center, a retail center and a parking facility. The Project will be located on certain land located on blocks 209 and 197 in Denver. Title to the land is held by Oxford.

Oxford has entered into a construction loan agreement and an agreement among lenders dated November 3, 1982, with the Canadian Imperial Bank of Commerce (Canadian Imperial), Citicorp Real Estate, Inc. (CREI), The First National Bank of Chicago (First Chicago), and Mellon Bank, N.A. (Mellon) providing for a construction loan in the aggregate principal amount of \$250 million. Canadian Imperial has extended, as of June, 1982, interim financing to Oxford in the amount of \$60 million which will be repaid from the proceeds of the construction loan. Each lender will have a percentage interest in the construction

loan. Canadian Imperial will have a 40% interest (\$100 million). CREI, First Chicago and Mellon will each have a 20% interest (\$50 million each).

6. A buy-sell agreement, dated November 3, 1982, has been executed between the construction lenders, the GE Trust and Oxford. Pursuant to this agreement and other agreements executed between the parties, the GE Trust, with the participation by the AT&T Trust, will provide permanent financing in the aggregate amount of \$190 million to be secured, *inter alia*, by certain mortgages on the Project. The provision of permanent financing by the Trusts will be provided in stages with each disbursement applied to the repayment of the construction lenders. November 1, 1984, is the date prior to which the first disbursement of the permanent financing is anticipated to occur. If the initial disbursement of the permanent loan is made by such date, the term of the construction loan will be extended to November 1, 1986, which is the date the obligation of the Trusts to make additional disbursements expires.

7. When the outstanding balance of the construction loan has been reduced to an amount determined in accordance with a specific formula based on cash flow to Oxford, the construction lenders will assign their interests in the certain mortgages and notes securing their interests to Canadian Imperial. This "term loan" will be repaid to Canadian Imperial over a term ending on December 31, 1992, but will be subordinate to the permanent loan.

8. There are certain relationships between the Trusts and certain of the parties involved in the Project. First Chicago, Mellon, and an affiliate of CREI are fiduciaries with respect to AT&T Trust assets not involved in the AT&T Trust's investment in the Project. An affiliate of Oxford (Oxford Development Minnesota, Inc.) is the property manager and partner with the AT&T Trust in the ownership and operation of an office building project in Minneapolis, Minnesota (see Prohibited Transaction Exemption 82-178, 47 FR 49755, November 2, 1982). In the past the GE Trust maintained certain short-term deposits with an agency of Canadian Imperial and similar deposits may be accepted in the future.

9. Pursuant to participation agreements executed between the Trusts, the GE Trust will administer the permanent loan on its own behalf and on behalf of the AT&T Trust.\* The GE

Trust will thereby be a fiduciary with respect to the AT&T Trust. Pursuant to the participation agreements, the GE Trust and the AT&T Trust will each disburse up to \$95 million of the total permanent loan. The permanent financing will provide, subject to the satisfaction of applicable conditions, for the initial disbursement of \$128 million (\$64 million by each Trust) before the completion of the building shell, which will be no later than November 1, 1984. The remaining \$62 million will be funded in stages upon satisfaction of applicable conditions relating to the construction of the Project.

10. The security and specific terms of the permanent financing are as follows. The portion of the permanent loan in an amount up to \$161 million (\$80.5 million for each Trust) allocable to the value of the improvements will be for a term of 40 years. Principal and interest payments (at 12% per annum in arrears) on this amount will be fully amortized and secured by a second mortgage. This portion of the permanent financing may be called by the Trusts after the 19th year, or voluntarily repaid by Oxford with a 13% premium after the 12th year which would then decline in accordance with a specific formula. A 75 year first mortgage equal to \$29 million (\$14.5 million for each Trust) allocable to the value of the land will be payable as to interest only (12% per annum in advance) together with additional interest in an amount determined in accordance with a specific formula based upon the gross income of the Project. After 19 years the Trusts may elect to accelerate the repayment of the land value portion or, in the alternative, purchase a 25 percent undivided interest in the Project. The interest of each of the Trusts of such undivided interests may be owned by one or more nominee corporations whose sole shareholders would be the AT&T Trust and the GE Trust.

11. The loan documents further provide that if the Trust exercise the purchase option and have not had an internal rate of return on the loan over its term equal to at least 16.5 percent per annum, Oxford must either pay the Trust an amount of cash which is sufficient to produce that level of return or must transfer an additional share of undivided equity interest in the Project to the Trusts to achieve the same effect. If the Trusts elect to purchase the undivided interest in the Project, any sale of their 25 percent undivided interests would be subject to a right of first refusal held by Oxford, and any sale of Oxford's 75 percent undivided interest would be subject to a right of

first refusal held by the Trusts. If the Trusts do not exercise either option, Oxford may repay the land value at the par value of \$29 million plus accrued interest after 21 years. Prepayment of the land value portion is not otherwise permitted except in connection with a voluntary prepayment of the entire loan as described below.

12. On or after the tenth anniversary of the initial disbursement under the permanent loan, Oxford may prepay the entire loan in full, together with certain premiums to ensure that the Trusts have received an internal rate of return of at least 16.5%. Additional interest may be payable to the Trusts based upon the extent rental income levels exceed a floor amount established each year. Pursuant to the loan documents, the Trusts are provided with various other protections as permanent lenders such as the receipt of standby interest payments from Oxford based upon any undisbursed portion of the Trusts' \$190 million commitment, prohibitions on the construction lenders from selling or accepting satisfaction of their construction loans except in connection with the consummation of the permanent loans by the Trusts, the right to approve all plans, specifications and reports with respect to the Project, and the receipt from Oxford of a letter of credit in an amount equal to 18 months of debt service upon the initial disbursement by the Trusts of the permanent loan. Furthermore, the obligations of the Trusts, including the disbursement of any assets, under the applicable loan documents are expressly subject to obtaining a prohibited transaction exemption from the Department.

13. With respect to the rights of the Trusts with respect to one another as provided in the participation agreements, the AT&T Trust is provided with certain powers. AT&T Trust's approval is required with respect to a number of matters, including, for example, the satisfaction of the conditions pertaining to initial and subsequent disbursements under the \$190 million commitment, the exercise of the first right to buy, the acceleration of the maturity of the land mortgage, the purchase of the equity, and the calling of the building mortgage. Approval by the AT&T Trust is required if such Trust holds at least a 25% interest in the permanent loan. As stated above, it is anticipated that the AT&T Trust will hold a 50% interest. Other than the provision in the participation agreements for the purchase of one Trust's interest in the permanent loan by the other upon the occurrence of certain

\* In this proposed exemption the Department is not proposing an exemption for the provision of services beyond that provided by section 408(b)(2) of the Act.

specified events, neither Trust may transfer its interest in the Project without the consent of another, and each party has a right of first refusal if the other wishes to sell its interest.

14. The applicant represents that because of the relationship of the above described parties the investment by the Trusts in the Project results in certain prohibited transactions as described in section 408(a) of the Act. Such transactions include the taking out by the Trusts of interim financing provided by the construction lenders, some of whom are or may become parties in interest with respect to the Trusts; the deposit by Oxford of letters of credit to the Trusts and the payment of standby interest to the Trusts by Oxford; future purchases or sales of interests in the Project between the Trusts, the construction lenders and Oxford; and the future lease of space in the Project (after acquisition by the Trusts of an equity interest) to parties in interest with respect to the Trusts, including Oxford or any subsidiary.

15. In addition Oxford or one or more of its partners or affiliates may provide leasing agent, property management or other related services with respect to the Project following the acquisition by one or both of the Trusts of an equity interest in the Project.<sup>3</sup> Such arrangements for the provision of services will be approved by fiduciaries of the Trusts who are not affiliated to the service providers in any manner which would affect the exercise of their best judgment as fiduciaries.

16. The applicants represent that the investment by the Trusts in the Project is in the best interests and protective of the rights of the participants and beneficiaries of the Trusts. The Vice President and Treasurer of AT&T, with the assistance of AT&T employees acting under the supervision of an Assistant Vice President, acted independently of any of the other parties in interest or fiduciaries involved in the Project, and determined that the participation by the AT&T Trust in the Project is in the best interests of the AT&T Trust. The AT&T employees assisting the Vice President and Treasurer reviewed, among other things, the details of the proposed transactions, cash flow projections of the Project, assumptions utilized by the GE Trust in the preparation of those projections, market studies of the Denver office market, descriptions of the Project, and an analysis, dated August 2, 1982, of the Project prepared on behalf of the AT&T Trust by Saloman Brothers.

17. Messrs. Peter D. Bowes, E. Nelson Bowes and Christopher Bowes of Bowes and Company, Denver, Colorado, appraised the Project and determined that in late 1983/early 1984, the Project will have a market value of \$280 million. Of this amount \$30 million would be attributable to the value of the land.

18. With regard to the decision by the GE Trust, the proposed investment in the Project was determined by both the BPIC and the trustees of the Trust to be in the best interests of the Trust and its participants and beneficiaries. Such parties acted independently of all of the parties involved in the transactions and negotiated with Oxford on an arm's-length basis. The applicants represent that there has been extensive communication between GE and AT&T attorneys and other personnel regarding the rights of each Trust under the permanent loan agreements.

19. In summary, the applicants represent that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because (a) fiduciaries of the GE Trust negotiated the permanent financing agreements with Oxford on an arm's-length basis and determined that the GE Trust's investment in the Project will be in the best interests of the Trust and its participants and beneficiaries; (b) fiduciaries of the AT&T Trust determined independently of all of the parties involved in the Project that the investment in the Project by the AT&T Trust will be in the best interests of the Trust and its participants and beneficiaries; and (c) all transactions between the Trusts and the other parties involved in the Project will be effected on terms not less favorable to the Trusts than those obtainable with unrelated third parties.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**The Bell System Pension Plan Trust, the Bell System Management Pension Plan Trust, and the Bell System Trust (the Trust) Located in New York, New York**

[Application Nos. D-3973, D-3974, and D-3975]

#### *Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a) of the Act and the sanctions resulting from the application of section 4975 of

the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the conditional obligation of EMI One Ltd. (EMI), a limited partnership in which the Trust is a limited partner, to provide funds required to purchase or repay construction financing made by Texas Commerce Funding Company (TCF) (and other lenders participating in such construction financing who, like TCF, are parties in interest with respect to the Trust), to Block Five Venture (Block Five), a Florida general partnership, provided that the terms and conditions of such transactions are no less favorable to the Trust than those obtainable in an arm's length transaction with an unrelated party.

#### *Summary of Facts and Representations*

1. The Trust is a tax-exempt trust established pursuant to the Bell System Trust Agreement dated October 1, 1980. The Trust was established by American Telephone and Telegraph Company (AT&T) as a group trust to hold, manage, and invest assets held by trusts created under the Bell System Pension Plan and the Bell System Management Plan (the Plans). As of December 1, 1980, the Plans covered approximately 1,100,000 participants, and had approximately \$36 billion in assets.

2. The board of directors of AT&T has adopted an investment policy which has been implemented through the delegation of investment responsibility to outside trustees and registered investment managers for most of the assets of the Trust. However, certain investment responsibility has been retained by AT&T with respect to the management of specific investments or specific types of investments. This authority has been delegated to the Vice President and Treasurer of AT&T, Ms. Virginia A. Dwyer, who discharges this responsibility with the assistance of AT&T personnel and independent consulting firms.

3. The applicants request an exemption for the investment by the Trust in a proposed real estate project located in Miami, Florida. The Trust has become a limited partner in EMI, a Florida limited partnership having as its general partner Corporate Property Investors (CPI), a Massachusetts business trust organized as a real estate investment trust under the Code. By document dated November 8, 1982, EMI became a general partner in Block Five, a Florida general partnership. Hines Florida Ltd. (Hines), a Texas limited partnership primarily engaged in real estate development business, serves as EMI's partner in Block Five. Block Five

<sup>3</sup> See footnote 2, above.

was formed for the purpose of acquiring a leasehold interest from Southeast Properties, Inc. (a wholly owned subsidiary of Southeast Banking Corporation) in a parcel of land located on Biscayne Boulevard between S.E. 2nd and S.E. 3rd Streets in Miami, Florida (the Property). Block Five was also formed for the purpose of constructing, owning and operating certain contemplated improvements on the Property. Such improvements will consist of an office building containing approximately 1 million square feet of net rentable space and a separate annex building containing approximately 75,000 square feet of net rentable space and approximately 1,100 parking spaces.

4. CPI will be responsible for the management of EMI. CPI will maintain a 15% partnership interest, and the Trust will maintain a 85% partnership interest in EMI. Each party's contributions will be in such amounts as may be required to fund EMI's obligations, if any, to make capital contributions to Block Five and to pay costs and expenses incurred in connection with the formation and continued operation of each partnership (EMI and Block Five).

5. Pursuant to the terms of Block Five's partnership agreement, Hines entered into negotiations on behalf of Block Five to obtain a construction loan (the Construction Loan) from TCF in an amount up to \$185,000,000. The Construction Loan will be evidenced by construction loan notes, and will be secured by a first mortgage on Block Five's leasehold interest in the Property. TCF is the originator of the Construction Loan and will serve as the lead lender and agent with respect to other lenders participating in the Construction Loan. TCF will retain a 27% interest in the Construction Loan, not to exceed a principal amount of \$50 million, and will assign participating interests to the following banks: The Chase Manhattan Bank (Chase), the First National Bank of Boston, the First National Bank of Chicago (First Chicago), Hiberia National Bank in New Orleans, National Bank of Pittsburgh, Ranier National Bank, and the Southeast Bank, N.A. TCF is a party in interest with respect to the Trust by virtue of its parent Texas Commerce Bank National Association (TCB) serving as an investment manager of a portion of the assets of the Trust not involved in this transaction. Chase and First Chicago are parties in interest with respect to the Trust by virtue of serving, respectively, as a trustee of the Trust, and an investment manager of the Trust for assets not involved in this transaction.

6. The Construction Loan is to be repaid out of capital contributions to Block Five, the obligation of which is borne primarily by EMI. EMI will have an initial  $\frac{1}{4}$ th interest in Block Five, and Hines will have an initial  $\frac{3}{4}$ th interest. Hines' initial contribution to Block Five will consist of all of its ownership interests and rights with respect to the Property, which consists primarily of all agreements, resolutions, and permits relating to the construction of improvements on the Property. EMI's initial contribution to Block Five will be in an amount up to an aggregate of \$180,000,000. This amount will be paid to the extent required to pay all costs incurred by Block Five in the development of the Property including the repayment of the principal and interest on the Construction Loan (the Project Costs). EMI's obligation to make this capital contribution is conditioned upon the Trust's receipt of a prohibited transaction exemption. If the Project Costs exceed \$180,000,000, the amount of such excess, up to a maximum of \$6,000,000, will be provided  $\frac{2}{3}$  by EMI and  $\frac{1}{3}$  by Hines. In the event the Project Costs exceed \$186,000,000, then EMI and Hines will contribute amounts equal to 80% and 20%, respectively, of such excess.

7. Pursuant to an agreement between EMI and TCF (the Buy/Sell Agreement), the Construction Loan will be purchased directly from TCF by EMI in the event the Construction Loan is not repaid from capital contributions made pursuant to the Block Five partnership agreement. Such an event would occur if EMI does not become obligated to make capital contributions to Block Five because of the failure of certain conditions contained in Block Five's partnership agreement. In the event EMI purchases the Construction Loan pursuant to the Buy/Sell Agreement, Hines will assign all of its right, title and interest in Block Five to EMI, and neither partner will have any further rights or obligations under the partnership agreement. In the event EMI purchases the Construction Loan, such purchase will be made directly from TCF in an amount equal to the lesser of \$185,000,000 or the unpaid principal amount of the Construction Loan actually advanced. As with regard to the repayment of the Construction Loan by capital contributions to Block Five, EMI's obligation to directly purchase the Construction Loan from TCF is conditioned upon receiving a prohibited transaction exemption.

8. Because TCB, First Chicago, and Chase are parties in interest with respect to the Trust by virtue of being investment managers or trustees of the

Trust, the obligation of EMI to repay the Construction Loan through capital contributions to Block Five, or the direct takeout of the Construction Loan by the Trust to TCF, will constitute certain acts as described in section 406(a) of the Act.

9. The applicant represents that the Trust's investment in the Property through EMI is in the best interests of and protective of the rights of the participants and beneficiaries of the Trust. In this decision, the Vice President and Treasurer of AT&T acted independently of TCB, Chase, and First Chicago, none of which is responsible in any manner for the direction of this investment. Prior to making such determination, the Vice President and Treasurer received substantial assistance from AT&T Committee on Special Investments. This committee presently consists of seven AT&T employees who hold decision-making positions in the Investment Management Division of AT&T, and one representative of AT&T's legal department. This committee reviewed the details of the proposed transactions, as well as cash flow projections prepared by both CPI and by an independent real estate broker. The committee reviewed a market study of the Miami office rental market, a description of the Property and prepared its own written analysis of the investment.

10. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because (a) fiduciaries of the Trust determined independently of all of the parties in interest involved in the transactions that the Trust's investment will be in the best interests of the Trust and its participants and beneficiaries; and (b) all transactions between the Trust and the other parties in interest involved in the transactions will be effected on terms not less favorable to the Trust than those obtainable with unrelated third parties.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**The Bell System Trust (the Trust)  
Located in New York, New York**

[Application Nos. D-4090, D-4091 and D-4092]

*Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set

forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the Trust's purchase of shares of Corporate Property Investors (CPI) directly from CPI and to the Trust's purchase of shares of Corporate Realty Consultants, Inc. (CRC) directly from CRC, provided that the terms and conditions of the purchases of the shares by the Trust are not less favorable than those obtainable in similar transactions with an unrelated party.

**Effective Date:** If the proposed exemption is granted, it will be effective May 25, 1982.

#### *Summary of Facts and Representations*

1. The Trust is a group trust which is used for the investment on an undivided basis of the assets of two additional trusts known as the Bell System Pension Plan Trust and the Bell System Management Pension Plan Trust (collectively, the Plans), which were established to fund benefits under the Plans. The Plans result from the consolidation, effective October 1, 1980, of the 31 predecessor pension plans for employees of American Telephone & Telegraph Company (AT&T) and its subsidiaries. The Plans provide pension and death benefits to eligible employees and their beneficiaries. The Bell System Management Pension Plan covers all management and salaried employees of AT&T and any of its subsidiaries which participates in the Plan, other than a small group of salaried employees who are covered under the Bell System Pension Plan. The Bell System Pension Plan covers employees of AT&T and its subsidiaries, who are in a bargaining unit represented by one of the unions named below or who are nonrepresented employees in similar job titles or classifications, including the small group of salaried employees not covered by the Bell System Management Pension Plan. The Bell System Pension Plan has been collectively bargained on a national basis for all participating employers and their respective collective bargaining units with the following unions (the Unions): The Communication Workers of America, 1925 K Street, NW., Washington, D.C. 20006; The International Brotherhood of Electrical Workers, 1125 15th Street, NW., Washington, D.C. 20005; and The Telecommunications International Union, 2341 Whitney Avenue, Hamden, Connecticut 06518. Both Plans have a

one year of service and age 25 requirement for eligibility to participate in the pension provisions of the Plans. The Plans covered approximately 1,150,000 participants as of December 31, 1981. As of December 31, 1981, there were approximately 920,000 active employees participating in the pension provisions of the Plans and approximately 1,050,000 active employees, including the above-mentioned 920,000, who participate in the death benefit provisions. To promote diversification, AT&T has arranged for investment and reinvestment of Trust assets through the use of more than 100 independent trustees and independent investment managers. The fair market value of assets of the Bell System Management Pension Plan Trust as of December 31, 1981, was \$18,464,079,000, and the fair market value of the assets of the Bell System Pension Plan Trust as of the same date was \$17,321,179,000.

2. The Vice President and Treasurer of AT&T, Ms. Virginia A. Dwyer, and the Board of Directors of AT&T or certain designated committees of the Board of Directors of AT&T have fiduciary responsibility for maintaining the Trust and overseeing the investments of the Trust. Investment responsibility for most of the assets of the Trust has been delegated to outside institutional trustees and registered investment managers. Pursuant to the terms of the Trust, AT&T has reserved authority to direct Trust investments. Such authority has been delegated to the Vice President and Treasurer of AT&T, who discharges this responsibility with the assistance of an experienced in-house investment management staff and, under certain circumstances, a number of independent consulting firms.

3. An exemption is requested for the purchase by the Trust of shares of CPI, a real estate investment trust (REIT), and for the purchase by the Trust of shares of common stock of CRC, a corporation substantially all of the shares of which are held in trust for the benefit of the shareholders of CPI, which purchases will be made only in conjunction with purchases of CPI shares. The Trust intends to purchase shares directly from CPI and CRC and from existing holders, based on an appraised value established by Landauer Associates, Inc. (Landauer), an independent property appraiser and real estate consulting firm, or by such other appraisal firm as is retained for that purpose by CPI.\*

\* The Department is not proposing an exemption for the purchase of shares of CPI and CRC from parties other than CPI and CRC.

4. CPI was formed in 1971 as a vehicle to permit the investment of primarily institutional capital in income-producing real estate in the United States. CPI has grown steadily over the years, and its net worth at the end of 1982 is estimated to approximately \$900 million and its 1982 net income is approximately \$42 million. CPI's assets consist principally of interests in regional shopping centers, office buildings, department stores, supermarkets and other real properties from which CPI earns rental income, and real estate mortgages on which it earns interest income. CPI is internally managed, employing a professional staff which is experienced in the areas of property acquisition and supervision and portfolio management and administration.

5. CRC was formed in 1975 to engage in activities that are prohibited to a REIT under the Code. It provides leasing, management and certain administrative services to CPI and other business entities with respect to various real estate properties and also acts as advisor to various financial institutions with respect to certain real estate transactions. CRC's assets consist primarily of leasehold interests in land, interests in and loans to the partnerships owning such land and cash and short-term investments.

6. Neither CPI nor CRC shares are traded on any stock exchange or on the over-the-counter market. There are presently approximately 120 holders of CPI shares, including many pension trusts, charitable foundations and other institutional investors. CRC shares are beneficially owned by the shareholders of CPI, and this beneficial interest is automatically transferred along with any transfer of CPI shares. Landauer or such other appraisal firm as is retained for that purpose by CPI renders an annual appraisal of the assets of CPI, which appraisal is translated into a per share appraised value of the shares of CPI, including the ratable interest in CRC. This appraisal usually establishes the market value for any transactions in the shares of CPI and CRC, and from time to time a substantial volume of private trading takes place at such market value.

7. The Trust intends to purchase CPI and CRC shares at prices that are based on, but are no higher than, appraised values as established by the then most recent appraisal done for CPI. The Trust owns 1,638,525 shares of CPI and CRC with an aggregate value of approximately \$113.7 million, based upon the most recent appraisal. The Trust, pursuant to a purchase agreement (the Purchase Agreement) with CPI

dated April 22, 1982, purchased 369,943 shares of CPI (and CRC) for \$25.7 million as part of CPI's May 25, 1982 offering.<sup>5</sup> Pursuant to the Purchase Agreement, the Trust intends to purchase an additional 420,248 shares of CPI (and CRC) for a total cost of \$29,333,310.40. It is also contemplated that the Trust may purchase shares of CPI (and CRC) in the future, however, the applicant represents that all such purchases will be made on the same general terms and conditions as those stated in the application.

8. The Trust, in order to invest more directly in high quality income-producing real estate projects of substantial size, entered into an agreement dated October 1, 1981 (the Agreement), with CPI and CRC Advisory Corp. (Advisory). Advisory is a subsidiary of CRE. Advisory was to seek out such real estate projects and, after analyzing their investment potential, would recommend those it deemed suitable to the Trust and CPI for investment. Neither the Trust nor CPI was bound to make any investment but they agreed that if both parties desired to do so they would form a separate partnership to acquire each such project. Advisory was paid a monthly fee for its services by the Trust and by CPI, respectively, and it had the right to receive an additional fee for any transactions that were actually consummated. On May 24, 1982, the Agreement was terminated and Advisory's right to receive any compensation not previously earned thereupon ceased. No partnerships were actually formed during the term of the Agreement, although the Trust and CPI did accept and agree to enter into one transaction presented by Advisory prior to the termination of the Agreement and for which a fee was earned. Advisory has continued to search for suitable investments for CPI, even though it is under no contractual obligation to do so. Those investment opportunities acceptable to CPI are then presented by CPI to other potential investors, including the Trust. Since the termination of the Agreement, Advisory has presented three such investment opportunities, two of which the Trust and CPI have entered into pending the completion of certain financial transactions and one which is entering the final phase of negotiations. In addition, CPI and the Trust have jointly entered into 4 other real estate investments in the past few years.

<sup>5</sup> Except for the number of shares and aggregate price involved, the Purchase Agreement is represented to be identical to that entered into by each purchaser under CPI's 1982 share offering.

It is contemplated that additional limited partnerships between CPI and the Trust may hereafter be formed. Advisory expects that, to the extent that it actually presents real estate investment opportunities that are entered into by the Trust and CPI, it will be compensated for its efforts on a fair and reasonable commercial basis.

9. The applicant represents that because CRC or Advisory have from time sought out and presented investment opportunities to the Trust, they may be considered to be parties in interest with respect to the Trust. Further, the applicant represents that CPI may be a party in interest with respect to the Trust because it is a general partner in a number of partnerships in which the Trust participates. If CPI and CRC are deemed to have been, and continue to be parties in interest with respect to the Trust, the applicant represents that the purchases from CPI and CRC by the Trust could be construed as sales of property between a plan and parties in interest in violation of section 406(a) of the Act.

10. The Vice President and Treasurer of AT&T has determined that the investment of a portion of the assets of the Trust in CPI and CRC shares is prudent and in the best interests of plan participants. In making this decision, the Vice President and Treasurer of AT&T acted independently, and neither CPI, CRC or Advisory was in any way responsible for the direction of this investment.

11. Employees of AT&T's Investment Management Division have reviewed the most recent annual report of CPI for the year ending December 31, 1982, and subsequent quarterly financial reports. These employees have studied, in detail, the history of the earnings, cash flow and dividends of CPI. Additionally, these employees have reviewed the annual appraised values determined by Landauer for all years from 1975 through 1982. In performing their analyses, employees of the AT&T Investment Management Division ascertained that the aggregate equity value of CPI has increased to the point that the equity value is more than double the long-term capital investment of all investors in CPI. Moreover, employees of the Investment Management Division analyzed the internal rate of return for share purchases and ownership for all years from 1974 through 1982. These employees also reviewed other sales of CPI shares during recent time periods and, for purposes of comparison, analyzed purchases and sales of shares of other similar REITs. All of these analyses or summaries thereof were

presented to the Vice President and Treasurer of AT&T.

12. In connection with the investment decision, both the Vice President and Treasurer of AT&T and members of the Investment Management Division are familiar with the background, capabilities and expertise of CPI in real estate matters generally and have concluded that CPI shares will continue to provide a very favorable investment for the Trust assets. Members of the Investment Management Division of AT&T have met with the principals and key staff members of CPI, CRC and Advisory on numerous occasions and have concluded that such principals and employees have a high degree of expertise, capability and skill regarding real estate investments of the nature made by CPI.

13. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because:

(a) the terms of the share purchases have been and will be established in arm's-length negotiations, with the price per share being determined pursuant to the findings of an independent third party; and

(b) the Trust's fiduciaries have determined that the purchase of shares is appropriate and in the best interests of the Trust's participants and beneficiaries.

**FOR FURTHER INFORMATION CONTACT:**  
Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

**The Bell System Pension Trust, the Bell System Management Pension Plan Trust, and the Bell System Trust (the Trust) Located in New York, New York**

[Application Nos. D-4198, D-4199 and D-4200]

#### *Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply, effective October 25, 1982, to (1) the acquisition of a certain parcel of property for \$26 million by the Trust from Hermel, Inc. (Hermel), a party in interest with respect to the Trust; (2) the capital contribution of this property (referred to herein as the Owned Parcel)

by the Trust to a limited partnership (the Partnership) in which Nomis of Springfield, Inc. (Nomis), a party in interest with respect to the Trust, is the sole general partner; (3) the use of the proceeds from the Trust's acquisition of the Owned Parcel to pay off construction loans extended by American Fletcher Mortgage Company (Fletcher) and Wells Fargo Realty Advisors (Wells Fargo), parties in interest with respect to the Trust; (4) the assumption of certain payment obligations by the Partnership to pay a certain promissory note to be owed to the Trust; (5) the sublease of a parcel of property to Hermel by the Partnership (referred to herein as the Leased Parcel) after its contribution to the Partnership by Nomis; (6) the leasing of space in property constituting both the Owned and Leased Parcel, and other land (referred to herein as the Center) to parties in interest with respect to the Trust; and (7) other transactions executed or to be executed between the Trust, Nomis, and other parties in interest pursuant to the partnership agreement; provided that with respect to all of the above transactions (a) the terms of the transactions have been and/or will be negotiated, approved, and monitored on behalf of the Trust by Heitman Advisory Corporation (Heitman), or a Trust investment manager which is similarly not affiliated or otherwise related to parties in interest involved in the transactions; and (b) the terms of the transactions have been and/or will be effected on terms not less favorable to the Trust than those obtainable with unrelated parties.

**EFFECTIVE DATE:** If granted, this exemption will be effective October 25, 1982.

#### *Summary of Facts and Representations*

1. The Trust is a tax-exempt trust established pursuant to the Bell System Trust Agreement dated October 1, 1980 (the Trust Agreement). The Trust was established by American Telephone and Telegraph Company (AT&T) as a group trust to hold, manage and invest assets held by the trusts created under the Bell System Pension Plan and the Bell System Management Pension Plan (the Plans). As of December 31, 1981, the fair market value of the assets of the Plans was approximately \$36 billion. As of December 31, 1981, the Plans covered approximately 1,150,000 participants.

2. Pursuant to section 4(a) of the Trust Agreement, AT&T has reserved power to hire investment managers to invest all or some of the funds held in the Trust. Heitman, an Illinois corporation with its

principal office in Chicago, Illinois, is an investment advisor registered with the Securities and Exchange Commission and the Securities Division of the Secretary of State of the State of Illinois. Heitman has entered into a management agreement with AT&T whereby Heitman has agreed to act as an investment manager for a portion of the Trust assets. Specifically, Heitman's duties are to invest allocated Trust funds, directly or indirectly, in parcels of real estate or real estate related investments. As an investment manager, Heitman has sole responsibility and discretion for the acquisition, management and disposition of each real estate related investment acquired by Heitman on behalf of the Trust. All amounts allocated to Heitman from the Trust are allocated through Harris Trust and Savings Bank (Harris Bank), one of the Trust's trustees. All such investments are purchased in the name of Harris Bank, not individually, but solely as a trustee of the Trust, or such other nominee of the Trust, as may be designated to Heitman by Harris Bank.

3. All investment decisions made by Heitman for the Trust are made by Heitman's investment committee. This committee consists of Messrs. Norman Perlmutter, Miles Berger, William Jenson, Herbert Kuehnle, Eric Mayer, Stuart Isen, and George A. Scheidler. None of these individuals is an officer, director or employee of AT&T or any affiliate. None of the stock of Heitman or any affiliate is held by AT&T or any affiliate, nor does any officer, director, or employee of AT&T or any affiliate own any stock in Heitman or any affiliate.

4. Heitman entered into a commitment on October 25 1982, with Hermel and Nomis to invest \$28 million in the Battlefield Mall Shopping Center (the Center). The Center is located at the northwest corner of Glenstone Avenue and Battlefield Road, Springfield, Missouri, and is on a parcel of land containing 91.48 acres. This land consists of 18.89 acres owned by Hermel (Owned Parcel), 60.27 acres leased to Nomis under a long term ground lease (the Leased Parcel), and subleased to Hermel under a long term sublease (the Sublease), and 12.32 acres owned by Sears Roebuck and Co. which is subject to certain reciprocal covenants, restrictions and easements with Hermel. Although the Center has been in existence since 1970, the Center is currently being enlarged and, upon completion of construction will contain a total gross leaseable area of 1,114,262 square feet. Hermel owns certain improvements on the Owned Parcel, and

Nomis owns certain improvements on the Leased Parcel.

5. Nomis' Leasehold interest in the Leased Parcel is subject to a first mortgage (the First Mortgage) in the original principal amount of \$10,125,000 held by New York Life Insurance Company, an unrelated party to the Trust. The Owned Parcel is subject to a construction loan and mortgage of approximately \$28 million held by Fletcher and Wells Fargo.

6. Hermel and Nomis and M.S. Management Associates, Inc. (Management) are corporations of which all of the outstanding shares are owned by Melvin Simon & Associates Inc. (Associates). Associates is a corporation of which all of the outstanding shares are owned by Melvin Simon, Herbert Simon and Fred Simon (the Simon Brothers). The Simon Brothers own 50% or more of the profits interest in a general partnership which is a general partner of another limited partnership in which the Trust is a sole limited partner. The applicant represents that the general partnership may be a party in interest to the Trust thereby rendering Hermel and Nomis, through their common indirect ownership by the Simon Brothers, parties in interest with respect to the Trust.

7. Fletcher is a wholly-owned subsidiary of American Fletcher Corporation which owns 100% of the outstanding voting shares of American Fletcher National Bank, a fiduciary of the Trust. Wells Fargo is a wholly-owned subsidiary of Wells Fargo & Co. which owns 100% of the outstanding voting shares of Wells Fargo Bank, a fiduciary of the Trust. None of the Parties above is a fiduciary to the Trust with respect to the Trust's investment in the Center, and have not influenced in any manner the investment of Trust assets in the Center.

8. The Trust will invest in the Center by acquiring the Owned Parcel from Hermel for a purchase price of \$28 million. A portion of the purchase price will be funded by a loan (the Loan) in an amount of \$20 million from Sunset Investments, Inc. (Sunset), a Delaware corporation in which the Trust is the sole shareholder. The purchase price proceeds will be applied by the Trust to completely pay off the construction loan to Fletcher and Wells Fargo. The Loan document provides that the principal amount of the Loan will be due and payable on January 1, 1993.

9. Immediately after the acquisition of the Owned Parcel by the Trust and the delivery to Sunset of the note evidencing the Loan, the Trust and Nomis entered into a partnership agreement (the

Agreement) dated December 17, 1982. The Agreement provided for the creation of a new Delaware limited partnership known as Battlefield Mall Limited Partnership (the Partnership) with Nomis as the sole general partner and the Trust as the sole limited partner. The Trust will contribute as its capital contribution to the Partnership the Owned Parcel, and in consideration therefor, the Partnership will assume and agree to pay off the Loan. Based on its economic analysis of the Trust's investment in the Center, Heitman is of the opinion that the Trust's interest in the Partnership was not less than the fair market value of the Owned Parcel at the time the Parcel was contributed by the Trust to the Partnership. Nomis will contribute as its capital contribution its interest in the Leased Parcel, including the improvements, subject to the First Mortgage and the sublease to Hermel.

10. Immediately after the formation of the Partnership the Trust dissolved Sunset and became the holder of the Loan, and the Partnership and Hermel entered into an amendment of the Sublease. The Sublease was amended to provide that the Sublease will remain in effect until all of the Center's tenants in the Leased Parcel have recognized the Partnership as their landlord. Therefore, all amounts received by Hermel from tenants will be passed on to the Partnership until the Sublease can be terminated.

11. The applicant represents that the investment by the Trust in the Center will result in various prohibited transactions as described in the Act. Such transactions involve (a) the acquisition of the Owned Parcel by the Trust from Hermel; (b) the capital contribution of the Owned Parcel to the Partnership in which Nomis is the sole general partner; (c) the use of the proceeds by Hermel from the Trust's acquisition of the Owned Parcel to pay off the construction loans to Fletcher and Wells Fargo; (d) the extension of credit between the Partnership and the Trust resulting from the assumption of the Trust's obligations by the Partnership of the Loan currently held by the Trust; and (e) the sublease of the Leased Parcel by the Partnership to Hermel.

12. Pursuant to the Agreement certain transactions may be executed between the Trust, Nomis, and other interested parties in connection with the operation of the Partnership. Such transactions include (a) upon an event of default by the Partnership as described in the Agreement, the Trust will be provided with certain options including the right to purchase Nomis' interest and

designate itself as the substitute general partner; (b) a guaranty by Associates to the Trust regarding the payment for certain proposed improvements on the Center; (c) an indemnification from Associates to the Trust regarding certain expenses to be incurred with respect to the Center; (d) the right of Nomis and/or the Trust to purchase each other's interest in the Partnership upon the occurrence of certain events; (e) the right of Nomis to lend funds interest free to the Partnership; (f) the possible payment of expenses by the Trust relating to the reletting of certain space in the Center; (g) the possible additional contributions to be made to the Partnership by the Trust in the event a certain tenant requires the Partnership to construct additional floor space to the Center.

13. The Agreement also permits the Partnership to enter into a management agreement with Management, an affiliate of Associates, or with another affiliate of Associates, and the payment of a fee to Management or such other affiliate for the provision of such services. The management agreement was executed on January 1, 1983, and was executed in a form and content satisfactory to the Trust. The Agreement also permits Nomis or Management to enter into service contracts with affiliates of Nomis or Management, provided that such contracts are approved in writing by the Trust and such contracts are at competitive prices.\*

14. Heitman believes that parties in interest with respect to the Trust may become lessees in the Center, and thereby seeks an exemption for such future leases. Any future leases will be arranged on an arm's-length basis and approved on behalf of the Trust by Heitman or a Trust fiduciary not related to or affiliated with the potential lessee.

15. Heitman represents that an exemption for the above described transactions is in the best interests of the Trust and protective of the rights of the participants and beneficiaries of the Trust. Neither Heitman nor its officers, directors, stockholders, employees or agents are affiliated with or otherwise related to or own 5% or more of the voting shares of Hermel, Associates, Fletcher, Wells Fargo or other entities known by Heitman to be related or affiliated with such entities. In this regard Heitman negotiated the terms of the investment, including the terms of the agreement and the Commitment, on an arm's-length basis with Hermel and

\*The Department is not proposing an exemption for the provision of services beyond that which is provided by section 408(b)(2) of the Act.

Nomis. Heitman has analyzed the fair market value of the Center and the Owned Parcel based on its expertise in transactions involving commercial real estate, and is of the opinion that the Trust did not pay more than the fair market value of the Owned Parcel when it acquired such property from Nomis. Heitman believes the Center will be a valuable investment opportunity for the Trust.

16. Heitman will be monitoring the leasing transactions on an ongoing basis. The terms and the conditions of the management agreement and fees have been agreed to in advance and monitored by Heitman on behalf of the Trust. All service contracts which may be executed with parties affiliated with Associates, Nomis, Hermel and Management will be subject to the prior written approval of Heitman or another independent fiduciary of the Trust.

17. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because (a) the terms of the transactions including the terms of the Agreement and the Commitment, have been negotiated on an arm's-length basis on behalf of the Trust by an independent Trust fiduciary, Heitman; (b) Heitman represents that none of the parties to which the exemption applies, i.e. the pre-existing mortgagees and Nomis, Hermel or any other related entity has in any way influenced Heitman's decision with respect to the investment; and (c) all transactions executed and to be executed between the Trust and other parties in interest involved in the transactions will be effected on terms not less favorable to the Trust than those obtainable with unrelated third parties.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

#### *General Information*

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975 (c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and

beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 23rd day of June, 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-17802 Filed 6-30-83; 8:46 am]

BILLING CODE 4510-29-M

## Office of the Secretary

### Agency Forms Under Review by the Office of Management and Budget (OMB)

#### Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions,

extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-8331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

#### Revision

Employment and Training Administration

National Longitudinal Survey of Work Experience (Youth) 1984

MT-290

Annually

Youth (Ages 14-21 on January 1, 1979)

12,000 responses; 1 hour

The information provided in this survey will be used by the Department of Labor and other government agencies to help develop programs and policies designed to ease the employment, unemployment and related problems faced by young men and women in this age group.

Signed at Washington, D.C., this 28th day of June 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-17853 Filed 6-30-83; 8:45 am]

BILLING CODE 4510-30-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-61]

### Intent To Grant an Option Agreement on an Exclusive Patent License; Rogers Corp.

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

**ACTION:** Notice of Intent to Grant an Option Agreement on an Exclusive Patent License.

**SUMMARY:** NASA hereby gives notice of intent to grant an Option Agreement to Rogers Corporation, Rogers, Connecticut, on a limited, exclusive royalty-bearing, revocable license to practice the invention described in U.S. Patent Application No., 189,234 for "Process for Preparing High Temperature Polyimide Film Laminates," filed September 22, 1980, by the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed option agreement will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the option agreement unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the option agreement.

**DATE:** Comments to this notice must be received by August 30, 1983.

**ADDRESS:** National Aeronautics and Space Administration, Code GP-4, Washington, D.C. 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. John G. Mannix, Director of Patent Licensing, (202) 755-3954.

Dated: June 21, 1983.

John E. O'Brien,

Deputy General Counsel.

[FR Doc. 83-17573 Filed 6-30-83; 8:45 am]

BILLING CODE 7510-01-M

**[Notice (63-62)]****NASA Advisory Council, Aeronautics Advisory Committee; Meeting**

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

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aerodynamics.

**DATE AND TIME:** July 20, 1983, 8:30 a.m. to 5 p.m.; July 21, 1983, 8 a.m. to 12 noon.

**ADDRESS:** National Aeronautics and Space Administration, Ames Research Center, Administration Building, Committee Room, Moffett Field, CA.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clinton E. Brown, National Aeronautics and Space Administration, Code RTF-6, Washington, DC 20546 (202/755-3280).

**SUPPLEMENTARY INFORMATION:** The Informal Advisory Subcommittee on Aerodynamics was established to provide advice and coordination of NASA Aerodynamics research programs with efforts in other agencies, universities, and industry. The Subcommittee, chaired by Dr. Joseph Cornish, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 46 persons including the Subcommittee members and participants).

Type of meeting: Open.

**Agenda**

July 20, 1983:

8:30 a.m.-5 p.m.—Review of Ames Research Center Aerodynamic programs.

July 21, 1983:

8:30 a.m.-9:30 a.m.—Comments on Center Activities.

9:30 a.m.-10:30 a.m.—Issues, questions and recommendations.

10:30 a.m.-12 noon—Member reports and comments.

12 noon—Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

June 27, 1983.

[FR Doc. 83-17786 Filed 6-30-83; 8:45 am]

BILLING CODE 7510-01-M

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES****Dance Advisory Panel; Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreography Fellowships) to the National Council on the Arts will be held on July 25-28, 1983, from 9:00 a.m.-5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: June 27, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-17771 Filed 6-30-83; 8:45 am]

BILLING CODE 7537-01-M

**Design Arts Advisory Panel; Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Demonstration) to the National Council on the Arts will be held on July 18-20, 1983 from 9:00 a.m.-5:30 p.m. in Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee

Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: June 27, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-17770 Filed 6-30-83; 8:45 am]

BILLING CODE 7537-01-M

**Humanities Panel Meetings**

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; as amended), notice is hereby given that the following meeting will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

Date: July 15, 1983.

Time: 9:00 a.m. to 5:00 pm.

Room: 315.

Program: This meeting will review proposals from Centers for Advanced Study, submitted to the Division of Fellowships and Seminars, for projects beginning after August 30, 1984.

The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;  
(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority To Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code. It was not possible to schedule this meeting in time to meet the notice requirement because the panel meeting is scheduled after site-visits by teams of scholars. A last minute illness caused rescheduling of the site-visit and delayed scheduling of this meeting.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

*Advisory Committee Management Officer.*

[FR Doc. 83-17843 Filed 6-30-83; 8:45 am]

BILLING CODE 7530-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Combined Subcommittees on Reactor Radiological Effects and Site Evaluation; Meeting

The Combined ACRS Subcommittees on Reactor Radiological Effects and Site Evaluation will hold a meeting on July 18 and 19, 1983 in Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittees will review emergency plans for Maine Yankee, Seabrook and Indian Point; EPA's proposed 40 CFR Part 61; proposed revisions to 10 CFR Part 71; draft NRC Policy on Responding to Transportation Accidents and Incidents; proposed revisions to 10 CFR Part 50 Appendix E; and NRC Low Level Waste Branch Technical Positions on Waste Form and Classification. Notice of this meeting was published June 21, 1983.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Monday and Tuesday—July 18 and 19, 1983—8:30 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions

with representatives of the NRC Staff, its consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: June 27, 1983.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 83-17813 Filed 6-30-83; 8:45 am]

BILLING CODE 7590-01-M

### Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems, Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on July 19, 1983, at the Babcock and Wilcox Alliance Research Center, 1562 Beeson Street, Alliance, Ohio. The Subcommittee will continue its review of the joint NRC/B&W/EPRI integral test program, focusing on scaling problems for the Multi-Loop Integral System Test (MIST) facility.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The balance of the meeting will be closed to protect proprietary information (Sunshine Act exemption 4). One or more closed sessions will be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday, July 19, 1983—9:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary

views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of Babcock and Wilcox, the NRC Staff, their respective consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehmert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., e.d.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 27, 1983.

John C. Hoyle,

*Advisory Committee Management Officer.*

[FR Doc. 83-17811 Filed 6-30-83; 8:45 am]

BILLING CODE 7590-01-M

### Advisory Committee on Reactor Safeguards Subcommittee on Quality Assurance During Construction; Meeting

The ACRS Subcommittee on Quality Assurance During Construction will hold a meeting on July 18, 1983, Room 1167, 1717 H Street, NW, Washington, D.C.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Monday, July 18, 1983—10:00 a.m. until the conclusion of business.*

The Subcommittee will be briefed by the NRC Staff on its quality assurance initiatives, including those related to the "Ford Amendment" of Pub. L. 97-415.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David C. Fischer, (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: June 27, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-17812 Filed 6-30-83; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 24, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

- Allegheny International Inc.  
Common Stock, \$.66 $\frac{1}{2}$  Par Value (File No. 7-8750)
- Atlantic Metropolitan Corp.  
Common Stock, \$.10 Par Value (File No. 7-8751)
- Campbell Soup Company  
Capital Stock, \$.60 Par Value (File No. 7-8752)
- Castle & Cooke, Inc.  
Common Stock, No Par Value (File No. 7-8753)
- Central Soya Company, Inc.  
Capital Stock, No. Par Value (File No. 7-8754)
- Clark Equipment Company  
Common Stock, \$.75 Par Value (File No. 7-8755)

- Eaton Corporation  
Common Stock, \$.50 Par Value (File No. 7-8757)
- Engelhard Corporation  
Common Stock, \$.1 Par Value (File No. 7-8757)
- First City Bancorporation of Texas, Inc.  
Common Stock, \$.325 Par Value (File No. 7-8758)
- General Signal Corporation  
Common Stock, \$.1 Par Value (File No. 7-8759)
- Lear Siegler, Incorporated  
Common Stock, \$.1 Par Value (File No. 7-8760)
- McGraw-Hill, Inc.  
Common Stock, \$.1 Par Value (File No. 7-8761)
- Ogden Corporation  
Common Stock, \$.50 Par Value (File No. 7-8762)
- Petrolane Incorporated  
Common Stock, No Par Value (File No. 7-8763)
- Times Mirror Company (The)  
Common Stock, No Par Value (File No. 7-8764)
- Union Camp Corporation  
Common Stock, \$.1 Par Value (File No. 7-8765)
- Bowmar Instrument Corporation  
Common Stock, No Par Value (File No. 7-8766)
- Delmed, Inc.  
Common Stock, \$.10 Par Value (File No. 7-8767)
- Moog, Inc.  
Class A Common Stock, \$.1 Par Value (File No. 7-8768)
- Trafalgar Industries Inc.  
Common Stock, \$.10 Par Value (File No. 7-8769)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 18, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17758 Filed 6-30-83; 8:45 am]

BILLING CODE 8010-01-M

## Agency Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549. Extension of Approval Rule 17a-3 No. 270-26

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17a-3 (17 CFR 240.17a-3) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires certain records to be made by registered broker-dealers. The potential affected persons are approximately 6,000 registered broker-dealers.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395-4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503. June 24, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17760 Filed 6-30-83; 8:45 am]

BILLING CODE 8010-01-M

## Forms Under Review by Office of Management and Budget

Agency Clearing Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549. Extension of Approval Rule 17Ad-6 No. 270-291

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17Ad-6 (17 CFR 240.17Ad-6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), which requires registered transfer agents to make certain records in connection with the performance of transfer agent functions. The affected persons are approximately 2500 registered transfer agents.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395-4814, Office of Information and

Regulatory Affairs, Room 3235 NEOB,  
Washington, D.C. 20503.

June 24, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-17761 Filed 6-30-83; 8:45 am]

BILLING CODE 8010-01-M

#### Agency Forms Under Review by Office of Management and Budget

Agency Clearing Officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval

Rule 17Ad-7

No. 270-136

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17Ad-7 (17 CFR 240.17Ad-7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), which requires registered transfer agents to retain certain records made in connection with the performance of transfer agent functions. The affected persons are approximately 2500 registered transfer agents.

Submit comments to OMB Desk Officer: Mr. Robert Veeder, (202) 395-4814, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

June 24, 1983.

[FR Doc. 83-17762 Filed 6-30-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19906; File No. SR-AMEX-82-22, Amendment No. 4]

#### Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.

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 June 8, 1983, the American Stock Exchange, Inc. 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 American Stock Exchange, Inc. ("Amex" or the "Exchange") proposes to amend Rules 900C, 904C, 918C and 462 as set forth below. *Italics* and brackets [ ] indicate, respectively, material proposed to be added to, or deleted from, the Exchange's current rules. The changes to Rules 900C, 904C and 918C proposed herein supersede the changes to those rules proposed in Amendment No. 3 to File No. SR-AMEX-82-22, now pending before the Commission.

#### Rule 900C. Applicability and Definitions—

(a) Applicability—No change.

(b) Definitions—The following terms as used in the rules in this Section shall, unless the context otherwise indicates, have the meanings herein specified:

(1) Stock Index Group; *Broad Stock Index Group*; *Stock Index Industry Group*—The term "stock index group" means a group of stocks each of whose inclusion and relative representation in the group is determined by the inclusion and relative representation of their current market values or market prices in a widely disseminated stock index. [Such stock indexes may reflect] *A stock index group may relate to a stock index which reflects representative stock market values or prices of either a broad segment of the stock market ("broad stock index group") or [of specific categories of stocks] stocks representing a particular industry or related industries ("stock index industry group").*

(2) through (15)—No change.

#### Rule 904C. Position Limits—

(a) Position limits relating to stock index options shall be governed by the provisions of Rule 904 except that the position limit applicable to each account with respect to options on each underlying stock index group shall be the contract limit established by the Exchange pursuant to this Rule 904C.

(b) *Broad Stock Index Groups.* With respect to options on each *broad* stock index group, the Exchange shall establish (and may change from time to time) a position limit which shall be expressed in terms of a number of option contracts; provided, however, that the Exchange may not establish position limits in excess of the following dollar value equivalents:

Amex Market Value Index Options—\$300 million.

Major Market Index Options—\$200 million.

For the purpose of establishing position limits, the dollar value of a position shall be deemed to be the

product of the current index group value and the index multiplier, times the number of contracts on the same side of the market.

(c) *Stock Index Industry Groups.* (i) Subject to the procedures specified in subparagraph (iii) of this paragraph (c), the Exchange shall establish a position limit with respect to options on each underlying stock index industry group at a level no greater than:

—4,000 contracts if the Exchange determines, at the time of a review conducted pursuant to subparagraph (ii) of this paragraph (c), that any single stock in the group accounted, on average, for 30% or more of the numerical index value during the 30-day period immediately preceding the review; or

—6,000 contracts if the Exchange determines, at the time of a review conducted pursuant to subparagraph (ii) of this paragraph (c), that any single stock in the group accounted, on average, for 20% or more of the numerical index value or that any five stocks in the group together accounted, on average, for more than 50% of the numerical index value, but that no single stock in the group accounted, on average, for 30% or more of the numerical index value, during the 30-day period immediately preceding the review; or

—8,000 contracts if the Exchange determines that the conditions specified above which would require the establishment of a lower limit have not occurred.

(ii) The Exchange shall make the determinations required by subparagraph (i) of this paragraph (c) with respect to options on each stock index industry group at the commencement of trading of such options on the Exchange and semi-annually thereafter. The Exchange may establish uniform semi-annual review dates for the purpose of making the required determinations simultaneously with respect to all classes of options on stock index industry groups traded on the Exchange; in that event, the first semi-annual review of position limits with respect to options on any particular stock index industry group shall be conducted by the Exchange on the first semi-annual review date which occurs after the commencement of trading of such options on the Exchange.

(iii) If the Exchange determines, at the time of a semi-annual review, that the position limit in effect with respect to options on a particular stock index industry group is lower than the maximum position limit permitted by the criteria set forth in subparagraph (i)

of this paragraph (c), the Exchange may effectuate an appropriate position limit increase immediately. If the Exchange determines, at the time of a semi-annual review, that the position limit in effect with respect to options on a particular stock index industry group exceeds the maximum position limit permitted by the criteria set forth in subparagraph (i) of this paragraph (c), the Exchange shall reduce the position limit applicable to such options to a level consistent with such criteria; provided, however, that such a reduction shall not become effective until after the expiration date of the most distantly expiring option series relating to the affected stock index industry group which is open for trading on the date of the review; and provided further that such a reduction shall not become effective if the Exchange determines, at the next succeeding semi-annual review, that the existing position limit applicable to such options is consistent with the criteria set forth in subparagraph (i) of this paragraph (c).

Rule 918C. Trading Rotations, Halts and Suspensions—

(a)—No change.

(b)—No change.

\* \* \* Commentary

.01 through .03—No change.

.04 (Reserved; File No. SR-AMEX-83-12, now pending before the Commission, sets forth a proposed new Commentary .04.)

.05 In the case of options on a stock index industry group, an opening trading rotation may not be commenced until underlying stocks having an aggregate market value equal to at least 50 percent of the aggregate market value of all of the stocks comprising the group have opened for trading in the primary market(s) for such stock. Subject to the provisions of paragraph (a) of this Rule, trading in options on a stock index industry group will be halted if trading has been halted or suspended in the primary market(s) for any combination of underlying stocks accounting for 10 percent or more of the current index group value. Trading in the affected options may be resumed following such a halt upon a determination by the Exchange that a resumption of trading would be consistent with the maintenance of a fair and orderly market and the protection of investors. The Exchange may make this determination at any time after the initiation of such a trading halt; i.e., the resumption of trading of the underlying stock(s) whose halt or suspension directly caused the options trading halt shall not be a prerequisite to a resumption of options trading.

Rule 462. Minimum Margins—

(a) through (d)(2)(B)—No change.

(C) For purposes of this paragraph (d)(2), obligations issued by the United States Government shall be referred to as United States Government obligations. Mortgage pass-through obligations guaranteed as to timely payment of principal and interest by the Government National Mortgage Association shall be referred to as GNMA obligations.

The terms "stock index group", "broad stock index group", "stock index industry group", "stock index option", "current index group value", ["exercise price",] and "index multiplier," and the terms "exercise price" and "aggregate exercise price" when used with reference to a stock index option, shall have the meanings set forth in Rule 900C.

The terms "current market value" and "current market price", when used with reference to an option contract, shall mean the total cost or net proceeds of the option contract on the day it was purchased or sold and at any other time shall mean the preceding business day's closing price of that option contract indicated by any regularly published reporting or quotation service.

(D) Subject to the exceptions set forth in subparagraphs (F) through (K) of this paragraph (d)(2) the minimum margin on any put or call issued, guaranteed or carried "short" in a customer's account shall be:

(i) No change.

(ii) No change.

(iii) In the case of puts and calls listed or traded on a registered national securities exchange and representing options on a broad stock index group[s], 100 percent of the current market value of the option contract plus 10 percent of the product of the current index group value and the index multiplier applicable to the option contract. In each case, the amount shall be decreased by any excess of the aggregate exercise price of the option over the product of the current index group value and the applicable index multiplier in the case of a call, or any excess of the product of the current index group value and the applicable index multiplier over the aggregate exercise price of the option in the case of a put; provided, however, that the minimum margin required on each such option contract shall not be less than 100 percent of the current market value of the option contract plus 2 percent of the product of the current index group value and the applicable index multiplier.

(iv) In the case of puts and calls listed or traded on a registered national securities exchange and representing

options on a stock index industry group, 30 percent of the product of the current index group value and the index multiplier applicable to the option contract, increased by any unrealized loss or reduced by any excess of the aggregate exercise price of the option over the product of the current index group value and the applicable index multiplier in the case of a call, or any excess of the product of the current index group value and the applicable index multiplier over the aggregate exercise price of the option in the case of a put.

[(iv)] (v) No change through and including subparagraph (a).

(b) The minimum margin on any and each put or call issued, guaranteed or carried "short" in a customer's account shall be not less than \$250, in the case of an option on equity securities or on a stock index industry group, or \$500, in the case of an option on:

No change to the remainder of this paragraph.

[(v)] (v) No change to the text of this paragraph.

In addition to the above proposed rule changes, the Exchange proposes to establish exercise prices for options on stock index industry groups at five-point intervals. Exercise prices will bracket the current numerical index value, and new exercise prices will be introduced as the numerical index value changes. The procedure for introducing new exercise prices will be the same as the procedure now used with respect to options on the Major Market Index.

## 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 Exchange understands that question have arisen as to whether an index on a group of stocks representing the same industry (hereinafter referred to as an "industry index") which is

based to a substantial degree on one or a few stocks may function as a surrogate for that stock or those stocks for purposes of options trading, and whether the trading of options on such an industry index should therefore be governed by rules more similar to those which apply to options on individual stocks than the rules set forth in the Exchange's pending proposal to implement trading in industry index options (File No. SR-AMEX-82-22, as amended by Amendment No. 3 thereto). The general purpose of this Amendment No. 4 is, in response to those concerns, to amend the Exchange's pending proposed rules concerning industry index option position limits, trading halt procedures, and margin requirements to increase their similarity to the analogous rules which apply to stock options.

While the Exchange does not share the concerns which have been expressed, it is submitting these proposed rule changes in order to avoid any delay of the Commission's approval of its industry index options program which might result from Commission consideration of the issues which have been raised.

The specific purposes of the rule modifications made by this Amendment No. 4 to File No. SR-AMEX-82-22 are as follows:

The proposed changes of Rule 904C would establish a 3-tiered position limit structure for industry index options, with the lowest limit (4,000 contracts) applicable to options on any index which is considered to be relatively strongly affected by a single component stock, and the highest limit (8,000 contracts) applicable to options on indices which are considered to be least affected by any particular component stock or group of stocks. The Exchange would be required to review the composition of the industry indices which underlie Exchange-traded options every six months in order to determine the appropriate position limits with reference to the criteria set forth in Rule 904C, as proposed to be amended. Any increase of a position limit resulting from such a review would become effective immediately upon announcement by the exchange, but a position limit decrease would take effect on a deferred basis in order to avoid disruptions which might result from mandatory liquidations of positions, and also to avoid any unnecessary curtailment of hedging and trading opportunities. The proposed procedures are similar to the procedures which would apply with respect to the 2-tiered position limits proposed in File No. SR-

AMEX-83-5 regarding options on individual stocks.

Proposed Commentary .05 under Rule 918C would require the Exchange to halt trading in options on an industry index whenever trading has been halted or suspended in the primary market(s) for any combination of underlying stocks accounting for 10 percent or more of the current index group value. However, the Exchange would be permitted to resume options trading during the pendency of the halt(s) and/or suspension(s) of trading of the stocks which had necessitated the options trading halt if the Exchange determines that a resumption of options trading would be consistent with the maintenance of a fair and orderly market and the protection of investors. The Exchange would generally be inclined to make such a determination if it believed that trading in a stock or stocks subject to a trading halt would be likely to reopen at a price or prices not significantly different from those reported for such stock(s) before the halt(s). In making this evaluation, the Exchange would consider the reason(s) for the trading halt(s) and the prices, if any, reported for the affected stock(s) from non-primary markets during the pendency of the halt(s).

The proposed revisions of Rule 462 would establish a margin system for options on industry indices identical to the margin system which now applies to options on individual stocks.

The Exchange believes that the five-point exercise price intervals proposed for industry index options are appropriate in light of the "price" volatilities of the underlying indices proposed by the Exchange. In particular, it should be noted that the volatilities of the Computer Technology index and the Oil and Gas index, for which the Exchange now seeks approval as underlying indices, are similar to the volatility of the Major Market Index. Thus, the Exchange anticipates that the number of option series open for trading at any given time in respect of each of these proposed underlying industry indices would generally correspond with the number of option series open for trading in respect of the Major Market Index.

The proposed amendments to Rules 900C, 904C, 918C and 462, and the proposed five-point exercise price intervals for industry index options, are consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, Section 6(b)(5) of the Act, in that they are consistent with the

maintenance of a fair and orderly market, the prevention of fraudulent and manipulative acts and practices, and the protection of investors and the public interest.

#### *B. Self-Regulatory Organizations's Statement on Burden on Competition*

The proposed rule changes will not impose a burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Withing 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### **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, N.W., 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. 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: June 24, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17759 Filed 6-30-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13353; (811-3277)]

### **Aetna Tax-Exempt Money Series Trust; Filing of Application**

June 24, 1983.

Notice is hereby given, That Aetna Tax-Exempt Money Series Trust ("Applicant"), 151 Farmington Avenue, Hartford, Connecticut 06156, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on May 23, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined by 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 a trust organized under the laws of Massachusetts. Applicant represents that it registered under the Act on October 2, 1981, and that it filed a registration statement with the Commission for registration under Section 8(b) of the Act on the same date. Applicant states further that it filed a registration statement for the registration of an indefinite number of shares of common stock, \$.10 par value, under the securities Act of 1933 with the Commission on October 2, 1981. Applicant represents that the registration statement became effective on February 17, 1982.

Applicant represents that the Trustees of Applicant voted that Applicant be terminated at a meeting held on March 18, 1983. Applicant represents further that Applicant's shareholders voted to terminate Applicant at a meeting held on April 26, 1983.

Applicant submits that on April 26, 1983, there were 4,106,731 shares of beneficial interest in Applicant outstanding. Applicant states that these shares had a par value of \$.10 per share and a net asset value of \$1.00 per share. Applicant represents that all of its securities were sold during the period immediately preceding liquidation to

either banks or securities broker-dealers. Applicant submits that such sales were direct sales and did not involve the services of a broker nor the payment of a commission. Applicant represents that such sales were made at the best available price in the over-the-counter market for secondary market securities. Applicant states that shareholders were mailed checks for the net asset value of their shares plus dividends through April 27, 1983, on that date. Applicant asserts that a statement of termination of Applicant dated April 29, 1983, and executed by all of Applicant's Trustees was filed with the Office of the Secretary of State, Commonwealth of Massachusetts on April 29, 1983.

Applicant further states that it currently has no assets or outstanding liabilities, has no securityholders and is not a party to any pending litigation or administrative proceeding. Applicant further represents that it is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in part, that when 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 the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than July 19, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17859 Filed 6-30-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13357; (812-5434)]

### **Iowa Tax Free Liquid Assets Fund, Inc.; Filing of An Application**

June 24, 1983.

Notice is hereby given, That Iowa Tax Free Liquid Assets Fund, Inc. ("Applicant"), Suite 413-14 Stephens Building, 7th and Locust Streets, Des Moines, Iowa 50307, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on January 31, 1983, and an amendment thereto on June 16, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to calculate its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below. Such persons are also referred to the Act and rules thereunder for the complete text of those provisions thereof from which an exemption is being sought.

According to the application, Applicant's investment objective is to seek maximum current income, exempt from Federal income taxes, consistent with safety of principal and maintenance of liquidity through investments in fixed and variable rate debt obligations issued by state and local governmental units within the State of Iowa, and participation interests therein, subject to demand repurchase commitments and irrevocable bank demand letters of credit or guarantees issued by Iowa banks permitting Applicant to dispose of such obligations at their amortized cost on not more than 7 days' notice. Applicant will also invest in high quality state and municipal obligations and, in certain instances, taxable money market instruments. Responsive to proposed Rule 2a-7 under the Act (Investment Company Act Release No. 12206), Applicant represents with respect to variable rate obligations or participation interests therein that its Board of Directors: (i) Will assess such instruments and will determine that, whenever a new rate of interest has been established, an instrument will have a current market value or estimated market value which approximates its par value; and (ii) will reevaluate such instruments at least quarterly to ensure that they are of high quality. In addition, Applicant

represents that it will comply with the provisions of Rule 2a-7, as and when adopted, and in the form adopted, by the Commission.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act 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 its request, Applicant represents that its board of directors has determined that, absent unusual circumstances, amortized cost value represents the fair value of its portfolio securities and that the amortized cost method of valuation will benefit both the Applicant and its shareholders. Applicant states that by using the amortized cost method of valuing its shares, investors would have the convenience of being able to value their holdings simply by knowing the number of shares which they own. Applicant further maintains that by using the amortized cost method of valuation its net asset value per share would not vary as a result of realized and unrealized capital gains and losses.

Applicant 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, the Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to 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, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost price

per share, and the maintenance of records of such review.<sup>1</sup>

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net 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 in excess of 120 days.<sup>2</sup>

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 will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the

<sup>1</sup> To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions determined by the board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*: (1) Quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from comparative yield data published by reputable sources.

<sup>2</sup> In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

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 board of directors 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 it not rated, of comparable quality as determined by its board of directors.

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.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than July 18, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17861 Filed 6-30-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13360; (812-5484)]

### Kemper Tax-Exempt Insured Income Trust, et al; Filing of Application

June 24, 1983.

Notice is hereby given, That Kemper Tax-Exempt Insured Income Trust ("Trust"), Kemper Financial Services, Inc. ("Kemper Financial"), 120 South LaSalle Street, Chicago, IL 60603, and Kemper Reinsurance Co. ("Kemper Reinsurance"), Long Grove, IL,

(collectively, "Applicants") filed an application on March 8, 1983, and an amendment thereto on May 23, 1983, requesting an order of the Commission: (1) Pursuant to Section 17(d) of the Investment Company Act of 1940 (the "Act") and Rule 17d-1 thereunder to the extent necessary to permit Kemper Reinsurance to participate with certain unaffiliated third parties in providing insurance guaranteeing the payment of interest and/or principal in a timely manner on the units of each series of the Trust; (2) pursuant to Section 17(b) of the Act exempting Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit the Trust to purchase the insurance coverage referred to herein and to accept any settlement which might arise from a claim made upon such insurance; and (3) pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 26(a)(2)(C) to allow the Trustee of the Trust to make (and deduct as a Trust expense) premium payments on the insurance notwithstanding the fact that a portion thereof might be deemed to be made to an affiliated person. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

According to the application, the Trust will be comprised of a series of unit investment trusts, all of which will be similar but each of which will be separate and designated by a different series letter or number. Applicants represent that each Trust series will be created under the laws of the State of Missouri pursuant to a Trust Indenture and Agreement between Kemper Financial as sponsor and Investors Fiduciary Trust Company ("Trustee"). Applicants state that the Trust intends to pursue its objective of obtaining interest income free from Federal income taxes while conserving capital and diversifying risks by investing in a fixed portfolio of insured municipal bonds consisting of obligations of states of the United States and political subdivisions and authorities thereof. Applicants further represent that Kemper Financial will act as principal underwriter of each Trust series at public offering prices based on a pro rata share of the offering prices of the municipal bonds in the portfolio of a Trust series plus a sales charge during the initial offering period, and a pro rata share of the bid side prices of the bonds in the portfolio of such Trust series plus

a sales charge for secondary market purposes.

Applicants state that Kemper Financial is a Delaware corporation and a wholly-owned subsidiary of Kemper Corporation ("Kemper"), a diversified insurance and financial services holding company. Applicants further represent that, at the end of 1981, Kemper Reinsurance (another Kemper subsidiary) was the twentieth largest reinsurance company in the world. Applicants further state that Kemper Reinsurance's net premiums were \$158.5 million in 1982, resulting in net operating earnings of \$21.7 million and that its assets were \$558.9 million as of December 31, 1981.

Applicants state that Kemper Financial, in response to market pressures, and in order to be able to compete on a more even basis in the unit investment trust area, desires to offer a series of unit investment trusts which would be insured by MGIC Indemnity Corporation or its sister company, American Municipal Bond Assurance Corporation (collectively referred to herein as "AMBAC"). Applicants represent that AMBAC currently insures the timely payment of principal and interest on two unit investment trusts offered by underwriting syndicates which are in direct competition with the firms which underwrite the existing Kemper Tax-Exempt Income Trust.

According to Applicants, although AMBAC presently insures these two competing unit investment trusts, it had represented to the Applicants that it lacked sufficient insuring capacity in its own right to take on an additional substantial commitment to any other sponsor of an insured unit investment trust. Applicants represent that reserve requirements imposed by various state insurance commissions, in spite of the growth of AMBAC and its parent company, have prevented AMBAC from doing much more than meeting its commitments to the two sponsors with whom it is presently dealing. While AMBAC had expressed a willingness to insure the Trust, Applicants assert that AMBAC is unable to take on such a commitment and guarantee that sufficient insurance capacity would be available to allow Kemper Financial to bring the units of the Trust to the market on a regular basis.

According to the application, after exhausting other potential sources of insurance, Kemper Financial approached Kemper Reinsurance to ascertain if Kemper Reinsurance, which already had a direct 1% "Quota Share" interest and an interest in a reinsurance

pool which backs up the insurance offered by AMBAC, might be willing to increase its participation in such reinsurance pool. Applicants state that a "Quota Share" arrangement represents a pro rata sharing of the premiums received on the insurance policies issued in return for a pro rata commitment in terms of exposure to claims. Applicants represent that after discussions between AMBAC and Kemper Reinsurance over a several month period, Kemper Reinsurance on December 31, 1982, entered into an agreement with AMBAC under which Kemper Reinsurance, on behalf of itself, two unaffiliated foreign reinsurance companies and several other Kemper Corporation subsidiaries increased their Quota Share participation from 1% to 6.5% (i.e., an additional 5.5%). Applicants state that, under this new Quota Share arrangement, Kemper Reinsurance will continue to have a 1% direct participation and other Kemper affiliated companies would take a 2% aggregate participation. Applicants further state that the combined assets of these Kemper affiliated companies exceeded \$4 billion at the end of 1982.

Since the participation of Kemper Reinsurance and the other Kemper companies in a reinsurance pool providing insurance to the Trust would involve a joint arrangement between an investment company and affiliated persons thereof, as defined in Section 2(a)(3) of the Act, Applicants have requested an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide in pertinent part, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement. In passing upon such an application, the Commission will consider whether the participation of the registered company in such an arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which its participation is on a basis different from or less advantageous than that of other participants.

Applicants further request an order pursuant to Section 17(b) of the Act to the extent that: (i) Kemper Reinsurance or the other Kemper affiliated companies might, through their Quota Share arrangement with AMBAC to provide insurance for the Trusts, be deemed, as principal, to be selling any "property" to the Trust in violation of Section 17(a)(1) and (ii) in the event of a default on a bond, the insuring

companies acquiring an interest in either the coupons or principal of one of the bonds (because of the insurer's payment of monies due to the Trust which were not made by the issuer of the bond), might be deemed to be a prohibited purchase under Section 17(a)(2). Section 17(b) of the Act provides, that the Commission, upon application, may exempt a transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants assert that no other direct source of insurance on municipal bond funds such as the Trust is available, that discussions with other potential sources of such insurance have not proved particularly fruitful and that no company or group of companies known to the Applicants has expressed any intention or willingness to provide such insurance in the immediate future. Thus, if the Commission does not permit the Trust to acquire the insurance offered by AMBAC, notwithstanding the limited participation of these affiliated companies, Kemper Financial will not be able to offer the Trust and will be prevented from offering to the public a type of investment which is suitable for a wide range of individuals and which is currently much in demand by investors.

Applicants further assert that the proposed insurance would involve the payment by the Trust to AMBAC of a fee determined by AMBAC, which would be equal to or less than the rates currently being charged other sponsors of similar products. According to Applicants, such rates are determined by AMBAC based upon its determinations of the creditworthiness of the issuer, the risk of default, the potential liability arising from insuring such issue, the ability and willingness of sponsors to apply on behalf of their trusts for such insurance, and the like.

Applicants further assert that neither the Trust nor Kemper Financial will have any role in setting such fees. Neither Kemper Reinsurance nor the other Kemper companies is expected to have any direct say in the setting of the rates to be charged to unit investment trusts, including the Trust, with respect to the cost of the insurance policies offered to the various sponsors.

Applicants acknowledge that, as partners in the proposed reinsurance pool, Kemper Reinsurance will have some say as to the general level of rates with respect to profitability of the venture as opposed to perceived liability exposure. According to Applicants, the premium rate for each issue of bonds protected by the policy obtained by the Trust are fixed for the life of the Trust. In addition, Applicants state that the insurance policy is non-cancellable and continues in force so long as the Trust is in existence, the insurer is still in business and the bonds continue to be held by the Trust.

Applicants state that the insurance proposed to be entered into by the Applicants will be identical, or substantially identical, to the insurance currently being offered to the other sponsors of insured municipal bond trusts. Applicants represent that the proposed insurance will be provided by either MGIC Indemnity Corporation or American Municipal Bond Assurance Corporation. According to the application, the rates will be identical to or less than those offered other sponsors and will be determined by the insurer based upon its own assessment of the market and the bonds to be included in the portfolio. Applicants submit that AMBAC, not Kemper Reinsurance, will have responsibility for setting such rates and making such determinations and insurance statutes will, as currently, prescribe the amount of required reserves to be set aside to cover possible loss exposure.

Applicants also assert that Kemper Reinsurance and the other affiliated Kemper Companies which will be participating in the arrangement are all established, well capitalized, profitable firms which have not merely been established for the purpose of effecting the transaction contemplated by this exemptive request. In addition, Applicants state that such companies are used to evaluating and undertaking risks of a similar nature to those proposed herein, and that such companies' participation in the arrangement will initially be limited to a total of 3% of any potential default. Given these facts, Applicants argue that the incentive for such companies to engage in any actions which might constitute a violation of the Act's provisions is negligible. This is particularly true, according to Applicants, given the long history of the safety of municipal bonds, especially those which are, or have been, rated as being of investment quality by one of the major rating services, the

diversification of the issues which are included in the portfolios of the Trusts and the resources of the entities involved in providing the insurance, as well as the fact that, in most cases, the potential loss exposure is limited in the short run to the annual interest income due to the Trust. Applicants state that, while the insurers have ultimate liability in a default situation for the principal due on the bonds, the maturity of the bonds is generally 20 to 30 years in the future, providing the insuring firms ample time to set aside any necessary additional reserves to cover that contingency if and when it does finally occur, or for the issuers to work out the default prior to maturity, thereby eliminating the exposure, as has most often been the case in past municipal defaults.

Kemper Financial, to eliminate any potential conflict of interest between itself, the Trust and any affiliated person of Kemper Financial or the Trust, as a condition to the granting of the orders requested, has undertaken that it will not sell any bond from the Trust's portfolios which might be deemed to be in imminent danger of default, or which has in fact defaulted, on the payment of interest or principal due thereon. While there is no present intention to increase the Quota Share percentage of the affiliated companies, the Applicants further agree, as a condition to the granting of the orders requested to notify the staff if the participation of the affiliated companies is, at a future date, increased above the levels discussed in this application and also agree that staff approval would be sought prior to the time that such participation could go above 10%.

In addition, since the proposed transaction involves the payment by the Trustee on an annual basis of the insurance premiums necessary to keep the proposed insurance in force, and since at least a portion of such payments may be deemed to be made to an affiliated person of the depositor or principal underwriter of the Trust, the Applicants are requesting an order pursuant to Section 6(c) of the Act exempting Applicants from the prohibition contained in Section 26(a)(2)(C) that no payment to the depositor or a principal underwriter of a unit investment trust or to any affiliated person or agent of such depositor or underwriter, shall be allowed the trustee or custodian as an expense. Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or

unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that it would be inequitable to permit other sponsors of similar products to offer such insured unit investment trusts while not permitting the Applicants to proceed with the proposed transaction in light of the fact that the rates for the insurance in question will be equal to or less than the charge for similar insurance on such other products, the fact that little if any potential exists for conflict of interest since Kemper Financial has agreed, as a condition to the granting of the requested orders, that it will not sell any bond which is in default or in imminent danger of default from the Trust's portfolios and that the amount of any payments which might be made under the insurance policies are fixed and easily ascertainable, representing either the coupon interest due on such Bonds or the principal value thereof. Finally, Applicants state that even if the Commission permits the purchase of such insurance on behalf of the Trust, the Trustee will not agree to the proposed transaction unless it is entitled to charge the Trust for the expense of the required insurance premiums. Thus, the requested exemption from the provisions of Section 26(a)(2)(C) of the Act is needed in order to effect the proposed transaction.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than July 19, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17982 Filed 6-30-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-19918; File No. SR-BSE-83-7]

**Self-Regulatory Organizations;  
Proposed Change by Boston Stock  
Exchange, Inc., Relating to an  
amendment to the Execution  
Guarantee Rule, Chapter II, Section 33**

Pursuant to Section 19(b)(1) of Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1983, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed changes 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 on the Terms of Substance of  
the Proposed Rule Change**

The Boston Stock Exchange, Inc. proposes to amend Chapter II, Section 33 of its Rules relating to increasing the size of orders to be executed under its Execution Guarantee from 1,099 shares to 1,299 shares.

**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 governing 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.* (a) The proposed amendment would provide for the guaranteed execution of all orders up to 1,299 shares in those issues traded through the Intermarket Trading System (ITS), increased from 1,099 shares. The amendment was necessary to enable the Exchange to more effectively compete

for small order business which, in turn, will enhance the depth and liquidity of the Exchange's markets for the investing public.

(b) The bases under the Act for the proposed Rule change are Section 6(b)(5) and 11(b) since the Rule change will serve to enhance the national market system by enabling the Boston Stock Exchange Specialists to attract order flow and thereby make more liquid and competitive markets in securities in which they are registered.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Exchange does not believe the proposed amendment imposes any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.* The staff discussed this proposed individually with a majority of the Exchange's specialists. All were in favor of the amendment. Additionally, all specialists were notified by memorandum of the recommendation of the Market Performance Committee and no comments were received.

**III. Date of Effectiveness of the  
Proposed Rule Change and Timing for  
Commission Action**

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**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 new rule that are filed with the Commission, all written communications relating to the proposed new rule between the Commission and any persons, 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 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 date of this publication.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: June 27, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17866 Filed 6-29-83; 9:45 am]

BILLING CODE 8010-01-M

[Release No. 19909; File No. SR-DTC-83-4]

#### Filing and Immediate Effectiveness of Proposed Rule Change by the Depository Trust Company

June 24, 1983.

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 May 25, 1983, the Depository Trust Company ("DTC") 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 allows one or more members of DTC's board or any committee thereof to participate in a meeting of such board or committee by means of a conference telephone or similar electronic communications linkage that allow all parties to communicate with each other. Any member participating by such means would be considered present for purposes of a quorum and may officially vote on all matters brought before the meeting.

DTC states that the proposed rule change would provide the Board with the flexibility needed to deal with emergency situations and is in accord with recent amendments to the New York State Banking Law. DTC believes that the rule change is concerned solely with the administration of DTC and, therefore, would not have an adverse effect on the safeguarding of securities or funds in DTC's custody or control and would not significantly affect the respective rights and obligations of DTC or its participants.

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 purpose 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 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-DTC-83-4.

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 5th 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. 83-17863 Filed 6-30-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19910; File No. SR-DTC-83-5]

#### Filing and Immediate Effectiveness of Proposed Rule Change by The Depository Trust Company

June 24, 1983.

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 May 27, 1983, the Depository Trust Company ("DTC") 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 person.

The proposed rule change revises DTC's Institutional Delivery System

("IDS") procedures as described in Section M of DTC's Participant Operating Procedures. The proposed rule change establishes procedures for the IDS interface with Pacific Securities Depository Trust Company ("PSDTC") including procedures for settling IDS transactions among PSDTC and DTC brokers, banks and institutions through affiliated clearing corporations' Continuous Net Settlement Systems. The proposed rule change also makes certain minor operational changes.

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. 20549. Reference should be made to File No. SR-DTC-83-5.

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 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, N.W., 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. 83-17864 Filed 6-30-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19911; File No. SR-PHILADEP-83-2]

### Filing of Proposed Rule Change by the Philadelphia Depository Trust Company

June 24, 1983.

Philadelphia Depository Trust Company ("Philadep") submitted a proposed rule change on February 15, 1983, pursuant to Rule 19b-4 under the Securities Exchange Act, which authorizes Philadep to offer an automated terminal system (Philadep Terminal Communication system ("PTCS")) to participants on a pilot basis. The proposed rule change enables participants to utilize PTCS to communicate more efficiently with Philadep and perform various functions previously processed manually through paper instructions.

Philadep believes that the proposed rule change will permit Philadep to better service its participants through increased automation of existing systems and services. The manual process of preparing paper input documents and the necessity of relying on the mail for the movement of reports is often costly and inefficient. PTCS will permit participants to communicate directly with Philadep from participants' place of business and to receive notice of transactions the same day these transactions are entered in participants' Philadep accounts. Moreover, participants, through PTCS, will be able to redeliver securities and effect additional deliveries faster and more efficiently than currently possible.

Philadep believes that the proposed rule change will facilitate the prompt and accurate clearance and settlement of securities transactions for which Philadep is responsible by implementing an automated communication link between Philadep and its participants on a pilot basis. Philadep does not perceive any burden on competition as a result of the proposed rule change. By offering this new service, Philadep will be able to compete more effectively with other depositories that already offer remote terminals to their participants.

Interested persons are invited to submit written data, views, and arguments concerning the submission within twenty-one days from the date of publication in the *Federal Register*. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-Philadep-83-2.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing will also be available 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. 83-17905 Filed 6-30-83; 8:46 am]  
BILLING CODE 8010-01-M

[Release No. 34-19913; File No. SR-OCC-83-14]

### Self-Regulatory Organization; Proposed Rule Change by the Options Clearing Corp.

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 May 26, 1983, The Options Clearing Corporation 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 the Proposed Rule Change

The Options Clearing Corporation ("OCC") proposed to amend its rules as set forth below. Italics indicate material proposed to be added to OCC's existing rules.

##### Rule 604—Forms of Margin

Rule 604. Required margin may be deposited with the Corporation in one or more of the following forms:

- (a)—(e) [No change.]
- \* \* \* Interpretations and Policies
- .01—.06 [No change.]

.07 *The Corporation will not accept a letter of credit issued pursuant to Rule 604(c) for the account of a Clearing Member in which the issuing institution, a parent, or an affiliate has an equity interest in the amount of 20% or more of such Clearing Member's total capital.*

#### II. 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. 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 Proposed rule change is intended to respond to the growing number of both U.S. and non-U.S. banks that are acquiring or increasing their interests in brokerage firms. This trend raises certain issues regarding letters of credit (LOCs) issued by these institutions for the account of their broker-dealer affiliates or subsidiaries. OCC believes that the absence of a reasonably independent entity as issuer of the LOC increases OCC's risk that the LOC could not be honored upon the failure of the Clearing Member for which it was issued. With the issuer and account party closely related, there is the potential that the difficulties causing the failure of the Clearing Member could also affect the bank to the point that it would be unable to honor the LOC, thereby leaving OCC without the margin protection on which it had relied. For this reason, OCC proposes to prohibit a bank from issuing a letter of credit for the account of any Clearing Member in which it, a parent, or an affiliate has a material equity interest (i.e., 20% or more of the Clearing Member's capital).

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* OCC does not believe that the proposed rule change would have any impact on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participant, or Others.* Comments have not and are not intended to be solicited with respect to the proposed rule change and none were received.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period: (i) As the Commission may designate up to 90 days if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule should be disapproved.

#### 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, N.W., 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 Fifth Street, N.W., 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: June 27, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-17858 Filed 6-30-83; 8:45 am]  
BILLING CODE 8010-01-M

(Release No. 34-19917; File No. SR-  
PHILADEP 83-3)

#### Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Depository Trust Co.

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 May 12, 1983, Philadelphia Depository 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

Philadelphia Depository Trust Company (PHILADEP) proposes to offer,

on a pilot basis, a customer name transfer mailing service. This service, which is described in Exhibit A, would basically involve PHILADEP mailing certificates that have been transferred into customer name directly to the customer, rather than to our participant for subsequent mailing to his customer. The pilot program will initially have one participant, with whom PHILADEP has developed a system of tape-to-tape transmission of transfer instructions and movement activity, and will involve several issues that are transferred locally in the Philadelphia area. PHILADEP's fee for this service will be \$1.75 per mailing in addition to the regular transfer fee of \$1.00 for all transfers that can be mailed First Class insured. Transfers valued in excess of \$100,000 will be mailed to customers via Registered mail. For these items, additional mail and insurance costs will be added to the \$1.75 base fee. This fee will include PHILADEP's insurance, material, personnel, and postage costs.

#### II. Self-Regulatory Organization's Statement of 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. 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 Purpose of, and Statutory Basis for, the Proposed Rule Change.* The proposed rule change is being adopted in response to some participants' requests for this type of service. A customer name transfer mailing service will help to expedite the transfer and delivery of certificates into customer name. The additional step of having the certificates sent to the broker or bank participant, who will have to match the transfer against his records before mailing it to his customers, will be eliminated. PHILADEP will check the transferred certificates for correctness, a step which it performs anyway, then update its records and prepare for the participant a computer tape transfer activity file to be transmitted to the participant to update his internal records. A Post Office box return address on the mailing envelope will allow for any returns from customers.

The proposed rule change is consistent with the provisions of Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the "Act") in that it will

promote the prompt and accurate clearance and settlement of securities transactions.

*B. Self-Regulatory Organization's Statement on Burden on Competition.* PHILADEP does not perceive any burden on competition as a result of the proposed rule change.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change.* Comments have been neither solicited nor received on the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### 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 5th Street, N.W., 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 Room, 450 5th Street, N.W., 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: June 27, 1983.

George A. Fitzsimmons,  
Secretary.

**Exhibit A.—Customer Name Transfer  
Mailing: Procedures**

*Withdrawals by Transfer*

(1) Each business day, the participant will submit to PHILADEP a magnetic tape of instructions to register specific quantities of securities in various names.

(2) PHILADEP will deliver these instruction to Transfer Agents with appropriate amounts of stocks or bonds to satisfy the requests for transfer.

(3) On receipt of the new or transferred certificates from Transfer Agents, PHILADEP will ensure compliance with the participant's original instructions to register.

(4) If fully satisfied that the certificates were properly registered in accordance with the participant's original instructions, PHILADEP will mail the new certificates to the persons and addresses indicated in the transfer instructions.

(5) Instructions to register which do not meet PHILADEP's or the Transfer Agent's requirements will be rejected to the participant in physical form with a clear indication of the problem.

(6) Each business day, PHILADEP will provide the participant with a magnetic tape of all completed transfers mailed to customers. This tape will be in a mutually acceptable format.

PHILADEP will provide the participant with the following:

- (1) A daily transfer activity report.
- (2) A daily net position magnetic tape.
- (3) The ability to inquire in an on-line mode into his account through the PHILADEP Terminal System.

[FR Doc. 83-17057 Filed 6-30-83; 8:45 am]

BILLING CODE 80-01-M

**SMALL BUSINESS ADMINISTRATION**

**Preferred Lenders Pilot Programs;  
Expansion**

*Correction*

In FR Doc. 83-16028, appearing on page 27467, in the issue of Wednesday, June 15, 1983, in the second column, in the second paragraph, in the third line "1983" should read "1984".

BILLING CODE 1505-01-M

**Mid-State Equities, Inc.; Notice of  
Application for a License To Operate  
as a Small Business Investment  
Company**

[Proposed License No. 02/02-0461]

Notice is hereby given of the filing of an Application with the Small Business Administration (SBA), pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1983)) by Mid-State Equities, Inc., 203 Highway 9, Englishtown, New Jersey 07726, 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 shareholders of the Applicant are as follows:

Chairman of the Board Secretary, Director:  
Joseph A. Gioia, 17 Appomattox Road,  
Englishtown, New Jersey 07726

President:  
Joel Goldstein, 26 Alice Avenue, Merrick,  
New York 11566

Vice President, General Manager:  
Roy C. Hanover, 10 Wayne Court,  
Englishtown, New Jersey 07726

Treasurer, Director:  
Irwin Z. Weiss, 27 Appomattox Road,  
Englishtown, New Jersey 07726

Each of the above individuals will own 25 percent of the Applicant's Class A voting stock. There will be approximately 20 beneficial owners of the Applicant's Class B non-voting stock. SBA will require that the Applicant have a minimum of three directors at all times.

The Applicant, a New Jersey corporation will begin operations with \$601,000 of paid-in capital and paid-in surplus derived from the sale of 200 shares of voting stock (\$1,000) and 800 shares of non-voting stock (\$600,000).

The Applicant will conduct its activities principally in Central and Southern New Jersey.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to Deputy Associate Administrator for Investment, Small

Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Englishtown, New Jersey.

Dated: June 24, 1983.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,  
Deputy Associate Administrator for  
Investment.

[FR Doc. 83-17844 Filed 6-30-83; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area 2092;  
Amdt. 2]**

**Mississippi; Declaration of Disaster  
Loan Area**

The above numbered declaration (48 FR 27172) and Amendment #1 (48 FR 28384) are amended in accordance with the President's declaration of June 1, 1983, to include Holmes, Leake and Washington Counties, Mississippi, as a result of damage caused by severe storms, tornadoes and flooding beginning on or about May 18, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on August 1, 1983, and for economic injury until the close of business on March 1, 1984.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 10, 1983.

Heriberto Herrera,  
Acting Administrator.

[FR Doc. 83-17845 Filed 6-30-83; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area 2083;  
Amdt. 3]**

**Utah; Declaration of Disaster Loan  
Area**

The above numbered declaration (48 FR 21699), Amendment #1 (48 FR 23740) and Amendment #2 (48 FR 28385) are amended in accordance with the President's declaration of April 30, 1983, to include the adjacent County of Salt Lake County, Utah, as a result of damage caused by severe storms landslides and flooding beginning on or about April 12, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on June 29, 1983, and for economic injury until the close of business on January 29, 1984.

Dated: June 10, 1983.

**Heriberto Herrera,**  
*Acting Administrator.*

[FR Doc. 83-17946 Filed 6-30-83; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

[Public Notice CM-8/640]

### Presidential Commission on the Conduct of United States-Japan Relations; Meeting

The Presidential Commission on the Conduct of United States-Japan Relations will hold a meeting on Thursday, July 14, 1983, in the Auditorium of the Johns Hopkins School of Advanced International Studies, 1740 Massachusetts Avenue, NW., Washington, D.C., from 9:30 a.m. to 12:00 Noon and from 1:30 p.m. to 4:00 p.m.

The purpose of the meeting is to develop additional information on issues affecting United States-Japan trade relations. The Commission will receive oral testimony on invitation from individuals and organizations knowledgeable in the field of U.S.-Japan trade relations and is prepared to receive supplemental written testimony from the public on the subject. Written testimony should be addressed to United States-Japan Advisory Commission, Department of State, c/o EA/J, Washington, D.C. 20520. A roster of speakers will be posted at the meeting. The meeting will be open to the public.

Dated: June 24, 1983.

**Albert L. Seligmann,**  
*Executive Director, United States-Japan Advisory Commission.*

[FR Doc. 83-17500 Filed 6-30-83; 8:45 am]

BILLING CODE 4710-30-M

[CM-8/637]

### Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet July 19-21, 1983 in Room 1107, Radio Building, Department of Commerce, 325 Broadway, Boulder, Colorado. The meetings will begin at 9:00 a.m. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

The agenda is as follows:

1. Review drafts and attain U.S. consensus prior to a September drafting group meeting of Working Party XI/6 concerning the following three items relative to the ISDN User-Network interface:

- Q 910, Specification of Layer 1 functional and procedural requirements
  - Q 920, Specification of Layer 2 protocol
  - Q 930, Specification of Layer 3 protocol
2. Topics possibly arising from the June Study Group XVIII meeting.
3. Other items.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. It is requested that prior to July 15, all persons planning to attend the meeting should contact Dr. William F. Utlaut, Department of Commerce, 325 Broadway, Boulder, Colorado 80303, telephone (303) 497-5216.

Dated: June 20, 1983.

**Earl S. Barbely,**  
*Chairman, U.S. CCITT National Committee.*

[FR Doc. 83-17947 Filed 6-30-83; 8:45 am]

BILLING CODE 4710-07-M

[Public notice CM-8/638]

### Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on July 21, 1983 in Room 1205, Department of State, 2201 C Street, NW., Washington, D.C., at 10:00 a.m.

Study Group A deals with U.S. Government aspects of international telegram and telephone operations and tariffs. The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international Study Groups I and III meetings.

Members of the general public may attend the meetings subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meetings. It is therefore suggested that prior to the meetings, persons who plan to attend, so

advise Mr. Earl Barbely, Department of State, Washington, D.C. 20520; telephone (202) 632-3405. All attendees must use the C Street entrance to the building.

Dated: June 20, 1983.

**Earl S. Barbely,**  
*Chairman, U.S. CCITT National Committee.*

[FR Doc. 83-17948 Filed 6-30-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/639]

### Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Working Group on Standards of Training and Watchkeeping; Meeting

The U.S. Safety of Life at Sea (SOLAS) Subcommittee Working Group on Standards of Training and Watchkeeping will conduct an open meeting on July 27, 1983, at 10:00 A.M., in Room 3201 of the Coast Guard Headquarters Building, 2100 Second Street SW., Washington, D.C. 20593.

The purpose of the meeting will be to discuss the results of the 28th Session of the International Maritime Organization (IMO) Subcommittee on Fire Protection, January 17-21, 1983.

Members of the public may attend up to the seating capacity of the room. The Chairman will entertain comments from the public as time permits.

For further information contact Captain R. A. Sutherland, U.S. Coast Guard Headquarters (G-MVP/14), 2100 Second Street, SW., Washington, D.C. 20593, Tel: (202) 426-1500.

Dated: June 20, 1983.

**Gordon S. Brown,**  
*Chairman, Shipping Coordinating Committee.*

[FR Doc. 83-17949 Filed 6-30-83; 8:45 am]

BILLING CODE 4710-07-M

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

[Docket No. 83-31; Delegation Order 22]

#### Order of Succession To Act as Comptroller

By virtue of the authority contained in 12 U.S.C. 4 and 4a, and by Treasury Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

A. During a vacancy in the office or during the absence of disability of the Comptroller, the following officers shall possess the power and perform the duties attached by law to the office of the Comptroller of the Currency in the order of succession enumerated:

(1) Doyle L. Arnold, Senior Deputy Comptroller for Policy and Planning.

(2) H. Joe Selby, Senior Deputy Comptroller for Bank Supervision.

(3) Michael A. Mancusi, Senior Deputy Comptroller for National Operations.

(4) John F. Downey, Chief National Bank Examiner.

B. In the event of any enemy attack on the continental United States, all Deputy Comptrollers for the districts, including any acting Deputy Comptroller for the districts, are authorized in their respective districts to perform any function of the Comptroller of the Currency or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to carry out responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

The authority in the preceding paragraph pertaining to Deputy Comptrollers for the districts shall be construed to apply to any Regional Administrator until the respective region for the Regional Administrator is merged into a newly formed district.

C. Delegation Order No. 21 published on May 13, 1982 [47 FR 20719] is hereby repealed.

Dated: June 3, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-17756 Filed 6-30-83; 8:45 am]

BILLING CODE 4810-33-M

### Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 26]

#### National Bonding and Accident Insurance Company; Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to National Bonding and Accident Insurance Company, New York, New York, under Sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 47 FR 28879, July 1, 1982.

With respect to any bonds currently in force with National Bonding and Accident Insurance Company, bond-approving officers for the Government

may let such bonds run to expiration and need not secure new bonds.

However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226, telephone (202) 634-5745.

Dated: June 24, 1983.

Bland T. Brockenborough,

Acting Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-17792 Filed 6-30-83; 8:45 am]

BILLING CODE 4810-35-M

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

### DEPARTMENT OF LABOR

#### Pension and Welfare Benefit Programs Office

[Exemption Application No. D-4064]

#### Proposed Class Exemption for Certain Transactions Involving Persons Establishing Individual Retirement Accounts or Retirement Plans for Self-Employed Individuals

**AGENCIES:** Internal Revenue Service, Treasury; and Pension and Welfare Benefit Programs Office, Labor.

**ACTION:** Notice of a public hearing on a proposed class exemption.

**SUMMARY:** This document provides notice of a public hearing relating to a proposed class exemption from certain prohibited transaction restrictions of the Internal Revenue Code of 1954. The proposed class exemption would exempt the receipt of certain premiums, gifts, or other consideration paid to an individual in connection with a transaction involving an Individual Retirement Account (IRA) or a retirement plan for a self-employed individual (Keogh Plan) provided the conditions of the proposed exemption are met. If granted, the proposed exemption would affect individuals who receive such payments.

**DATES:** The public hearing will be held on August 17, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by August 5, 1983.

**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue,

NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: OP:E:EP:T:7, Washington, D.C. 20224.

#### FOR FURTHER INFORMATION CONTACT:

Robert Masnik, Employee Plans Technical Branch, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: OP:E:EP:T:7), (202) 566-3733, or Ivan Strasfeld, Office of Fiduciary Standards, Pension and Welfare Benefit Programs, United States Department of Labor, 200 Constitution Avenue, NW, Room C-4525, Washington, D.C. 20216; (202) 523-7901. The telephone numbers are not toll-free.

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is the proposed class exemption for certain transactions involving persons establishing Individual Retirement Accounts or retirement plans for self-employed individuals. The proposed class exemption appeared in the *Federal Register* for Tuesday, February 1, 1983 (48 FR 4592). Persons who have submitted written requests for a public hearing within the time prescribed in the proposed class exemption and also desire to present oral comments at the hearing on the proposed class exemption should submit an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject by August 5, 1983. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

Signed at Washington, D.C. this 24th day of June 1983.

S. Allen Winborne,

Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, United States Department of Labor.

[FR Doc. 83-17851 Filed 6-30-83; 8:45 am]

BILLING CODE 4510-29-M; 4830-01-M

# Sunshine Act Meetings

Federal Register

Vol. 48, No. 128

Friday, July 1, 1983

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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### CIVIL AERONAUTICS BOARD

[M-383, Amdt. 5, June 23, 1983]

Change of Status of item From Open To Closed at the June 23, 1983 Meeting

**TIME AND DATE:** 9:30 a.m., June 23, 1983.

**PLACE:** Room 1027 (open), room 1012 (closed), 1825 Connecticut Ave NW., Washington, D.C. 20428.

**SUBJECT:**

16. Docket 40314, Application of Aviacion y Comercio, S.A. (AVIACO) to renew and amend its foreign air carrier permit to operate charters between Spain and the United States. (BIA, OGC, BALJ)

**STATUS:** Closed.

**PERSON TO CONTACT FOR MORE**

**INFORMATION:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-457-83 Filed 6-29-83; 3:56 pm]

BILLING CODE 6320-01-M

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### CIVIL AERONAUTICS BOARD

[M-383, Amdt. 4, June 24, 1983]

Short Notice and Closure of Addition to the June 23, 1983 Meeting

**TIME AND DATE:** 9:30 a.m., June 23, 1983.

**PLACE:** Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:**

25. Discussion of Airport Operators Council International. (BIA)

**STATUS:** Closed.

**PERSON TO CONTACT FOR MORE**

**INFORMATION:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-458-83 Filed 6-29-83; 3:56 pm]

BILLING CODE 6320-01-M

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### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10 a.m., Wednesday, July 6, 1983.

**PLACE:** 2033 K Street NW., Washington, D.C., fifth floor hearing room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

Chicago Board of Trade Industry Composite Portfolio Futures Contract of 50 Selected Stocks

**CONTACT PERSON FOR MORE**

**INFORMATION:** Jane Stuckey, 254-6314.

[S-448-83 Filed 6-29-83; 1:41 pm]

BILLING CODE 6351-01-M

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### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DATE AND TIME:** Tuesday, July 5, 1983, 9:30 a.m. (eastern time).

**PLACE:** Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

**STATUS:** Part will be open to the public and part will be closed to the public.

**MATTERS TO BE CONSIDERED:**

1. Ratification of Notation Votes.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-4-017-FOIA-IN, concerning a request for certain documents contained in a charge file.
4. Freedom of Information Act appeal No. 83-04-FOIA-20-PX, concerning a request for ADEA file records.
5. Freedom of Information Act Appeal No. 83-4-FOIA-15-PX, concerning a request for ADEA file records.
6. Freedom of Information Act Appeal No. 83-6-FOIA-53-SE, concerning a request for contents of a closed Title VII charge.
7. Recommendation for Certification of the Florida Commission on Human Relations.

**Closed:**

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed Withdrawal of Certain Charges.

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting. In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions.

Please telephone (202) 634-6748 at all times for information on these meetings.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Issued: June 28, 1983.

[S-446-83 Filed 6-28-83; 4:14 pm]

BILLING CODE 6570-06-M

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### FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, June 27, 1983, the Corporation's Board of Directors 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, on less than seven days' notice to the public, the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the closed meeting held at 2:30 p.m. the same day, of the following matters:

Notice of Acquisition of Control: Capital City Bank, Hapeville, Georgia.  
Application of Korea First Bank of New York, a proposed new bank to be located at 29 West 30th Street, New York (Manhattan), New York, for Federal deposit insurance.

In voting to move these matters from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation and that the matters could be considered in a closed meeting by authority 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)).

By the same majority vote, the Board further determined that Corporation business required the addition to the

agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

**Notice of Acquisition of Control:**

International Central Bank and Trust Corporation, El Toro, California.

**Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:**

Case No. 45,715-NR: Penn Square Bank, National Association, Oklahoma City, Oklahoma

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: June 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-950-83 Filed 6-29-83; 1:42 pm]

BILLING CODE 6714-01-M

**6**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 27, 1983, the Corporation's Board of Directors 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 the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank: Name of person and 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)).

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

**Recommendations regarding the Corporation's assistance agreements with insured banks pursuant to section 13 of the Federal Deposit Insurance Act.**

**Application for assistance under section 13(c) of the Federal Deposit Insurance Act:**

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

**Recommendation regarding a proposal for financial assistance to facilitate the acquisition of a savings bank: Names and locations of bank and acquiring institution authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).**

**Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:**

Case No. 45,719-L (Amended): American City Bank, Los Angeles, California

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: June 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-951-83 Filed 6-29-83; 1:42 pm]

BILLING CODE 6714-01-M

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 522b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Tuesday, July 5, 1983, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

**Disposition of minutes of previous meetings.**

**Application for consent to merge and establish three branches and to retire capital notes:**

Maine Savings Bank, Portland, Maine, an insured mutual savings bank, for consent to

merge, under its charter and title, with Brewer Savings Bank, Brewer, Maine, an insured mutual savings bank, and to establish the three offices of Brewer Savings Bank as branches of the resultant bank, and for consent to the early retirement of \$500,000 of subordinated capital notes issued by Brewer Savings Bank.

**Request for consent to invest in the capital stock of a bank service corporation:**

Union Bank and Trust Company, Oklahoma City, Oklahoma, for consent to invest in the capital stock of United ATM Servicing, Inc. First Security Bank and Trust Company, Oklahoma City, Oklahoma, for consent to invest in the capital stock of United ATM Servicing, Inc.

**Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:**

Case No. 45,680-L (2nd Amendment) Western National Bank, Santa Ana, California; American City Bank, Los Angeles, California; Newport Harbour National Bank, Newport Beach, California; Bank of San Marino, San Marino, California  
Case No. 45,713-NR: The First National Bank of Cripple Creek, Cripple Creek, Colorado

**Reports of committees and officers:**

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

**Discussion Agenda:**

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-952-83 Filed 6-29-83; 1:42 pm]

BILLING CODE 6714-01-M

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**FEDERAL ELECTION COMMISSION****DATE AND TIME:** Wednesday, July 6, 1983, 10 a.m.**PLACE:** 1325 K Street NW., Washington, D.C.**STATUS:** This meeting will be closed to the public.**MATTERS TO BE CONSIDERED:**  
Compliance. Litigation. Audits. Personnel.  
\* \* \* \* \***DATE AND TIME:** Thursday, July 7, 1983; 10 a.m.**PLACE:** 1325 K Street NW., Washington, D.C., fifth floor.**STATUS:** This meeting will be open to the public.**MATTERS TO BE CONSIDERED:**Setting of dates for future meetings  
Correction and approval of minutes  
Eligibility reports for candidates to receive Presidential Primary Matching Payments  
Proposed rulemaking on communications by corporations and labor organizations—11 CFR Part 114  
Finance committee report  
Routine Administrative matters**PERSON TO CONTACT FOR INFORMATION:**Mr. Fred Eiland, Information Officer,  
telephone 202-523-4065.

Marjorie W. Emmons,

*Secretary of the Commission.*

[S-955-83 Filed 6-29-83; 3:48 pm]

BILLING CODE 5715-01-M

9

**FEDERAL MARITIME COMMISSION****TIME AND DATE:** 9 a.m., July 7, 1983.**PLACE:** Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. Proposed Revisions to General Order 4: Licensing of Independent Ocean Freight Forwarders.

2. Agreements Nos. 14-49 and 5700-32: Modifications of the Trans Pacific Freight Conference (Hong Kong) Agreement and the New York Freight Bureau Agreement, respectively, to provide for independent rate action and for other purposes.

**CONTACT PERSON FOR MORE INFORMATION:** Francis C. Hurney,  
Secretary (202) 523-5725.

[S-949-83 Filed 6-29-83; 1:41 pm]

BILLING CODE 6730-01-M

10

**FEDERAL RESERVE SYSTEM**

Board of Governors

**TIME AND DATE:** 2:30 p.m., Thursday, June 30, 1983. The business of the Board requires that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20551.**STATUS:** Closed.**MATTERS TO BE CONSIDERED:**

1. Legislative proposals relating to banking structure.

**CONTACT PERSON FOR MORE****INFORMATION:** Mr. Joseph R. Coyne,  
Assistant to the Board (202) 452-3204.

Dated: June 29, 1983.

James McAfee,

*Associate Secretary of the Board.*

[S-953-83 Filed 6-29-83; 3:40 pm]

BILLING CODE 6210-01-M

11

**FEDERAL RESERVE SYSTEM**

Board Governors

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 48 FR 29092, Friday, June 24, 1983.**PREVIOUSLY ANNOUNCED TIME AND DATE****OF THE MEETING:** 10 a.m., Wednesday, June 29, 1983.**CHANGES IN THE MEETING:** Addition of the following closed item(s) to the meeting:

Legislative proposals relating to banking structure.

**CONTACT PERSON FOR MORE****INFORMATION:** Mr. Joseph R. Coyne,  
Assistant to the Board (202) 452-3204.

Dated: June 29, 1983.

James McAfee,

*Associate Secretary of the Board.*

[S-954-83 Filed 6-29-83; 3:40 pm]

BILLING CODE 6210-01-M

12

**NATIONAL LABOR RELATIONS BOARD****TIME AND DATE:** 10 a.m., Tuesday, 28 June 1983.**PLACE:** Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW.**STATUS:** Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and 552b(c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).**MATTERS TO BE CONSIDERED:**

Personnel matters

**CONTACT PERSON FOR MORE****INFORMATION:** John C. Truesdale,  
Executive Secretary, Washington, D.C. 20570, telephone (202) 254-9430.

Dated: Washington, D.C., 28 June 1983.

By direction of the Board.

John C. Truesdale,

*Executive Secretary, National Labor Relations Board.*

[S-947-83 Filed 6-28-83; 4:23 pm]

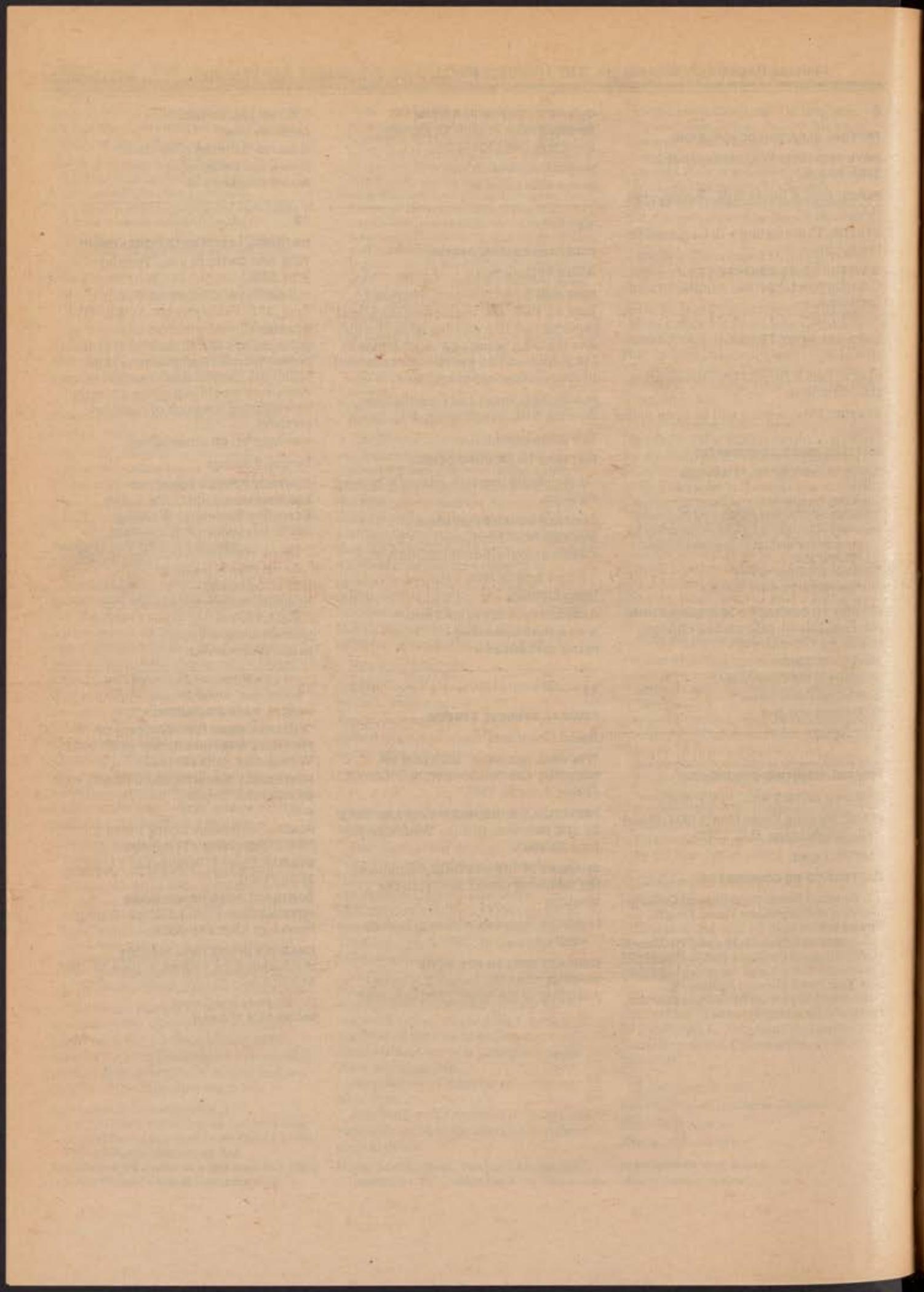
BILLING CODE 7545-01-M

13

**POSTAL RATE COMMISSION****"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 48 FR 29786, Wednesday, June 28, 1983.**PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING:** Tuesday, June 28, 1983, 2 p.m.**PLACE:** Conference Room, Room 500, 2000 L Street NW., Washington, D.C.**STATUS:** Closed (Pursuant to 5 U.S.C. 552b(c)(10)).**CONTACT PERSON FOR MORE****INFORMATION:** Cyril J. Pittack, Acting Secretary (202) 254-3880.**CHANGES IN MEETING:** Meeting rescheduled for Thursday, June 30, 1983, at 8:30 a.m.

[S-956-83 Filed 6-29-83; 3:54 pm]

BILLING CODE 7715-01-M



# **Federal Register**

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Friday  
July 1, 1983

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**Part II**

## **Department of the Treasury**

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**Fiscal Service, Bureau of Government  
Financial Operations**

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**Circular 570; 1983 Revision; Surety  
Companies Acceptable on Federal Bonds**

#810-35-190

## DEPARTMENT OF THE TREASURY

FISCAL SERVICE, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(Dept. Circular 570; 1983 Rev.)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE  
REINSURING COMPANIES

Effective: July 1, 1983

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226. Telephone: (202) 634-5745. Interim changes in the circular are published in the FEDERAL REGISTER as they occur.

The following companies have complied with the law and the regulations of the Treasury Department and are acceptable as sureties and reinsurers on Federal bonds, to the extent and with respect of the localities indicated.

  
W. E. Douglas  
Commissioner  
Bureau of Government  
Financial Operations

COMPANIES HOLDING CERTIFICATES OF AUTHORITY UNDER SECTIONS 9304 TO 9306 OF TITLE 31 OF  
THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE (See Note a/)

IMPORTANT INFORMATION IS CONTAINED IN THE NOTES AT THE END OF THIS TABLE. PLEASE READ THE NOTES CAREFULLY WHEN USING THE CIRCULAR.

AID Insurance Company (Mutual). BUSINESS ADDRESS: 701 Fifth Avenue, Des Moines, IA 50309. UNDERWRITING LIMITATION b/: \$10,845,000. SURETY LICENSES c/: AE, AR, CA, CO, DC, ID, IL, IN, IA, KS, MN, MO, MT, NB, NV, ND, OK, OR, SD, TX, UT, WA, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

AIU Insurance Company. BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: \$2,629,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: NY. FEDERAL PROCESS AGENTS d/.

Acceptance Insurance Company. BUSINESS ADDRESS: One First National Center, Suite 1323, Omaha, NE 68102. UNDERWRITING LIMITATION b/: \$280,000. SURETY LICENSES c/: AE, IA, NB, ND. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Accredited Surety and Casualty Company, Inc. BUSINESS ADDRESS: 918 South Orange Avenue, Orlando, FL 32806. UNDERWRITING LIMITATION b/: \$226,000. SURETY LICENSES c/: AL, FL, GA, IN, LA, MS, VA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

The Aetna Casualty and Surety Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: \$99,156,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Aetna Casualty and Surety Company of Illinois. BUSINESS ADDRESS: 1020 - 31st Street, Downers Grove, IL 60515. UNDERWRITING LIMITATION b/: \$19,091,000. SURETY LICENSES c/: All except CE, CT, DC, Guam, HI, ME, NH, NC, PA, Puerto Rico, RI, TN, Virgin Islands, WY. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Aetna Fire Underwriters Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$1,162,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Aetna Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$34,908,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Aetna Life and Casualty Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: \$201,808,000. SURETY LICENSES c/: CT, DC, MS. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Aetna Reinsurance Company. BUSINESS ADDRESS: One Franklin Plaza, Philadelphia, PA 19102. UNDERWRITING LIMITATION b/: \$3,763,000. SURETY LICENSES c/: All except AL, CE, Guam, HI, IL, IN, LA, OH, Puerto Rico, TX, Virgin Islands, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Affiliated IM Insurance Company. BUSINESS ADDRESS: Allendale Park, P.O. Box 7500, Johnston, RI 02919. UNDERWRITING LIMITATION b/: \$2,865,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico. INCORPORATED IN: Rhode Island. FEDERAL PROCESS AGENTS d/.

Alaska Pacific Assurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$2,394,000. SURETY LICENSES c/: AK, CA, ID, OR, SD. INCORPORATED IN: Alaska. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

**Allegheny Mutual Casualty Company.** BUSINESS ADDRESS: 465 Chestnut Street, Meadville, PA 16335. UNDERWRITING LIMITATION b/: \$215,000. SURETY LICENSES g/: DC, FL, IL, IN, LA, MD, MI, NJ, OH, OK, PA, TN, TX, WI. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

**Allendale Mutual Insurance Company.** BUSINESS ADDRESS: Post Office Box 7500, Johnston, RI 02919. UNDERWRITING LIMITATION b/: \$19,921,000. SURETY LICENSES g/: All except CE, DE, Guam, KS, LA, OR, Puerto Rico. INCORPORATED IN: Rhode Island. FEDERAL PROCESS AGENTS d/.

**Allians Insurance Company.** BUSINESS ADDRESS: Post Office Box 54997, Terminal Annex, Los Angeles, CA 90054. UNDERWRITING LIMITATION b/: \$2,262,000. SURETY LICENSES g/: All except CE, Guam, OK, Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**Allied Fidelity Insurance Company.** BUSINESS ADDRESS: 8945 N. Meridian Street, Indianapolis, IN 46260. UNDERWRITING LIMITATION b/: \$695,000. SURETY LICENSES g/: All except CE, DC, HI, ME, MI, NJ, NY, NC, PA, Puerto Rico, RI, SD, VT, Virgin Islands. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

**Allstate Insurance Company.** BUSINESS ADDRESS: Allstate Plaza, Northbrook, IL 60062. UNDERWRITING LIMITATION b/: \$382,217,000. SURETY LICENSES g/: All except CE and Guam. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

**American Agricultural Insurance Company.** BUSINESS ADDRESS: 225 Touhy Avenue, Park Ridge, IL 60068. UNDERWRITING LIMITATION b/: \$5,513,000. SURETY LICENSES g/: AZ, CO, FL, GA, ID, IL, IN, IA, MO, MN, NC, ND, OR, PA, SC, TX, UT, VA, W. VI. (Reinsurance only in ES, MA, NY.) INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

**American Automobile Insurance Company.** BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94956. UNDERWRITING LIMITATION b/: \$11,100,000. SURETY LICENSES g/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

**American Bonding Company.** BUSINESS ADDRESS: 8601 Beverly Boulevard, Los Angeles, CA 90048. UNDERWRITING LIMITATION b/: \$252,000. SURETY LICENSES g/: AK, AZ, AR, CA, CO, DC, HI, ID, IA, KS, MO, MT, NB, NV, NM, OK, OR, TX, UT, WA. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

**American Casualty Company of Reading, Pennsylvania.** BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: \$5,127,000. SURETY LICENSES g/: All except Guam and Virgin Islands. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

**AMERICAN CENTENNIAL INSURANCE COMPANY.** BUSINESS ADDRESS: 400 Beneficial Center, Peapack, NJ 07977. UNDERWRITING LIMITATION b/: \$2,800,000. SURETY LICENSES g/: All except CE, CT, ME, Puerto Rico, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

**American Credit Indemnity Company of New York.** BUSINESS ADDRESS: 300 St. Paul Place, Baltimore, MD 21202. UNDERWRITING LIMITATION b/: \$5,122,000. SURETY LICENSES g/: All except CE, Guam, HI, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

**THE AMERICAN DRUGGISTS' INSURANCE COMPANY.** BUSINESS ADDRESS: P.O. Box 41715, 11370 Reed Hartman Highway, Cincinnati, OH 45241. UNDERWRITING LIMITATION b/: \$2,959,000. SURETY LICENSES g/: All except CE, CT, DC, Guam, HI, MI, Puerto Rico, SD, Virgin Islands, WY. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**American Economy Insurance Company.** BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, IN 46207. UNDERWRITING LIMITATION b/: \$10,279,000. SURETY LICENSES g/: All except CE, Guam, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

**American Employers' Insurance Company.** BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: \$3,251,000. SURETY LICENSES g/: All except Guam, Puerto Rico. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

**AMERICAN-EUROPEAN REINSURANCE CORPORATION.** BUSINESS ADDRESS: 280 Park Avenue, New York, NY 10017. UNDERWRITING LIMITATION b/: \$1,584,000. SURETY LICENSES g/: DE, MI, NY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

**American Fidelity Company.** BUSINESS ADDRESS: Post Office Box 960, Manchester, NH 03105. UNDERWRITING LIMITATION b/: \$624,000. SURETY LICENSES g/: AK, CT, DC, IA, ME, MD, MA, MS, NB, NH, ND, OK, RI, SD, UT, VT, WY. INCORPORATED IN: Vermont. FEDERAL PROCESS AGENTS d/.

**American Fire and Casualty Company.** BUSINESS ADDRESS: 136 North Third Street, Hamilton, OH 45025. UNDERWRITING LIMITATION b/: \$1,493,000. SURETY LICENSES g/: AL, AR, CO, DC, FL, GA, KS, KY, LA, MD, MS, MO, NC, OK, SC, TN, TX, VA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

**American General Fire and Casualty Company.** BUSINESS ADDRESS: Post Office Box 1502, Houston, TX 77001. UNDERWRITING LIMITATION b/: \$2,239,000. SURETY LICENSES g/: AR, LA, NM, OK, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

**American Guarantee and Liability Insurance Company.** BUSINESS ADDRESS: 231 North Martingale Road, Schaumburg, IL 60196. UNDERWRITING LIMITATION b/: \$1,831,000. SURETY LICENSES g/: All except Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

**American Home Assurance Company.** BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: \$24,922,000. SURETY LICENSES g/: All except CE. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

**American Indemnity Company.** BUSINESS ADDRESS: Post Office Box 1259, Galveston, TX 77553. UNDERWRITING LIMITATION b/: \$3,071,000. SURETY LICENSES g/: AL, AZ, CA, CO, DC, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, MT, NB, NM, NC, OH, OK, SC, TN, TX, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

**AMERICAN INDEPENDENT REINSURANCE COMPANY.** BUSINESS ADDRESS: P.O. Box 3802, 3001 Sumner Street, Stamford, CT 06905. UNDERWRITING LIMITATION b/: \$2,698,000. SURETY LICENSES g/: DC, IA, MN, NV, NY, TX. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

The American Insurance Company. BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. UNDERWRITING LIMITATION b/: \$21,230,000. SURETY LICENSES c/: All except CZ, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

American Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: Long Grove, IL 60049. UNDERWRITING LIMITATION b/: \$8,224,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

American Motorists Insurance Company. BUSINESS ADDRESS: Long Grove, IL 60049. UNDERWRITING LIMITATION b/: \$11,156,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

American Mutual Liability Insurance Company. BUSINESS ADDRESS: Wakefield, MA 01880. UNDERWRITING LIMITATION b/: \$8,176,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

American National Fire Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, OH 45202. UNDERWRITING LIMITATION b/: \$1,228,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

American Re-Insurance Company. BUSINESS ADDRESS: One Liberty Plaza, 91 Liberty Street, New York, NY 10006. UNDERWRITING LIMITATION b/: \$79,361,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

American Southern Insurance Company. BUSINESS ADDRESS: Post Office Box 7369, Station C, Atlanta, GA 30357. UNDERWRITING LIMITATION b/: \$576,000. SURETY LICENSES c/: AL, FL, GA, SC. INCORPORATED IN: Georgia. FEDERAL PROCESS AGENTS d/.

American States Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, IN 46207. UNDERWRITING LIMITATION b/: \$25,640,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, NY, Puerto Rico, Virgin Islands. (Reinsurance only in HI.) INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Anwest Surety Insurance Company. BUSINESS ADDRESS: 6301 Owensmouth Avenue, #304, Woodland Hills, CA 91367. UNDERWRITING LIMITATION b/: \$161,000. SURETY LICENSES c/: CA, OR. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Antilles Insurance Company. BUSINESS ADDRESS: Post Office Box 3507, Old San Juan, Puerto Rico 00904. UNDERWRITING LIMITATION b/: \$615,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

ANVIL INSURANCE COMPANY. BUSINESS ADDRESS: 1108 W. 17th Street, Santa Ana, CA 92706. UNDERWRITING LIMITATION b/: \$463,000. SURETY LICENSES c/: AZ, CA, ID, MI, NV, NM, OR, UT, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Arroyo Insurance Company. BUSINESS ADDRESS: 250 Middlefield Road, Menlo Park, CA 94025. UNDERWRITING LIMITATION b/: \$21,851,000. SURETY LICENSES c/: All except CZ, Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Arrowlight-Boston Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: 225 Nymen Street, Waltham, MA 02154. UNDERWRITING LIMITATION b/: \$37,515,000. SURETY LICENSES c/: CA, CO, CT, DC, IL, IN, IA, KY, MD, MA, MI, MN, MO, NE, NV, NH, NJ, NM, NY, NC, OH, RI, UT, VT, WA, WY. (Reinsurance only KS.) INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

Associated Indemnity Corporation. BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. UNDERWRITING LIMITATION b/: \$3,189,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Atlantic Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: \$847,000. SURETY LICENSES c/: All except CZ, CT, DE, Guam, HI, ID, IA, LA, ME, MA, NB, NH, NJ, NY, ND, OR, Puerto Rico, RI, VT, VA, Virgin Islands, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Atlantic Mutual Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, NY 10005. UNDERWRITING LIMITATION b/: \$11,940,000. SURETY LICENSES c/: All except AL, CZ, Guam, HI, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

The Automobile Insurance Company of Hartford, Connecticut. BUSINESS ADDRESS: 151 Parkington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: \$3,462,000. SURETY LICENSES c/: All except AL, DE. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Auto-Owners Insurance Company. BUSINESS ADDRESS: Post Office Box 30660, Lansing, MI 48909. UNDERWRITING LIMITATION b/: \$32,226,000. SURETY LICENSES c/: AL, AZ, CA, FL, GA, IL, IN, IA, MI, MN, MO, NB, NJ, ND, OH, SC, SD, TN, TX, UT, WI. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

Balboa Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, CA 92663. UNDERWRITING LIMITATION b/: \$7,632,000. SURETY LICENSES c/: All except CZ, LA, Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Bankers Multiple Line Insurance Company. BUSINESS ADDRESS: 4810 North Kenneth Avenue, Chicago, IL 60630. UNDERWRITING LIMITATION b/: \$2,917,000. SURETY LICENSES c/: All except CZ, DE, Guam, HI, ME, Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Birford Insurance Company. BUSINESS ADDRESS: 5105 Tollview Drive, Suite 195, Rolling Meadows, IL 60006. UNDERWRITING LIMITATION b/: \$60,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/.

Boston Old Colony Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$517,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

The Buckeye Union Insurance Company. BUSINESS ADDRESS: Post Office Box 1499, Columbus, OH 43216. UNDERWRITING LIMITATION b/: \$20,516,000. SURETY LICENSES c/: DC, FL, IL, IN, KY, MI, MO, NY, OH, PA, VA, WV. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

CNA CASUALTY OF PUERTO RICO. BUSINESS ADDRESS: GPO Box 3A, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: \$23,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

The Camden Fire Insurance Association. BUSINESS ADDRESS: 414 Walnut Street, Philadelphia, PA 19106. UNDERWRITING LIMITATION b/: \$18,050,000. SURETY LICENSES c/: All except AL, AR, CE, DE, GA, Guam, HI, ID, LA, ME, MS, MT, NB, NH, OR, Puerto Rico, SC, SD, TN, TX, Virgin Islands, WA. (Fidelity only in AL, SC) INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

Capitol Indemnity Corporation. BUSINESS ADDRESS: 2 East Gilman, Post Office Box 8, Madison, WI 53701. UNDERWRITING LIMITATION b/: \$241,000. SURETY LICENSES c/: AZ, FL, ID, IL, IN, IA, LA, MI, MN, MO, MT, NM, ND, OK, SD, TX, WI, WY. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Carlisle Insurance Company. BUSINESS ADDRESS: 3435 Wilshire Boulevard, Suite 2504, Los Angeles, CA 90010. UNDERWRITING LIMITATION b/: \$229,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Centennial Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, NY 10005. UNDERWRITING LIMITATION b/: \$3,906,000. SURETY LICENSES c/: All except AL, CE, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Central Mutual Insurance Company. BUSINESS ADDRESS: 800 South Washington Street, Van Wert, OH 45891. UNDERWRITING LIMITATION b/: \$5,708,000. SURETY LICENSES c/: All except AR, CE, Guam, ND, OH, Puerto Rico, SD, Virgin Islands, WI. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Century Indemnity Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$91,000. SURETY LICENSES c/: All except CE, Guam, HI, OR, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

CEVINY SURETY COMPANY. BUSINESS ADDRESS: Suite 322, 1889 Fountain Square Court, Columbus, OH 43224. UNDERWRITING LIMITATION b/: \$508,000. SURETY LICENSES c/: OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Charter Oak Fire Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$5,192,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

The Cincinnati Insurance Company. BUSINESS ADDRESS: Post Office Box 14567, Cincinnati, OH 45214. UNDERWRITING LIMITATION b/: \$13,581,000. SURETY LICENSES c/: AL, AZ, CO, FL, GA, IL, IN, IA, KY, MI, MS, MO, NB, NM, NC, OH, OK, PA, SC, TN, TX, UT, VA, W, WI, WY. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

CLASSIFIED INSURANCE CORPORATION. BUSINESS ADDRESS: Post Office Box 1407, Waukesha, WI 53187. UNDERWRITING LIMITATION b/: \$527,000. SURETY LICENSES c/: AZ, CA, ID, IA, NV, NM, OK, OR, TX, UT, WA, WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Colonial Surety Company. BUSINESS ADDRESS: 9 Parkway Center, Borough of Greentree, Pittsburgh, PA 15220. UNDERWRITING LIMITATION b/: \$361,000. SURETY LICENSES c/: DE, NJ, PA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Commercial Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$5,635,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

Commercial Union Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: \$24,592,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

Compass Insurance Company. BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, TX 75247. UNDERWRITING LIMITATION b/: \$2,565,000. SURETY LICENSES c/: All except CE, CT, Guam, HI, KS, ME, NJ, NC, RI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

The Connecticut Indemnity Company. BUSINESS ADDRESS: Post Office Box 420, Hartford, CT 06141. UNDERWRITING LIMITATION b/: \$1,490,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Consolidated Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, IN 46204. UNDERWRITING LIMITATION b/: \$1,026,000. SURETY LICENSES c/: FL, ID, IL, IN, IA, KY, MI, OH, OR, WA, WI. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Continental Casualty Company. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: \$99,075,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Continental Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$16,783,000. SURETY LICENSES c/: All. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Continental Reinsurance Corporation. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$5,021,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, DC, FL, HI, ID, IL, IN, IA, MI, MT, NV, NJ, NM, NY, NC, OK, OR, TX, UT, VA, WA, WY. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Continental Surety and Fidelity Insurance Company. BUSINESS ADDRESS: Post Office Box 730, Littleton, CO 80160. UNDERWRITING LIMITATION b/: \$121,000. SURETY LICENSES c/: CO, NM. INCORPORATED IN: Colorado. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

Continental Western Insurance Company. BUSINESS ADDRESS: Post Office Box 1594, Des Moines, IA 50306. UNDERWRITING LIMITATION b/: \$2,892,000. SURETY LICENSES c/: AZ, AR, CO, DC, ID, IL, IN, IA, KS, KY, ME, MI, MN, MO, MT, NB, NV, NM, ND, OK, SD, TN, TX, UT, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Contractor's Bonding and Insurance Company. BUSINESS ADDRESS: 1213 Valley Street, Seattle, WA 98109. UNDERWRITING LIMITATION b/: \$138,000. SURETY LICENSES c/: AK, OR, WA. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

Cooperativa de Seguros Múltiples de Puerto Rico. BUSINESS ADDRESS: G.P.O. Box 3546, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: \$2,120,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Coverhacker Casualty Company. BUSINESS ADDRESS: Post Office Box 14400, Omaha, NE 68124. UNDERWRITING LIMITATION b/: \$3,201,000. SURETY LICENSES c/: CO, IA, KS, NB, SD, WI. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

COCORP INSURANCE COMPANY. BUSINESS ADDRESS: 3500 West Peterson Avenue, Chicago, IL 60659. UNDERWRITING LIMITATION b/: \$915,000. SURETY LICENSES c/: IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Cotton States Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 2214, Atlanta, GA 30301. UNDERWRITING LIMITATION b/: \$3,317,000. SURETY LICENSES c/: AL, FL, GA, MS, NC, SC, TN. INCORPORATED IN: Georgia. FEDERAL PROCESS AGENTS d/.

GOVERNMENT INSURANCE COMPANY. BUSINESS ADDRESS: 95 Woodland Street, Hartford, CT 06105. UNDERWRITING LIMITATION b/: \$1,281,000. SURETY LICENSES c/: CT, DC, ME, NH, NY, RI, VT. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Coverant Mutual Insurance Company. BUSINESS ADDRESS: 95 Woodland Street, Hartford, CT 06105. UNDERWRITING LIMITATION b/: \$2,874,000. SURETY LICENSES c/: AL, AZ, CA, CO, CT, FL, ID, ME, MA, MS, MO, NH, NJ, NY, OR, PA, VT, WA. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Dada Insurance Society, Inc. BUSINESS ADDRESS: Post Office Box 1084, Madison, WI 53701. UNDERWRITING LIMITATION b/: \$2,807,000. SURETY LICENSES c/: All except CI, Guam, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

DELTA CASUALTY COMPANY. BUSINESS ADDRESS: 4711 North Clark Street, Chicago, IL 60640. UNDERWRITING LIMITATION b/: \$367,000. SURETY LICENSES c/: IL, IA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Dependable Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 19030, Jacksonville, FL 32245-9030. UNDERWRITING LIMITATION b/: \$1,596,000. SURETY LICENSES c/: All except CI, Guam, ME, NH, Puerto Rico, RI, VT, Virgin Islands. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

DEVELOPERS INSURANCE COMPANY. BUSINESS ADDRESS: 333 Wilshire Avenue, P.O. Box 3343-92803, Anaheim, CA 92801. UNDERWRITING LIMITATION b/: \$190,000. SURETY LICENSES c/: CA, NV. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Eastern Indemnity Company of Maryland. BUSINESS ADDRESS: 6001 Montrose Road, Rockville, MD 20852. UNDERWRITING LIMITATION b/: \$372,000. SURETY LICENSES c/: AZ, AR, DE, DC, IN, IA, MD, MI, MS, MO, NH, OR, PA, SC, TX, VA. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

Empire Fire and Marine Insurance Company. BUSINESS ADDRESS: 1624 Douglas Street, Omaha, NE 68102. UNDERWRITING LIMITATION b/: \$2,070,000. SURETY LICENSES c/: All except CI, CT, DE, DC, Guam, IA, MD, MA, NJ, NY, OR, Puerto Rico, RI, TN, Virgin Islands, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

The Employers' Fire Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: \$4,331,000. SURETY LICENSES c/: All except CI, Guam, Puerto Rico. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

EMPLOYERS INSURANCE OF WISCONSIN Mutual Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54901. UNDERWRITING LIMITATION b/: \$47,986,000. SURETY LICENSES c/: All except CI, Guam. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Employers Mutual Casualty Company. BUSINESS ADDRESS: Post Office Box 712, Des Moines, IA 50303. UNDERWRITING LIMITATION b/: \$11,233,000. SURETY LICENSES c/: All except CI, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Employers Reinsurance Corporation. BUSINESS ADDRESS: 5200 Metcalf, Post Office Box 2591, Overland Park, KS 66201. UNDERWRITING LIMITATION b/: \$5,838,000. SURETY LICENSES c/: All except CI, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

EMMA REINSURANCE COMPANY OF AMERICA. BUSINESS ADDRESS: 127 John Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$2,003,000. SURETY LICENSES c/: ID, IA, KS, MS, NY, OK, TX. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

EVANSTON INSURANCE COMPANY. BUSINESS ADDRESS: One American Plaza, Evanston, IL 60201. UNDERWRITING LIMITATION b/: \$3,306,000. SURETY LICENSES c/: DC, IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Partners Alliance Mutual Insurance Company. BUSINESS ADDRESS: 1122 North Main Street, McPherson, KS 67460. UNDERWRITING LIMITATION b/: \$2,161,000. SURETY LICENSES c/: AZ, CA, CO, ID, IL, IN, IA, KS, MN, MO, MT, NB, NM, NY, ND, OH, OK, OR, SD, TX, WA. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

Fairland Mutual Insurance Company. BUSINESS ADDRESS: 1963 Bell Avenue, Des Moines, IA 50315. UNDERWRITING LIMITATION b/: \$2,227,000. SURETY LICENSES c/: AR, CO, IL, IN, IA, KS, KY, MN, MO, NH, ND, OK, SD, TX, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Federal Insurance Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$36,625,000. SURETY LICENSES c/: All. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

The Fidelity and Casualty Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$8,183,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: \$267,000. SURETY LICENSES c/: MD, TX. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company of Maryland. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: \$11,496,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

Fireman's Fund Insurance Company. BUSINESS ADDRESS: 777 San Marin Drive, Novato, CA 94998. UNDERWRITING LIMITATION b/: \$87,188,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Fireman's Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$29,049,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

First Financial Insurance Company. BUSINESS ADDRESS: 401-417 Payette Avenue, Springfield, IL 62704. UNDERWRITING LIMITATION b/: \$453,000. SURETY LICENSES c/: AK, AZ, AR, CO, DE, GA, ID, IL, IN, IA, KY, MD, MS, MO, MI, MN, ND, OK, OR, SD, UT, WA. (Excluding Ball Bonds in IN.) INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

First Insurance Company of Hawaii, Ltd. BUSINESS ADDRESS: Post Office Box 2866, Honolulu, HI 96803. UNDERWRITING LIMITATION b/: \$2,194,000. SURETY LICENSES c/: HI. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

First National Insurance Company of America. BUSINESS ADDRESS: SARDIS Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: \$3,037,000. SURETY LICENSES c/: All except AK, CE, Guam, HI, ME, NH, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

FLORIDA FARM BUREAU MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 730, Gainesville, FL 32602. UNDERWRITING LIMITATION b/: \$771,000. SURETY LICENSES c/: FL. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

Franklin Indemnity Company. BUSINESS ADDRESS: 1709 West Eighth Street, Los Angeles, CA 90017. UNDERWRITING LIMITATION b/: \$11,777,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, ID, IL, IN, IA, LA, MI, MT, NB, NV, NM, OH, OR, PA, SD, TX, UT, VA, WI. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Frits Insurance Company. BUSINESS ADDRESS: 5105 Tollview Drive, Suite 195, Rolling Meadows, IL 60008. UNDERWRITING LIMITATION b/: \$72,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/.

General Accident Insurance Company of America.<sup>1</sup> BUSINESS ADDRESS: 414 Walnut Street, Philadelphia, PA 19106. UNDERWRITING LIMITATION b/: \$39,089,000. SURETY LICENSES c/: All except AL, AK, AR, CE, DE, Guam, HI, ID, ME, MI, MN, ND, Puerto Rico, SC, SD, VT, Virgin Islands. (Fidelity only in AL, SC.) INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

GENERAL CASUALTY COMPANY OF WISCONSIN. BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. UNDERWRITING LIMITATION b/: \$3,695,000. SURETY LICENSES c/: IL, IN, IA, KS, MN, MS, ND, SD, WI. (Reinsurance only in New York). INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

General Insurance Company of America. BUSINESS ADDRESS: SARDIS Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: \$15,529,000. SURETY LICENSES c/: All. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

General Reinsurance Corporation. BUSINESS ADDRESS: 600 Steamboat Road, Greenwich, CT 06830. UNDERWRITING LIMITATION b/: \$74,282,000. SURETY LICENSES c/: All except CE, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

GLACIER GENERAL ASSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 4626, Missoula, MT 59806. UNDERWRITING LIMITATION b/: \$1,482,000. SURETY LICENSES c/: AZ, CA, ID, ND, MT, ND, NV, WY. INCORPORATED IN: Montana. FEDERAL PROCESS AGENTS d/.

The Glass Falls Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$1,267,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Global Surety & Insurance Co. BUSINESS ADDRESS: 160 Kiewit Plaza, Omaha, NE 68131. UNDERWRITING LIMITATION b/: \$1,253,000. SURETY LICENSES c/: AZ, CA, CO, MT, NB, SD. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Globe Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$12,416,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Grain Dealers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1747, Indianapolis, IN 46206. UNDERWRITING LIMITATION b/: \$2,617,000. SURETY LICENSES c/: All except AL, AK, CE, CT, DE, DC, FL, Guam, ID, ME, MD, MA, MI, MN, NY, ND, PA, Puerto Rico, RI, UT, VT, Virgin Islands, W. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Granite State Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, NH 03107. UNDERWRITING LIMITATION b/: \$637,000. SURETY LICENSES c/: All except CE, CT, DE, Guam, HI, ID. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Great American Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, OH 45202. UNDERWRITING LIMITATION b/: \$82,622,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Great Northern Insurance Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$2,053,000. SURETY LICENSES c/: All except AL, AR, CA, CE, CT, DE, Guam, ID, NC, Puerto Rico, TN, Virgin Islands, W. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

<sup>1</sup> See footnotes at end of table.

Greater New York Mutual Insurance Company. BUSINESS ADDRESS: 215 Lexington Avenue, New York, NY 10016. UNDERWRITING LIMITATION b/: \$5,858,000. SURETY LICENSES c/: All except AK, AR, CE, Guam, HI, IA, NJ, OR, SC, TN, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Gulf Insurance Company. BUSINESS ADDRESS: Post Office 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: \$10,118,000. SURETY LICENSES c/: All except CE, Guam, ID, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

The Hamilton Mutual Insurance Company of Cincinnati, Ohio. BUSINESS ADDRESS: 1520 Madison Road, Cincinnati, OH 45206. UNDERWRITING LIMITATION b/: \$412,000. SURETY LICENSES c/: IN, KY, MI, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Hanover Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, MA 01605. UNDERWRITING LIMITATION b/: \$23,470,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

HARCO NATIONAL INSURANCE COMPANY. BUSINESS ADDRESS: P.O. Box 94309, Schaumburg, IL 60194. UNDERWRITING LIMITATION b/: \$1,372,000. SURETY LICENSES c/: All except CE, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Harleysville Mutual Insurance Company. BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, PA 19438. UNDERWRITING LIMITATION b/: \$11,701,000. SURETY LICENSES c/: CA, CO, DE, DC, GA, IL, IN, IA, KS, MD, MI, MN, MS, MO, NJ, NM, NC, OH, OK, PA, SC, TN, TX, UT, VA, WV. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Hartford Accident and Indemnity Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$95,929,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Hartford Casualty Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$8,677,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

Hartford Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$141,589,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Alabama. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$912,000. SURETY LICENSES c/: AL. INCORPORATED IN: Alabama. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Illinois. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$3,168,000. SURETY LICENSES c/: IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of the Midwest. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$327,000. SURETY LICENSES c/: IN. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of the Southeast. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$906,000. SURETY LICENSES c/: FL, GA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

Homeboys-Security Insurance Company. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, IA 50307. UNDERWRITING LIMITATION b/: \$2,055,000. SURETY LICENSES c/: AZ, CO, DC, ID, IL, IN, IA, KS, MD, MI, MN, MO, MT, NB, NV, NM, OH, SD, TX, UT, VA, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Heritage Insurance Company of America. BUSINESS ADDRESS: 7366 North Lincoln Avenue, Lincolnwood, IL 60466. UNDERWRITING LIMITATION b/: \$406,000. SURETY LICENSES c/: AK, AZ, AR, CO, FL, GA, IL, MA, MO, NV, OK, OR, VA, WA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Highlands Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, TX 77002. UNDERWRITING LIMITATION b/: \$17,049,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Highlands Underwriters Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, TX 77002. UNDERWRITING LIMITATION b/: \$1,244,000. SURETY LICENSES c/: AL, AZ, AR, CA, FL, GA, IA, MS, NM, OK, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

The Home Indemnity Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$7,076,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

The Home Insurance Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$64,441,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Houston General Insurance Company. BUSINESS ADDRESS: Post Office Box 2932, Fort Worth, TX 76113-2932. UNDERWRITING LIMITATION b/: \$1,948,000. SURETY LICENSES c/: All except CE, CO, DC, Guam, HI, ME, MA, MN, NB, NV, NH, NJ, NC, OH, PA, Puerto Rico, RI, VT, Virgin Islands, WY, WI. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Madison Insurance Company. BUSINESS ADDRESS: 280 Park Avenue, New York, NY 10017. UNDERWRITING LIMITATION b/: \$2,026,000. SURETY LICENSES c/: CA, DE, IA, NH, NY (Reinsurance only in CO, MD). INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

IGF Insurance Company. BUSINESS ADDRESS: 2862 - 106th Street, Des Moines, IA 50322. UNDERWRITING LIMITATION b/: \$424,000. SURETY LICENSES c/: AZ, CO, IA, KS, MI, MN, MO, MT, NB, ND, SD, WI. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

DNA Reinsurance Company. BUSINESS ADDRESS: 1 Franklin Plaza, Philadelphia, PA 19102. UNDERWRITING LIMITATION b/: \$15,572,000. SURETY LICENSES c/: All except CE, Guam, ME, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

DNA Underwriters Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$11,147,000. SURETY LICENSES c/: All except HI, LA, Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

**IDEAL MUTUAL INSURANCE COMPANY.** BUSINESS ADDRESS: 260 Madison Avenue, New York, NY 10016. UNDERWRITING LIMITATION b/: \$677,000. SURETY LICENSES c/: All except AZ, CT, Guam, HI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

**Illinois National Insurance Co.** BUSINESS ADDRESS: 133 South 4th Street, Springfield, IL 62700. UNDERWRITING LIMITATION b/: \$1,281,000. SURETY LICENSES c/: AK, IL, IN, IA, KY, MD, MO, MT, NB, NM, NY, ND, OH, SD, TX, UT, VT, WV. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

**IMPERIAL CASUALTY AND DEBTILITY COMPANY.** BUSINESS ADDRESS: 700 Barker Building, 306 South 15th Street, Omaha, NE 68102. UNDERWRITING LIMITATION b/: \$3,195,000. SURETY LICENSES c/: All except NE, HI. (Accredited reinsurer only in NY). INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

**Indemnity Company of California.** BUSINESS ADDRESS: 820 North Barton Street, Santa Ana, CA 92701. UNDERWRITING LIMITATION b/: \$254,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**Indemnity Insurance Company of North America.** BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$1,270,000. SURETY LICENSES c/: All. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

**Indiana Insurance Company.** BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, IN 46204. UNDERWRITING LIMITATION b/: \$5,061,000. SURETY LICENSES c/: AL, ID, IL, IN, IA, KY, MI, OH, OR, WA, WI. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

**Indiana Insurers Mutual Insurance Company.** BUSINESS ADDRESS: Post Office Box 68600, Indianapolis, IN 46268. UNDERWRITING LIMITATION b/: \$1,517,000. SURETY LICENSES c/: All except AK, AZ, CT, DC, Guam, HI, MS, MA, NH, NJ, NY, Puerto Rico, RI, VT, Virgin Islands, W, WV. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

**Industrial Indemnity Company.** BUSINESS ADDRESS: Post Office Box 7468, San Francisco, CA 94120. UNDERWRITING LIMITATION b/: \$9,804,000. SURETY LICENSES c/: All except AZ, CT, Puerto Rico, Virgin Islands, W. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**Inland Insurance Company.** BUSINESS ADDRESS: Post Office Box 80468, Lincoln, NE 68501. UNDERWRITING LIMITATION b/: \$1,133,000. SURETY LICENSES c/: AZ, CO, IA, KS, MN, MT, NB, ND, OK, SD, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

**Insurance Company of North America.** BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$73,467,000. SURETY LICENSES c/: All. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

**Insurance Company of the Pacific Coast.** BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: \$707,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**The Insurance Company of the State of Pennsylvania.** BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: \$5,664,000. SURETY LICENSES c/: All except AZ. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

**Insurance Company of the West.** BUSINESS ADDRESS: Post Office Box 81063, San Diego, CA 92138. UNDERWRITING LIMITATION b/: \$2,128,000. SURETY LICENSES c/: AZ, CA, NV, OR, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**Integro Indemnity Corporation.** BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, NC 27152. UNDERWRITING LIMITATION b/: \$616,000. SURETY LICENSES c/: AL, AK, AZ, AR, FL, GA, ID, IN, IA, KS, KY, LA, MS, MO, NB, NV, NH, NC, OH, OK, OR, SC, TN, TX, UT, VA, WA, WV. INCORPORATED IN: North Carolina. FEDERAL PROCESS AGENTS d/.

**Integrity Insurance Company.** BUSINESS ADDRESS: Mack Centre Drive - 5th Floor, Paramus, NJ 07652. UNDERWRITING LIMITATION b/: \$2,057,000. SURETY LICENSES c/: All except AZ, CT, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

**Integrity Mutual Insurance Company.** BUSINESS ADDRESS: Post Office Box 539, Appleton, WI 54912. UNDERWRITING LIMITATION b/: \$412,000. SURETY LICENSES c/: WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

**International Cargo and Surety Insurance Company.** BUSINESS ADDRESS: 5105 Tollview Drive, Suite 195, Rolling Meadows, IL 60008. UNDERWRITING LIMITATION b/: \$71,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/.

**International Fidelity Insurance Company.** BUSINESS ADDRESS: 24 Commerce Street, Suite 333, Newark, NJ 07102. UNDERWRITING LIMITATION b/: \$251,000. SURETY LICENSES c/: AK, AZ, AR, CO, DE, FL, ID, IL, IN, LA, MD, MA, MI, MS, MO, MT, NV, NJ, NM, NY, ND, OK, OR, PA, Puerto Rico, SC, SD, TX, UT, VA, WA, WV. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

**International Insurance Company.** BUSINESS ADDRESS: 233 South Wacker Drive, Chicago, IL 60606. UNDERWRITING LIMITATION b/: \$2,858,000. SURETY LICENSES c/: All except AZ, Guam, HI, LA, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

**International Service Insurance Company.** BUSINESS ADDRESS: Post Office Box 1040, Fort Worth, TX 76101. UNDERWRITING LIMITATION b/: \$1,605,000. SURETY LICENSES c/: AK, CA, NB, NM, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

**Investors Insurance Company of America.** BUSINESS ADDRESS: 145 No. Franklin Turnpike, Ramsey, NJ 07446. UNDERWRITING LIMITATION b/: \$1,361,000. SURETY LICENSES c/: FL, GA, NJ, NY. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

**Iowa National Mutual Insurance Company.** BUSINESS ADDRESS: 500 Second Avenue, S.E., Cedar Rapids, IA 52406. UNDERWRITING LIMITATION b/: \$5,418,000. SURETY LICENSES c/: All except AK, AZ, CT, DE, DC, Guam, HI, LA, ME, MD, MA, MS, WV, NH, NJ, OR, Puerto Rico, RI, VT, Virgin Islands, W. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

**John Deere Insurance Company.** BUSINESS ADDRESS: 34th Avenue and 80th Street, Moline, IL 61265. UNDERWRITING LIMITATION b/: \$5,124,000. SURETY LICENSES c/: All except AZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

The Kansas Bankers Surety Company. BUSINESS ADDRESS: Post Office Box 1654, Topeka, KS 66601. UNDERWRITING LIMITATION b/: \$264,000. SURETY LICENSES c/: DC, KS, MO, NB, WI. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

Kansas City Fire and Marine Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$935,000. SURETY LICENSES c/: All except CE, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

Lawyers Surety Corporation. BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, TX 75247. UNDERWRITING LIMITATION b/: \$337,000. SURETY LICENSES c/: AL, AR, CA, FL, GA, IL, KY, MS, NC, OK, SC, TN, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Liberty Mutual Insurance Company. BUSINESS ADDRESS: 175 Berkeley Street, Boston, MA 02117. UNDERWRITING LIMITATION b/: \$113,617,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

Lumbermens Mutual Casualty Company. BUSINESS ADDRESS: Long Grove, IL 60049. UNDERWRITING LIMITATION b/: \$81,587,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Maine Bonding and Casualty Company. BUSINESS ADDRESS: Post Office Box 448, Portland, ME 04112. UNDERWRITING LIMITATION b/: \$240,000. SURETY LICENSES c/: ME, MA, NH, RI, VT. INCORPORATED IN: Maine. FEDERAL PROCESS AGENTS d/.

Maryland Casualty Company. BUSINESS ADDRESS: Post Office Box 1226, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: \$61,733,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

Massachusetts Bay Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, MA 01605. UNDERWRITING LIMITATION b/: \$696,000. SURETY LICENSES c/: AR, CA, CO, CT, DC, FL, GA, IL, IN, IA, KS, ME, MD, MA, MI, MN, MS, MO, NB, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WA, WI. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

Mead Reinsurance Corporation. BUSINESS ADDRESS: Courthouse Plaza, N.E., Dayton, OH 45463. UNDERWRITING LIMITATION b/: \$1,599,000. SURETY LICENSES c/: All except CE, CT, Guam, HI, MS, MA, MD, NH, Puerto Rico, RI, SD, Virgin Islands, WI. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Mercantile and General Reinsurance Company of America. BUSINESS ADDRESS: 130 John Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$2,714,000. SURETY LICENSES c/: CA, DC, ID, IA, OH, PA, UT, WI. (Reinsurance only in CO, CT, IN, KS, OK, SC, TN, TX, W.) INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Merchants Bonding Company (Mutual). BUSINESS ADDRESS: 2100 Grand Avenue, Des Moines, IA 50312. UNDERWRITING LIMITATION b/: \$138,000. SURETY LICENSES c/: IA, CA, IA, KS, NB, OK, TX. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Meritplan Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, CA 92663. UNDERWRITING LIMITATION b/: \$507,000. SURETY LICENSES c/: AL, AZ, CA, CO, DE, FL, GA, HI, ID, IN, IA, KS, KY, LA, MD, MI, MN, MS, MT, NB, NV, NY, NC, OH, OR, SC, TX, UT, WA, WI. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Michigan Millers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 30060, Lansing, MI 48909. UNDERWRITING LIMITATION b/: \$4,775,000. SURETY LICENSES c/: AZ, AR, CA, CO, DC, FL, IN, KS, MI, MO, NB, NY, NC, OH, OK, PA, TN, TX, VA, WA. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

Michigan Mutual Insurance Company. BUSINESS ADDRESS: 26 West Adams Avenue, Detroit, MI 48226. UNDERWRITING LIMITATION b/: \$14,558,000. SURETY LICENSES c/: All except CE, DE, DC, Guam, HI, OR, Puerto Rico, Virgin Islands. (Fidelity only in DC.) INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

Mid-Century Insurance Company. BUSINESS ADDRESS: Post Office Box 2478, Terminal Annex, Los Angeles, CA 90051. UNDERWRITING LIMITATION b/: \$2,352,000. SURETY LICENSES c/: AZ, AR, CA, CO, DE, ID, IL, IN, IA, MI, MN, MO, MT, NB, NV, NY, ND, OH, OK, OR, TX, UT, VT, WA, WI, WY. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

MID-CONTINENT CASUALTY COMPANY. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, OK 74101. UNDERWRITING LIMITATION b/: \$2,229,000. SURETY LICENSES c/: AL, AZ, AR, CO, FL, IN, IA, KS, MN, MS, MO, MT, NB, NM, ND, OK, OR, SD, TN, TX, UT, VA, WY. INCORPORATED IN: Oklahoma. FEDERAL PROCESS AGENTS d/.

Midland Insurance Company. BUSINESS ADDRESS: 160 Water Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$4,069,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Midwestern Casualty & Surety Company. BUSINESS ADDRESS: 7628 Hickman Road, Des Moines, IA 50322. UNDERWRITING LIMITATION b/: \$83,000. SURETY LICENSES c/: IA. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

The Millers Mutual Fire Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, TX 76113. UNDERWRITING LIMITATION b/: \$3,515,000. SURETY LICENSES c/: AR, CA, CO, DC, ID, IL, IN, IA, LA, MN, MS, MO, MT, NB, NJ, NM, OK, OR, PA, TX, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Millers' Mutual Insurance Association of Illinois. BUSINESS ADDRESS: Post Office Box 339, Alton, IL 62002. UNDERWRITING LIMITATION b/: \$3,595,000. SURETY LICENSES c/: AL, AR, CO, DC, GA, IL, IN, IA, KS, LA, MN, MS, MO, NC, OK, SD, TN, WI. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Millers National Insurance Company. BUSINESS ADDRESS: 29 North Wacker Drive, Chicago, IL 60606. UNDERWRITING LIMITATION b/: \$1,089,000. SURETY LICENSES c/: All except AK, CE, CO, CT, DE, Guam, HI, LA, ME, MS, NV, NH, PA, Puerto Rico, RI, VT, Virgin Islands, WA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Minnesota Trust Company of Austin. BUSINESS ADDRESS: 107 West Oakland Avenue, Post Office Box #63, Austin, MN. 55912. UNDERWRITING LIMITATION b/: \$102,000. SURETY LICENSES c/: MN, MT, ND. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

Morrison Assurance Company, Inc. BUSINESS ADDRESS: 5109 South Lois Avenue, Tampa, FL 33681. UNDERWRITING LIMITATION b/: \$57,000. SURETY LICENSES g/: AL, AZ, AR, FL, GA, KY, LA, MS, MO, MI, MN, ND, OK, SC, TN, TX, UT, WV. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

MOTORS INSURANCE CORPORATION. BUSINESS ADDRESS: 3044 West Grand Boulevard, Detroit, MI 48202. UNDERWRITING LIMITATION b/: \$2,835,000. SURETY LICENSES g/: All except AZ, AR, CA, CE, OD, CT, Guam, HI, KS, LA, MA, MD, MI, NH, NE, OH, OR, PA, Puerto Rico, TN, UT, VA, Virgin Islands, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Marich American Reinsurance Company. BUSINESS ADDRESS: 560 Lexington Avenue, New York, NY 10022. UNDERWRITING LIMITATION b/: \$5,706,000. SURETY LICENSES g/: AR, CA, OD, DE, DC, GA, HI, IL, IN, IA, LA, MI, NJ, NY, OH, PA, SC, TX, VA. (Reinsurance only in UT, KS, MA, NH, OK, VT.) INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

National American Insurance Company of New York. BUSINESS ADDRESS: 1515 S. 75th Street, P.O. Box 3800, Omaha, NE 68103. UNDERWRITING LIMITATION b/: \$1,966,000. SURETY LICENSES g/: All except CE, DE, Guam, HI, MD, NM, Puerto Rico, Virgin Islands, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

National Automobile and Casualty Insurance Company. BUSINESS ADDRESS: Post Office Box 7040, Pasadena, CA 91109. UNDERWRITING LIMITATION b/: \$685,000. SURETY LICENSES g/: AK, AZ, CA, NV, TX, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Illinois. BUSINESS ADDRESS: 200 South Wacker Drive, Chicago, IL 60606. UNDERWRITING LIMITATION b/: \$1,084,000. SURETY LICENSES g/: DC, IL, IN, IA, KY, MN, NY, NC, ND, WI. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Michigan. BUSINESS ADDRESS: 26899 Northwestern Highway, Southfield, MI 48034. UNDERWRITING LIMITATION b/: \$1,072,000. SURETY LICENSES g/: DC, MI. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

National Excess Insurance Company. BUSINESS ADDRESS: 4400 MacArthur Boulevard, Newport Beach, CA 92660. UNDERWRITING LIMITATION b/: \$502,000. SURETY LICENSES g/: AK, CA, DE, IA, MI, MD, ND, OR, UT, VA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

National Fire Insurance Company of Hartford. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: \$9,999,000. SURETY LICENSES g/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

National Grange Mutual Insurance Company. BUSINESS ADDRESS: 55 West Street, Keene, NH 03431. UNDERWRITING LIMITATION b/: \$1,696,000. SURETY LICENSES g/: CT, DE, DC, ME, MD, MA, NH, NY, OH, PA, RI, SC, TN, VT, VA, WV, WI. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

National Indemnity Company. BUSINESS ADDRESS: 3024 Harney Street, Omaha, NE 68131. UNDERWRITING LIMITATION b/: \$20,928,000. SURETY LICENSES g/: All except CE, Guam, HI, MA, NJ, NY, Puerto Rico. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

THE NATIONAL MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Insurance Square, Celina, OH 45822. UNDERWRITING LIMITATION b/: \$20,000. SURETY LICENSES g/: DC, IL, IN, KY, MI, OH, PA, WV. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The National Reinsurance Corporation. BUSINESS ADDRESS: 777 Long Ridge Road, Post Office Box 10167, Stamford, CT 06904-2167. UNDERWRITING LIMITATION b/: \$7,238,000. SURETY LICENSES g/: All except AL, CE, CT, FL, GA, Guam, IA, ME, MS, MO, NC, OR, SC, SD, TN, Virgin Islands, WA, WV. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

National Surety Corporation. BUSINESS ADDRESS: 200 West Monroe Street, Chicago, IL 60606. UNDERWRITING LIMITATION b/: \$12,920,000. SURETY LICENSES g/: All except Guam, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

National Union Fire Insurance Company of Pittsburgh, PA. BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: \$13,247,000. SURETY LICENSES g/: All except CE. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Nationwide Mutual Insurance Company. BUSINESS ADDRESS: One Nationwide Plaza, Columbus, OH 43216. UNDERWRITING LIMITATION b/: \$114,935,000. SURETY LICENSES g/: All except Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Netherlands Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. UNDERWRITING LIMITATION b/: \$764,000. SURETY LICENSES g/: AZ, CA, ID, IN, IA, ME, MD, MA, MI, NY, NJ, NY, NC, OH, OR, Puerto Rico, RI, UT, VT, VA, Virgin Islands, WA, WI. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

New Hampshire Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, NH 03107. UNDERWRITING LIMITATION b/: \$27,467,000. SURETY LICENSES g/: All. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

New South Insurance Company. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, NC 27152. UNDERWRITING LIMITATION b/: \$772,000. SURETY LICENSES g/: IN, MS, NC, TX, VA, WV. INCORPORATED IN: North Carolina. FEDERAL PROCESS AGENTS d/.

New York Underwriters Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$7,162,000. SURETY LICENSES g/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Newark Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$2,304,000. SURETY LICENSES g/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

North American Reinsurance Corporation. BUSINESS ADDRESS: 100 East 46th Street, New York, NY 10017. UNDERWRITING LIMITATION b/: \$12,428,000. SURETY LICENSES g/: All except CE, Guam, Virgin Islands, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

NORTH EAST INSURANCE COMPANY. BUSINESS ADDRESS: 959 Brighton Avenue, Portland, ME 04102. UNDERWRITING LIMITATION b/: \$587,000. SURETY LICENSES c/: ME, VT. INCORPORATED IN: Maine. FEDERAL PROCESS AGENTS d/.

The North River Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: \$13,346,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

North Star Reinsurance Corporation. BUSINESS ADDRESS: Ten Stamford Forum, P.O. Box 10009, Stamford, CT 06904. UNDERWRITING LIMITATION b/: \$1,945,000. SURETY LICENSES c/: All except CE, CT, Guam, HI, ME, MH, NC, ND, SC, VT, Virgin Islands, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Northbrook Property and Casualty Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, IL 60062. UNDERWRITING LIMITATION b/: \$4,992,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Northern Assurance Company of America. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: \$6,679,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico. INCORPORATED IN: Vermont. FEDERAL PROCESS AGENTS d/.

Northern Insurance Company of New York. BUSINESS ADDRESS: Post Office Box 91, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: \$2,779,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Northwestern National Casualty Company. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, WI 53201. UNDERWRITING LIMITATION b/: \$498,000. SURETY LICENSES c/: All except AK, CE, CT, Guam, HI, ME, MA, NV, NH, NJ, NY, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Northwestern National Insurance Company of Milwaukee, Wisconsin. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, WI 53201. UNDERWRITING LIMITATION b/: \$7,083,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Northwestern National Surety Company. BUSINESS ADDRESS: 731 North Jackson Street, Milwaukee, WI 53201. UNDERWRITING LIMITATION b/: \$1,155,000. SURETY LICENSES c/: WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

NORTHWESTERN PACIFIC INDemnITY COMPANY. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$1,079,000. SURETY LICENSES c/: CA, OK, OR, TX, WA. INCORPORATED IN: Oregon. FEDERAL PROCESS AGENTS d/.

Occidental Fire & Casualty Company of North Carolina. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, CO 80111. UNDERWRITING LIMITATION b/: \$1,020,000. SURETY LICENSES c/: All except CE, CT, Guam, HI, ME, OK. INCORPORATED IN: North Carolina. FEDERAL PROCESS AGENTS d/.

Oceanic Insurance and Surety Company. BUSINESS ADDRESS: 5105 Tollivew Drive, Suite 195, Rolling Meadows, IL 60008. UNDERWRITING LIMITATION b/: \$55,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/.

The Ohio Casualty Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, OH 45025. UNDERWRITING LIMITATION b/: \$42,675,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Ohio Farmers Insurance Company. BUSINESS ADDRESS: Westfield Center, OH 44251. UNDERWRITING LIMITATION b/: \$12,499,000. SURETY LICENSES c/: All except AK, CE, CT, Guam, HI, KS, Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Oklahoma Surety Company. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, OK 74101. UNDERWRITING LIMITATION b/: \$270,000. SURETY LICENSES c/: MS, OK, TX. INCORPORATED IN: Oklahoma. FEDERAL PROCESS AGENTS d/.

Old Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 789, Greensburg, PA 15601. UNDERWRITING LIMITATION b/: \$11,042,000. SURETY LICENSES c/: All except CE, Puerto Rico, Virgin Islands. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

The Omaha Indemnity Company. BUSINESS ADDRESS: 3201 Parnas Street, Omaha, NE 68131. UNDERWRITING LIMITATION b/: \$1,489,000. SURETY LICENSES c/: All except LA, NH, NJ. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Oregon Automobile Insurance Company. BUSINESS ADDRESS: Post Office Box 74, Portland, OR 97207. UNDERWRITING LIMITATION b/: \$3,050,000. SURETY LICENSES c/: ID, NV, OR, UT, WA. INCORPORATED IN: Oregon. FEDERAL PROCESS AGENTS d/.

Pacific Employers Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19101. UNDERWRITING LIMITATION b/: \$7,580,000. SURETY LICENSES c/: All except Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Pacific Indemnity Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$7,428,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Pacific Insurance Company, Limited. BUSINESS ADDRESS: Post Office Box 1140, Honolulu, Hawaii 96807. UNDERWRITING LIMITATION b/: \$3,349,000. SURETY LICENSES c/: HI. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

Peerless Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. UNDERWRITING LIMITATION b/: \$3,954,000. SURETY LICENSES c/: All except CE, Guam, HI, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Peikin Insurance Company. BUSINESS ADDRESS: 2505 Court Street, Peikin, IL 61558. UNDERWRITING LIMITATION b/: \$869,000. SURETY LICENSES c/: IL, IN, IA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Pennsylvania Manufacturers' Association Insurance Company. BUSINESS ADDRESS: 925 Chestnut Street, Philadelphia, PA 19107. UNDERWRITING LIMITATION b/: \$13,705,000. SURETY LICENSES c/: All except AL, AR, CE, CT, Guam, HI, KS, ME, NH, ND, OR, Puerto Rico, RI, SD, Virgin Islands, WY. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

Pennsylvania Millers Mutual Insurance Company. BUSINESS ADDRESS: 15 Public Square, P.O. Box-P, Wilkes-Barre, PA 18773-0016. UNDERWRITING LIMITATION b/: \$2,491,000. SURETY LICENSES c/: All except CA, CE, CT, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, PA, RI, SC, TN, VT, VA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Pennsylvania National Mutual Casualty Insurance Company. BUSINESS ADDRESS: 1900 Derry Street, Harrisburg, PA 17105. UNDERWRITING LIMITATION b/: \$5,258,000. SURETY LICENSES c/: All except CA, CE, CT, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, PA, RI, SC, TN, VT, VA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

The Personal Service Insurance Co. BUSINESS ADDRESS: 100 East Gay Street, Columbus, OH 43215. UNDERWRITING LIMITATION b/: \$784,000. SURETY LICENSES c/: IN, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Phoenix Assurance Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: \$6,792,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

The Phoenix Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$26,778,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

PLANET INSURANCE COMPANY. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: \$599,000. SURETY LICENSES c/: All except CE, CT, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

PUNTIQUE CASUALTY COMPANY. BUSINESS ADDRESS: 5454 West Fargo Avenue, Skokie, IL 60077. UNDERWRITING LIMITATION b/: \$85,000. SURETY LICENSES c/: AZ, IL, IN, MI, OH, TX. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Progressive Casualty Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, OH 44143. UNDERWRITING LIMITATION b/: \$8,734,000. SURETY LICENSES c/: All except AZ, CE, CT, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, PA, Puerto Rico, SC, TX, UT, VA, Virgin Islands, WV, WI. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Progressive Mutual Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, OH 44143. UNDERWRITING LIMITATION b/: \$687,000. SURETY LICENSES c/: NJ, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Protective Insurance Company. BUSINESS ADDRESS: 3100 North Meridian Street, Indianapolis, IN 46208. UNDERWRITING LIMITATION b/: \$2,715,000. SURETY LICENSES c/: All except AL, CE, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, PA, Puerto Rico, SC, TX, UT, VA, Virgin Islands, WV, WI. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Prudential Reinsurance Company. BUSINESS ADDRESS: 213 Washington Street, Post Office Box 908, Newark, NJ 07101. UNDERWRITING LIMITATION b/: \$19,881,000. SURETY LICENSES c/: All except CE, Guam, LA, MD, NV, NC, OK, Puerto Rico, SC, VA, Virgin Islands, WV, WY. (Reinsurance only in MD, NE, ND, WY.) INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Public Service Mutual Insurance Company. BUSINESS ADDRESS: 393 Seventh Avenue, New York, NY 10001. UNDERWRITING LIMITATION b/: \$6,110,000. SURETY LICENSES c/: AZ, CO, CT, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, OR, PA, RI, SC, TN, VA, WV, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Puerto Rican-American Insurance Company. BUSINESS ADDRESS: Post Office Box 5-112, San Juan, Puerto Rico 00902. UNDERWRITING LIMITATION b/: \$1,259,000. SURETY LICENSES c/: Puerto Rico, Virgin Islands. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Puritan Insurance Company. BUSINESS ADDRESS: Post Office Box 8900, Stamford, CT 06904. UNDERWRITING LIMITATION b/: \$5,137,000. SURETY LICENSES c/: All except AL, CE, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, OR, PA, RI, SC, TN, VA, WV, WI. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Ranger Insurance Company. BUSINESS ADDRESS: Post Office Box 2807, Houston, TX 77252-2807. UNDERWRITING LIMITATION b/: \$5,128,000. SURETY LICENSES c/: All except CE, CT, Guam, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Reprint Insurance Company. BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. UNDERWRITING LIMITATION b/: \$2,749,000. SURETY LICENSES c/: IL, IN, IA, KS, MI, MN, MO, ND, SD, WI. (Reinsurance only in NY.) INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

The Reinsurance Corporation of New York. BUSINESS ADDRESS: 99 John Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$3,249,000. SURETY LICENSES c/: All except CE, Guam, HI, Puerto Rico, Virgin Islands. (Co-surety only in FL, MA, VA.) INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: \$40,304,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: \$819,000. SURETY LICENSES c/: NY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Republic-Franklin Insurance Company. BUSINESS ADDRESS: Post Office Box 1438, Columbus, OH 43216. UNDERWRITING LIMITATION b/: \$156,000. SURETY LICENSES c/: IN, MI, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 223000, Dallas, TX 75222. UNDERWRITING LIMITATION b/: \$10,041,000. SURETY LICENSES c/: All except AL, AK, CE, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, OR, PA, RI, SC, TN, VA, WV, WI. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Republic Western Insurance Company. BUSINESS ADDRESS: 2721 North Central Avenue, Phoenix, AZ 85004. UNDERWRITING LIMITATION b/: \$3,359,000. SURETY LICENSES c/: All except CE, CT, DE, DC, FL, GA, HI, IL, IN, IA, ME, MD, MA, MI, MN, MO, NY, ND, OH, OR, PA, RI, SC, TN, VA, WV, WI. INCORPORATED IN: Arizona. FEDERAL PROCESS AGENTS d/.

Royal Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$9,761,000. SURETY LICENSES c/: All except Puerto Rico, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Royal Insurance Company of America. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$17,507,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

**S & H Insurance Company.** BUSINESS ADDRESS: 3550 Camino Del Rio North, San Diego, CA 92108. UNDERWRITING LIMITATION b/: \$676,000. SURETY LICENSES g/: AZ, AR, CA, CO, FL, HI, IA, MD, MS, MO, MT, NV, NM, ND, OH, OK, OR, SC, TN, TX, UT, VA, WA, WV. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**SAPCO Insurance Company of America.** BUSINESS ADDRESS: SAPCO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: \$18,641,000. SURETY LICENSES g/: All except CE, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

**SAPCO Insurance Company of Illinois.** BUSINESS ADDRESS: SAPCO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: \$2,215,000. SURETY LICENSES g/: IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

**SAPCO National Insurance Company.** BUSINESS ADDRESS: SAPCO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: \$1,673,000. SURETY LICENSES g/: MO, NY. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

**St. Paul Fire and Marine Insurance Company.** BUSINESS ADDRESS: 395 Washington Street, St. Paul, MN 55102. UNDERWRITING LIMITATION b/: \$81,064,000. SURETY LICENSES g/: All except CE. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

**Seaboard Surety Company.** BUSINESS ADDRESS: 90 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: \$4,769,000. SURETY LICENSES g/: All except CE. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

**Security Insurance Company of Hartford.** BUSINESS ADDRESS: Post Office Box 420, Hartford, CT 06141. UNDERWRITING LIMITATION b/: \$6,035,000. SURETY LICENSES g/: All except CE, Guam, MA, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

**Security National Insurance Company.** BUSINESS ADDRESS: Post Office Box 225038, Dallas, TX 75225. UNDERWRITING LIMITATION b/: \$436,000. SURETY LICENSES g/: AL, AR, CA, CO, IL, IN, KS, KY, MI, MO, NY, OH, OR, TX, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

**Select Insurance Company.** BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: \$2,037,000. SURETY LICENSES g/: All except AZ, CE, CT, Guam, HI, LA, ME, MA, NH, NJ, NY, ND, PA, Puerto Rico, RI, UT, Virgin Islands. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

**Selected Risk Insurance Company.** BUSINESS ADDRESS: Wantage Avenue, Branchville, NJ 07826. UNDERWRITING LIMITATION b/: \$10,029,000. SURETY LICENSES g/: DE, DC, MD, MS, NJ, PA, SC, VA. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

**SEMPINE INSURANCE COMPANY, LTD.** BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$804,000. SURETY LICENSES g/: HI. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

**Sentry Indemnity Company.** BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, WI 54481. UNDERWRITING LIMITATION b/: \$1,015,000. SURETY LICENSES g/: All except AK, CE, CT, DE, DC, Guam, HI, ME, MA, MI, NH, NJ, NY, PA, Puerto Rico, RI, VT, VA, Virgin Islands, WV. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

**Sentry Insurance & Mutual Company.** BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, WI 54481. UNDERWRITING LIMITATION b/: \$12,045,000. SURETY LICENSES g/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

**Scandia America Reinsurance Corporation.** BUSINESS ADDRESS: 280 Park Avenue, New York, NY 10017. UNDERWRITING LIMITATION b/: \$9,665,000. SURETY LICENSES g/: AZ, CA, DE, DC, IL, IN, IA, MI, MS, NH, NJ, NY, OH, OK, PA, UT, WA, WI. (Reinsurance only in AK, CO, FL, GA, KS, MD, MA, NH, SC, TX, VT, WV.) INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

**South Carolina Insurance Company.** BUSINESS ADDRESS: Post Office Box #1, Columbia, SC 29202. UNDERWRITING LIMITATION b/: \$20,792,000. SURETY LICENSES g/: All except CE, Guam, HI, ME, NH, Puerto Rico, RI, Virgin Islands. INCORPORATED IN: South Carolina. FEDERAL PROCESS AGENTS d/.

**The Standard Fire Insurance Company.** BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: \$7,087,000. SURETY LICENSES g/: All except NJ. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

**State Automobile Mutual Insurance Company.** BUSINESS ADDRESS: 518 East Broad Street, Columbus, OH 43216. UNDERWRITING LIMITATION b/: \$13,807,000. SURETY LICENSES g/: AL, AR, FL, GA, IL, IN, KY, MD, MI, MS, MO, NC, OH, PA, SC, TN, VA, WY. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

**State Farm Fire and Casualty Company.** BUSINESS ADDRESS: 112 East Washington Street, Bloomington, IL 61701. UNDERWRITING LIMITATION b/: \$144,044,000. SURETY LICENSES g/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

**State Surety Company.** BUSINESS ADDRESS: 645 Insurance Exchange Building, Des Moines, IA 50309. UNDERWRITING LIMITATION b/: \$330,000. SURETY LICENSES g/: AL, CO, DC, IL, IA, KS, MI, MO, ME, NH, ND, OK, SD, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

**Surety Company of the Pacific.** BUSINESS ADDRESS: Post Office Box 2105, Santa Monica, CA 90406. UNDERWRITING LIMITATION b/: \$248,000. SURETY LICENSES g/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**Surety Insurance Company of California.** BUSINESS ADDRESS: Post Office Box 2430, La Habra, CA 90631. UNDERWRITING LIMITATION b/: \$141,000. SURETY LICENSES g/: AL, AK, AR, CA, CO, GA, MS, MO, NV, NM, OK, OR, TX, WA. (Ball Bonds only in KS.) INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

**TEXAS PACIFIC INDEMNITY COMPANY.** BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$341,000. SURETY LICENSES g/: AR, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

**Transamerica Insurance Company.** BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, CA 90015. UNDERWRITING LIMITATION b/: \$20,049,000. SURETY LICENSES g/: All except CE, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

Transamerica Insurance Company of Michigan. BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, CA 90015. UNDERWRITING LIMITATION b/: \$10,292,000. SURETY LICENSES c/: AR, IL, IN, IA, KS, MI, MN, OH, SD. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

Transcontinental Insurance Company. BUSINESS ADDRESS: 614 Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: \$2,552,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Transport Indemnity Company. BUSINESS ADDRESS: 3670 Wilshire Boulevard, Los Angeles, CA 90010. UNDERWRITING LIMITATION b/: \$2,142,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Transportation Insurance Company. BUSINESS ADDRESS: 614 Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: \$1,722,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands, W. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$8,209,000. SURETY LICENSES c/: All except CE. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

THE TRAVELERS INDEMNITY COMPANY OF AMERICA. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$1,660,000. SURETY LICENSES c/: All except CE, FL, Guam, LA, MA, NC, OR, Virgin Islands. INCORPORATED IN: Georgia. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company of Illinois. BUSINESS ADDRESS: 175 West Jackson Boulevard, Chicago, IL 60604. UNDERWRITING LIMITATION b/: \$1,000,000. SURETY LICENSES c/: All except AR, CE, CT, DE, Guam, LA, MA, MI, NJ, NC, OH, OR, PA, Puerto Rico, SC, Virgin Islands, W, WI, WY. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company of Rhode Island. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$10,848,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: Rhode Island. FEDERAL PROCESS AGENTS d/.

Trinity Universal Insurance Company. BUSINESS ADDRESS: Post Office 225028, Dallas, TX 75265. UNDERWRITING LIMITATION b/: \$35,928,000. SURETY LICENSES c/: AL, AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MS, MO, NB, NM, OH, OK, OR, TX, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Trinity Universal Insurance Company of Kansas, Inc. BUSINESS ADDRESS: 2000 Roes Avenue, Dallas, TX 75201. UNDERWRITING LIMITATION b/: \$373,000. SURETY LICENSES c/: AL, AZ, CO, GA, KS, KY, LA, NB, OH, OK, OR, TX. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

Tri-State Insurance Company. BUSINESS ADDRESS: Post Office Box 3269, Tulsa, OK 74102. UNDERWRITING LIMITATION b/: \$1,692,000. SURETY LICENSES c/: AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NB, NM, ND, OK, SD, TN, TX, UT, WA, WI. INCORPORATED IN: Oklahoma. FEDERAL PROCESS AGENTS d/.

Tri-State Insurance Company of Minnesota. BUSINESS ADDRESS: One Roundwind Road, Luverne, MN 56156. UNDERWRITING LIMITATION b/: \$759,000. SURETY LICENSES c/: IA, MN, NB, ND, SD, WI. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

Trin City Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: \$1,528,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

ULICO CASUALTY COMPANY. BUSINESS ADDRESS: 306 South State Street, Dover, DE 19901. UNDERWRITING LIMITATION b/: \$582,000. SURETY LICENSES c/: All except AL, CA, CE, CT, Guam, IL, IN, LA, ME, MA, NB, NH, NY, NC, Puerto Rico, RI, SD, TN, Virgin Islands, W, WI, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Unigard Mutual Insurance Company. BUSINESS ADDRESS: 1215 Fourth Avenue, Seattle, WA 98161. UNDERWRITING LIMITATION b/: \$1,942,000. SURETY LICENSES c/: All except CE, CT, GA, Guam, HI, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

Union Indemnity Insurance Company of New York. BUSINESS ADDRESS: 260 Madison Avenue, New York, NY 10016. UNDERWRITING LIMITATION b/: \$505,000. SURETY LICENSES c/: All except CA, CE, Guam, KS, ME, MD, MN, NC, Puerto Rico, SD, Virgin Islands, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Union Insurance Company. BUSINESS ADDRESS: P.O. Box 80439, Lincoln, NE 68501. UNDERWRITING LIMITATION b/: \$2,225,000. SURETY LICENSES c/: CO, IA, KS, MN, ND, NB, OK, SD, TX, WI. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

United Fire & Casualty Company. BUSINESS ADDRESS: Post Office Box 4909, Cedar Rapids, IA 52407. UNDERWRITING LIMITATION b/: \$2,914,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MN, MS, MO, MT, NB, NJ, NY, ND, OH, OR, SC, SD, TX, UT, WA, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

UNITED NATIONAL INSURANCE COMPANY. BUSINESS ADDRESS: 1737 Chestnut Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: \$1,427,000. SURETY LICENSES c/: PA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company. BUSINESS ADDRESS: 33405 Eighth Avenue, South, C-3000, Federal Way, WA 98003. UNDERWRITING LIMITATION b/: \$1,753,000. SURETY LICENSES c/: All except CE, Puerto Rico, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: \$825,000. SURETY LICENSES c/: NY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

United States Fidelity and Surety Company. BUSINESS ADDRESS: 100 Light Street, Post Office Box 1138, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: \$77,129,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

United States Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: \$25,994,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

\* See footnotes at end of table.

UNIVERSAL INSURANCE COMPANY. BUSINESS ADDRESS: G.P.O. Box 71338, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: \$1,318,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Universal of Omaha Casualty Insurance Company. BUSINESS ADDRESS: 365 North Saddle Creek Road, Omaha, NE 68131. UNDERWRITING LIMITATION b/: \$110,000. SURETY LICENSES c/: NE. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Universal Security Insurance Company. BUSINESS ADDRESS: 5454 West Fargo Avenue, Skokie, IL 60077. UNDERWRITING LIMITATION b/: \$285,000. SURETY LICENSES c/: AL, AR, FL, GA, IL, IA, KY, LA, MS, MO, OR, TN, WA. INCORPORATED IN: Tennessee. FEDERAL PROCESS AGENTS d/.

Universal Surety Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, NE 68501. UNDERWRITING LIMITATION b/: \$648,000. SURETY LICENSES c/: AL, CO, ID, IL, IA, KS, MI, MO, MT, NB, NM, ND, OH, OK, OR, SD, UT, WA, WI, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

UNIVERSAL UNDERWRITERS INSURANCE COMPANY. BUSINESS ADDRESS: 5115 Oak Street, Kansas City, MO 64112. UNDERWRITING LIMITATION b/: \$14,020,000. SURETY LICENSES c/: All except CE, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

Utica Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 530, Utica, NY 13503. UNDERWRITING LIMITATION b/: \$10,049,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Valley Forge Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: \$2,268,000. SURETY LICENSES c/: All except AK, CE, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Van Tol Surety Company, Incorporated. BUSINESS ADDRESS: 424 Fifth Street, Brookings, SD 57006. UNDERWRITING LIMITATION b/: \$129,000. SURETY LICENSES c/: SD. INCORPORATED IN: South Dakota. FEDERAL PROCESS AGENTS d/.

Vigilant Insurance Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$5,420,000. SURETY LICENSES c/: All except CE, Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

VOYAGER GUARANTEE INSURANCE COMPANY. BUSINESS ADDRESS: P.O. Box 2918, Jacksonville, FL 32203. UNDERWRITING LIMITATION b/: \$204,000. SURETY LICENSES c/: FL, LA, MS, SC, VA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

Washington International Insurance Company. BUSINESS ADDRESS: 1900 East Gulf Road, Schaumburg, IL 60195. UNDERWRITING LIMITATION b/: \$286,000. SURETY LICENSES c/: AZ, CA, FL, IL, MD, MA, NY, OR, TX, WA. INCORPORATED IN: Arizona. FEDERAL PROCESS AGENTS d/.

West American Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, OH 45026. UNDERWRITING LIMITATION b/: \$28,973,000. SURETY LICENSES c/: All except AK, CE, CT, Guam, HI, ME, MA, MI, MT, NI, Puerto Rico, RI, VT, Virgin Islands, WV. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Westchester Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: \$13,670,000. SURETY LICENSES c/: All except CE, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

The Western Casualty and Surety Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, KS 66701. UNDERWRITING LIMITATION b/: \$22,851,000. SURETY LICENSES c/: All except CE, CT, Guam, HI, ME, MA, MI, NY, Puerto Rico, RI, VT, VA, Virgin Islands. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

The Western Fire Insurance Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, KS 66701. UNDERWRITING LIMITATION b/: \$13,455,000. SURETY LICENSES c/: All except AL, CE, CT, DE, DC, GA, Guam, HI, IN, LA, ME, MA, MI, NJ, Puerto Rico, SC, VT, Virgin Islands. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

Western Surety Company. BUSINESS ADDRESS: 101 South Phillippe Avenue, Sioux Falls, SD 57192. UNDERWRITING LIMITATION b/: \$2,351,000. SURETY LICENSES c/: All except CE, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: South Dakota. FEDERAL PROCESS AGENTS d/.

Westfield Insurance Company. BUSINESS ADDRESS: Westfield Center, OH 44251. UNDERWRITING LIMITATION b/: \$1,523,000. SURETY LICENSES c/: All except AK, CE, CT, FL, Guam, HI, ME, Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Wilshire Insurance Company. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, CO 80111. UNDERWRITING LIMITATION b/: \$205,000. SURETY LICENSES c/: AZ, CA, CO, HI, ID, IA, KS, MT, NB, NV, NM, OR, SD, UT, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Worldwide Underwriters Insurance Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54901. UNDERWRITING LIMITATION b/: \$50,000. SURETY LICENSES c/: All except CE, CT, Guam, HI, IL, ME, MD, MA, MI, NJ, NC, Puerto Rico, RI, TX, VT, Virgin Islands, WV, WY. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE REINSURING COMPANIES  
 UNDER SECTION 223.3(b) OF TREASURY CIRCULAR NO. 297, REVISED SEPTEMBER 1, 1978 (See Note (e))

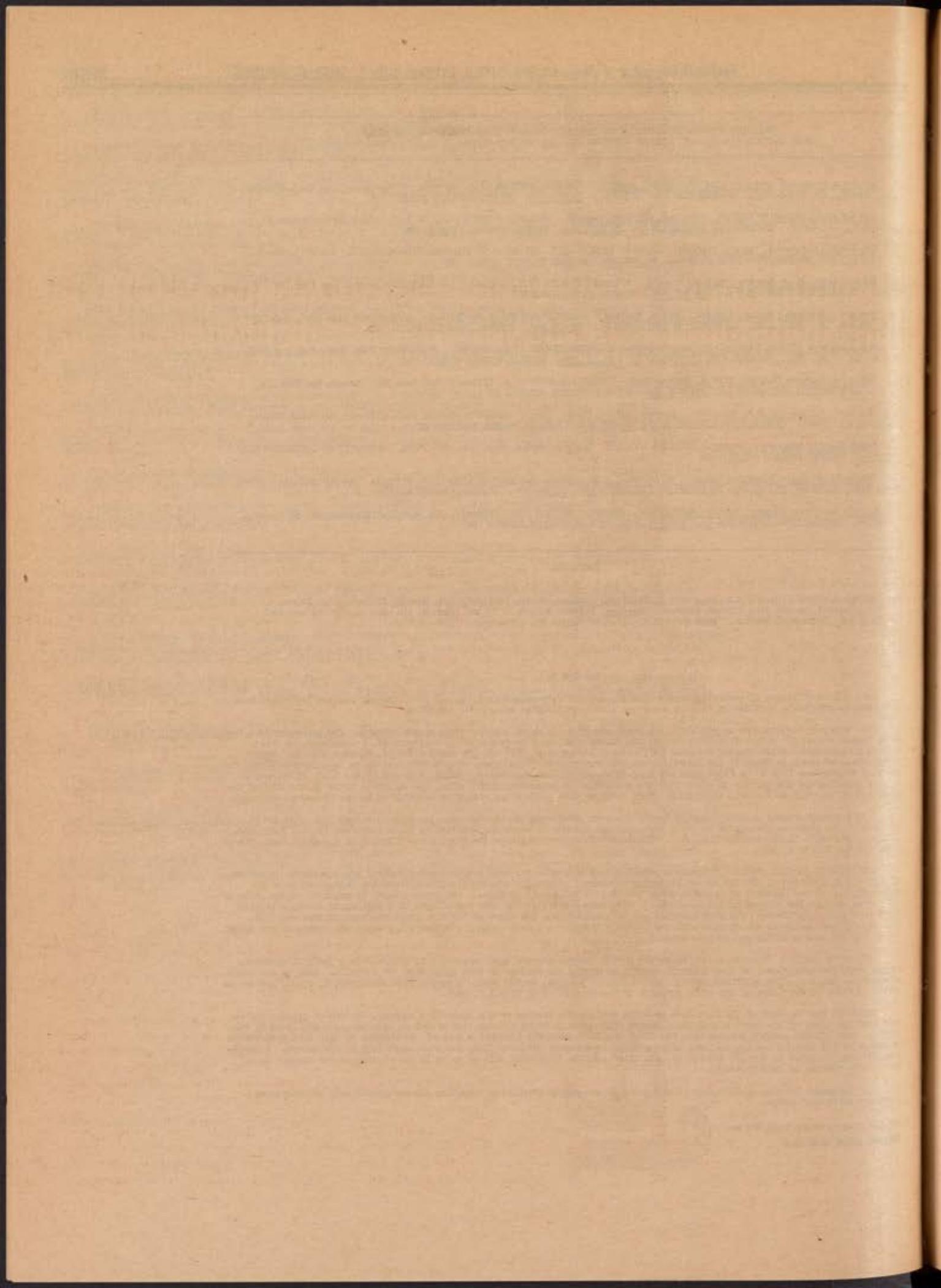
- Alliance Assurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$3,257,000. FEDERAL PROCESS AGENTS: DC
- The Canadian Indemnity Company, Winnipeg, Manitoba, Canada. BUSINESS ADDRESS (U.S. Office): 3350 Harbor Boulevard, Costa Mesa, CA 92626. UNDERWRITING LIMITATION b/: \$1,726,000. FEDERAL PROCESS AGENTS: DC
- The London Assurance, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$4,278,000. FEDERAL PROCESS AGENTS: DC
- Munich Reinsurance Company, Munich, Germany. BUSINESS ADDRESS (U.S. Office): 560 Lexington Avenue, New York, NY 10022. UNDERWRITING LIMITATION b/: \$5,591,000. FEDERAL PROCESS AGENTS: DC
- The Sea Insurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$2,511,000. FEDERAL PROCESS AGENTS: DC
- Sun Insurance Office, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: \$4,221,000. FEDERAL PROCESS AGENTS: DC
- Swiss Reinsurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 100 East 46th Street, New York, NY 10017. UNDERWRITING LIMITATION b/: \$15,238,000. FEDERAL PROCESS AGENTS: DC
- The Tokio Marine and Fire Insurance Company, Limited, Tokyo, Japan. BUSINESS ADDRESS (U.S. Office): 55 Water Street, New York, NY 10041. UNDERWRITING LIMITATION b/: \$6,081,000. FEDERAL PROCESS AGENTS: DC
- Trans Pacific Insurance Company. BUSINESS ADDRESS: 55 Water Street, New York, NY 10041. UNDERWRITING LIMITATION b/: \$521,000. FEDERAL PROCESS AGENTS: DC
- "Winterthur" Swiss Insurance Company, Winterthur, Switzerland. BUSINESS ADDRESS (U.S. Office): One World Trade Center, Suite 8911, New York, NY 10048. UNDERWRITING LIMITATION b/: \$6,355,000. FEDERAL PROCESS AGENTS: DC
- Zurich Insurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 231 North Martingale Road, Schaumburg, IL 60196. UNDERWRITING LIMITATION b/: \$15,994,000. FEDERAL PROCESS AGENTS: DC

## FOOTNOTES

- <sup>18</sup> General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Branch) Philadelphia, PA — domesticated, merged with Potomac Insurance Company. Potomac Insurance Company changed its name to General Accident Insurance Company of America. (See Federal Register of August 23, 1982, pages 36747-36748.)

## NOTES

- (a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.
- (b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by co-insurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised September 1, 1978 (31 CFR Section 223.10, Section 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of the limit fixed herein must be reported for the quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.
- (c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5(b)). The term "other area" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.
- (d) FEDERAL PROCESS AGENTS: Treasury approved surety companies are required to appoint Federal process agents in accord with 31 U.S.C. 9306 and 31 CFR 224 in the following districts: Where the principal resides; where the obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the state or other area wherein the company is incorporated (31 CFR Section 224.2). The name and address of a particular surety's process agent in a particular Federal Judicial District may be obtained from the Clerk of the U.S. District Court in that district. (The appointment documents are on file with the clerks.) (NOTE: A surety company's underwriting agent who furnishes its bonds may or may not be its authorized process agent.)
- SERVICE OF PROCESS: Process should be served on the Federal process agent appointed by a surety in a judicial district, except where the appointment of such agent is pending or during the absence of such agent from the district. Only in the event an agent has not been duly appointed, or the appointment is pending, or the agent is absent from the district, should process be served directly on the Clerk of the court pursuant to the provisions of 31 U.S.C. 9306.
- Title 31, Section 9306 of the U.S. Code provides that in the absence of any agent of a company, service of process may be made upon the Clerk of the court within the district where suit is brought, with like effect as upon an agent appointed by the company. The officer serving process upon the Clerk should immediately transmit a copy of the summons by mail to the corporate secretary of the company (at the business address shown in Treasury Circular 570), and state such fact in his return. A judgment, decree, or order of a court entered or made after service of process will be as valid and binding on the company as if served with process in said district.
- (e) Companies holding certificates of authority as acceptable reinsuring companies are acceptable only as reinsuring companies on Federal bonds.



# **federal register**

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Friday  
July 1, 1983

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**Part III**

## **Department of Labor**

**Employment Standards Administration,  
Wage and Hour Division**

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**Minimum Wages for Federal and  
Federally Assisted Construction; General  
Wage Determination Decisions**

## DEPARTMENT OF LABOR

Employment Standards  
Administration, Wage and Hour  
DivisionMinimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination  
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to

be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas  
Decisions to General Wage  
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose

of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage  
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the *Federal Register* are listed with each State.

Arizona:	
AZ83-5102	Mar. 4, 1983.
AZ83-5105	Do.
AZ83-5107	Mar. 18, 1983
California:	
CA82-5118	Aug. 20, 1982
CA82-5122	Sept. 3, 1982.
Florida:	
FL83-1016	Apr. 1, 1983.
FL83-1032	Apr. 29, 1983.
Illinois:	
IL82-2066	Dec. 17, 1972
IL82-2050	Oct. 15, 1982
Kentucky:	
KY82-1066	Do.
KY82-1064	Do.
KY82-1060	Oct. 8, 1982
KY82-1062	Oct. 15, 1982
KY82-1067	Do.
Kansas: K583-4030	Mar. 15, 1983
Louisiana:	
LA82-4053	Nov. 5, 1982
LA83-4001	Jan. 7, 1983.
New Mexico: MN83-4032	Apr. 15, 1983
New York: NY81-3018	Mar. 27, 1981
Ohio:	
OH83-2006	Feb. 11, 1983
OH83-2013	Feb. 25, 1983
OH83-2040	May 13, 1983
OH83-2041	Do.
Oregon: OR83-5100	Feb. 18, 1983
Rhode Island: RI81-3042	Aug. 21, 1981.
Tennessee: TN82-2057	Nov. 19, 1982
Virginia:	
VA81-3015	Mar. 6, 1981.
VA82-3025	Dec. 3, 1982
VA82-3034	Do.
VA82-3033	Do.

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.

California:	
CA82-5112(CA83-5112)	July 15, 1982.
CA82-5102(CA83-5112)	Aug. 27, 1982
Illinois:	
IL83-2011(IL82-2050)	Feb. 18, 1983
IL83-2017(IL82-2051)	Mar. 11, 1983.
IL82-2003(IL83-2052)	Mar. 5, 1982

Signed at Washington, D.C. this 24th day of June 1983.

Dorothy P. Come,  
Assistant Administrator, Wage and Hour  
Division.

MODIFICATIONS P. 2

DECISION NO. C482-5118 - Mod. #11  
(47 FR 2651) - August 20, 1982  
Imperial, Inyo, Kern, Los Angeles,  
Mono, Orange, Riverside, San Bernardino,  
San Idis Obispo, Santa Barbara, and  
Ventura Counties, California

DECISION NO. FL83-1012 - Mod. #2  
(April 29, 1983 - 48 FR 19562)  
BROWARD COUNTY, FLORIDA  
BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits
\$21.29	\$3.88
21.39	3.96
16.30	34+3.31
21.73	34+3.33
23.90	34+3.33
18.45	3.94
18.92	3.40
16.60	1.90
21.77	
18.07	3.35
19.62	5.17
15.57	4.41
\$21.29	\$3.88
21.39	3.96
\$14.65	2.905

CHANGE:  
Ironworkers

MODIFICATIONS P. 1

DECISION NO. A183-5102 -  
Mod. #1  
(48 FR 9424-March 4, 1983)  
Maricopa County, Arizona

DECISION NO. A183-5107 -  
Mod. #1  
(48 FR 11605 -  
March 18, 1983)  
Statewide, Arizona

Basic Hourly Rates	Fringe Benefits
\$11.50	\$3.04
12.42	3.04
13.00	3.04
13.37	3.04
14.03	3.04
14.95	3.04
11.45	2.93
13.33	2.93
14.02	2.93
14.59	2.93
15.28	2.93
15.96	2.93
16.35	2.93
16.78	2.93
17.55	2.93
9.31	2.93
11.41	2.93
11.90	2.93
12.47	2.93
13.16	2.93
13.84	2.93
14.23	2.93
14.66	2.93
15.44	2.93
\$21.19	\$3.38
9.31	2.93
11.41	2.93
11.90	2.93
12.47	2.93
13.16	2.93
13.84	2.93
14.23	2.93
14.66	2.93
15.44	2.93

Change:  
Bricklayers: Stonemasons:  
Northern Area:  
Zone A  
Zone B  
Zone C  
Zone D  
Zone E  
Zone F  
Power Equipment Operators:  
Area 1:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
Group 9  
Area 2:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
Group 9

Change:  
Mod. #2 published June 3,  
1983 should have read  
Decision No. A183-5102  
instead of Decision No.  
A183-5103  
Boilermakers  
Bricklayers: Stonemasons  
Plumbers  
Sheet Metal Workers  
Soft Floor Layers  
Power Equipment Operators:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
Group 9

DECISION NO. A183-5105 -  
Mod. #2  
(48 FR 9426 - March 4,  
1983)  
Pima County, Arizona

Change:  
Plumbers  
Power Equipment Operators:  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
Group 9

DECISION NO. C482-5122 -  
Mod. #4  
(47 FR 39075 - September  
3, 1982)  
San Diego County,  
California

DECISION NO. FL83-1016 -  
Mod. #4  
(April 1, 1983 -  
48 FR 14307)  
DADE COUNTY, FLORIDA  
BUILDING CONSTRUCTION

Change:  
Ironworkers

MODIFICATIONS P. 3

DECISION NO., TITLE - MOD (47 FR 5601 December 17, 1982)	Basic Hourly Rate	Fringe Benefits
Medison & St. Clair Counties, Illinois		
Change: Bricklayers; Caulkers; Cleaners; Painters; & Stonemasons: Madison (Granite City & Southern 1/2 of Co.), & St. Clair (E. St. Louis & Vic.) Co. Electricians: St. Clair (Belleville & Vic.) Co.	\$16.35 16.35	\$2.25 2.25
Change: Carpenters; Lathers; Millwrights; Plasterers; & Soft Floor Layers: Commercial Building Residential: Medison (Southern part bounded by E 44 on East 4143 on North, #111 on West & to the Place Where #111 & Madison Co. Line intersect including Bethalto & Godfrey) Co. Medison (Rem. of Co.) Co. St. Clair County. Carpenters; Millwrights; Plasterers; & Soft Floor Layers: Commercial Building Residential: Frankfort Chester Electricians: Medison (Alton & Vic.) Co. Medison (Rem. of Co.) & St. Clair Counties Ironworkers Painters: Residential Repairs: Brush & Spray Bluest & Spray Commercial Building & Residential (New) Construction: Brush Bluest & Spray Industrial: Brush & Taping Bluest & Spray Plumbers & Steamfitters: Medison (Alton & Portion N. of Mitchell) Co.	15.185 15.185 14.335 14.785 15.735 15.585 15.885 17.86 19.20 15.81 16.80 13.38 14.38 15.01 16.01 15.72 16.72 19.50	2.65 2.65 2.65 2.65 2.85 2.30 2.30 3.44 2.83 7.00 2.28 1.65 1.85 2.85 1.85 1.85 1.85 1.85 1.85 1.89+0

MODIFICATIONS P. 4

DECISION NO., TITLE - MOD. #2 (Cont'd)	Basic Hourly Rate	Fringe Benefits
DECISION NO. KY81-1066 - MOD. #2 (47 FR 46226 - October 15, 1982) Fayette and Franklin Counties, Kentucky		
Change: Boilermakers Bricklayers Electricians Ironworkers Line Construction: Linemen & Equipment Operators Cable Splicers Groundmen - Truck Drivers Groundmen Marble, Tile & Terrazzo Workers Sheet Metal Workers Add: Roofers: Franklin County	\$18.05 13.30 16.16 14.25	3.115 1.30 2.95 4.72
DECISION NO. KY82-1064 - MOD. #2 (47 FR 46223 - October 15, 1982) Sangamon County, Illinois	\$18.90	3.305
Change: Boilermakers Bricklayers; Caulkers; Cleaners; Painters & Stonemasons Carpenters: Commercial Building: Carpenters; Lathers & Soft Floor Layers Millwrights; & Pile-drivers Residential: Roofing - 1 & 2 Family Dwellings (except buildings) (sligh rise) or steel concrete construction) Glaziers Marble Setters; Terrazzo Workers; & Tile Setters Sheet Metal Workers: Commercial Building Laborers: Unskilled Semi-Skilled Skilled	15.50 15.77 16.27	1.87 2.61 2.61
DECISION NO. KY82-1064 - MOD. #2 (47 FR 46230 - October 15, 1982) McCracken Co., Kentucky		
Change: Asbestos Workers Boilermakers Bricklayers, Stone Masons, Marble Masons, & Terrazzo Workers Electricians: Wirmen Cable Splicers Roofers Sheet Metal Workers Line Construction: Linemen & Equipment Operators Cable Splicers Groundmen - Truck Drivers	17.87 18.05 14.25 15.84 16.09 8.40 16.74 15.89 16.14 11.91	2.09 3.115 1.75 .85+ 1.34 .85+ 1.45 3.68 1.75 1.34 1.34 1.34 1.75 1.34 1.34 1.34 1.75+ 1.34 1.34 1.75+ 1.34 1.34

MODIFICATIONS P. 5

MODIFICATIONS P. 6

DECISION NO. / DATE	Basic Hourly Rate	Fringe Benefits
DECISION NO. KY83-4030 - MOD. 1 (47 FR 14409 - March 15, 1982)		
Allen, Anderson, Atchinson Bourbon, Brown, Butler, Chase, Chautaugus, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kinman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Neosho, Neosho, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabasha, Washington, Wilson, and Woodson Counties, Kansas		
ADD: Painters (structural steel & bridge)	\$7.25	
DECISION NO. KY82-1062 - No. 1 (47 FR 43225 October 15, 1982)		
Change: Masons Workers	\$16.20	2.76
Boltonmakers	18.05	3.115
Bricklayers, Stone Masons, Marble Masons, Tile Setters, Terrazzo Workers, Cement Masons, & Plasterers	13.75	1.75
Electricians	15.84	.85+13 1/48
Wiremen	16.09	.85+13 1/48
Kentucky Portion		
Cable Splicers: Kentucky Portion		
DECISION NO. KY82-2067 - Mod. 17 (47 FR 46227 October 15, 1982)		
Change: Boltonmakers	\$18.05	3.115
Cement Masons	13.14	3.82
Ironworkers	14.25	4.72
Labors:		
Group 1	10.55	1.70
Group 2	10.75	1.70
Group 3	10.90	1.70
Group 4	11.05	1.70
Group 5	11.75	1.70
Plasterers	15.60	.77
Sheet Metal Workers	16.74	3.68
ADD: Roofers	12.00	1.75

DECISION NO. / DATE	Basic Hourly Rate	Fringe Benefits
DECISION 81A82-4053-MOD. 15 (47 FR 50421-November 5, 1982)		
Statewide, Louisiana		
CHANGE: Electricians	15.65	1.58 +98
Zone 5	15.65	1.58 +98
Cable Splicers	15.65	1.58 +98
Line Construction: Zone 1	15.65	1.58 +98
Linemen	15.65	1.58 +98
Hole digging equip., tractor w/winch & derrick, line truck w/winch & derrick working hot lines	75AJR	1.58 +98
Pole truck & trailer or pole handling & setting truck (not energized lines)	65AJR	1.58 +98
Truck w/o winch	45AJR	1.58 +98
Groundmen	50AJR	1.58 +98
DECISION 81A83-4001-MOD. 16 (48 FR 938-January 7, 1983)		
Jefferson, Orleans, Bossier, Caddo, Calcasieu, Beauregard, Cameron, Jefferson Davis, Allen, Plaquemine, St. Bernard & St. Charles Parls, Louisiana		
CHANGE: Electricians: Zones 1, 6, 7 & 8	15.65	1.58 +98
Electricians	15.65	1.58 +98
Cable Splicers	15.65	1.58 +98
Line Construction: Zones 1, 6, 7 & 8	15.65	1.58 +98
Group 1	75AJR	1.58 +98
Group 2	65AJR	1.58 +98
Group 3	45AJR	1.58 +98
Group 4	50AJR	1.58 +98
Group 5	50AJR	1.58 +98

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits
DECISION #0883-4032-Mod.#6		
48FR15413-April 15, 1983		
STATESIDE, NEW MEXICO		
OMIT:		
LATERS:		
ZONE I	\$13.80	2.80
ZONE II	15.30	2.80
ZONE III	16.05	2.80
PAINTERS (RESIDENTIAL CONSTRUCTION IN SANTA FE, TAGS & RIO ARRIBA COS.)		
Brush and roller	8.60	1.25
Spray & sandblast	9.25	1.25
Peperbangers	8.82	1.25
Drywall finisher	10.63	1.25
Drywall finisher toll	10.88	1.25
MAO:		
LATERS:		
Dwelling houses and acts not to exceed 2 stories in height):		
ZONE I	8.15	2.80
ZONE II	9.45	2.80
ZONE III	10.40	2.80
Building, Heavy and Residential Construction		
Dwelling houses and acts over 2 stories in height:		
ZONE I	13.80	2.80
ZONE II	15.30	2.80
ZONE III	16.05	2.80
PAINTERS (Residential Construction in Santa Fe, Taos, Rio Arriba, San-Geronimo, Valencilla and Bernalillo Counties):		
Brush and roller	9.47	1.90
Spray	9.97	1.90
Peperbangers	10.97	1.90
Drywall finishers:		
Ases tool op.	10.05	1.90
Hand finishers	9.80	1.90
Machine texture	8.80	1.90
CHANGE:		
ASBESTOS WORKERS - ZONE I	16.24	3.34
ASBESTOS WORKERS - ZONE II	16.00	2.37

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NY81-3018 - MOD. #7		
(46 FR 19174 - March 27, 1981)		
ALBANY, RENNELAER, SARATOGA & SCHENECTADY COUNTIES, NEW YORK		
CHANGE:		
SCHEDULES #1, 2, 3 & 4:		
ASBESTOS WORKERS	16.60	2.36
BOILERMAKERS	18.25	3.29
CEMENT MASONS (HEAVY & HIGHWAY)	12.05	2.35
ELEVATOR CONSTRUCTORS	14.31	2.465+ d+c
ELEVATOR CONSTRUCTORS' HELPERS	10.02	2.455+ d+c
ELEVATOR CONSTRUCTORS' HELPER PROPORTIONARY IRONWORKERS:	7.155	
CLASS A	13.90	3.97
CLASS B	14.05	3.97
CLASS C	14.25	3.97
LINE CONSTRUCTION:		
CLASS A:		
GROUP 1	13.22	3.60+ 58+f
GROUP 2	17.59	3.60+ 58+f
GROUP 3	11.90	3.60+ 58+f
GROUP 4	10.58	3.60+ 58+f
GROUP 5	11.24	3.60+ 58+f
GROUP 6	9.92	3.60+ 58+f
CLASS B:		
GROUP 1	13.80	3.60+ 58+f
GROUP 2	13.66	3.60+ 58+f
GROUP 3	13.66	3.60+ 58+f
GROUP 4	12.14	3.60+ 58+f
GROUP 5	12.90	3.60+ 58+f
GROUP 6	11.39	3.60+ 58+f
MAKERS (BUILDING):		
CLASS A:		
CLASS I	14.46	3.20+g
CLASS II	15.35	3.20+g
CLASS III	15.85	3.20+g
CLASS IV	16.05	3.20+g
CLASS B:		
CLASS I	10.85	3.20+g
CLASS II	11.51	3.20+g
CLASS III	11.90	3.20+g
CLASS IV	12.15	3.20+g
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
CLASS I	15.29	3.50+g
CLASS II	14.79	3.50+g
CLASS III	13.36	3.50+g
CLASS IV	12.10	2.50+g

MODIFICATIONS P. 10

DECISION NO. NY81-3018 -  
[CONT'D]

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (BUILDING):		
GROUP 1	12.55	2.85+2
GROUP 2	12.55	2.85+2
GROUP 3	12.55	2.85+2
TRUCK DRIVERS (HEAVY & HIGHWAY):		
GROUP 1	12.24	2.55+2
GROUP 2	12.29	2.55+2
GROUP 3	12.34	2.55+2
GROUP 4	12.49	2.55+2
GROUP 5	12.64	2.55+2
SCHEDULE #1:		
CARPENTERS		
CLASS A	15.02	2.07
CLASS B	15.52	2.07
CLASS E	11.27	2.07
ELECTRICIANS:		
ZONE I	16.65	2.20+
ZONE II		34+2
ZONE III	16.55	2.65+
		34
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.95	2.37
GROUP 2	12.10	2.37
GROUP 3	12.12	2.37
GROUP 4	12.17	2.37
GROUP 5	12.23	2.37
GROUP 6	12.21	2.37
GROUP 7	12.71	2.37
CLASS B	8.96	2.37
ZONE II:		
CLASS A		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
CLASS B	8.44	3.07

DECISION NO. NY81-1018 -  
[CONT'D]

	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING) CONT'D		
CLASS B:		
GROUP 1	11.04	3.05+2
GROUP 2	11.24	3.05+2
GROUP 3	11.44	3.05+2
GROUP 4	11.64	3.05+2
GROUP 5	11.74	2.35+2
GROUP 6	11.94	2.35+2
GROUP 7	12.14	2.35+2
ZONE II:		
CLASS A:		
GROUP 1	13.99	2.08
GROUP 2	14.74	2.08
GROUP 3	14.49	2.08
GROUP 4	15.09	2.08
GROUP 5	15.49	2.08
GROUP 6	16.45	2.81
GROUP 7		
LABORERS (HEAVY & HIGHWAY):		
ZONE I:		
CLASS A	15.02	2.07
CLASS B	15.52	2.07
CLASS C	11.27	2.07
CLASS D	16.95	1.60+
CLASS E	16.65	2.20+
CLASS F		34+2
PAINTERS:		
CLASS A:		
GROUP 1	13.95	2.37
GROUP 2	12.10	2.37
GROUP 3	12.12	2.37
GROUP 4	12.17	2.37
GROUP 5	12.23	2.37
GROUP 6	12.21	2.37
GROUP 7	12.71	2.37
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
CLASS B	8.44	3.07

SCHEDULE #3:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
ZONE II:		
CLASS A	8.96	2.37
CLASS B	9.11	2.37
CLASS E	9.13	2.37
ELECTRICIANS:		
ZONE I	9.135	2.37
ZONE II:		
CLASS A	9.21	2.37
CLASS B	9.235	2.37
CLASS E	9.435	2.37
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.73	3.07
GROUP 7	8.44	3.07
LABORERS (HEAVY & HIGHWAY):		
ZONE I:		
CLASS A	11.74	2.35+2
CLASS B	11.94	2.35+2
CLASS C	12.14	2.35+2
CLASS D	12.34	2.35+2
CLASS E	11.04	3.05+2
CLASS F	11.24	3.05+2
CLASS G	11.44	3.05+2
CLASS H	11.64	3.05+2
CLASS I	11.84	3.05+2
CLASS J	11.04	3.05+2
CLASS K	11.24	3.05+2
CLASS L	11.44	3.05+2
CLASS M	11.64	3.05+2
PAINTERS:		
CLASS A:		
GROUP 1	13.99	2.08
GROUP 2	14.74	2.08
GROUP 3	14.49	2.08
GROUP 4	15.09	2.08
GROUP 5	15.49	2.08
GROUP 6	16.45	2.81
GROUP 7		
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
CLASS B	8.44	3.07

MODIFICATIONS P. 9

DECISION NO. NY81-3018 -  
[CONT'D]

	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.95	2.37
GROUP 2	12.10	2.37
GROUP 3	12.12	2.37
GROUP 4	12.17	2.37
GROUP 5	12.23	2.37
GROUP 6	12.21	2.37
GROUP 7	12.71	2.37
CLASS B	8.96	2.37
ZONE II:		
CLASS A		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
CLASS B	8.44	3.07

DECISION NO. NY81-1018 -  
[CONT'D]

	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING) CONT'D		
CLASS B:		
GROUP 1	8.96	2.37
GROUP 2	9.11	2.37
GROUP 3	9.13	2.37
GROUP 4	9.135	2.37
GROUP 5	9.21	2.37
GROUP 6	9.235	2.37
GROUP 7	9.435	2.37
LABORERS (HEAVY & HIGHWAY):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
LABORERS (HEAVY & HIGHWAY):		
ZONE I:		
CLASS A:		
GROUP 1	11.74	2.35+2
GROUP 2	11.94	2.35+2
GROUP 3	12.14	2.35+2
GROUP 4	12.34	2.35+2
GROUP 5	11.04	3.05+2
GROUP 6	11.24	3.05+2
GROUP 7	11.44	3.05+2
GROUP 8	11.64	3.05+2
GROUP 9	11.84	3.05+2
GROUP 10	11.04	3.05+2
GROUP 11	11.24	3.05+2
GROUP 12	11.44	3.05+2
GROUP 13	11.64	3.05+2
GROUP 14	11.84	3.05+2
PAINTERS:		
CLASS A:		
GROUP 1	13.99	2.08
GROUP 2	14.74	2.08
GROUP 3	14.49	2.08
GROUP 4	15.09	2.08
GROUP 5	15.49	2.08
GROUP 6	16.45	2.81
GROUP 7		
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
CLASS B	8.44	3.07

SCHEDULE #3:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
ZONE II:		
CLASS A	8.96	2.37
CLASS B	9.11	2.37
CLASS E	9.13	2.37
ELECTRICIANS:		
ZONE I	9.135	2.37
ZONE II:		
CLASS A	9.21	2.37
CLASS B	9.235	2.37
CLASS E	9.435	2.37
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.73	3.07
GROUP 7	8.44	3.07
LABORERS (HEAVY & HIGHWAY):		
ZONE I:		
CLASS A:		
GROUP 1	11.74	2.35+2
GROUP 2	11.94	2.35+2
GROUP 3	12.14	2.35+2
GROUP 4	12.34	2.35+2
GROUP 5	11.04	3.05+2
GROUP 6	11.24	3.05+2
GROUP 7	11.44	3.05+2
GROUP 8	11.64	3.05+2
GROUP 9	11.84	3.05+2
GROUP 10	11.04	3.05+2
GROUP 11	11.24	3.05+2
GROUP 12	11.44	3.05+2
GROUP 13	11.64	3.05+2
GROUP 14	11.84	3.05+2
PAINTERS:		
CLASS A:		
GROUP 1	13.99	2.08
GROUP 2	14.74	2.08
GROUP 3	14.49	2.08
GROUP 4	15.09	2.08
GROUP 5	15.49	2.08
GROUP 6	16.45	2.81
GROUP 7		
LABORERS (BUILDING):		
ZONE I:		
CLASS A:		
GROUP 1	11.25	3.07
GROUP 2	11.40	3.07
GROUP 3	11.47	3.07
GROUP 4	11.52	3.07
GROUP 5	11.50	3.07
GROUP 6	11.50	3.07
GROUP 7	11.73	3.07
CLASS B	8.44	3.07

DECISION NO. NY81-3018 -  
(CONT'D)

Basic Hourly Rate	Fringe Benefits	Basic Hourly Rate	Fringe Benefits
LABORERS (HEAVY & HIGHWAY):		LABORERS (BUILDING):	
ZONE I:		CLASS A:	
GROUP 1	11.04	GROUP 1	12.65
GROUP 2	11.24	GROUP 2	12.80
GROUP 3	11.44	GROUP 3	12.825
GROUP 4	11.64	GROUP 4	12.875
ZONE II:		GROUP 5	12.925
GROUP 1	11.69	GROUP 6	12.90
GROUP 2	11.89	GROUP 7	12.125
GROUP 3	12.09	CLASS B:	
GROUP 4	12.29	GROUP 1	8.93
PAINTERS:		GROUP 2	9.14
ZONE I:		GROUP 3	9.165
CLASS A	11.20	GROUP 4	9.215
CLASS B	11.60	GROUP 5	9.24
CLASS C	11.45	GROUP 6	9.265
ZONE II:		GROUP 7	9.465
CLASS A	13.99	LABORERS (HEAVY & HIGHWAY):	
CLASS B	14.74	CLASS A	11.69
CLASS C	14.49	CLASS B	11.89
CLASS D	15.49	CLASS C	12.09
CLASS E	15.09	CLASS D	12.29
PLUMBERS & STEAMFITTERS:		CLASS E	12.79
ZONE I:		PAINTERS:	
CLASS A	16.80	CLASS A	13.99
ZONE II:		CLASS B	14.74
SCHEDULE #4:	13.40	CLASS C	14.49
CARPENTERS:		CLASS D	15.09
CLASS A	15.02	CLASS E	15.49
CLASS B	15.52	FLUMBERS & STEAMFITTERS:	
CLASS C	17.36	CLASS A	16.80
CLASS D	17.85		
CLASS E	18.27		
CLASS F	20.87		
CLASS G	16.27		
ELECTRICIANS:			
CLASS A	16.55		
CLASS B	17.05		

DECISION NO. NY81-3018 -  
(CONT'D)

ADD:  
Schedules 1, 2, 3 & 4:  
Classification descriptions for Power Equipment Operators (Heavy Highway)

CLASS I - Oiler, fireman and heavy-duty grease, boilers and steam generators, pump, vibrator, mortar mixer, air compressor, dust collector, welding machine, wall point, mechanical heater, generators, temporary light plants, concrete pumps, electric submersible pump 4" and over, Murphy type diesel generator, conveyor, elevators, concrete mixer and beltcrete power pack (belcrete system).

CLASS II - Bulldozer, push cat, tractor, transactor scraper, LeTourneau grader, form fine grader, road roller, blacktop roller, blacktop spreader, power brooms, sweepers, trenching machine, Barber green loader, side booms, hydro hammer, concrete spreader, concrete finishing machine, high lift, fork lift, one drum hoist, power hoisting (single drum), hoist - two drum or more, three drum engine, power hoisting (two drum and over), two drum and swinging engine, three drum swinging engine, hoist, A-1 frame winches, core and well drillers (one drum), post hole digger, model CMB Vibro-Tamp or similar machine, batch bin and plant operator, dinky locomotive, seeding and mulching machines.

CLASS III - Crane hydraulic cranes, tower crane, locomotive crane, piledriver, cableway, derricks, whirries, dragline, shovel, backhoe, gradalls, power road grader, all CMI equipment, front-end rubber tire loader, tractor-mounted drill (quarry master), mucking machine, concrete central mix plant, concrete pump, belcrete system, automated asphalt concrete plant, and tractor road paver.

CLASS IV - Maintenance Engineer.

MODIFICATIONS P. 13

DECISION NO. 0883-2006 - MOD. 87

(48 FR 6459 - February 11, 1983)  
Statewide, Ohio

Changes	Basic Hourly Rate	fringe benefits
Bricklayers & Stonemasons:		
Area 4:	\$16.87	52.50
Bricklayers	17.12	2.50
Sewer Bricklayers	15.82	2.44
Area 6	15.60	3.58
Area 15	16.10	2.66
Area 16	17.655	2.99
Area 20	15.60	3.58
Area 23	16.01	2.14
Area 25		
Carpenters & Piledrivers:		
Area 3:	18.00	4.81
Piledrivers		
Area 4:	18.45	4.36
Carpenters	18.00	4.81
Piledrivers		
Area 8:	16.12	3.15
Carpenters	16.84	3.15
Piledrivers		
Area 8:	17.18	3.02
Carpenters	17.44	3.02
Piledrivers		
Area 9:	16.12	3.15
Carpenters	16.94	3.15
Piledrivers		
Area 10:	16.85	3.32
Carpenters	16.65	3.32
Piledrivers		
Area 11:	17.51	1.81
Carpenters	18.81	2.73
Piledrivers		
Area 12:	18.81	2.73
Carpenters		
Piledrivers		
Area 13:	18.81	2.73
Carpenters; Piledrivers		
Area 14:	18.81	2.73
Carpenters		
Piledrivers		
Area 15:	16.12	3.15
Carpenters	18.94	3.15
Piledrivers		
Area 16:	16.20	3.44
Carpenters	17.11	3.44
Piledrivers		
Area 18:	16.90	3.24
Carpenters	18.00	4.81
Piledrivers		
Electricians:		
Area 3	18.22	2.99
Area 11	17.59	4.75
Area 12	17.14	2.95
Area 13:		
Within 11 mi. radius of 3rd & Main St., Dayton, Ohio	16.98	2.99
Beyond 11 mi. radius of 3rd & Main St., Dayton, Ohio	17.21	3.00

MODIFICATIONS P. 14

DECISION NO. 0883-2006 (Cont'd)

Changes:

Changes	Basic Hourly Rate	fringe benefits
Line Construction (Cont'd):		
Area 3:	18.22	32.47
Equipment Operators; Linemen	10.93	2.21
Line Truck Driver	11.84	2.24
Groundmen		
Area 9:	16.48	4.63
Cable Splicers	17.59	4.75
Linemen	13.33	4.51
Line Equipment Operators	11.73	4.12
Groundmen; Truck Drivers		
Area 11:	18.98	2.56
Cable Splicers; Linemen		
Operators		
Area 14:	15.98	2.56
Equipment; Equipment, Cranes, Hydraulic Lift or Hoist		
Line Truck w/Winch or Pole & Steel Handling	14.24	2.40
Non-specialized Truck & Misc. Equipment; Groundmen - Truck Driver	11.94	2.30
Area 16:	17.24	1.45
Cable Splicers; Equipment Operators; Linemen	10.25	1.21
Area 16:	18.52	1.49
Cable Splicers; Equipment Operators & Linemen	10.25	1.21
Groundmen		
Area 18:	16.50	1.63
Cable Splicers; Linemen; Equipment; All Mechanized	13.08	1.31
Equipment - Truck Drivers	10.09	1.20
Groundmen		
Area 20:	15.83	1.40
Cable Splicers; Linemen; Equipment Operators	13.84	1.33
Groundmen	10.25	1.21
Area 21:	18.95	3.56
Cable Splicers; Equipment Operators & Linemen; Truck Driver (Winch), Groundmen; Groundmen	12.32	3.33

DECISION NO. 0883-2013 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Changes (Cont'd): Painters (Cont'd): Portage & Summit Cos. (UP to local Ohio Through) Commercial Buildings; Brushy Boiler; & Paper-hanger Structural Steel; Drywall Finishers & Tapers Spray Residential; Paperhangers Drywall Tapers Spray Stark Co. Commercial Buildings; Brushy Roller Paperhangers Drywall Spray Drywall with Machines Pipefitters; Plumbers; & Steamfitters Portage & Summit Cos. (S. of #205, except Corp. limits of Indiana); Commercial Building Stark Co. Painters; Portage, Stark & Summit Cos. Roofers; Ashabola, Cuyaboga, Lake, & Lorain Cos. Portage, Stark, & Summit Cos. Laborers; Residential Portage & Summit Cos.; Commercial Buildings Group 1 Group 2 Group 3 Group 4 Truck Drivers; Ashabola Co.; Dump; Stalk Body; Batch Flat Bottom; & Pickup Semi; Tractors	\$16.25 17.00 17.10 17.25 12.19 12.75 12.825 16.76 16.86 17.16 17.26 17.51 17.60 16.91 17.61 19.78 17.14 12.77 14.82 14.52 14.47 14.32 14.54 14.76	\$1.42 2.42 2.42 2.42 2.42 2.42 2.42 2.10 2.10 2.10 2.10 2.10 3.90 3.0748 1.81 2.80 2.94 2.76 2.76 2.76 2.76 1.4241 1.4241

DECISION NO. 0883-2013 - MOD. #1 (48 FR 8130 - February 25, 1983)	Basic Hourly Rates	Fringe Benefits
Ironworkers; Ashabola (SE & of Co.) Co.; Residential Ashabola (S & of Co.) & Depot Cos.; Ornamental; Reinforcing & Structural Sheeters; Layout Men Stark Co. Line Construction Stark Co.; Cable Splicers Lissman Truck Drivers; Groundmen Line Equipment Ops. Marble Setters; Terrazzo Workers; & Tile Setters; Cuyaboga Co.; Tile Setters Portage & Summit Cos. Marble, Terrazzo, & Tile Finishers; Cuyaboga, Lake, & Lorain Cos.; Tile Finishers Portage & Summit Cos. Painters; Portage (Rayvema Ordnance Dept.) Co.; Brushy Boiler; Water-proofing; Paperhangers Wallwashing; Hydro Jet Cleaning; Steam Cleaning Spray; Epoxy-mastic (Brush or Roller) Swing; Interior Scaffold over 30 ft.; Window Jacks & Safety Belts Drywall Taping Open Structural Steel Shipping (when permitted) Epoxy - mastic (spray) Paperhangers (Furnishing own tools)	\$16.25 12.19 17.51 18.51 15.66 16.48 17.59 15.33 18.155 17.52 17.79 17.02 15.54 16.04 15.71 15.49 15.75 15.89 16.54 15.79	3.62 3.62 3.31 3.31 5.44 4.63 4.75 4.12 4.51 3.00 2.57 2.75 2.57 3.16 3.16 3.16 3.16 3.16 3.16 3.16 3.16

DECISION NO. 0883-2013 - MOD. #2 (48 FR 8130 - February 25, 1983)	Basic Hourly Rates	Fringe Benefits
Ashabola, Cuyaboga, Lake, Lorain, Portage, Stark & Summit Counties, Ohio Changes: Asbestos Workers; Ashabola (Sum. of Co.) Co. Boilermakers Bricklayers; Stonemasons Ashabola Co. Cuyaboga Co. Portage & Summit Cos.; Commercial Buildings; Carpenters; Millwrights; Plasterers; & Soft Floor Layers; Lorain Co.; Millwrights Pile-drivers Portage & Summit Cos.; Commercial Building; Carpenters Residential Carpenters Common Masons; Portage, Stark, & Summit Cos.; Commercial Building Residential Lorain (Except Columbia Top.) Co.; Commercial Building Portage (Dupa. of Aviator, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.; Residential Electricians Stark Co.; Commercial Building Residential Elevator Constructors; Cuyaboga, Lake, & Lorain Cos.; Mechanic Shipers	\$15.44 18.755 16.87 18.59 18.47 18.00 18.00 16.90 12.59 18.39 17.42 18.95 11.04 17.59 12.19 19.945 TOTAL	\$2.83 3.865 3.00 4.12 2.67 4.81 4.81 3.24 1.95 1.92 1.92 3.49 2.33 4.75 2.79 2.6944 2.6944

MODIFICATIONS P. 18

Basic Hourly Rates	Fringe Benefits
\$17.28	3.56
16.48	3.56
15.73	3.56
15.28	3.56
15.16	3.56
17.55	3.56
17.78	3.56
16.28	3.56
16.28	3.56
15.49	3.56
14.73	3.56
14.25	3.56
14.16	3.56
16.55	3.56
16.78	3.56
17.28	3.56

**Change:**  
 Asbestos Workers  
 Boilermakers  
 Bricklayers; Caulkers;  
 Cleaners; Pointers; and  
 Stonemasons;  
 Area 2  
 Carpenters; Lathers;  
 Commercial Building  
 Residential  
 Electricians;  
 Area 3;  
 Commercial Building  
 Residential ( 4 units  
 only)  
 Glaziers;  
 Area 1;  
 Insulators;  
 Residential  
 Ironworkers  
 Line Constructors;  
 Area 2;  
 Licenser  
 Cable Splicer  
 Line Equipment Ops.  
 Groundman; Truck Driver  
 Marble Setters; Terrazzo  
 Workers; & Tile Setters  
 Area 1  
 Millwrights;  
 Painters;  
 Brush; Dipping; Hydro  
 Jet Cleaning; Paper-  
 hangers; Roller; Steam-  
 cleaning; Wall Washings  
 and Waterproofing  
 Spray; Epoxy-mastic  
 (Brush and Roller)  
 Drywall Taping  
 Open Structural Steel  
 Plumbers; Steamfitters;  
 and Pipefitters;  
 Area 1  
 Area 2  
 Soft Floor Layers;  
 Commercial  
 Residential

Basic Hourly Rates	Fringe Benefits
\$18.44	2.83
18.755	3.805
15.69	2.75
16.20	3.44
14.58	3.44
17.59	4.75
12.15	2.70
15.85	3.01
9.95	3.44
17.51	3.31
17.59	4.75
16.48	4.63
15.33	4.51
11.73	4.12
19.34	
17.11	3.44
15.54	3.16
16.04	3.16
15.69	3.16
15.75	3.16
18.13	2.72
16.64	4.63
15.56	3.44
14.00	3.44

Power Equipment Operators;  
 Commercial Building;  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 5  
 Group 6  
 Group 7  
 Group 8  
 Residential:  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 5  
 Group 6  
 Group 7  
 Group 8  
 Add:  
 Power Equipment Operators  
 Group 7; Lead Engineer  
 Group 8; Miscellaneous Machine  
 Truck Drivers;  
 Class A; Dumper; Scale Body;  
 Heavy Flat Bottoms &  
 Pilecaps  
 Class B; Semi's Tractors  
 Class C; Carryalls; Excld  
 Wagons D.W. 10 Caterpillar  
 (or equivalent)  
 Class D; Tractor Trailer  
 (Low Boy)  
 Footnotes:  
 4. \$51.00 per employee  
 per week

MODIFICATIONS P. 17

Basic Hourly Rates	Fringe Benefits
\$17.685	2.99
18.81	2.73
20.00	3.66
23.00	3.76
11.88	3.39
16.49	2.37
18.74	3.44
18.90	3.42
17.00	3.09
17.475	3.785
16.99	2.91
18.00	1.36
14.93	2.71
15.01	2.71
15.11	2.71
15.08	2.71
15.08	2.71
15.18	2.71
15.84	2.71
15.27	2.71
15.06	2.71
15.39	2.71
15.37	2.71

**Change:**  
 Bricklayers; Marble  
 Setters; and Stone-  
 Masons  
 Carpenters; Lathers; -  
 Millwrights and Pile-  
 driverman  
 Electricians;  
 Cable Splicers  
 Masifential  
 Glaziers  
 Ironworkers  
 Plumbers; Steamfitters;  
 and Pipefitters  
 Roofers  
 Sheet Metal Workers  
 Soft Floor Layers;  
 Commercial  
 Terrazzo Workers and  
 Tile Setters

**LABORERS:**  
 Group 1  
 Group 2  
 Group 3  
 Group 4  
 Group 5  
 Group 6  
 Group 7  
 Group 8  
 Group 9  
 Group 10  
 Group 11  
 Group 12

DECISION NO. OHS-1041 - NCO, #1  
 (48 FR 21792 - May 11, 1983)  
 Mahoning & Trembly Counties,  
 Ohio

DECISION NO. OHS-1040 - NCO, #1  
 (48 FR 21791 - May 11, 1983)  
 Lucas County, Ohio

MODIFICATIONS P. 20

	Basic Hourly Rate	Fringe Benefits
DECISION NO. R181-3042 - MOD. #14 (46 FR 42615 - August 21, 1981) STATEWIDE SHORE ISLAND  CHANGE: BUILDING CONSTRUCTION CARPENTERS; MILLWRIGHTS; PILEDRIVEN & SOFT FLOOR LAYERS: Cities of Providence, Pawtucket, East Provid- ence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smith- field, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown: Building Millwrights City of Newport; Towns of Middletown, Ports- mouth, Jamestown, Tiver- ton, Little Compton, New- Shoreham (Block Island), & Prudence Island: Carpenters; Soft Floor Layers Millwrights (Cities of Tiverton & Little Compton)  Laborers: Plasterers* Tenders, Scaffold Builders, Mortar Mixers	14.55	3.50
DECISION NO. T982-2057 - MOD. #4 (47 FR 52324 - November 19, 1982) Shelby County, Tennessee  CHANGE: Cement Masons Plasterers	13.15 13.15	2.75 2.75
DECISION NO. R181-3042 - MOD. #14 (46 FR 42615 - August 21, 1981) STATEWIDE SHORE ISLAND  CHANGE: BUILDING CONSTRUCTION CARPENTERS; MILLWRIGHTS; PILEDRIVEN & SOFT FLOOR LAYERS: Cities of Providence, Pawtucket, East Provid- ence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smith- field, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown: Building Millwrights City of Newport; Towns of Middletown, Ports- mouth, Jamestown, Tiver- ton, Little Compton, New- Shoreham (Block Island), & Prudence Island: Carpenters; Soft Floor Layers Millwrights (Cities of Tiverton & Little Compton)  Laborers: Plasterers* Tenders, Scaffold Builders, Mortar Mixers	14.50 14.75	3.55 3.55
DECISION NO. R181-3042 - MOD. #14 (46 FR 42615 - August 21, 1981) STATEWIDE SHORE ISLAND  CHANGE: BUILDING CONSTRUCTION CARPENTERS; MILLWRIGHTS; PILEDRIVEN & SOFT FLOOR LAYERS: Cities of Providence, Pawtucket, East Provid- ence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smith- field, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown: Building Millwrights City of Newport; Towns of Middletown, Ports- mouth, Jamestown, Tiver- ton, Little Compton, New- Shoreham (Block Island), & Prudence Island: Carpenters; Soft Floor Layers Millwrights (Cities of Tiverton & Little Compton)  Laborers: Plasterers* Tenders, Scaffold Builders, Mortar Mixers	14.50 14.75	3.55 3.55
DECISION NO. R181-3042 - MOD. #14 (46 FR 42615 - August 21, 1981) STATEWIDE SHORE ISLAND  CHANGE: BUILDING CONSTRUCTION CARPENTERS; MILLWRIGHTS; PILEDRIVEN & SOFT FLOOR LAYERS: Cities of Providence, Pawtucket, East Provid- ence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smith- field, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown: Building Millwrights City of Newport; Towns of Middletown, Ports- mouth, Jamestown, Tiver- ton, Little Compton, New- Shoreham (Block Island), & Prudence Island: Carpenters; Soft Floor Layers Millwrights (Cities of Tiverton & Little Compton)  Laborers: Plasterers* Tenders, Scaffold Builders, Mortar Mixers	13.20	2.35
MOD: Pumping Machine Operator	13.55	2.35

MODIFICATIONS P. 19

	Basic Hourly Rate	Fringe Benefits
DECISION NO. 0883-5100 - Mod #6 (48 FR 7174 Feb. 18, 1983) Statewide Oregon  CHANGE: CARPENTERS: Groups 1 to 6:(Fringe Benefits) CEMENT MASONS: Composition Workers; Power Machinery (Fringe Benefits) POWER EQUIPMENT OPERATORS: (Fringe Benefits): Groups 1 to 19 ZONE DESCRIPTIONS for Power Equipment Operators: Identical to Laborers and Truck Drivers as contained in Modification #2 dated April 8, 1983 (48 FR 15401)		\$3.52 4.22 4.22 4.35

SUPERSEDES DECISION

DECISION NO. / MOD. # / DATE	Basic Hourly Rate	fringe Benefits
DECISION NO. VA81-3015-Mod. #11 (7/6 FR 1566-March 6, 1981) Norfolk Army Ammunition Plant, Virginia CHANGE: MILLWRIGHTS	\$15.80 15.80	\$3.115 .97
DECISION NO. VA82-3025-Mod. #3 (47 FR 54747-December 3, 1982) YORK COUNTY, & THE CITIES OF HAMPTON & NEWPORT NEWS (INCLUDING LANGLEY AFB, FORT EUSTIS & FORT MONROE) CHANGE: BOILERMAKERS	15.80	3.115
ELECTRICIANS: Zone 1-within a 16 air mile radius of 7812 Warwick Blvd., Newport News; Wireman	13.58	1.00+ 104
Zone 2-beyond a 16 air mile radius of 7812 Warwick Blvd., Newport News; Wireman	14.58	1.00+ 104
PLUMBERS & STEAMFITTERS OMIT: CABLE SPlicERS FROM ELECTRICIANS	14.30	1.39
DECISION NO. VA82-3034-Mod. #2 (47 FR 54746-December 3, 1982) THE CITIES OF CHESTER, PETERSBURG, & VIRGINIA BEACH CHANGE: BOILERMAKERS	15.80	1.00+ 104
IRONWORKERS: Reinforcing, Ornamental, Structural, Riggers, Fabric Erectors, Machinery Movers MARBLE SETTERS TERRAZZO & TILE SETTERS	13.50 11.20 11.20	2.40 1.20 1.20
DECISION NO. VA82-3031-Mod. #4 (47 FR 54744-December 3, 1982) HENRICO COUNTY & THE IND-DEPENDENT CITY OF RICHMOND		

STATE: California	Basic Hourly Rate	fringe Benefits
COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madras, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Siskiyou, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba	\$15.80	\$3.115

DECISION NUMBER: CA83-5112  
 SUPERSEDES DECISION NO. CA82-5112 dated July 16, 1982, in 47 FR 31154; and Decision No. CA82-5120 dated August 27, 1982, in 47 FR 38022  
 DESCRIPTION OF WORK: Building; Heavy (excluding Water Well Drilling) and Highway Projects; and Residential Projects (excluding Alpine, Butte, Colusa, Fresno, Glenn, Kings, Lake, Lassen, Madera, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Stanislaus, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba)

Basic Hourly Rate	fringe Benefits
\$22.40	\$5.31
21.39	3.96
18.85	5.75
19.05	4.85
17.35	3.06
17.33	3.46
17.47	3.33
20.25	3.87
17.57	3.89
17.19	3.96
14.73	3.05
15.48	3.70
14.73	3.05
14.73	3.05
12.39	4.40
14.26	3.10
19.28	6.455
19.43	6.455
18.68	7.455
18.79	6.455
16.65	6.455
16.80	6.455
17.55	7.455
18.79	6.455

ASBESTOS WORKERS  
 BOILERMAKERS  
 BRICKLAYERS: Stonemasons:  
 Area 1  
 Area 2  
 Area 3  
 Area 4  
 Area 5  
 Area 6  
 Area 7  
 Area 8  
 BRICK TENDERS:  
 Area 1  
 Area 2  
 Area 3  
 Area 4  
 Area 5  
 Area 6  
 CARPENTERS:  
 Area 1:  
 Carpenters  
 Barwood Floorlayers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring Saw Filers  
 Millwrights  
 Piledriverman  
 Area 2:  
 Carpenters  
 Barwood Floorlayers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring Saw Filers  
 Millwrights  
 Piledriverman  
 Area 3:  
 Carpenters  
 Barwood Floorlayers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring Saw Filers  
 Millwrights  
 Piledriverman  
 Area 4:  
 Carpenters  
 Barwood Floorlayers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring Saw Filers  
 Millwrights  
 Piledriverman  
 Area 5:  
 Carpenters  
 Barwood Floorlayers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring Saw Filers  
 Millwrights  
 Piledriverman  
 Area 6:  
 Carpenters  
 Barwood Floorlayers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring Saw Filers  
 Millwrights  
 Piledriverman  
 CARPENTERS: (Cont'd)  
 Area 3 (Residential)  
 Area 4:  
 Carpenters  
 Barwood Floor Layers;  
 Shinglers; Power Saw Operator; Steel Scalfold Erector and Steel Shoring; Saw Filers  
 Millwrights  
 Piledriverman  
 CEMENT MASONS:  
 Cement Masons  
 Swing or Slip Form Scaffolds or Composition Masons  
 COMMUNICATION TECHNICIAN  
 DIVERS:  
 Divers  
 Stand-by Divers  
 DRYWALL INSTALLERS/LATEERS:  
 Drywall Installers:  
 Latbers  
 Residential Drywall; Latbers:  
 Area 1  
 ELECTRICIANS:  
 Area 1:  
 Electricians  
 Area 2:  
 Electricians  
 Residential Electrician  
 Area 3:  
 Electricians  
 Residential Electrician  
 Area 4:  
 Electricians  
 Residential Electrician  
 Area 5:  
 Electricians  
 Residential Electrician  
 Area 6:  
 Electricians  
 Residential Electrician

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CAB83-5112	ELECTRICIANS: (Cont'd)	LINE CONSTRUCTION: (Cont'd)
Area 3:	Area 13:	Area 8:
Electricians	Electricians	Groundsmen
Cable Splicers	Cable Splicers	Linemen; Equipment
Area 4:	Area 14:	Operators
Electricians	Electricians	Cable Splicers
Residential Electricians	Cable Splicers	Area 9:
Area 5:	Area 15:	Groundsmen and
Electricians	Electricians	Truck Drivers
Cable Splicers	ELEVATOR CONSTRUCTORS:	Linemen
Area 6:	Mechanics	Heavy Equipment
Electricians	Helpers	Operators
Cable Splicers	Probationary Helper	Area 10:
Area 7:	GLAZIERS:	Groundsmen
Electricians	Area 1	Equipment Operators
Cable Splicers	Area 2	Linemen
Area 8:	Area 3 (Residential)	Area 11:
Electricians	Area 4 (Residential)	Groundsmen
Cable Splicers	Area 5	Line Equipment
Area 9:	Area 6	Operators
Electricians	Area 7	Linemen
Cable Splicers	IRONWORKERS:	Area 12:
Area 10:	Fence Erectors	Groundsmen
Residential Electricians	Reinforcing, Ornamental	Heavy Equipment
Area 11:	and Structural	Operators
Electricians	LINE CONSTRUCTION:	Linemen
Cable Splicers	Area 1:	Area 13:
Area 12:	Groundsmen	Groundsmen
Electricians	Line Equipment	Linemen; Technicians
Cable Splicers	Operators	Cable Splicers
Area 13:	Linemen	Area 14:
Electricians	Cable Splicers	Groundsmen
Cable Splicers	Area 2: (Zone 1):	Linemen; Technicians
Area 14:	Group 1	Cable Splicers
Electricians	Group 2	Area 15:
Cable Splicers	Group 3	Groundsmen
Area 15:	Group 4	Linemen; Technicians
Electricians	Area 3: (Zone 1):	Cable Splicers
Cable Splicers	Group 1	Area 16:
Area 16:	Group 2	Groundsmen
Electricians	Group 3	Linemen; Technicians
Cable Splicers	Group 4	Cable Splicers
Area 17:	Area 4: (Zone 1):	Area 17:
Electricians	Group 1	Groundsmen
Cable Splicers	Group 2	Linemen; Technicians
Area 18:	Group 3	Cable Splicers
Electricians	Group 4	Area 18:
Cable Splicers	Area 5: (Zone 1):	Groundsmen
Area 19:	Group 1	Linemen; Technicians
Electricians	Group 2	Cable Splicers
Cable Splicers	Group 3	Area 19:
Area 20:	Group 4	Groundsmen
Electricians	Area 6: (Zone 1):	Linemen; Technicians
Cable Splicers	Group 1	Cable Splicers
Area 21:	Group 2	Area 20:
Electricians	Group 3	Groundsmen
Cable Splicers	Group 4	Linemen; Technicians
Area 22:	Area 7: (Zone 1):	Cable Splicers
Electricians	Group 1	Area 21:
Cable Splicers	Group 2	Groundsmen
Area 23:	Group 3	Linemen; Technicians
Electricians	Group 4	Cable Splicers
Cable Splicers	Area 8: (Zone 1):	Area 22:
Area 24:	Group 1	Groundsmen
Electricians	Group 2	Linemen; Technicians
Cable Splicers	Group 3	Cable Splicers
Area 25:	Group 4	Area 23:
Electricians	Area 9: (Zone 1):	Groundsmen
Cable Splicers	Group 1	Linemen; Technicians
Area 26:	Group 2	Cable Splicers
Electricians	Group 3	Area 24:
Cable Splicers	Group 4	Groundsmen
Area 27:	Area 10: (Zone 1):	Linemen; Technicians
Electricians	Group 1	Cable Splicers
Cable Splicers	Group 2	Area 25:
Area 28:	Group 3	Groundsmen
Electricians	Group 4	Linemen; Technicians
Cable Splicers	Area 11: (Zone 1):	Cable Splicers
Area 29:	Group 1	Area 26:
Electricians	Group 2	Groundsmen
Cable Splicers	Group 3	Linemen; Technicians
Area 30:	Group 4	Cable Splicers
Electricians	Area 12: (Zone 1):	Area 27:
Cable Splicers	Group 1	Groundsmen
Area 31:	Group 2	Linemen; Technicians
Electricians	Group 3	Cable Splicers
Cable Splicers	Group 4	Area 28:
Area 32:	Area 13: (Zone 1):	Groundsmen
Electricians	Group 1	Linemen; Technicians
Cable Splicers	Group 2	Cable Splicers
Area 33:	Group 3	Area 29:
Electricians	Group 4	Groundsmen
Cable Splicers	Area 14: (Zone 1):	Linemen; Technicians
Area 34:	Group 1	Cable Splicers
Electricians	Group 2	Area 30:
Cable Splicers	Group 3	Groundsmen
Area 35:	Group 4	Linemen; Technicians
Electricians	Area 15: (Zone 1):	Cable Splicers
Cable Splicers	Group 1	Area 31:
Area 36:	Group 2	Groundsmen
Electricians	Group 3	Linemen; Technicians
Cable Splicers	Group 4	Cable Splicers
Area 37:	Area 16: (Zone 1):	Area 32:
Electricians	Group 1	Groundsmen
Cable Splicers	Group 2	Linemen; Technicians
Area 38:	Group 3	Cable Splicers
Electricians	Group 4	Area 33:
Cable Splicers	Area 17: (Zone 1):	Groundsmen
Area 39:	Group 1	Linemen; Technicians
Electricians	Group 2	Cable Splicers
Cable Splicers	Group 3	Area 34:
Area 40:	Group 4	Groundsmen
Electricians	Area 18: (Zone 1):	Linemen; Technicians
Cable Splicers	Group 1	Cable Splicers
Area 41:	Group 2	Area 35:
Electricians	Group 3	Groundsmen
Cable Splicers	Group 4	Linemen; Technicians
Area 42:	Area 19: (Zone 1):	Cable Splicers
Electricians	Group 1	Area 36:
Cable Splicers	Group 2	Groundsmen
Area 43:	Group 3	Linemen; Technicians
Electricians	Group 4	Cable Splicers
Cable Splicers	Area 20: (Zone 1):	Area 37:
Area 44:	Group 1	Groundsmen
Electricians	Group 2	Linemen; Technicians
Cable Splicers	Group 3	Cable Splicers
Area 45:	Group 4	Area 38:
Electricians	Area 21: (Zone 1):	Groundsmen
Cable Splicers	Group 1	Linemen; Technicians
Area 46:	Group 2	Cable Splicers
Electricians	Group 3	Area 39:
Cable Splicers	Group 4	Groundsmen
Area 47:	Area 22: (Zone 1):	Linemen; Technicians
Electricians	Group 1	Cable Splicers
Cable Splicers	Group 2	Area 40:
Area 48:	Group 3	Groundsmen
Electricians	Group 4	Linemen; Technicians
Cable Splicers	Area 23: (Zone 1):	Cable Splicers
Area 49:	Group 1	Area 41:
Electricians	Group 2	Groundsmen
Cable Splicers	Group 3	Linemen; Technicians
Area 50:	Group 4	Cable Splicers
Electricians	Area 24: (Zone 1):	Area 42:
Cable Splicers	Group 1	Groundsmen
Area 51:	Group 2	Linemen; Technicians
Electricians	Group 3	Cable Splicers
Cable Splicers	Group 4	Area 43:
Area 52:	Area 25: (Zone 1):	Groundsmen
Electricians	Group 1	Linemen; Technicians
Cable Splicers	Group 2	Cable Splicers
Area 53:	Group 3	Area 44:
Electricians	Group 4	Groundsmen
Cable Splicers	Area 26: (Zone 1):	Linemen; Technicians
Area 54:	Group 1	Cable Splicers
Electricians	Group 2	Area 45:
Cable Splicers	Group 3	Groundsmen
Area 55:	Group 4	Linemen; Technicians
Electricians	Area 27: (Zone 1):	Cable Splicers
Cable Splicers	Group 1	Area 46:
Area 56:	Group 2	Groundsmen
Electricians	Group 3	Linemen; Technicians
Cable Splicers	Group 4	Cable Splicers
Area 57:	Area 28: (Zone 1):	Area 47:
Electricians	Group 1	Groundsmen
Cable Splicers	Group 2	Linemen; Technicians
Area 58:	Group 3	Cable Splicers
Electricians	Group 4	Area 48:
Cable Splicers	Area 29: (Zone 1):	Groundsmen
Area 59:	Group 1	Linemen; Technicians
Electricians	Group 2	Cable Splicers
Cable Splicers	Group 3	Area 49:
Area 60:	Group 4	Groundsmen
Electricians	Area 30: (Zone 1):	Linemen; Technicians
Cable Splicers	Group 1	Cable Splicers
Area 61:	Group 2	Area 50:
Electricians	Group 3	Groundsmen
Cable Splicers	Group 4	Linemen; Technicians
Area 62:	Area 31: (Zone 1):	Cable Splicers
Electricians	Group 1	Area 51:
Cable Splicers	Group 2	Groundsmen
Area 63:	Group 3	Linemen; Technicians
Electricians	Group 4	Cable Splicers
Cable Splicers	Area 32: (Zone 1):	Area 52:
Area 64:	Group 1	Groundsmen
Electricians	Group 2	Linemen; Technicians
Cable Splicers	Group 3	Cable Splicers
Area 65:	Group 4	Area 53:
Electricians	Area 33: (Zone 1):	Groundsmen
Cable Splicers	Group 1	Linemen; Technicians
Area 66:	Group 2	Cable Splicers
Electricians	Group 3	Area 54:
Cable Splicers	Group 4	Groundsmen
Area 67:	Area 34: (Zone 1):	Linemen; Technicians
Electricians	Group 1	Cable Splicers
Cable Splicers	Group 2	Area 55:
Area 68:	Group 3	Groundsmen
Electricians	Group 4	Linemen; Technicians
Cable Splicers	Area 35: (Zone 1):	Cable Splicers
Area 69:	Group 1	Area 56:
Electricians	Group 2	Groundsmen
Cable Splicers	Group 3	Linemen; Technicians
Area 70:	Group 4	Cable Splicers
Electricians	Area 36: (Zone 1):	Area 57:
Cable Splicers	Group 1	Groundsmen
Area 71:	Group 2	Linemen; Technicians
Electricians	Group 3	Cable Splicers
Cable Splicers	Group 4	Area 58:
Area 72:	Area 37: (Zone 1):	Groundsmen
Electricians	Group 1	Linemen; Technicians
Cable Splicers	Group 2	Cable Splicers
Area 73:	Group 3	Area 59:
Electricians	Group 4	Groundsmen
Cable Splicers	Area 38: (Zone 1):	Linemen; Technicians
Area 74:	Group 1	Cable Splicers
Electricians	Group 2	Area 60:
Cable Splicers	Group 3	Groundsmen
Area 75:	Group 4	Linemen; Technicians
Electricians	Area 39: (Zone 1):	Cable Splicers
Cable Splicers	Group 1	Area 61:
Area 76:	Group 2	Groundsmen
Electricians	Group 3	Linemen; Technicians
Cable Splicers	Group 4	Cable Splicers
Area 77:	Area 40: (Zone 1):	Area 62:
Electricians	Group 1	Groundsmen
Cable Splicers	Group 2	Linemen; Technicians
Area 78:	Group 3	Cable Splicers
Electricians	Group 4	Area 63:
Cable Splicers	Area 41: (Zone 1):	Groundsmen
Area 79:	Group 1	Linemen; Technicians
Electricians	Group 2	Cable Splicers
Cable Splicers	Group 3	Area 64:
Area 80:	Group 4	Groundsmen
Electricians	Area 42: (Zone 1):	Linemen; Technicians
Cable Splicers	Group 1	Cable Splicers
Area 81:	Group 2	Area 65:
Electricians	Group 3	Groundsmen
Cable Splicers	Group 4	Linemen; Technicians
Area 82:	Area 43: (Zone 1):	Cable Splicers
Electricians	Group 1	Area 66:
Cable Splicers	Group 2	Groundsmen
Area 83:	Group 3	Linemen; Technicians
Electricians	Group 4	Cable Splicers
Cable Splicers	Area 44: (Zone 1):	Area 67:
Area 84:	Group 1	Groundsmen
Electricians	Group 2	Linemen; Technicians
Cable Splicers	Group 3	Cable Splicers
Area 85:	Group 4	Area 68:
Electricians	Area 45: (Zone 1):	Groundsmen
Cable Splicers	Group 1	Linemen; Technicians
Area 86:	Group 2	Cable Splicers
Electricians	Group 3	Area 69:
Cable Splicers	Group 4	Groundsmen
Area 87:	Area 46: (Zone 1):	Linemen; Technicians
Electricians	Group 1	Cable Splicers
Cable Splicers	Group 2	Area 70:
Area 88:	Group 3	Groundsmen
Electricians	Group 4	Linemen; Technicians
Cable Splicers	Area 47: (Zone 1):	Cable Splicers
Area 89:	Group 1	Area 71:
Electricians	Group 2	Groundsmen
Cable Splicers	Group 3	Linemen; Technicians
Area 90:	Group 4	Cable Splicers
Electricians	Area 48: (Zone 1):	Area 72:
Cable Splicers	Group 1	Groundsmen
Area 91:	Group 2	Linemen; Technicians
Electricians	Group 3	Cable Splicers
Cable Splicers	Group 4	Area 73:
Area 92:	Area 49: (Zone 1):	Groundsmen
Electricians	Group 1	Linemen; Technicians
Cable Splicers	Group 2	Cable Splicers
Area 93:	Group 3	Area 74:
Electricians	Group 4	Groundsmen
Cable Splicers	Area 50: (Zone 1):	Linemen; Technicians
Area 94:	Group 1	Cable Splicers
Electricians	Group 2	Area 75:
Cable Splicers	Group 3	Groundsmen
Area 95:	Group 4	Linemen; Technicians
Electricians	Area 51: (Zone 1):	Cable Splicers
Cable Splicers	Group 1	Area 76:
Area 96:	Group 2	Groundsmen
Electricians	Group 3	Linemen; Technicians
Cable Splicers	Group 4	Cable Splicers
Area 97:	Area 52: (Zone 1):	Area 77:
Electricians	Group 1	Groundsmen
Cable Splicers	Group 2	Linemen; Technicians
Area 98:	Group 3	Cable Splicers
Electricians	Group 4	Area 78:
Cable Splicers	Area 53: (Zone 1):	Groundsmen
Area 99:	Group 1	Linemen; Technicians
Electricians	Group 2	Cable Splicers
Cable Splicers	Group 3	Area 79:
Area 100:	Group 4	Groundsmen
Electricians	Area 54: (Zone 1):	Linemen; Technicians
Cable Splicers	Group 1	Cable Splicers
Area 101:	Group 2	Area 80:
Electricians	Group 3	Groundsmen
Cable Splicers	Group 4	Linemen; Technicians
Area 102:	Area 55: (Zone 1):	Cable Splicers
Electricians	Group 1	Area 81:
Cable Splicers	Group 2	Groundsmen
Area 103:	Group 3	Linemen; Technicians
Electricians	Group 4	Cable Splicers
Cable Splicers	Area 56: (Zone 1):	Area 82:
Area 104:	Group 1	Groundsmen
Electricians	Group 2	Linemen; Technicians
Cable Splicers	Group 3	Cable Splicers
Area 105:	Group 4	Area 83:
Electricians	Area 57: (Zone 1):	Groundsmen
Cable Splicers	Group 1	Linemen; Technicians
Area 106:	Group 2	Cable Splicers
Electricians	Group 3	Area 84:
Cable Splicers	Group 4	Groundsmen
Area 107:	Area 58: (Zone 1):	Linemen; Technicians
Electricians	Group 1	Cable Splicers
Cable Splicers	Group 2	Area 85:
Area 108:	Group 3	Groundsmen
Electricians	Group 4	Linemen; Technicians
Cable Splicers	Area 59: (Zone 1):	Cable Splicers
Area 109:	Group 1	Area 86:
Electricians	Group 2	Groundsmen
Cable Splicers	Group 3	Linemen; Technicians
Area 110:	Group 4	Cable Splicers
Electricians	Area 60: (Zone 1):	Area 87:
Cable Splicers	Group 1	Groundsmen
Area 111:	Group 2	Linemen; Technicians
Electricians	Group 3	Cable Splicers
Cable Splicers	Group 4	Area 88:
Area 112:	Area 61: (Zone 1):	Groundsmen
Electricians	Group 1	Linemen; Technicians
Cable Splicers	Group 2	Cable Splicers
Area 113:	Group 3	Area 89:
Electricians	Group 4	Groundsmen
Cable Splicers	Area 62: (Zone 1):	Linemen; Technicians
Area 114:	Group	

DECISION NO. CAB3-5112	DECISION NO. CAB3-5112	DECISION NO. CAB3-5112	DECISION NO. CAB3-5112	DECISION NO. CAB3-5112	DECISION NO. CAB3-5112	DECISION NO. CAB3-5112	DECISION NO. CAB3-5112
LINE CONSTRUCTION: (Cont'd)	PARKING LOT STRIPING WORK and/or HIGHWAY MARKERS: (Cont'd)	PAINTERS: (Cont'd)	PLASTERERS* TENDERS:	PLUMBERS:	PLUMBERS: Steamfitters:	ROOFERS:	SEBEST METAL WORKERS:
Area 14: Groundmen	Area 2: Traffic Delineating Device Applicator; Wheel Stop Installers; Traffic Surface Sand-blaster	Area 7: Brush	Area 1	Area 1	Area 1	Area 1:	Area 1:
Linemen; Line Equipment Operators	Striper	Spray; Sandblasting; Steam Cleaning	Area 2	Area 2	Area 2	Area 2:	Area 2:
Cable Splicers	Slurry Seal Operator	Drywall Finisher	Area 3	Area 3	Area 3	Area 3:	Area 3:
Area 15: Groundmen	Mixer Operator	Brush (exterior stage)	Area 4	Area 4	Area 4	Area 4:	Area 4:
Heavy Equipment Operator	Squeegee Man	5-, 6- and 7 story buildings erected steel over 50 ft.	Area 5	Area 5	Area 5	Area 5:	Area 5:
Linemen	Applicator Operator	Paperhangers	Area 6	Area 6	Area 6	Area 6:	Area 6:
Cable Splicers	Top Man	Rollers	Area 7	Area 7	Area 7	Area 7:	Area 7:
MARBLE SETTERS	PLASTERERS:	Spray; Sandblaster; Structural Steel; Swing Stager; Tapers	Area 8	Area 8	Area 8	Area 8:	Area 8:
Area 1	Area 1	Brush	Area 9	Area 9	Area 9	Area 9:	Area 9:
Area 2	Area 2	Spray	Area 10	Area 10	Area 10	Area 10:	Area 10:
PAINTERS:	Area 3	Spray (coating) and Paperhangers	Area 1	Area 1	Area 1	Area 1:	Area 1:
Area 1:	Area 4	Tapers (paint)	Area 2	Area 2	Area 2	Area 2:	Area 2:
Groundmen	Area 5	Area 10: Brush	Area 3	Area 3	Area 3	Area 3:	Area 3:
Linemen; Line Equipment Operators	Area 6	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 4	Area 4	Area 4	Area 4:	Area 4:
Cable Splicers	Area 7	Structural Steel; Swing Stager; Tapers	Area 5	Area 5	Area 5	Area 5:	Area 5:
Area 15: Groundmen	Area 8	Brush	Area 6	Area 6	Area 6	Area 6:	Area 6:
Heavy Equipment Operator	Area 9	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 7	Area 7	Area 7	Area 7:	Area 7:
Linemen	Area 10	Structural Steel; Swing Stager; Tapers	Area 8	Area 8	Area 8	Area 8:	Area 8:
Cable Splicers	Area 11	Brush	Area 9	Area 9	Area 9	Area 9:	Area 9:
Area 1	Area 12	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 10	Area 10	Area 10	Area 10:	Area 10:
Area 2	Area 13	Structural Steel; Swing Stager; Tapers	Area 11	Area 11	Area 11	Area 11:	Area 11:
PAINTERS:	Area 14	Brush	Area 12	Area 12	Area 12	Area 12:	Area 12:
Area 1:	Area 15	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 13	Area 13	Area 13	Area 13:	Area 13:
Groundmen	Area 16	Structural Steel; Swing Stager; Tapers	Area 14	Area 14	Area 14	Area 14:	Area 14:
Linemen; Line Equipment Operators	Area 17	Brush	Area 15	Area 15	Area 15	Area 15:	Area 15:
Cable Splicers	Area 18	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 16	Area 16	Area 16	Area 16:	Area 16:
Area 15: Groundmen	Area 19	Structural Steel; Swing Stager; Tapers	Area 17	Area 17	Area 17	Area 17:	Area 17:
Heavy Equipment Operator	Area 20	Brush	Area 18	Area 18	Area 18	Area 18:	Area 18:
Linemen	Area 21	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 19	Area 19	Area 19	Area 19:	Area 19:
Cable Splicers	Area 22	Structural Steel; Swing Stager; Tapers	Area 20	Area 20	Area 20	Area 20:	Area 20:
Area 1	Area 23	Brush	Area 21	Area 21	Area 21	Area 21:	Area 21:
Area 2	Area 24	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 22	Area 22	Area 22	Area 22:	Area 22:
PAINTERS:	Area 25	Structural Steel; Swing Stager; Tapers	Area 23	Area 23	Area 23	Area 23:	Area 23:
Area 1:	Area 26	Brush	Area 24	Area 24	Area 24	Area 24:	Area 24:
Groundmen	Area 27	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 25	Area 25	Area 25	Area 25:	Area 25:
Linemen; Line Equipment Operators	Area 28	Structural Steel; Swing Stager; Tapers	Area 26	Area 26	Area 26	Area 26:	Area 26:
Cable Splicers	Area 29	Brush	Area 27	Area 27	Area 27	Area 27:	Area 27:
Area 15: Groundmen	Area 30	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 28	Area 28	Area 28	Area 28:	Area 28:
Heavy Equipment Operator	Area 31	Structural Steel; Swing Stager; Tapers	Area 29	Area 29	Area 29	Area 29:	Area 29:
Linemen	Area 32	Brush	Area 30	Area 30	Area 30	Area 30:	Area 30:
Cable Splicers	Area 33	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 31	Area 31	Area 31	Area 31:	Area 31:
Area 1	Area 34	Structural Steel; Swing Stager; Tapers	Area 32	Area 32	Area 32	Area 32:	Area 32:
Area 2	Area 35	Brush	Area 33	Area 33	Area 33	Area 33:	Area 33:
PAINTERS:	Area 36	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 34	Area 34	Area 34	Area 34:	Area 34:
Area 1:	Area 37	Structural Steel; Swing Stager; Tapers	Area 35	Area 35	Area 35	Area 35:	Area 35:
Groundmen	Area 38	Brush	Area 36	Area 36	Area 36	Area 36:	Area 36:
Linemen; Line Equipment Operators	Area 39	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 37	Area 37	Area 37	Area 37:	Area 37:
Cable Splicers	Area 40	Structural Steel; Swing Stager; Tapers	Area 38	Area 38	Area 38	Area 38:	Area 38:
Area 15: Groundmen	Area 41	Brush	Area 39	Area 39	Area 39	Area 39:	Area 39:
Heavy Equipment Operator	Area 42	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 40	Area 40	Area 40	Area 40:	Area 40:
Linemen	Area 43	Structural Steel; Swing Stager; Tapers	Area 41	Area 41	Area 41	Area 41:	Area 41:
Cable Splicers	Area 44	Brush	Area 42	Area 42	Area 42	Area 42:	Area 42:
Area 1	Area 45	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 43	Area 43	Area 43	Area 43:	Area 43:
Area 2	Area 46	Structural Steel; Swing Stager; Tapers	Area 44	Area 44	Area 44	Area 44:	Area 44:
PAINTERS:	Area 47	Brush	Area 45	Area 45	Area 45	Area 45:	Area 45:
Area 1:	Area 48	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 46	Area 46	Area 46	Area 46:	Area 46:
Groundmen	Area 49	Structural Steel; Swing Stager; Tapers	Area 47	Area 47	Area 47	Area 47:	Area 47:
Linemen; Line Equipment Operators	Area 50	Brush	Area 48	Area 48	Area 48	Area 48:	Area 48:
Cable Splicers	Area 51	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 49	Area 49	Area 49	Area 49:	Area 49:
Area 15: Groundmen	Area 52	Structural Steel; Swing Stager; Tapers	Area 50	Area 50	Area 50	Area 50:	Area 50:
Heavy Equipment Operator	Area 53	Brush	Area 51	Area 51	Area 51	Area 51:	Area 51:
Linemen	Area 54	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 52	Area 52	Area 52	Area 52:	Area 52:
Cable Splicers	Area 55	Structural Steel; Swing Stager; Tapers	Area 53	Area 53	Area 53	Area 53:	Area 53:
Area 1	Area 56	Brush	Area 54	Area 54	Area 54	Area 54:	Area 54:
Area 2	Area 57	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 55	Area 55	Area 55	Area 55:	Area 55:
PAINTERS:	Area 58	Structural Steel; Swing Stager; Tapers	Area 56	Area 56	Area 56	Area 56:	Area 56:
Area 1:	Area 59	Brush	Area 57	Area 57	Area 57	Area 57:	Area 57:
Groundmen	Area 60	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 58	Area 58	Area 58	Area 58:	Area 58:
Linemen; Line Equipment Operators	Area 61	Structural Steel; Swing Stager; Tapers	Area 59	Area 59	Area 59	Area 59:	Area 59:
Cable Splicers	Area 62	Brush	Area 60	Area 60	Area 60	Area 60:	Area 60:
Area 15: Groundmen	Area 63	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 61	Area 61	Area 61	Area 61:	Area 61:
Heavy Equipment Operator	Area 64	Structural Steel; Swing Stager; Tapers	Area 62	Area 62	Area 62	Area 62:	Area 62:
Linemen	Area 65	Brush	Area 63	Area 63	Area 63	Area 63:	Area 63:
Cable Splicers	Area 66	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 64	Area 64	Area 64	Area 64:	Area 64:
Area 1	Area 67	Structural Steel; Swing Stager; Tapers	Area 65	Area 65	Area 65	Area 65:	Area 65:
Area 2	Area 68	Brush	Area 66	Area 66	Area 66	Area 66:	Area 66:
PAINTERS:	Area 69	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 67	Area 67	Area 67	Area 67:	Area 67:
Area 1:	Area 70	Structural Steel; Swing Stager; Tapers	Area 68	Area 68	Area 68	Area 68:	Area 68:
Groundmen	Area 71	Brush	Area 69	Area 69	Area 69	Area 69:	Area 69:
Linemen; Line Equipment Operators	Area 72	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 70	Area 70	Area 70	Area 70:	Area 70:
Cable Splicers	Area 73	Structural Steel; Swing Stager; Tapers	Area 71	Area 71	Area 71	Area 71:	Area 71:
Area 15: Groundmen	Area 74	Brush	Area 72	Area 72	Area 72	Area 72:	Area 72:
Heavy Equipment Operator	Area 75	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 73	Area 73	Area 73	Area 73:	Area 73:
Linemen	Area 76	Structural Steel; Swing Stager; Tapers	Area 74	Area 74	Area 74	Area 74:	Area 74:
Cable Splicers	Area 77	Brush	Area 75	Area 75	Area 75	Area 75:	Area 75:
Area 1	Area 78	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 76	Area 76	Area 76	Area 76:	Area 76:
Area 2	Area 79	Structural Steel; Swing Stager; Tapers	Area 77	Area 77	Area 77	Area 77:	Area 77:
PAINTERS:	Area 80	Brush	Area 78	Area 78	Area 78	Area 78:	Area 78:
Area 1:	Area 81	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 79	Area 79	Area 79	Area 79:	Area 79:
Groundmen	Area 82	Structural Steel; Swing Stager; Tapers	Area 80	Area 80	Area 80	Area 80:	Area 80:
Linemen; Line Equipment Operators	Area 83	Brush	Area 81	Area 81	Area 81	Area 81:	Area 81:
Cable Splicers	Area 84	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 82	Area 82	Area 82	Area 82:	Area 82:
Area 15: Groundmen	Area 85	Structural Steel; Swing Stager; Tapers	Area 83	Area 83	Area 83	Area 83:	Area 83:
Heavy Equipment Operator	Area 86	Brush	Area 84	Area 84	Area 84	Area 84:	Area 84:
Linemen	Area 87	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 85	Area 85	Area 85	Area 85:	Area 85:
Cable Splicers	Area 88	Structural Steel; Swing Stager; Tapers	Area 86	Area 86	Area 86	Area 86:	Area 86:
Area 1	Area 89	Brush	Area 87	Area 87	Area 87	Area 87:	Area 87:
Area 2	Area 90	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 88	Area 88	Area 88	Area 88:	Area 88:
PAINTERS:	Area 91	Structural Steel; Swing Stager; Tapers	Area 89	Area 89	Area 89	Area 89:	Area 89:
Area 1:	Area 92	Brush	Area 90	Area 90	Area 90	Area 90:	Area 90:
Groundmen	Area 93	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 91	Area 91	Area 91	Area 91:	Area 91:
Linemen; Line Equipment Operators	Area 94	Structural Steel; Swing Stager; Tapers	Area 92	Area 92	Area 92	Area 92:	Area 92:
Cable Splicers	Area 95	Brush	Area 93	Area 93	Area 93	Area 93:	Area 93:
Area 15: Groundmen	Area 96	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 94	Area 94	Area 94	Area 94:	Area 94:
Heavy Equipment Operator	Area 97	Structural Steel; Swing Stager; Tapers	Area 95	Area 95	Area 95	Area 95:	Area 95:
Linemen	Area 98	Brush	Area 96	Area 96	Area 96	Area 96:	Area 96:
Cable Splicers	Area 99	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 97	Area 97	Area 97	Area 97:	Area 97:
Area 1	Area 100	Structural Steel; Swing Stager; Tapers	Area 98	Area 98	Area 98	Area 98:	Area 98:
Area 2	Area 101	Brush	Area 99	Area 99	Area 99	Area 99:	Area 99:
PAINTERS:	Area 102	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 100	Area 100	Area 100	Area 100:	Area 100:
Area 1:	Area 103	Structural Steel; Swing Stager; Tapers	Area 101	Area 101	Area 101	Area 101:	Area 101:
Groundmen	Area 104	Brush	Area 102	Area 102	Area 102	Area 102:	Area 102:
Linemen; Line Equipment Operators	Area 105	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 103	Area 103	Area 103	Area 103:	Area 103:
Cable Splicers	Area 106	Structural Steel; Swing Stager; Tapers	Area 104	Area 104	Area 104	Area 104:	Area 104:
Area 15: Groundmen	Area 107	Brush	Area 105	Area 105	Area 105	Area 105:	Area 105:
Heavy Equipment Operator	Area 108	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 106	Area 106	Area 106	Area 106:	Area 106:
Linemen	Area 109	Structural Steel; Swing Stager; Tapers	Area 107	Area 107	Area 107	Area 107:	Area 107:
Cable Splicers	Area 110	Brush	Area 108	Area 108	Area 108	Area 108:	Area 108:
Area 1	Area 111	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 109	Area 109	Area 109	Area 109:	Area 109:
Area 2	Area 112	Structural Steel; Swing Stager; Tapers	Area 110	Area 110	Area 110	Area 110:	Area 110:
PAINTERS:	Area 113	Brush	Area 111	Area 111	Area 111	Area 111:	Area 111:
Area 1:	Area 114	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 112	Area 112	Area 112	Area 112:	Area 112:
Groundmen	Area 115	Structural Steel; Swing Stager; Tapers	Area 113	Area 113	Area 113	Area 113:	Area 113:
Linemen; Line Equipment Operators	Area 116	Brush	Area 114	Area 114	Area 114	Area 114:	Area 114:
Cable Splicers	Area 117	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 115	Area 115	Area 115	Area 115:	Area 115:
Area 15: Groundmen	Area 118	Structural Steel; Swing Stager; Tapers	Area 116	Area 116	Area 116	Area 116:	Area 116:
Heavy Equipment Operator	Area 119	Brush	Area 117	Area 117	Area 117	Area 117:	Area 117:
Linemen	Area 120	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 118	Area 118	Area 118	Area 118:	Area 118:
Cable Splicers	Area 121	Structural Steel; Swing Stager; Tapers	Area 119	Area 119	Area 119	Area 119:	Area 119:
Area 1	Area 122	Brush	Area 120	Area 120	Area 120	Area 120:	Area 120:
Area 2	Area 123	Spray; Sandblasters; Structural Steel; Swing Stager; Tapers	Area 121	Area 121	Area 121	Area 121:	Area 1

DECISION NO. CA83-5112  
POWER EQUIPMENT OPERATORS:

DECISION NO. CA83-5112	Page 6	Basic Hourly Rate	Fringe Benefits
SHEET METAL WORKERS: (Cont'd)	LABORERS: (Cont'd)	\$13.56	\$5.11
Area 8	Area 2i	13.785	5.11
Area 9	Group 1	14.06	5.11
Area 10	Group 1(e)	13.61	5.11
Area 11	Group 1(b)	13.81	5.11
Area 12	Group 1(c)	14.11	5.11
Area 13	Group 1(d)	14.145	5.11
SOFT FLOOR LAYERS:	Group 1(e)	13.76	5.11
Area 1	Group 1(f)	13.41	5.11
Area 2	Group 1(g)	13.31	5.11
Area 3	Group 2	8.00	5.11
Area 4	Group 3		
Area 5	Group 4		
SPRINKLER FITTERS:	AREAS 1 and 2:		
Area 1			
Area 2			
STEAMFITTERS:	CEMENT LABORERS:	15.02	5.11
Area 1	Group 1	14.3	5.11
Area 2	Group 2	14.31	5.11
Area 3	Group 3		
Area 4	Group 4		
TERRAZZO WORKERS:	TUNNEL and SHAFT LABORERS:	17.46	5.11
Area 1	Group 1	17.03	5.11
Area 2	Group 2	16.78	5.11
Area 3	Group 3	16.62	5.11
Area 4	Group 4		
WILE SETTERS:	WRECKING WORK:		
Area 1	Group 1	14.56	5.11
Area 2	Group 2	14.41	5.11
Area 3	Group 3	14.31	5.11
Area 4	Group 4		
TERRAZZO WORKERS and TILE SETTERS:	ROOSEMOVING LABORERS:	14.56	5.11
Area 1	Group 1		
Area 2			
Area 3			
Area 4			
TERRAZZO FINISHERS:			
Area 1:			
Terrazzo Finishers			
Base Machine Operator			
LABORERS:			
Area 1:			
Group 1			
Group 1(e)			
Group 1(b)			
Group 1(c)			
Group 1(d)			
Group 1(e)			
Group 1(f)			
Group 1(g)			
Group 2			
Group 3			
Group 4			

DECISION NO. CA83-5112  
POWER EQUIPMENT OPERATORS:

DECISION NO. CA83-5112	Page 7	Basic Hourly Rate	Fringe Benefits
Group 1	AREA 1	\$14.05	\$6.05
Group 2	AREA 2	14.55	16.55
Group 3	AREA 3	14.85	16.85
Group 4	AREA 4	15.62	17.62
Group 5		15.92	17.92
Group 6		16.13	18.13
Group 7		16.35	18.35
Group 8		16.97	18.97
Group 9		17.28	19.28
Group 10		17.60	19.60
Group 11		17.77	19.77
Group 11-A		18.01	20.01
Group 11-B		19.65	21.65
Group 11-C		20.04	22.04
		20.05	22.05
Classshell and Dipper Dredging (New Construction):			
Group 1		14.11	15.77
Group 2		17.01	18.37
Group 3		17.01	18.37
Group 4		18.06	19.43
Group 4-A		19.68	21.66
Hydraulic Suction Dredging and all other Dredging:			
Group A-1		14.09	15.35
Group A-2		15.45	17.76
Group A-3		15.36	17.72
Group A-4		17.68	18.98

FRINGE BENEFITS:  
\$8.75

DREDGING - SCHEDULE I  
Classshell and Dipper Dredging (New Construction):

DREDGING - SCHEDULE II  
Hydraulic Suction Dredging and all other Dredging:

FRINGE BENEFITS:  
\$8.56

DECISION NO. CAB3-5112

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. Employer contributes 8% of basic hourly rate for over 5 years' service, and 4% of basic hourly rate for 6 months' to 5 years' service as vacation pay credit. Six Paid Holidays; A through F Employer contributes \$.32 per hour to Holiday Fund plus \$.22 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years \$.42 per hour to vacation fund; 5 years but less than 10 years \$.60 per hour to vacation fund; over 10 years \$.80 per hour to vacation fund

AREA DESCRIPTIONS

BRICKLAYERS; STONEWORKERS:

- Area 1: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Cos.
- Area 2: Alameda and Contra Costa Counties
- Area 3: Fresno, Kings, Madera, Mariposa, and Merced Counties
- Area 4: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
- Area 5: Monterey and Santa Cruz Counties
- Area 6: San Benito and Santa Clara Counties
- Area 7: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties
- Area 8: Tulare County

BRICK TENDERS:

- Area 1: Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Cos.
- Area 2: San Francisco and San Mateo Counties
- Area 3: Fresno, Kings, Madera, and Tulare Counties
- Area 4: Remaining Counties
- Area 5: Alameda and Contra Costa Counties
- Area 6: San Benito, Santa Clara, and Santa Cruz Counties

CARPENTERS:

- Area 1: Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties
- Area 2: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties
- Area 3: Residential - Calaveras, Del Norte, Emboldt, Mariposa, and Merced Counties
- Area 4: Monterey and Santa Cruz Counties

DETAIL INSTALLERS/LATHERS:

- Residential:
- Area 1: Calaveras, Mariposa, Merced, and Tuolumne Counties

DECISION NO. CAB3-5112

POWER EQUIPMENT OPERATORS: DREDGING (Cont'd)

- Work on self-propelled TOW BOATS: vessels (except Skiffs powered by outboard motors) engaged in towing vessels and water borne craft or in the transportation by water of personnel, materials, equipment, and supplies: Deckhand/Mechanics/Operator/Mechanic/Match Engineer
- Work on self-propelled vessels): Boat Operators

FILLETDRIVING:

Group	Basic Hourly Rate	Prize Benefits
Group 1	14.12	8.75
Group 1A	14.61	8.75
Group 1B	14.90	8.75
Group 2A	14.90	8.75
Group 2B	15.68	8.75
Group 2C	15.98	8.75
Group 2D	16.20	8.75
Group 3	16.41	8.75
Group 3A	17.04	8.75
Group 4	17.82	8.75
Group 5	18.08	8.75
Group 6	19.71	8.75

STEEL ERECTION:

Group	Basic Hourly Rate	Prize Benefits
Group 1	14.79	8.75
Group 2	15.33	8.75
Group 3	16.81	8.75
Group 4	17.00	8.75
Group 4A	17.46	8.75
Group 5	18.18	8.75
Group 6	18.79	8.75
Group 7	19.23	8.75
Group 8	19.65	8.75
Group 9	21.15	8.75

TRUCK DRIVERS:

Group	Basic Hourly Rate	Prize Benefits
Group 1	14.20	5.39
Group 2	14.37	5.39
Group 3	14.30	5.39
Group 4	14.31	5.39
Group 5	14.32	5.39
Group 6	14.33	5.39
Group 7	14.35	5.39
Group 8	14.37	5.39
Group 9	14.38	5.39
Group 10	14.40	5.39
Group 11	14.41	5.39
Group 12	14.45	5.39
Group 13	14.46	5.39
Group 14	14.47	5.39
Group 15	14.50	5.39
Group 16	14.51	5.39
Group 17	14.52	5.39
Group 18	14.54	5.39
Group 19	14.55	5.39
Group 20	14.56	5.39
Group 21	14.56	5.39
Group 22	14.64	5.39
Group 23	14.64	5.39
Group 24	14.74	5.39
Group 25	14.75	5.39
Group 26	14.75	5.39
Group 27	14.78	5.39
Group 28	14.80	5.39
Group 29	14.80	5.39
Group 30	14.84	5.39
Group 31	14.85	5.39
Group 32	14.88	5.39
Group 33	14.88	5.39
Group 34	14.87	5.39
Group 35	15.09	5.39
Group 36	15.19	5.39
Group 37	16.24	5.39
Group 38	15.39	5.39
Group 39	15.54	5.39

## AREA DESCRIPTIONS (Cont'd)

## AREA DESCRIPTIONS (Cont'd)

## ELECTRICIANS:

- Area 1: Alameda County  
 Area 2: Amador, Colusa, Sacramento, Sutter, Yolo, and Yuba Counties;  
 Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those por-  
 tions west of the Sierra Mountain Watershed)  
 Area 3: Lassen and Plumas Counties; those portions of Alpine,  
 El Dorado, Nevada, Placer, and Sierra Counties lying east of the  
 Main Watershed Divide  
 Area 4: Butte, Glenn, Modoc, Shasta, Siskiyou, Tehama, and Trinity  
 Counties  
 Area 5: Calaveras and San Joaquin Counties  
 Area 6: Contra Costa County  
 Area 7: Del Norte and Humboldt Counties  
 Area 8: Fresno, Kings, Madera, and Tulare Counties  
 Area 9: Lake, Marin, Mendocino, and Sonoma Counties  
 Area 10: Mariposa, Merced, Stanislaus, and Tuolumne Counties  
 Area 11: Monterey, San Benito, and Santa Cruz Counties  
 Area 12: Napa and Solano Counties  
 Area 13: Santa Clara County  
 Area 14: San Francisco County  
 Area 15: San Mateo County

## GLAZIERS:

- Area 1: Alameda, Contra Costa, Monterey, Napa, San Benito, Santa Clara,  
 and Santa Cruz Counties  
 Area 2: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn,  
 Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin,  
 Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama,  
 Tuolumne, Yolo, and Yuba Counties  
 Area 3: (Residential) Sutter and Yuba Counties  
 Area 4: (Residential) Amador, Calaveras, El Dorado, Nevada, Placer,  
 Sacramento, San Joaquin, Solano, Tuolumne, and Yolo Counties  
 Area 5: Fresno, Madera, Mariposa, Merced, Kings, and Tulare Counties  
 Area 6: Del Norte and Humboldt Counties  
 Area 7: Lake, Marin, Mendocino, San Francisco, San Mateo, and Sonoma  
 Counties

## LINE CONSTRUCTION:

- Area 1: Contra Costa County  
 Area 2: Del Norte, Modoc, and Siskiyou Counties  
 Group 1: Cable Splicer, Leadman Pole Sprayer  
 Group 2: Lineman, Pole Sprayer, Heavy Line Equipment  
 Man, Certified Lineman Welder  
 Group 3: Tree Trimmer  
 Group 4: Line Equipment Man  
 Group 5: Head Groundman, Powderman, Jackhammer Man  
 Group 6: Head Groundman (Chipper)  
 Group 7: Groundman  
 \*Groups 3 and 6 receive BASE RATE (SOME 1) Rate ONLY (no Zone  
 Differential)

## LINE CONSTRUCTION:

- Area 2: (Cont'd)  
 Zone Definitions: Zone 1: 0 to 3 miles radius from the geographical  
 center of Alturas and Yreka, California  
 Zone 2: 3 to 20 miles radius  
 Zone 3: 20 to 35 miles radius  
 Zone 4: 35 to 50 miles radius  
 Zone 5: Over 50 miles radius  
 BASE RATE (ZONE 1) is paid when working out employer's Permanent Shop  
 Area 3: Fresno, Kings, Madera, and Tulare Counties  
 Area 4: Calaveras and San Joaquin Counties  
 Area 5: Mariposa, Merced, Stanislaus, and Tuolumne Counties  
 Area 6: Monterey, San Benito, and Santa Cruz Counties  
 Area 7: Napa and Solano Counties  
 Area 8: Butte, Glenn, Lassen, Plumas, Shasta, Tehama, and Trinity Cos.  
 Area 9: Alameda County  
 Area 10: Amador, Colusa, Sacramento, Sutter, Yolo, and Yuba Counties;  
 Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those portions  
 west of the Main Sierra Mountain Watershed)  
 Area 11: San Mateo County  
 Area 12: Humboldt County  
 Area 13: San Francisco County  
 Area 14: San Clara County  
 Area 15: Lake, Marin, Mendocino, and Sonoma Counties

## MABLE and TILE FINISHERS:

- Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin,  
 Mendocino, Monterey, Siskiyou, San Benito, San Francisco, San Mateo,  
 Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano, and Trinity Cos.  
 Area 2: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn,  
 Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin,  
 Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo, and Yuba Counties

## PAINTERS:

- Area 1: Alpine, Amador, Calaveras, and San Joaquin Counties  
 Area 2: Fresno, Kings, Madera, and Tulare Counties  
 Area 3: Mariposa, Merced, Stanislaus, and Tuolumne Counties  
 Area 4: San Benito, San Mateo, and Santa Clara Counties  
 Area 5: Monterey and Santa Cruz Counties  
 Area 6: Lassen County (that portion that lies eastward of Highway  
 1395, northward to and including Honey Lake); Lake Tahoe Area  
 Area 7: Lake, Marin, Mendocino, San Francisco, and Sonoma Counties  
 Area 8: Butte, Colusa, and Glenn Counties; Lassen County (excluding  
 the extreme SE corner); Modoc, Plumas, Shasta, Siskiyou, Sutter,  
 Tehama, Trinity, and Yuba Counties  
 Area 9: Alameda, Contra Costa, El Dorado, Sapa, Nevada, Solano,  
 Sacramento, Sierra, Placer, and Yolo Counties (excluding portions  
 of Counties in the Lake Tahoe Area)  
 Area 10: Del Norte and Humboldt Counties

## PARKING LOT STRIPING WORK and/or HIGHWAY MARKERS:

- Area 1: Fresno, Kings, and Tulare Counties  
 Area 2: Remaining Counties

## AREA DESCRIPTIONS (Cont'd)

## PLASTERERS:

- Area 1: Alameda and Contra Costa Counties
- Area 2: San Francisco and San Mateo Counties
- Area 3: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba Cos. and Sonoma Counties
- Area 4: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
- Area 5: San Benito, Santa Clara, and Santa Cruz Counties
- Area 6: Fresno, Kings, Madera, and Tulare Counties
- Area 7: Monterey County
- Area 8: Mariposa, Merced, Stanislaus, and Tuolumne Counties

## PLASTERERS' TENDERS:

- Area 1: Alameda and Contra Costa Counties
- Area 2: Fresno, Kings, Madera, and Tulare Counties
- Area 3: San Francisco and San Mateo Counties
- Area 4: Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties
- Area 5: Calaveras and San Joaquin Counties
- Area 6: Marin County
- Area 7: Monterey County
- Area 8: San Benito, Santa Clara and Santa Cruz Counties
- Area 9: Solano County
- Area 10: Napa County

## PLUMBERS:

- Area 1: Alameda County
- Area 2: Contra Costa County

## PLUMBERS' STEAMFITTERS:

- Area 1: Amador County (northern half); Sacramento, Yolo, El Dorado, Nevada, Placer, and Sierra Counties (excluding Lake Tahoe Area)
- Area 2: Lake Tahoe Area
- Area 3: Marin, Mendocino, San Francisco, and Sonoma Counties
- Area 4: Alpine County; Amador County (southern portion); Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties
- Area 5: Lake, Napa, and Solano Counties
- Area 6: Del Norte and Humboldt Counties
- Area 7: San Benito and Santa Clara Counties
- Area 8: San Mateo County

## POWERS:

- Area 1: Alameda and Contra Costa Counties
- Area 2: Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties
- Area 3: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties
- Area 4: Fresno, Kings, Madera, and Tulare Counties
- Area 5: Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
- Area 6: Del Norte and Humboldt Counties
- Area 7: Monterey and Santa Cruz Counties
- Area 8: San Francisco and San Mateo Counties
- Area 9: Amador, Sacramento, and Yolo Counties
- Area 10: San Benito and Santa Clara Counties

## AREA DESCRIPTIONS (Cont'd)

## SHEET METAL WORKERS:

- Area 1: Alameda and Contra Costa Counties
- Area 2: Alpine, Calaveras, and San Joaquin Counties
- Area 3: Amador, Butte, Colusa, El Dorado, Glenn, Modoc, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Yolo, and Yuba Counties
- Area 4: Mariposa, Merced, Stanislaus, and Tuolumne Counties
- Area 5: Monterey and San Benito Counties
- Area 6: Del Norte, Humboldt, and Trinity Counties
- Area 7: San Mateo County
- Area 8: Fresno, Kings, Madera, and Tulare Counties
- Area 9: San Francisco County
- Area 10: Marin, Mendocino, Sonoma, and Lake Counties
- Area 11: Santa Cruz County
- Area 12: Santa Clara County
- Area 13: Napa and Solano Counties

## SOFT FLOOR LAYERS:

- Area 1: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, and Lassen Counties (excluding Honey Lake Area); Merced County (east of San Joaquin River); Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties; El Dorado, Nevada, Placer, and Sierra Counties (those portions excluding Lake Tahoe Area)
- Area 2: Honey Lake Area and Lake Tahoe Area
- Area 3: Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Francisco, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma Counties
- Area 4: Del Norte and Humboldt Counties

## SPRINKLER FITTERS:

- Area 1: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
- Area 2: Remaining Counties

## STEAMFITTERS:

- Area 1: Alameda and Contra Costa Counties

## TERRAZZO WORKERS:

- Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties
- Area 2: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
- Area 3: San Benito and Santa Clara Counties

## AREA DESCRIPTIONS (cont'd)

## TILE SETTERS:

Area 1: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Siskiyou, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba Counties  
 Area 2: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties

## TERRAZO WORKERS and TILE SETTERS:

Area 1: Fresno, Kings, Madera, Mariposa, Merced, and Tuare Counties  
 Area 2: Monterey and Santa Cruz Counties

## TERRAZO FINISHERS:

Area 1: Alpine, Calaveras, Alameda, Monterey, San Joaquin, San Benito, Stanislaus, and Santa Clara Counties

## LABORERS

Area 1: Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties  
 Area 2: Remaining Counties

Group 1: Asphalt Ironers and Bakers; Asphalt Spreader Boxes (all types); Berto, Wacker and similar type tampers; Buggy/Bulldozer; Chainsaw, Faller, Logloader and Sucker; Compactors of all types; Concrete and Magnesium Mixer, 1/2 yd. and under; Concrete Pan Work; Concrete Saw; Concrete Sander; Cribber and/or Shoring; Cut Granite Curb Setter; Form Raisers; Slip Forms; Green Cutters, Boardboardmen, Subsetters, Aligners; Jack-hammer Operators; Jacking of Pipe over 12 inches; Jackson and similar type Compactors; Kettlasesh, Potben and Men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lugging, Sheeting, Whaling, Bracing, Treachjacking, hand-guided Lugging Hammer; Magnesium Sponyresin, Fiberglass, Mastik Workers (wet of dry); Parma Curbs; Precast-manhole Setters; Cast-in-place Manhole Form Setters; Pressure Pipe Testers; Pavement Breakers and Spaders, including Tool Grinders; Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers, Plastic Pipelayers, Post Hole Diggers, air, gas, and electric Power, Broom Sweepers; Power Tampers of all types (except as shown in Group 2); Ram Set Gun and Stud Gun; Riprap-stonepaver and Rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, Multiple Head Concrete Chipper; Davis Trencher, 300 or smaller type (and all small Treachers); Foto and ditch witch; Roto-tiller; Sandblasters, Potben, Gunnae, Nozzle-man; Signalling and Rigging; Task Cleaners; Tree Climbers; Vibra-screed, Ball Float in connection with Laborers' work; Vibrators; Dri-pak-it Machine; High Pressure Slow Pipe (15" or over, 100 lbs. pressure and over); Hydro Seeder and similar type; Laser Beam in connection with Laborers' work

## LABORERS (Cont'd)

Group 1(a): Joy Drill Model PM-2A; Gardner-Deuener Model DML143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers, all types regardless of type or method of power; Multiple Unit Drills; Blasters and Powdermen; all work of loading, placing and blasting of all power and explosives; of whatever type regardless of method used for such loading and placing; High Sealers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners receive an additional \$4.00 per day, \$5.00 per day on recently active large diameter sewers or sewer manholes

Group 1(c): Burning and Welding in connection with Laborers' work

Group 1(d): Repair Trachman and Road Beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in Bell Sole Footings and Shaft

Group 1(f): Wire Winding Machine in Connection with Guniting or Shotcrete - Aligner

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of Voids, Precast Manhole Setters, Cast-in-place Manhole Form Setters

Group 2: Asphalt Swealers; Cement Dumpers and handling dry cement or gypsum; Choke-setter and blower (clearing work); Concrete Bucket Dumper and Chute-man; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Chuck Tapper; High Pressure Wozlesman, Adaptors; Grou-crew; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburghs Chipper and similar type Brush Shredders; Sloper; Singtfoot, hand held, Pneumatic rammer; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1(f); Jacking of Pipe under 12 inches

Group 3: All Cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction Laborers including Bridge and General Laborers; Dumpmen; Load Spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and Landscape Laborers; Jetting; Limbers; Brush Loaders; Pliers, Maintenance Landscape Laborers on new construction; Maintenance, Repair Trachman and Road beds; Streetcar and Railroad Construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool Room Attendants; Fence Erectors; Guardrail Erectors; Pavement Markets (button setters)

Group 4: Brick Cleaners, Lumber Cleaners, and Landscape Maintenance (such as Gardners, Horticultural, mowing, trimming, replanting, watering)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Motor-man; Locomotive (30 tons or under); Oiler; Ross Carrier (construction job site); Motorman Operator (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 5 ft. depth); Tugger Boist, single drum; Truck Crane Oiler; Boiler Tender

Group 4: Ballast Jack Tamper; Ballast Regulation; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Material Boist (1 drum); Shuttlecar; Tie Spacer; Towernobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 1 yd.); Concrete Pumps of Pumpcrete Gobs; Generators; Grouting Machines; Pressweld (air operated); Pumps (over 1); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-frame truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Mason Drills or Jackhammers); Grader/Setter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam of over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Sidwell Bridge Deck or similar types); Mechanical Burs, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crasher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller (except asphalt); Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CSC, or similar types; Slip forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater; Self-propelled Power Sweeper; Self-propelled Trenching Machine; Auger-type drilling equipment, up to and including 30 ft. depth digging capacity M.A.C.

Group 7: Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Boist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Boist; Mixer/mobile; Pavement Breaker with or without Compressor; Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device Grader (center mount) (10 tons or less M.A.C.); Self-propelled Elevating Grader Plane; Studer Operator; Small tractor (with boom); Soil Tester; Truck type Loader; Welding Machines (gasoline or diesel)

Group 1: Nozzleman (including Gunman, Potman); Rodman, Groundman

Group 2: Reboundman

Group 3: General Laborers

#### TUNNEL and SHAFT WORK

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powderman-heading; Cherry Pickerman - where car is lifted; Concrete Finisher in Tunnel; Concrete Scream Men; Gout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headmen; High Pressure Nozlemen; Miners - Tunnel, including Top and Bottom Man on Shaft and Raise Work; Nipper Nozlemen on slick line; Sandblaster-Potman (work assignment interchangeable); Steel Form Raisers and Setters; Timberman, Retimberman - wood or substitute materials therefore; Tagger

Group 3: Cabletender; Chucktender; Powderman - Primer House; Vibratormen, Pavement Breakers

Group 4: Bull Gang - Muckers, Tractmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Gout Crew Reboundmen; Swamper

#### WRECKING WORK

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging of other building materials)

Group 3: General Laborer (includes all cleanup work, loading lumber, loading and burning of debris)

#### BOOSHOWING

Group 1: Skilled Housemover

#### POWER EQUIPMENT OPERATORS AREAS I and II

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Pairman Tender; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partisan (heavy duty repair shop parts room)

POWER EQUIPMENT OPERATORS (Cont'd)  
AREAS I and II (Cont'd)

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-Place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Doser; Feeding Shield Operator; Heavy Duty Repairman and/or Welder; Sen Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" M.R.C. Euclids, T-Fulls, DM-10, 20, 21, and similar; Rubber Tired Doser; Self-propelled Compactor with Doser; Sheepsfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor; Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Poggall equipment)

Group 9: Canal Flinger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunitex); Combination Slurry Mixer and/or Cleaner; Eighteen Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); tractor (with boom) [0-8 or larger and similar]

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cury-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-mor Loader; Adams Elevator; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins type drills); Roehring Skooter (or similar); Lift Slab Machine; Vestborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive, 100 tons (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dovers, etc.) (no tandem scraper); Prestress Wire Wrapping Machine; Reservoir-debris log (self-propelled float); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer [P & H or equal]; Sub-grader (carrier or other automatic type); Tractor, Compressor Drill Combination; Track Laying type Earth Moving Machine (single engine with Tandem Scrapers); Train Loading Station; Trenching Machine, multi-engine with slipping attachment, Jeffco or similar; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (Hydraulic) (up to and including 1 cu. yd. M.R.C.); Backhoe (cable) (up to and including 1 cu. yd. M.R.C.); Combination Backhoe and Loader (over 3/4 cu. M.R.C.); Continuous Flight Tie Back Auger (Crane attached/separate controls); Cranes not over 25 tons, Hammerhead and Gantry; Grdalls (up to and including 1 cu. yd.); Ever Blade Operator (single engine); Power Shovels, Classbells, Drilling (up to and including 1 cu. yd. M.R.C.) (Long Boom Pay); Rubber-tired Scraper, self-loading (paddle wheel, twin engine); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); OMI Dual Lane Auto Grader SP-30 or similar

Group 11: Automatic Concrete Slip-form Paver (Gradesetter, Screed-man); Automatic Railroad Car Dumper; Canal Trimmer with ditching attachment; Cury Lift, Campbell or similar, Continuous Flight Tie Back Auger (Crane attached, single controls); Cranes (over 25 tons up to and including 125 tons); Grott Travelift; 650-A-1 or similar (45 ton or over); Euclid Loader when controlled from the Pullcat; Highlines Cableway (over 5 tons); Loader over 4 cu. yds. up to and including 12 cu. yds.; Miller for-less M-900 Slope Paver or similar (Grade Setter required); Multiple Engine Scraper (when used as Push Pull); Power Blade Operator (multi-engine); Power Shovels, Classbells, Draglines, Backhoes, Grdalls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C., Long Boom Pay); Rubber-tired Earthmoving Machines (multiple propulsion power units and two or more Scrapers) (up to and including 75 cu. yds. Struck M.R.C.); Self-propelled Compactor Boom-type lifting device (center mount) (over 25 tons M.R.C.); Single engine Rubber-tired Earthmoving Machines (with Tandem Scrapers); Slip-form Paver (concrete or asphalt) (Screedman required); Tandem Cats; Tower Cams Mobile (including rail mounted); Trancher (pulling attached shield); Tower Cranes, Universal Liebherr and similar types (in the erection, dismantling and moving of equipment); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Crane (over 25 tons); Multi-earthmoving Equipment (up to and including (75) cu. yds. "struck" M.R.C.); Truck mounted Hydraulic Crane when remote control equipped (over 10 tons up to and including 25 tons)

Group 11-A: Sand Wagons (in conjunction with wheel excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and including 18 cu. yds.); Power Shovels, Classbells, Backhoes, Grdalls, and Draglines (over 7 cu. yds. M.R.C.); Rubber-tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" M.R.C.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 yards)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

## POWER EQUIPMENT OPERATORS (Cont'd)

## DREDGING

## AREA DEFINITIONS FOR SCHEDULES I and II

Four Centers Designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California  
 Area 1: Up to 20 road miles from said Centers  
 Area 2: More than 20 road miles to and including 30 road miles from said Centers  
 Area 3: Outside of 30 road miles from said Centers  
 Area 4: An area extending 25 road miles from shoreline of Lake Tahoe

## SCHEDULE I

## CLAMSHELL and DIPPER DREDGING (New Construction)

- Group 1: Bargeman; Deckhand; Fireman; Oiler  
 Group 2: Deck Engineers; Deck Mate  
 Group 3: Welder; Mechanic Welder; Watch Engineer  
 Group 4: Clamsbell Operator (up to and including 7 cu. yds. M.R.C.) (Long Boom Pay)  
 Group 4A: Clamsbell Operator (over 7 cu. yds. M.R.C.) (Long Boom Pay)

## SCHEDULE II

## HYDRAULIC SECTION DREDGING and all other CLAMSHELL and DIPPER DREDGING

- Group A-1: Bargeman; Deckhand; Leveehand; Fireman; Oiler  
 Group A-2: Winchman (Stems Winch on Dredge); Deck Engineer  
 Group A-3: Watch Engineer; Welder; Welder Mechanic; Deckmate; Booster Pump Operator (Mud Cut)  
 Group A-4: Levettman; Clamsbell Operator

## PILEDRIVING

- Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)  
 Group 1A: Compressor Operator  
 Group 1B: Assistant to Engineer (Truck Crane Oiler)  
 Group 2A: Tugger Bolst Operator (hoisting material only)  
 Group 2B: Forklift Operator

POWER EQUIPMENT OPERATORS (Cont'd)  
PILEDRIVING (Cont'd)

Group 2C: Compressor Operator (over 2); Generators; Pumps (over 4); Welding Machines (powered by other than electricity)

## Group 2D: A-Frames

Group 3: Deck Engineer (Deck Engineer Operator required when deck engine is used); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

## Group 3A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges (Assistant to Engineer required); Operator of diesel or gasoline power Crane Piledriver (without boiler) up to and including 1 cu. yd. rating (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only) (Assistant to Engineer required)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (with boiler) over 1 cu. yd. rating (Assistant to Engineer required); Operator of Crane (with steam, flash boiler, pump or compressor attached) (Group 4 Engineer required); Operator of steam powered Crawler or Universal type Driver (Raymond or similar) (Assistant to Engineer required); Truck Crane Operator (over 25 tons) (hoisting material or performing Piledriving work) (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

## Group 6: Cranes (over 115 tons) (Assistant to Engineer required)

## STEEL ERECTION

- Group 1: Assistant to Engineer (Oiler)  
 Group 2: Compressor Operator, Generator, gasoline or diesel driven (100 K.W. or over) (structural steel or tank construction only)  
 Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (Over 6 additional Engineers required) (structural steel or tank erection only)  
 Group 4: Heavy Duty Repairman, Tractor Operator  
 Group 4A: Combination Heavy Duty Repairman and/or Welder

POWER EQUIPMENT OPERATORS (Cont'd)  
STEEL ERECTION (Cont'd)

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Booms; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less) (Assistant to Engineer required); Self-propelled Boom type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Trolley Hoist

Group 6: Cery Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.) (Assistant to Engineer required); Derivatives (2 Operators when swing engine remote from hoist); Gantry Sider (or similar equipment); Highline Cableway (Signalman required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile including rail mounted (Assistant to Engineer required); Tower Cranes, Universal Lieber and similar types (in the erection, dismantling and moving of equipment there shall be an additional Operating Engineer)

Group 7: Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

Group 8: Cranes (over 125 tons) (Assistant to Engineer required)

Group 9: Helicopter Operator

## TRUCK DRIVERS

Group 1: Bulk Cement Spreader (w/wo Auger, under 4 yds. water level); Bus or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (When Flat Back Truck is used appropriate Flat Back rate shall apply); Dump (under 4 yds. water level); Dumpster Truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or Pilot Car Driver; Wipper Truck (when Flat Back Truck is used appropriate Flat Back rate shall apply); Pickups; Skids (Debris Box, under 4 yds. water level); Team Drivers; Trucks (Dry Pre-batch Concrete Mix, under 4 yds. water level); Warehousemen

Group 2: Teamster Oiler and/or Greaser and/or Service Man

Group 3: Bulk Cement Spreader (w/wo Auger, 4 yd. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (Debris Box, 4 yds. and under 6 yds. water level); Single Unit Flat Back (2 axle unit); Industrial lift truck (mechanical tailgate); Trucks (Dry Pre-batch Concrete Mix, 4 yds. and under 6 yds. water level)

Group 4: Jetting Truck and Water Truck (under 2,500 gallons)

Group 5: Road Oil Trucks or Boot Man

Group 6: Lift Jitneys, Fork Lift

## TRUCK DRIVERS (Cont'd)

Group 7: Transit Mix, Agitator (under 6 yds.)

Group 8: Fuel and/or Grease Truck Driver or Fuelman

Group 9: Vacuum Truck, under 3,500 gallons

Group 10: Scissor Truck; single unit Flat Back (2 axle unit); Industrial lift truck (mechanical tailgate); Small rubber tired tractor (when used within Teamsters' jurisdiction)

Group 11: Jetting Truck and Water Trucks, 2,500 gallons and under 4,000 gallons

Group 12: Combination Winch Truck with Hoist; Transit Mix Agitator (6 yds. and under 8 yds.)

Group 13: Vacuum Truck, 3,500 gallons and under 5,500 gallons

Group 14: Rubber-tired Wreck Car (not self-loaded)

Group 15: Bulk Cement Spreader (w/wo Auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (Debris Box, 6 yds. and under 8 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 6 yds. and under 8 yds. water level)

Group 16: A-Frame, Winch Truck; Buggybobile; Jetting and Water Truck (4,000 gallons and under 5,000 gallons); Rubber tired Jumbo

Group 17: Heavy Duty Transport (high bed)

Group 18: Ross Byster and similar Straddle Carrier

Group 19: Transit Mix Agitator (8 yds. through 10 yds.)

Group 20: Vacuum Truck (5,000 gallons and 7,500 gallons)

Group 21: Jetting Truck and Water Truck (5,000 gallons and under 7,000 gallons)

Group 22: Combination Bootman and Road Oiler

Group 23: Transit Mix Agitator (over 10 yds. through 12 yds.)

Group 24: Bulk Cement Spreader (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level); Self-propelled Street Sweeper with self-contained refuse bin; Skids (Debris Box, 8 yds. and including 12 yds. water level); Snow Go and/or Snow plow; Truck (Dry Pre-batch Concrete Mix, 8 yds. and including 12 yds. water level)

Group 25: Heavy Duty Transport (Gooseneck Lowbed)

## TRUCK DRIVERS (Cont'd)

- Group 36: Bulk Cement Spreader (w/wo Auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter Pilot (when transporting men or materials); Skids (Debris Box, over 50 yds. and under 65 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 50 yds. and under 65 yds. water level)
- Group 37: Bulk Cement Spreader (w/wo Auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpster (over 65 yds. and including 80 yds. water level); Dumpster (over 65 yds. and including 80 yds. water level); Skids (Debris Box, 65 yds. and including 80 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 65 yds. and including 80 yds. water level)
- Group 38: Bulk Cement Spreader (w/wo Auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (Debris Box, over 80 yds. and including 95 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 80 yds. and including 95 yds. water level)

## AREA DESCRIPTIONS

FOR  
POWER EQUIPMENT OPERATORS  
AREAS I and II

\*\*AREA I: All areas included in the description defined below which is based upon Township and Range Lines of AREAS I and II. Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.

Thence Easterly along the Southerly line to Township 19S, crossing the Mt. Diablo Meridian to the S.W. corner of Township 19S, range 8E, Mt. Diablo Base Line and Meridian, Thence Southerly to the S.W. corner of township 20S, range 6E, Thence Easterly to the S.W. corner of township 20S, range 13E, Thence Southerly to the S.W. corner of township 21S, range 12E, Thence Southerly to the S.W. corner of township 21S, range 17E, Thence Southerly to the S.E. corner of township 22S, range 17E, Thence Southerly to the S.E. corner of township 23S, range 18E, Thence Southerly to the S.E. corner of township 23S, range 18E, Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly Line of Kings County, thence Easterly along the Southerly Boundary of Kings County and the Southerly Boundary of Tulare County, to the S.E. corner of township 24S, range 19E.

## TRUCK DRIVERS (Cont'd)

- Group 26: Transit Mix Agitator (over 12 yds. through 17 yds.)
- Group 27: Ammonia Nitrate Distributor Driver and Mixer; Bulk Cement Spreader (w/wo Auger, and including 18 yds. water level); Dump (over 12 yds., and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Truck (Dry Pre-batch Concrete Mix, over 12 yds. and including 18 yds. water level)
- Group 28: Double Gooseneck (7 or more axles); Heavy Duty Transport Tiller Man
- Group 29: P.B. or similar type self-loading Truck
- Group 30: Transit Mix Agitator (over 14 yds. through 16 yds.)
- Group 31: Bulk Cement Spreader (w/wo Auger, over 18 yds. and including 24 yds. water level); Combination Dump and Dump Trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (Debris Box, over 18 yds. and including 24 yds. water level); Transit Mix Agitator (over 12 yds. through 16 yds.); Trucks (Dry Pre-batch Concrete Mix, over 18 yds. and including 24 yds. water level)
- Group 32: Bulk Cement Spreader (w/wo Auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, Letourneville, Tournarocker, Euclid and similar type equipment when Pulling Fuel and/or Grease Tank Trailers or other misc. trailers; Skids (Debris Box, over 24 yds. and including 35 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 24 yds. and including 35 yds. water level)
- Group 33: Truck Repairman
- Group 34: Bulk Cement Spreader (w/wo Auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 40 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (Debris Box, over 35 yds. and including 50 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 35 yds. and including 50 yds. water level)
- Group 35: DW 10's 20's, 21's and other similar Cat type, Terra Cobra, Letourneville, Tournarocker, Euclid and similar type equipment when Pulling Aqua/Pak or Water Tank Trailers



AREA DESCRIPTIONS (Cont'd)  
for  
POWER EQUIPMENT OPERATORS  
AREAS I and II

Thence in a westerly direction to the N.W. corner of township 4S, range 3E, to the point of beginning which portion is a part of Area 2.

AREA I: also includes that portion of Northern California within the following lines:

Commencing in the Pacific Ocean on an extension of the Southerly line to township 2N, Humboldt Baseline and Meridian:  
Thence Easterly along the Southerly line to Township 2N, to the S.W. corner of Township 2N, range 1W,  
Thence Southerly to the S.W. corner of township 1N, range 1W,  
Thence Easterly along the Humboldt Baseline to the S.W. corner of township 1W, range 2E,  
Thence Southerly to the S.W. corner of township 2S, range 2E,  
Thence Easterly to the S.E. corner of township 2S, range 2E,  
Thence Southerly to the S.W. corner of township 4S, range 3E,  
Thence Easterly to the S.E. corner of township 4S, range 3E,  
Thence Southerly to the N.W. corner of township 2S, range 3E,  
Thence Easterly to the N.E. corner of township 2S, range 3E,  
Thence Southerly crossing the Humboldt Baseline to the S.W. corner of township 1W, range 3E,  
Thence Easterly along the Humboldt Baseline to the S.E. corner of township 1N, range 3E,  
Thence Southerly to the N.E. corner of township 9N, range 3E,  
Thence Easterly to the N.W. corner of township 9N, range 2E,  
Thence Southerly to the N.E. corner of township 10N, range 1E,  
Thence Easterly along the Northerly line to township 10W, into the Pacific Ocean.

AREA I: also includes that portion of Northern California included within the following lines:

Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo Baseline and Meridian:  
Thence Southerly to the S.W. corner of township 48N, range 7W,  
Thence Easterly to the S.E. corner of township 48N, range 7W,  
Thence Southerly to the S.W. corner of township 43N, range 6W,  
Thence Easterly to the S.E. corner of township 43N, range 5W,  
Thence Southerly to the S.W. corner of township 48N, range 5W,  
on the Northerly boundary of the State of California,  
Thence Southerly along the Northerly boundary of the State of California to the point of beginning.

AREA II: All areas not included within AREA I as defined.

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: Illinois  
DECISION NUMBER: 1183-2050  
Supersedes Decision No. 1183-2011, dated February 16, 1983 in 48 FR 7368  
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction Projects

COUNTY: Cook  
DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
118.60	53.28	112.35	11.50
18.40	5.00	13.85	2.13
16.86	2.74	14.775	4.6 & 2
16.50	3.29	15.015	4.6 & 2
16.50	3.28	15.225	4.6 & 2
17.55	3.68	15.425	4.6 & 2
16.81	2.68++	14.30	2.95+e
704.28	b	14.55	4.2
592.72	b	14.75	2.95+e
15.70	2.27	14.85	2.95+e
17.68	4.83	13.40	1.92
17.10	3.84	13.90	1.92
13.755	6.72	14.15	1.92
17.16	3.13\$	8.18	8 & 2
11.84	3.335	8.66	8 & 2
13.82	1.29	8.24	8 & 2
17.50	1.85	13.65	2.17
12.50	2.75	13.725	2.17
18.26	2.15	13.75	2.17
13.20	2.15	13.80	2.17
14.50	1.87	13.85	2.17
18.00	3.40	13.85	2.17
15.835	2.70	13.875	2.17
17.05	3.37	13.975	2.17
16.50	2.85	14.00	2.17
16.15	3.04	14.10	2.17
8.00	3.04	14.225	2.17
17.58	6.85	13.90	1.92
15.86	2.37	13.975	1.92
11.95	1.50	14.05	1.92
		14.175	1.92
		17.005	1.92
		14.125	1.92
		14.25	1.92

ASBESTOS WORKERS  
BOILERMAKERS  
BRICKLAYERS:  
Bricklayers; Stonemasons  
Caulkers; Cleaners; & Painters  
CARPENTERS; Millwrights;  
Fildriveways; & Soft Floor  
Layers  
CROFT MACHINISTS  
ELECTRICIANS  
ELEVATOR CONSTRUCTORS:  
Mechanics  
Helpers  
Helpers (Prob.)  
GLAZIERS  
IRONWORKERS:  
Structural & Reinforcing  
Ornamental  
Riggers & Machinery Movers  
Metal Fence Erectors:  
Black Book  
Red Book  
LABORERS  
LABORERS (Wrecking):  
General  
Wallmen, Wreckers, Burners, &  
Hammermen  
Shoostacks or High Man  
LABORERS (Landscape):  
Landscape Plantation  
Truck Driver - Tractor  
Trailer (3 axle or more) &  
Equipment Operator  
Truck Driver - 2 Axle  
LABORERS (Building &  
Residential):  
Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
Group 7  
Group 8  
Group 9  
Group 10  
LABORERS (Heavy & Highway):  
Group 1  
Group 2  
Group 3  
Group 4  
LABORERS (Sewer & Tunnel):  
Group 1  
Group 2  
Group 3  
Group 4

Bank Hourly Rate	Fixed Benefits

POWER EQUIPMENT OPERATORS  
Sewer, Heavy & Highway  
Construction

CLASS	Bank Hourly Rate	Fixed Benefits
CLASS 1	\$18.05	5.00
CLASS 2	17.50	5.00
CLASS 3	16.35	5.00
CLASS 4	14.95	5.00
CLASS 5	13.75	5.00

Bank Hourly Rate	Fixed Benefits

POWER EQUIPMENT OPERATORS  
Building & Residential  
Construction

CLASS	Bank Hourly Rate	Fixed Benefits
CLASS 1	\$ 18.40	5.00
CLASS 2	17.10	5.00
CLASS 3	15.45	5.00
CLASS 4	13.70	5.00

CLASS 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Bencher; Boiler and Throttle Valve; Calson Rig; Central Bed-Mix Plant; Combination Back Hoe Front Endloader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 372 cu. ft.; Concrete Paver 272 cu. ft. and under; Concrete Placer; Concrete Pump (Truck Mounted); Concrete Tower; Cranes; Hammerhead; Cretex Crane; Crusher; Stone, etc.; Derrick; Drills; Elevating; Formless Curb and Gutter Machine; Grader; Elevating; Grouting; Hoists; Highlift Shovels or Front Endloader 24 yd. and over; Machines; Elevators, Outside Type Rack and Pinion and Similar; Hoists; Boilers, One, Two, and Three Drum; Bolts, Two Tugger One Piece; Hydraulic Backhoes; Hydraulic Boom Trucks; Locomotive; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Jam; Pump Cretes; square cretes-screw type pumps; Gypsum bolker and pump; Raised and Blind Hole Drill; Rock Drill (self-propelled); Rock Drill (truck mounted); Roto Mill Grinder (36" and over); Roto Mill Grinder (less than 36"); Scoops-Tractor Drawn; Slip-Form Paver; Straddle Bogies; Turnspall; Tractor with Boom, and side boom; & Trenching Machines

CLASS 2 - Bobcat (over 3/4 cu. yd.); Boiler; Brick Forklift; Boom, Power Propelled; Bulldozers; Concrete Mixer (Two Bag and over); Conveyor; Portable Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 24 yd.; Hoists; Automatic; Hoists, Inside Freight Elevator; Hoists, Sewer Dredging Machine; Hoists, Tugger Single Drum; Hoists; Steam Generators; Tractors; Tractor Drawn Vibratory Roller (receives an additional \$.50 per hour); & Winch trucks with "A" Frame

CLASS 3 - Air Compressor-Small 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor-Large over 150; Combination-Small equipment operator; Generator-Small 50 kw and under; Generator-Large over 50kw; Heaters, Mechanical; Hoists, Inside Elevators (beostat manual controlled); Hoists, Inside Elevators push button with automatic doors; Hydraulic Power Units (pile driving and extracting); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small electric drill winches; Bobcat (up to and including 3/4 cu. yd.); & Brick Forklift

CLASS 4 - Oilers

CLASS 1 - Asphalt Plant; Asphalt Heater and Paver Combination; Asphalt Spreader; Autograde; Belt Loader; Calson Rig; Car Dumper; Central Bed-Mix Plant; Combination Backhoe Front End-Loader Machine (1 cu. yd. backhoe bucket or over or with attachment); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 272 cu. ft.; Concrete Placer; Concrete Tube Floater; Cranes, all Attachments; Cranes, Hammerhead, Linden, Peco & machines of a like nature; Cretex Crane; Crusher; Stone, etc.; Derrick; Drills; Elevating; Formless Curb and Gutter Machine; Grader; Elevating; Grouting; Hoists; Boilers, One, Two, and Three Drum; Hydraulic Backhoes; Locomotive; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill-Crawler or Skid Rig; Rock Drill-Truck Mounted; Roto Mill Grinder (36" and over); Roto Mill Grinder (less than 36"); Slip-Form Paver; Soil Test Drill Rig (Truck Mounted); Straddle Bogies; Hydraulic Telescoping form (tunnel); Tractor Drawn Belt Loader; Tractor Drawn Belt Loader with attach pusher; Tractor with Boom; Tractor with Attachment; Trenching Machine; Truck Mounted Concrete Pump with boom; Underground Boring and/or Mining Machines under 5 ft.; Wheel Excavator; & Widener (Apsco)

CLASS 2 - Batch Plant; Bituminous Mixers; Bobcats (over 3/4 cu. yd.); Boiler and Throttle Valve; Bulldozer; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (less than 1 cu. yd. backhoe bucket or over or with attachment); Compressor and Throttle Valve; Compressor, common receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 75 series to and including 27 cu. ft.; Concrete Spreader; Concrete Curbing Machine; Enlap Machine; Belting Machine and Sealing Machine; Conveyor Truck Cars (Magland or similar type); Finishing Machine-Concrete; Greaser Engineer; Highlift Shovels or Front Endloader; Hoist-Sewer Dredging Machine; Hydraulic Boom Trucks (all attachments); Locomotives; Binkey; Pump Cretes; Squeeze cretes-screw type pumps; Gypsum bolker and pump; Roller Asphalt; Rotary Snow Plow; Shotblower, seaman, etc. Self-propelled; Scoops-Tractor Drawn; Self-propelled Compressor; Spreader-Chip-Stone, etc.; Scrapers; Scraper-piles cover in lanes (not \$1.00 there to); Tank Car Heater; Tractors, Pugh, Pulling sheeps foot, Disc, Compactor, etc. & Tug Boats

## POWER EQUIPMENT OPERATORS (CONT'D)

CLASS 3 - Boilers; Brooms, All Power Propelled; Cement Supply Tenders; Compressor, Common receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Para-type Tractors used for mowing, seeding, etc.; Fireman on Rollers; Forklift Trucks; Grouting Machines; Bolts, Automatic; Bolts All Elevators; Rollers, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete, Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frasey Work Boats; & Tamper-form-motor driven

CLASS 4 - Air Compressor-small 170 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor-large over 170; Asphalt Spreader Backed Man; Combination-Small Equipment Operator; Generators-Small 50kw and under; Generators-large over 50 kw; Heaters, Mechanical; Hydraulic Power Unit (pile driving or extracting); Light Plants (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Pumps; Tractorair Welding Machines (2 through 5); Winches, 4 small electric drill winches; & Bobcats (up to and including 3/4 cu. yd.)

## CLASS 5 - Oilers

## LABORERS CLASSIFICATIONS (Building &amp; Residential):

- Group 1 - Construction; Plasterers; Tenders; & Pumps for Dewatering & other Power Equipment  
 Group 2 - Cement Gun  
 Group 3 - Chimney over 40 ft.; Scaffold  
 Group 4 - Cement Gun Nozzle (Gunitite)  
 Group 5 - Stone Derricksmen & Handlers  
 Group 6 - Jackhammersmen; & Power Driven Concrete Saws & Other Power Equipment  
 Group 7 - Firebrick & Boiler Setters  
 Group 8 - Chimney on Fire Brick; Caisson Diggers; & Well Point System Men  
 Group 9 - Boiler-Setter Plastic  
 Group 10 - Jackhammersmen on Fire Brick

## LABORERS CLASSIFICATIONS (Heavy &amp; Highway):

- Group 1 - Construction; Tenders; Material Expeditor (Asphalt Plant); Street Paving, Grade Separation, Sidewalk, Curb & Cutter, Strippers & All Laborers not Otherwise Mentioned  
 Group 2 - Asphalt Tampers & Smoothers; Cement Gun  
 Group 3 - Cement Gun Nozzle (Laborers) Gunitite  
 Group 4 - Bakers & Lukemen; Machine-Screws; Kettlemen; Mixermen; Drum-Men; Jackhammersmen (Asphalt); Paintmen; Nitro Box Spreaders; Laborers on Birt; Overmen & Similar Sprayer Equipment; Laborers on Aspec; Laborers on Air Compressors; Paving Form Setters; Jackhammersmen (Concrete); Power Driven Concrete Saws; Other Power Equipment

## LABORERS CLASSIFICATIONS (Sewer &amp; Tunnel):

- Group 1 - Top Laborers; All Laborers not Otherwise Mentioned  
 Group 2 - Concrete; & Steel Setters  
 Group 3 - Cement Carriers; Cement Mixers; Concrete Repairmen; Mopkat Men; Scaffold Men; & Second Bottom Men  
 Group 4 - Air Trac Drill Operations; Bottom Men; Bracers-Bracing; Bricklayers Tenders; Carcb Basin Diggers; Drainlayers; Dynamiters; Wire Men; Jackhammersmen; Pipelayers; Rodders; Welders & Burners; Well Point System Men

## PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's E-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

## FOOTNOTES:

- a. 7 Paid Holidays: A through G  
 b. Employer contributes 51 regular hourly rate to vacation pay credit for employes who has worked in business more than 5 years: 61 for 5 years or less  
 c. \$97.00 per week per employe  
 d. 6 Paid Holidays: A, C, D, E, G, & Decoration Day  
 e. 900 straight-time hours or more in 1 calendar year for same employer - 1 week's paid vacation; 3 years - 2 weeks' paid vacation; 10 years - 3 weeks' paid vacation; & 20 years - 4 weeks' paid vacation  
 f. 6 Paid Holidays: A, B, C, D, E, & G  
 g. 1 year's service - 1 week's paid vacation; 3 or more years' service - 2 weeks' paid vacation

STATE: Illinois  
 COUNTY: \*See Below  
 DATE: Date of Publication  
 SUPERSTIPENDS DECISION NO. 1183-2017 dated March 11, 1983 in 48 FR 10572  
 DESCRIPTION OF WORK: Building (Including Residential) Construction Projects  
 \*DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will

Basic Hourly Rates	Fringe Benefits						
18.00	51.18	18.00	51.18	18.00	51.18	18.00	51.18
18.40	5.00	18.40	5.00	18.40	5.00	18.40	5.00
16.86	2.74	16.86	2.74	16.86	2.74	16.86	2.74
17.06	2.32	17.06	2.32	17.06	2.32	17.06	2.32
16.56	2.71	16.56	2.71	16.56	2.71	16.56	2.71
16.50	3.38	16.50	3.38	16.50	3.38	16.50	3.38
19.00	2.90	19.00	2.90	19.00	2.90	19.00	2.90
13.30	2.90	13.30	2.90	13.30	2.90	13.30	2.90
16.80	3.00	16.80	3.00	16.80	3.00	16.80	3.00
15.40	2.92	15.40	2.92	15.40	2.92	15.40	2.92
17.31	3.35	17.31	3.35	17.31	3.35	17.31	3.35
16.80	3.31	16.80	3.31	16.80	3.31	16.80	3.31
18.05	2.66	18.05	2.66	18.05	2.66	18.05	2.66
16.50	3.90	16.50	3.90	16.50	3.90	16.50	3.90
17.78	4.80	17.78	4.80	17.78	4.80	17.78	4.80
17.68	3.09	17.68	3.09	17.68	3.09	17.68	3.09
18.08	3.10	18.08	3.10	18.08	3.10	18.08	3.10
13.20	2.18	13.20	2.18	13.20	2.18	13.20	2.18
18.35	3.58	18.35	3.58	18.35	3.58	18.35	3.58
17.95	3.50	17.95	3.50	17.95	3.50	17.95	3.50
17.71	4.07	17.71	4.07	17.71	4.07	17.71	4.07
18.81	2.64+4	18.81	2.64+4	18.81	2.64+4	18.81	2.64+4
70%IN	46	70%IN	46	70%IN	46	70%IN	46
50%IN	2.27	50%IN	2.27	50%IN	2.27	50%IN	2.27
15.70	.90+4	15.70	.90+4	15.70	.90+4	15.70	.90+4
16.81	1.49	16.81	1.49	16.81	1.49	16.81	1.49
10.93	1.49	10.93	1.49	10.93	1.49	10.93	1.49
16.43	2.65	16.43	2.65	16.43	2.65	16.43	2.65
16.97	1.68	16.97	1.68	16.97	1.68	16.97	1.68
16.97	2.51	16.97	2.51	16.97	2.51	16.97	2.51
17.76	3.23	17.76	3.23	17.76	3.23	17.76	3.23
15.75	4.01	15.75	4.01	15.75	4.01	15.75	4.01
16.15	3.04	16.15	3.04	16.15	3.04	16.15	3.04
8.00	3.04	8.00	3.04	8.00	3.04	8.00	3.04
17.58	4.85	17.58	4.85	17.58	4.85	17.58	4.85
16.67	2.83	16.67	2.83	16.67	2.83	16.67	2.83
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.31	2.74	17.31	2.74
17.57	2.09	17.57	2.09	17.57	2.09	17.57	2.09
15.80	3.95	15.80	3.95	15.80	3.95	15.80	3.95
18.00	3.40	18.00	3.40	18.00	3.40	18.00	3.40
17.05	3.37	17.05	3.37	17.05	3.37	17.05	3.37
16.30	2.83	16.30	2.83	16.30	2.83	16.30	2.83
18.85	2.51	18.85	2.51	18.85	2.51	18.85	2.51
17.31	2.74	17.31	2.74	17.3			

**POWER EQUIPMENT OPERATORS**  
Building & Residential  
Construction

CLASS	Basic Hourly Rate	Fringe Benefits
CLASS 1	\$ 18.40	5.00
CLASS 2	17.10	5.00
CLASS 3	15.45	5.00
CLASS 4	13.70	5.00

Basic Hourly Rate	Fringe Benefits

**CLASS 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograder; Batch Plant; Scoop; Boiler and Throttle Valve; Caisson Rig; Central Mix Plant; Combination Back Hoe Front Loader; Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 275 cu. ft.; Concrete Paver 275 cu. ft.-and under; Concrete Placer; Concrete Pump (truck mounted); Concrete Tower; Cranes; Cranes, Hammerhead; Cretex Crane; Crusher; Stone, etc; Derricks; Drivings; Traveling; Formless; Grub and Gutter Machine; Grader; Elevating; Grouthing; Machines; Highlift Shovels or Front Endloader 24 yd. and over; Hoists, Elevators, Outside Type Rack and Pinion and Similar Machines; Hoists, One, Two, and Three Drum; Hoists, Two Trolley One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Locomotive; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Press Stress Machine; Pump Cretes Dual Ram; Pump Cretes; squeeze cretes-screw type pumps; Gypsum baler and pump; Raised and Blind Hole Drill; Rock Drill (self-propelled); Rock Drill (truck mounted); Roto Mill Grinder (36" and over); Roto Mill Grinder (less than 36"); Scoops-Tractor Drums; Slip-Form Paver; Straddle Buggies; Tournapull; Tractor with Boom, and side boom; & trenching Machines**

**CLASS 2 - Bobcat (over 3/4 cu. yd.); Boiler; Brick Forklift; Broom, Power Propelled; Bulldozers; Concrete Mixer (Two Bag and over); Conveyor, Portable; Forklift trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 24 yd.; Hoists, Automatic; Hoists, Inside Freight Elevators; Hoists, Sewer Dredging Machine; Hoists, Tagger Single Drum; Rollers; Steam Generators; Tractor; Tractor Drum Vibratory Roller (Receives an additional \$.50 per hour); & Winch Trucks with "A" Frame**

**CLASS 3 - Air Compressor-Small 150 and under ( 1 to 5 not to exceed a total of 300 ft.); Air Compressor-Large over 150; Combination-Small equipment operator; Generator-Small 50 kw and under; Generator-Large over 50kw; Heaters, Mechanical; Hoists, Inside Elevators (remote manual controlled); Hoists, Inside Elevators push button with automatic doors; Hydraulic Power Units (pile driving and extracting); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Point; Welding Machines (2 through 5); Winches, 4 small electric drill winches; Bobcat (up to and including 3/4 cu. yd.); & Brick Forklift**

**CLASS 4 - Oilers**

**LABORERS CLASSIFICATIONS:**

- Group 1 - Construction; Plasterers; Tenders; & Pumps for Dewatering & other Power equipment.
- Group 2 - Cement Gun
- Group 3 - Chimney over 40 ft.; Scaffold
- Group 4 - Cement Gun Nozzle (Gunite)
- Group 5 - Stone Derricks & Handlers
- Group 6 - Jackhammers; & Power Driven Concrete Saws & Other Power Equip-ment
- Group 7 - Firebrick & Boiler Setters
- Group 8 - Chimney on Fire Brick; Caisson Diggers; Well Point System Men
- Group 9 - Boiler Setter Plastic
- Group 10 - Jackhammers on Fire Brick

**PAID HOLIDAYS (Where Applicable)**

- A - New Year's Day; & Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving Day; & G-Christmas Day

**FOOTNOTES:**

- a. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for less than 5 years
- b. 7 Paid Holidays: A through G
- c. 7 Paid Holidays: A through G
- d. 4 Paid Holidays: B,C, D, & E
- e. Per Week Per Employee
- f. 6 Paid Holidays: A, B, C, D, E, & G
- g. 1 year's service - 1 week's paid vacation; 3 or more years - 2 weeks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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DECISION NO. IL83-2051

SUPERSEDES DECISION

STATE: ILLINOIS  
 COUNTY: SEE BELOW  
 DATE: Date of Publication  
 Decision No.: IL83-2051, dated March 5, 1982 in 47 FR 9659  
 Description of Work: Building Construction Projects (not including Single Family Homes and Apartments up to and including 4 stories)  
 Adams, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Clinton, DeKalb, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Johnson, Knox, LaSalle, Lee, Livingston, Logan, McDonough, McLean, Macomb, Marshall, Mason, Menard, Mercer, Monroe, Montgomery, Morgan, Ogle, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, Stark, Stephenson, Warren, Washington, Whiteside, Winnebago, & Woodford

ASBESTOS WORKERS:	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AREA 1	\$18.99	\$2.76	\$15.185	\$2.65
AREA 2	16.50	2.70		
AREA 3	18.00	3.28		
AREA 4	16.86	2.40		
SOULDFORMERS:				
AREA 1	18.20	3.305	15.13	3.25
AREA 2	18.40	5.00	17.55	3.30
AREA 3	18.50	2.605		
PAINTERS; CAULKERS; CLEANERS; & STOREHOUSE:				
AREA 1	15.85	.40	15.405	3.01
AREA 2	14.35	2.25	15.905	3.01
AREA 3	15.89	2.81		
AREA 4	16.15	1.89		
AREA 5	15.69	2.06		
AREA 6	16.35	2.25		
AREA 7	16.86	2.71		
AREA 8	15.91	3.22		
AREA 9	14.85			
AREA 10	15.95	1.90		
AREA 11	15.15	2.75		
AREA 12	15.30	2.80		
AREA 13	15.45	2.05		
AREA 14	15.40	2.05		
AREA 15	17.15			
AREA 16	15.78	2.56		
AREA 17	15.50	1.87		
AREA 18	15.46	2.32		
AREA 19	14.20	1.80		
CARPENTERS; LATHERS; MILLWRIGHTS; FILLEDRIWMEN; & SOFT FLOOR LAYERS:				
AREA 1:				
Carpenters; Lathers; & Soft Floor Layers	15.905	2.51	15.735	2.65
Millwrights; Filledrivemen	16.405	2.51	15.60	2.53
Carpenters; Lathers; Millwrights; & Soft Floor Layers	15.185	2.65	16.35	2.53

CARPENTERS (CONT'D):	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AREA 13:	\$15.68	\$3.32	16.10	2.07
Carpenters; Soft Floor Layers	16.18	3.32	16.60	2.09
Filledrivemen	15.45	2.48	17.86	3.41
AREA 14:	16.15	2.48	16.64	2.69
Carpenters; Soft Floor Layers	12.68	.21	17.64	2.77
Millwrights; Filledrivemen	12.50	.01	17.32	2.29
Lathers	15.77	2.61	17.95	3.50
AREA 15:	16.27	2.61	17.32	2.50
Carpenters; Lathers; & Soft Floor Layers	14.20	2.40	17.32	2.50
Millwrights; Filledrivemen	18.72	2.40	14.95	2.56
AREA 16:	14.68	1.70	17.35	2.61
Lathers	18.50	1.70	17.35	2.51
AREA 17:	16.00	3.76	17.85	2.14
Carpenters; Lathers; & Soft Floor Layers	16.18	3.32	16.375	2.445
Millwrights; Filledrivemen; & Soft Floor Layers	14.05	1.90	15.265	2.53
AREA 18:	15.05	1.51	13.43	.69
Lathers	16.155	2.52	17.36	2.33
AREA 19:	17.775		14.19	.85
Carpenters; Lathers; & Soft Floor Layers	14.95	3.15	15.00	1.80
Millwrights; Filledrivemen	14.52	2.13	15.35	.01
AREA 20:	16.10	1.25	18.80	2.31
Carpenters	14.66	2.90	16.14	2.03
Millwrights; Filledrivemen	14.60	2.90	15.83	2.75
AREA 21:	15.63	1.50	15.79	2.60
Carpenters; Lathers; & Soft Floor Layers	17.51	2.01	16.45	.85
AREA 22:	15.35	.01	16.20	.85
Carpenters; Lathers; & Soft Floor Layers	15.43	.01	15.00	1.80
Millwrights; Filledrivemen	18.80	2.31		
AREA 23:	16.14	2.03		
Carpenters; Lathers; & Soft Floor Layers	15.83	2.75		
AREA 24:	15.79	2.60		
Carpenters; Lathers; & Soft Floor Layers	16.45	.85		
Millwrights; Filledrivemen	16.20	.85		
AREA 25:	15.00	1.80		
Carpenters; Lathers; & Soft Floor Layers				

BEST MASONS (CONT'D):  
 AREA 14:  
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 AREA 15:  
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 AREA 16:  
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 AREA 17:  
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 AREA 18:  
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 AREA 19:  
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 AREA 20:  
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 AREA 21:  
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 AREA 22:  
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 AREA 23:  
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 AREA 24:  
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 AREA 25:  
 Masons  
 Ties, in Henry & Stark Cos. (Contracts not exceeding \$4,000.00)  
 ALL Other Contractors  
 AREA 7:  
 Masons  
 AREA 8:  
 Masons  
 AREA 9:  
 Masons  
 AREA 10:  
 Masons  
 AREA 11:  
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 AREA 12:  
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 AREA 14:  
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 AREA 20:  
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 AREA 22:  
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 AREA 23:  
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 AREA 24:  
 Masons  
 AREA 25:  
 Masons  
 ELECTRICIANS; CABLE SPICERS  
 AREA 1:  
 Electricians; Cable Splicers  
 AREA 2:  
 Electricians; Cable Splicers  
 AREA 3:  
 Electricians; Cable Splicers  
 AREA 4:  
 Electricians; Cable Splicers  
 AREA 5:  
 Electricians; Cable Splicers  
 AREA 6:  
 Electricians; Cable Splicers  
 AREA 7:  
 Electricians; Cable Splicers  
 AREA 8:  
 Electricians; Cable Splicers  
 AREA 9:  
 Electricians; Cable Splicers  
 AREA 10:  
 Electricians; Cable Splicers  
 AREA 11:  
 Electricians; Cable Splicers  
 AREA 12:  
 Electricians; Cable Splicers  
 AREA 13:  
 Electricians; Cable Splicers  
 AREA 14:  
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 AREA 15:  
 Electricians; Cable Splicers  
 AREA 16:  
 Electricians; Cable Splicers  
 AREA 17:  
 Electricians; Cable Splicers  
 AREA 18:  
 Electricians; Cable Splicers  
 AREA 19:  
 Electricians; Cable Splicers  
 AREA 20:  
 Electricians; Cable Splicers  
 AREA 21:  
 Electricians; Cable Splicers  
 AREA 22:  
 Electricians; Cable Splicers  
 AREA 23:  
 Electricians; Cable Splicers  
 AREA 24:  
 Electricians; Cable Splicers  
 AREA 25:  
 Electricians; Cable Splicers  
 ELEVATOR CONSTRUCTORS:  
 AREA 1:  
 Elevator Constructors  
 AREA 2:  
 Elevator Constructors  
 AREA 3:  
 Elevator Constructors  
 AREA 4:  
 Elevator Constructors  
 AREA 5:  
 Elevator Constructors  
 AREA 6:  
 Elevator Constructors  
 AREA 7:  
 Elevator Constructors  
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 AREA 9:  
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 AREA 10:  
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 AREA 11:  
 Elevator Constructors  
 AREA 12:  
 Elevator Constructors  
 AREA 13:  
 Elevator Constructors  
 AREA 14:  
 Elevator Constructors  
 AREA 15:  
 Elevator Constructors  
 AREA 16:  
 Elevator Constructors  
 AREA 17:  
 Elevator Constructors  
 AREA 18:  
 Elevator Constructors  
 AREA 19:  
 Elevator Constructors  
 AREA 20:  
 Elevator Constructors  
 AREA 21:  
 Elevator Constructors  
 AREA 22:  
 Elevator Constructors  
 AREA 23:  
 Elevator Constructors  
 AREA 24:  
 Elevator Constructors  
 AREA 25:  
 Elevator Constructors  
 HELPERS W/LR, Plus Fringes  
 HELPERS S/WLR, No Fringes

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CLASSIFIERS:	Basic Monthly Rate	Fringe Benefits
AREA 1	\$16.29	5.07
AREA 2	15.81	7.00
AREA 3	10.93	1.49
AREA 4	15.71	1.72
AREA 5	16.41	.804C
AREA 6	16.59	1.31
AREA 7	15.95	2.13
AREA 8	16.25	2.15
AREA 9	16.80	2.80
AREA 10	17.00	4.375
AREA 11	16.35	3.30
AREA 12	16.45	2.79
AREA 13	15.87	2.59
AREA 14	15.755	3.32
AREA 15	15.00	3.03
MAJOLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:		
AREA 1	15.85	.40
AREA 2	17.35	
Terrazzo Workers		
AREA 3	13.98	2.91
Tile Setters	15.10	2.80
AREA 4	15.59	2.06
AREA 5	15.96	3.22
AREA 6	16.85	
AREA 7	17.15	
Terrazzo Workers	15.78	2.56
AREA 8	15.50	1.87
AREA 9	15.40	2.75
AREA 10	13.80	
AREA 11	14.20	1.80
AREA 12		
Marble Setters; Tile Setters		
MOBILE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:		
AREA 1:		
Marble & Tile Finishers	16.00	
Terrazzo Finishers; Terrazzo Floor Machine Operators	16.15	
Terrazzo Base Machine Ops.	16.55	
AREA 2:		
Tile Finishers	11.70	1.61
AREA 3:		
Marble & Tile Finishers	14.74	2.05
Terrazzo Finishers	14.87	2.05
Base Machine Operators	15.12	2.05

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PAINTERS (CONT'D):	Basic Monthly Rate	Fringe Benefits
AREA 13:	\$10.53	
Brush		
Sandblasting; Spray; Steam Cleaning; & Structural Steel	10.88	
AREA 14:	14.00	
Brush; Structural Steel		
AREA 15:	13.35	11.20
Brush		
Machine Tapers; Paperstamping; Spray; & Structural Steel	13.85	1.30
AREA 16:	12.70	.30
Brush		
Structural Steel	13.20	.50
Sandblasting; & Spray	13.70	.50
SHEET METAL WORKERS:		
AREA 1	16.00	2.20
AREA 2	19.50	1.894e
AREA 3	17.36	2.25
AREA 4	17.57	2.09
AREA 5	16.75	3.45
AREA 6	17.03	2.33
AREA 7	17.60	2.35
AREA 8	18.75	3.25
AREA 9	17.50	2.25
AREA 10	18.69	2.00
AREA 11	18.76	2.40
AREA 12	18.69	2.00
AREA 13	15.45	4.21
AREA 14	18.60	2.53
ROOFERS:		
AREA 1	13.13	4.25
AREA 2	14.85	2.05
AREA 3	16.97	1.68
AREA 4	15.13	2.75
AREA 5	14.70	1.96
AREA 6	16.63	2.65
AREA 7	13.85	1.125
AREA 8	14.25	.60
AREA 9	15.60	2.66
AREA 10	12.16	.50
AREA 11:		
Composition	11.65	.45
Slate & Tile	11.90	.45
CLASS 1		
CLASS 2		
CLASS 3		
CLASS 4		
AREA 1:	16.08	2.98
AREA 2	14.78	2.75
AREA 3	15.93	3.23
AREA 4	17.02	2.334f
AREA 5	16.40	2.244f
AREA 6	16.08	2.98
AREA 7	16.75	2.344f
AREA 8	14.33	2.98
AREA 9	17.76	3.23

SPRINKLER FITTERS:	Basic Monthly Rate	Fringe Benefits
AREA 1:	\$16.67	\$2.83
Unskilled		
Semi-Skilled	13.84	1.35
Skilled	14.04	1.35
AREA 2:	14.19	1.35
Unskilled		
Semi-Skilled	13.59	1.60
Skilled	13.79	1.60
AREA 3:	13.94	1.60
Unskilled		
Semi-Skilled	14.15	1.55
Skilled	14.35	1.55
AREA 4:	14.50	1.55
Unskilled		
Semi-Skilled	14.10	2.10
Skilled	14.30	2.10
AREA 5:	14.45	2.10
Class 1		
Class 2	15.70	.35
Class 3	15.95	.35
Class 4	16.20	.35
Class 5	17.30	.35
Class 6	15.60	.45
Class 7	15.85	.45
Class 8	16.10	.45
Class 9	16.35	.45
Class 10	17.20	.45
Class 11	15.75	.30
Class 12	16.00	.30
Class 13	16.25	.30
Class 14	17.35	.30
Class 15	15.80	.25
Class 16	16.05	.25
Class 17	16.30	.25
Class 18	17.40	.25
Class 19	14.60	1.45
Class 20	14.85	1.45
Class 21	15.10	1.45
Class 22	16.20	1.45
Class 23	15.00	1.05
Class 24	15.25	1.05
Class 25	16.60	1.05

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Basic Monthly Rates	fringe Benefits
\$15.40	.65
15.65	.65
15.90	.65
17.00	.65
15.80	.25
16.05	.25
16.30	.25
17.40	.25
14.20	1.85
14.45	1.85
14.70	1.85
15.80	1.85
14.70	1.35
14.95	1.35
15.20	1.35
16.30	1.35
15.20	.85
15.45	.85
15.70	.85
16.80	.85
13.65	2.17
15.725	2.17
15.75	2.17
13.80	2.17
13.85	2.17
13.875	2.17
13.975	2.17
14.00	2.17
14.10	2.17
14.225	2.17
13.52	2.295
13.72	2.295
13.92	2.295
13.52	2.295
13.72	2.295
13.92	2.295
14.27	1.545
14.47	1.545
14.67	1.545
13.47	2.343
13.67	2.343
13.87	2.343

LASERS (CONT'D):

AREA 21:	Unskilled	\$12.47	3.345
	Semi-Skilled	12.67	3.345
	Skilled	12.87	3.345
AREA 23:	Unskilled	13.25	2.565
	Semi-Skilled	13.45	2.565
	Skilled	13.65	2.565
AREA 24:	Class 1	13.04	2.92
	Class 2	13.29	2.92
AREA 25:	Class 1	13.04	2.92
	Class 2	13.29	2.92
AREA 26:	Class 1	14.04	1.92
	Class 2	14.29	1.92
AREA 27:	Class 1	14.70	1.45
	Class 2	14.95	1.45
	Class 3	15.20	1.45
	Class 4	15.55	1.45
AREA 28:	Projects \$375,000.00 or Over	14.67	2.05
	Unskilled	14.87	2.05
	Semi-Skilled	15.07	2.05
	Skilled	14.27	2.05
	Projects under \$375,000.00:	14.47	2.05
	Unskilled	14.67	2.05
	Semi-Skilled	14.87	2.05
	Skilled	14.43	1.70
AREA 29:	Unskilled	14.83	1.70
	Semi-Skilled	14.83	1.70
	Skilled	14.83	1.70
AREA 30:	Unskilled	13.96	1.98
	Semi-Skilled	14.16	1.98
	Skilled	14.36	1.98
AREA 31:	Unskilled	13.70	2.20
	Semi-Skilled	13.90	2.20
	Skilled	14.10	2.20
AREA 32:	Unskilled	13.71	2.40
	Semi-Skilled	13.91	2.40
	Skilled	14.11	2.40
AREA 33:	Unskilled	13.51	2.62
	Semi-Skilled	13.71	2.62
	Skilled	13.91	2.62

LASERS (CONT'D):

AREA 34:	Unskilled	\$14.03	2.10
	Semi-Skilled	14.23	2.10
	Skilled	14.43	2.10
AREA 35:	Unskilled	13.18	2.20
	Semi-Skilled	13.43	2.20
	Skilled	13.68	2.20
AREA 36:	Class 1	14.45	1.65
	Class 2	14.70	1.65
	Class 3	14.75	1.65
	Class 4	14.95	1.65
AREA 37:	Class 1	16.25	1.85
	Class 2	16.40	1.85
	Class 3	13.00	1.85
AREA 21:	Master Mechanics	17.17	2.48
	Group 1	16.67	2.48
	Group 2	13.89	2.48
	Group 3	13.24	2.48
	Group 4	13.14	2.48
	Group 5	12.89	2.48
	Group 6:	18.81	2.48
	a	19.12	2.48
	b	16.99	2.48
	c	15.49	2.48
	d	15.49	2.48
AREA 31:	Class 1	16.40	5.00
	Class 2	17.10	5.00
	Class 3	15.45	5.00
	Class 4	13.70	5.00
AREA 4:	Group 1	17.24	1.75
	Group 2	17.04	1.75
	Group 3	16.685	1.75
	Group 4	16.39	1.75
	Group 5	15.78	1.75
AREA 5:	Class 1	15.25	2.98
	Class 2	15.25	2.98
	Class 3	13.85	2.98
	Class 4	13.65	2.98
	Class 5	12.80	2.98
TRUCK DRIVERS:	AREA 11:	14.335	1.1548
	Group 1	14.725	1.1548
	Group 2	14.935	1.1548
	Group 3	15.135	1.1548
	Group 4	15.135	1.1548

TRUCK DRIVERS (CONT'D):

AREA 21:	Group 1	\$14.875	1.1548
	Group 2	15.175	1.1548
	Group 3	15.475	1.1548
	Group 4	15.725	1.1548
AREA 31:	2-3 Axles	12.00	1.33
	4 Axles	12.15	1.33
	5 Axles	12.35	1.33
	6 Axles	12.55	1.33
AREA 4:	2-3 Axles	12.25	b
	4 Axles	12.40	b
	5 Axles	12.60	b
	6 Axles	12.80	b

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## FOOTNOTES:

- a. 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day After Thanksgiving Day; & Christmas Day
- b. Employer contributes 5% of regular hourly rate to vacation pay credit for employees who have worked in the business more than 5 years; 5% for employees who have worked in the business less than 5 years.
- c. 7 Paid Holidays: New Year's Day; Memorial Day; July 4th; Labor Day; Thanksgiving Day; Day After Thanksgiving Day; & Christmas Day
- d. \$25.00 per year per employee
- e. Paid holiday: 4 hours for Christmas Eve if holiday falls on Monday through Friday
- f. 1% of gross earnings to SAIMI
- g. \$51.00 per week per employee
- h. \$62.00 per week per employee

## AREA DESCRIPTIONS

## ASBESTOS WORKERS:

- AREA 1: Adams, Bond, Brown, Calhoun, Cass, Clinton, Greene, Jersey, Macoupin, Logan, Macoupin, Mason, Menard, Monroe, Montgomery, Morgan, Pike, Randolph, Schuyler, Scott, & Washington Counties
- AREA 2: Boone, Ogle, Stephenson, & Wilmabago Counties
- AREA 3: Bureau, DeKalb, LaSalle, Lee, Livingston, McLean, Marshall, Putnam, Stark, & Woodford Counties
- AREA 4: Carroll, Hancock, Henderson, Henry, Jolleviss, Knox, McDonough, Mercer, Rock Island, Warren, & Whiteside Counties

## BOLLWEEDERS:

- AREA 1: Adams, Bond, Brown, Calhoun, Cass, Clinton, Greene, Jersey, Macoupin, Menard, Monroe, Montgomery, Morgan, Pike, Randolph, Scott, & Washington Counties
- AREA 2: Boone, DeKalb, & Wilmabago Counties
- AREA 3: Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Jolleviss, Knox, LaSalle, Lee, Livingston, Logan, McDonough, McLean, Marshall, Mason, Mercer, Ogle, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, Whiteside, & Woodford Counties

## BROCKLAINERS; CULVERS; CLEANERS; POINTERS; &amp; STUNDEAGONS:

- AREA 1: Adams, Brown, & Pike Counties
- AREA 2: Bond, Calhoun, Jersey, Macoupin (Stamton & Mt. Olive), & Montgomery Counties
- AREA 3: Boone, Carroll, Jolleviss, Lee, Ogle, Stephenson, Whiteside, & Wilmabago Counties
- AREA 4: Bureau & Putnam Counties
- AREA 5: Cass, Greene, Macoupin (Eads, Stamton & Mt. Olive), Morgan, Schuyler, & Scott Counties
- AREA 6: Clinton, Monroe, & Washington Counties
- AREA 7: DeKalb County
- AREA 8: Fulton, Henderson, Knox, Marshall, Warren, & Woodford Counties
- AREA 9: Hancock & McDonough Counties
- AREA 10: Henry & Stark Counties
- AREA 11: LaSalle (LaSalle, Peru & Vic.) County
- AREA 12: LaSalle (Seneca, Macellies, Mendota, Ottawa, & Oglesby) County
- AREA 13: LaSalle (Streator & Vic.) County

## AREA DESCRIPTIONS (CONT'D).

## BROCKLAINERS (CONT'D):

- AREA 14: Livingston County
- AREA 15: Logan & Mason Counties
- AREA 16: McLean County
- AREA 17: Menard County
- AREA 18: Mercer & Rock Island Counties
- AREA 19: Randolph County

## CARPENTERS; LATHERS; MILLWRIGHTS; PILEDRIVERS; &amp; SOFT FLOOR LAYERS:

- AREA 1: Adams County
- AREA 2: Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S 2/3), & Montgomery (S 2/3) Counties
- AREA 3: Bond, Calhoun, Greene (S. of Apple Creek), Jersey, Macoupin (S 2/3), Montgomery (S 2/3), Pike (S. of Eze. #54), & Scott (S. of Eze. #34) Counties
- AREA 4: Boone, Ogle (N 1/2), & Wilmabago Counties
- AREA 5: Brown, Cass, Greene (Whitball & N. thereof), Morgan, Pike, Schuyler (except part lying N. of Illinois State Hwy. #101 to Federal Hwy. #67, S. of Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), & Scott Counties
- AREA 6: Brown, Cass, Greene (Whitball & N. thereof), Morgan, Pike (N. of Eze. #54), Schuyler (except part lying N. of Illinois State Hwy. #101 to Federal Hwy. #67, S. of Federal Hwy. #67, S. of Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), & Scott (N. of Eze. #34) Counties
- AREA 7: Bureau (Ohio), Lee (Ashton, Franklin Grove, Amboy, Lee Center, Compton, S. Brooklyne, Shaw Station, Elders, Harmon, Harmon, Nelson & Prairieville), Ogle (Polo, Salda, Mt. Norris, Oregon, Chana, Wosung, Brookville & Grand Detour), & Whiteside (Petross Cornar) Counties
- AREA 8: Bureau (Eads, Ohio & Area W. of Hwy. #88), LaSalle, Lee (Eads, E & of Co. & Ashton, Franklin Grove, Amboy, Lee Center, Compton, W. Brooklyne, Shaw Station, Sublette, Elders, Harmon, Nelson & Prairieville), Livingston (SW Corner, incl. Blachrose & Cornall), Marshall, & Putnam Counties
- AREA 9: Bureau (N. of Hwy. #88), Henry, Mercer, Rock Island, & Whiteside (N. of Hwy. #78) Counties
- AREA 10: Carroll & Jolleviss Counties
- AREA 11: Clinton, Monroe, Randolph, & Washington (except Territory E. of a line due S. of the Montgomery-Fayette Co. line to Eze. #177, then E. 1/2 mi., then S. 2 mi. to a road running E. & V. to the Jefferson Co. line) Counties
- AREA 12: DeKalb, Lee (E & of Co.), & Ogle (Rochelle & Vic.) Counties
- AREA 13: Fulton, Hancock (E 1/3), Henderson, Knox, Livingston (Eads, SW Corner), Logan (Lincoln & Vic.), McDonough, McLean, Mason, Schuyler (N. of Illinois State Hwy. #101 to Federal Hwy. #67, S. of Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), Stark, Warren, & Woodford Counties
- AREA 14: Hancock (W 2/3) County
- AREA 15: Henry, Mercer, Rock Island, & Whiteside (W 1/2) Counties
- AREA 16: Knox County
- AREA 17: Macoupin (Grand & N. thereof), Menard, & Montgomery (Vaggoner, Standard City & N. thereof) Counties
- AREA 18: Ogle (Maryland, Fortston, Harper, Buffalo, Adeline, Lightville, & Baileyville), & Whiteside (E. of Hwy. #78, excl. Petross Cornar) Counties
- AREA 19: Stephenson County
- AREA 20: Bureau (W. of Hwy. #88), Henderson (N. of Hwy. #163), Henry, Mercer, Rock Island, Stark, & Whiteside (W. of Hwy. #78) Counties
- AREA 21: Fulton, Hancock (E 1/3), Henderson (E. of Hwy. #163), Knox, Livingston (Eads, SW Corner), Logan (Lincoln & Vic.), McDonough, McLean, Mason, Schuyler (N. of Ill. St. Hwy. #101 to Federal Hwy. #67, S. to Federal Hwy. #67 1/2 mi., from this point to SW Corner of Fulton Co.), Warren & Woodford Counties

AREA DESCRIPTIONS (CONT'D)

CEMENT MANS & PLASTERERS:

- AREA 1: Adams, Brown, & Pike Counties
- AREA 2: Bond, Calhoun, Clinton (N 1/2 incl. McNamee), Greene, Jersey, Montgomery, Monroe, & Montgomery Counties
- AREA 3: Boone & Winochago Counties
- AREA 4: Bureau, LaSalle, Livingston (N. part incl. Pontiac), Marshall (E. part incl. Toluca), Putnam, & Woodford (SW part incl. Winochago) Counties
- AREA 5: Carroll, Johnson, Lee, Ogile, Stephenson, & Whiteside (Except Erie Area & SW thereof) Counties
- AREA 6: Cass & Menard Counties
- AREA 7: Clinton (Carter & E. thereof) & Washington Cos.
- AREA 8: DeKalb County
- AREA 9: Fulton (SW portion), Knox, Mercer (SE corner) & Warren Counties
- AREA 10: Fulton (E. & W. portions), Marshall (W. part, excl. Toluca), Mason, & Woodford (E. & W. parts & Micoch) Counties
- AREA 11: Fulton (E. & W. portions), Marshall (W. part, excl. Toluca), Mason, Stark, & Woodford (E. & W. parts & Micoch) Counties
- AREA 12: Hancock, Lee (Part S. of a line drawn 3 mi. from the city limits of Ft. Madison in 1908), McDonough, & Schuyler Counties
- AREA 13: Henderson (N 1/2), Henry (N 1/2), Mercer (E. & W. parts), Rock Island, & Whiteside (Erie & Area SW thereof) Counties
- AREA 14: Henderson (N 1/2), Henry, Mercer (E. & W. parts), Rock Island, & Whiteside (Erie & Area SW thereof) Counties
- AREA 15: Henderson (S 1/2) County
- AREA 16: Henry (E 1/2), & Stark Counties
- AREA 17: Livingston (S. part, excl. Pontiac), McLean, & Woodford (E. part, excl. Randolph) Counties
- AREA 18: Logan County
- AREA 19: Morgan & Scott Counties
- AREA 20: Randolph County

ELECTRICIANS:

- AREA 1: Adams, Brown, Hancock, McDonough (Lumbard, Bethel, Industry, & Lidersdo), Pike, & Schuyler Counties
- AREA 2: Bond (E 1/2), Clinton (Hoy, Hoffman, & Vic.), Randolph (E. & W. parts), & Washington (E. & W. parts) Counties
- AREA 3: Bond (W 1/2), Clinton (E. & W. parts), & Washington (Venezky) Counties
- AREA 4: Boone, Carroll (Cherry Grove, Shannon, Rock Creek, Line, Wayne, & Elsbere Grove Twp.), DeKalb (Franklin, Kingston, Genoa, S. Grove, Mansfield, Sprague, Malta, DeKalb, Cortland, Mills, Albion, Pierce, Shabbon, Clinton, Square Grove, Fox New, Victor & Somers Twp.), Johnson (Warren, Bush, Bora, Stockton, Ward Grove, Pleasant Valley, & Brecken Twp.), Lee, Ogile, Stephenson, Whiteside (Coneasa, Jordan, Hopkins, Sterling, Home, Montgomery, Tampico, & Suburban Twp.) & Winochago Counties
- AREA 5: Bureau (Belington, Cherry, Labolite, Maidea, Ohio, Walnut, Clerton, Bureau, Deert, Berlin, & Westfield), & LaSalle (S. part, incl. Otis & Senece) Counties

AREA DESCRIPTIONS (CONT'D)

ELECTRICIANS (CONT'D):

- AREA 6: Bureau (Arroyo, Concord, Fairfield, Wymet, Gold, Greenville, Hill, Indianapolis, Leptonon, Mason, Millis, Mineral, Newport, Selby, Whelan, & Princeton), Henry (Amawan, Burns, Cambridge, Galva, Kenosha, Walker, & Westfield Twp.), LaSalle (Deer Park, Eden, LaSalle, Fern, Ulica, & Vermilion Twp.), Putnam (Greenville, Nempein & Senachosin Twp.), & Stark (Clinton, Graham, Geocole, Penn, & Toulon Twp.) Counties
- AREA 7: Calhoun, Greene, Jersey, & Macoupin (Briham Twp.) Counties
- AREA 8: Carroll (W. part, incl. cities of Chabick, Mt. Carroll, Serrana & Thompson), Henry (E. & W. parts), Adams, Bureau, Cambridge, Galva, Kenosha, Walker, & Westfield), Johnson (Serrana, Geocole, Galva, Kenosha, & Chabick Twp.), & Stark (E. & W. parts) Counties
- AREA 9: Cass, Logan, Macoupin (Abbeville, Scottville, Girard, & Area N. thereof), Mason (Lynchburg, Bab, Kilbourne, Crane Creek, Salt Creek & Mason Twp.), Menard, Montgomery (Bois D'Arc, Pitman & Barvel Twp.), Morgan, & Scott Counties
- AREA 10: DeKalb (Senech Twp.) County
- AREA 11: Fulton (Cass, DeKalb, Ellisville, Harris, Lee, Tolson, Young, & Richway Twp.), Henderson, Knox, McDonough (Bladinsville, Prairie City, Ematt, Tennessee, Scotland, Sciota, Southwell, Macomb, Colchabar, New Salem, Walnut Grove, Hira, Howard, & Chalmers Twp.), Metcalf (Ohio Grove, Star & W. Henderson Twp.), & Warren Counties
- AREA 12: Fulton (S. part of Co.), Marshall (N. of Bell Plain & Roberts Twp.), Mason (E. & W. parts), Crane Creek, Kilbourne, Lynchburg, Mason City, & Salt Creek Twp.), Stark (E. & W. parts), Jersey Twp.), & Woodford (N. of Kansas, Lima, Palastins, & Senece Twp.) Counties
- AREA 13: Johnson (E. & W. parts), Serrana Ordnance Depot & Area E. of Apple River, Thompson & Woodbine Twp.) County
- AREA 14: LaSalle (S. part of Co.), Livingston, McLean (Crepey, Anchor, Casney Grove, & Belleflower Twp.), Marshall (Roberts, Evans, Bell, Plaine, & Birmingham), Putnam (Magnolia Twp.), & Woodford (Lima, Clayana, Micoch, Roselle, Green, & Penna Twp.) Counties
- AREA 15: McLean (Anchor, Belleflower, Crepey, Chesley Grove Twp.), & Woodford (Palastins, El Paso & Kansas Twp.) Counties
- AREA 16: Montgomery (E. of Butler Grove, Otisban, & Raymond Twp.) County

ELEVATOR CONSTRUCTION:

- AREA 1: Adams, Brown, McLean, Macoupin, Menard, Morgan, Pike, & Scott Counties
- AREA 2: Boone, Lee, Ogile, Stephenson, & Winochago Counties
- AREA 3: Carroll, Henry, Mercer, Rock Island, & Whiteside Counties
- AREA 4: DeKalb County
- AREA 5: Greene & Jersey Counties

GLAZIERS:

- AREA 1: Adams, Brown, Cass, Logan, Macoupin (N. part), Mason, Menard, Montgomery, Morgan, Pike, Schuyler, & Scott Counties
- AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin (S. part), Moore, Randolph, & Washington Counties
- AREA 3: Boone, DeKalb (N 1/2), Lee (NE part), & Winochago Counties

## AREA DESCRIPTIONS (CONT'D)

## CLAIMERS (CONT'D):

AREA 4: Bureau (New Bedford, Thomas, & Seponset), Carroll, Hancock, Henderson, Henry, Jodavians, Knox, Lee (NW, incl. Dixon), McDonough (N 1/2), Mercer, Rock Island, Stephenson, Warren, & Whiteside Counties  
 AREA 5: Bureau (Dodge, New Bedford, Thomas, & Seponset), DeKalb (S 1/3), LaSalle, Lee (S 1/3), Livingston (N 4/5), McLean, Marshall (E 1/3), Putnam, Stark, & Woodford Counties  
 AREA 6: Fulton County

## TOWNSHIPS:

AREA 1: Adams (E Corner), Brown, Cass, Fulton (S. 1/2, incl. Marlinton, Marlinton, & Summit Twp.), Greene (N 1/2), Logan, Macopin (N. part), Mason (E. of Rte. #130), Menard, Montgomery (Dodge, Litchfield, Hillsboro & S. thereof), Morgan, Pike, Schuyler (E 1/2), & Scott Counties  
 AREA 2: Adams (Dodge, SE Corner), Hancock, Henderson, Knox (N. of Hwy #41), Warren, Schuyler (N 1/2), & Warren Counties  
 AREA 3: Bond, Calhoun, Clinton, Greene (S 1/2), Jersey, Macopin (S. part), Monroe, Montgomery (Litchfield, Hillsboro & S. thereof), Randolph, & Washington Counties  
 AREA 4: Boone, Carroll (Dodge, Thompson, Sevens & Vic.), DeKalb (Dodge, SE 2/3), Jodavians (Dodge, E. thereof, Galena, Hancock & Vic.), Lee, Ogle, Stephenson, Whiteside (Cities of Rock Falls, Sterling, & W. Sterling), & Whiteside Counties  
 AREA 5: Bureau, LaSalle, Marshall (Dodge, SE Corner), & Putnam Counties  
 AREA 6: Carroll (Thompson, Sevens, & Vic.), Henry, Jodavians (E. thereof, Galena, Hancock, & Vic.), Knox (Galena, & Agass B. of the City), Rock Island, & Whiteside (Dodge, Sterling, Rock Falls & W. Sterling) Counties  
 AREA 7: DeKalb (SE 2/3 of Co., incl. Spencer & DeKalb) County  
 AREA 8: Fulton (Dodge, Marlinton, Astoria & Summit Twp.), Knox (Area 6, & E. of Galena), Livingston, McDonough, McLean (N 1/2), Marshall (SE Corner), Mason (N. of Rte. #130), Stark, & Woodford Counties  
 AREA 9: McLean (E 1/2) County

## MARBLE SETTERS; TERRAZZO WORKERS; &amp; TILE SETTERS:

AREA 1: Adams, Brown, & Pike Counties  
 AREA 2: Bond, Clinton, Monroe, Randolph, & Washington Counties  
 AREA 3: Bond, Monroe, & Washington Counties  
 AREA 4: Boone, Carroll, DeKalb, Ogle, Stephenson, & Whiteside Counties  
 AREA 5: Cass, Greene, Macopin, Morgan, Schuyler, & Scott Counties  
 AREA 6: Fulton, Henderson, Knox, Marshall, Warren, & Woodford Counties  
 AREA 7: Hancock & McDonough Counties  
 AREA 8: Logan & Mason Counties  
 AREA 9: McLean County  
 AREA 10: Menard County  
 AREA 11: Mercer & Rock Island Counties  
 AREA 12: Randolph County

## MARBLE SETTERS; TERRAZZO WORKERS' FINISHERS; &amp; TILE SETTERS' FINISHERS:

AREA 1: Adams, Brown, Cass, Greene, Logan, Macopin, Mason, Menard, Morgan, Pike, Schuyler, & Scott Counties  
 AREA 2: Bond, Clinton, Monroe, Randolph, & Washington Counties  
 AREA 3: Boone, Carroll, DeKalb, Ogle, Stephenson, & Whiteside Counties  
 AREA 4: Fulton, Hancock, Henderson, Knox, McDonough, McLean, Marshall, Warren, & Woodford Counties

## PAINTERS:

AREA 1: Adams County  
 AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macopin, Monroe, Montgomery, Pike, & Washington Counties  
 AREA 3: Boone, Ogle, Stephenson, & Whiteside Counties  
 AREA 4: Brown, Cass, Logan, Menard, Morgan (Meridiana & Haverly), & Scott Counties  
 AREA 5: Bureau, LaSalle, Mendota, Oglesby, Utica, Peru, & Vic.), & Putnam Counties  
 AREA 6: Carroll, Henry (S 1/2, to Interstate #60), Mercer, Rock Island, Warren (Dodge, area S. to Center of East-West Hwy at Adams), & Whiteside (N. of State Rte. #78) Counties  
 AREA 7: Henderson, Henry (S 1/2, to Interstate #60), Knox, Stark, & Warren (N. to Center of East-West Hwy at Adams) Counties  
 AREA 8: DeKalb County  
 AREA 9: Fulton, Marshall, Mason, Schuyler, & Woodford Counties  
 AREA 10: Hancock & McDonough Counties  
 AREA 11: Jodavians County  
 AREA 12: LaSalle (Orleans, Strasser, Nusselles, & Vic.) County  
 AREA 13: Lee & Whiteside (E. of State Rte. #78) Counties  
 AREA 14: Livingston County  
 AREA 15: McLean County  
 AREA 16: Randolph County

## FISHERIES; FURS; &amp; STRAWBERRIES:

AREA 1: Adams, Brown, Hancock (Dodge, E 1/2), & Schuyler Counties  
 AREA 2: Bond, Calhoun, Greene, Jersey, Macopin (S. of Rte. #108), & Montgomery (S. & W. of Rte. #127) Counties  
 AREA 3: Boone, Carroll (To Rte. #78, incl. Mt. Carroll), Jodavians, Ogle, Stephenson, & Whiteside Counties  
 AREA 4: Bureau, LaSalle, Livingston (N. of Pontiac), & Putnam Counties  
 AREA 5: Carroll (N. of Rte. #78, excl. Mt. Carroll), Henderson, Henry, Knox, Lee, Mercer, Rock Island, Warren, & Whiteside Counties  
 AREA 6: Cass, Logan, Macopin (N. of State Rte. #108, incl. Carlinville), Menard, Menard, Montgomery (N. of State Rte. #127, incl. Town of Hillsboro & Salem City), Morgan, Pike, Sangamon, & Scott Counties  
 AREA 7: Clinton (N 2/3, incl. Albert, Aviston, Barcigo, Beckenmeyer, Brees, Carlyle, Germantown, New Baden, New Memphis, Posey, & Trenton), McDonough (Prairie, Monroe (Becker), Randolph (Madison, Red Bud, Rona, Tilden), & Washington (Adairville, Carlington, Lively Grove, Nashville, New Minden, Osedale, Osawville, & Venedy) Counties  
 AREA 8: Clinton (E 1/2), & Washington (E 1/2) Counties  
 AREA 9: DeKalb County  
 AREA 10: Fulton, Hancock (E 1/2), & McDonough (Dodge, Prairie) Counties

## AREA DESCRIPTIONS (CONT'D) -

## FLOORS (CONT'D):

AREA 11: Livingston (Fentiss & S. of Rte. #116, extending E. to Ford Co.), McLean, & Woodford (S. of Rte. #116 to Rte. #116A & All territory E. of Rte. #116A to & incl. Goodfield) Counties  
 AREA 12: Marshall, Stark & Woodford (Excl. S. of Rte. #116 to Rte. #116A & All territory E. of Rte. #116A to & incl. Goodfield) Counties  
 AREA 13: Monroe (Valweyer & Vic.) County  
 AREA 14: Randolph (Excl. Baldwin, Red Bud, Ems, & Tilden) County

## ROOFERS:

AREA 1: Adams County  
 AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macopin (S 1/2), Monroe, Randolph & Washington Counties  
 AREA 3: Boone, Carroll, DeKalb (W 1/2), Lee, Ogle, Stephenson, Whiteside (Rock Falls, Sterling & W. Sterling), & Winnebago Counties  
 AREA 4: Brown, Cass, Logan, Macopin (S 1/2), Mason, Menard, Montgomery, Morgan, Pike, Schuyler, & Scott Counties  
 AREA 5: Bureau, LaSalle, Livingston, Marshall (NE 1/2), & Putnam Counties  
 AREA 6: DeKalb (E 1/2, incl. Syracuse, DeKalb, & Waterman) County  
 AREA 7: Fulton, McDonough (E 1/2, excl. Macomb), Marshall (SW 1/2), Stark, & Woodford Counties  
 AREA 8: Hancock, Henderson, Knox, McDonough (W 1/2, incl. Macomb), & Warren Counties  
 AREA 9: Henry, Mercer, Rock Island, & Whiteside (Excl. Rock Falls, Sterling, & W. Sterling) Counties  
 AREA 10: McHenry County  
 AREA 11: McLean County

## SHEET METAL WORKERS:

AREA 1: Adams, Calhoun, Hancock, & Pike Counties  
 AREA 2: Bond, Clinton, Greene, Jersey, Macopin, Monroe, Montgomery, Randolph, & Washington Counties  
 AREA 3: Boone, Carroll (E 1/2), DeKalb, JoDaviess (E. of Hwy #78), Lee, Ogle, Stephenson, Whiteside, & Winnebago Counties  
 AREA 4: Brown, Cass, Logan, Mason, Menard, Morgan, Schuyler, & Scott Counties  
 AREA 5: Bureau, LaSalle, Livingston (S. Part), Marshall, Putnam, & Stark Counties  
 AREA 6: Carroll (W. of Hwy #78), Henderson, Henry, Knox, McDonough, Mercer, Rock Island, Warren, & Whiteside (W. of Hwy #78) Counties  
 AREA 7: Fulton, McLean, & Woodford Counties  
 AREA 8: JoDaviess (W. of Hwy #78) County  
 AREA 9: Livingston (S. Part) County

## LAWYERS:

AREA 1: Adams County  
 AREA 2: Brown, Cass, Mason Morgan, Pike, Schuyler, & Scott Counties  
 AREA 3: Logan & Menard (W 1/2) Counties  
 AREA 4: Menard (S 1/2, incl. City of Petersburg) County  
 AREA 5: Bond (Greenville) & Macopin (Mc. Olive & Vic.) Counties  
 AREA 6: Bond (Pocahontas), Macopin (Clintonsville & Vic.), & Washington (Ashley & Vic.) Counties  
 AREA 7: Boone (Serrano) & Jersey Counties  
 AREA 8: Calhoun County

## AREA DESCRIPTIONS (CONT'D)

## LAWYERS (CONT'D):

AREA 9: Clinton (Carlyle, Trenton & Vic.) County  
 AREA 10: Greene & Montgomery (Litchfield & Vic.) Counties  
 AREA 11: Macopin (Shipman) County  
 AREA 12: Macopin (Stanton & Vic.) & Washington (Osawville & Vic.) Counties  
 AREA 13: Macopin (Carlinville & Vic.) County  
 AREA 14: Montgomery (Hillsboro & Vic.) & Randolph (Chwster & Vic.) Counties  
 AREA 15: Randolph (Sparta & Vic.) County  
 AREA 16: Washington (Maberville & Vic.) County  
 AREA 17: Boone County  
 AREA 18: Bureau County  
 AREA 19: LaSalle (Streator & Vic.) County  
 AREA 20: LaSalle (Marshall & Vic.) County  
 AREA 21: LaSalle (Otsewa & Vic.) County  
 AREA 22: LaSalle (LaSalle & Vic.) County  
 AREA 23: Putnam County  
 AREA 24: Winnebago County  
 AREA 25: DeKalb & Ogle (City of Rochelle) Counties  
 AREA 26: Carroll, JoDaviess, Lee, Ogle (Except City of Rochelle), Stephenson, & Whiteside Counties  
 AREA 27: Clinton (New Baden & Vic.) County  
 AREA 28: Clinton County  
 AREA 29: Hancock & McDonough Counties  
 AREA 30: Henderson, Knox, & Warren Counties  
 AREA 31: Henry & Stark (W 1/2) Counties  
 AREA 32: Livingston & Woodford Counties  
 AREA 33: McLean County  
 AREA 34: Marshall & Stark (E 1/2) Counties  
 AREA 35: Mercer & Rock Island Counties  
 AREA 36: Monroe County

## POWDER EQUIPMENT OPERATORS:

AREA 1: Adams, Brown, Cass, Logan, Menard, Morgan, Pike, Schuyler, & Scott Counties  
 AREA 2: Bond, Calhoun, Clinton, Greene, Jersey, Macopin, Monroe, Montgomery, Randolph, & Washington Counties  
 AREA 3: Boone, Bureau (E. of Rte. #66), Carroll, DeKalb, JoDaviess, LaSalle, Lee, Livingston, Ogle, Putnam (E. of Illinois River), Stephenson, Whiteside (E 1/2), & Winnebago Counties  
 AREA 4: Bureau (W. of Rte. #66), Fulton, Hancock, Henderson, Henry (E 1/2), Knox, McDonough, McLean, Marshall, Mason, Putnam (W. of Illinois River), Stark, Warren, & Woodford Counties  
 AREA 5: Henry (W 1/2), Mercer, Rock Island, & Whiteside (W. part from the 5th Sectional line E. of Morrison running directly N. & S.) Counties

## TRUCK DRIVERS:

AREA 1: Adams, Bond, Brown, Bureau, Calhoun, Carroll (Excluding portion E. of Rte. #72 & E. of Rte. #78), Cass, Clifton, Fulton, Greene, Hancock, Henderson, Henry, Jerry, Jorderless (N. of Rte. #78 including Stockton), Kano, LaSalle, Lee (Excluding portion E. of Rte. #51), Livingston (Reading, New Town, Sunbury, Nevada, Long Point & Auliy), Logan, Nicholson, Nolan, Noonan, Noland, Norcor, Norcor, Northampton, Morgan, Oyle (excluding portion E. of Rte. #51), Pike, Primm, Randolph, Rock Island, Schuyler, Scott, Warren, Washington & Whiteside Counties

AREA 2: Marshall, Marsh, Stark, & Woodford (NW Corner) Counties

AREA 3: Boone, Carroll (N. of Rte. #72 & E. of Rte. #78), Jorderless (E. of Rte. #78, excluding city of Stockton), Stephenson, & Winnebago Counties

AREA 4: DeKalb, Lee (E. of Rte. #31), Livingston (excluding Reading, New Town, Sunbury, Nevada, Long Point & Auliy), Oyle (E. of Rte. #51), & Woodford (excluding NW Corner) Counties

## LABORERS CLASSIFICATIONS FOR AREAS 1, 2, 3, &amp; 4

**UNSKILLED** All Sewer Workers plus Depth Pay; Asphalt Plant Laborers; Backmen on Floating Plants; Batch Dumpers; Carpenter Tenders; Cleaning Lumber; Cofferdam Workers plus depth pay; Deck Hand, Dredge Hand & Shove Laborer; Earthshakers; Driving of Stakes; Stringlines for all machinery; Paving Laborers; Piersmen or Salamander Tenders; Fireproofing Pipe Shop Laborers; Form Handlers; Gravel Box Men, Dumpmen & Spotters; Laborers w/dep-watersing systems; Leachwater laying of Sod; Material Handlers; Fit Men; Plastic Installers; Plumbing of Trenches; Removal of Trees; Rip-Up Men; Scaffold Workers; Tool Cribmen; Truck Laborers; Unloading Explosives; Unloading & Carrying Lath; Unloading & Carrying of Re-Bar; Wrecking, Dismantling Buildings; Wallmen & Boomsowers; Wrecking Laborers

**SEMI-SKILLED** Asphalt Workers with Machines; Asphalt Baker & Layers; Cement Handlers; Cement Silica; Fly Ash, Lime & Plasters; Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Hottle Bar Men; on Concrete Paving, Finishing, Cutting & Tying of Reinforcing; Signal Man on Crane; Tank Cleaners; Tunnel Tenders in Free Air

**SKILLED** Air Tamping Hammermen; Caisson Workers plus depth pay; Concrete Burning Machine Operator; Concrete Saw Operator; Concrete Machine Operator; Carb Asphalt Machine Operator; Concrete Mixer; Jackhammer & Drill Operator; laborers handling Masterplate or similar materials; laborers tending Macons with hot material or where foreign materials are used for wet concrete or handling of Building Materials; Multiple Concrete Duct - Loadman; Plasterer Tenders; Ready Mix Scaleman, Portable or Temporary Plant; Screemman on Asphalt Pavers; Steel Form Setters (Street & Highway); Vibrator Operators; Cutters, Burners & Torchmen.

## LABORERS CLASSIFICATIONS FOR AREAS 5 THROUGH 16

## CLASS 1: Unskilled

CLASS 2: Workmen while Cutting & Burning with a Torch; Men Working on the Bottom of Sewer Trenches on the Final Grading, Laying or Caulking of Formed Sectional Sanitary or Storm Sewer Pipe, Including Reinforced Concrete Tile, But not Including Box Culverts, Tin Whistles or Multiple Culverts

CLASS 3: Tenders on All Brick & Plaster Macons

CLASS 4: Dynamite Men

## LABORERS CLASSIFICATIONS FOR AREA 17

CLASS 1: Common Plasterers' Tenders; Pumps for Dewatering & Other Unclassified Laborers

CLASS 2: Cement On Laborers

CLASS 3: Scaffold Laborers & Chimney Laborers over 40 ft.

CLASS 4: Windlass & Cement On Mosaic Laborers - Gummite

CLASS 5: Stone Handler & Derrickmen

CLASS 6: Jackhammermen; Power Driven Concrete Saws; & Other Power Equipment

CLASS 7: Firebrick & Boiler Setters

CLASS 8: Chimney on Firebrick; Caisson Diggers & Well Point System Men

CLASS 9: Reidge setter Plastic

CLASS 10: Jackhammer on Firebrick

## LABORERS CLASSIFICATIONS FOR AREAS 18 THROUGH 23

Unskilled: Asphalt Plant Laborers; Carpenter Tenders; Cleaning Lumber; Common Laborers; Driving of Stakes; Dumpmen & Spotters; Fencing Laborers; Forman or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men; Landscapers; Laying of Sod; Plaster; Planting of Trees; Removal of Trees; Stringlines for all machinery; Tool Cribmen; Unloading Explosives; Wallmen & Boomsowers; Wrecking, Dismantling Buildings; & Wrecking Laborers

Semi-Skilled: Asphalt laborers; Batch Dumpers; Bandmen on Floating Plant; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime & Plasters; Chloride Handlers; Cofferdam Workers plus depth on Concrete Paving; Concrete Workers (wet); Deck Hand; Dredge Hand; Grade Checker; Handlers (Bulk or Bag); Handling of Materials Treated with Oil, Creosote, Asphalt or any Foreign Material; Kettle & Trench Laborers with de-watering Systems; Mason & Plasterer Tenders & Material Whsealers; Mortar Mixers; Noberland Suggies or Motorized Unit for Wet Concrete or Building of Building Materials; Placing, Cutting & Tying or Reinforcing Plastic Installers; Scaffold Workers; Sewer Workers plus depth; Shove Laborer; Tank Cleaners; Tank Laborers; Tunnel Tenders in Free Air; Unloading & Laborers with

Skilled: Air Tamping Hammermen; Caisson Workers plus depth; Chain Saw Operator; Concrete Burning Machine Operator; Concrete Saw Operator; Concrete Machine Operator; Carb Asphalt Machine Operator; Cutters, Burners & Torchmen; Dynamite Men or Blasters; Gummite Mosaic Men; Jackhammer & Drill Operator; laborers handling Masterplate or Similar Materials; Laborers Tending Macons with Hot Material or Visc. Foreign Materials are Used; Laser Beam Operator; Layout Men; Load Man on Sewer Plant; Lathmen; Multiple Concrete Duct-Loadman; Portable or Temporary Plant; Ready-Mix Scaleman; Screemman on Asphalt Pavers; Signalman on Crane; Steel Form

Setters (Street & Hwy); & Welders

## LABORERS CLASSIFICATIONS FOR AREAS 24, 25 &amp; 26

CLASS 1: Common; Carpenter Tender; Tool Cribbing; Fireman or Salamander Tender; Gravel Box Men, Dumpmen & Spotters; Form Shelters; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt workers with Machine & Layers; Asphalt Plant Laborers; Bricklay; Fireproofing; Drilling of Shafts, Stairwells for all Machinery; & window Cleaning

CLASS 2: Handling of Any Materials with any Forcing Water harmful to Skin or Clothing; Tracks; Cement Handlers; Chloride Handler; Bolting & Laborers with Steel Workers & 75-300; Concrete Workers with Tunnel Tenders in Free Air; such Dumpers; Mason Tenders; Kettle & Tar Vats; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Huggies or Motorized Tilt Used for Wet Concrete or Shimming of Building Materials; Laborers with De-Mustering Systems; Sewer Workers plus Depth Vibrator Operators; Cement Silica, Clay, Fly Ash, Lime & Plasters, Handlers (Bulk or Bag); Cofferdam Workers Plus Depth Concrete Paving, Placing, Cutting & Tying of Reinforcing; Deck Hand, Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Grade Checker; Power Tools; Front End Man on Chip Scoop; Gaisson Worker Plus Depth Concrete Mixer; Lead Man on Sewer Work; Builders, Cutters, Burners & Torchmen; Chainsaw Operators; Jackhammer & Drill Operators; Layout Man and/or Tilt Layer; Steel Form Setter - Street & Highway; Air Temping Hammermen; Signal Man on Crane; Concrete Saw Operators; Screeman on Asphalt Pavers; Tending Masons with Hot Material or Where Foreign Materials are used; Mortar Mixer Operator; Multiple Concrete Boat - Leeward; Locomot, Asphalt Mixer; Carb Asphalt Machine Operator; Ready Mix Silica, Permanent, Portable or Temporary Plant; Laborers Handling Masterplate or similar Materials; Laser Beam Operator; Concrete Boring Machine Operator; Coring Machine Operator; Plaster Tender; Underpinning and Shoring of Buildings; Pump Men; Manhole and Catch Basin; Dirt & Stone Temp; Hose Men on Concrete Pump

## LABORERS CLASSIFICATIONS FOR AREA 27

CLASS 1: Common

CLASS 2: Cooking & Handling of Hot Mastic Material; Cutting & Burning with Torch; Chain Saw; Men Working on Section Being Coupled, Laying, or Final Grading for Sectional Sewer Pipe; & Men Handling Concrete or other Material harmful to Skin

CLASS 3: Mason & Plasterers' Tenders

CLASS 4: Dynamite Men

## LABORERS CLASSIFICATIONS FOR AREA 36

CLASS 1: Common

CLASS 2: Air Tools, Cutting Torch & Welding (Not Incl. Jackhammers); Bottom of Sewer Trenches on the Final Grading, Laying or Coupling of Preformed Sectional Sewer Pipe; & High Work - 50 Ft. or more

CLASS 3: Cooking of Mastic, Coal Tar Derivatives, or Handling of Creosoted Materials

CLASS 4: Dynamite & Blasting (shr. min.); Mason Tenders; & Plasterers' Tenders

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1

CLASS 1: Asphalt Plant Engineer; Asphalt Scream Man; Asphalt Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Atchey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Class Shell; C.M.I. & Similar Type Autograde Formless Paver; Autograde Paver & Finisher; Concrete Breaker; Concrete Plant Operators; Concrete Pump; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Cranes; Engines on Dredges; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/boom System or Two or more Locomotives; Locomotives; Mechanic; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Tower Boat; Operators Pig Mill (Asphalt Plant); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Boats, or Push Cars; Rock Crushers; Bots Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sidboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cabs; Scoops (All or Turntable)

CLASS 2: Asphalt boosters & Heaters; Asphalt Distributors; Asphalt Plant; Fireman; Building Elevator; Bull Floats or Finlopes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders; Power Operated; Hoist Automatic; Hoist w/ Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical Road or Street Sweeper-Self-propelled; Scissors Hoists; Sman Tillers; Stray Machine; Vibratory Compactor; Wall Drill Machines; & Mud Jacks (Dry & Dry only)

CLASS 3: Air Compressor; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors; Concrete Mixers (except plant, paver, tower); Fireman Generators; Graders; Light Planers; Mechanical Heaters; Oilers; Power Form Creators; Power Sub-Graders; Pig Mills, when used for other than Asphalt Operations; Rollers (except Sitomons concrete); Tractors w/o Tower Attachments Regardless of size or type; Truck Crane Oiler & Driver 1 (man); Vibratory Hammer; Water Pump; Welding Machines (one 300 amp. or over); Welding machines

\*COMBINATIONS OF ONE TO FIVE GRAVITY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2

GROUP 1: Cranes; Draglines; Shovels; Skimmer Scoops; Steamhells or Derrick Boats; Piledrivers; Crane-type Backhoes; Asphalt Plant Operators; Flats Operators; Ditching Machines or Backfillers (requiring oilers); Dredges; Asphalt Spreading Machines; Heavy Duty Mechanic; Assistant Mast Mechanic; Locomotives; Cableways or Tower Machines; Hoists 2 drum or more; Hydraulic Backhoes; Ditching Machines or Backfiller (not required oilers); Cherry Pickers; Overhead Crane; Roller (Stream or Can); Concrete Pavers, Spreaders, & Pumps; Bulk Cement Plants; Cement Pumps; Derrick-type Drills; Mixers (over 3 bays); & Boat Operators (15' & over); Motor Graders or Pushcats; Scoops or Turntable; Bulldozers; Endloaders or Fork-lifts; Power Blade or Elevating Graders; Winch Cabs; Boom Tractors, & Pipeworking or Painting Machines; Drills (other than derrick type); 4-Drum Hoists; Mud Jacks; Mixers (2 or 3 bays); Conveyors (2); Air Compressors (2); Water Pumps regardless of size (2); Welding Machines (2); Siphons or Jets (2); Winch Heads or Apparatus (2) & Light Plants (2); Tractors regardless of size (Straight tractor only); Fireman on Stationary Boilers; Automatic Elevators; Form-Grading machines; Finishing machines; Power-Sub-Grader or Ribbon Machine; Longitudinal Flats; Boat Operators (under 25'); Distribution Operators on Trucks; Winch Heads or Apparatus (2); Excavators

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1 (CONT'D)\*

GROUP 2: Air Compressor (1); Water Pumps regardless of size (1); Welding Machines (1); Mixers (1 bag); Conveyor (1); Siphon or Jet (1); Light Plant (1); Heater (1) & Inmobile Track Air (1)  
 GROUP 3: Firearm or Whirlies and Asphalt Spreader Oilers  
 GROUP 4: Heavy Equipment Oilers (Truck Cranes, Dredges, Monitors, Large Cranes) over 45 Ton rated capacity  
 GROUP 5: Oilers  
 GROUP 6:

4. Oilers Operating under air pressure
5. Oilers Operating in air over 10 lbs. pressure
6. Oilers Operating in air over 10 lbs. pressure

Hard Rock Mining - \$.25 per hour premium pay above existing rate

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3

CLASS 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Sencor; Boiler and Throttle Valve; Caisson Rig; Central Mix Plant; Combination Back Hoe Front Endloader; Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 275 cu. ft.; Concrete Paver 275 cu. ft. and under; Concrete Paver; Concrete Pump (Truck Mounted); Concrete Tower; Cranes; Cranes, Hammerhead; Cretex Crane; Crusher, Stone, etc; Derricks; Pile Drivers; Traveling; Formless Curb and Gutter Machine; Grader; Elevating; Grouting Machines; Highlift Showels or Front Endloader 2 1/2 yd. and Over; Hoists, Elevators, Outside Type Rack and Pinion and Similar Machines; Hoists, One, Two, and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Locomotive; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretex Dual Ram; Pump Cretex; Squeezers; Cretex screw type pumps; Gypsum bulker and Pump; Reamed and Blind Hole Drill; Rock Drill (self-propelled); Rock Drill (truck mounted); Roto Mill Grinder (36" and over); Roto Mill Grinder (less than 36"); Scoops-Tractor Drawn; Slip-Form Paver; Straddle Buggies; Tournapull; Tractor with Boom, and side boom; Trenching Machines  
 Class 2 - Bobcat (over 3/4 cu. yd.); Soiler; Brick Forklift; Broom, Power Propelled; Balldozers; Concrete Mixer (Two Bag and over); Conveyor, Portable; Forklift Trucks; Greaser Engineer; Highlift Showels or Front Endloaders under 2 1/2 yd.; Hoists, Automatic; Hoists, Inside Freight Elevators; Hoists, Sewer Draining Machines; Hoists, Tugger Sibley Drum; Rollers; Steam Generators; Tractors; Tractor Bisen Vibratory Roller (receives an additional \$.50 per hour); Winch Trucks with 2 1/2 frame  
 CLASS 3 - Air Compressor-Small 150 and under ( 1 to 5 not to exceed a total of 300 ft.); Air Compressor-Large Over 150; Combination-Small equipment operator; Generator-Small 50 kw and under; Generator-Large over 50kw; Heaters, Mechanical; Hoists, Inside Elevators (reostat manual controlled); Hydraulic Power Units (pile driving and extracting); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Point; Welding Machines (2 through 5); Winches, 4 small electric drill winches; Bobcat (up to and including 1/4 cu. yd.); Brick Forklift

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3 (CONT'D)

CLASS 4 - Oilers; Hoists, Inside Elevators Push Button w/Automatic Doors

\* Reamed and Blind Hole Drill for Booms, Carroll, DeKlab, Joberfess, Lee, Ogle, Stephenson, Whitecote, & Winnebago Counties Only

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 4

Group 1: Cranes, Escalated rate on Crane, Derricks, Booms, \$.01 per hour per foot, After 80 feet or Boom including Jib, Overhead Cranes, Gradall, Cherry Pickers (and similar types, over 15 ton lifting capacity), Mechanics, Central Concrete Mixing Plant Operator, Road Pavers (27E-dual drum-tri bateners), Blacktop Plant Operators and Plant Engineers, 3 Drum Hoist, Derricks, Hydro Cranes, Showels Skimmer Scoops, Koeberling Scoopers, Draplines, Backhoe, Hoptoes-Crane-Type, Derrick Boats, Pile Drivers and Skid Pigs, Clambells, Locomotive Cranes, Dredges, Motor Patrol, Power Blades Dumore-Elevating and similar types Tower Cranes (crawler mobile) and Stationary, Crane-Type Backfiller, Drott Yumbo and similar types Considered as Cranes, Caisson Rigs, Dozer, Tournapull-Dozer, Work Boats, Moss Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-Self Cretex-Squeezers Cretex-Screw-Type Pumps and Gypsum Bulker and Pump, Diskers, Power Launches, Tournapull, Multiple Unit, Earth Movers, \$.25 per hour for each Scoop over one, Scoops, Push Cats, Endloaders Side Boom, P-H one pass Soil-Cement Machine (all similar types), Wheel Tractors (industrial) or Farm type w/Dozer-Hoe-End-Loader or other attachments), Pugmill with Pump Backfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/Ditching Machine, or other attachments, Tunneler, Rock Crushers, Automatic Cement and gravel Batching Plants, Mobile Drills (soil testing and similar types),

Flaherty Spreader or similar types, Heavy Equipment Greaser (top greaser on spread), Guries and similar type), 1 and 2 Drum Hoists (back hoists and similar types Freight and Passenger Elevators Chicago Boom, Soring Machine and Pipe Jacking Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types, Straw Blower, Hydro Scooper and P.W.D. and similar types

Group 3: Tractor (track type) without power unit pulling rollers, Rollers on Asphalt, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule Pulling Rollers, Center Stripper, Cement Finishing Machines, Sarge Greens or similar Loaders, Fibro Tamer (all similar types), Self-Propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 272, Tractor Pulling Power Blade or Elevating Grader, Porter Box Rail, Clerly Screed, Pugmill (without pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, All Air and Steam Valves, Power Subgrader, Oil Distributor, Straight Tractor, Trac-Are without attachments, Curb Machine, Truck Cranes Oiler, and Truck type Sceptoe Oilers  
 Group 5: Herman Melson Healer, Dromo, Warner, Silent Glo, & similar types. One Engineer will operate 1-5 and after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spread, Roller, 5 tons and under on Earth or Gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity) Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

## POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3

Class 1: Cranes; Shovels; Cams; Draglines; Backhoes; Derricks; Cableways; Dual Front Loaders; Concrete Spreaders (behind 2 pavers); Asphalt Spreaders; Asphalt Mixer Plant Operators; Digger Dredge Operator; Dipper Dredge Cranes; Dual Purpose Trucks (boom or wheel); Locomotive or Engine Men (Hydraulic Drives); Mechanics; Roving Movers (16-E to 16-F); Filling Mixers with Tower attached (2 operators required); Side Drivers; Boom Tractors; Stationary, Portable, or Floating Mixing Plants; Trenching Machines; Building Mixers (2-drum); Hot Paint Wrapping Machines; Cleaning and Priming Machines; on basement excavating work; Backfillers (throw buckets); Locomotive Engineers

Class 2: Abbey, Barber Greene, Decid or Haise Loaders; Asphalt Paving Mills; Fireman and Drivers; Concrete Pumps; Concrete Spreaders (behind 1 paver); Rollers; End Loaders (other than mentioned above); Fork-lifts; Elevating Cranes; Group Equipment Greasers; Left-hand pull and similar machines; Power Blades; Power Substrates (on forms and similar machines); Push Cuts; Tractors pulling Elevating Graders or Power Blades; Tractors with power attachments; Rollers on Asphalt or Blacktop Single Drum Rollers; Jeepster Mix and Place Machines; Pipe Bedding Machines; Welding Machines (3 to 6); Fuller Kroyon Cement Pumps or similar machines; Automatic cement and gravel Batch Plants (1 stop set-up)

Class 3: Asphalt Boosters; Firemen and Pump Operators at Asphalt Plants; Compressors (500 cu. ft. and over); Concrete Finishing Machines; Form Graders with Rollers on earth Mixers (3 bag to 16-E); Power operating Bull Floats; Tractors without power attachment; Dope Pits (agitator motor); Dope Chop Machines; Distributors (backboard); Flier-Placers; Boat Operator; Hydroammers; Power Winch on sawing work; Self-propelled earth Rollers or Compactors (other than paving work); Pump Operator (more than 1 well point pump); Portable Crusher Operator

Class 4: Air Compressors (75 C.F.M. or over); Drivers on Truck Cranes; Conveyors; Light Plants; Mixers (1 or 2 bag); Power batching machines (Cement Auger or Conveyor); Roller Engineer or Fireman; Water Pumps; Welding Machines; Mechanical Brooms; Automatic cement and gravel Batch Plants (2 or 3 stop set-up); Small Rubber-tired Tractors

Class 5: Oilers; Mechanical Slopers; Water Pumps (pumping water to Paver); Mechanical Heaters (other than Steam Boiler)

## TRUCK DRIVERS CLASSIFICATIONS AREAS 1 AND 2

Group 1: 2 Axles Hauling less than 9 tons; Air Compressor & Welding Machine Local, those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

Group 2: 2 or 3 Axles Hauling more than 9 tons, but hauling less than 15 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydraulics or similar equipment when used for transportation purposes; & Winches

Group 3: 3, 3 or 4 Axles Hauling 15 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pails

Group 4: Drivers on 6-11 Distributors; & Drivers on Semi-Trailers when moving equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

[FR Doc. 83-17567 Filed 6-30-83; 8:45 am]

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# **federal register**

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Friday  
July 1, 1983

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**Part IV**

**Department of Labor**

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**Mine Safety and Health Administration**

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**Safety Standards for Underground Coal  
Mines—Hoisting and Transportation of  
Persons and Material; Self-Contained  
Self-Rescue Devices**

Department of Labor  
Bureau of Labor Statistics

1933

PART IV

Department of Labor

Bureau of Labor Statistics  
Monthly Bulletin of Statistics  
Volume 10, No. 1, January 1933

## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

## 30 CFR Part 75

## Safety Standards for Underground Coal Mines—Hoisting and Transportation of Persons and Material; Self-Contained Self-Rescue Devices

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of Availability of Preproposal Drafts and Schedule of Public Conferences.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) has developed preproposal drafts of revisions to existing standards for hoisting and transportation of persons and material and for use of self-contained self-rescue devices at underground coal mines. MSHA seeks written comments from all interested parties on these preproposal drafts. In addition, MSHA will conduct public conferences in Denver, Colorado and Lexington, Kentucky to discuss the preproposal drafts.

**DATES:** *Comments:* Written comments must be received on the preproposal drafts on or before August 30, 1983.

*Conferences:* The conferences will be held at the following locations on the dates indicated, beginning at 9:00 a.m.:

August 16, 1983: Denver, Colorado.

August 18, 1983: Lexington, Kentucky.

**ADDRESSES:** *Comments:* Send written comments on the preproposal drafts to the Office of Standards, Regulations, and Variances; MSHA; Room 631, Ballston Tower #3; 4015 Wilson Boulevard; Arlington, Virginia 22203.

*Conferences:* The conferences will be held at the following locations on the dates indicated, beginning at 9:00 a.m.:

August 16, 1983: Denver, Colorado.

Denver Federal Center; Building 25, Lecture Hall; 6th Avenue and Kipling Street; Lakewood, Colorado.

August 18, 1983: Lexington, Kentucky. Holiday Inn-North; Thoroughbred Room, First Floor; 1950 Newtown Pike; Lexington, Kentucky.

Persons planning to speak at a public conference should notify the Office of Standards, Regulations and Variances at least five days prior to the conference date.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, (703) 235-1910.

**SUPPLEMENTARY INFORMATION:****Preproposal Drafts**

On July 9, 1982, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the *Federal Register* (47 FR 30025) announcing a comprehensive review of the underground coal mining standards in 30 CFR Part 75. The Agency is reviewing the standards to eliminate unnecessary reporting and recordkeeping requirements, minimize conflicting provisions, delete irrelevant standards, simplify and consolidate existing regulations, update standards to conform to state-of-the-art technology, and clarify and reorganize standards, where necessary.

This review is consistent with the goals of Executive Order 12291, the Regulatory Flexibility Act, the Paperwork Reduction Act, and Department of Labor's initiatives with respect to improving regulations. MSHA considers early public participation in this standards review process to be particularly important.

MSHA has now completed development of preproposal draft safety standards for hoisting and transportation of persons and material and for use of self-contained self-rescue devices. The Agency requests comments on the substance of the preproposal standards, as well as on the reorganization of the standards. In addition, the Agency is interested in economic data and other regulatory impact information.

Copies of the preproposal drafts have been mailed to persons and organizations known to be interested. All other interested persons and organizations may obtain a copy of these drafts by submitting a request to the address provided above. The

documents contain the Agency's intended revisions, a comparison with existing provisions, and brief explanations of the draft changes.

**Public Conferences**

The purpose of the public conferences is to provide a forum for the free and open exchange of ideas in an informal setting. Each conference will begin at 9:00 a.m. All persons making timely, written requests to speak will have time allotted to them for their presentations. The request should identify the person and organization, the amount of time requested for the presentation, the specific standards, as appropriate, and the location where the presentation will be made. Although written statements are not required, participants are encouraged to submit written materials in support of their positions. Other persons wishing to speak should register prior to each conference at the beginning of the public session. If time is limited, priority will be given to those who have requested time in advance. Interested persons may request that speakers clarify their comments or provide additional information during the conferences.

A formal transcript of these conferences will not be made. Following the conferences, MSHA welcomes additional written comments relevant to issues concerning the preproposal drafts. Following the public conferences, MSHA will develop revised standards which will be published as proposed rulemaking in the *Federal Register*. The proposals will be followed by a comment period and public hearings. In issuing its final rules, MSHA will make every effort to be responsive to the concerns of the underground coal mining community and to advance the goals of regulatory relief and improving miner safety and health.

Dated: June 28, 1983.

**Ford B. Ford,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 83-17824 Filed 6-30-83; 8:45 am]

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# **federal register**

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Friday  
July 1, 1983

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**Part V**

## **General Services Administration**

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**Government Work Space Management  
Reforms; Temporary Regulation**

**GENERAL SERVICES  
ADMINISTRATION**
**41 CFR Ch. 101**
**[FPMR Temp. Reg. D-70]**
**Government Work Space Management  
Reforms**
**AGENCY:** General Services  
Administration.

**ACTION:** Temporary regulation.

**SUMMARY:** This regulation provides procedures for developing planning, information, and reporting systems to ensure the efficient utilization of Federal work space and related furnishings. It implements Executive Order 12411, signed by the President on March 29, 1983.

**DATES:** Effective date: July 1, 1983.  
Expiration date: May 15, 1985, unless sooner revised or superseded.

Comments due by: To ensure their consideration in drafting additional regulations and bulletins regarding work space management reforms, comments should be received by GSA no later than sixty days from the date of this publication.

**ADDRESS:** Comments should be submitted to the General Services Administration, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Arthur O. Barton, Assistant Deputy Commissioner for Real Estate (202-535-8120).

**SUPPLEMENTARY INFORMATION:** GSA's authority for issuing this temporary regulation is contained in the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)) and in Executive Order 12411.

The purpose of this regulation is to institute fundamental changes in the manner in which Federal work space is managed, in order to substantially improve the cost effectiveness of agencies' use of space. This regulation vests responsibility for improved controls with the top management of executive branch agencies, with the goal of reducing work space, used or held, to that amount which is essential for known agency missions.

*Prior comments:* Following the publication of Executive Order 12411, GSA conducted a series of meetings with representatives of executive agencies. This regulation, to the extent feasible, reflects informal comments and suggestions made by attendees at those meetings. Working copies of this temporary regulation were made available to agency representatives

prior to its submission for publication in the *Federal Register*. In addition, guidance was received from the Executive Office of the President, the Office of Management and Budget, and the Cabinet Council on Management and Administration.

One of the major issues raised by commenters was that inadequate time was permitted for agency study and staffing. In view of the announced objective to institute fundamental changes in work space management, and the high priority placed by the President on this objective, GSA's position is that immediate implementing action is appropriate. As drafted, the regulation recognizes that changes of the magnitude contemplated in the Executive Order will require study and evaluation over an extended time period.

The regulation therefore provides for interagency consultation in several areas in order that judgments about specific programs may be made systematically and rationally.

The intent of the Executive Order is to ensure proper utilization of work space, and agencies are charged with management responsibility for property under their control. Commenters suggested that since agencies already have comprehensive procedures for managing property, they are already in compliance. Under this interpretation, agencies could meet their responsibilities under the Order simply by providing GSA with copies of their existing regulations. GSA disagrees. The Executive Order requires the institution of "fundamental changes in the manner in which Federal work space is managed." It requires that "a government-wide reporting system be developed," that "agency-wide objectives for work space use" be established, and that agencies take actions to "improve the utilization of all work space and related furnishings." Clearly the Order contemplates a major new initiative which cannot be implemented merely by a restatement of existing policies.

Commenters expressed concerns regarding the increased cost and workload which would be imposed on agencies by GSA's development of extensive new reporting requirements. GSA's response is that the Order does not require GSA to establish detailed systems requirements; it directs agency heads to establish plans and information systems. The objective is to improve the flow of information while avoiding the imposition of extensive and costly new requirements. The regulation as drafted acknowledges that agency input is essential to determine what information

is readily available at a reasonable cost. It provides procedures whereby agency heads may inform GSA of circumstances where compliance would, in their judgments, impose excessive costs not contemplated by the Executive Order.

Commenters were particularly concerned about two areas which they perceive as generating substantial additional cost burdens: measurement of work space, and reporting of the estimated fair market values for properties. GSA believes that corrective space reforms ultimately will require the development of uniform government-wide measurement standards. It is also GSA's position that the executive branch should maintain current estimated fair market values for its property holdings. However, GSA does not view its role as one of unilaterally imposing such reporting criteria on executive agencies. The regulation recognizes the need for consultation between GSA and other agencies before detailed and specific judgments can be made regarding such issues.

Representatives from the Department of Defense and the State Department suggested that overseas properties and military installations be exempted from the provision of the Executive Order. GSA's position is that the Order itself contains no exemptions for such properties and speaks in terms of a "government-wide reporting system." It is GSA's policy, as set forth in the regulations, to ensure that all feasible measures are taken to improve the management of all Federal work space, wherever located, provided that such actions are not prohibited by existing law and provided that such actions do not impose an excessive cost burden on the Government as a whole. The regulation has been drafted to ensure that due consideration is given to the judgment of executive agency heads regarding such issues.

The Department of Defense also questions the applicability of the Executive Order to overseas space made available to United States Forces under the NATO Status of Forces Agreement. This point may be well taken, and is under review by counsel.

One commenter stated that his agency's current construction program in support of expanding program areas would preclude its compliance with the goal of a 10 percent reduction in work space by September 30, 1984. The work space management plans of each agency should, of course, accurately reflect current and planned program needs. GSA believes it likely, however, that a major space-holding agency has work space not included in expanding

programs which should therefore be considered for reduction in accordance with the 10 percent goal. Executive Order 12411 and this regulation provide for the improvement of utilization, consistent with mission requirements, whenever the use of work space is not being optimized. GSA does not believe that a blanket exemption from these objectives based solely on an assertion that an agency has expanding program requirements would be within the spirit or the letter of Executive Order 12411. Several representatives suggested that an agency head should be able to exempt work space, on national security grounds or for other valid reasons, without consultation with the Administrator of General Services. GSA has no intention to apply the provisions of this regulation to space which should validly be exempted. However, the Federal Property and Administrative Services Act of 1949, as amended, authorizes the Administrator to make certain determinations, after consultation with agency heads, in the interests of economy, efficiency, and national security. In GSA's view, Executive Order 12411 represents a reaffirmation of this principle. It is GSA's position that consultations between the Administrator and the heads of other executive agencies are appropriate means for ensuring that management objectives are served, consistent with existing law. One commenter stated that standards for the management of work space do not exist in his agency and that it is not feasible to establish such standards for special purpose space constructed for specific mission needs. It is GSA's position that, as a general rule, such standards should exist prior to the expenditure of public moneys for work space acquisition. GSA considers their development to be a fundamental purpose of Executive Order 12411.

Several representatives commented that draft provisions regarding vacant space created unnecessary duplication of efforts by GSA and by other agencies. GSA agrees, and has revised the language of § 101-16.300(e) accordingly.

Commenters also took exception to the definition of "work space"; they felt that GSA's proposed definition was too broadly stated with respect to unimproved land. GSA agrees, and has reworded its definition to restrict the applicability of the regulation to "land incidental to the use of buildings and structures" and "land used for storage."

Commenters were strongly opposed to any requirements for detailed reporting and planning systems for "related furnishings." It was felt that such

systems would be duplicative of systems already in place, and would be excessively costly. GSA agrees. The Order directs agency heads, not GSA, to manage furnishings. Clearly some oversight responsibility on the part of GSA is warranted, but no "micro-management" of furnishings is envisioned. GSA has revised the language of §§ 101-16.002(e)(2) and 101-16.400(c).

GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects.

Several agencies have stated that effective work space management systems are already in place in their agencies. Certain administrative costs will be generated in the implementation of the reporting and planning requirements of this regulation, but they are expected to be borne by the existing administrative and facilities staffs of agencies. GSA recognizes that longer-term implications of Executive Order 12411 are likely to result in cost savings considerably in excess of \$100 million annually, but judgments about potential savings cannot be made until agency space management plans are received and evaluated. Prior to issuing a proposed Final Regulation, GSA will make all necessary evaluations of economic effects, major costs to consumers or others, and significant adverse effects.

Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

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

Ray Kline,

Acting Administrator of General Services.

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

[FPMR Temp. Reg. D-70]

May 27, 1983.

To: Heads of Federal agencies

Subject: Work space management reform

1. *Purpose.* This regulation provides instructions for developing planning, information, and reporting systems to ensure

the efficient utilization of Federal work space and related furnishings.

2. *Effective date.* This regulation is effective July 1, 1983.

3. *Expiration date.* This regulation expires on May 15, 1985.

4. *Background.* Executive Order 12411, Government Space Management Reforms, was signed by the President on March 29, 1983. The order establishes government-wide policies for the management of work space and related furnishings and vests the responsibility and accountability for ensuring that these policies are implemented in a timely and effective manner with agency heads. It also directs the General Services Administration (GSA) to assume new responsibilities for promulgating guidance and regulations for monitoring and evaluating the effects of agency actions on the total Federal inventory of work space and related furnishings. GSA's Interagency Advisory Committee on Regulatory Review is assisting in the effort to develop implementing regulations for Executive Order 12411, and the material in this regulation was developed with the assistance of the Committee.

5. *New procedures.* Attachment A contains new regulations concerning work space management reforms.

6. *Comments.* Comments concerning the effect or impact of this regulation may be submitted to the General Services Administration (PZ), Washington, D.C. 20405. Ray Kline,

Acting Administrator of General Services.

#### § 101-16.000 Scope of part.

This part prescribes policies and procedures for implementing Government-wide work space management reforms. The procedures of this Part are applicable to all Federal work space, wherever located, which is federally owned, leased or controlled.

#### § 101-16.001 Authority.

This Part 101-16 implements Executive Order No. 12411, 48 FR 13391, March 31, 1983, and the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

#### § 101-16.002 Basic policy.

(a) It is the responsibility of the heads of all executive agencies to ensure that the policies of Executive Order 12411 are implemented promptly and effectively. To accomplish this, executive agencies shall establish programs to reduce the amount of work space, used or held, to that amount which is essential for known agency missions. Work space shall be acquired for use by executive agencies only when it is clearly demonstrable that such space is essential to existing or known and verified planned programs, and that existing Government-controlled space held by other executive agencies is not available to satisfy the need. GSA will issue guidance, determine standards, and/or establish targets from time to time to provide uniform goals for the improvement of Government-wide work space management.

(b) Agency heads shall report as excess to the Administrator of General Services all space holdings which are not necessary to

satisfy existing or known and verified planned programs. Agency heads shall also report to the Administrator all vacant work space retained for future use so that it may be made available for the temporary use of other Federal agencies to the extent consistent with national defense requirements.

(c) Each agency head shall ensure that the amount of office space used by each employee of the agency, or by others using agency-controlled space, is held to the minimum necessary to accomplish the tasks which must be performed. For office space, the objective shall be to achieve, within a reasonable time, an overall agency-wide office space utilization rate equivalent to 135 square feet or less per person as that rate is defined for GSA-controlled space. To achieve this, each agency head shall establish, as required, standards, criteria and procedures for the utilization of all types of work space.

(d) Heads of executive agencies shall establish programs to ensure that furnishings related to work space are held to the minimum necessary to accomplish mission requirements. Such programs shall set forth, as required, specific standards, criteria and procedures to ensure that the use of furnishings reflects a judicious employment of funds.

(e) Heads of executive agencies shall establish information systems so that a Government-wide reporting system may be developed. At a minimum, each agency shall:

(1) Periodically report its total inventory of Government-wide work space, whether owned, leased or controlled, to the Administrator of General Services, in order that the Administrator may publish a detailed listing of real property owned, leased and controlled by all executive agencies;

(2) Maintain inventory records on furnishings related to work space, in order to facilitate the planning of acquisition, use and disposal of work space;

(3) Report all dispositions, planned and actual, of work space and related furnishings, whether accomplished through the General Services Administration or by other legal authorities; and

(4) Establish and implement an agency-wide work space management plan. This plan will be periodically submitted to the Administrator of General Services.

(f) The Administrator of General Services will review the work space management plans of all executive agencies in order to determine the impact of proposed actions on the government as a whole. The Administrator will provide agency heads with his evaluation of any significant economic or operational effects which proposed actions may have on other agencies. The Administrator will ensure that all feasible measures are taken to improve government work space management, provided that such actions are not prohibited by existing law and provided that such actions do not impose an excessive cost burden on the Government as a whole.

(g) Executive agencies shall institute programs to ensure that agency actions for accomplishing management reforms for work space and related furnishings are in compliance with Executive Order 12411 and with this regulation. The Administrator of

General Services will conduct additional reviews and surveys as he deems necessary, will review and examine agency management controls to ensure compliance, and will report his findings to agency heads for appropriate action.

#### § 101-16.003 Definitions.

(a) "Agency-controlled space" means federally-owned, -leased, or -controlled space acquired or used by executive agencies under any authority other than the Federal Property and Administrative Services Act of 1949, as amended. It also includes space for which authorities for acquisition, use or disposal have been delegated to other agencies by GSA.

(b) "Acquisition of work space" shall mean the process of obtaining work space by purchase, contract, donation, exchange, eminent domain, construction, or by any other means of control.

(c) "Consistent with national defense requirements" means resulting in no effects which reasonably could be expected to cause identifiable damage to the national security, as determined by the head of each executive agency in consultation with the Administrator of General Services.

(d) "Essential to agency missions" means required for an executive agency's needs and the discharge of its responsibilities, in accordance with functional standards based upon the minimum work space and related furnishings necessary to accomplish the tasks which must be performed.

(e) "Excess holdings" means any work space or related furnishings under the control of any Federal agency which are not required for its known and verified needs and the discharge of its responsibilities, as determined by the head thereof.

(f) "Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly-owned Government corporation.

(g) "Federally-owned, leased, or controlled":

(1) "Federally-owned work space" means work space, the title to which is vested, or which will become vested pursuant to existing agreement, in the United States Government.

(2) "Federally-leased work space" means work space for which the Government has a right of occupancy by virtue of having acquired a leasehold interest.

(3) "Federally-controlled work space" means work space for which the Government has a right of occupancy by ownership, by lease, or by any other means, such as by contract, barter, license, easement, permit, requisition, or condemnation.

(h) "GSA-controlled space" means space under the custody and assignment responsibility of GSA by authority of statute.

(i) "Government-wide reporting system" means an organized and established procedure of classifying and accounting for the total assets or materials under the control of executive agencies. It includes inventory reports, work space management plans, survey procedures, and such other procedures as may be established by the Administrator of General Services.

(j) "Inventory" means a summary, survey, or itemized list of the assets or materials under the control of an executive agency.

(k) "Inventory controls" means management methods and techniques (such as those described in FPMR 101-27) used for the regulation, coordination, and efficient utilization of assets or materials under the control of an executive agency.

(l) "Personnel", for purposes of computing utilization rates, means the peak number of persons to be housed in a given office space assignment for which a separate work station must be provided. In addition to permanent Federal personnel, this may include temporary, part time, seasonal, and contractual employees who cannot share existing work stations, as well as budgeted vacancies.

(m) "Related furnishings" means items in work space which do not become fixed and part of the fee interest, including furniture, equipment, computers, telephones, decorations, and other such accoutrements.

(n) "Utilization rate", as applied to office space, is an indicator of the efficiency with which space is used. It is developed by dividing the total square footage (see section 101-16.100, Measurement of Space) of office space by the total number of personnel occupying that space.

(o) "Vacant space available for temporary use" means work space which is:

(1) not currently occupied by or utilized for performance of an agency's mission, but which is retained for future use;

(2) in a condition presently suitable for occupancy, or capable of being made suitable at minimal expense;

(3) of a character and in a geographical location such that it might reasonably be expected to be suitable for use by an executive agency other than the agency which presently controls it.

**Note.**—The term "vacant space available for temporary use" does not include space which is clearly unsuitable for use by other agencies, if such space is so certified by the agency head. [The Administrator of General Services reserves the right to review such certifications in order to ensure compliance with the objectives of Executive Order 12411.]

(p) "Work space" means federally-controlled space in buildings and structures (permanent, semi-permanent, or temporary), or land incidental to the use thereof, or land used for storage, which provides an acceptable environment for the performance of agency mission requirements by employees or by other persons occupying it. It is further classified as "office space," "warehouse space," or "special purpose space."

(1) "Office space" means space that provides an acceptable environment suitable in its present state for an office operation. Office space which is being used for other purposes (such as conference rooms, reception areas, waiting rooms, or storage) is nonetheless classified as office space. The space may consist of a large open area or may be partitioned into rooms.

(2) "Warehouse space" means space generally consisting of concrete, woodblock, or unfinished floors; bare block or brick

interior walls; unfinished ceilings; and similar construction containing minimal lighting and heating. It includes attics, basements, sheds, and other unimproved building areas.

(3) "Special purpose space" means work space which, as compared to office space or warehouse space, has unique characteristics (such as architectural, maintenance or operating requirements). It includes schools, hospitals and prisons; quarters and residential housing; industrial space; ADP and computer space; laboratories and clinics; embassies and consulates; and other such categories of work space.

#### § 101-16.100 Measurement of Space.

(a) For purposes of initial inventories, work space management plans, and utilization objectives, executive agencies will report work space in accordance with the measurement systems employed as of the date of this regulation. These may include:

(1) Occupiable space, as defined by GSA in applicable regulations (see, e.g., FPMR 101-17);

(2) Gross area, as measured from exterior wall to exterior wall;

(3) Net area, i.e., gross area reduced by building system and support areas (such as stairs, elevators and vertical ducts); and

(4) Other measurement systems currently employed by an agency, provided the measurement system is fully defined and described to GSA.

(b) Initially buildings may be categorized for measurement purposes by predominant use, i.e., "office," "storage," or "special purpose."

(c) After consultation with the heads of appropriate executive agencies, the Administrator of General Services will determine uniform measurement standards for use in the development of cost-effective work space management reforms.

#### § 101-16.200 Excess Work Space and Related Furnishings.

(a) Real Property. The identification of unneeded Federal work space will continue to be accomplished in accordance with the guidelines of FPMR 101-47.8. Transfer of excess property between Government agencies will be accomplished in accordance with FPMR 101-47.2. Disposal of work space will be made in strict accordance with FPMR 101-47.3. Executive agencies with authority to identify, transfer, and dispose of work space, whether such authority is delegated by the Administrator of General Services or is provided by statute, may continue to exercise these authorities. All transfers and disposals, however accomplished, will be reflected in agency work space management plans.

(b) Related Furnishings.

(1) Excess related furnishings shall be identified in accordance with inventory control procedures and work space management plans as set forth in Sections 101-16.400 and .500 of this Regulation. Excess related furnishings shall be reported to the Administrator of General Services in accordance with FPMR Part 101-43 and other applicable laws and regulations.

(2) Heads of executive agencies will consult with the Administrator of General Services to establish standards, criteria and

procedures for evaluating proposed major acquisitions or moves of related furnishings. Agency heads, in conjunction with the Administrator, will determine, prior to effecting major acquisitions or moves, whether it is more cost-effective for agencies to retain and move furnishings or to excess and replace them.

#### § 101-16.300 Vacant space available for temporary use.

(a) Existing vacant space will be reported to the Administrator as available for temporary use prior to August 31, 1983; alternatively, agency heads may certify, after consultation with the Administrator of General Services, that such space is not suitable for temporary use by other executive agencies.

(b) Space which will become vacant and available for temporary use will be reported to the Administrator six months prior to the projected date of availability.

(c) Agency heads will ensure that projections of vacant space available for temporary use are incorporated into work space management plans.

(d) GSA will issue bulletins specifying data to be reported and format for reports.

(e) In addition to reporting vacant space available for use, agency heads may establish programs to identify potential executive agency users for vacant space and to assign such space at fair annual rental rates in accordance with applicable laws and the regulations. GSA may also identify potential executive agency users and will make appropriate information available to the concerned executive agencies. If executive agencies with vacant space available for use request GSA's assistance, GSA will make available its services in assigning and/or managing the space.

(f) After six months of active but unsuccessful efforts to locate an executive agency users, the controlling agency shall consult with GSA to determine whether the space should be made available at fair annual rental rates to potential user other than executive agencies.

(g) In order to facilitate cost-effective planning and utilization of work space, the Administrator of General Services will publish a quarterly report of vacant space available for temporary use. This report will include space to be made available as well as space presently available.

#### § 101-16.400 Inventories.

(a) Agencies shall continue to submit Annual Real Property Inventories in accordance with FPMR 101-3 and with supplemental instructions issued by the Administrator of General Services.

(b) Agencies shall also provide complete agency-wide work space inventory data so that a total world-wide inventory of all work space, whether federally owned, leased or controlled, may be developed. GSA will publish bulletins specifying the timing format, processing and data review of all necessary information.

(c) Agencies shall maintain inventory records of furnishings related to work space so that work space management plans may reflect projected Government-wide supply

and demand for related furnishings. Executive Order 12411 contemplates the timely planning of interagency transfers of related furnishings in order to reduce the administrative costs incurred in the expansion or reduction of work space.

(d) The head of each executive agency shall institute a program of inventory controls to ensure that amounts of work space and related furnishings provided to each employee, or to others occupying agency work space, are held to the minimum necessary to accomplish the tasks they must perform.

#### § 101-16.500 Work Space Management Plans.

(a) Work space management plans shall describe the actions to be taken by each executive agency with respect to work space and related furnishings. At a minimum, each plan shall contain the agency's forecasts for acquisition, disposal and use of work space and related furnishings; present and projected numbers of personnel occupying work space; and goals to be achieved. The work space management plan for each executive agency shall be a single consolidated plan reflecting the work space requirements of all organizational elements of that agency.

(b) GSA will issue bulletins specifying the information to be included in work space management plans, together with instructions for evaluating agencies' performance against work space reduction objectives.

(c) Each agency should minimize the acquisition of office space in any geographical area until they attain a utilization rate of 135 square feet per person (as defined in Federal Property Management Regulation (FPMR), Temporary Regulation D-68).

(d) Subsequent work space management plans will be submitted annually prior to the close of each fiscal year and will include planning data over a five-year period. GSA, after consultation with executive agencies, will establish time frames within which agencies should achieve utilization objectives and will issue bulletins specifying the timing, format, process, and data for review of each agency work space management plan.

(e) GSA will provide technical assistance in the development and execution of plans, will monitor the progress of the agencies in improving the management of work space, and upon request will assist agencies in obtaining contractual support for the development of space planning guidelines.

(f) This report has been cleared in accordance with FPMR 101-11.11 and assigned interagency report control number 0308-GSA-AN.

#### § 101-16.501 Initial submission of work space management plans.

(a) Initial work space management plans shall be submitted to the Administrator of General Services by August 31, 1983. By September 30, 1984, these plans shall be implemented to achieve the following objectives:

(1) Each executive agency shall reduce its total work space inventory by 10 percent; and

(2) Each executive agency shall further reduce its office space inventory by a percentage equal to the percentage reduction (if any) in personnel occupying office space since October 1, 1980, and the date of this regulation; and

(3) Each executive agency shall achieve an agency-wide office space utilization rate equivalent to 135 square feet per person (as defined in FPMR Temporary Regulation D-68), or a 10 percent improvement in the office space utilization rate which exists as of the date of this regulation.

(b) An agency attaining an agency-wide office space utilization rate equivalent to 135 square feet per person (as defined in FPMR Temporary Regulation D-68) will be regarded as having met the initial objectives for that portion of its work space which is classified as office space. That agency, however, remains responsible for achieving reductions equivalent to 10 percent of its non-office work space.

(c) Information regarding GSA-controlled space previously submitted in accordance with FPMR Temporary Regulation D-68 and FPMR Bulletin D-195 should be reviewed to ensure compliance with the objectives in paragraph (a) of this section.

#### § 101-16.600 Compliance.

(a) In order to fully achieve the goals and implement the provisions of Executive Order 12411 and of this regulation, each agency head should ensure that separate organizational elements of his or her agency periodically review the standards, criteria and procedures established by operational elements of the agency.

(b) Agency surveys.

(1) Heads of executive agencies shall ensure the effectiveness of management

reforms in work space and related furnishings by instituting survey programs. The purposes of surveys shall be to identify unneeded or underutilized work space and related furnishings; to achieve maximum utilization of work space and related furnishings, in terms of economy and efficiency; and to identify unnecessary work space and related furnishings in order to make them available for other users.

(2) A description of the survey program and a plan of surveys scheduled to be conducted shall be incorporated into each agency's work space management plan.

(3) Copies of survey reports shall be made available for review by the Administrator of General Services.

(c) GSA responsibilities.

(1) The Administrator of General Services will review agency survey procedures and other management controls to ensure compliance with the provisions of Executive Order 12411 and of this regulation. The Administrator will periodically submit reports of his findings to the heads of executive agencies, to the Office of Management and Budget, and to the General Accounting Office.

(2) GSA will conduct surveys as prescribed by existing laws and regulations (such as space utilization surveys in accordance with FPMR Temporary Regulation D-68, and surveys to identify underutilized real property in accordance with FPMR 101-47.802), and may conduct such additional surveys as the Administrator deems necessary to ensure that the provisions of this regulation are effectively carried out by each executive agency.

(3) Heads of executive agencies shall cooperate fully with the Administrator of

General Services to ensure that GSA survey personnel have access to work space. Executive agencies and GSA will cooperate to ensure that appropriate security clearances are issued, that escorts into sensitive and classified areas are provided where required, and that all other measures necessary to ensure adequate compliance with this regulation are taken.

#### § 101-16.700 Exemptions.

Heads of executive agencies may request exemption from specific provisions of Executive Order 12411 and of this regulation, to the extent that such provisions are prohibited in their judgments by existing law. Agency heads may also request exemptions, time extensions, or modifications under circumstances where compliance would in their judgments impose excessive cost burdens not contemplated by Executive Order 12411. GSA will review and evaluate these requests based upon government-wide cost effects and will give due consideration to the total impacts upon all executive agencies. Until such requests for exemptions, extensions or modifications are approved in writing by the Administrator, each executive agency shall comply in full with all provisions of Executive Order 12411 and of this regulation.

[FR Doc. 83-17756 Filed 6-30-83; 8:45 am]

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# **federal register**

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Friday  
July 1, 1983

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## **Part VI**

### **Department of the Treasury**

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**Comptroller of the Currency**

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**Assessment of Fees; National Banks;  
District of Columbia; Final Rule**

## DEPARTMENT OF THE TREASURY

## Comptroller of the Currency

## 12 CFR Part 8

[Docket No. 83-32]

**Assessment of Fees; National Banks; District of Columbia Banks**

**AGENCY:** Comptroller of the Currency, Department of Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of the Comptroller of the Currency ("OCC") is amending Part 8 of Title 12, Code of Federal Regulations, to require that interest be paid to OCC in cases of delinquent payment of semiannual assessments or trust examination fees. The purposes of this amendment are to encourage banks to avoid delinquent payments and to compensate OCC for interest income lost as the result of delinquent payments.

**EFFECTIVE DATE:** August 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Dennis J. Arczynski, Project Manager, Financial Operations, (202) 447-1878; or Duff Jordan, Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

**SUPPLEMENTARY INFORMATION:****Background**

On December 20, 1982, the OCC published a notice of proposed rulemaking (47 FR 56652) to amend 12 CFR Part 8. The rule as finally adopted will require those entities examined by the OCC to pay interest on delinquent payments of semiannual assessments and trust examination fees. Semiannual assessments will be considered delinquent if not received by OCC January 31 or July 31 of each year. Trust examination fees not received within 30 calendar days from the date of OCC's invoice will be considered delinquent. The amount of interest to be paid will be determined by applying the Treasury Department's current value of funds rate to unpaid balances. Interest charges will be computed daily on principal amounts only.

OCC is adopting this regulation because certain banks subject to its jurisdiction have failed to make timely assessment and fee payments in accordance with the requirements of 12 CFR Part 8. During the time payments are delinquent, OCC does not have use of these funds and loses interest revenue. Correspondingly, the delinquent banks effectively reduce the burden of their assessments by the amount of interest income derived from

these funds. By allowing the imposition of interest charges, the regulation will compensate OCC for this lost income, and will eliminate the advantage obtained by the delinquent banks.

The final rule incorporates two significant amendments to the rule as initially proposed. First, the final rule provides that trust examination fee payments will not be considered delinquent until 30 calendar days following the date of OCC's invoice; the proposed rule allowed only 15 days for payment. Second, the final rule provides that OCC will pay interest on overpayments which are not refunded within specified time periods; the proposed rule contained no comparable provision.

**Comments**

Of the sixteen letters received by OCC commenting on the proposed rule, eleven contained objections to the provision requiring that trust examination fees be received by OCC within 15 calendar days of the date of OCC's invoice. These commenters suggested that the period of time allowed for payment of trust examination fees should take into account (1) delays experienced by regulated institutions and OCC in transmitting invoices and payments; (2) accounts payable procedures of certain institutions, under which accounts are not paid on a daily basis; and (3) periods of time necessary for institutions to review and verify OCC's invoice. Seven commenters suggested that this time period be extended to 30 days, to be more in accordance with standard commercial practice. The final rule reflects these recommendations; trust examination fee payments will not be considered delinquent if they are received by OCC within 30 calendar days of the date of OCC's invoice.

Another concern of those commenting on the proposed rule was that the rule made no provision for overpayments or for inadvertent errors made in the payment process. The American Bankers Association (the "ABA") made several recommendations regarding the manner in which OCC might make such provisions while at the same time accomplishing its regulatory objectives, to encourage prompt payment and to obtain compensation for income lost while payments are delinquent. The ABA suggested that if OCC's primary objective were to encourage prompt payment, OCC should expressly retain authority to waive interest charges where payments are delinquent because of inadvertent calculation errors. Alternatively, if OCC's primary objective were to obtain compensation

for lost income, the ABA suggested (1) that OCC pay interest on overpayments, and (2) that OCC not impose late charges on payments delinquent as the result of an institution's good-faith reliance on an OCC rule, regulation, or approval. For the reasons set forth below, the final rule incorporates only a provision requiring OCC to pay interest on overpayments in certain limited circumstances.

OCC does not agree that it must choose between its two regulatory objectives in designing this regulation. The intended effect of this rule is to provide additional incentives to institutions to make those payments which are required by regulations already in effect. OCC's regulatory objectives are substantially interrelated; the purpose of charging interest on delinquent payments is to encourage institutions to make these payments in a timely manner, and the purpose of structuring these charges in the form of interest is to offset the loss of income incurred by OCC as the result of such delinquent payments. Focusing exclusively on one or the other of these regulatory objectives would reduce the effectiveness of this regulation in deterring delinquent payments.

With regard to the substantive recommendations made by the ABA, OCC does not agree that it is appropriate to incorporate specific exceptions from this regulation for payments which are delinquent as the result of inadvertent arithmetic errors, or for payments which are delinquent as the result of good faith reliance on an OCC rule, regulation, or approval. Again, it is necessary to emphasize that this regulation does not impose new obligations on regulated institutions, but merely addresses the failure of certain institutions to comply with existing requirements. The interest charges authorized by this regulation are not intended to function as penalties, but rather to offset the loss of income experienced by OCC as the result of delinquent payments. This Office is not persuaded that OCC should accept this loss of income in the circumstances cited by the ABA. A further concern is that such exceptions would require OCC to analyze numerous factual situations to determine the existence of "good faith" or "inadvertent arithmetic errors". This would increase OCC's administrative costs out of proportion to any benefits obtained through such review. Therefore, the final rule does not contain any provision which would effectively adopt such amendments.

OCC recognizes, however, that in instances where an institution makes

payments in excess of the amount required by regulation, the institution suffers a loss of income analogous to the loss of income experienced by OCC from delinquent payments. Therefore, this rule provides that OCC will pay interest on certain overpayments which are not contested by OCC and are not returned to an institution within 30 calendar days following receipt of written notice of the overpayment. Under the amended rule, OCC must within 30 days either refund the overpayment or notify the institution that OCC does not agree with the institution's calculation of its overpayment. If OCC provides notice of its disagreement with the institution's calculation, OCC is not required to refund the claimed overpayment until 30 calendar days after agreement has been reached as to the amount overpaid. If OCC does not refund the claimed overpayment within 30 days after receipt of notice (or, in the case of disagreement, within 30 days after agreement has been reached), OCC must pay interest on the amount to be refunded. This interest is calculated in the same manner as is interest on delinquent payments by regulated institutions.

This amendment provides OCC with reasonable notice of claims of overpayment, comparable to the notice provided to regulated institutions of the payments required by 12 CFR Part 8. Institutions which are required to make semiannual assessment payments and trust examination fee payments are provided notice of the dates such payments are due by §§ 8.2 and 8.7. Because OCC has no comparable prior notice that payment will be required, this regulation provides that OCC has 30 days from receipt of notice of overpayment to assess the claimed overpayment and to respond. The period of time allowed runs from OCC's receipt of written notice because OCC will not have knowledge in any particular instance that repayment will be required.

Several commenters requested that OCC modify existing regulatory provisions regarding payment of assessments and trust examination fees. Two commenters suggested that payments postmarked by the required date should not be considered delinquent. Two other commenters suggested that OCC provide discounts for early payment of assessments and trust examination fees, rather than impose interest charges for late payments. The final rule does not incorporate either of these suggestions. OCC intends, by adopting this

regulation, to encourage institutions to make required payments no later than the dates specified by regulation. The first suggestion would further delay OCC's receipt of these payments; the preamble to the notice of proposed rulemaking expressed OCC's position that payments are to be received by OCC on designated dates. The second suggestion would reduce OCC revenues without addressing the problem of delinquent payments.

The final rule contains one other change from the proposed rule. The final rule makes explicit that Federal branches and agencies are also subject to interest charges on delinquent payments.

This regulation applies to all institutions required to make semiannual assessment payments and/or trust examination fee payments to OCC.

#### *Special Studies*

The Secretary of the Treasury certified that this regulation will not have a "significant impact on a substantial number of small businesses," as that phrase is used in the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis has been prepared. The proposed regulation will not impose additional reporting or recordkeeping requirements on any banks subject to the jurisdiction of the Comptroller, nor will the regulation have any other significant impact on those banks. The interest charges imposed will ordinarily be insubstantial, and will be offset in large part by interest obtained by the delinquent banks from the use of overdue funds.

A Regulatory Impact Analysis is not required because the OCC has determined that the proposal is not a "major rule" as defined by Executive Order 12291. The proposal will not have an annual effect on the economy of \$100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

#### **List of Subjects in 12 CFR Part 8**

Assessments, Trust examination fees.

For the reasons set forth in the preamble, 12 CFR Part 8 is amended as follows:

1. By revising the authority citation to read as follows:

Authority: R.S. 5240, as amended, 12 U.S.C. 481, 482, 12 U.S.C. 3102, and Sec. 3, 47 Stat. 1568, 26 D.C. Code 102.

2. By adding a new § 8.8 to read as follows:

#### **§ 8.8 Payment of interest on delinquent assessments and trust examination fees.**

(a) Each national bank, each district bank, each Federal branch, and each Federal agency shall pay to the Comptroller of the Currency interest on its delinquent payments of semiannual assessments. In addition, each national bank and each entity with a trust department examined by the Comptroller of the Currency shall pay to the Comptroller of the Currency interest on its delinquent payments of trust examination fees. Semiannual assessment payments will be considered delinquent if they are received after the time for payment specified in § 8.2. Trust examination fees will be considered delinquent if not received by the Comptroller of the Currency within 30 calendar days from the invoice date.

(b) Where an entity which is required to make semiannual assessment payments or trust examination fee payments determines that it has made any such payment in an amount exceeding that required by the Comptroller of the Currency, that entity shall provide the Office of Financial Operations, Comptroller of the Currency, with written notice of the overpayment. Within 30 calendar days of receipt of such notice, the Comptroller of the Currency shall either (1) refund the amount of the overpayment or (2) provide notice of its unwillingness to accept the calculation of overpayment. In the latter instance, the Comptroller of the Currency and the entity claiming the overpayment shall thereafter attempt to reach agreement on the amount, if any, to be refunded; the Comptroller of the Currency shall refund this amount within 30 calendar days of such agreement. The Comptroller of the Currency shall be considered delinquent if it fails to return an overpayment in accordance with the time limitations specified in this paragraph (b). The Comptroller of the Currency shall pay interest on any such delinquent payments.

(c) Interest on delinquent payments, as described in paragraphs (a) and (b) of this section, will be assessed beginning the first calendar day on which payment is considered delinquent, and on each calendar day thereafter up to and including the day payment is received. Interest will be simple interest, calculated for each day payment is delinquent by multiplying the daily

equivalent of the applicable interest rate by the amount delinquent. The rate of interest will be the United States Treasury Department's current value of funds rate (the "TFRM rate"); that rate is issued under the Treasury Fiscal Requirements Manual and is published quarterly in the *Federal Register*. The interest rates applicable to a delinquent payment will be determined as follows:

(1) For delinquent days occurring from January 1 to March 31, the rate will be

the TFRM rate that is published the preceding December for the first quarter of the ensuing year.

(2) For delinquent days occurring from April 1 to June 30, the rate will be the TFRM rate that is published the preceding March for the second quarter of that year.

(3) For delinquent days occurring from July 1 to September 30, the rate will be the TFRM rate that is published the

preceding June for the third quarter of that year.

(4) For delinquent days occurring from October 1 to December 31, the rate will be the TFRM rate that is published the preceding September for the fourth quarter of that year.

Dated: June 20, 1983.

**C. T. Conover,**

*Comptroller of the Currency.*

[FR Doc. 83-17987 Filed 6-30-83; 8:45 am]

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# **federal register**

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Friday  
July 1, 1983

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**Part VII**

**Department of Labor**

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Office of the Secretary

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**Rules of Practice for Administrative  
Proceedings Enforcing Labor Standards  
in Federal and Federally Assisted  
Construction Contracts and Federal  
Service Contracts**

## DEPARTMENT OF LABOR

## Office of the Secretary

## 29 CFR Part 6

## Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule.

**SUMMARY:** This document provides the final text of procedural regulations resulting from the Department of Labor's reexamination of the regulations under the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act. The Department of Labor is currently continuing its reexamination of the regulations under the Service Contract Act and has determined to leave intact existing Service Contract Act regulations pending completion of such reexamination. With the exception of the deletion in this final rulemaking, for now, of changes in the Service Contract Act regulations, the final rule herein set forth is in large part the same as the proposed rule published on August 14, 1981 (46 FR 41428), and is intended to provide for administrative proceedings in enforcement matters and questions of substantial interest under the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act. These revisions are designed to make such proceedings as uniform as possible.

**EFFECTIVE DATE:** This final rulemaking becomes effective on June 28, 1983.

**FOR FURTHER INFORMATION CONTACT:** Gail V. Coleman, Counsel for Trial Litigation, Fair Labor Standards, Office of the Solicitor, U.S. Department of Labor, Room N2716, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, Phone (202) 523-7626.

**SUPPLEMENTARY INFORMATION:** On April 22, 1980, a proposal was published in the *Federal Register* (45 FR 27400) to make revisions to 29 CFR Part 6, Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts. As stated in the proposal, its purpose was primarily to make more uniform the proceedings for enforcement under the various labor standards statutes and to provide more expedited hearings under Section 4(c) of the Service Contract Act.

Interested persons were afforded the opportunity to submit comments to the Office of the Solicitor by May 27, 1980.

On January 16, 1981, the regulation was published in the *Federal Register* (46 FR 4398) as a final rule with a scheduled effective date of February 17, 1981. However, pursuant to the President's Memorandum of January 29, 1981, the Department published notices on February 6, 1981 (46 FR 11253), and thereafter, delaying implementation of this regulation until August 15, 1981, in order to reconsider the rule pursuant to Executive Order 12291. See 46 FR 18973 (March 27, 1981); 46 FR 23739 (April 28, 1981); 46 FR 33514 (June 30, 1981); 46 FR 36140 (July 14, 1981). By separate document, the effective date of the regulations published on January 16, 1981, was postponed until action could be taken on these proposals.

On January 16 and 19, 1981, the Department also published final rules under the Davis-Bacon and Related Acts, the Contract Work Hours and Safety Standards Act (29 CFR Parts 1 and 5; 46 FR 4306 and 4380), and the Service Contract Act (29 CFR Part 4; 46 FR 4320 and 4886). These rules were also delayed pursuant to the President's Memorandum in order to fully reconsider the rules as required by Executive Order 12291.

During this period, the Department conducted a thorough review of all of these regulations which led to significant new proposals which on August 14, 1981, were published for comment in the *Federal Register*. The effective dates of the regulations published in January 1981 were postponed until action could be taken on these proposals. The Department on May 28, 1982 published in the *Federal Register* its final rules for the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act (47 FR 23644 and 23658). These rules, except for those provisions which have been permanently enjoined and stayed pending resolution of the appeal, in *Building and Construction Trades' Department AFL-CIO v. Donovan*, Nos. 83-1118 and 83-1157 (D.C. Cir.), were republished on April 29, 1983 (48 FR 19532 and 19540), to become effective on June 28, 1983.

Comments on the August 14, 1981 publication of proposed Part 6 were received from four interested parties, namely the National Aeronautics and Space Administration (NASA), the Department of Energy (DOE), the Laborers' International Union of North America, AFL-CIO-CLC, and the International Association of Machinists and Aerospace Workers.

Included within the present rulemaking, published on August 14, 1981, were proposed procedural regulations (at 29 CFR Part 6, Subpart B) pertaining to enforcement proceedings under the Service Contract Act (and under the Contract Work Hours and Safety Standards Act for contracts subject to the Service Contract Act); (at 29 CFR Part 6, Subpart D) pertaining to substantial interest proceedings pursuant to the Service Contract Act; and (at 29 CFR Part 6, Subpart E) pertaining to substantial variance and arm's-length proceedings pursuant to said Act. At the time this rulemaking was issued as a proposed rule on August 14, 1981, integrally related substantive regulations amending 29 CFR Part 4 were also being proposed; those proposed regulations covered, *inter alia*, substantial interest, substantial variance and arm's-length proceedings pursuant to the Service Contract Act. At that time, the Department contemplated simultaneous issuance of both the substantive (Part 4) and procedural (Part 6) regulations. At the present time, the Department is still considering proposed Part 4. In order to proceed with the promulgation of the remaining provisions of this Part 6, the Department is deleting and/or reserving those portions of this rulemaking relating to the Service Contract Act.

Simultaneous to the publication on August 14, 1981 of proposed Part 6, the Department also published a new proposed Part 8 (46 FR 41438) which would have established a new Board of Service Contract Appeals for issues arising under the Service Contract Act. This proposal is still under consideration and pending final action thereon the Department has determined to continue existing Service Contract Act procedures.

Subsequent to the publication in the *Federal Register* on August 14, 1981 of this rulemaking, the office of Administrative Law Judges of the Department of Labor, in conjunction with the Office of the Solicitor, drafted proposed rules of practice and procedure for administrative hearings before the Office of Administrative Law Judges. Those rules will become effective on June 28, 1983 as a final rule at 29 CFR Part 18. As explained in the preamble thereto, the provisions of Part 18 will generally govern administrative hearings before Departmental ALJ's, and are intended to provide maximum uniformity in the conduct of administrative hearings. However, in the event of an inconsistency or conflict between the provisions of 29 CFR Part 18 and a rule or procedure required by

statute, executive order or regulation, the latter will control. The Department has carefully reviewed the provisions of 29 CFR Part 6 as published on August 14, 1981 *vis-a-vis* the provisions of (draft) 29 CFR Part 18, and has determined that certain of the provisions in the former are no longer necessary since they will be adequately covered by the latter. Thus, deleted in their entirety were provisions in the proposed Part 6 on the following specific matters: computation of time; motions and requests; depositions; witnesses and fees; prehearing conference; and hearing. Other revisions to proposed Part 6 were made which, while they did not result in the deletion of specific provisions, incorporated certain of the provisions of 29 CFR Part 18 into Part 6. An intended effect of these revisions to Part 6 is to facilitate the uniformity to be established by 29 CFR Part 18 and to harmonize the provisions of Parts 6 and 18. At such time as revisions to Part 6 are made relating to the Service Contract Act, appropriate modifications will be made to those procedural regulations in line with the provisions of 29 CFR Part 18.

Subsequent to the publication on August 14, 1981, of this proposed Part 6, the Department issued final rules for implementing the Equal Access to Justice Act which became effective on October 1, 1981; those rules are codified at 29 CFR Part 16. Therein at § 16.104(a)(2), the Department listed those proceedings involving the Employment Standards Administration which were found to be subject to the provisions of the Equal Access to Justice Act; none of the proceedings covered by this Part 6 are listed as being subject to that Act. Moreover, when the Equal Access final rules were published on December 29, 1981 (46 FR 63020), the Department discussed in the Supplementary Information section of the Preamble the types of proceedings which were not subject to the Act, including certain proceedings under the Service Contract Act and the Davis-Bacon Act. In view of the exclusion from the Equal Access to Justice Act of the proceedings covered by this Part 6, a new section has been added (§ 6.6(a)) expressly providing that Administrative Law Judges shall have no authority to award attorney fees or other litigation expenses pursuant to the Equal Access to Justice Act in any proceeding covered by this Part 6.

#### Discussion of Major Comments

Both NASA and DOE expressed concern over proposed § 6.12(b), which would have given a party the right to file a petition for review of an ALJ's decision by the Board of Service

Contract Appeals, even if the party had failed to appear before the ALJ. In view of the decision to defer any action on procedural regulations under the Service Contract Act, including appellate review provisions, the Department will address these comments at such time as it publishes final rules covering the Service Contract Act.

The Laborers' International Union of North America, AFL-CIO-CLC and the International Association of Machinists and Aerospace Workers expressed concern that the proposed regulations do not expressly provide for summary rejection of frivolous appeals by the Board of Service Contract Appeals. At such time as the Department determines to proceed with Part 8, these concerns can and will be considered.

Finally, both NASA and DOE expressed concern over §§ 6.50-6.57, which relate to the substantial variance and arm's-length proceedings referred by the Administrator of the Wage and Hour Division to the ALJ procedure. Since the provisions of 29 CFR Part 6, Subpart E, are being reserved at this time, these comments will be discussed at such time as the Department publishes final rules for Subpart E.

#### Findings

Final rules for the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act, which have been previously published in the *Federal Register*, become effective on June 28, 1983. This Part 6 contains provisions relating to administrative hearings in cases arising under the Davis-Bacon and Related Acts and the Contract Work Hours and Safety Standards Act. In order to preserve uninterrupted such rights, it is essential that these revisions of Part 6 also become effective on June 28, 1983. Accordingly, the Secretary has determined that good cause exists for waiving the customary requirement of delaying the effective date of a final rule for at least 30 days after its publication.

#### Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act, since it would not require the collection or retention of information.

#### Classification

This rule is procedural in character. It is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government

agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

The Department believes that the rule will have no "significant economic impact on a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the rule, which is procedural in character, will effect a substantial uniformity in administrative proceedings, with a resulting economy in such proceedings. Accordingly, no regulatory flexibility analysis is required.

#### List of Subjects in 29 CFR Part 6

Administrative practice and procedures, Government contracts, Labor, Minimum wages, Wages.

Accordingly, 29 CFR Part 6 is amended as set forth below.

Signed at Washington, D.C. on this 29th day of June, 1983.

Raymond J. Donovan,  
Secretary of Labor.

#### PART 6—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS ENFORCING LABOR STANDARDS IN FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION CONTRACTS AND FEDERAL SERVICE CONTRACTS

29 CFR Part 6 is amended as follows:

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

Authority: Secs. 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 46 Stat. 1494, as amended by 49 Stat. 1011, 78 Stat. 238, 40 U.S.C. 276a-276a-7; 76 Stat. 357-359, 40 U.S.C. 327-332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c.

2. A new Subpart A, consisting of existing §§ 6.1 through 6.20 is added to Part 6.

3. The heading for Subpart A reads as follows:

#### Subpart A—Service Contract Act

4. A new Subpart B is added to Part 6 to read as follows:

**Subpart B—Proceedings Under the Davis-Bacon Act and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act)**

**General**

- 6.30 Applicability of rules.
- 6.31 Definitions.
- 6.32 Service; copies of documents and pleadings.
- 6.33 Production of documents and witnesses.
- 6.34 Administrative law judge.
- 6.35 Appearances.
- 6.36 Transmission of record.

**Enforcement Proceedings Under the Davis-Bacon Act and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act)**

- 6.45 Referral to chief administrative law judge.
- 6.46 Amendments to pleadings.
- 6.47 Consent findings and order.
- 6.48 Decision of the administrative law judge.
- 6.49 Petition for review.
- 6.50 Ineligible list.

**Substantial Interest Proceedings**

- 6.55 Scope.
- 6.56 Referral to chief administrative law judge.
- 6.57 Amendments to pleadings.
- 6.58 Consent findings and order.
- 6.59 Decision of the administrative law judge.
- 6.60 Petition for review.
- 6.61 Ineligible list.

**Subpart B—Proceedings Under the Davis-Bacon Act and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act)**

**General**

**§ 6.30 Applicability of rules.**

This part provides the rules of practice for administrative proceedings under the Davis-Bacon Act and related statutes listed in § 5.1 of Part 5 of this title which require payment of wages determined in accordance with the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Act. See Part 5 of this title. Rules for proceeding before administrative law judges set forth at Part 18 of this title are applicable hereto unless inconsistent herewith.

**§ 6.31 Definitions.**

- (a) "Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative.
- (b) "Associate Solicitor" means the Associate Solicitor for Fair Labor

Standards, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210.

(c) "Chief Administrative Law Judge" means the Chief Administrative Law Judge, U.S. Department of Labor, 1111 20th Street, N.W., Suite 700, Washington, D.C. 20036.

(d) "Respondent" means the contractor, subcontractor, person alleged to be responsible under the contract or subcontract, and/or any firm, corporation, partnership, or association in which such person or firm is alleged to have a substantial interest (or interest if the proceeding is under the Davis-Bacon Act) against whom the proceedings are brought.

**§ 6.32 Service; copies of documents and pleadings.**

(a) *Manner of service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the last known address. When a party is represented by an attorney, the service should be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service. Where service is made by mail, service shall be complete upon mailing.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor. The original and one copy with the Administrative Law Judge before whom the case is pending, one copy with the attorney representing the Department during the hearing, and one copy with the Associate Solicitor.

**§ 6.33 Production of documents and witnesses.**

The parties, who shall be deemed to be the Department of Labor and the respondent(s), may serve on any other party a request to produce documents or witnesses in the control of the party served, setting forth with particularity the documents or witnesses requested. The party served shall have 15 days to respond or object thereto unless a shorter or longer time is ordered by the Administrative Law Judge. The parties shall produce documents and witnesses to which no privilege attaches which are in the control of the party, if so ordered by the Administrative Law Judge upon motion therefor by a party. If a privilege is claimed, it must be specifically claimed in writing prior to the hearing or orally at the hearing or deposition, including the reasons therefor. In no

event shall a statement taken in confidence by the Department of Labor or other Federal agency be ordered to be produced prior to the date of testimony at trial of the person whose statement is at issue unless the consent of such person has been obtained.

**§ 6.34 Administrative Law Judge.**

(a) *Equal Access to Justice Act.* In any hearing conducted pursuant to the provisions of this Part 6, Administrative Law Judges shall have no power or authority to award attorney fees and/or other litigation expenses pursuant to the provisions of the Equal Access to Justice Act (Pub. L. 96-481).

(b) *Contumacious conduct: failure or refusal of a witness to appear or answer.* Contumacious conduct at any hearing before an Administrative Law Judge shall be ground for exclusion from the hearing. The failure or refusal of a witness to appear at any hearing or at a deposition when so ordered by the Administrative Law Judge, or to answer any question which has been ruled to be proper, shall be ground for the action provided in section 5 of the Act of June 30, 1936 (41 U.S.C. 39) and, in the discretion of the Administrative Law Judge, for striking out all or part of the testimony which may have been given by such witness.

**§ 6.35 Appearances.**

(a) *Representation.* The parties may appear in person, by counsel, or otherwise.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the presiding Administrative Law Judge is authorized, if such party fails to show good cause for such failure to appear, to dismiss the case or to find the facts as alleged in the complaint and to enter a default judgment containing such findings, conclusions and order as are appropriate. Only where a petition for review of such default judgment cites alleged procedural irregularities in the proceeding below and not the merits of the case shall a non-appearing party be permitted to file such a petition for review. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's decision.

**§ 6.36 Transmission of record.**

If a petition for review of the Administrative Law Judge's decision is filed with the Wage Appeals Board, the Chief Administrative Law Judge shall promptly transmit the record of the proceeding.

If a petition for review is not filed within the time prescribed in this part, the Chief Administrative Law Judge shall so advise the Administrator.

**Enforcement Proceedings Under the Davis-Bacon Act and Related Prevailing Wage Statutes, the Copeland Act, and the Contract Work Hours and Safety Standards Act (Except Under Contracts Subject to the Service Contract Act)**

**§ 6.45 Referral to Chief Administrative Law Judge.**

(a) Upon timely receipt of a request for a hearing under §§ 5.11 (where the Administrator has determined that relevant facts are in dispute) or 5.12 of Part 5 of this title, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of the notification letter to the respondent from the Administrator and response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to decide the disputed matters. A copy of the Order of Reference and attachments thereto shall be served upon the respondent.

(b) The notification letter from the Administrator and response thereto shall be given the effect of a complaint and answer, respectively, for purposes of the administrative proceedings. The notification letter and response shall be in accordance with the provisions of § 5.11 or § 5.12(b)(1) of Part 5 of this title, as appropriate.

**§ 6.46 Amendments to pleadings.**

At any time prior to the closing of the hearing record, the complaint (notification letter) or answer (response) may be amended with the permission of the Administrative Law Judge and upon such terms as he/she may approve. For proceedings pursuant to § 5.11 of Part 5 of this title, such an amendment may include a statement that debarment action is warranted under § 5.12(a)(1) of Part 5 of this title or under Section 3(a) of the Davis-Bacon Act. Such amendments shall be allowed when justice and the presentation of the merits are served thereby, provided there is no prejudice to the objecting party's presentation on the merits. When issues not raised by the pleadings are reasonably within the scope of the original complaint and are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings, and such amendments may be made as necessary to make them conform to the evidence. The presiding Administrative Law Judge

may, upon reasonable notice and upon such terms as are just, permit supplemental pleadings setting forth transactions, occurrences or events which have happened since the date of the pleadings and which are relevant to any of the issues involved. A continuance in the hearing may be granted or the record left open to enable the new allegations to be addressed.

**§ 6.47 Consent findings and order.**

(a) At any time prior to the receipt of evidence or, at the discretion of the Administrative Law Judge, prior to the issuance of the decision of the Administrative Law Judge, the parties may enter into consent findings and an order disposing of the proceeding in whole or in part.

(b) Any agreement containing consent findings and an order disposing of a proceeding in whole or in part shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any order concerning debarment under the Davis-Bacon Act (but not under any of the other statutes listed in § 5.1 of Part 5 of this title) shall constitute a recommendation to the Comptroller General;

(4) A waiver of any further procedural steps before the Administrative Law Judge and the Wage Appeals Board regarding those matters which are the subject of the agreement; and

(5) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) Within 30 days after receipt of an agreement containing consent findings and an order disposing of the disputed matter in whole, the Administrative Law Judge shall, if satisfied with its form and substance, accept such agreement by issuing a decision based upon the agreed findings and order. If such agreement disposes of only a part of the disputed matter, a hearing shall be conducted on the matters remaining in dispute.

**§ 6.48 Decision of the Administrative Law Judge.**

(a) *Proposed findings of fact, conclusions, and order.* Within 20 days of filing of the transcript of the testimony or such additional time as the Administrative Law Judge may allow, each party may file with the Administrative Law Judge proposed findings of fact, conclusions of law, and

order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the Administrative Law Judge.* (1) Within a reasonable time after the time allowed for filing of proposed findings of fact, conclusions of law, and order, or within 30 days of receipt of an agreement containing consent findings and order disposing of the disputed matter in whole, the Administrative Law Judge shall make his/her decision. If any aggrieved party desires review of the decision, a petition for review thereof shall be filed as provided in § 6.49 of this title, and such decision and order shall be inoperative unless and until the Wage Appeals Board either declines to review the decision or issues an order affirming the decision. The decision of the Administrative Law Judge shall include findings of fact and conclusions of law, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. Such decision shall be in accordance with the regulations and rulings contained in Part 5 and other pertinent parts of this title. The decision of the Administrative Law Judge shall be based upon a consideration of the whole record, including any admissions made in the respondent's answer (response) and § 6.47 of this title. It shall be supported by reliable and probative evidence.

(2) If the respondent is found to have violated the labor standards provisions of any of the statutes listed in § 5.1 of Part 5 of this title other than the Davis-Bacon Act, and if debarment action was requested pursuant to the complaint (notification letter) or any amendment thereto, the Administrative Law Judge shall issue an order as to whether the respondent is to be subject to the ineligible list as provided in § 5.12(a)(1) of this title, including any findings of aggravated or willful violations. If the respondent is found to have violated the Davis-Bacon Act, and if debarment action was requested, the Administrative Law Judge shall issue as a part of the order a recommendation as to whether respondent should be subject to the ineligible list pursuant to Section 3(a) of the Act, including any findings regarding respondent's disregard of obligations to employees and subcontractors. If wages are found due and are unpaid, no relief from the ineligible list shall be ordered or recommended except on condition that such wages are paid.

(3) The Administrative Law Judge shall make no findings regarding liquidated damages under the Contract Work Hours and Safety Standards Act.

#### § 6.49 Petition for review.

Within 40 days after the date of the decision of the Administrative Law Judge (or such additional time as is granted by the Wage Appeals Board), any party aggrieved thereby who desires review thereof shall file a petition for review of the decision with supporting reasons. Such party shall transmit the petition in writing to the Wage Appeals Board, pursuant to Part 7 of this title, with a copy thereof to the Chief Administrative Law Judge. The petition shall refer to the specific findings of fact, conclusions of law, or order at issue. A petition concerning the decision on debarment shall also state the aggravated or willful violations and/or disregard of obligations to employees and subcontractors, or lack thereof, as appropriate.

#### § 6.50 Ineligible list.

Upon the final decision of the Administrative Law Judge or Wage Appeals Board, as appropriate, regarding violations of any statute listed in § 5.1 of Part 5 of this title other than the Davis-Bacon Act, the Administrator promptly shall forward to the Comptroller General the name of any respondent found to have committed aggravated or willful violations of the labor standards provisions of such statute, and the name of any firm, corporation, partnership, or association in which such respondent has a substantial interest. Upon the final decision of the Administrative Law Judge or Wage Appeals Board, as appropriate, regarding violations of the Davis-Bacon Act, the Administrator promptly shall forward to the Comptroller General any recommendation regarding debarment action against a respondent, and the name of any firm, corporation, partnership, or association in which such respondent has an interest.

#### Substantial Interest Proceedings

##### § 6.55 Scope.

This subpart supplements the procedures contained in § 5.12(d) of Part 5 of this title, and states the rules of practice applicable to hearings to determine whether persons of firms whose names appear on the ineligible list pursuant to § 5.12(a)(1) of Part 5 of this title have a substantial interest in any firm, corporation, partnership, or association other than those listed on the ineligible list; and/or to determine whether persons or firms whose names

appear on the ineligible list pursuant to Section 3(a) of the Davis-Bacon Act have an interest in any firm, corporation, partnership, or association other than those listed on the ineligible list.

#### § 6.56 Referral to Chief Administrative Law Judge.

(a) Upon timely receipt of a request for a hearing under § 5.12 of Part 5 of this title, where the Administrator has determined that relevant facts are in dispute, or on his/her own motion, the Administrator shall refer the case to the Chief Administrative Law Judge by Order of Reference, to which shall be attached a copy of any findings of the Administrator and response thereto, for designation of an Administrative Law Judge to conduct such hearings as may be necessary to decide the disputed matters. A copy of the Order of Reference and attachments thereto shall be served upon the person or firm requesting the hearing, if any and upon the respondents.

(b) The findings of the Administrator and response thereto shall be given the effect of a complaint and answer, respectively, for purposes of the administrative proceedings.

#### § 6.57 Amendments to pleadings.

At any time prior to the closing of the hearing record, the complaint (Administrator's findings) or answer (response) may be amended with the permission of the Administrative Law Judge and upon such terms as he/she may approve. Such amendments shall be allowed when justice and the presentation of the merits are served thereby, provided there is no prejudice to the objecting party's presentation on the merits. When issues not raised by the pleadings are reasonably within the scope of the original complaint and are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings, and such amendments may be made as necessary to make them conform to the evidence. The presiding Administrative Law Judge may, upon such terms as are just, permit supplemental pleadings setting forth transactions, occurrences or events which have happened since the date of the pleadings and which are relevant to any of the issues involved. A continuance in the hearing may be granted or the record left open to enable the new allegations to be addressed.

#### § 6.58 Consent findings and order.

(a) At any time prior to the receipt of evidence or, at the discretion of the Administrative Law Judge, prior to the

issuance of the decision of the Administrative Law Judge, the parties may enter into consent findings and an order disposing of the proceeding in whole or in part.

(b) Any agreement containing consent findings and an order disposing of a proceeding in whole or in part shall provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the Administrative Law Judge and the Wage Appeals Board, as appropriate, regarding those matters which are the subject of the agreement; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) Within 30 days after receipt of an agreement containing consent findings and an order disposing of the disputed matter in whole, the Administrative Law Judge shall accept such agreement by issuing a decision based upon the agreed findings and order. If such agreement disposes of only a part of the disputed matter, a hearing shall be conducted on the matters remaining in dispute.

#### § 6.59 Decision of the Administrative Law Judge.

(a) *Proposed findings of fact, conclusions, and order.* Within 30 days of filing of the transcript of the testimony, each party may file with the Administrative Law Judge proposed findings of fact, conclusions of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) *Decision of the Administrative Law Judge.* Within 60 days after the time allowed for filing of proposed findings of fact, conclusions of law, and order, or within 30 days after receipt of an agreement containing consent findings and order disposing of the disputed matter in whole, the Administrative Law Judge shall make his/her decision. If any aggrieved party desires review of the decision, a petition for review thereof shall be filed as provided in § 6.60 of this title, and such decision and order shall be inoperative unless and until the Wage Appeals Board issues an order

affirming the decision. The decision of the Administrative Law Judge shall include findings of fact and conclusions of law, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record. Such decision shall be in accordance with the regulations and rulings contained in Part 5 and other pertinent parts of this title. The decision of the Administrative Law Judge shall be based upon a consideration of the whole record, including any admissions made in the respondents' answer (response) and § 6.58 of this title.

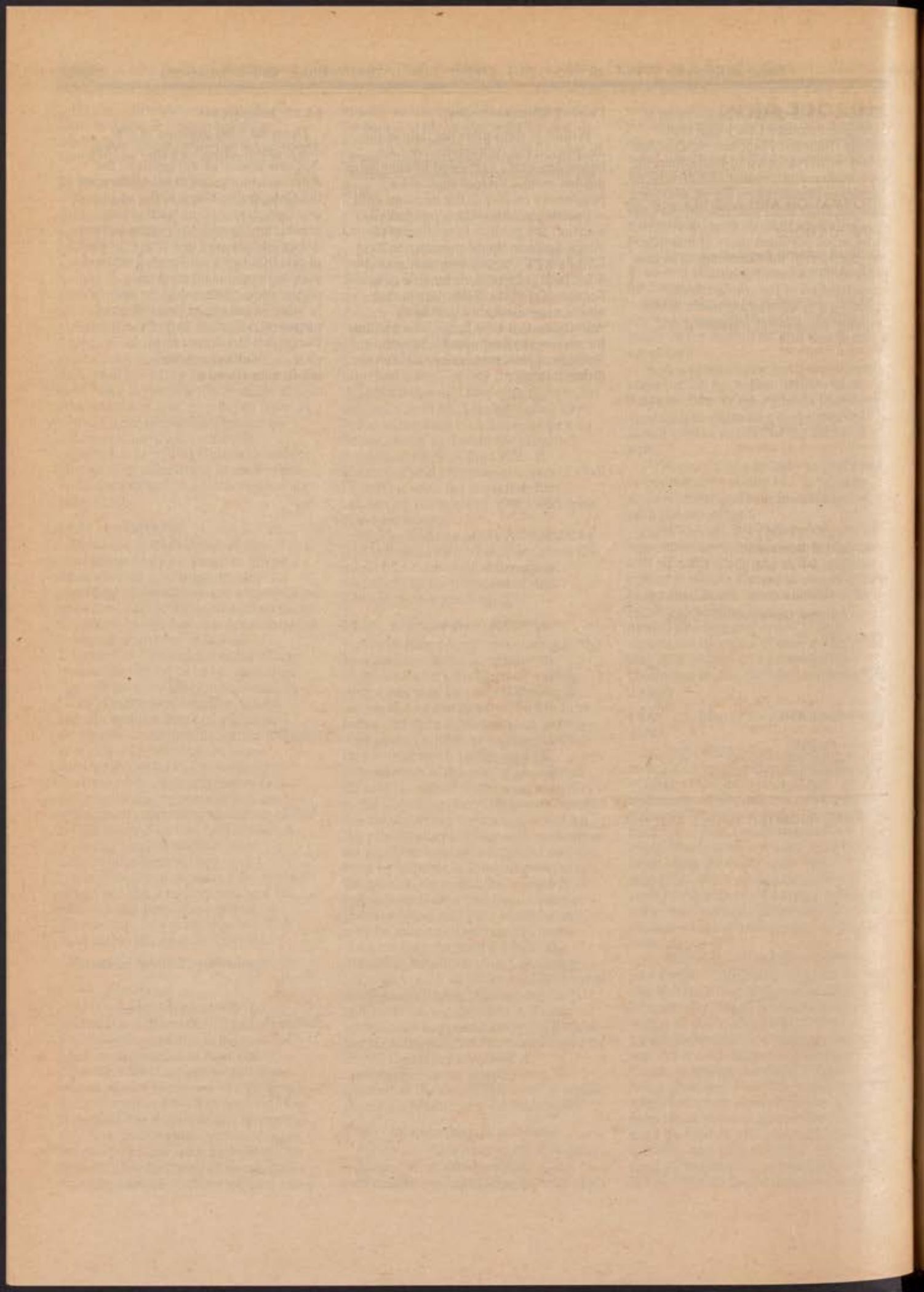
**§ 6.60 Petition for review.**

Within 30 days after the date of the decision of the Administrative Law Judge, any party aggrieved thereby who desires review thereof shall file a petition for review of the decision with supporting reasons. Such party shall transmit the petition in writing to the Wage Appeals Board pursuant to 29 CFR Part 7 if the proceeding was under § 5.12(a)(1) of Part 5 of this title or under Section 3(a) of the Davis-Bacon Act, with a copy thereof to the Chief Administrative Law Judge. The petition for review shall refer to the specific findings of fact, conclusions of law, or order at issue.

**§ 6.61 Ineligible list.**

Upon the final decision of the Administrative Law Judge, or Wage Appeals Board, as appropriate, the Administrator promptly shall forward to the Comptroller General the names of any firm, corporation, partnership, or association in which a person or firm debarred pursuant to § 5.12(a) of Part 5 of this title has a substantial interest; and/or the name of any firm, corporation, partnership, or association in which a person or firm debarred pursuant to Section 3(a) of the Davis-Bacon Act has an interest.

[FR Doc. 83-17966 Filed 6-30-83; 8:45 am]  
BILLING CODE 4510-23-M



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# Reader Aids

Federal Register

Vol. 48, No. 128

Friday, July 1, 1983

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## INFORMATION AND ASSISTANCE

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### PUBLICATIONS

#### Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

#### Federal Register

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Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

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## FEDERAL REGISTER PAGES AND DATES, JULY

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next

work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

## TABLE OF EFFECTIVE DATES AND TIME PERIODS—JULY 1983

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
July 1	July 18	August 1	August 15	August 30	September 29
July 5	July 20	August 4	August 19	September 6	October 3
July 6	July 21	August 5	August 22	September 6	October 4
July 7	July 22	August 8	August 22	September 6	October 5
July 8	July 25	August 8	August 22	September 6	October 6
July 11	July 26	August 10	August 25	September 9	October 11
July 12	July 27	August 11	August 26	September 12	October 11
July 13	July 28	August 12	August 29	September 12	October 11
July 14	July 29	August 15	August 29	September 12	October 12
July 15	August 1	August 15	August 29	September 13	October 13
July 18	August 2	August 17	September 1	September 16	October 17
July 19	August 3	August 18	September 2	September 19	October 17
July 20	August 4	August 19	September 6	September 19	October 18
July 21	August 5	August 22	September 6	September 19	October 19
July 22	August 8	August 22	September 6	September 20	October 20
July 25	August 9	August 24	September 8	September 23	October 23
July 26	August 10	August 25	September 9	September 26	October 24
July 27	August 11	August 26	September 12	September 26	October 25
July 28	August 12	August 29	September 12	September 26	October 26
July 29	August 15	August 29	September 12	September 27	October 27

## CFR CHECKLIST; 1982/83 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1982/83. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is \$615 domestic, \$153.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

## CFR Unit (Rev. as of Jan. 1, 1983):

Title	Price
1-2	\$6.00
4	7.50
<b>5 Parts:</b>	
1-1199	8.50
1200-end	6.00
<b>7 Parts:</b>	
0-45	9.00
46-51	7.50
52	9.00
53-209	7.50
210-299	7.00
300-399	5.50
400-699	6.50
1000-1059	7.50
1060-1119	6.50
1120-1199	7.00
1200-1499	7.00
1500-1899	6.50
1945-end	7.00
8	6.50
<b>9 Parts:</b>	
1-199	7.50
200-end	7.50
<b>10 Parts:</b>	
0-199	9.00
200-399	7.50
400-499	6.50
500-end	7.00
<b>12 Parts:</b>	
1-199	7.00
200-299	8.00
300-499	7.00
500-end	8.00
13	8.00
<b>14 Parts:</b>	
60-139	7.00
140-199	5.50
1200-end	6.50
<b>15 Parts:</b>	
0-299	6.50
400-end	7.50
<b>16 Parts:</b>	
0-149	7.00
150-999	7.00
<b>CFR INDEX</b>	9.50
<b>CFR Unit (Rev. as of Apr. 1, 1983):</b>	
<b>20 Parts:</b>	
1-399	5.50
500-end	7.50

## 21 Parts:

1-99	6.00
100-169	6.50
170-199	6.50
200-299	4.75
300-499	8.00
500-599	6.50
600-799	5.00
800-1299	6.00
1300-end	5.00

## CFR Unit (Rev. as of July 1, 1982):

28 8.00

## 29 Parts:

0-99	9.00
100-499	6.00
500-899	8.50
900-1899	6.50
1900-1910	9.00
1911-1919	5.50
1920-end	8.50

## 30 Parts

0-199	8.00
200-end	10.00

## 31 Parts:

0-199	7.00
200-end	9.00

## 32 Parts:

1-39, Vol. I (rev. 9/1/82)	9.00
1-39, Vol. II (rev. 9/1/82)	11.00
1-39, Vol. III (rev. 9/1/82)	10.00
40-399	13.00
400-699	10.00
700-799	8.50
800-999	8.00
1000-end	7.00

## 33 Parts:

1-199	9.00
200-end	8.00

## 34 Parts:

1-399	13.00
400-end	8.50
35	6.50

## 36 Parts:

1-199	7.00
200-end	7.50
37	7.00

## 38 Parts:

0-17	8.00
18-end	7.00
39	7.00

## 40 Parts:

0-51	8.50
52	9.00
53-80	8.50
81-99	8.50
100-149	7.50
150-189	7.50
190-399	7.50
400-424	8.00
425-end	7.50

## 41 Chapters:

1 (1-1 to 1-10)	8.50
(1-11 to App.)	7.50
3-6	8.50
7	5.50
8	5.50
9	8.00
10-17	7.50
18, Vol. I (rev. 12/31/82)	7.50
18, Vol. II (rev. 12/31/82)	8.00
18, Vol. III (rev. 12/31/82)	7.50
19-100	8.00
101	9.00
102-end	7.00

## CFR Unit (Rev. as of Oct. 1, 1982):

<b>42 Parts:</b>	
1-60	7.50
61-399	7.00
400-end	9.50

## 43 Parts:

1-999	7.00
1000-3999	8.50
4000-end	7.00

44 7.50

## 45 Parts:

1-199	7.00
200-499	6.00
500-1199	7.50
1200-end	7.50

## 46 Parts:

1-29	6.00
30-40	5.50
41-69	7.50
70-89	6.00
90-109	6.50
110-139	5.00
140-155	7.00
156-165	7.50
166-199	7.00
200-399	8.50
400-end	7.00

## 47 Parts:

0-19	8.50
20-69	9.00
70-79	8.00
80-end	9.00

## 49 Parts:

1-99	6.50
100-177	9.00
178-199	8.00
200-399	7.50
400-999	8.00
1000-1199 (rev. 11-1-82)	7.50
1200-1299	7.50
1300-end	7.50

## 50 Parts:

1-199	7.00
200-end	8.00

## MICROFICHE EDITION OF THE CFR:

The CFR is now available on microfiche from the Superintendent of documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

## 1981

Complete set (one-time mailing):  
\$155.00 (domestic).  
Individual copies—\$2.00 each (domestic).

## 1982

Subscription (mailed as issued):  
\$250.00 (domestic).  
Individual copies—\$2.25 each (domestic).

## CFR ISSUANCES 1983

## January-April 1983 Editions and Projected July Editions

This list sets out the CFR issuances for the **January and April** quarters and projects the publication plans for the **July, 1983** quarter. A projected schedule that will include the **October, 1983** quarter will appear in the first **Federal Register** issue of **October**, immediately after the CFR checklist.

For pricing information on available 1983 volumes consult the CFR checklist in this **Federal Register**.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

- Titles 1-16—January 1
- Titles 17-27—April 1
- Titles 28-41—July 1
- Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

## Titles revised as of January 1, 1983:

Title	Title
<b>CFR Index</b>	<b>14 Parts:</b>
1-2	1-59
3 (Compilation)	60-139
4	140-199
<b>5 Parts:</b>	200-1199
1-1199	1200-end
1200-end	<b>15 Parts:</b>
<b>6 [Reserved]</b>	0-299
<b>7 Parts:</b>	300-399
0-45	400-end
46-51	<b>16 Parts:</b>
52	0-149
53-209	150-999
210-299	1000-end
300-399	
400-699	
700-899	
900-999	
1000-1059	
1060-1119	
1120-1199	
1200-1499	
1500-1899	
1900-1944	
1945-end	
<b>8</b>	
<b>9 Parts:</b>	
1-199	
200-end	
<b>10 Parts:</b>	
0-199	
200-399	
400-499	
500-end	
<b>11 (Revised as of July 1, 1983)</b>	
<b>12 Parts:</b>	
1-199	
200-299	
300-499	
500-end	
<b>13</b>	

## Titles revised as of April 1, 1983:

Title	Title
<b>17 Parts:</b>	<b>24 Parts:</b>
1-239	0-199
240-end	200-499
<b>18 Parts:</b>	500-799
1-149	800-1699
150-399	1700-end
400-end	<b>25</b>
<b>19</b>	<b>26 Parts:</b>
<b>20 Parts:</b>	1(§§ 1.0-1-1.169)
1-399	1(§§ 1.170-1.300) (Cover only)
400-499	1(§§ 1.301-1.400)
500-end	1(§§ 1.401-1.500)
<b>21 Parts:</b>	1(§§ 1.501-1.640)
1-99	1(§§ 1.641-1.850) (Cover only)
100-169	1(§§ 1.851-1.1200)
170-199	1(§§ 1.1201-end)
200-299	2-29
300-499	30-39
500-599	40-299
600-799	300-499
800-1299	500-599 (Cover only)
1300-end	600-end
<b>22</b>	<b>27 Parts:</b>
<b>23</b>	1-199
	200-end

## Projected July 1, 1983 editions:

Title	Title
<b>28</b>	<b>36 Parts:</b>
<b>29 Parts:</b>	1-199
0-99	200-end*
100-499	37
500-899	<b>38 Parts:</b>
900-1899	0-17
1900-1910	18-end
1911-1919	39
1920-end	<b>40 Parts:</b>
<b>30 Parts:</b>	0-51
0-199	52
200-end (Revised as of October 1, 1983)	53-80
<b>31 Parts:</b>	81-99
0-199	100-149
200-end	150-189
<b>32 Parts:</b>	190-399
1-39, Vol. I	400-424
1-39, Vol. II	425-end
1-39, Vol. III	<b>41 Parts:</b>
40-189	Chap. 1 (1-1 to 1-10)
190-399	Chap. 1 (1-11 to App.)-2
400-699	Chap. 3-6
700-799	Chap. 7
800-999	Chap. 8
1000-end	Chap. 9
<b>33 Parts:</b>	Chap. 10-17
1-199	Chap. 18 Vol. I
200-end	Chap. 18 Vol. II
<b>34 Parts:</b>	Chap. 18 Vol. III
1-299	Chap. 19-10C
300-399	Chap. 101
400-end	Chap. 102-end
<b>35</b>	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

## List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 30, 1983.