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Title 3—

The President

Proclamation 4940 of May 5, 1982

Import Fees on Certain Sugars, Sirups and Molasses

By the President of the United States

A Proclamation

1. The Secretary of Agriculture has advised me that he has reason to believe that certain sugars, sirups and molasses derived from sugar cane or sugar beets, classified under items 155.20 and 155.30, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or to materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar cane and sugar beets. The Secretary of Agriculture has also advised me that he has reason to believe that the import fees imposed by Proclamation 4887 of December 23, 1981, should be modified in order to prevent the importation of the items described above from rendering or tending to render ineffective, or materially interfering with the price support operations being conducted by the Department of Agriculture for sugar beets and sugar cane.

2. I agree that there is reason for such beliefs by the Secretary of Agriculture. By Proclamation 4887 I requested the United States International Trade Commission to make an immediate investigation with respect to such matters pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible. The United States International Trade Commission is presently conducting such an investigation, and has not yet submitted its report to me. I am therefore requesting that the United States International Trade Commission continue its investigation with respect to such matters and to report its findings and recommendations to me as soon as possible.

3. The Secretary of Agriculture has also determined and reported to me with regard to such sugars, sirups and molasses that a condition exists which requires emergency treatment and that the import fees hereinafter proclaimed should be imposed without awaiting the report and recommendations of the United States International Trade Commission.

4. I find and declare that the imposition of the import fees hereinafter proclaimed, without awaiting the recommendations of the United States International Trade Commission with respect to such action, is necessary in order that the entry, or withdrawal from warehouse for consumption, of certain surgars, sirups and molasses described below by value, use and physical description and classified under TSUS items 155.20 and 155.30 will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar cane and sugar beets.

NOW THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by section 22 of the Agricultural Adjustment Act of 1933, as amended, and the Statutes of the United States, including Section 301 of Title 3 of the United States Code, do hereby proclaim until otherwise superseded by law:

A. Headnote 4 of part 3 of the Appendix to the TSUS is continued in effect and amended, effective 12:01 a.m. (Eastern Daylight Time) of the day following the

date of the signing of this Proclamation, by changing paragraph (c) to read as follows:

(c)(i) The quarterly adjusted fee provided for in items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent per pound.

(ii) The quarterly adjusted fee provided for in item 956.15 shall be the amount by which the average of the adjusted daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar and Cocoa Exchange) expressed in United States cents per pound, in bulk, is less than the applicable market stabilization price: *Provided,* That whenever the average of the daily spot (domestic) price quotations for 10 consecutive market days within any calendar quarter (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent per pound, or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent per pound. The adjusted daily spot (domestic) price quotation for any market day shall be the daily spot (domestic) price quotation for such market day less the amount of the fee for item 956.15 that is in effect on that day.

(iii) The market stabilization price for the remainder of the second, and the third calendar quarters of 1982 shall be 19.8800 cents per pound. The market stabilization price that shall be applicable to each subsequent fiscal year shall be determined and announced by the Secretary of Agriculture (hereafter the "Secretary") in accordance with this headnote no later than 30 days prior to the beginning of the fiscal year for which such market stabilization price shall be applicable. The market stabilization price shall be equal to the sum of: (1) the price support level for the applicable fiscal year, expressed in cents per pound of raw cane sugar; (2) adjusted average transportation costs; (3) interest costs, if applicable; and (4) 0.2 cent. The adjusted average transportation costs shall be the weighted average cost of handling and transporting domestically produced raw cane sugar from Hawaii to Gulf and Atlantic Coast ports, as determined by the Secretary. Interest costs shall be the amount of interest, as determined or estimated by the Secretary, that would be required to be paid by a recipient of a price support loan for raw cane sugar upon repayment of the loan at full maturity. Interest costs shall only be applicable if a price support loan recipient is not required to pay interest upon forfeiture of the loan collateral.

(iv) The Secretary shall determine the amount of the quarterly fees in accordance with this headnote and shall announce such fees not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary shall certify the amount of such fees to the Secretary of the Treasury and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. The Secretary shall determine and announce any adjustment in the fees made within a calendar quarter in accordance with the proviso of paragraph (ii) hereof, shall certify such adjusted fees to the Secretary of the Treasury, and shall file notice thereof with the **Federal Register** within 3 market days of the fulfillment of that proviso.

(v) If an adjustment is made in the fee in accordance with the proviso of paragraph (ii) hereof, any subsequent adjustment made within that quarter shall only be made on the basis of the average spot price for any 10 consecutive market day period following the effective date of the immediately preceding fee adjustment. No adjustment shall be made in any fee in accordance with the proviso of paragraph (ii) hereof during the last fifteen market days of a calendar quarter.

(vi) Any adjustment made in a fee during a quarter in accordance with the proviso of paragraph (ii) hereof shall be effective only with respect to sugar entered or withdrawn from warehouse for consumption after 12:01 a.m. (local time at point of entry) on the day following the filing of notice thereof with the **Federal Register**: *Provided,* That such adjustment in the fee shall not apply to sugar exported (as defined in section 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before such time. The exemption contained in the preceding proviso shall apply regardless of whether the adjustment in the fee is upward or downward.

B. Items 956.05, 956.15 and 957.15 of part 3 of the Appendix to the TSUS are continued in effect and amended to read as follows:

Item	*Articles*	*Rates of Duty (Section 22 Fees)*
	Sugars, sirups and molasses derived from sugar cane or sugar beets, except those entered pursuant to a license issued by the Secretary of Agriculture in accordance with headnote 4(a):	
	Principally of crystalline structure or in dry amorphous form, provided for in item 155.20 part 10A, schedule 1:	
956.05	Not to be further refined or improved in quality	5.0703 cents per lb. adjusted quarterly in accordance with headnote 4(c), but not in excess of 50% ad val.

Item	Articles	Rates of Duty (Section 22 Fees)
956.15	To be further refined or improved in quality	4.0703 cents per lb. adjusted quarterly in accordance with headnote 4(c), but not in excess of 50% ad val.
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule 1	5.0703 cents per lb. of total sugars, adjusted quarterly in accordance with headnote 4(c), but not in excess of 50% ad val.

C. The provisions of this proclamation shall terminate upon the filing of a notice in the **Federal Register** by the Secretary of Agriculture that the Department of Agriculture is no longer conducting a price support program for sugar beets and sugar cane.

D. The fees established in paragraph B of this proclamation shall be adjusted on a quarterly basis beginning July 1, 1982. Such fees shall be adjusted on an intra-quarterly basis as provided by the proviso of paragraph (c)(ii) of Headnote 4 of part 3 of the Appendix to the TSUS, as added herein, beginning with any 10 consecutive market day period following the day this proclamation is signed.

E. The provisions of Proclamation 4887 of December 23, 1981 are hereby terminated, except with respect to those articles which are exempted from the provisions of this proclamation under paragraph F below.

F. This proclamation shall be effective as of 12:01 a.m. (Eastern Daylight Time) on the day following its signing. However, the provisions of this proclamation shall not apply to articles entered, or withdrawn from warehouse for consumption, prior to July 1, 1982, and which had been exported (as defined in section 152.1 of the Customs Regulation) on a through bill of lading to the United States from the country of origin prior to April 23, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of May, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

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Editorial Note: The President's statement of May 5, 1982, concerning Proclamation 4940, is printed in the Weekly Compilation of Presidential Documents (vol. 18, no. 18).

Proclamation 4941 of May 5, 1982

Modification of Quotas on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. Headnote 2 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202), hereinafter referred to as the "TSUS", provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . ."

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

2. Headnote 2 was added to the TSUS by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) to carry out a provision in the Geneva (1967) Protocol of the General Agreement on Tariffs and Trade (Note 1 of Unit A, Chapter 10, Part 1 of Schedule XX; 19 U.S.T., Part II, 1282). The Geneva Protocol is a trade agreement that was entered into and proclaimed pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)). Section 201(a) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act.

3. I find that the quantitative limitations hereinafter proclaimed are appropriate to carry out the trade agreement described in paragraph 2 of this proclamation and the International Sugar Agreement, 1977 (31 U.S.T. 5135), and give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, section 301 of Title 3 of the United States Code, and the International Sugar Agreement, 1977, Implementation Act (P.L. 96–236, 94 Stat. 336), and in conformity with Headnote 2 of subpart A of part 10 of schedule 1 of the TSUS, do hereby proclaim until otherwise superseded by law:

A. Headnote 3 of subpart A, part 10, schedule 1 of the TSUS is modified to provide as follows:

3. (a) The total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered, or withdrawn from warehouse for consumption, between May 11, 1982 and June 30, 1982, inclusive, shall not exceed, in the aggregate, 220,000 short tons, raw value.

(b) Beginning with the third calendar quarter of 1982, the Secretary of Agriculture (hereafter the Secretary) shall establish for each calendar quarter the total amount (expressed in terms of raw value) of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, which may be entered, or withdrawn from warehouse for consumption, during such calendar quarter. The Secretary shall determine such amount, inform the Secretary of the Treasury of his determination, and file notice thereof with the **Federal Register** no later than the 15th day of the month immediately preceding the calendar quarter during which such determination shall be in effect. In determining such amounts the Secretary shall give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

(c) The total amounts of sugars, sirups, and molasses permitted to be imported under paragraphs (a) and (b) of this headnote shall be allocated to the following supplying countries or areas in the following percentages:

Country	*Percentage*	*Country*	*Percentage*
1. Canada	1.1	14. Peru	4.1
2. Guatemala	4.8	15. Brazil	14.5
3. Belize	1.1	16. Argentina	4.3
4. El Salvador	2.6	17. Thailand	1.4
5. Honduras	1.0	18. Philippines	13.5
6. Nicaragua	2.1	19. Taiwan	1.2
7. Costa Rica	1.5	20. Australia	8.3
8. Panama	2.9	21. Mauritius	1.1
9. Jamaica	1.1	22. Mozambique	1.3
10. Dominican Republic	17.6	23. Rep. S. Africa	2.3
11. Colombia	2.4	24. Swaziland	1.6
12. Guyana	1.2	25. Other specified countries and areas	5.9
13. Ecuador	1.1		100.0

The category "Other specified countries and areas" shall consist of the following: Mexico, Haiti, Barbados, Trinidad-Tobago, Bolivia, Paraguay, France, India, Anguilla, Antigua, Dominica, Grenada, Saint Lucia, Saint Vincent and the Grenadines, Montserrat, Saint Christopher-Nevis, British Virgin Islands, Fiji, Tonga, Nauru, Malagasy Republic, Zimbabwe and Malawi.

Notwithstanding the allocation provisions set forth above, the Secretary may, after consultation with the U.S. Trade Representative, the Department of State, and the Department of the Treasury, issue regulations modifying the allocation provisions governing "Other specified countries and areas" if the Secretary determines that such modifications are appropriate to provide such countries and areas reasonable access to the United States sugar market. Such regulations may, among other things, provide for the establishment of minimum quota amounts, the establishment of quota periods other than quarterly periods, and the carrying forward of unused quota amounts into subsequent quota periods.

(d) The Secretary, after consultation with the U.S. Trade Representative and the Department of State, may suspend the allocation provisions of paragraph (c), or may establish quantitative limitations for periods of time other than calendar quarters as provided in paragraph (b), if the Secretary determines that such action or actions are appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade. The Secretary may reinstate the allocation provisions of paragraph (c), or may amend any quantitative limitations (including the time period for which such limitations are applicable) which have previously been established under this paragraph or paragraph (b), if the Secretary determines that the considerations set forth in the previous sentence so warrant. The Secretary shall inform the Secretary of the Treasury of any determination made

under this paragraph. Notice of such determinations shall be filed with the **Federal Register**, and such determinations shall not become effective until the day following the date of filing of such notice or such later date as may be specified by the Secretary.

(e) The U.S. Trade Representative or his designee, after consultation with the Department of Agriculture and the Department of State, may modify the allocation provisions of paragraph (c) (including the deletion or addition of any country or area), and may prescribe further rules, limitations or prohibitions on the entry of sugar if he finds that such actions are appropriate to carry out the obligations of the United States under the International Sugar Agreement, 1977, or any successor agreement thereto, and that such actions give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade. If the U.S. Trade Representative takes any such action, he shall so inform the Secretary of the Treasury and the Secretary of Agriculture and shall publish notice thereof in the **Federal Register.** Such action shall not become effective until the day following the date of filing of such notice or such later date as may be specified by the U.S. Trade Representative.

(f) The Secretary shall, in consultation with the U.S. Trade Representative, the Department of State, and other concerned agencies, review the operation of this headnote prior to September 1 of each year. In making such review, the Secretary shall determine whether the continued operation of paragraphs (b), (c), (d), and (e) of this headnote gives due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, and whether the operation of paragraph (g) of this headnote would give due consideration to such interests. The Secretary shall file a notice of such determinations in the **Federal Register** no later than September 1 of each year. If the Secretary determines that the continued operation of paragraphs (b), (c), (d), and (e) of this headnote would not give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, and that the provisions of paragraph (g) of this headnote would give due consideration to such interests, paragraphs (b), (c), (d), and (e) of this headnote shall terminate as of the first day of October following such determinations.

(g) If paragraphs (b), (c), (d), and (e) of this headnote are terminated under the provisions of paragraph (f) of this headnote, the total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered, or withdrawn from warehouse for consumption, in any fiscal (October 1–September 30) year shall not exceed, in the aggregate, 6,900,000 short tons, raw value. The U.S. Trade Representative or his designee may allocate this quantity among supplying countries or areas, and may prescribe further rules, regulations, limitations or prohibitions on the entry of sugar in accordance with the International Sugar Agreement, 1977, and Public Law 96–236. The U.S. Trade Representative or his designee shall inform the Commissioner of Customs of any such action regarding the importation of sugar, and shall publish notice thereof in the **Federal Register.**

(h) For the purposes of this headnote, the term "*raw value*" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. Such regulations may, among other things, provide: (1) for the entry of such articles pending a final determination of polarity; and (2) that positive or negative adjustments for differences in

preliminary and final raw values be made in the same or succeeding quota periods. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

(i) For articles described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

(ii) For articles described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

B. Those parts of Proclamation 4334 of November 16, 1974, Proclamation 4610 of November 30, 1978, Proclamation 4663 of May 24, 1979, and Proclamation 4770 of July 1, 1980, which are inconsistent with the provisions of paragraph (A) above, are hereby terminated.

C. The provisions of this Proclamation shall be effective as of May 11, 1982. However, the quantitative limitations imposed by paragraphs (a) and (c) of Headnote 3 of subpart A, part 10, schedule 1 of the TSUS, as modified herein, shall not apply to articles entered, or withdrawn from warehouse for consumption, prior to July 1, 1982, which are exported (as defined in section 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin prior to April 23, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of May, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 82-12628
Filed 5-6-82; 9:35 am]
Billing code 3195-01-M

Editorial Note: The President's statement of May 5, 1982, concerning Proclamation 4941, is printed in the Weekly Compilation of Presidential Documents (vol. 18, no. 18).

Rules and Regulations

Federal Register
Vol. 47, No. 89
Friday, May 7, 1982

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 253

[Amdt. 2]

Food Distribution Programs on Indian Reservations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule applies only to the capability and program implementation schedules for the Food Distribution Program on Indian Reservations and is based on a Court of Appeals decision (*Chico Antone,* et al., v. *Bob Bergland,* et al., D.C. Cir.; No. 80–1053, August 10, 1981) in favor of this Department. This rule republishes final regulations issued on June 19, 1979 (44 FR 35904) in accordance with notice and comment rulemaking. The June 19, 1979, rules had been changed by order of a Federal district court (*Antone* v. *Bergland,* D. D.C. November 14, 1979) which order was reversed, as noted above, on appeal. This rule reinstates the original time frame for FNS to determine Tribal capability to operate a food distribution program within 60 days of receipt of a completed application.

EFFECTIVE DATE: May 7, 1982.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food and Nutrition Service, Food Distribution Division, Park Office Center, Room 506, Alexandria, Virginia 22302, (703) 756–3660.

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under the USDA criteria established to implement Executive Order No. 12291 and Secretary's Memorandum No. 1512–1. This action would not result in an annual effect on the economy of $100 million or more or a major increase in cost or price for consumers, industries, Federal, State or local governments, or geographical regions. Additionally, this action would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that this action has no economic impact on small entities. This action simply reinstates the original timeframes for the capability and program implementation phases of the Food Distribution Program on Indian Reservations. The regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

Background

On March 4, 1980 (FR Vol. 45, No. 44), the Department issued regulations as mandated by a Federal district court order to reduce the timeframes for 1) FNS to determine tribal eligibility and capability to administer the Food Distribution Program on Indian Reservations from 60 days, as stated in the June 19, 1979, regulations, to 30 days after the receipt of a completed application and 2) a State agency to submit a plan of operation and to commence program operations for an Indian tribal organization (ITO) determined not capable of program administration from 180 days, as stated in the June 19, 1979, regulations, to 120 days after FNS' determination of capability. On August 10, 1981, the Federal district court order that required the reduced timeframes was reversed by the Court of Appeals for the District of Columbia.

List of Subjects in 7 CFR Part 253

Administrative practice and procedure, Food assistance programs, Grant programs-social programs, Indians, Reporting and recordkeeping requirements, Surplus agricultural commodities.

PART 253—ADMINISTRATION OF THE FOOD DISTRIBUTION PROGRAM FOR HOUSEHOLDS ON INDIAN RESERVATIONS

The Department is, therefore, reinstating the original timeframes based on the rulemaking record as explained in the preamble to the June 19, 1979, regulations. Accordingly, Part 253 is being amended as follows:

§ 253.5 [Amended]

In § 253.5, paragraph (m) is revised and reads as follows:

* * * * *

(m) *Implementation.* The State agency shall implement changes required by amendments to these regulations in accordance with schedules specified in the amendment. (1) Amendment 2. (i) If an ITO currently participates in, but does not administer, the Food Distribution Program on Indian Reservations:

(A) FNS shall determine tribal eligibility and capability to administer the Food Distribution Program on Indian Reservations within 60 days of receipt of a completed application. If an incomplete application is received, FNS shall within 15 days, notify the ITO of what additional information is required. The processing time for the capability determination shall start from the date the additional information is received by FNS.

(B) Upon FNS' determination that the ITO will administer the Food Distribution Program on Indian Reservations, FNS shall expeditiously plan for and provide needed training and technical assistance to facilitate timely commencement of tribal administrative responsibilities. The ITO shall have 120 days from FNS' determination in paragraph (m)(1)(i)(A) of this section to submit and have approved a plan of operation, operating manuals, and to commence program operations under the regulations as specified in this part. Extensions may be granted by FNS to ITOs if good cause is shown.

(C) If FNS determines that an ITO is not capable of administering the Food Distribution Program on Indian Reservations, FNS shall direct the State to continue program operations and

submit a new plan of operation and to commence program operations under the regulations as specified in this part within 120 days from FNS' determination in paragraph (m)(1)(i)(A) of this section.

(ii) If an ITO currently administers the Food Distribution Program on Indian Reservations, the timeframes specified in paragraph (m)(1)(i) of this section apply except that:

(A) FNS shall determine tribal eligibility and capability to administer the Food Distribution Program on Indian Reservations within 30 days of receipt of a completed application.

(B) If FNS determines that the ITO will not administer the Food Distribution Program on Indian Reservations, FNS shall direct the ITO to continue program operations until the State government can commence program operations. The State government shall have 120 days from FNS' determination in paragraph (m)(1)(i)(A) of this section to submit and have approved a plan of operation and to commence program operations under the regulations as specified in this part.

(iii) If an ITO does not currently participate in a Food Distribution Program on Indian Reservations, the timeframes in paragraph (m)(1)(i) of this section apply except that if FNS determines that an ITO cannot administer the program, FNS shall direct the State to submit a plan of operation and to commence program operations under the regulations as specified in this part within 180 days from the determination.

(iv) Extensions to the above implementation timeframe (except for those timeframes set forth in paragraphs (m)(1)(i)(A) and (ii)(A) of this section) may be granted by FNS to ITOs or State government agencies if there is compelling justification involving circumstances which were not reasonably foreseeable and which are not the fault of the ITO or the State agency and which circumstances present extraordinary problems that would render earlier implementation impossible.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance No. 10.550)

Dated: April 23, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82-12549 Filed 5-6-82; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Revision of Salable and Reserve Percentages for the 1981–82 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action revises the salable and reserve percentages for marketable California almonds received by handlers during the 1981–82 crop year, which began July 1, 1981. The salable percentage is increased from 90 percent to 100 percent, and the reserve percentage is correspondingly decreased from 10 percent to 0 percent. This action is taken under the marketing order for almonds grown in California to promote orderly marketing conditions.

EFFECTIVE DATES: July 1, 1981 through June 30, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 26 handlers.

It has been determined that a situation exists which warrants publication of this final rule without prior opportunity for public comment. This action relaxes restrictions on handlers by allowing them to ship additional almonds to salable outlets and must be taken promptly to ensure an adequate supply of almonds for normal domestic and export needs and maintain the current momentum of sales. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rulemaking and other public procedures with respect to this final action are impracticable and contrary to the public interest.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The relevant provisions of the marketing order for California almonds require that revised salable and reserve percentages established for a particular crop year shall apply to all marketable California almonds received by handlers from the beginning of that year. The 1981–82 crop year began July 1, 1981.

The authority to establish salable and reserve percentages is pursuant to § 981.47 of the marketing agreement and Order No. 981, both as amended (7 CFR 981), regulating the handling of almonds grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Section 981.48 of the order provides for an increase in the salable percentage by the Secretary upon findings of fact that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requrements for the crop year.

On September 1, 1981, an emergency interim final rule was published in the **Federal Register** (46 FR 43824) establishing on an interim basis salable, reserve, and export percentages of 75 percent, 25 percent, and 0 percent, respectively, for the 1981–82 crop year. That action was based on a recommendation of the Almond Board of California, which works with USDA in administering the order, at its July 29, 1981, marketing policy meeting. A final rule establishing those percentages for the 1981–82 crop year was published in the November 30, 1981, issue of the **Federal Register** (46 FR 58061).

On February 16, 1982, the Board met to review the salable and reserve percentages established for the 1981–82 crop year and the supply and demand estimates from which those percentages were derived. Pursuant to § 981.48 of the order, the Board recommended an increase in the salable percentage to 90 percent and a corresponding decrease in the reserve percentage to 10 percent. A final rule establishing those revised percentages for the 1981–82 crop year was published in the March 8, 1982, issue of the **Federal Register** (47 FR 9809).

On April 16, 1982, the Board met again to review the 1981–82 salable and reserve percentages and recommended an increase in the salable percentage to 100 percent and a corresponding

decrease in the reserve percentage to 0 percent. In arriving at this recommendation, the Board increased the quantity of almonds deemed desirable to be carried out on June 30, 1982, from 118.7 million pounds to 157.1 million pounds. The Board noted that adverse weather conditions in California during recent weeks make it unlikely that the 1982 crop will meet normal expectations. Therefore, an increase in carryover is desirable to ensure that ample supplies of good quality almonds are available to meet trade demand during the 1982–83 crop year.

The estimates used by the Board in making its April 16, 1982, recommendation to revise the salable and reserve percentages are tabulated below. The Board's July 29, 1981, and February 16, 1982, estimates are shown as a basis of comparison.

	Initial estimate July 29, 1981	Millions of pounds: 1st revised estimate Feb. 16, 1982	2d revised estimate Apr. 16, 1982
Production			
1. 1981 crop	450.0	406.0	408.4
2. Loss and exempt	27.0	26.0	26.0
3. Marketable supply	423.0	380.0	380.4
Trade Shipments			
4. Domestic	125.0	125.0	125.0
5. Export	200.0	200.0	200.0
6. Total	325.0	325.0	325.0
Inventory Adjustments			
7. Carryover, July 1, 1981	101.7	101.7	101.7
8. Estimated carryover, June 30, 1982	94.0	118.7	157.1
9. Adjustment	[7.7]	17.0	55.4
Salable and Reserve			
10. Salable supply [6+9]	317.3	342.0	380.4
11. Reserve supply [3−10]	105.7	38.0	0
12. Salable percentage [10÷3×100]	75	90	100
13. Reserve percentage [100%−12]	25	10	0

NOTE.—List of Subjects in 7 CFR Part 981 Marketing Agreements and Orders, Almonds, California.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Board, and other available information, it is further found that the revision of the salable and reserve percentages, as hereinafter set forth, will tend to effectuate the declared policy of the act.

PART 981—ALMONDS GROWN IN CALIFORNIA

Therefore, § 981.230 is revised to read as follows: (The following provisions will not appear in the Code of Federal Regulations)

Subpart—Salable, Reserve, and Export Percentages

§ 981.230 Salable, reserve, and export percentages for almonds during the crop year beginning July 1, 1981.

The salable, reserve, and export percentages during the crop year beginning July 1, 1981, shall be 100, 0, and 0 percent, respectively.

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

Dated: May 3, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-12544 Filed 5-6-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 358]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 9–15, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 9, 1982.

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

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

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. The committee met again publicly on May 4, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is very active.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.658 is added as follows:

§ 910.658 Lemon Regulation 358.

The quantity of lemons grown in California and Arizona which may be handled during the period May 9, 1982, through May 15, 1982, is established at 300,000 cartons.

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

Dated: May 5, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-12664 Filed 5-6-82; 11:41 am]

BILLING CODE 3410-02-M

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7 CFR Part 1011

[Milk Order No. 11; Docket No. AO-251-A22]

Milk in the Tennessee Valley Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action makes several changes in the Tennessee Valley Federal milk order. The changes relate

basically to the performance standards that determine which distributing plants and supply plants qualify under the order as fully regulated pool plants. Other changes pertain to those provisions that determine which persons shall be defined as handlers and producers under the order. The changes, which are based on a public hearing held in March 1980, are necessary to maintain orderly conditions for the marketing of milk in the area. The changes were approved by cooperative associations representing more than two-thirds of the producers supplying the market.

EFFECTIVE DATE: July 1, 1982.

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: Prior documents in this proceeding:

Tennessee Valley Order

Notice of Hearing: Issued February 11, 1980; published February 14, 1980 (45 FR 9942).

Correction: Published February 21, 1980 (45 FR 11503).

Notice of Rescheduled Hearing: Issued February 28, 1980; published March 5, 1980 (45 FR 14218).

Recommended Decision: Issued July 1, 1981; published July 8, 1981 (46 FR 35264).

Extension of Time: Issued July 28, 1981; published August 3, 1981 (46 FR 39440).

Extension of Time: Issued August 28, 1981; published September 2, 1981 (46 FR 43997).

Final Decision: Issued March 12, 1982; published March 18, 1982 (47 FR 11679).

Tennessee Valley Order (Reopening) and 28 Other Orders

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Final Decision: Issued July 8, 1981; published July 14, 1981 (46 FR 36151).

Order Amending Order: Issued August 25, 1981; published August 28, 1981 (46 FR 43371).

Findings and Determinations

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley 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 Sec. 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 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 1011

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 Tennessee Valley 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 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.7 is revised to read as follows:

§ 1011.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 60 percent in each of the months of August through November and January and February, and 40 percent in each of the other months, of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13. The applicable percentage in this subparagraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to effect a similar adjustment pursuant to § 1011.13(e)(3). Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being

considered and invite data, views, and arguments.

(b) A plant, other than a plant described in paragraph (a) of this section, from which fluid milk products, except filled milk, are shipped to pool plants pursuant to paragraph (a) of this section. Such shipments must equal not less than 60 percent in each of the months of August through November and January and February, and 40 percent in each of the other months, of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is received during the month at such plant from dairy farmers (including producer milk diverted from the plant pursuant to § 1011.13 but excluding milk diverted to such plant) and handlers described in § 1011.9 (c) and (d). The operator of such a plant may include milk diverted from such plant to plants described in paragraph (a) of this section as qualifying shipments in meeting up to one-half of the required shipments. The applicable shipping percentage of this paragraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

(c) A plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of such cooperative association, excluding such milk that is received at or diverted from pool plants described in paragraph (b) of this section but including milk delivered by such cooperative as a handler described in § 1011.9(c), is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of an other Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements for the month under an other Federal order.

2. In § 1011.9, paragraphs (d), (e) and (f) are redesignated as paragraphs (e), (f) and (g) and a new paragraph (d) is added to read as follows:

§ 1011.9 Handler.

* * * * *

(d) Any person, except a cooperative association, with respect to milk that it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such person and which is delivered during the month for the account of such person to the pool plant of another handler or diverted pursuant to § 1011.13, subject to the following conditions:

(1) Such person (who, if qualified pursuant to this paragraph, shall be known as a "proprietary bulk tank handler") must operate a plant located in an area that includes the marketing area plus the area within 100 miles of the marketing area boundary at which milk is processed only into Class II or Class III products; and

(2) Prior to operating as a handler pursuant to this paragraph, such person must submit to the market administrator a statement signed by the applicant and the operator of the pool plant to which the milk will be delivered specifying that the applicant will be the responsible handler for the milk;

(e) Any person who operates a partially regulated distributing plant;

(f) A producer-handler; and

(g) Any person who operates an other order plant described in § 1011.7(d).

3. In § 1011.12, paragraph (b)(5) is removed and paragraphs (a)(2), (b)(3) and (b)(4) are revised to read as follows:

§ 1011.12 Producer.

(a) * * *

(2) Received by a handler described in § 1011.9(c) or (d); or

* * * * *

(b) * * *

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8)(iii) and the corresponding step of § 1011.44(b); and

(4) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

4. Section § 1011.13 is revised to read as follows:

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant, excluding such milk that is diverted from another pool plant;

(b) Received by a handler described in § 1011.9(c);

(c) Received by a handler described in § 1011.9(d), excluding milk diverted pursuant to paragraph (e) of this section;

(d) Diverted from a pool plant for the account of the handler operating such plant to another pool plant;

(e) Diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler described in § 1011.9(a), (b) or (d) subject to the following conditions:

(1) A producer's milk shall be eligible for diversion to a nonpool plant during any month in which such producer's milk is physically received at a pool plant as follows:

(i) In any month of August through February, six days' production; and

(ii) In any month of March through July, two days' production.

(2) During each of the months of August through November and January and February, the total quantity of milk diverted by a cooperative association shall not exceed one-fourth of the producer milk that such cooperative caused that month to be delivered to or diverted from pool plants;

(3) The total quantity of milk diverted by a proprietary bulk tank handler described in § 1011.9(d) shall not exceed 40 percent of the producer milk that such handler caused to be delivered to or diverted from pool plants in each month of August through November and January and February, and 60 percent in each of the other months. The applicable diversion percentage of this subparagraph may be increased or decreased up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary

to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments;

(4) A handler described in § 1011.9(a) that is not a cooperative association may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to paragraph (e)(2) or (3) of this section. The total quantity of milk so diverted shall not exceed one-fourth of the milk that is physically received at or diverted from pool plants as producer milk of such handler in each month of August through November and January and February;

(5) Any milk diverted in excess of the limits prescribed in paragraph (e)(2), (3) or (4) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to make such designation, no milk diverted by such handler pursuant to this paragraph shall be producer milk;

(6) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association or a proprietary bulk tank handler from the pool plant of an other handler shall not be producer milk; and

(7) The cooperative association or proprietary bulk tank handler shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (e)(6) of this section. If the diverting handler fails to make such designation, no milk diverted by such handler shall be producer milk; and

(f) Milk diverted pursuant to paragraph (d) or (e) of this section shall be priced at the location of the plant to which diverted.

5. In § 1011.14, paragraph (a) is revised to read as follows:

§ 1011.14 Other source milk.

* * * * *

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers, handlers described in § 1011.9(c) and (d) or pool plants;

* * * * *

6. In § 1011.30, paragraphs (a) and (c) are revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

* * * * *

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of milk from handlers described in § 1011.9(d);

(4) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(5) Receipts of other source milk;

(6) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(7) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

* * * * *

(c) Each handler described in § 1011.9(b), (c), and (d) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

* * * * *

§ 1011.31 [Amended]

7. In paragraph (a) of § 1011.31, the section reference "1011.9(a), (b), and (c)" is changed to "1011.9(a), (b), (c), and (d)".

§ 1011.32 [Amended]

8. In paragraph (a) of § 1011.32, the section reference "1011.9(a), (b) and (c)" is changed to "1011.9(a), (c), and (d)".

9. In paragraph (b)(2) of § 1011.41, the section reference "1011.9(c)" is changed to "1011.9(c) and (d)", and paragraph (c) of § 1011.41 is revised to read as follows:

§ 1011.41 Shrinkage.

* * * * *

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.(9)(b) or (c) or a proprietary bulk tank handler is the handler pursuant to § 1011.9(d), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association or the proprietary bulk tank handler shall be zero.

10. In § 1011.42, the introductory text of paragraph (a) is revised to read as follows:

§ 1011.42 Classification of transfers and diversions.

* * * * *

(a) *Transfers and diversions (including deliveries by a handler describerd in § 1011.9(d)) to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or from a handler described in § 1011.9(d) to a pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

* * * * *

11. In § 1011.43, paragraphs (a) and (c) are revised to read as follows:

§ 1011.43 General classification rules.

* * * * *

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, for each proprietary bulk tank handler pursuant to § 1011.9(d), and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9(b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9(b), (c) or (d) shall be such handler's classification of producer milk;

* * * * *

(c) The classification of producer milk of a handler pursuant to § 1011.9(b), (c), or (d) shall be determined separately from the operations of any pool plant operated by such handler.

12. In § 1011.44, paragraph (a)(7)(vii) is removed and paragraphs (a)(7)(v) and (vi), (a)(8)(ii)(*b*), and (a)(13) are revised to read as follows:

§ 1011.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) * * *

(ii) * * *

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9 (c) or (d), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

* * * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from an other pool plant or a handler described in § 1011.9(d) according to the classification of such products pursuant to § 1011.42(a); and

* * * * *

§ 1011.52 [Amended]

13. In paragraph (a) of § 1011.52, the section reference "1011.9(c)" is changed to "1011.9 (c) or (d)", and in paragraph (b)(1)(i) the section reference "1011.9(c)" is changed to "1011.9(c) and 9(d)".

14. In § 1011.60, the introductory text and paragraph (d) are revised to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk for each handler described in § 1011.9(a) with respect to each of its pool plants, for each handler described in § 1011.9 (b) and (c) with respect to milk that was not received at a pool plant, and for each handler described in § 1011.9(d) as follows:

* * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(7) (i) through (iv) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * *

15. In § 1011.76, paragraphs (a)(2)(i) and (b)(1)(i) are revised to read as follows:

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(2) * * *

(i) As Class I milk from pool plants, handlers pursuant to § 1011.9(b) and (d), and other order plants, except that subtracted under a similar provision of another Federal milk order; and

* * * * *

(b) * * *

(1) * * *

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant, a handler described in § 1011.9(b) or (d), or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant or as classified pursuant to § 1011.42 with respect to receipts from a handler described in § 1011.9 (b) or (d);

* * * * *

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

Effective date: July 1, 1982.

Signed at Washington, D.C., on May 3, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-12536 Filed 5-6-82; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Delay of Implementation of Effective Date.

SUMMARY: A final rule was published in the December 22, 1981, **Federal Register** (Volume 46, No. 245, pages 62049–53) to amend Appendix A—REA Bulletins by revising REA Bulletin 44–2 (Electric) and 345–1 (Telephone), "REA Specification for Wood Poles, Stubs, and Anchor Logs." Due to unavoidable delays in the approval, printing and distribution process, the bulletin was not available until early February 1982.

EFFECTIVE DATE: The effective date is extended to July 1, 1982.

FOR FURTHER INFORMATION CONTACT: George J. Bagnall, Chief, Engineering Services Branch, Engineering Standards Division, Rural Electrification Administration, Room 1271, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–9084.

SUPPLEMENTARY INFORMATION: On December 22, 1981, REA published in the **Federal Register** (Volume 46, No. 245, pages 62049–53) a final rule to amend Appendix A by revising REA Bulletin 44–2:345–1, "REA Specification for Wood Poles, Stubs, and Anchor Logs." When the revised specification was originally prepared it was anticipated that it would be approved and available in advance of January 1, 1982. However, due to unavoidable delays the bulletin was not available until after January 1, 1982, thereby resulting in the necessity to extend the effective date to July 1, 1982.

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this extension of effective date is impracticable and contrary to the public interest, and good cause is found for making this extension date effective less than 30 days after publication of this document in the **Federal Register.**

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees; 10.851, Rural Telephone Loans and Loan Guarantees; and 10.852—Rural Telephone Bank Loans.

List of Subjects in 7 CFR Part 1701

Administrative practice and procedure, Electric utilities, Loan Programs—communications, Loan Programs—energy, Telecommunications, Telephone.

Dated: May 3, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-12546 Filed 5-6-82; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Pinnacle Port of Entry

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Pinnacle as a subport of entry of the Richford, Vermont master port, St. Albans District No. 1. This is a port of entry for aliens

arriving by any means of travel other than aircraft.

EFFECTIVE DATE: May 7, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting, Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048

For Specific Information: William F. Doyle, Immigration Inspector, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-2699.

SUPPLEMENTARY INFORMATION: This rule provides notice to the public regarding the Service's operation of the Pinnacle port of entry, a subport of the Richford, Vermont port, within the St. Albans district. The port is a Class A port of entry for aliens arriving by vessel or by land transportation, but not by aircraft. A Class A port means that the port is a designated port of entry for all aliens.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is limited to agency practice and procedure which is of benefit to the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Aliens, Authority delegation, Harbors, Organization and functions, and Port of entry (both aircrafts and vessels).

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. In § 100.4(c)(2), District No. 1—St. Albans, Vt. is revised to read as follows:

§ 100.4 Field Service.

(c) * * *

(2) * * *

District No. 1—St. Albans, Vt.

Class A

*Alburg, Vt.
*Alburg Springs, Vt.
*Beebe Plain, Vt.
*Beecher Falls, Vt.
*Canaan, Vt.
*Derby Line, Vt.
*East Richford, Vt.
*Highgate Springs, Vt.
Morses Line, Vt.
*Newport, Vt.
*North Troy, Vt.
*Norton, Vt.
*Richford, Vt. (includes the Pinnacle port of entry)
St. Albans, Vt.
*West Berkshire, Vt.

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

Dated: May 3, 1982.

Perry A. Rivkind,

Acting, Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 82-12533 Filed 5-6-82; 8:45 am]

BILLING CODE 4410-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563b

[No. 82-311]

Conversions from Mutual to Stock Form

Dated: April 28, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; solicitation of comments.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is amending its regulations governing the conversion to the stock form of mutual savings and loan institutions the accounts of which are insured by the FSLIC ("insured institutions"). In general, the amended regulations will allow converting insured institutions significant flexibility in structuring their conversions to meet particular marketing circumstances. Full utilization of the amended regulations also will permit converting insured institutions to significantly reduce the expense and time required for conversion. In addition, the Board is broadening and confirming certain rights of the members of converting insured institutions to allow them to participate more effectively in conversions. Finally, the Board has determined to accept on a test-case basis applications for conversion involving holding company and merger transactions.

DATES: Effective May 5, 1982. Comments by July 6, 1982.

ADDRESS: Send comments to Director, Information Services, Federal Home Loan Bank Board, 1700 G Street, NW., Washington D.C. 20552.

FOR FURTHER INFORMATION, CONTACT:

Harry M. Zimmerman, (202-377-6459), Director, Division of Securities and Corporate Analysis, or J. Larry Fleck, (202-377-6413), Deputy Director, Division of Securities and Corporate Analysis, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The principal amendments are the following: (1) Deletion of the restriction that officers and directors of converting insured institutions not purchase more than one-tenth of one percent of the conversion stock in the public offering; (2) a provision increasing the maximum percentage of shares that may be purchased by any person in the public offering or the direct community offering from two percent to five percent; (3) a provision increasing the maximum percentage of shares that may be purchased in the public or the direct community offering from five percent to less than ten percent, subject to certain limitations; (4) a provision requiring that members of converting insured institutions be permitted in the subscription offering to subscribe for the maximum percentage of shares that may be purchased by any person in the public offering or the direct community offering; (5) a provision permitting on a sliding scale based on institutional size increased aggregate purchases of conversion stock by the officers and directors of converting insured institutions from 25 percent for larger converting insured institution to 35 percent for smaller converting insured institutions; (6) reduction of the no-sale restriction applicable to conversion stock purchased by officers and directors of converting insured institutions from three years to one year; (7) provisions requiring converting insured institutions to market conversion stock in a manner that will achieve widest distribution of the stock; (8) a provision reducing filing requirements under certain circumstances; (9) deletion of the requirements that converting insured institutions mail to each of their members written notice of the filing with the Board of an application for conversion; (10) deletion of the requirement that converting insured institutions mail copies of the conversion proxy statement to eligible account holders and supplemental eligible account holders who do not have voting rights; (11) a provision permitting converting insured institutions to limit the distribution of the subscription offering circular to eligible account holders, supplemental eligible account holders, and voting

members who request receipt of the subscription offering circular; (12) a provision permitting converting insured institutions a two-year period in which to commence and complete their conversions; (13) a provision permitting converting insured institutions to combine their proxy solicitation with their subscription offering and their public offering or their direct community offering; (14) a provision requiring converting insured institutions to pay interest at no less than the passbook rate on all subscriptions and orders received in the subscription offering and the direct community offering; (15) a provision requiring converting insured institutions to permit subscribers and persons ordering stock in the direct community offering to increase, decrease, or rescind their subscriptions or orders in the event the public offering or the direct community offering is not completed within 45 days after the completion of the subscription offering; (16) a provision requiring converting insured institutions to file with the Board and distribute to subscribers and persons who have ordered stock in the direct community offering a post-effective amendment to the subscription offering circular upon the occurrence of a material event, circumstance, or change of circumstance concerning the converting insured institution or its conversion; (17) provisions making less restrictive current limitations on post-conversion acquisition of the equity securities of converted insured institutions; (18) a provision establishing the permissible terms of employee stock option plans adopted in connection with a conversion; (19) a provision permitting simultaneous conversion and holding company formation; (20) provisions permitting simultaneous conversion and acquisition by an existing holding company, and simultaneous conversion and merger with an existing insured stock institution; and (21) a provision delegating to the General Counsel the authority to approve mutual-to-stock conversion applications.

The basic structure of the Board's regulations governing the conversion of insured mutual institutions to insured stock institutions, Part 563b of the rules and regulations for the Federal Savings and Loan Insurance Corporation ("Conversion Regulations"), was established by Board Resolution No. 74–144 (39 FR 9142), adopted on February 28, 1974. The Board's last major revisions to the Conversion Regulations were adopted on March 21, 1979, pursuant to Resolution No. 79–200 (44 FR 18880).

Because of various study moratoria imposed upon mutual-to-stock conversions by the Board and Congress during the mid-1970's, the Board's conversion program did not gain significant momentum until 1979. However, the Board's conversion program has been remarkably successful; 108 conversions have been completed under the Board's Conversion Regulations (most of them after 1979) resulting in an approximate aggregate capital infusion to the savings and loan industry of $490,000,000.

The success of the conversion program is in large part attributable to the Board's Conversion Regulations, which strike an appropriate balance between the benefits to an institution of flexibility in structuring a reorganization and the rights of association members to participate in the reorganization process. Because of this balance, which provides both access to the means for corporate reorganization and recognition of the participation rights of the members of the institution to be reorganized, the legal grounds for the Board's Conversion Regulations have been firmly established. *See, York* v. *Federal Home Loan Bank Board,* 624 F. 2d 495 (4th Cir. 1980), *cert. den.* 449 U.S. 1043 (1980).

As is the case with every major corporate reorganization, the conversion process is quite expensive and time-consuming. Many of the factors which contribute to the expense and time of conversion are not within the power of the Board to control. The solicitation of proxies, the establishment of the appraised value of the conversion stock, and the sale of the conversion stock require the professional services of attorneys, accountants, financial analysts, investment bankers, and proxy solicitation and conversion agent firms; the preparation of conversion documents, the review of the documents by the Board, and the sale of conversion stock require the expenditure of time. Despite these inhibiting factors, however, the Board has undertaken a thorough review of its Conversion Regulations to determine what measures, if any, it could take to relieve converting insured institutions of unnecessary regulatory burdens. The Board believes that it has identified several instances in which the conversion process has been over-regulated, and it is amending its regulations to ease unnecessary restrictions and to allow converting insured institutions greater flexibility in structuring their conversions. In addition, the Board during its review of the Conversion Regulations applied the experience it has gained with mutual-to-stock conversions for the past three years to identify other areas of the conversion process that its experience indicated required regulatory action, particularly those relating to membership participation in the purchase of conversion stock, lengthy extensions of time to complete the public sale of conversion stock, and restrictive post-conversion stock acquisition regulations and charter provisions. Finally, in response to increased institutional interest, and the Board's perception that intra-industry acquisitions and corporate reorganizations will benefit individual converting insured institutions and the savings and loan industry, the Board has determined to permit on a test-case basis complex multi-party conversions.

The particular regulations being adopted by the Board are discussed in more detail below.

Purchase Limitations

The Board has determined to ease current restrictions on percentage purchases of conversion stock by association members, the management of converting insured institutions, and the public in order to facilitate the marketing of conversion stock under varying market conditions.

1. Management Purchases in the Public Offering

Current § 563b.3(c)(6)(i) limits purchases in the public offering or the direct community offering by each of the officers and directors of a converting insured institution to one-tenth of one percent of the total offering. Because that limitation serves no apparent well-defined purpose, the Board has deleted it from the amended regulations.

2. Purchases by any person in the Public Offering

Current § 563b.3(c)(6)(ii) limits purchases by any person in the public offering to two percent of the total offering. In order to facilitate the marketing of conversion stock, the Board has waived that provision in the past to permit purchases by any person of up to five percent of the total offering, and the five-percent limitation now is established in revised and redesignated § 563b.3(c)(6)(i). In addition, the Board provides in new § 563b. 3(d)(5) that a converting insured institution may adopt in its plan of conversion a provision permitting any person in the public offering or the direct community offering to purchase a percentage of stock less than ten percent of the total offering, provided that orders for conversion

stock exceeding five percent of the total offering shall not exceed in the aggregate ten percent of the total offering.

3. Subscription Rights

Because of its revision of the purchase limitations, the Board has determined to revise its current regulations establishing the subscription rights of eligible account holders, supplemental eligible account holders, and voting members. Under the subscription rights formulas established in the current regulations, very few association members receive subscription rights to purchase a percentage of stock equal to the percentage of stock that may be purchased by any person in the public offering or the direct community offering. Of course, subscribers are free to participate in the public offering or the direct community offering, subject to the general purchase limitations established in the Conversion Regulations. The Board realizes, however, that this is not always practicable for subscribers, particularly those without established brokerage accounts. Therefore, the Board is revising the current regulatory formulas for determining subscription rights to provide that all eligible account holders (§ 563b.3(c)(2)), supplemental eligible account holders (§ 563b.3(c)(4)), and voting members (§ 563b.3(c)(5)) shall have the right to purchase, at a minimum, the maximum percentage of stock that may be purchased by any person in the public offering or the direct community offering. Oversubscriptions will be adjusted according to the priorities already established in the regulations. In addition to ensuring receipt by association members of full and equitable stock subscription rights, the Board's revisions will reduce the expense of conversion by enabling converting insured institutions to eliminate fees paid to conversion agents to determine each individual association member's subscription rights. To further encourage full participation in the conversion by association members, the Board is amending § 563b.7(g)(3), which requires a converting insured institution to refund to subscribers any difference between the maximum subscription price and public offering price, to provide that subscribers may affirmatively elect to have the difference applied to the purchase of additional shares.

4. Aggregate Purchases by Management

Current § 563b.3(c)(8) limits the aggregate purchases of conversion stock by the officers and directors of converting insured institutions to 25 percent of the total offering. The purpose of the limitation is to assure that ownership control of converting insured institutions will not be acquired by management during a conversion. The Board believes, however, that the 25-percent limitation is too restrictive in the case of smaller institutions, where percentage stock ownership has less of an impact than in large institutions the stock of which is actively traded. Therefore, the Board is providing in revised § 563b.3(c)(8) for increased aggregate management purchases pursuant to a sliding scale based on institutional size, from 25 percent for larger institutions to 35 percent for smaller institutions.

5. Management Resale Restrictions

In order to make management participation in the conversion process subject to less restriction, the Board is amending § 563b.3(c)(17) to reduce from three years to one year the no-resale restriction on stock purchased in a conversion by officers and directors.

6. Wide Distribution of Conversion Stock

One of the purposes of the Board's conversion stock purchase limitations is to ensure as much as is possible that there will be a sufficiently wide distribution of the conversion stock to support an active trading market. This enables association members to sell securities acquired in the conversion for their established market value. The Board does not believe that this objective will be comprised by the easing of current purchase limitations. However, in view of that objective, the Board is adding new §§ 563b.3(c)(6)(ii) and 563b.3(c)(6)(iii) to provide (a) a requirement that orders for stock in the public offering or the direct community offering shall first be filled up to a maximum of two percent of the conversion stock and thereafter remaining shares shall be allocated on an equal number of shares basis per order until all orders have been filled, and (b) a requirement that the stock be offered and sold in the public offering or the direct community offering in a manner that will achieve the widest distribution of the stock.

Conversion Process—Filing, Notice, Proxy Solicitation, Subscription Offering, Public Offering

The Board has determined that the following revisions to the Conversion Regulations will enable converting insured institutions to significantly reduce the expense and time of conversion.

1. Minimal Filing Requirement

Current § 563b.8(b) provides that an application for conversion shall not be accepted for filing unless it includes (a) a plan of conversion, (b) a preliminary proxy statement with signed financial statements, and (c) a preliminary form of proxy. Because the Board's Form PS proxy statement requires disclosure of the estimated pro forma market value of the conversion stock, § 563b.8(b) effectively also requires the filing of the independant appraisal. It has been the Board's experience, however, that many conversion applicants file applications for the purpose of establishing a filing date for processing purposes rather than with an intent to immediately proceed with conversion. For these applicants the § 563b.8(b) requirements result in a very substantial expenditure of funds that will have to be incurred a second time when all of the documents are updated to reflect the financial condition of the converting insured institution as of the date of Board approval. The Board therefore is revising § 563b.8(b) to provide that an application which contains only a materially complete plan of conversion shall be accepted for filing if the applicant requests that the application not be reviewed until the applicant requests and the Corporation consents to the filing of the other conversion documents.

2. Deletion of Mailing of Notice of Filing

Current § 563b.4(b) requires a converting insured institution to mail to each eligible account holder a prescribed written notice that it has filed a properly executed and materially complete application for conversion with the Board. The Board believes that this mailing requirement results in unnecessary expense to converting insured institutions, and is amending § 563b.4(b) to provide for the posting of the written notice in the offices of converting insured institutions. The requirement that the notice also be published in appropriate newspapers is being retained.

3. Limited Proxy Statement Distribution

Current § 563b.6(c) requires that the proxy statement authorized for use by the Corporation in connection with the meeting of the association members held to vote on the plan of conversion be mailed not only to the voting members of the converting insured institution but to eligible account holders and supplemental eligible account holders who may no longer be voting members. The Board is deleting the latter requirement from § 563b.6(c), and in new § 563b.6(d) provides that a

converting insured institution may give written notice to eligible account holders and supplemental eligible account holders who are not voting members of the proposed conversion and the meeting of the association members.

4. Limited Subscription Offering Circular Distribution

Current §§ 563b.7(g)(1) and 563b.7(g)(2) require converting insured institutions to distribute the final offering circular for the subscription offering and subscription order forms to eligible account holders, supplemental eligible account holders, and voting members. It has been the Board's experience that in most conversions a relatively small percentage of eligible subscribers actually subscribe for the purchase of conversion stock. Therefore, the Board is amending §§ 563b.3(d)(6) and 563b.3(d)(7) to permit a converting insured institution to adopt in its plan of conversion the provision that the converting insured institution shall not be required to distribute copies of the final subscription offering circular to voting members who receive a proxy statement pursuant to § 563b.6(c) and eligible account holders and supplemental eligible account holders who receive written notice of the proposed conversion pursuant to § 563b.6(d) and do not return to the converting insured institution a request for the receipt of the final subscription offering circular enclosed with the proxy statement or notice. Current § 563b.7(g)(1) also is amended to conform with these new optional provisions.

5. Commencement and Completion of Conversion Stock Offering

It is a standard condition to Board resolutions approving applications for conversion that the converting insured institution commence its subscription offering within 45 days after the meeting of the association members held to vote on the plan of conversion. A principal purpose of this requirement was to enable the Board to regulate the order of its approvals of conversion applications in a manner that would enable those applicants who were prepared to market their stock to be processed on a priority basis.

It is the view of the Board that the management of converted insured institutions should be given the flexibility to determine when to commence the marketing of conversion stock to take advantage of optimal market conditions. Therefore, the Board has determined not to impose the 45-day requirement for the commencement of the subscription offering in future Board resolutions, and it is providing in new § 563b.3(c)(11) that a converting insured institution may have as long as two years from the date the association members approve the plan of coversion to complete the sale of all the conversion stock. However, in order to continue to regulate the processing of conversion applications, the Board in new § 563b.3(d)(2) provides that a converting insured institution may adopt as an optional provision in its plan of conversion a requirement that the subscription offering be commenced within 45 days after the meeting of the association members, and provides in new § 563b.3(j) that the applications of converting insured institutions which contain that provision will be processed for Board review and approval on a priority basis.

6. Concurrent Proxy Solicitation and Stock Offering

Under the Board's current regulations, the subscription offering cannot begin until the plan of conversion is approved by the association members. The Board believes that some converting insured institutions may wish to take advantage of a compressed conversion procedure, and it therefore is providing in new § 563b.3(d)(1) that a converting insured institution may commence the subscription offering, and provided that the subscription offering has commenced, may commence the public offering or the direct community offering concurrently with the mailing of the proxy statement to the association members, and may close the subscription offering prior to the meeting of the association members, provided that all offers and sales of conversion stock are conditioned upon the approval of the plan of conversion by the association members. Also, the Board is amending § 563b.7(g)(4)(ii) to provide that the maximum period for the subscription offering shall be 50 days after the mailing of the subscription offering order forms.

Extended Public Sales

It is not contemplated under the Board's current Conversion Regulations that there shall be an extended period of time between the completion of the subscription offering and the completion of the public offering or the direct community offering. Indeed, § 563b.7(i) requires that the public sale of all non-subscribed shares be completed within 45 days after the completion of the subscription offering, unless extended by the Corporation. The reason that the public sale should be completed as soon as possible after the subscription offering is that the converting insured institution is holding in the interim between the subscription offering and the public sale funds paid by association members in the exercise of their subscription rights. Disclosure to potential subscribers that the public sale may be delayed with the Corporation's consent does not, in the Board's view, adequately address the issue of whether it is fair treatment to association members to hold their funds for an indefinite period of time in connection with the sale of all the remaining stock to the public; nor does it adequately address the issues that may arise when during the interval between the subscription offering and the public sale there occurs a material event, circumstance, or change of circumstance concerning the converting insured institution or its conversion. Clearly, subscribing association members are entitled to base their investment decisions upon the same information provided to the investing public.

Because of the recent volatile market for the stock of savings and loan institutions, the Board has witnessed a significant increase in the number of converting insured institutions which seek one or more extensions of time to complete the public sale of their stock due to adverse market conditions. In granting extentions of time the Board routinely has imposed the conditions that subscribers (a) be paid interest on their subscriptions at no less than the passbook rate from the date the extension of time is granted, and (b) be given the right to increase, decrease, or rescind their subscriptions during the extension period. Communications to subscribers concerning their recission rights constitute additional subscription offering materials which must be declared effective by the Corporation, and the Corporation has conditioned its declaration of effectiveness upon the inclusion in the communications of current financial and other information concerning the converting insured institution.

The Board has determined to confirm in new §§ 563b.7(j) and 563b.7(k) the continued applicability of the conditions it has required in connection with the granting of extensions of time to complete the public sale of conversion stock. Section 563b.7(j) provides that a converting insured institution shall pay interest at no less than the passbook rate on all amounts paid by cash, check, or money order to purchase stock in the subscription offering and the direct community offering from the date payment is received until the completion or termination of the conversion. Section

563b.7(k)(1) provides that the Corporation may grant one or more extensions of time to complete the sale of all shares of stock, provided that no single extension shall exceed 90 days. Section 563b.7(k)(2) provides that a converting insured institution shall distribute to subscribers and persons who may have ordered stock in a direct community offering a post-effective amendment to the offering circular filed and declared effective by the Corporation under § 563b.7(k) (k) which shall notify subscribers and ordering persons of the extension of time and of their right to increase, decrease, or rescind their subscriptions or orders at any time prior to (1) 20 days before the end of the extension period, or (2) the date of the commencement of the public offering or the direct community offering, provided that if the public offering or the direct community offering is not completed within 20 days after commencement, the converting insured institution shall honor all instructions received during the 20-day period to increase, decrease, or rescind subscriptions or orders. Section 563b.7(k)(3) defines for the purpose of § 563b.7(k)(2) the commencement of the public offering as the date of the filing with the Corporation of the preliminary offering circular, and the commencement of the direct community offering as the date of the declaration of effectiveness of the final offering circular. Section 563b.7(k)(4) requires converting insured institutions to file with and have declared effective by the Corporation a post-effective amendment to the subscription offering circular upon the occurrence of an event, circumstance, or change of circumstance which would be material to the investment decision of a subscriber or an ordering person. Finally, § 563b.7(k)(5) requires that a § 563b.7(k)(4) post-effective amendment be distributed to all subscribers and ordering persons, and that they be given the opportunity to increase, decrease, or rescind their subscriptions or orders.

Acquisition of the Securities of Converting and Converted Insured Institutions

Acquisitions of securities of converting and converted insured institutions are regulated by the Board under §§ 563b.3(i) and 563b.9. Section 563b.3(i)(2) requires converting insured institutions to enter into an agreement with the Corporation not to permit for three years following conversion the acquisition of 25 percent of the stock of the converted insured institution by any company significantly engaged in an unrelated business activity. Under § 563b.3(i)(3), converting insured institutions may provide in their stock charters a provision substantially similar to the agreement with the Corporation, except that there is no time limit on the effectiveness of the optional charter provision, and the charter may provide that the provision may be amended only by a supermajority vote of 75 percent of the eligible votes. In addition, the Board since 1980 has permitted converting insured institutions to include in their stock charters a five-year prohibition against the acquisition by any person of ten percent or more of the converted insured institution's stock. Section 563b.9 restricts pre-conversion and post-conversion offers to acquire and acquisitions of subscription rights and capital stock. The post-conversion restriction, § 563b.9(d), prohibits for three years after conversion an offer to acquire or the acquisition by any person of more than ten percent of any class equity security of a converted insured institution without prior Board approval.

The Board does not believe that it is proper for it to be interposed, as it is under § 563b.9(d), between a converted insured institution and an acquiring party in situations that do not require the Board's oversight. A principal purpose of the § 563b.9(d) three-year acquisition restriction is to protect the integrity of the conversion process, particularly the independent appraisal. However, the Board believes that a one-year restriction is sufficient for its oversight purposes. Therefore, the Board is amending § 563b.9(d) to reduce the restricted acquisition period from three years to one year. In addition, the Board is taking this opportunity to locate in a single section of the Conversion Regulations all of the pre-conversion and post-conversion acquisition restrictions. Therefore, the various subsections of § 563b.9 have been redesignated as subsections of § 563b.3(i)

As a matter of policy, the Board does not believe that it should impose upon converting insured institutions provisions that restrict the acquisition of their stock for a significant period of time. Therefore, the Board is deleting the requirement of § 563b.3(i)(2) and that a converting insured institution agree with the Corporation not to permit a company engaged in an unrelated business to acquire control of the converted insured institution for three years following the completion of the conversion.

The Board also as a matter of policy does not favor perpetual anti-takeover charter provisions, particularly those which require a supermajority vote to amend. However, the Board recognizes that stockholders of converted insured institutions should be permitted substantial latitude in determining whether it is in the corporate interest to adopt anti-takeover charter provisions. Therefore, the Board is deleting the current optional anti-takeover charter provision of § 563b.3(i)(3), and is adding new § 563b.3(i)(6), which permits converting insured institutions to adopt a charter provision which prohibits for a three-year period following conversion the acquisition by any person of more than ten percent of the equity securities of the converted insured institution. The optional charter provision may be amended upon the minimum stockholder vote required for charter amendments under applicable Federal or State law, and it may be readopted annually by the stockholders of a converted insured institution for successive one-year terms after the expiration of the original three-year period.

Stock Option Plans

The Board is redesignating § 563b.3(d)(6) as § 563b.3(d)(11), and is amending redesignated § 563b.3(d)(11) to specify the permissive terms of employee stock option plans adopted in connection with a conversion.

Holding Company and Merger Transactions

Pursuant to revised § 563b.9, the Board will accept on a test-case basis applications for conversion that provide for the acquisition of all of the stock of a converting insured institution by a newly formed holding company. In such a transaction, eligible account holders, supplemental eligible account holders, voting members, and the public will be offered the stock of the holding company for an aggregate price based upon an independent appraised valuation.

Pursuant to new § 563b.10, the Board will accept on a test-case basis applications for conversion that provide for one of three possible transactions: (1) The acquisition of all of the stock of a converting insured institution by an existing savings and loan holding company; (2) the merger of a converting insured institution into an existing insured stock institution subsidiary of a holding company; and (3) the merger of a converting insured institution into an existing insured stock institution. In transactions (1) and (2), holding company stock will be offered to eligible account holders, supplemental eligible account holders, voting members, and the public at a price based upon an independent appraised valuation; in transaction (3), the securities offered

will be the stock of the surviving stock institution.

The Board is adopting these provisions because it believes that savings and loan institutions should be given the flexibility to determine their operating structures. Moreover, § 563b.10 holding company and merger transactions will facilitate the conversions of insured institutions since existing stock institutions with established markets for their stock often are in a better position to market additional equity securities than are newly-organized stock institutions. In addition, subscribing association members will benefit from the more liquid market for the equity securities of larger insured stock institutions or holding companies.

Delegation of Authority

The Board in new § 563b.8(w) is delegating to the General Counsel or his designee (1) the authority to establish the order of processing of applications for conversion pursuant to Section 402 (j)(6) of the National Housing Act of 1934, as amended, 12 U.S.C. § 1725(j)(6), and (2) the authority to approve but not to deny applications for conversion, and, with certain exceptions, to exercise any other authority of the corporation under Part 563b.

Solicitation of Comments

The Board has determined that the notice and public comment procedures of 5 U.S.C. 552(b) and 12 CFR 508.11, and the 30-day delayed effective date imposed by 5 U.S.C. 552(d) and 12 CFR 508.14 are unnecessary and not in the public interest. The amendments adopted by the Board significantly ease current restrictions, provide increased flexibility to converting insured institutions, and will enable converting insured institutions to substantially reduce the time and expense of conversion. Because of these factors, the Board finds that it is in the public interest for insured institutions which intend to convert to the stock form of organization to be permitted to take immediate advantage of the revised regulations. However, the Board solicits comments on its Conversion Regulations, both as to the amendments adopted here and as to any other current provision or provisions of the Conversion Regulations. Comments will be accepted for a 60-day period following the effective date of the amendments.

Regulatory Flexibility Act Certification

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board certifies that the amendments will not have a significant impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 563b

Savings and loan associations, Securities.

Accordingly, the Board hereby amends Part 563b, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

1. Revise § 563b.2(a)(31) to read as follows:

§ 563b.2 Definitions.

(a) * * *

(31) *Subscription offering.* The term "subscription offering" refers to the offering of shares of capital stock, through nontransferable subscription rights issued to: (1) eligible account holders as required by § 563b.3(c)(2); (2) supplemental eligible account holders as required by § 563b.3(c)(4); (3) members entitled to vote at the meeting called to consider the conversion as required by § 563b.3(c)(5); (4) directors, officers and employees, as permitted by § 563b.3(d)(3); and (5) eligible account holders, supplemental eligible account holders, and voting members as permitted by § 563b.3(d)(4).

* * * * *

2. Amend § 563b.3 by revising paragraphs (c)(2), (4), (5), (6), (7), and (8); redesignating paragraphs (c)(11) through (20) as (c)(12) through (21), respectively; adding new paragraph (c)(11); and revising redesignated paragraph (c)(17); to read as follows:

§ 563b.3 General principles for conversions.

* * * * *

(c) *Required provisions in plan of conversion.* The plan of conversion shall:

* * * * *

(2) Provide that each eligible account holder shall receive, without payment, nontransferable subscription rights to purchase capital stock in an amount equal to the greater of the maximum purchase limitation established for the public offering or the direct community offering pursuant to paragraph (c)(6) or (d)(5) of this section, one-tenth of one percent of the total offering of shares, or 15 times the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the eligible account holder and the denominator is the total amount of qualifying deposits of all eligible account holders in the converting insured institution.

(i) In the event of an oversubscription to capital stock pursuant to this paragraph (c)(2), shares shall be allocated among subscribing eligible account holders so as to permit each such account holder, to the extent possible, to purchase a number of shares sufficient to make his total allocation equal to 100 shares.

(ii) Any shares not allocated in accordance with paragraph (c)(2)(i) of this section shall be allocated among the subscribing eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion.

* * * * *

(4) Provide that, in plans involving an eligibility record date that is more than 15 months prior to the date of the latest amendment to the application for conversion filed prior to Board approval, a supplemental eligibility record date be determined whereby each supplemental eligible account holder of the converting institution shall receive, without payment, nontransferable subscription rights to purchase capital stock in an amount equal to the greater of the maximum purchase limitation established for the public offering or the direct community offering pursuant to paragraph (c)(6) or (d)(5) of this section, one-tenth of one percent of the total offering of shares, or 15 times the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the supplemental eligible account holder and the denominator is the total amount of the qualifying deposits of all supplemental eligible account holders in the converting insured institution on the supplemental eligibility record date.

(i) Subscription rights received pursuant to this paragraph (c)(4) shall be subordinated to all rights received by eligible account holders to purchase shares pursuant to paragraphs (c)(2) and (c)(3) of this section.

(ii) Any nontransferable subscription rights to purchase shares received by an eligible account holder in accordance with paragraph (c)(2) of this section shall be applied in partial satisfaction of the subscription rights to be distributed pursuant to this paragraph (c)(4) of this section.

(iii) In the event of an oversubscription to capital stock pursuant to this paragraph (c)(4), shares shall be allocated among the subscribing supplemental eligible account holders so as to permit each such supplemental account holder, to the extent possible, to purchase a number of shares sufficient to make his total allocation (including the number of shares, if any, allocated in accordance with paragraph (c)(2) of this section) equal to 100 shares.

(iv) Any shares not allocated in accordance with paragraph (c)(4)(iii) of this section shall be allocated among the subscribing supplemental eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion.

(5) Provide that association voting members who are not either eligible account holders or supplemental eligible account holders shall receive, without payment, nontransferable subscription rights to purchase capital stock in an amount equal to the greater of the maximum purchase limitation established for the public offering or the direct community offering pursuant to paragraph (c)(6) or (d)(5) of this section, or one-tenth of one percent of the total offering of shares.

(i) Subscription rights received pursuant to this paragraph (c)(5) shall be subordinated to all rights received by eligible account holders and supplemental account holders to purchase shares pursuant to paragraphs (c)(2), (c)(3), and (c)(4) of this section.

(ii) In the event of an oversubscription to capital stock pursuant to this paragraph (c)(5), shares shall be allocated among the subscribing voting members on such equitable basis as may be provided in the plan of conversion.

(6) Provide that any shares of the converting insured institution not sold in the subscription offering shall be sold either in a public offering through an underwriter or directly by the converting insured institution in a direct community offering, subject to the applicant demonstrating to the Corporation the feasibility of the method of sale and to such conditions as may be provided in the plan of conversion. Such conditions shall include, but not be limited to:

(i) Subject to the adoption in the plan of conversion of the optional provision of paragraph (d)(5) of this section, a condition limiting purchases in the public offering or the direct community offering by any person together with any associate or group of persons acting in concert to a percentage of the total offering of shares not exceeding five percent.

(ii) A condition requiring that orders for stock in any public offering or direct community offering shall first be filled up to a maximum of two percent of the conversion stock and thereafter remaining shares shall be allocated on a equal number of shares basis per order until all orders have been filled.

(iii) A condition requiring the stock to be offered and sold in the public offering or the direct community offering to be offered and sold in a manner that will achieve the widest distribution of the stock.

(iv) A condition that any direct community offering by the converting insured institution shall give a preference to natural persons residing in the counties in which the institution has an office.

(7) Subject to the adoption in the plan of conversion of the optional provision of paragraph (d)(5) of this section, provide that the number of shares which any person together with any associate or group of persons acting in concert may subscribe for or purchase in the conversion shall not exceed five percent of the total offering of shares. For the purpose of this paragraph (c)(7), the members of the converting insured institution's board of directors shall not be deemed to be associates or a group of persons acting in concert solely as a result of their board membership.

(8) Provide that the total number of shares which officers and directors of the converting insured institution and their associates may purchase in the conversion shall not exceed 35 percent of the total offering of shares in the case of a converting insured institution with total assets of less than $50 million, or 25 percent of the total offering of shares in the case of a converting insured institution with total assets of $500 million or more; in the case of a converting insured institution with total assets in excess of $50 million but less than $500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 30 percent in the case of a converting insured institution with total assets of $275 million).

* * * * *

(11) Establish a time period within which the conversion must be completed prior to termination. The time period shall be not more than 24 months from the date the association members approve the plan of conversion and shall not be extended by the converting insured institution or the Corporation.

* * * * *

(17) Provide that all shares of capital stock purchased by directors and officers on original issue in the conversion either directly from the insured institution (by subscription or otherwise) or from an underwriter shall be subject to the restriction that the shares shall not be sold for a period of not less than one year following the date of purchase, except in the event of death of the director or officer.

* * * * *

3. Further amend § 563b.3 by redesignating paragraph (d)(1) as (d)(3); (d)(2) as (d)(4); (d)(3) as (d)(8); (d)(4) as (d)(9); (d)(5) as (d)(10); (d)(6) as (d)(11); (d)(7) as (d)(12); and § (d)(8) as (d)(13); adding new paragraphs (d)(1), (d)(2), (d)(5), and (d)(6); and revising redesignated paragraph (d)(11); to read as follows:

* * * * *

(d) *Optional provisions in plan of conversion.* The plan of conversion may provide any or all of the following:

(1) That the converting insured institution may commence the subscription offering and, provided that the subscription offering has commenced, may commence the public or the direct community offering concurrently with the mailing to association members pursuant to § 563b.6(c) of this Part of the proxy statement authorized for use by the Corporation, and may close the subscription offering before the meeting of the association members held to vote on the plan of conversion, provided that the offer and sale of the capital stock shall be conditioned upon the approval of the plan of conversion by the association members as provided in § 563b.6.

(2) That the subscription offering shall commence within 45 days after the date of the meeting of the association members held to vote on the plan of conversion.

* * * * *

(5) That purchases in the public offering or in the direct community offering by any person together with any associate or group of persons acting in concert shall be limited to a percentage less than ten percent of the total offering of shares, provided that orders for conversion stock exceeding five percent of the total offering shall not exceed in the aggregate ten percent of the total offering.

(6) If the subscription offering is not commenced prior to the approval of the plan of conversion by the association members, the proxy soliciting material distributed to association members pursuant to § 563b.6(c) may include the statement that the converting insured institution is not required to furnish a

subscription offering circular to an association member unless the association member returns by a date certain prior to the commencement of the subscription offering an attached postage paid postcard or other written communication requesting the receipt of the subscription offering circular.

(7) If the subscription offering is not commenced prior to the approval of the plan of conversion by the association members, the notice distributed to eligible account holders and supplemental eligible account holders who are not voting members pursuant to § 563b.6(d) may include the statement that the converting insured institution is not required to furnish a subscription offering circular to an eligible account holder or a supplemental eligible account holder without voting rights unless the eligible account holder or the supplemental eligible account holder returns by a date certain prior to the commencement of the subscription offering an attached postage paid postcard or other written communication requesting the receipt of the subscription offering circular.

* * * * *

(11) Any stock option plan adopted by a converted insured institution in connection with the conversion or within one year after completion of the conversion shall: (i) Be limited to ten percent of the number of outstanding shares of capital stock; (ii) provide for an option exercise price of not less than the fair market value at the date of grant; (iii) limit the maximum number of options that may be granted to any person to 30 percent of the shares covered by the stock option plan; (iv) restrict any person from receiving or exercising stock options if he owns five percent of the outstanding shares of capital stock; (v) limit the maximum number of options that may be granted in the aggregate to all persons who are not full-time employees to 30 percent of the shares covered by the stock option plan; (vi) comply with Rule 16b–3 of the Securities and Exchange Commission under the Securities Exchange Act of 1934, 12 CFR 240.16b–3; (vii) in the case of options granted to full-time employees, be limited to options that qualify as incentive stock options as defined in section 422A of the Internal Revenue Code of 1954, as amended; and (viii) in the case of any options granted to persons who are not full-time employees, be limited to options that would qualify as incentive stock options under such section 422A other than with respect to the requirement for full-time employment.

* * * * *

4. Further amend § 563b.3 by revising paragraph (i) and adding new paragraph (j), to read as follows:

* * * * *

(i) *Acquisition of the securities of converting and converted insured institutions.*—(1) *Prohibited transfers.* Prior to the completion of a conversion, no person shall transfer, or enter into any agreement or understanding to transfer, the legal or beneficial ownership of conversion subscription rights, or the underlying securities to the account of another.

(2) *Prohibition of offers during conversion.* Prior to the completion of a conversion, no person shall make any offer, or any announcement of an offer or intent to make an offer, for any security of the converting insured institution issued in connection with the conversion.

(3) *Prohibition on offers to acquire and acquisitions of stock for one year following conversion.* No person for a period of one year following the date of the completion of the conversion shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of an equity security of an insured institution converted in accordance with the provisions of this Part 563b, without the prior written approval of the Corporation.

(4) *Exceptions.* (i) Paragraphs (i)(1) and (i)(2) of this section shall not apply to a transfer, agreement, or understanding to transfer, offer, or announcement of an offer or intent to make an offer which (A) pertains only to securities to be purchased pursuant to paragraphs (c)(6), (d)(8), or (d)(13); and (B) has the prior written approval of the Corporation.

(ii) Paragraphs (i)(2) and (i)(3) shall not apply to any offer with a view toward public resale made exclusively to the association or underwriters or selling group acting on its behalf.

(iii) Unless made applicable by the Corporation by prior advice in writing, the prohibition contained in paragraph (i)(3) shall not apply to any offer or announcement of an offer which if consummated would result in the acquisition by a person, together with all other acquisitions by the person of the same class of securities during the preceding 12-month period, of not more than one percent of the class of securities.

(5) *Criteria for denial.* The Corporation shall not approve an application involving an offer for, or an announcement thereof, or an acquisition of any security of a converted association submitted under paragraph (i)(3) of this section if it finds that such offer frustrates the purpose of the provisions of this Part 563b, is manipulative or deceptive, subverts the fairness of the conversion, is likely to result in injury to the association, is not consistent with economical home financing, or is otherwise violative of law or regulation.

(6) *Optional charter provision.* To the extent permitted by applicable Federal or State law, the plan of conversion may provide for the charter of the converted insured institution to state that, for a period of three years following the date of the completion of the conversion, no person shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of an equity security of the converted insured institution. The charter provision may also provide that it may be readopted annually by the stockholders of the converted insured institution for successive one-year periods. Amendment and readoption of the charter provision shall be permitted by the minimum stockholder vote required for charter amendments under applicable Federal or State law.

(7) *Definitions.* For the purpose of this paragraph (i), the term "person" means an individual, a group acting in concert, a corporation, a partnership, an association, a joint stock company, a trust, and any unincorporated organization or similar company; the term "offer" includes every offer to buy or acquire, solicitation of an offer to sell, tender offer for, or request or invitation for tenders of, a security or interest in a security for value; and the term "security" includes nontransferable subscription rights issued pursuant to a plan of conversion.

(8) *Penalty for willful violations.* For willful violation or assistance of any violation of any provision of this section, any person who (i) has any connection with the management of a converting or converted association, including any director, officer, employee, attorney, or agent, or (ii) controls more than ten percent of the outstanding shares of any class of equity security or voting rights thereto of a converting or converted association, shall be subject to a civil penalty of not more than $500 (which penalty shall be cumulative to any other remedies) for each day that such violation continues, which penalty the Corporation may recover by suit or otherwise for its own use. The Corporation in its discretion may, at any time before collection of such penalty (whether before or after the bringing of any action or other legal proceedings, the obtaining of any

judgment or other recovery, or the issuance or levy of any execution or other legal process thereof), compromise or remit in whole or in part any such penalty.

(j) *Priority of processing.* The Board will process for approval on a priority basis applications for conversion which include in the plan of conversion the optional provision set forth in paragraph (d)(2) of this section. The Board will approve an extension of time to commence a subscription offering under the optional provision of paragraph (d)(2) only when the converting insured institution demonstrates that the estimated actual subscription price is lower than the minimum of the estimated price range stated in the Board's approval, or when the converting insured institution demonstrates the existence of unforeseen material adverse marketing circumstances.

5. Amend § 563b.4 by revising paragraph (b) to read as follows:

§ 563b.4 Notice of filing; public statements; confidentiality.

* * * * *

(b) *Notice of filing.* (1) Upon determination that an application for conversion is properly executed and is not materially incomplete, the Corporation will advise the applicant, in writing, to publish a notice of the filing of the application. Promptly after receipt of the advice, the applicant shall prominently post the notice in each of its offices and publish the notice in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located, as follows:

Notice of Filing of an Application for Conversion to Convert To a Stock Savings and Loan Association

Notice is hereby given that, pursuant to Part 563b of the Rules and Regulations for Insurance of Accounts

(fill in name of applicant)
has filed an application with the Federal Savings and Loan Insurance Corporation ("Corporation") for approval to convert to the

(state chartered or Federally-chartered) stock form of organization. Copies of the application have been delivered to the Division of Securities and Corporate Analysis, Office of General Counsel of the Corporation, 1700 G Street, N.W., Washington, D.C. 20552, and to the Office of the Supervisory Agent of the Corporation at the Federal Home Loan Bank of

(Street address) (City) (State) (Zip Code)

Written comments, including objections to the plan of conversion and materials supporting the objections, from any member of the applicant or aggrieved person will be considered by the Corporation if filed within 20 business days after the date of this notice. Failure to make the written comments in objection may preclude the pursuit of any administrative or judicial remedies. Three copies of the comments should be sent to the Division of Securities and Corporate Analysis of the Office of General Counsel, and one copy should be sent to the Office of the Supervisory Agent. The proposed plan of conversion and any comments will be available for inspection by any member of the applicant at the Office of General Counsel and at the Office of the Supervisory Agent. A copy of the plan of conversion may also be inspected at each office of the applicant.

(2) If a significant number of the applicant's members speak a language other than English and a newspaper in that language is published in the area served by the applicant, an appropriate translation of the notice shall also be published in that newspaper.

(3) Promptly after publication of the notice or notices prescribed in paragraphs (b)(1) and (b)(2), the applicant shall file four copies of each notice with the Corporation accompanied by an affidavit of publication from each publisher.

* * * * *

6. Amend § 563b.6 by revising paragraph (c); redesignating paragraph (d) as paragraph (e); and adding new paragraph (d); to read as follows:

§ 563b.6 Vote by members.

* * * * *

(c) *Notice to members.* Notice of the meeting to consider a plan of conversion shall be given by means of the proxy statement authorized for use by the Corporation. The notice shall be given not more than 45 nor less than 20 days prior to the date of the meeting to each association member, unless State law requires a different notice period.

(d) *Notice to eligible account holders and supplemental account holders who are not voting members.* The converting insured institution may give notice of the proposed conversion and the meeting of the association members by letter or other written communication authorized for use by the Corporation to eligible account holders and supplemental account holders who are not voting members. The contents of the notice shall be subject to §§ 563b.4(a) (4) and (5), and 563b.5(g); the use of the notice shall be subject to § 563b.5(b); and filing of the notice with the Corporation shall be subject to § 563b.5(e) (1), (3), (5), and (7) of this Part.

* * * * *

7. Amend § 563b.7 by revising paragraphs (a), (b), (g)(1), (g)(3), and (g)(4)(ii); and adding new paragraphs (j) and (k); to read as follows:

§ 563b.7 Pricing and sale of securities.

(a) *General.* No offer to sell securities of an applicant pursuant to a plan of conversion may be made prior to approval by the Corporation of the application for conversion and until the proxy statement has been authorized for use by the Corporation. No sale of securities in the subscription offering may be made except by means of the final offering circular for the subscription offering. No sale of unsubscribed securities may be made except by means of the final offering circular for the public offering or the direct community offering. The offering of shares in the public offering or the direct community offering may commence during the subscription offering upon the declaration of effectiveness of the offering circular proposed for the public offering or the direct community offering. The provisions of this paragraph shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are to be in privity of contract with the applicant.

(b) *Distribution of offering materials.* Any preliminary offering circular for the subscription offering or the direct community offering which has been filed with the Corporation may be distributed to eligible account holders or supplemental eligible account holders not entitled to vote on the plan of conversion and to others in connection with the subscription offering at the same time as or after the proxy statement is mailed to association members pursuant to § 563b.6(c). Any preliminary offering circular for the public offering or the direct community offering of unsubscribed securities which has been filed with the Corporation may also be distributed in connection with the offering at the same time as or after the proxy statement is mailed to association members pursuant to § 563b.6(c) of this Part. No final offering circular shall be distributed until the offering circular has been declared effective by the Corporation. The declaration of effectiveness of the final offering circular by the Corporation shall not extend beyond the maximum time period specified for the completion of the sale of all the capital stock in paragraph (i) of this section, or beyond such period of time the Corporation shall establish upon a subsequent declaration of effectiveness in the event

of the granting of an extension of time under paragraph (k) of this section.

* * * * *

(g) *Order forms for purchase of capital stock.* (1) Promptly after the Corporation has declared the offering circular for the subscription offering effective, the applicant shall distribute order forms for the purchase of shares of capital stock in the subscription offering to all eligible account holders, supplemental eligible account holders (if applicable), voting members and other persons who may subscribe for shares of capital stock under the plan of conversion. If the converting insured institution shall have adopted in its plan of conversion the optional provisions set forth in § 563b.3(d) (6) or (7), the applicant shall deliver order forms to the eligible account holders, supplemental eligible account holders, and voting members who requested receipt of the subscription offering circular.

* * * * *

(3) The maximum subscription price stated on each order form shall be the amount to be paid when the order form is returned. The maximum subscription price and the actual subscription price shall be within the subscription price range stated in the Corporation's approval and the offering circular. If either the maximum subscription price or the actual subscription price is not within the subscription price range, the applicant must obtain an amendment to the Corporation's approval. If appropriate, the Corporation will condition its approval by requiring a resolicitation of proxies and/or order forms. If the actual public offering price is less than the maximum subscription price stated on the order form, the actual subscription price shall be correspondingly reduced and the difference shall be refunded to those who have paid the maximum subscription price, unless the subscribers affirmatively elect to have the difference applied to the purchase of additional shares of capital stock.

(4) * * *

(ii) Indicate the period of time within which the subscription rights must be exercised, which period of time shall be no less than 20 days and no more than 45 days following the date of the mailing of the subscription offering order form;

* * * * *

(j) *Interest on subscriptions and direct community offering purchase orders.* The converting insured institution shall pay interest at not less than the passbook rate on all amounts paid in cash or by check or money order to purchase shares of capital stock in the subscription offering and the direct community offering from the date payment is received until the conversion is completed or terminated.

(k) *Extensions of time to complete public offering or direct community offering; post-effective amendments to subscription offering circular.* (1) The Corporation may grant one or more extensions of the time required to complete the sale of all shares of capital stock under paragraph (i), provided that no single extension of time shall exceed 90 days.

(2) Immediately upon the granting of an extension of time pursuant to paragraph (k)(1), the converting insured institution shall distribute to each subscriber in the subscription offering and, if applicable, each person who has ordered capital stock in the direct community offering, a post-effective amendment to the subscription offering circular filed with and declared effective by the Corporation pursuant to paragraph (k)(4) which shall notify each subscriber and each ordering person of the granting of the extension of time, and of the right of each subscriber and each ordering person to increase, decrease, or rescind their subscriptions (i) at any time prior to 20 days before the end of the extension period, or (ii) at any time prior to the date of the commencement of the public offering or the direct community offering, provided that if the public offering or the direct commuinity offering is not completed within 20 days after its commencement, all instructions from subscribers and ordering persons to increase, decrease, or rescind their subscriptions or orders received during the 20-day offering period shall be honored by the converting insured institution.

(3) For the purpose of this paragraph (k), the public offering shall be deemed to commence upon the filing with the Corporation of the preliminary offering circular for the public offering, and the direct community offering shall be deemed to commence upon the declaration of effectiveness by the Corporation of the final offering circular.

(4) After the completion of the subscription offering, the converting insured institution shall file with and have declared effective by the Corporation a post-effective amendment to the subscription offering circular upon the occurrence of any event, circumstance, or change of circumstance which would be material to the investment decision of a subscriber or, if applicable, a person who has ordered capital stock in the direct community offering.

(5) Any post-effective amendment to the subscription offering circular shall be distributed by the converting insured institution immediately after the declaration of effectiveness to each subscriber, and, if applicable, each person who has ordered stock in the direct community offering, and the converting insured institution shall grant to each subscriber and ordering person the right to increase, decrease, or rescind their subscriptions or orders for a period which shall be no less than the greater of ten days from the date of the mailing of the post-effective amendment or the period remaining in an extension of time granted by the Corporation pursuant and subject to the provisions of paragraph (k)(2).

8. Amend § 563b.8 by revising paragraph (b); removing paragraph (o)(3); and adding new paragraph (w); to read as follows:

§ 563b.8 Procedural requirements.

* * * * *

(b) *Return of improperly executed or materially incomplete filings.* (1) Any application for approval that is improperly executed shall not be accepted for filing and shall be returned to the applicant.

(2) Subject to the provisions of paragraph (b)(3), any application for approval that does not contain copies of (i) a plan of conversion, (ii) a preliminary proxy statement with signed financial statements, and (iii) a preliminary form of proxy, shall not be accepted for filing and shall be returned to the applicant. Any application for approval containing a materially incomplete plan of conversion, proxy statement, or form of proxy may be returned by the Corporation to the applicant.

(3) Any application for approval which contains, at a minimum, a materially complete plan of conversion shall be accepted for filing if the application for approval is accompanied by the written request of the applicant that the application not be reviewed by the Corporation until the applicant requests and the Corporation consents to the filing of the additional materials set forth in paragraph (b)(2).

* * * * *

(w) *Delegation of Authority.*—(1) *Regulation of approvals of applications for conversions.* The Corporation delegates to the General Counsel or his designee the authority to establish the order of processing of applications for conversion pursuant to the criteria set forth in section 402(j)(6) of the National Housing Act of 1934, as amended, 12 U.S.C. 1725(j)(6), and § 563b.3(j) of this Part 563b.

(2) *Approval of applications for conversion.* The Corporation delegates to the General Counsel or his designee the authority to approve but not to deny applications for conversion pursuant to the standards and restrictions set forth in this Part 563b, and to exercise any other authority of the Corporation under this Part 563b, excepting (i) the authority to waive any provision of this Part 563b pursuant to § 563b.1(a); (ii) the authority to approve other equitable provisions in the plan of conversion under § 563b.3(d)(13); (iii) the authority to approve any application for conversion in regard to which an objection has been filed pursuant to § 563b.4(b)(1); (iv) the authority to approve or deny an application for approval to offer to acquire or to acquire more than 10 percent of the stock of a converted insured institution under § 563b.3(i)(3); (v) the authority to approve or deny applications for conversion pursuant to § 563b.9; and (vi) the authority to approve or deny applications for conversion pursuant to § 563b.10.

9. Revise § 563b.9, to read as follows:

§ 563b.9 Conversion of an insured institution in connection with the formation of a holding company.

(a) An insured institution may convert to the stock form pursuant to this Part 563b as part of a transaction in which a holding company is organized to acquire upon issuance all the capital stock of the converted insured institution. In such a transaction eligible account holders, supplemental eligible account holders, and voting members of the converting insured institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) to purchase all of the capital stock of the newly formed holding company in lieu of all of the capital stock of the converting institution, and all of the shares of capital stock of the holding company not purchased in the subscription offering shall be offered and sold in a public offering or a direct community offering as provided in § 563b.3(6). The total price at which the capital stock shall be sold shall be based upon an independent valuation, as provided in § 563b.7. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this § 563b.9.

(b) *Acceptance of test case applications.* (1) The Corporation will accept applications under this § 563b.9 on a test-case basis.

(2) No application may be filed under this § 563b.9 without the prior written approval of the Corporation.

(c) *Delegation of Authority.* The Corporation delegates to the General Counsel or his designee the authority of the Corporation under paragraph (b) of this section.

10. Add new § 563b.10, to read as follows:

§ 563b.10 Conversion of an insured institution in connection with an acquisition by an existing holding company; conversion of an insured institution through merger with an existing insured stock institution.

(a) *Conversion involving an existing holding company.* An insured institution may convert to the stock form pursuant to this Part 563b as part of a transaction in which an existing holding company acquires upon issuance all the capital stock of the converted insured institution. In such a transaction the eligible account holders, supplemental eligible account holders, and voting members of the converting insured institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) from the holding company to purchase its equity securities in lieu of all the capital stock of the converting institution, and all of the equity securities of the holding company not purchased in the subscription offering shall be offered and sold in a public offering or a direct community offering as provided in § 563b.3(c)(6). The total price at which the securities of the holding company shall be sold shall be based on an independent valuation, as provided in § 563b.7. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this paragraph (a).

(b) *Merger involving the issuance of holding company equity securities.* An insured institution may convert to the stock form pursuant to this Part 563b by merging into an existing insured stock institution which is a wholly-owned subsidiary of a holding company. In such a transaction the eligible account holders, supplemental eligible account holders, and voting members of the converting insured institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) from the holding company to purchase its equity securities in lieu of all the capital stock of the converting insured institution, and the equity securities of the holding company not purchased in the subscription offering shall be offered and sold in a public offering or a direct community offering as provided in § 563b.3(c)(6). The total price at which the equity securities of the holding company shall be sold shall be based on an independent valuation, as provided in § 563b.7. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this paragraph (b).

(c) *Merger into an existing insured stock institution.* An insured institution may convert to the stock form by merging into an existing insured stock institution as part of a transaction in which the equity securities of the existing insured stock institution are issued. In such a transaction the eligible account holders, supplemental eligible account holders, and voting members of the converting institution shall receive, without payment, nontransferable rights under § 563b.3(c) (2), (4), and (5) from the existing insured institution to purchase its equity securities in lieu of all the capital stock of the converting insured institution, and the equity securities of the existing insured stock institution not purchased in the subscription offering shall be offered and sold in a public offering or a direct community offering as provided in § 563b.3(c)(6). The total price at which the equity securities of the existing insured stock institution shall be sold shall be based on an independent valuation, as provided in § 563b.7. Unless clearly inapplicable, all of the requirements of this Part 563b shall apply to a conversion under this paragraph (c).

(d) *Acceptance of test-case applications.* (1) The Corporation will accept applications under this § 563b.10 on a test-case basis.

(2) No application may be filed under this § 563b.10 without the prior written approval of the Corporation.

(e) *Delegation of Authority.* The Corporation delegates to the General Counsel of his designee the authority of the Corporation under paragraph (d) of this section.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-12550 Filed 5-6-82; 9:15 am]

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CIVIL AERONAUTICS BOARD

[Docket No. 39744; Reg. ER-1294; Amdt. 4 to Part 297]

14 CFR Part 297

Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB relieves foreign air freight forwarders and foreign cooperative shippers associations from the provisions of the Federal Aviation Act which prevent them from consolidating freight in interstate and overseas air transportation. Previously CAB regulations prevented foreign indirect air carriers from operating in domestic markets. CAB's present action will promote competition among indirect air carriers, increase business on U.S. direct carriers, provide consumers with more price/service options, and reaffirm the U.S. commitment to promote competition in the air transportation industry.

Foreign air freight forwarders interested in exercising these new rights must register with the Board. This action is taken by the CAB at its own initiative as an adjunct to similar authority granted to foreign charter operators by a final rule issued contemporaneously with this one.

DATES: Adopted: April 15, 1982. Effective: June 5, 1982, except CAB Form 297-A which contains information collection requirements which are under review by OMB.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5203.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the change in Form 297-A that is included in this final rule is being submitted for approval to the Office of Management and Budget (OMB). The change is not effective until OMB approval has been obtained, and the public notified to that effect through a technical amendment to this regulation. The Board will place the OMB approval number on Form 297-A when approval is obtained.

Background

By EDR-427/SPDR-82, 46 FR 35664, July 10, 1981, the Board proposed to relieve foreign air freight forwarders and foreign cooperative shippers associations that were registered with the Board from various provisions of the Federal Aviation Act to the extent necessary to permit the consolidation and shipment of freight in interstate and overseas air transportation, provided that adequate reciprocity exists and that such goods are transported only by U.S. direct air carriers. The Board proposed the same relief for foreign charter operators. We found that the elimination of restrictions that now prevent foreign indirect air carriers from operating in domestic markets would promote competition among indirect air carriers, increase business on U.S. direct carriers, provide consumers with more price/service options, and reaffirm the U.S. commitment to promote competition in the air transportation industry.

Comments were received from the A.W. Fenton Co., Inc., Thomson Vacations, Inc., Arthurs Travel, Inc., Unitours, Inc., the International Airforwarder and Agents Association (IAAA), the Air Freight Association of America (AFAA), Alltrans Courier, Inc., International Weekends' Value Vacations, Inc. (Weekends) and Wilma Becker. Only the A.W. Fenton Co., Inc. and Wilma Becker objected to the fundamental principles of our proposal. All other comments either supported our action *in toto* or requested some changes or clarifications. These responses will be discussed below. We have decided to adopt our rule permitting foreign air freight forwarders and foreign cooperative shippers associations to operate in domestic markets as proposed in EDR-427.

Objections

Most of the comments strongly supported the Board's proposed rulemaking. Unitours, Thomson Vacations and Arthurs Travel stated that adoption of the proposed rulemaking would provide increased benefits to U.S. consumers and additional business to U.S. direct air carriers. The AFAA noted that the air freight industry has flourished in a deregulated environment for several years and that free competition in the marketplace is preferable to governmental regulation. It stated that additional competition from foreign indirect carriers poses no threat to the U.S. cargo industry.

The A.W. Fenton Co., Inc. and Ms. Wilma Becker object to our action. Their primary concern is that U.S. indirect air carriers would be placed at a competitive disadvantage by foreign indirect air carriers because of foreign government subsidies or unethical practices. We disagree.

Considering the large number of U.S. firms now engaged in international forwarding, the absence of such complaints indicates that problems of restrictions, discrimination, or unfair competitive practices by foreign governments against U.S. forwarders within foreign countries, to the extent they may exist, are not serious enough to generally deny the public and U.S. carriers the benefits of shipments by foreign indirect carriers within the U.S. Rather, to the extent such restrictions may arise, it is preferable to deal with them on a case-by-case basis. We have ample powers and procedures for doing so. In order to clearly reflect this intent in the rule, we are amending § 297.22(b) to explicitly provide for rejection of an application because of a failure of reciprocity or when it is otherwise in the public interest to do so. Therefore, we have no reason to believe that the general opening of U.S. markets to foreign indirect air carriers will have an adverse impact on the competitive positions of U.S. carriers.

In our Notice of Proposed Rulemaking (NPRM), we stated that grants of domestic operating authority to foreign indirect air carriers would only be approved if the Board concluded that the carriers' home governments afforded U.S. indirect air carriers effective reciprocity, which would include not only identical authority to U.S. indirect air carriers but also Fifth Freedom operating rights to U.S. indirect air carriers. This would entail a Board analysis of reciprocity prior to the grant of operating authority.

Weekends objects to foreign indirect carriers receiving domestic operating rights based upon a Board evaluation of reciprocity. It prefers that such rights be specified in bilateral agreements. Alltrans, on the other hand, does not protest the Board's reciprocity determination, but fails to understand why Fifth Freedom authority is included as part of the *quid pro quo*. It requests that this feature be eliminated from the Board's test of mutuality.

We see little benefit and potential harm in Weekends' suggestion that we preclude foreign indirect carriers from operating in domestic markets unless there is a specific bilateral air transportation agreement allowing such services. The fact of the matter is that most of our major trading partners do not regulate air freight forwarding and charter/tour organizing and allow U.S. citizens to operate these services within their borders. In these circumstances, we are unable to find a pressing need for the approach suggested by Weekends. On the other hand, the time

that it would take to conclude bilateral agreements on this issue would surely delay the entry of foreign indirect air carriers into domestic markets and therefore deprive them, U.S. carriers, and consumers of valuable new business opportunities and services. This result would not be consistent with the public interest in the context of this case. As to Weekends' apparent skepticism concerning our ability to evaluate the adequacy of reciprocity, we need only point out that the Board has evaluated the nature of reciprocal aviation relations with foreign governments for over forty years and our experience makes us qualified to undertake that assessment here.

With regard to Alltrans' comment, we stated in the NPRM that Fifth Freedom operating authority would be required as an additional element for evaluating reciprocity because an exact *quid pro quo* would leave our indirect operators with less valuable rights than those granted to the foreign counterpart. This is due, in large part, to the disparity between the geographical size and population of the U.S. and most developed countries that would likely attract U.S. operators. Receipt of Fifth Freedom and domestic opportunities will afford a more equivalent exchange of rights between U.S. and foreign operators. Alltrans has presented no information or arguments that cause us to reach a different conclusion. Finally, Alltrans requested leave to file a petition for reconsideration should we decide not to eliminate the Fifth Freedom element from our test for reciprocity. We shall deny this request. Alltrans has been afforded the opportunity to express its views on this subject and is not foreclosed from subsequently petitioning the Board to amend the rule.

Other Matters

For some time, the foreign indirect air carrier application (Form 297–A) required applicants to certify that they hold operating authority from their home country. The IAAA opposes our proposed elimination of this requirement. We carefully considered the IAAA's comments in a contemporaneous rulemaking proceeding (Docket 38023). Based on our examination of the entire record in that case, we determined that home-government certification of air freight forwarders and shippers associations is of little value and may impose an undue burden on such carriers. Accordingly, in ER–1265, 46 FR 56601, November 18, 1981, we decided to eliminate the certification requirement from Form 297–A. For the same reasons, we eliminated the certification requirement from Form 300, applicable to foreign charter operators. See SPR–179, 46 FR 56605, November 18, 1981.

The amendment of § 297.22(b), that is discussed above, clarifies that the Board has authority to reject applications in whole or in part for lack of effective reciprocity or where denial is in the public interest. With respect to interstate and overseas air transportation, this amendment is within the scope of the issues raised in the NPRM. With respect to foreign air transportation, this amendment merely makes explicit a procedural option that is implicit in the range of options already specified in § 297.22(b). Moreover, the amendment does not impose additional burdens on affected persons. The Board therefore finds good cause for dispensng with notice and further public procedure on the change.

All foreign consolidators of freight, including those that are already registered with the Board, must fill out the registration applications (Form 297–A) prior to instituting service in interstate or overseas air transportation.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. § 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5432, by referring to the "ER" number at the top of the document.

List of Subjects In 14 CFR Part 297

Air carriers, Air transportation-foreign, Freight, Freight forwards, Insurance, Reporting requirements.

PART 297—FOREIGN AIR FREIGHT FORWARDERS AND FOREIGN COOPERATIVE SHIPPERS ASSOCIATIONS

Accordingly, the Board (A) denies the request by Alltrans Courier, Inc. for leave to file a petition for reconsideration, and (B) amends 14 CFR Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

1. The authority for Part 297 is:

Authority: Secs. 204, 416, Pub. L. 85–726, as amended, 72 Stat. 743, 92 Stat. 1731, 1732 (49 U.S.C. 1324, 1386).

2. In Part 297, the Table of Contents is amended by revising the title of § 297.10 to read:

Sec.

* * * * *

297.10 Relief from the Act.

* * * * *

3. Section 297.1 is revised to read:

§ 297.1 Purpose.

This part establishes registration procedures and operating rules for foreign air carriers that engage indirectly in interstate, overseas, or foreign air transportation of property. It relieves these carriers from certain provisions of the Act, and establishes simplified reports for them.

4. Section 297.2 is revised to read:

§ 297.2 Applicability.

This part applies to interstate and overseas air transportation of property and to foreign air transportation of property outbound from the United States by foreign indirect air carriers. It also applies to applications for registration as a foreign indirect air carrier of property.

5. Paragraph (d) of § 297.3 is revised to read:

§ 297.3 Definitions.

* * * * *

(d) "Foreign indirect air carrier" means any person, not a citizen of the United States, who undertakes indirectly to engage in the air transportation of property.

6. In § 297.10, *Exemption from the Act*, the title and introductory text are revised and a new paragraph (d) is added to read:

§ 297.10 Relief from the Act.

Foreign indirect air carriers with an effective registration under this part are relieved from the following provisions of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange their air freight shipments:

* * * * *

(d) If awarded interstate or overseas air transportation operating rights, any other provision of the Act that would otherwise prohibit them from engaging in the interstate or overseas indirect air transportation of property.

7. A new § 297.12 is added to read:

§ 297.12 General requirements.

(a) The direct air transportation provided must be performed by direct air carriers that hold authority under section 401, 402, 416 or 418 of the Act or are operating under Part 298 of this chapter;

(b) Only U.S. citizen direct air carriers may provide direct air transportation

operations in interstate and overseas air transportation.

(c) Foreign indirect air carriers that hold authority to engage in foreign air transportation must apply additionally for permission to consolidate freight in interstate and overseas air transportation.

8. In 3297.22 the introductory text and paragraph (b) are revised to read:

§ 297.22 Procedure on receipt of registration application.

After review of a registration form filed under § 297.20, the Board will take one or more of the following actions:

* * * * *

(b) Reject an application for registration for failure to comply with this part, for reasons relating to the failure of effective reciprocity, or if the Board finds that it is in the public interest to do so.

* * * * *

9. In § 297.25, the introductory text, paragraphs (d) and (e) are revised, and a new paragraph (f) is added, to read:

§ 297.25 Cancellation or conditioning of registration.

The registration of a foreign indirect air carrier may be canceled or subjected to additional terms, conditions or limitations if:

* * * * *

(d) A substantial ownership or control interest is acquired by persons who are not citizens of the country of citizenship of the registrant;

(e) There is a failure of effective reciprocity; or

(f) The Board finds that it is in the public interest to do so.

10. CAB Form 297–A is revised to read as follows:

BILLING CODE 6320-01-M

Approved by OMB
OMB No. 3024–0039
Expires 11–30–84

CAB Form 297A
(Rev. 4–82)

REGISTRATION OR AMENDMENTS UNDER PART 297 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD

FOR USE BY CAB ONLY

INSTRUCTIONS: This form must be submitted in duplicate to Regulatory Affairs Division, B–58 Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428. Date of filing for the purposes of the Board's regulations is deemed to be the date the completed forms are received by the Board.

Effective date of registration/amendments:

1. Name, Mailing Address, and Telephone Number (including Area Code) of Registrant in the United States:

NOTE: Name should include any other names under which business will be conducted. If registering a name change, show new name(s) here, and previously registered name(s) in block 9a on reverse. There is no Board rule governing the name that must be used in advertisements but all names that might be used should be listed here.

☐ Foreign air transportation

☐ Interstate air transportation

☐ Overseas air transportation

2. Address of principal place of business in the United States (if different from above) and registrant's Area Code and Telephone Number:

3. Indicate country of citizenship. List below the names and citizenship and percentage owned or held of each person or entity owning or holding beneficial ownership of 10 percent or more of the applicant's stock.

Applicant's Country of Citizenship

Name	Citizenship	Percentage

4. Name, address, and telephone number (including Area Code) of designated agent residing within the United States for service of process:

5. Is this filing registrant's

☐ Initial Registration

☐ Amendment to reflect changes since previous filing (Please explain on reverse)

6. If this is an initial registration, give proposed date of commencement of operations:

7. Check type or types of service registrant intends to perform upon commencement of operations:

☐ Foreign air transportation

☐ Interstate air transportation

☐ Overseas air transportation

8. Certification

I certify that the information contained in this application, and in the attachments hereto, is complete and accurate to the best of my knowledge.

Signature: _____

Date: _____ Name (please type) _____

Place: _____ Title: _____ (see note)

NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer of a corporation or association, or partner or owner of other non-corporate applicants.

9. (For use in reporting any changes or amendments to information previously filed).

a. Previously registered name and/or address:

b. Description of any other changes or amendments:

BILLING CODE 6320-01-C

14 CFR Part 315

[Reg. PR-247 Amendment No. 1; Docket 37970]

Information Submitted in Section 408 Applications

AGENCY: Civil Aeronautics Board.

ACTION: Finalization of interim rule.

SUMMARY: The CAB finalizes and makes technical changes to an interim rule, published at 45 FR 23646, Apr. 8, 1980, setting forth who must file a merger application, the information submitted with the application, and the procedures followed if the Board or other person considers the application incomplete. This action is taken on the basis of public comment received and as a result of Board experience under the present rule.

DATES: Adopted: April 15, 1982. Effective: June 5, 1982.

FOR FURTHER INFORMATION CONTACT: Susan B. Jollie, Associate General Counsel, Antitrust Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673-6011; or David Schaffer, Rules & Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: By PR-221, 45 FR 23646, April 8, 1980, the Board adopted an interim rule (14 CFR Part 315) governing the information that airlines must submit in a merger application under section 408 of the Federal Aviation Act. As explained at that time, the short time (6 months) now allowed the Board for deciding merger cases required that most of the necessary information be submitted with the initial application rather than weeks later in response to an evidence request, as was previously the practice. Part 315 sets forth who must file a merger application and the procedures that will be followed if the Board or any other person considers the application to be incomplete. It requires applicants to submit background, financial, equipment, and competitive information, documents on the impact of the proposed transaction on service, competition, and labor, and data on the availability of landing slots and fuel. By PDR-71, 45 FR 47698, July 16, 1980, the Board invited comments on this rule with a view to issuing a revised rule later if necessary. Comments were submitted by USAir and the United States Department of Justice (DOJ).

Section 315.1 states that the filing requirements of the rule apply to consolidations or acquisitions of control that involve two air carriers, or an air carrier and a foreign air carrier. Air carrier is defined in section 101(3) of the Act as including only carriers that provide interstate, overseas, or foreign air transportation. DOJ sought to have the coverage of the rule expanded in two ways. First, it wanted consolidations or acquisitions of control involving intrastate carriers to be within the coverage of Part 315. It also asked that the rule apply to mergers involving an air carrier and any other person substantially engaged in the business of aeronautics.

Although most carriers providing only intrastate transportation are likely to be air taxis, which are already exempt from section 408 of the Act and this rule by 14 CFR 298.11(g), Part 315 should apply to any others that may exist now or in the future. To broaden the coverage of Part 315, we are amending § 315.1 by adding the term "intrastate air carrier." This term covers carriers that operate entirely within one state. Part 315 will now apply to "any proposed consolidation or acquisition of control that is not exempt from section 408 and that directly or indirectly involves two or more air carriers, an air carrier and a foreign air carrier, or an air carrier and an intrastate air carrier, * * *" The phrase "two or more," which is not in the interim rule, is added now to make clear that Part 315 applies regardless of how many air carriers are involved in the transaction.

The other change suggested by DOJ, applying the rule in situations where one of the parties is a person substantially engaged in the business of aeronautics, does not seem appropriate here. Most of the information requirements of this rule are directed toward air carriers and would not make sense when applied to other persons. Although not subject to this rule, these transactions still require Board approval under section 408 of the Act.

Section 315.3 sets forth the procedures for filing applications under this rule. For consensual transactions, the application must contain the required information from both parties. For nonconsensual mergers, the applicant must provide the required information for its target to the extent that such information is available to it. After the application is filed, any person may file a motion asking the Board to dismiss it on the grounds that it lacks information required by Part 315. This motion must be filed within 10 days after the application is filed. After the 10-day period has passed, and the Board has disposed of all motions, the application will not be dismissed on the grounds that it is incomplete unless there is an omission so substantial that the Board cannot reasonably act on it at all, or within the statutory time period. Throughout the period of consideration of the application, the applicant must continually update the information in it.

USAir requested two modifications of these procedures. It asked for 20 days to review an application and file a motion for dismissal on the grounds of incompleteness. It also sought to limit the updating requirement to SEC filings, annual reports, and data on newly acquired or leased equipment.

The Board has decided not to make any changes in the procedures of § 315.3. While the 10-day period is a short time to review the application and file a motion, the 6-month period for the Board to decide the entire case is an even more difficult deadline to meet. It is important to resolve the technical objections to the application as soon as possible, in order to move expeditiously to the merits of the case. The 10-day period for motions is not unreasonable, since what parties must do during that period is mostly mechanical. Parties are not expected to use that time to consider the sufficiency of the evidence presented or the merits of the applicant's case, but only to determine whether the applicant has met the information filing requirements of Subpart B of Part 315.

The Board does not find the updating requirement to be a significant burden on merger applicants. The requirement is for only a limited time, 6 months or less. It is meant to ensure that the Board and the parties receive relevant information even after the application is submitted.

Both USAir and DOJ had comments on § 315.10, *Background Information*, particularly paragraph (g) of that section. That paragraph requires merger applicants to submit all studies, reports, and analyses about the proposed transaction, or about the other party to the merger, that were done within 3 years of the filing of the application. DOJ suggested that the applicant should also submit studies about other possible mergers it had considered in addition to the one that is the subject of the application. It also asked that reports made by or on behalf of the other party to the proposed transaction be included in the application. USAir considered 3-year old studies and reports to be long outdated and not pertinent. It argued

that only studies, reports, or analyses that were prepared in the most recent year or two would have decisional value.

As a general matter, it is not necessary to obtain studies of all possible mergers that the applicant may have considered. These proceedings are not a comparative selection of the airline that would make the best merger partner for the applicant. The Board's role is merely to determine whether the proposed merger would be anticompetitive or not in the public interest. It is not likely that any more significant information relevant to that inquiry will be obtained by requiring the submission of these additional studies.

If, however, the applicant is relying on the "savings clause" for approval of the merger, then studies of other possible mergers it had considered might be relevant. This clause states that the Board may approve an otherwise anticompetitive combination if it finds that the transaction would meet significant transportation needs of the public and that these needs "may not be satisfied by a reasonably available alternative having materially less anticompetitive effects." Section 408(b)(1)(B). Section 315.10 is amended to require studies of other possible mergers in this limited situation.

DOJ's other request, that studies and reports made by or on behalf of the other party to the transaction be submitted, is already covered by this rule. Paragraphs (b) and (c) of § 315.3 require applicants to submit all the information required by Subpart B of Part 315 for the other party to the proposed transaction. This imposes on applicants the filing requirement that DOJ requested.

The Board does not find the 3-year requirement to be unduly burdensome, as USAir claimed. Companies may court each other for a long time and the studies, reports, and analyses performed during that time may be important in the evaluation of the case. Such studies are likely to be in the same company file regardless of whether they are 1, 2, or 3 year old. Producing a 3-year-old study should not, therefore, create more problems for the applicant than producing one that is 2 years old or less.

Section 315.13 requires applicants to submit competitive information. This includes a list of nonstop city-pairs that the applicant or other party serves or may serve. It also includes documents about route development, internal expansion, marketing strategies, the possibility of new entry, capacity, and breakeven levels in any area served by either party, and changes in conditions in any area that they serve. USAir asked that this section be limited in various ways. Rather than requiring the submission of documents that were submitted 2 years prior to the filing of the application, USAir suggested that 1 year be the cutoff. It wanted the number of documents limited further by requiring the submission of only those that deal with near-term implementation as opposed to those that are for long-range planning purposes. It considered long-range planning documents too indefinite to be pertinent. USAir also asked that the term "any area" be more narrowly defined. It suggested that paragraphs (c) and (d) be modified to refer only to points, city-pairs, routes and hubs of both parties or of the other party.

The Justice Department favored an expansion of § 315.13. It asked that paragraph (a) of that section be amended to require applicants to list all nonstop and single-plane city-pairs that either party serves or proposes to serve, not merely the nonstop city-pairs. DOJ pointed out that in many instances, single-plane service is competitive with nonstop service.

The Board has decided not to make any change in § 315.13. It is important to obtain the information required by this section for all areas where the carriers complete. It is not necessary, however, for applicants to list all the single-plane city-pairs in addition to the nonstop city-pairs that they serve or propose to serve. This may be burdensome for applicants and is obtainable by the Board from other sources.

USAir was concerned about disclosure of confidential information that may be filed in an application. Section 315.4 now addresses this problem by limiting access to confidential information to attorneys of record and their experts who filed affidavits promising not to disclose the information, and to Board personnel. USAir wanted to make sure that only Board personnel assigned to the proceeding will have access to the documents. To accomplish this, the phrase "working on the proceeding" will be added after "Board personnel." This will ensure that only the Administrative Law Judge, Board attorneys and analysts assigned to the case, senior Board staff personnel, and Board members have access.

The Board is also, on its own initiative, amending § 315.17 *Labor Relations,* by deleting paragraphs (d), (e), and (g). These provisions require applicants to list the domiciles of their flight personnel, to describe the effect of the merger on existing collective bargaining agreements, and to file a copy of each pension plan covering their employees. The information obtained under these provisions has not proved useful to the Board. Eliminating them in no way affects the Board's ability to impose labor protective provisions in a particular case. If a party considers this information to be needed in a particular case, it may ask the Administrative Law Judge in the pre-hearing conference to order its production.

List of Subjects in 14 CFR Part 315

Air Carriers, Antitrust, Energy, Labor.

PART 315—INFORMATION SUBMITTED IN SECTION 408 APPLICATIONS

Accordingly, the Board adopts 14 CFR Part 315, published at 45 FR 23646, Apr. 8, 1980, as final with the following changes:

1. The authority for Part 315 is:

Authority: Secs. 204, 407, 408, 1010, Pub. L. 85–726, as amended, 72 Stat. 743, 766, 767, 92 Stat. 1743 (49 U.S.C. 1324, 1377, 1378, 1490).

2. Section 315.1 is revised to read:

§ 315.1 Purpose and applicability.

This rule sets forth the form and content of applications that must be submitted to the Board under section 408(b)(1) of the Act. It applies to any proposed consolidation or acquisition of control that is not exempt from section 408 and that directly or indirectly involves two or more air carriers, an air carrier and a foreign air carrier, or an air carrier and an intrastate air carrier, including transactions involving persons in control of such carriers.

3. Paragraph (a) of § 315.3 is revised, as follows:

§ 315.3 Filing of applications.

(a) Each person required to file an application under section 408(b)(1) of the Act for Board approval of transactions described in § 315.1 shall file 20 copies of a complete application as required by Subpart B of this part in the Board's Docket Section, except that only two copies of the information required by §§ 315.11 and 315.17(f) must be filed.

* * * * *

4. Paragraph (b) of § 315.4 is revised, as follows:

§ 315.4 Confidentiality.

* * * * *

(b) No person shall have access to the confidential information except (1) attorneys of record and their experts who file affidavits promising not to disclose the information and to use it only in connection with the section 408 proceedings to which the information is

directed, and (2) Board personnel working on the proceeding. Inspection of confidential documents may begin as soon as the affidavits are filed.

* * * * *

5. A new paragraph (h) is added to § 315.10, as follows:

§ 315.10 Background information.

* * * * *

(h) If the applicant is relying for approval of the proposed transaction on a claim that that transaction would meet significant transportation needs of the public and that these needs may not be satisfied by a reasonably available alternative having materially less anticompetitive effects, all studies, reports and analyses made within 2 years preceding the filing of the application regarding other possible mergers, consolidations, or acquisitions that it had considered.

§ 315.17 [Amended]

6. In § 315.17, paragraphs (d), (e), and (g) are removed and reserved.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc 82-12482 Filed 5-6-82; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 380

[Docket No. 39744; Reg. SPR-188; Amdt. No. 16 to Part 380]

Public Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB relieves foreign charter operators from the provisions of the Federal Aviation Act which prevent them from organizing charter/tours in interstate and overseas air transportation. Foreign charter operators interested in exercising these new rights must register with the Board. This action will benefit consumers and the U.S. airline industry through increased competition.

DATES: Adopted: April 15, 1982. Effective: June 5, 1982, except CAB Form 300 which contains information collection requirements which are under review by OMB.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5203.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the change in Form 300 that is included in this final rule is being submitted for approval to the Office of Management and Budget (OMB). The change is not effective until OMB approval has been obtained, and the public notified to that effect through a technical amendment to this regulation. The Board will place the OMB approval number on Form 300 when approval is obtained.

Background

By EDR-427/SPDR-82, 46 FR 35664, July 10, 1981, the Board proposed to relieve foreign charter operators and foreign consolidators of freight from the provisions of the Federal Aviation Act which prevent them from operating in interstate and overseas air transportation. We stated that all direct carrier services must be performed by U.S.-flag carriers, and that only foreign charter operators whose governments provided reciprocal domestic operating rights, as well as fifth freedom operating authority, to U.S. indirect carriers would receive U.S. domestic operating authority. In ER-1294, issued contemporaneously with this final rule, we addressed the objections to this proposal in the context of expanded operating rights for foreign air freight forwarders and foreign cooperative shippers associations. In brief, we stated that the alleged harmful effects of opening domestic markets to foreign competitors were too remote to outweight the potential benefits that would accrue to the consumer and the airline industry from the adoption of our proposal. Those findings are equally applicable to passenger charters. Since we have already discussed the generic objections to this proposal in ER-1294, we shall only discuss here clarifications pertinent to foreign charter operators.

Certification

Foreign charter operators interested in organizing tours in interstate and overseas air transportation must obtain operating authority pursuant to the simplified registration procedures recently approved by the Board in SPR-179, 46 FR 56605, November 18, 1981. Requests for authority shall be filed on Form 300 which will now provide space to indicate whether the operator wants foreign, interstate or overseas air transportation authority.

In the Notice of Proposed Rulemaking (NPRM) initiating this proceeding, we did not attach a specimen registration form for foreign charter operators because the rulemaking considering the format of this registration form had not yet been finalized. We stated that the only format alterations which would be required here were the addition of spaces to indicate the three types of air transportation that could be requested and authorized. The attached Form 300 is identical to that issued in SPR-179 except that Item 7 has been added to distinguish among the types of air transportation applied for and the authorization section is similarly amended to distinguish among the types of air transportation approved.

Upon further review of the registration requirements of § 380.64, we note that the current rules explicitly provide for rejection of a registration only if the application does not explicitly comply with the filing requirements or if the public interest so requires. The rule does not specify that a public interest consideration in rejecting applications will be an imbalance of reciprocity between the U.S. and other countries. In order to make that fact clear, we shall amend § 380.64(a)(6). Since this amendment is interpretative in nature and merely enunciates authority currently held by the Board, the Board finds good cause for dispensing with notice and further public procedures on this amendment.

Interstate and Overseas Charter Operations

In SPR-179, the Board adopted § 380.68, which prevents foreign charter operators from organizing charter tours in domestic markets. We have previously recognized the anomaly between this provision and the authority we are now granting to foreign charter operators. Indeed, we said in the NPRM initiating this rulemaking that should § 380.68 be adopted in a then-pending rulemaking, we would eliminate it here. Since this provision is inconsistent with the objectives of this rulemaking, it is being deleted.

The Final Rule

Our proposed amendments to §§ 380.62 and 380.66 were predicated upon the proposal for those sections in Docket 38023. The final rules adopted for those two sections in SPR-179 were slightly different from those proposed in the NPRM initiating that rulemaking (SPDR-77, 45 FR 26084, April 17, 1980), because of changes we made as a result of comments received from the public. We have therefore, amended the language we proposed for §§ 380.62 and 380.66 in the NPRM initiating this rulemaking (SPDR-82) to conform to the language adopted for those sections in SPR-179.

Final Regulatory Flexibility Analysis

The discussion above and in ER-1294, issued along with this rule, constitutes

the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of these documents can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673–5432, by referring to ER–1294, and the "SPR" number at the top of this document.

List of Subjects in 14 CFR Part 380

Advertising, Antitrust, Charter flights, Consumer protection, Educational study programs, Surety bonds, Travel agents.

PART 380—PUBLIC CHARTERS

Accordingly, the Board amends 14 CFR Part 380, *Public Charters*, as follows:

1. The authority for Part 380 is:

Authority: 101(3), 204, 401, 402, 407, 416, and 1102, Pub. L. 85–726, as amended, 72 Stat. 737, 743, 754, 757, 766, 771, 797 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, 1502).

2. In Part 380, the Table of Contents is amended by revising the title of § 380.20 and removing § 380.68, to read:

Sec.

* * * * *

380.20 Relief from the Act.

* * * * *

380.68 [Removed]

* * * * *

3. Paragraph (b) of § 380.5 is revised to read:

§ 380.5 Procedures for imposition of limitations and restrictions on Public Charter operations.

* * * * *

(b) Petitions seeking the issuance of such an order to show cause may be filed by any person. Answers to such petitions are permitted, but a failure to file an answer shall not prejudice anyone. Each such petition and any answer thereto shall conform to the requirements of § 302.3 of the Board's rules of practice. Copies of such petitions and answers shall be served on such persons as the Director, Bureau of Domestic Aviation, or, in the case of operations by foreign charter operators, the Director, Bureau of International Aviation, or their designee, shall direct.

* * * * *

4. Paragraph (d) of § 380.10 is revised to read:

§ 380.10 Public Charter general requirements.

Public Charters under this part shall meet the following requirements:

* * * * *

(d) The air transportation portion of the charter must be performed by direct air carriers that hold authority under section 401, 402 or 416 of the Act, or are operating under Part 298 of this chapter, except that only U.S. citizen direct air carriers may provide air transportation for operations in interstate and overseas air transportation;

5. In § 380.20, *Exemption*, the title and the introductory text of paragraph (a) is revised and a new paragraph (a)(7) is added, to read:

§ 380.20 Relief from the Act.

(a) Charter operators and foreign charter operators are hereby relieved from the following provisions of the Federal Aviation Act of 1958, as amended, only if and so long as they comply with the provisions of this part and the conditions imposed here, and to the extent necessary to permit them to organize and arrange Public Charters:

* * * * *

(7) If foreign charter operators receive interstate or overseas air transportation rights, any other provision of the Act that would otherwise prohibit them from organizing and arranging Public Charters in interstate or overseas air transportation.

* * * * *

6. Section 380.21 is revised to read:

§ 380.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a charter operator (other than a foreign charter operator) would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the relief granted by § 380.20, such participation is hereby approved by the Board.

7. Section 380.62 is revised by adding a new paragraph (c) to read:

§ 380.62 Registration applications.

* * * * *

(c) The applicant shall clearly indicate in its application for registration whether it requests authority to engage in foreign, interstate and/or overseas air transportation.

8. The introductory text of paragraph (a) and paragraph (a)(6) of § 380.64 are revised to read:

§ 380.64 Board action on a registration application.

(a) After a registration is received, one of the following actions will be taken.

* * * * *

(6) The registration application will be rejected for reasons relating to the failure of effective reciprocity or if the Board finds that it would be in the public interest to do so.

* * * * *

9. The introductory text and paragraph (c) of § 380.66 are revised to read:

§ 380.66 Cancellation or conditioning of the registration.

The registration of a foreign charter operator may be canceled or subjected to additional terms, conditions, or limitations if any of the following occur:

* * * * *

(c) The Board finds, after notice and an opportunity for responses, that it is in the public interest to do so. In making this finding, the Board will consider whether effective reciprocity exists between the United States and the government of the foreign charter operator.

* * * * *

§ 380.68 [Removed and reserved]

10. Section 380.68, *Interstate and overseas charters prohibited*, is removed and reserved.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

11. CAB Form 300 is revised to read as follows:

BILLING CODE 6320-01-M

CAB Form 300
(Rev. 4-82)

REGISTRATION OR AMENDMENTS UNDER PART 380
OF THE ECONOMIC REGULATIONS OF THE
CIVIL AERONAUTICS BOARD

FOR USE BY CAB ONLY

INSTRUCTIONS: This form must be submitted in duplicate to Regulatory Affairs Division, B-58, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428. Date of filing for the purposes of the Board's regulations is deemed to be the date the properly completed forms are received by the Board.

1. Name and Mailing Address of Registrant in the United States:

NOTE: Name should include any other names under which business will be conducted. If registering a name change, show new name(s) here, and previously registered name(s) in block 8a on reverse. There is no Board rule governing the name that must be used in advertisements but all names that might be used should be listed here.

2. Address of principal place of business in the United States (if different from above) and registrant's Area Code and Telephone Number:

4. Name and address of designated agent residing within the United States for service of process.

5. Is this filing registrant's

☐ Initial Registration

☐ Amendment to reflect changes since previous filing (Please explain on reverse)

NOTE: Carriers already holding permit authority should check "Initial Registration"

6. If this is an initial registration, give proposed date of commencement of operations:

7. Check type or types of service registrant intends to perform upon commencement of operations:

☐ Foreign air transportation

☐ Interstate air transportation

☐ Overseas air transportation

☐ Foreign air transportation

☐ Interstate air transportation

☐ Overseas air transportation

3. Indicate country of citizenship. List below the names and citizenship of each person owning or holding beneficial ownership of 10 percent or more of the applicant's stock and the percentage of ownership.

Applicant's Country of Citizenship

Name	Citizenship	Percent

8. Certification:

I certify that the information contained in this application, and in the attachments hereto, is complete and accurate to the best of my knowledge. Furthermore, I certify that all public charter operations performed by the registrant will be conducted in accordance with the provisions of Part 380 of the Board's Special Regulations (14 CFR 380) and that no flights will be advertised, sold, or operated unless and until the registrant has entered into financial security arrangements as prescribed in Part 380.

Signature: _____

Date: _____ Name (please type): _____

Place: _____ Title: _____
(see note)

NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer of a corporation or association, or partner or owner of other non-corporate applicants.

9. (For use in reporting any changes or amendments to information previously filed)

a. Previously registered name and/or address:

b. Description of any other changes or amendments:

[FR Doc. 82-12499 Filed 5-6-82; 8:45 am]
BILLING CODE 6320-01-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2048-6]

Approval and Promulgation of Implementation Plans; San Joaquin Valley Air Basin, California, Nonattainment Area Plan

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: On September 5 and 15, 1980, the Environmental Protection Agency (EPA) published notices of proposed rulemaking concerning the San Joaquin Valley Air Basin nonattainment area plan (NAP) for carbon monoxide (CO), ozone and particulate matter (PM). Today's notice takes final action to conditionally approve the NAP for six counties in the San Joaquin Valley Air Basin with respect to Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas."

DATE: This action is effective May 7, 1982.

ADDRESS: A copy of the NAP is located at: The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: David Howecamp, Acting Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano (415) 974-8222.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 1979, the California Air Resources Board (ARB) submitted revisions to the California State Implementation Plan (SIP) consisting of a control strategy and regulations for the San Joaquin Valley Air Basin. These revisions, which comprise the San Joaquin Valley Air Basin NAP, are intended to provide for attainment of the ozone, CO, particulate matter (PM), and sulfur dioxide (SO_2), national ambient air quality standards (NAAQS) in the San Joaquin Valley Air Basin.

On September 5 and 15, 1980 (45 FR 58897 and 60931), EPA published notices of proposed rulemaking for the NAP, which covers the Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare County nonattainment areas. Those notices should be used as references in reviewing today's notice. The two notices provide a description of the NAP, summarize the applicable Clean Air Act requirements into 14 criteria, compare the NAP to those criteria, and proposed to approve and conditionally approve portions of the NAP. Today's notice addresses all of these counties, except Kern and Fresno which are addressed in separate **Federal Register** notices (see 46 FR 42450 for final action on Kern County).

Supplemental Revisions

After EPA's review, which appears in the September 5, 1980 notice, the State submitted several revisions to the NAP as discussed below.

California Environmental Quality Act (CEQA)

On October 20, the State submitted the following portions of CEQA:

Sections 21000; 21001; 21002; 21002.1, 21061; 21063; 21065; 21080.1; 21080.4(a); 21080.5(a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; and 21160.

As discussed in the January 21, 1981 final rulemaking notice (46 FR 5967), EPA has determined that these portions of CEQA satisfy the requirements of section 172(b)(11)(A) of the Clean Air Act. Therefore, EPA is deleting the proposed minor deficiency concerning the submittal of CEQA in today's notice.

Volatile Organic Compound Rules

The following rules were submitted by the State on the dates indicated:

Kings County:
- Rule 414, "Wastewater Separators," submitted on May 13, 1980.
- Rule 410.4, "Surface Coating of Manufactured Metal Parts and Products," submitted on October 10, 1980.
- Rule 411, "Storage of Organic Liquids," submitted on March 30, 1981.
- Rule 412.2, "Transfer of Gasoline into Vehicle Fuel Tanks, Phase II," submitted on October 23, 1981.

Madera County:
- Rule 410.4, "Surface Coating of Manufactured Metal Parts and Products," submitted on October 10, 1980.

Merced County:
- Rule 409.4, "Surface Coating of Manufactured Metal Parts and Products," submitted on October 10, 1980.

San Joaquin County:
- Rule 409.4, "Surface Coating of Manufactured Metal Parts and Products," submitted on October 10, 1980.
- Rule 409.5, "Cutback Asphalt Paving Materials," submitted on July 14, 1981.
- Rule 409.6, "Can and Coil Coating Operations," submitted on July 14, 1981.

Stanislaus County:
- Rule 409.3, "Organic Solvent Degreasing Operations," submitted on June 22, 1981.
- Rule 409.4, "Surface Coating of Manufactured Metal Parts and Products," submitted on October 10, 1980.
- Rule 409.5, "Cutback Asphalt Paving Materials," submitted on May 28, 1981.
- Rule 409.6, "Can and Coil Coating Operations," submitted on July 14, 1981.

Tulare County:
- Rule 410.4, "Surface Coating of Manufactured Metal Parts and Products," submitted on October 10, 1980.
- Rule 412, "Gasoline Transfer into Stationary Storage Containers," submitted on December 15, 1980.

All of these rules, except as discussed below contain very minor changes which either add clarity to the rule or correct typographical errors.

Kings County Rule 411, "Storage of Organic Liquids," has been amended by changing the exemption for tanks storing crude oil prior to lease custody transfer to tanks with throughputs *less* than 6300 gallons per day rather than *greater* than 6300 gallons per day. This amendment satisfies one of the conditions of approval specified in the September 5, 1980 notice.

Kings County Rule 414, "Wastewater Separators," has been amended by eliminating the exemptions for separators which recover less than 200 gallons of product per day and those that handle materials with a Reid Vapor Pressure of less than 0.5 psi. The elimination of these exemptions satisfies another of the conditions of approval specified in the September 5, 1980 notice.

San Joaquin County and Stanislaus County Rules 409.6, "Can and Coil Coating Operations," are similar and equivalent to the Model Rule which was described in the September proposal and thus satisfy two proposed conditions of approval.

Rule 409.3, "Organic Solvent Degreasing Operations," for the Stanislaus County, has been amended by changing the title of the Rule. This amendment satisfies one of the conditions of approval specified in the September 5, 1980 notice.

Rule 409.5, "Cutback Asphalt Paving Materials," for San Joaquin and Stanislaus Counties requires that emulsified asphalts contain no more than 3% solvent. The compliance date for this limit has been revised from January 1, 1985 to January 1, 1982. This revision satisfies the deficiency noted in the September 5, 1980 notice.

Since there were only very minor revisions to these rules or conditions of approval were satisfied by the revisions, EPA finds that for good cause additional notice and comment on these rules are unnecessary (see U.S.C. Section

553(b)(B), Administrative Procedure Act).

New Source Review (NSR) Rules

On July 25, 1980 the State submitted revisions to the Stanislaus County NSR Rule 209.1, "Standards for Authority to Construct." Paragraphs 209.1(3)(F)(8) and 209.1(3)(F)(9) have been added to the "Applicability and Exemptions" portions of the Rule and a portion of 209.1(3)(F)(5) has been amended to reflect this change.

The revisions to Rule 209.1 have been reviewed with respect to Section 173 of the Clean Air Act. These revisions provide additional exemptions from Lowest Achievable Emission Rate (LAER) which are not authorized by Section 173. EPA has determined that these exemptions constitute a minor deficiency.

EPA's September 5 notice addressed exemptions from LAER that are similar to the supplemental revisions noted here. In addition, this notice reflects comments received regarding the LAER exemptions. Thus, EPA feels that the public has been provided adequate opportunity to comment on the approvability of the LAER exemptions and that further notice and comment are unnecessary. Therefore, EPA is taking final action on the rules noted above in today's notice.

Public Comments

During the public comment period, EPA received comments from the ARB, the local air pollution control districts (APCDs), the Stanislaus Area Association of Governments, the San Joaquin County Planning Department, the San Joaquin Board of Supervisors and the Pacific Gas and Electric Company. Comments received are specifically identified and responded to in EPA's Public Comment Technical Support Document (contained in Document File NAP–CA–04 at the ARB, EPA Library in Washington, D.C. and the Region IX Office).

EPA Actions

Introduction

The criteria used in EPA's review are detailed in the General Preamble and four supplements referenced in the notice of proposed rulemaking.

While EPA's evaluation of the NAP for ozone includes use of "Control Technique Guidelines" ("CTG's") documents as a "presumptive norm," the states may adjust the recommended controls or develop requirements which are not based on the CTG's, provided that they submit information supporting their decisions.

It should be noted that action may be taken on a portion of a NAP for a specific pollutant or rule. Therefore, a portion of a NAP may be adequate for one pollutant but inadequate for others. Further, a rule may be adequate under section 110, but inadequate under section 172 or 173 of the Act. It is EPA's policy to take final action on all portions of a NAP for each pollutant.

Therefore, a final rulemaking notice contains a series of actions for each pollutant and for each portion of the NAP rather than a single action. One of the following three actions may be taken for each portion of a NAP:

1. Disapproval where deficiencies are of such magnitude as to significantly interfere with the basic objective of the NAP; or

2. Approval where the portion of the NAP under consideration meets all requirements; or

3. Approval with conditions where deficiencies exist, but where the effect of the deficiency is not judged to be major and where the State has agreed to take those steps necessary to correct the deficiency. In this case, it is EPA's understanding that the State will proceed expeditiously to correct the noted deficiency by certain dates.

For further information, see the supplements to EPA's General Preamble.

EPA's final actions described below are based on the proposed rulemaking notice, supplemental revisions submitted by the State, and public comments received by EPA.

Approved Portions of the NAP

EPA is taking final action under section 110 of the Clean Air Act to approve the following rules since they provide emission limits necessary to insure attainment of the NAAQS: Kings County rules 410.1 to 410.5, 411, 412.1, 412.2, 413, 413.3, 414, 414.1 and 414.2; Madera County rules 410.1, 410.3, 410.4, 410.5, 411, and 412; Merced County rules 409.1, 409.3, 409.4, 409.5, 410 and 411; San Joaquin County rules 409.1, 409.3, 409.4, 409.5, 410, 411.1, 413, 413.1, 413.2, and 413.3; Stanislaus County rules 409.1, 409.3, 409.4, 409.5, 409.6, and 411; and Tulare County rules 410.1, 410.3, 410.4, 410.5, 412, and 413.

EPA also is taking action under section 172 of the Act to approve the following rules, since they fully satisfy the requirement for RACT: Kings County rules 410.3, 410.4, 410.5, 411, 412.1, 413, 413.3, 414 and 414.2; Madera County rules 410.3, 410.4, and 412; Merced County rules 409.4, 410, and 411; San Joaquin County rules 409.3, 409.4, 410, 411.1, 413, 413.2, and 413.3; Stanislaus County rules 409.3, 409.4, 409.5 and 411; and Tulare County rules 410.4, 410.5, 412, and 413.

As proposed in the September 1980 notices, EPA is taking final action under section 172 to approve the following portions of the NAP for the six counties discussed in today's notice for ozone and/or CO: emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, emissions growth, annual reporting, resources, public and government involvement, and public hearing.

Conditionally Approved Portions of the NAP

As discussed in the September 1980 notices the Public Comment Technical Support Document and in the SUPPLEMENTAL REVISIONS section of this notice, for following portions of the NAP for the six counties contain minor deficiencies with respect to Section 172: legally adopted measures, permit program, and (in San Joaquin County only) extension requirements. Since the State and the APCD's have assured EPA that they will submit the material to correct the minor deficiencies, EPA takes final action to conditionally approve these portions of the NAP.

To satisfy the conditions of approval, the State must submit the following material by the indicated dates:

1. By September 7, 1982, the NSR rules for the six counties must be revised to meet the requirements in EPA's amended regulations for NSR under section 173 of the Clean Air Act (May 13, 1980, 45 FR 31307 and August 7, 1980, 45 FR 52676) as a SIP revision.

2. By September 7, 1982, the State must provide either (1) an adequate demonstration that the following regulations represent RACT, (2) amend the regulations so that they are consistent with the CTG, or (3) demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations.

Madera County APCD: Rule 411, "Storage of Petroleum Distillates and Light Crude Oil"
Merced County APCD: Rule 409.3, "Organic Solvent Degreasing Operations"
Stanislaus County APCD: Rule 410, "Storage of Petroleum Products"
Tulare County APCD: Rule 410.3, "Organic Solvent Degreasing Operations"

3. By September 7, 1982, implementation commitments and schedules for the adopted transportation control measures in the San Joaquin County NAP.

Final Overall Action on the NAP for the Six Counties

Since the San Joaquin Valley Air Basin NAP for ozone, CO, and PM for Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare counties contain only minor deficiencies and since the State has provided assurances to correct these deficiencies, EPA is taking final action to conditionally approve the NAP overall for these counties with respect to Part D. As a result, the current prohibition on construction of certain sources is no longer in effect in these counties.

Regulatory Process

In those areas for which the State of California has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D of the Clean Air Act, EPA has a responsibility to take final action as soon as possible in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for the counties discussed in this notice, EPA finds that good cause exists for making this action immediately effective.

The new SIP requirements approved or conditionally approved by today's notice are an addition to the existing SIP and do not supersede or replace the "old" SIP requirements until a source comes into compliance with the new requirements. For further information, see EPA's General Preamble.

As a result of approval of certain portions of the NAP, EPA is taking final action to rescind the following analogous portions of 40 CFR Part 52:

Sec.
Section 52.233 Review of new sources and modifications: Subparagraphs (d)(8), (11), (13), (20), (24) and (26) and (g)(1)(viii).
Section 52.245 Control of oxides of nitrogen, hydrocarbon, and carbon monoxide emissions from in-use vehicles.
Section 52.253 Metal surface coating thinner and reducer.
Section 52.254 Organic solvent usage.
Section 52.255 Gasoline transfer vapor control.
Section 52.256 Control of evaporative losses from the filling of vehicular tanks.
Section 52.265 Mass transit and transit priority planning.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major". Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities". This regulation is not "major" because it approves state and local actions and imposes no new requirements. I hereby certify that the action will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 12291, this regulation was submitted to the Office of Management and Budget (OMB) for review.

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

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

List of Subjects in 40 CFR Part 52

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

Pursuant to Section 605(b) of the Regulatory Flexibility Act, I certify that this action will not have a significant economic impact on a substantial number of small entities. This action merely approves state actions. This action imposes no new requirements for the sources in California.

(Secs. 110, 129, 171–178, and 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a))

Dated: April 22, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. In § 52.220(c) subparagraphs (50)(vi), (51)(viii)–(x), (52)(iv)–(ix), (71)(i)–(iv), (83)(ii), (84)(i)–(vi), (85)(i), (88)(i), (89)(i), (92)(i), (93)(i), (102)(i)–(ii) and (103)(i) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(50) * * *

(vi) Merced County APCD.

(A) New or amended Rule 409.1.

* * * * *

(51) * * *

(viii) San Joaquin County APCD.

(A) New or amended Rule 409.1.

(ix) Stanislaus County APCD.

(A) New or amended Rule 409.1.

(x) Tulare County APCD.

(A) New or amended Rules 410.1 and 413.

* * * * *

(52) * * *

(iv) Kings County APCD.

(A) New or amended Rules 210.1 (except paragraphs (3)(D) and (5)(B)(8)), 210.2, 410.1, 410.2, 410.3, 410.5, 412.1, 413, 414.1, and 414.2.

(v) Madera County APCD.

(A) New or amended Rules 210.2, 410.1, 410.3, 410.5, 411, and 412.

(vi) Merced County APCD.

(A) New or amended Rules 210.1 (except paragraphs (3)(D) and (5)(B)(8)), 210.2, 409.5, and 411.

(vii) San Joaquin County APCD.

(A) New or amended Rules 209.1 (except paragraphs (B)(3) and (D)(2)(b)), 209.2, 409.3, 410, 411.1, 413, 413.1, 413.2, and 413.3.

(viii) Stanislaus County APCD.

(A) New or amended Rules 209.2 and 411.

(ix) Tulare County APCD.

(A) New or amended Rules 210.1 (except paragraphs (C)(4) and (e)(2)(H)), 210.2 and 410.5.

* * * * *

(71) The *San Joaquin Valley Air Basin Control Strategy* (Chapter 16 of the Comprehensive Revisions to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards) submitted on October 11, 1979, by the Governor's designee. Those portions of the *San Joaquin Valley Air Basin Control Strategy* identified by Tables 16–1a, 1b and 1c (Summary of Plan Compliance with Clean Air Act Requirements) except which pertain to Fresno County and the six transportation control measures for Stanislaus County, comprise the submitted plan. The remaining portions are for informational purposes only. The following rules were also submitted on October 11, 1979 as part of the enforceable plan:

(i) Kings County APCD.

(A) New or amended Rules 411 and 413.3.

(ii) Madera County APCD.

(A) New or amended Rule 210.1 (except paragraphs (3)(D) and (5)(B)(8)).

(iii) Merced County APCD.

(A) New or amended Rules 409.3 and 410.

(iv) Tulare County APCD.

(A) New or amended Rule 410.3.

* * * * *

(83) * * *

(ii) Kings County APCD.

(A) New or amended Rule 414.

* * * * *

(84) Revised regulations for the following APCDs submitted on October 10, 1980, by the Governor's designee.

(i) Madera County APCD.

(A) New or amended Rule 410.4.

(ii) Merced County APCD.
(A) New or amended Rule 409.4.
(iii) Kings County APCD.
(A) New or amended Rule 410.4.
(iv) San Joaquin County APCD.
(A) New or amended Rule 409.4.
(v) Stanislaus County APCD.
(A) New or amended Rule 409.4.
(vi) Tulare County APCD.
(A) New or amended Rule 410.4.
* * * * *

(85) Revised regulations for the following APCDs submitted on December 15, 1980, by the Governor's designee.
(i) Tulare County APCD.
(A) New or amended Rule 412.
* * * * *

(88) Revised regulations for the following APCDs submitted on July 25, 1980, by the Governor's designee.
(i) Stanislaus County APCD.
(A) New or amended Rule 209.1 (except paragraphs (3)(E) and (5)(B)(8)).
* * * * *

(89) Revised regulations for the following APCDs submitted on March 30, 1981, by the Governor's designee.
(i) Kings County APCD.
(A) New or amended Rule 411.
* * * * *

(92) Revised regulations for the following APCDs submitted on May 28, 1981, by the Governor's designee.
(i) Stanislaus County APCD.
(A) New or amended Rule 409.5.
* * * * *

(93) Revised regulations for the following APCDs submitted on June 22, 1981, by the Governor's designee.
(i) Stanislaus County APCD.
(A) New or amended Rule 409.3.
* * * * *

(102) Revised rules for the following APCDs submitted on July 14, 1981 by the Governor's designee.
(i) San Joaquin County.
(A) New rules 409.5 and 409.6.
(ii) Stanislaus County.
(A) New rule 409.6.
* * * * *

(103) Revised rules for the following APCDs, submitted on October 23, 1981 by the Governor's designee.
(i) Kings County.
(A) Amended rule 412.2.
* * * * *

2. Section 52.222 is amended by adding paragraphs (b)(5) and (d)(4)(i) as follows:

§ 52.222 Extensions.

* * * * *
(b) * * *
(5) San Joaquin Valley Air Basin.
(i) Kings County APCD for O_3 and TSP.
(ii) Madera County APCD for O_3 and TSP.
(iii) Merced County APCD for O_3 and TSP.
(iv) San Joaquin County APCD for TSP.
(v) Stanislaus County APCD for CO, O_3 and TSP.
(vi) Tulare County APCD for O_3 and TSP.
* * * * *
(d) * * *
(4) San Joaquin Valley Air Basin.
(i) San Joaquin County for CO and O_3.
* * * * *

3. Section 52.223 is amended by adding paragraphs (b)(5)(ii)–(vii) as follows:

§ 52.223 Approval status.

* * * * *
(b) * * *
(5) * * *
(ii) Kings County for O_3 and TSP.
(iii) Madera County for O_3 and TSP.
(iv) Merced County for O_3 and TSP.
(v) San Joaquin County for CO, O_3 and TSP.
(vi) Stanislaus County for CO, O_3 and TSP.
(vii) Tulare County for O_3 and TSP.
* * * * *

4. Section 52.232 is amended by adding paragraph (a)(10) as follows:

§ 52.232 Part D conditional approval.

(a) * * *
(10) Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare County APCDs.
(i) For O_3 and PM [and CO in San Joaquin and Stanislaus Counties]
(A) By September 7, 1982 the NSR rules must be revised to meet the requirements in EPA's amended regulations for NSR under section 173 of the Clean Air Act (May 13, 1980, 45 FR 31307 and August 7, 1980, 45 FR 52676) as an SIP revision.
(ii) For O_3.
(A) For the APCDs indicated below, by September 7, 1982, the State must either (*1*) Provide an adequate demonstration that the following regulations represent RACT, (*2*) Amend the regulations so that they are consistent with the CTG, or (*3*) Demonstrate that the regulations will result in VOC emission reductions which are within five percent of the reductions which would be achieved through the implementation of the CTG recommendations.

Madera County APCD

Rule 411, "Storage of Petroleum Distillates and Light Crude Oil"

Merced County APCD

Rule 409.3, "Organic Solvent Degreasing Operations"

Stanislaus County APCD

Rule 410, "Storage of Petroleum Products"

Tulare County APCD

Rule 410.3, "Organic Solvent Degreasing Operations"
(iii) For CO and O_3 for San Joaquin County.
(A) By September 7, 1982, implementation commitments and schedules for the adopted transportation control measures.
* * * * *

§ 52.233 [Amended]

5. In § 52.233, paragraphs (d) (8), (11), (13), (20), (24), and (26), and paragraph (g)(1)(viii) are removed and reserved.

6. In § 52.238, the entry for "Kern County nonattainment areas" is removed and the entry for San Joaquin Valley Intrastate is revised to include the Kern County area, and reads as follows:

§ 52.238 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
* * *	*		*	*	*	*	*
San Joaquin Valley Intrastate:							
a. Fresno County	July 1975	July 1975	e	e	e	May 31, 1977	May 31, 1977.
b. Kern County	h	c	h	h	d	h	h.
c. Kings County	h	h	e	e	e	May 31, 1977	h.
d. Madera County	h	h	e	e	e	May 31, 1977	h.
e. Merced County	h	h	e	e	e	May 31, 1977	h.
f. San Joaquin County	h	h	e	e	e	i	i.
g. Stanislaus County	h	h	e	e	e	h	h.
h. Tulare County	h	h	e	e	e	May 31, 1977	h.

* * * * *

7. Section 52.253 is amended by adding paragraphs (b)(3) (ii) through (vi) to read as follows:

§ 52.253 Metal surface coating thinner and reducer.

* * * * *
(b) * * *
(3) * * *

(ii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Madera County APCD's Rule 410.4 submitted on October 10, 1980.

(iii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Merced County Rule 409.4 submitted on October 10, 1980.

(iv) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with San Joaquin County Rule 409.4 submitted on October 10, 1980.

(v) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Stanislaus County Rule 410.4 submitted on October 10, 1980.

(vi) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Tulare County Rule 410.4 submitted on October 10, 1980.

(vii) This section is rescinded for metal parts and products coaters which are subject to and in full compliance with Kings County Rule 410.4 submitted on October 10, 1980.

* * * * *

8. Section 52.254 is amended by adding paragraph (a)(1)(i) to read as follows:

§ 52.254 Organic solvent usage.

(a) * * *

(1) * * *

(i) This section is rescinded entirely for metal parts and products coaters which are subject to and in full compliance with Rule 410.4 for the Kings County APCD, Rule 410.4 for the Madera County APCD, Rule 409.4 for the Merced County APCD, Rule 409.4 for the San Joaquin County APCD, Rule 409.4 for the Stanislaus County APCD, and Rule 410.4 for the Tulare County APCD.

* * * * *

9. Section 52.255 is amended by reserving paragraphs (b)(1) (iii), (v), (viii), and (ix), and by adding paragraphs (b)(3) (iii) through (viii) to read as follows:

§ 52.255 Gasoline transfer vapor control.

* * * * *

(b) * * *

(1) * * *

(iii) [Reserved]

* * * * *

(v) [Reserved]

* * * * *

(viii) [Reserved]

* * * * *

(ix) [Reserved]

* * * * *

(3) * * *

(iii) Merced County APCD.

(iv) San Joaquin County APCD.

(v) Stanislaus County APCD.

(vi) Tulare County APCD.

(vii) Madera County APCD.

(viii) Kings County APCD.

* * * * *

10. Section 52.256 is amended by adding paragraph (b)(2) to read as follows:

§ 52.256 Control of evaporative losses from the filling of vehicular tanks.

* * * * *

(b) * * *

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

(i) Kings County APCD.

* * * * *

§§ 52.245 and 52.265 [Removed and reserved]

11. Sections 52.245 and 52.265 are removed and reserved.

[FR Doc. 82-12380 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[W-4-FRL 2120-6]

Hazardous Waste Management Programs; Florida: Authorization for Inerim Authorization Phase I

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination.

SUMMARY: The State of Florida has applied for Interim Authorization Phase I. EPA has reviewed Florida's application for Phase I and has determined that Florida's hazardous waste program is substantially equivalent to the Federal program covered by Phase I. The State of Florida is, hereby, granted Interim Authorization for Phase I to operate the State's hazardous waste program, in lieu of the Federal program.

EFFECTIVE DATE: Interim Authorization Phase I for Florida shall become effective on May 19, 1982.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, Federal Register (45 FR 33063) the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), to protect human health and the environment from the improper management of hazardous waste. The RCRA Act includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program will be implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

Phase I regulations were published on May 19, 1980, and became effective on November 19, 1980. The Phase I regulations include the identification and listing of hazardous wastes, standards for generators and transporters of hazardous wastes, standards for owners and operators of treatment, storage and disposal facilities, and requirements for State Programs.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F (46 FR 8298).

Draft Application

The State of Florida submitted its draft application for Phase I Interim Authorization on November 4, 1981. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration. After reviewing these comments, State Officials determined that the issues raised by EPA could be resolved without changes in State regulations and legislative authority. Florida subsequently made revisions to the Program Description, Memorandum of Agreement and Attorney General's Statement to answer those questions or issues that had been raised during the review of the draft application.

Final Application

On January 15, 1982, Florida submitted to EPA a Final Application for Interim Authorization, Phase I under RCRA. An EPA review team consisting of both Headquarters and Regional Office

personnel made a detailed analysis of Florida's Hazardous Waste Management Program. The Final Application met all the requirements of 40 CFR Part 123, Subpart F, for Phase I Interim Authorization.

Public Hearing and Comment Period

As noticed in the **Federal Register**, on February 12, 1982 (47 FR 6444), EPA held a public hearing in Tallahassee, Florida on March 16, 1982, and gave the public until March 23, 1982, to comment on the State's application.

Two people spoke at the public hearing. Their comments and EPA's response are presented below.

Comment: One speaker expressed support for Florida's application for Phase I Interim Authorization, stressing the State has developed a program that provides the State with the legal authority, program components, and personnel to meet Phase I requirements.

EPA Response: No response needed.

Comment: Another speaker supported the delegation of Federal programs to the State and said he had no objections to the adoption of the regulations that the State has currently approved to achieve Phase I delegation.

EPA Response: No response needed.

Comment: The same speaker expressed concern over the Phase II delegation because Florida and EPA would operate a dual permit program if Florida only received Phase I interim authorization. The speaker asked a series of questions related to this issue and how EPA will review Florida's Phase II application.

EPA Response: Florida has submitted a draft Phase II application. A separate decision will be made on that application at a later date.

We are assisting the State in developing a hazardous waste program that could be authorized for Phase II and ultimately final authorization. Such authorization would eliminate the dual permitting program.

Comment: One letter was received with the following comments: #1) The writer expressed concern that Florida's regulations require all existing facilities to apply for a Temporary Operating Permit (TOP), and the TOP is not equivalent to interim status under Federal requirements, and the State is, in effect, requiring all Part B's for existing storage facilities to be submitted by November 19, 1982. The writer's opinion was that Phase I authorization is, therefore, not appropriate.

EPA Response: EPA can certainly understand how the commenter could be confused in comparing Florida's procedures for issuing TOP's to EPA's procedures for issuing RCRA permits. We hope the following discussion will clarify the issue.

Florida DER has adopted the 40 CFR 265 interim status standards by reference and their legal counsel has assured EPA that these standards are enforceable against existing facilities whether or not the facility has a Temporary Operating Permit (TOP).

As an administrative expedient, DER can include in the TOP a compliance schedule for any interim status standards that are being violated by the facility at the time the TOP application is submitted. However, the TOP will require compliance in the shortest time possible. DER also may issue a compliance order to require immediate compliance with the interim status standards where this action is appropriate.

In addition, DER has adopted 40 CFR 264 which includes standards a facility must meet before a full "RCRA" permit can be issued by EPA or an authorized (Phase II) State. The State TOP will contain a schedule which provides for complying with the more rigorous standards in 40 CFR Part 264 no later than three years from the date the TOP is issued. The State will thus be issuing "final" state permits to facilities faster than EPA can issue final RCRA permits. By adopting the 40 CFR Part 264 standards now, the State is effectively calling for the permit applicants' "Part B" (See 40 CFR 122.21–25 for discussion of Federal permit program) six months after the detailed standards are effective in Florida. The Federal program, by contrast, staggers the Part B call over an eight to ten year period. However, Section 3009 of RCRA (Pub. L. 94–580) allows states to be more stringent than the Federal program.

The assertion that there is no "interim status" in Florida's program is not correct because the facility is allowed to operate for up to three years without meeting the rigorous permitting standards, while only complying with the interim status standards. The major difference in the State and Federal permit program is that facilities could operate under interim status for up to eight years under the Federal program versus three years under the State program.

Comment: #2) The writer requested EPA oppose Florida's implementation of Part IV, FAC 17–30, Permitting, until such time that the State could be granted Phase II authorization because both the Federal and State permitting programs will be in effect until Phase II is granted to Florida.

EPA Response: EPA is assisting Florida in developing a hazardous waste program that could be authorized for Phase II and ultimately final authorization. Such authorization would eliminate the dual permitting program.

Comment: #3) The writer's opinion is that Florida's definition of a hazardous waste facility is not equivalent to 40 CFR 260.10, and that under this definition multiple permits for one contiguous site could be required.

EPA Response: This is not an issue concerning Phase I authorization. Florida is free to exercise its own judgment in how many permits a facility needs. However, Florida DER has informally assured EPA that their definition of a facility will be the same as ours.

Comment: #4) The writer suggested that all Federal facilities be exempt from the State's $500 application fee or pay a reduced fee since the State receives Federal grants to administer the hazardous waste program.

EPA Response: This is not a Phase I issue. EPA does not have authority to change or restrict this provision.

Decision

EPA has reviewed the State of Florida's complete application for Interim Authorization Phase I and has determined that the State program is substantially equivalent to Phase I of the Federal program as defined in 40 CFR Part 123 Subpart F. In accordance with Section 3006(c) of RCRA, the State of Florida is, hereby, granted Interim Authorization for Phase I to operate the State's hazardous waste program in lieu of the Federal program.

Compliance with Executive Order 12291

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

Certification: Florida Application for Interim Authorization Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 123

Hazardous materials, Reporting and recordkeeping requirements, Waste

treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

(Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b))

Dated: May 3, 1982.

John A. Little,

Regional Administrator.

[FR Doc. 82-12534 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1034

Rerouting of Traffic, Appointment of Agents

AGENCY: Interstate Commerce Commission.

ACTION: Fourth Revised Service Order No. 1344.

SUMMARY: Fourth Revised Service Order No. 1344 revises the appointment of agents of the Commission, vested with the authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United Sates whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

EFFECTIVE DATE: 11:59 p.m., May 18, 1982, continuing in effect until 11:59 p.m., May 18, 1983.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840 or 275-1559.

SUPPLEMENTARY INFORMATION:

Decided: April 29, 1982.

When, for any reason, a carrier by railroad, subject to Section 10501 of the Recodified Interstate Commerce Act, is unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic. Notice and public procedure are impracticable and contrary to the public interest, and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1034.1344 Rerouting of traffic; appointment of agents.

(a) J. Warren McFarland, Director, and Bernard Gaillard, Associate Director, Office of Compliance and Consumer Assistance, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., May 18, 1982.

(d) *Expiration date.* This order shall expire 11:59 p.m., May 18, 1983, unless otherwise modified, amended or vacated by order of this Commission.[1]

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11124.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1034

Railroads.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett and Andre.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12437 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

[1] Change in expiration date.

Proposed Rules

Federal Register
Vol. 47, No. 89
Friday, May 7, 1982

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 307 and 381

[Docket No. 82-007P]

Reimbursement for Preparation and Cleanup Time

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) proposes to amend the overtime and holiday inspection service sections of the Federal meat and poultry inspection regulations. This proposal is in response to an agreement with the National Joint Council of Food Inspection Locals, AFGE (hereinafter referred to as the National Joint Council) implementing a decision by the Comptroller General that certain preparatory and cleanup activities performed by slaughter line inspectors and those inspectors required to work the slaughter line are compensable under the Fair Labor Standards Act. The proposed amendment would provide that the time spent on such activities, up to 15 minutes per day, per inspector, would be treated the same as any other inspection service for the purpose of determining the cost of overtime and holiday inspection service to be reimbursed by official establishments.

DATE: Comments must be received on or before July 6, 1982.

ADDRESSES: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Food Safety and Inspection Service, Room 2637, South Agriculture Building, U.S. Department of Agriculture, Washington, DC 20250. Oral comments to: Mark Manis, (202) 447-4820. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mark Manis, Acting Director, Labor Management Relations Staff, Administrative Management, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-4820.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

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

Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If adopted, it would impact on those official establishments where the compensable activities are performed outside of the 8-hour workday. The increased cost to small entities within this class is not expected to be significant.

Comments

Interested persons are invited to submit comments concerning this notice. Written comments must be submitted in duplicate to the Regulations Office. Comments should reference the docket number located in the heading of this document. Any person desiring opportunity for oral presentation of views with respect to the effect of this proposal on the poultry products inspection regulations must make such request to Mark Manis so that arrangements may be made for all such views to be presented. A transcript will be made of all views orally presented. All Comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

On July 31, 1981, the Comptroller general of the United States, in the *Matter of Department of Agriculture Meat Inspectors,* No. B-195921, resolved a longstanding dispute between the FSIS and the National Joint Council concerning the inclusion of clothes changing and cleanup activities as hours of work under the Fair Labor Standards Act (FLSA), (29 U.S.C. 201 *et seq.*). The FLSA, as amended by the Portal to Portal Act (29 U.S.C. 251 *et seq.*), has been interpreted by the Supreme Court to provide that time spent on preparatory and cleanup activities that are a necessary and integral part of the principal activity of an employee's position is compensable. Conversely, preparatory and cleanup activities performed primarily for the personal convenience of the employee are not compensable.

Prior to the Comptroller General decision, FSIS maintained that clothes changing and cleanup activities were not integrally related to the principal activities of the food inspector's job. Therefore, FSIS determined that such activities were not considered hours of work under the FLSA and no compensation was made to the inspectors. The Comptroller General rejected FSIS' determination and held that clothes changing and cleanup activities conducted by red meat slaughter inspectors and other similarly situated inspectors at their worksite before and after the regular work shift were integral and indispensable parts of their principal activities and compensable under the FLSA.

Following this decision, the Comptroller General in the *Matter of Nancy C. Jones,* B-196571, August 17, 1981, determined that time spent by a slaughter line inspector engaged in meat and poultry inspection on preparatory, cleanup, and other activities was compensable under the FLSA. The activities found to be compensable in addition to clothes changing and cleanup were knife sharpening and administrative paperwork. No distinction was made with respect to whether these activities were performed by slaughter line inspectors at meat establishments or poultry establishments.

Proposed Rule

As a result of the Comptroller General's decisions, the FSIS entered into negotiations with the National Joint Council and agreed to include preparatory and cleanup time in calculating the hours of work of slaughter line inspectors and those inspectors required to work the slaughter line who perform preparatory and cleanup activities necessary and integral to the primary activity of a slaughter line inspector. In certain instances, because of the operating practice at the official establishment where such inspectors are assigned, the time spent on preparatory and cleanup activities will fall outside of the regular work shift or on a holiday. Hours of work beyond the regular work shift or on a holiday are compensable at the overtime or holiday rate in effect when such work is performed. Thus, in situations where slaughter line inspectors or inspectors required to work the slaughter line perform compensable preparatory and cleanup activities outside of the regular work shift or on a holiday or where such inspectors are already in an overtime status and these activities are performed, the inspectors will be entitled to compensation at the overtime or holiday pay rate for the time expended on the performance of the compensable activities. Of course, no inspector will be paid overtime for any such activities not actually performed.

The reimbursement section of the Federal Meat Inspection Act (FMIA), 7 U.S.C. 394, and the reimbursement section of the Poultry Products Inspection Act (PPIA), 21 U.S.C. 468, provide that the cost of overtime work performed in official establishments shall be borne by such establishments. Sections 307.5(a) and 381.38(a) of the meat and poultry products inspection regulations (9 CFR 307.5(a) and 381(a)) provide that the management of an official establishment shall reimburse FSIS for the cost of overtime inspection services performed; i.e., for more than 8 hours work performed by an inspector on one day; for more than 40 hours work performed by an inspector in any administrative workweek, Sunday through Saturday; or for any work performed on any holiday.

Since the policy of the Department of Agriculture prior to the Comptroller General's decisions was to deny compensation for time spent on any such preparatory, cleanup, or other activities, these reimbursement provisions were not applied so as to require reimbursement for any overtime associated with the performance of such activities. With the Comptroller General's decisions holding that certain preparatory and cleanup activities are compensable, and the subsequent agreement with the National Joint Council, it is necessary to amend the regulations so that when the compensable preparatory, cleanup, or other activities are performed under circumstances making the time spent on such activities compensable at an overtime or holiday rate, the accompanying costs may be recovered by FSIS in accordance with the FMIA, PPIA, and the regulations thereunder. Therefore, the Administrator is proposing to amend §§ 307.5 and 381.38 of the meat and poultry products inspection regulations (9 CFR 307.5 and 381.38) by adding to each a new paragraph that would provide that the time spent on such activities, up to 15 minutes per day, per inspector, would be treated the same as any other inspection service for purposes of determining the cost of overtime and holiday inspection service to be reimbursed by official establishments.

The effect of the proposed rule would be limited to only those activities compensable under the FLSA. Not more than a daily total of 15 minutes per inspector will be provided to slaughter line inspectors or those inspectors required to work the slaughter line to perform these activities, and not more than 5 minutes of this time will be provided prior to the official reporting time. Further, overtime incurred in the performance of the compensable activities will be credited and recorded in accordance with the United States Department of Agriculture (USDA) policy for scheduling and recording overtime as set forth in USDA, Personnel Letter No. 551–8, December 1, 1980.

For the purpose of the proposed rule, the total number of minutes required to perform the preparatory and cleanup activities compensable under the FLSA outside of the regular work shift would be the sum of the time reasonably necessary to perform the activities before work not to exceed 5 minutes and the time reasonably necessary to perform the activities after work; the total not to exceed 15 minutes.

Issues concerning how this proposed amendment will be applied in official establishments will be addressed in an Agency bulletin prior to the effective date of the final regulation. The Agency intends to issue instructions to all affected field personnel on how to monitor preparation and cleanup time and calculate any overtime and holiday pay involved.

List of Subjects

9 CFR Part 307

Meat inspection, official establishment, reimbursable services.

9 CFR Part 381

Poultry and poultry products, official establishment, reimbursable services.

Accordingly, Part 307 of the Federal meat inspection regulations (9 CFR Part 307) and Part 381, Subpart G of the Federal poultry products inspection regulations (9 CFR Part 381, Subpart G) would be amended as set forth below:

PART 307—FACILITIES FOR INSPECTION

1. The authority citation for Part 307 reads as follows:

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

2. Section 307.5 of the Federal meat inspection regulations (9 CFR 307.5) would be amended by adding a new paragraph (c) to read as follows:

§ 307.5 Overtime and holiday inspection service.

* * * * *

(c)(1) Time spent performing tasks which are compensable under the Fair Labor Standards Act, such as clothes changing and cleanup activities, knife sharpening, administrative paperwork, and drawing and securing tags, shall be treated the same as any other inspection service for the purpose of determining the cost of overtime or holiday service to be reimbursed under paragraphs (a) and (b) of this section.

(2) Not more than 15 minutes will be provided to all slaughter line inspectors and/or those inspectors required to work the slaughter line and who perform the aforementioned tasks. Not more than 5 minutes of this time will be provided prior to the inspectors' reporting time. If any of the aforementioned employees, for personal reasons, wish to spend more time on such activities, such time would not be official duty time for which they would be paid or for which reimbursement would be charged.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

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

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

Law 91-224 and by other laws (33 U.S.C. 1254).

4. Section 381.38 of the poultry products inspection regulations (9 CFR 381.38) would be amended by adding a new paragraph (c) to read as follows:

§ 381.38 Overtime and holiday inspection service.

* * * * *

(c)(1) Time spent performing tasks which are compensable under the Fair Labor Standards Act, such as clothes changing and cleanup activities, knife sharpening, administrative paperwork, and drawing and securing tags, shall be treated the same as any other inspection service for the purpose of determining the cost of overtime or holiday service to be reimbursed under paragraphs (a) and (b) of this section.

(2) Not more than 15 minutes will be provided to all slaughter line inspectors and/or those inspectors required to work the slaughter line and who perform the aforementioned tasks. Not more than 5 minutes of this time will be provided prior to the inspectors' reporting time. If any of the aforementioned employees, for personal reasons, wish to spend more time on such activities, such time would not be official duty time for which they would be paid or for which reimbursement would be charged.

Done at Washington, D.C. on: May 4, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-12545 Filed 5-6-82; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 10, 11, 25, and 95

Revision and Clarification of Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance and Conforming Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to clarify and update the criteria and procedures used for determining the eligibility of an individual for access to Restricted Data or national security information, or an employment clearance. The amendments are in response to an indepth study and analysis to determine and recommend necessary amendments. The proposed amendments would improve the timeliness for reviewing cases by using individual Hearing Examiners and Hearing Review Examiners, clearly distinguishing "access authorization" from "clearance for employment" and presenting the hearing and administrative review procedures in a more logical, clear, and concise manner. This amendment also makes conforming changes to other parts of the Commission's regulations.

DATES: Comment period expires July 6, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before this date.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street N.W., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Martin J. King, Chief, Personnel Security Branch, Division of Security, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427-4474.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission adopted the former Atomic Energy Commission's 10 CFR Part 10 in March 1975. Minor clarifying and corrective amendments were made by the Nuclear Regulatory Commission in 1977.

Staff review subsequently indicated that many of the criteria were outdated and in need of revision. Also, during the rulemaking proceeding on 10 CFR Part 11 some commenters were critical that the rule contained criteria regarding homosexuality and refusal to serve in the armed forces. As a result of these and other comments, a study was undertaken to provide an overall assessment of both the criteria and the procedures for Part 10. Based on the study, the following revision to Part 10 is being proposed.

Access authorization and employment clearance have been defined separately to permit an individual to continue employment even though it may be necessary to suspend the individual's access authorization pending resolution of derogatory information which raises a question concening the individual's access eligibility.

The two separate categories of derogatory information criteria, "A" and "B", have been combined in § 10.11 with determination as to eligibility for access authorization and/or employment clearance based upon a comprehensive common-sense judgment, made after consideration of all relevant information, favorable and unfavorable.

The number of criteria listed as examples for consideration in determining eligibility have been reduced from 22 to 13 by combining several of the criteria and eliminating others. Criteria concerning "homosexuality," "refusal to serve in the Armed Forces," and family relatives "residing in a nation whose interest may be inimical to the United States" have been deleted. Also, reference to activities of the spouse have been deleted from the criteria.

Procedures for administrative review hearings have been rewritten and revised. Most significantly, the Personnel Security Board has been replaced by a single Hearing Examiner. Also, the Personnel Security Review Board was eliminated in favor of three Hearing Review Examiners who individually and independently consider the case under review. Implementation of this system is expected to improve the timeliness in which cases are administratively reviewed under Part 10. As a result of these amendments, conforming amendments to Parts 11, 25, and 95 are also being proposed.

Regulatory Flexibility Statement

This rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b). This proposed rule contains modifications to the criteria and procedures for determining the eligibility of individuals for access to Restricted Data, national security information, or an employment clearance. It should not result in any increased costs to licensees.

List of Subjects in 10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that the adoption of the following revision to 10 CFR Parts 10, 11, 25, and 95 is contemplated.

The authority citation for Part 10 is presented in the revision of that part. The authority for the amendments to

Parts 11, 25, and 95 is Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201).

1. Part 10 is revised to read as follows:

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

Subpart A—General Provisions

Sec.
10.1 Purpose.
10.2 Scope.
10.3 [Reserved]
10.4 Policy.
10.5 Definitions.

Subpart B—Criteria for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance

10.10 Application of the criteria.
10.11 Criteria.
10.12 Interview and Other Investigation.

Subpart C—Procedures

10.20 Purpose of the procedures.
10.21 Suspension of access authorization and/or employment clearance.
10.22 Notice to individual.
10.23 Failure of individual to request a hearing.
10.24 Procedures for hearing and review.
10.25 NRC Hearing Counsel.
10.26 Appointment of Hearing Examiner.
10.27 Prehearing proceedings.
10.28 Conduct of hearing.
10.29 Recommendation of the Hearing Examiner.
10.30 New evidence.
10.31 Actions on the recommendations.
10.32 Recommendation of the NRC Personnel Security Review Examiners.
10.33 Action by the Executive Director for Operations.
10.34 Action by the Commission.
10.35 Reconsideration of cases.

Subpart D—Miscellaneous

10.36 Terminations.
10.37 Attorney representation.
10.38 Certifications.

Authority: Sec. 145, 68 Stat. 942, as amended (42 U.S.C. 2165); sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201, sec. 201(f) 88 Stat. 1243, 42 U.S.C. 5841; E.O. 10450, 3 CFR 1949–1953 comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 comp., p. 398, as amended, 3 CFR, Chap. IV.

Subpart A—General Provisions

§ 10.1 Purpose.

This part establishes the criteria, procedures, and methods for resolving questions concerning: (a) the eligibility of individuals who are employed by or applicants for employment with NRC contractors, agents, and licensees of the NRC, individuals who are NRC employees or applicants for NRC employment, and other persons designated by Executive Director for Operations of the NRC, for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, or for access to national security information; and (b) the eligibility of NRC employees, or the eligibility of applicants for employment with the NRC, for employment clearance. This part is published to implement such Statutes and Executive Orders 10865, 25 FR 1583 (February 24, 1960), and 10450, 18 FR 2489 (April 27, 1954).

§ 10.2 Scope.

The criteria and procedures in this part shall be used in determining eligibility for NRC access authorization and/or employment clearance involving:

(a) Employees (including consultants) of contractors and agents of the Nuclear Regulatory Commission and applicants for employment;

(b) Licensees of the NRC and their employees (including consultants) and applicants for employment; and

(c) NRC employees (including consultants) and applicants for employment;

(d) Any other person designated by the Executive Director for Operations of the Nuclear Regulatory Commission.

§ 10.3 [Reserved]

§ 10.4 Policy.

It is the policy of the Nuclear Regulatory Commission to carry out its responsibility for the security of the nuclear energy program in a manner consistent with traditional American concepts of justice. To this end, the Commission has established criteria for determining eligibility for access authorization and/or employment clearance and will afford those individuals described in § 10.2 the opportunity for administrative review of questions concerning their eligibility for access authorization and/or employment clearance.

§ 10.5 Definitions.

As used in this part.

(a) "Accessed authorization" means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with the NRC, NRC contractors, agents, and licensees of the NRC, or other person designated by the Executive Director for Operations, is eligible for a security clearance for access to Restricted Data or national security information.

(b) "Hearing Examiner" means a qualified attorney appointed by the Director, Office of Administration, to conduct a hearing in accordance with this part.

(c) "Hearing Counsel" means an NRC attorney assigned by the Executive Legal Director to prepare and administer hearings in accordance with this part.

(d) "Personnel Security Review Examiners" are persons designated by the Executive Director for Operations to conduct a review of the record in accordance with this part.

(e) "Commission" means the Nuclear Regulatory Commission of five members or a quorum thereof sitting as a body, as provided by Section 201 of the Energy Reorganization Act of 1974, or its designee.

(f) "Employment Clearance" means an administrative determination that an individual (including a consultant) who is an NRC employee or applicant for NRC employment and other persons designated by the Executive Director for Operations of the NRC is eligible for employment or continued employment pursuant to subsection 145 b. of the Atomic Energy Act of 1954, as amended.

(g) "Eligible" or "Eligibility" means both initial eligibility and continued eligibility of an individual for access authorization and/or employment clearance.

(h) "National Security Information" means information that is owned by, produced for or by, or under the control of the United States Government, and that has been determined, pursuant to Executive Order 12065 or antecedent orders, to require protection against unauthorized disclosure, and is so designated.

(i) "Restricted Data" means all data concerning design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.

Subpart B—Criteria for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance

§ 10.10 Application of the criteria.

(a) The decision as to access authorization and/or employment clearance is a comprehensive, common-sense judgment, made after consideration of all the information, favorable or unfavorable, relevant to whether the granting of access authorization and/or employment clearance would not endanger the common defense and security and

would be clearly consistent with the national interest.

(b) The criteria in § 10.11 set forth a number of the types of derogatory information used to assist in making determinations of eligibility for access authorization and/or employment clearance. These criteria are not exhaustive but contain the principal types of derogatory information which create a question as to the individual's eligibility for access authorization and/or employment clearance. While there must necessarily be adherence to such critera, the NRC is not limited to them, nor precluded from exercising its judgment that information or facts in a case under its cognizance are derogatory although at variance with, or outside the scope of, the stated categories. These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make desirable.

(c) When the reports of investigation of an individual contain information reasonably tending to establish the truth of one or more of the items in the criteria, such information shall be regarded as derogatory and shall create a question as to the individual's eligibility for access authorization/and/or employment clearance. A question concerning the eligibility of an individual for access authorization and/or employment clearance shall be resolved in accordance with the procedures set, forth in § 10.20 *et seq.*

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for access authorization and/or employment clearance, the following principles shall be applied by the Director, Division of Security, hearing Examiners, and Personnel Security Review Examiners:

(1) Information reasonably tending to establish the truth of one or more of the items in the criteria shall be the basis for recommending denial or revocation of access authorization and/or employment clearance unless evidence to support faith in the individual's reliability and trustworthiness is affirmatively shown.

(2) When deemed material to the deliberations, the extent of the activity, conduct, or condition, the period in which they occurred or existed, the length of time which has since elapsed, and the attitude and convictions of the individual shall be considered in determining whether the recommendation will be adverse or favorable.

§ 10.11 Criteria.

(a) The criteria for determining eligibility for access authorization and/or employment clearance shall relate, but not be limited, to the following where an individual:

(1) Committed, attempted to commit, aided, or abetted another who committed or attempted to commit any act of sabotage, espionage, treason, sedition, or terrorism.

(2) Publicly or privately advocated actions that may be inimical to the interest of the United States, or publicly or privately advocated the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(3) Knowingly established or continued a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, or revolutionist, or with an espionage agent or other secret agent or representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Joined or engaged in any activity knowingly in sympathy with or in support of any foreign or domestic organization, association, movement, group, or combination of persons which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or any state or any subdivisions thereof by unlawful means, or which advocate the use of force and violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means. (Ordinarily, criteria (3) and (4) will not include chance or casual meetings or contacts limited to normal business or official relations.)

(5) Deliberately misrepresented, falsified or omitted relevant and material facts from or in a personnel security questionnaire, a personal qualifications statement, a personnel security interview, or any other information submitted pursuant this part.

(6) Willfully violated or disregarded security regulations or was grossly negligent with respect thereto to a degree which could endanger the common defense and security; or by intention or gross carelessness disclosed Restricted Data or national security information to any person not authorized to receive it.

(7) Has any illness or mental condition which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual.

(8) Has been convicted of crimes indicating habitual criminal tendencies.

(9) Has been convicted of crime, or has a background, where the facts, circumstances, or conduct are of a nature indicating poor judgment, unreliability, or untrustworthiness.

(10) Is a user of alcohol habitually and to excess, or has been such without adequate evidence of rehabilitation.

(11) Has been, or is, a user of a drug or other substance listed in the schedules of Controlled Substances established pursuant to the Controlled Substances Act of 1970 (such as amphetamines, barbiturates, narcotics, etc.), except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine, without adequate evidence of rehabilitation.

(12) Refused, without satisfactory explanation, to answer questions before a congressional committee, Federal or state court, or Federal administrative body including the NRC regarding charges relevant to the individual's eligibility for access authorization and/or employment clearance.

(13) Engaged in any other conduct or is subject to any other circumstances which tend to show that the individual is not reliable or trustworthy, or which furnishes reason to believe that the individual may be subject to coercion, influence, or pressures which may cause the individual to act contrary to the national interest.

§ 10.12 Interview and other investigation.

(a) The Director, Division of Security, Office of Administration, may authorize the granting of access authorization and/or employment clearance on the basis of the information in the possession of the NRC or may authorize the conduct of an interview with the individual, if the individual consents to be interviewed, or such other investigation as the Director deems appropriate. On the basis of such interview and/or investigation, the Director may authorize the granting of access authorization and/or employment clearance.

(b) The individual may elect on constitutional or other grounds not to participate in an interview or other investigation; however, such refusal or failure to furnish or authorize the furnishing of relevant and material information is deemed to be derogatory information pursuant to § 10.11(a)(5) and (12).

(c) If the Director, Division of Security, cannot make a favorable finding regarding the eligibility of an individual for access authorization and/or employment clearance, the question of the individual's eligibility shall be resolved in accordance with the procedures set forth in § 10.20 *et seq.*

Subpart C—Procedures

§ 10.20 Purpose of the procedures.

These procedures establish methods for the conduct of hearings and administrative review of questions concerning an individual's eligibility for access authorization and/or employment clearance pursuant to the Atomic Energy Act of 1954, as amended, and Executive Orders 10450 and 10865, when a resolution favorable to the individual cannot be made on the basis of the interview or other investigation.

§ 10.21 Suspension of access authorization and/or employment clearance.

In those cases where information is received which raises a question concerning the continued eligibility of an individual for access authorization and/or employment clearance, the Director, Division of Security, through the Director, Office of Administration, shall forward to the Executive Director for Operations, his or her recommendation as to whether the individual's access authorization and/or employment clearance should be suspended pending the final determination resulting from the operation of the procedures provided in this part. In making this recommendation the Director, Division of Security, shall consider such factors as the seriousness of the derogatory information developed, the degree of access of the individual to classified information, and the individual's opportunity by reason of his or her position to commit acts adversely affecting the national security. An individual's access authorization and/or employment clearance shall not be suspended except by the direction of the Executive Director for Operations.

§ 10.22 Notice to individual.

A notification letter, prepared by the Division of Security, approved by the Office of the Executive Legal Director, and signed by the Director, Office of Administration, shall be presented to each individual whose eligibility for access authorization and/or employment clearance is in question. Where practicable, such letter shall be presented to the individual in person. The letter will be accompanied by a copy of this part and shall state:

(a) That reliable information in the possession of the NRC has created a substantial doubt concerning the individual's eligibility for access authorization and/or employment clearance;

(b) The information that creates a substantial doubt regarding the individual's eligibility for access authorization and/or employment clearance, which shall be as comprehensive and detailed as the national security permits;

(c) That unless the individual files with the Director, Office of Administration, a written request for a hearing within 20 days of the individual's receipt of the notification letter, the Director, Division of Security, through the Director, Office of Administration, will submit a recommendation as to the final action to the Executive Director for Operations on the basis of the information in the possession of the MRC.

(d) That if the individual files a written request for a hearing with the Director, Officer of Administration, the individual must file with that request a written answer under oath or affirmation which admits or denies specifically each allegation and each supporting fact contained in the notification letter. A general denial is not sufficient to controvert a specific allegation.If the individual is without knowledge, he or she shall so state and that statement shall operate as a denial. The answer shall also state any additional facts and information that the individual desires to have considered in explanation or mitigation of allegations in the notification letter. Failure to specifically deny or explain or deny knowledge of any allegation or supporting fact shall be deemed an admission that the allegation or fact is true.

(e) That if the individual does not want to exercise his or her right to a hearing, but does want to submit an answer to the allegations in the notification letter, the individual may do so by filing with the Director, Office of Administration, within 20 days of his receipt of the notification letter, a written answer in accordance with the requirements of paragraph (d) of this section.

(f) That the procedures in § 10.24 *et seq.* shall apply to any hearing and review.

§ 10.23 Failure of individual to request a hearing.

(a) In the event the individual fails to file a written request for a hearing pursuant to § 10.22 within 20 days of his receipt of the notification letter, a recommendation as to the final action to be taken shall be made by the Director, Division of Security, through the Director, Office of Administration, to the Executive Director for Operations on the basis of the information in the possession of the NRC, including any answer filed by the individual.

(b) The Director, Office of Administration, may for good cause shown, at the request of the individual, extend the time for filing a written request for a hearing or for filing a written answer to the matters contained in the notification letter.

§ 10.24 Procedures for hearing and review.

(a) Upon receipt of a timely filed request for a hearing and answer complying with the requirements set forth in § 10.22, the Director, Office of Administration, shall forthwith appoint a Hearing Examiner, and the Executive Legal Director shall forthwith assign an NRC attorney to act as Hearing Counsel. The Director, Office of Administration, shall promptly notify the individual of the identity of the Hearing Examiner and a proposed hearing date, which shall be selected with due regard for the convenience of the parties and their representatives.

(b) Within 72 hours of being notified of the identity of the Hearing Examiner, the individual may request that the Hearing Examiner be disqualified for cause by filing with the Director, Office of Administration, a written statement of the individual's reasons for seeking disqualification. The time for filing the request may be extended by the Director, Office of Administration, for good cause shown. If the Director, Office of Administration, grants the request the procedures of paragraph (a) and this paragraph shall be followed just as though there had been no prior appointment.

(c) The individual shall have the right to appear at the hearing before the Hearing Examiner, to be represented by counsel or other representative, to introduce documentary or other evidence, and to call, examine, and cross-examine witnesses, subject to the provisions and limitations set forth in this part.

§ 10.25 NRC Hearing Counsel.

(a) Hearing Counsel assigned pursuant to § 10.24 shall, prior to the scheduling of the hearing, review the information in the case and shall request the presence of witnesses and the production of documents and other

physical evidence relied upon by the Director, Division of Security, in making his or her finding that a question exists regarding the eligibility of the individual for NRC access authorization and/or employment clearance in accordance with the provisions of this part. When the presence of a witness and the production of documents and other physical evidence is deemed by the Hearing Counsel to be necessary or desirable for a determination of the issues, the Director, Division of Security, shall make arrangements for the production of such evidence and for such witnesses to appear at the hearing by subpoena or otherwise.

(b) Hearing Counsel is authorized to consult directly with individual's counsel or representative or the individual, if the individual is not so represented, for purposes of reaching mutual agreement upon arrangements for expeditious hearing of the case. Such arrangements may include clarification of issues and stipulations with respect to testimony and contents of documents and other physical evidence. Such stipulations when entered into shall be binding upon the individual and the NRC for the purposes of this part. Prior to any consultation with the individual, the Hearing Counsel shall advise the individual of his or her rights under this part, of his or her right to counsel or other representation, and of the possibility that any statements made by the individual to the Hearing Counsel may be used in subsequent proceedings.

(c) The individual is responsible for producing witnesses in his or her own behalf and/or presenting other evidence before the Hearing Examiner to support the individual's answer and defense to the allegations contained in the notification letter. When requested, however, Hearing Counsel shall assist the individual to the extent practicable and necessary. The Hearing Counsel may at his or her discretion request the Director, Division of Security, to arrange for the issuance of subpoenas for witnesses to attend the hearing in the individual's behalf, or for the production of specific documents or other physical evidence, provided a showing of the necessity for such assistance has been made.

§ 10.26 Appointment of Hearing Examiner.

The appointment of a Hearing Examiner, pursuant to § 10.24 of this part, shall be from a list of qualified attorneys possessing the highest degree of integrity, ability, and good judgment. To qualify, an attorney shall have an NRC "Q" access authorization and may be an employee of the NRC, its contractors, agents or licensees. However, no employee or consultant of the NRC shall serve as Hearing Examiner hearing the case of an employee (including a consultant) or applicant for employment with the NRC; nor shall any employee or consultant of an NRC contractor, agent or licensee serve as Hearing Examiner hearing the case of an employee (including a consultant) or an applicant for employment of that contractor, agent, or licensee. No Hearing Examiner shall be selected who has knowledge of the case or of any information relevant to the disposition of it, or who for any reason would be unable to issue a fair and unbiased recommendation.

§ 10.27 Prehearing proceedings.

(a) After the appointment of the Hearing Examiner, he or she shall be furnished the record in the case, which shall consist of the letter of notification, the request for hearing and its supporting answer, and the notice of hearing, if it has been issued, and any stipulations agreed to by the individual and the Hearing Counsel.

(b) The Hearing Examiner may on his or her own motion, or on that of either party, convene a prehearing conference with the Hearing Counsel and the individual and his or her counsel or representative, if any, for the purpose of clarifying the issues, identifying witnesses who may be called, identifying documents and other physical evidence that may be offered into evidence, and entering into stipulations of fact.

(c) The parties will be notified by the Hearing Examiner at least ten days in advance of the hearing of the time and place of the hearing. For good cause shown, the Hearing Examiner may order postponements or continuances from time to time. If, after due notice, the individual fails to appear at the hearing, or appears but is not prepared to proceed, the Hearing Examiner shall, unless good cause is shown, return the case to the Director, Division of Security, who shall make a recommendation on final action to be taken, through the Director, Office of Administration, to the Executive Director for Operations on the basis of the information in the possession of the NRC.

§ 10.28 Conduct of hearing.

(a) The Hearing Examiner shall conduct the hearing in an orderly, impartial and decorous manner. Technical rules of evidence may be relaxed so that a full evidentiary record may be made based on all material and relevant facts. Hearsay evidence may for good cause shown be received at the discretion of the Hearing Examiner and accorded such weight as the circumstances warrant.

(b) The proceedings shall be open only to duly authorized representatives of the staff of the NRC, the individual, his or her counsel or representative, and such persons as may be officially authorized by the Hearing Examiner. Witnesses shall not testify in the presence of other witnesses except that the Hearing Examiner may, at his or her discretion, allow for expert witnesses to be present during testimony relevant to their own testimony.

(c) Witnesses, including the individual, shall be examined under oath or affirmation by the party who called them and may be cross-examined by the other. The Hearing Examiner shall rule on all evidentiary matters, may further examine any witness, and may call for additional witnesses or the production of documentary or other physical evidence if, in the exercise of his or her discretion, such additional evidence is deemed necessary to the resolution of an issue.

(d) If it appears during the hearing that Restricted Data or national security information may be disclosed, the Hearing Examiner shall assure that disclosure is made only to persons authorized to receive it.

(e) The Hearing Examiner may, at any time during the hearing, permit the Hearing Counsel to amend the notification letter to add or modify allegations to be considered. In the event of such an amendment to the notification letter, the individual shall be given an opportunity to answer the amended allegations. If the changes are of such a substantial nature that the individual cannot answer the amended allegations without additional time, the Hearing Examiner shall grant such additional time as he or she deems necessary.

(f) The Hearing Examiner may receive and consider evidence in the form of depositions or responses to interrogatories upon a showing that the witness is not available for good reason such as death, serious illness or similar cause, or in the form of depositions, interrogatories, affidavits or statements with agreement of the parties. The Hearing Examiner may take official notice at any stage of the proceeding, where appropriate, of any fact not subject to reasonable dispute in that it is either (1) generally known within the United States or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. A party is entitled upon timely request to an

opportunity to be heard as to the propriety of taking such official notice. In the absence of prior notification the request may be made after notice is taken.

(g) Hearing Counsel shall examine and cross-examine witnesses and otherwise assist the Hearing Examiner in such a manner as to bring out a full and true disclosure of all facts, both favorable and unfavorable, having a bearing on the issues before the Hearing Examiner. In performing these duties, the Hearing Counsel shall avoid the attitude of a prosecutor and shall always bear in mind that the proceeding is an administrative hearing and not a trial.

(h) Hearing Counsel shall not participate in the deliberations of the Hearing Examiner, and shall express no opinion to the Hearing Examiner concerning the merits of the case. Hearing Counsel shall also, during the course of the hearing, advise the individual of his or her rights under these procedures when the individual is not represented by counsel or other representative.

(i) The individual shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the individual relating to a controverted issue except that any such statement may be received and considered by the Hearing Examiner without affording such opportunity in either of the following circumstances:

(1) The head of the department or agency supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of the informant's identity would substantially harm the national interest or would endanger the well-being of the informant.

(2) The Commission has determined, after considering the information furnished by the investigative agency concerning the reliability of the person who furnished the information and the accuracy of the statement concerned, that the statement appears to be reliable and material, and that failure of the Hearing Examiner to receive and consider such statement would, in view of the fact that access authorization and/or employment clearance is being sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify due to death, serious illness, or similar cause.

(j)(1) Whenever the procedure under paragraph (i)(1) of this section is used, the individual shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits. (2) Whenever the procedure under paragraph (i)(2) is used, the individual shall be provided the identity of the person and the information to be considered. (3) In both paragraph (i) (1) and (2) procedures, appropriate consideration shall be accorded to the fact that the individual did not have an opportunity to cross-examine such informant or person.

(k) Records provided by investigative agencies that were compiled as a regular or routine procedure by the business or agency from which obtained, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that the investigative agency furnished such information to the NRC pursuant to its responsibilities in connection with assisting the NRC in determining the individual's eligibility for access authorization and/or employment clearance.

(l) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the individual, may be received and considered provided that:

(1) The Commission has made a determination that such records or other physical evidence appears to be material;

(2) The Commission has made a determination that failure to receive and consider such records or other physical evidence would, in view of the fact that access authorization and/or employment clearance is being sought, be substantially harmful to the national security; and

(3) To the extent that national security permits, a summary or description of such records or other physical evidence is made available to the individual. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency shall be considered.

(m) If the Hearing Examiner determines that additional investigation of any material information is required, he or she shall request in writing that the Director, Office of Administration, arrange for the investigation and shall specify those issues upon which more evidence is requested and identify, where possible, any persons or sources that might provide the evidence sought.

(n) A written transcript of the entire proceeding shall be made by a person possessing appropriate NRC access authorization and/or employment clearance and, except for portions containing Restricted Data or national security information, or other lawfully withholdable information, a copy of such transcript shall be furnished the individual without cost.

§ 10.29 Recommendation of the Hearing Examiner.

(a) The Hearing Examiner's findings and recommendation shall be based upon the entire record consisting of the transcript of the hearing, the documentary and other evidence adduced therein, and the letter of notification and answer. The Hearing Examiner shall also consider the circumstances of the receipt of evidence pursuant to § 10.28, the individual's record of past employment, and the nature and sensitivity of the job the individual is or may be expected to perform.

(b) The Hearing Examiner shall make specific findings on each allegation in the notification letter including the reasons for his or her findings, and shall make a recommendation as to the action which should be taken in the case.

(c) The Hearing Examiner's recommendation shall be predicated upon his or her findings. If, after considering all the factors in light of the criteria in this part, the Hearing Examiner is of the opinion that granting or continuing access authorization and/or employment clearance to the individual will not endanger the common defense and security and will be clearly consistent with the national interest, a favorable recommendation shall be made; otherwise, an adverse recommendation shall be made.

(d) The Hearing Examiner shall submit his or her findings and recommendation in a signed report together with the record of the case to the Director, Office of Administration, with the least practical delay.

(e) The Hearing Examiner shall not consider the possible impact of the loss of the individual's services upon the NRC program.

§ 10.30 New evidence.

After the close of the hearing, in the event the individual discovers new evidence not previously available or known to him or her, the individual may petition the Hearing Examiner if the Hearing Examiner's recommendation has not yet been issued, or thereafter, the Director, Office of Administration, to reopen the record to receive that evidence. If the Hearing Examiner or the Director, respectively, deem it material

and appropriate, the record may be reopened to accept the evidence either by stipulation, with the agreement of the Hearing Counsel, or in a reconvened hearing.

§ 10.31 Actions on the recommendations.

(a) Upon receipt of the findings and recommendation from the Hearing Examiner, and the record, the Director, Office of Administration, shall forthwith transmit it to the Executive Director for Operations who at his or her discretion may return the record to the Director, Office of Administration, for further proceedings by the Hearing Examiner with respect to specific matters designated by the Executive Director for Operations;

(b)(1) In the event of a recommendation by the hearing Examiner that an individual's access authorization and/or employment clearance by denied or revoked, the Executive Director for Operations shall immediately notify the individual in writing of the Hearing Examiner's findings with respect to each allegation contained in the notification letter, and that the individual has a right to request a review of his or her case by NRC Personnel Security Review Examiners and of the right to submit a brief in support of his or her contentions. The request for a review shall be submitted to the Executive Director for Operations within five days after the receipt of the notice. The brief shall be forwarded to the Executive Director for Operations, for transmission to the NRC Personnel Security Review Examiners, not later than 10 days after receipt of such notice.

(2) In the event the individual fails to request a review by NRC Personnel Security Review Examiners of an adverse recommendation within the prescribed time, the Executive Director for Operations may at his or her discretion request a review of the record of the case by NRC Personnel Security Review Examiners. The request shall set forth those matters at issue in the hearing on which the individual desires a review by the NRC personnel Security Review Examiners.

(c) Where the Hearing Examiner has made a recommendation favorable to the individual, the Executive Director for Operations may at his or her discretion request a review of the record of the case by NRC Personnel Security Review Examiners. If such a request is made, the Executive Director for Operations shall immediately cause the individual to be notified of that fact and of those matters at issue in the hearing on which the Executive Director for Operations desires a review by the NRC Personnel Security Review Examiners. The Executive Director for Operations shall further inform the individual that within 10 days of receipt of this notice, the individual may submit a brief concerning those matters at issue for the consideration of the NRC Personnel Security Review Examiners. The brief shall be forwarded to the Executive Director for Operations for transmission to the NRC Personnel Security Review Examiners.

(d) In the event of a request for a review pursuant to paragraphs (b) and (c) of this section, The Hearing Counsel may file a brief within 10 days of being notified by the Executive Director for Operations that a review has been requested. The brief shall be forwarded to the Executive Director for Operations for transmissin to the NRC Personnel Security Review Examiners.

(e) The Hearing Counsel may also request a review of the case by NRC Personnel Security Review Examiners. The request for review, which shall set forth those matters at issue in the hearing on which the Hearing Counsel desires a review, shall be submitted to the Executive Director for Operations within five days after receipt of the Hearing Examiner's findings and recommendation. Within 10 days of the request for review, the Hearing Counsel may file a brief which shall be forwarded to the Executive Director for Operations for transmission to the NRC Personnel Security Review Examiners. A copy of the request for review, and a copy of any brief filed, shall be immediately sent to the individual. If the Hearing Counsel's request is for a review of a recommendation favorable to the individual, the individual may, within 10 days of receipt of a copy of the request for review, submit a brief concerning those matters at issue for consideration of the NRC Personnel Security Review Examiners. The brief shall be forwarded to the Executive Director for Operations for transmission to the NRC Personnel Security Review Examiners.

(f) The time limits imposed by this section for requesting reviews and the filing of briefs may be extended by the Executive Director for Operations for good cause shown.

(g) In the event a request is made for a review of the record by NRC Personnel Security Review Examiners, the Executive Director for Operations shall forthwith send the record, with all findings and recommendations and any briefs filed by the individual and the Hearing Counsel, to the NRC Personnel Security Review Examiners. If neither the individual, the Executive Director for Operations, nor the Hearing Counsel requests such a review, the final determination shall be made by the Executive Director for operations on the basis of the record with all findings and recommendations.

§ 10.32 Recommendation of the NRC Personnel Security Review Examiners.

(a) The Executive Director for Operations shall designate three NRC Personnel Security Review Examiners to conduct a review of the record of the case. To qualify as a Review Examiner, the person designated shall have an NRC "Q" access authorization and may be an employee of the NRC, its contractors, agents, or licensees. However, no employee or consultant of the NRC shall serve as Review Examiner reviewing the case of an employee (including a consultant) or applicant for employment with the NRC; nor shall any employee or consultant of an NRC contractor, agent or licensee serve as Review Examiner reviewing the case of an employee (including a consultant) or an applicant for employment of that contractor, agent, or licensee. No Review Examiner shall be selected who has knowledge of the case or of any information relevant to the disposition of it, or who for any reason would be unable to issue a fair and unbiased recommendation.

(b) The designated Review Examiner shall individually and independently, without consulting or otherwise communicating with one another, consider the matter under review based upon the record supplemented by any brief submitted by the individual or the Hearing Counsel. Review Examiners may request such additional briefs as any of them deems appropriate, which will be obtained by the Executive Director for Operations and provided to each Review Examiner. When a Review Examiner determines that additional evidence or further proceedings are necessary, the record may be returned to the Executive Director for Operations with a recommendation that the case be remanded to the Director, Office of Administration, for appropriate action, which may include returning the case to the Hearing Examiner and reconvening the hearing to obtain additional testimony.

(c) In conducting the review, Review Examiners shall make individual findings and recommendations as to the eligibility or continued eligibility of an individual for access authorization and/or employment clearance on the record supplemented by additional testimony or briefs as have previously been determined by a Review Examiner(s) as appropriate. When additional testimony is taken by the Hearing Examiner, a

written transcript of such testimony shall be made by a person possessing appropriate NRC access authorization and/or employment clearance and, except for portions containing Restricted Data or national security information, or other lawfully withholdable information, a copy of such transcript shall be furnished the individual without cost.

(d) The Review Examiners shall not consider the possible impact of the loss of the individual's services upon the NRC program.

(e) If, after considering all the factors in light of the criteria set forth in this part, a Review Examiner is of the opinion that granting or continuing access authorization and/or employment clearance to the individual will not endanger the common defense and security and will be clearly consistent with the national interest, the Review Examiner shall make a favorable recommendation; otherwise, the Review Examiner shall make an adverse recommendation. Each Review Examiner shall individually prepare a report of his or her findings and recommendation and submit the report in writing to the Executive Director for Operations, who shall furnish a copy to the individual. The findings and recommendations shall be fully supported by stated reasons supporting the findings and recommendations.

§ 10.33 Action by the Executive Director for Operations.

(a) The Executive Director for Operations, on the basis of the record accompanied by all findings and recommendations, shall make a final determination whether access authorization and/or employment clearance shall be granted, denied, or revoked, except when the provisions of § 10.28 (i), (j), or (l) have been used and the Executive Director for Operation's determination is adverse, the Commission shall make the final agency determination.

(b) In making the determination as to whether access authorization and/or employment clearance shall be granted, denied, or revoked, the Executive Director for Operations or the Commission shall give due recognition to the favorable as well as the unfavorable information concerning the individual and shall take into account the value of the individual's services to the NRC's program and the consequences of denying or revoking access authorization and/or employment clearance.

(c) In the event of an adverse determination, the Executive Director for Operations shall promptly notify the individual through the Director, Office of Administration, of his or her decision that access authorization and/or employment clearance is being denied or revoked and of his or her findings with respect to each allegation contained in the notification letter for transmittal to the individual.

(d) In the event of a favorable determination, the Executive Director for Operations shall promptly notify the individual through the Director, Office of Administration.

§ 10.34 Action by the Commission.

(a) Whenever, under the provisions of § 10.28(i), (j), or (l) an individual has not been afforded an opportunity to confront and cross-examine witnesses who have furnished information adverse to the individual and an adverse recommendation has been made by the Executive Director for Operations, the Commission shall review the record and determine whether access authorization and/or employment clearance shall be granted, denied, or revoked, based upon the record.

(b) When the Commission determines to deny or revoke access authorization and/or employment clearance, the individual shall promptly be notified through the Director, Office of Administration, of its decision that access authorization and/or employment clearance is being denied or revoked and of its findings and conclusions with respect to each allegation contained in the notification letter for transmittal to the individual.

(c) Nothing contained in these procedures shall be deemed to limit or affect the responsibility and powers of the Commission to deny or revoke access to Restricted Data or national security information if the security of the nation so requires. Such authority may not be delegated and may be exercised when the Commission determines that invocation of the procedures prescribed in this part is inconsistent with the national security. Such determination shall be conclusive.

§10.35 Reconsideration of cases.

(a) Where, pursuant to the procedures set forth in §§ 10.20 through 10.34, the Executive Director for Opertions or the Commission has made a determination granting access authorization and/or employment clearance to an individual, the individual's eligibility for access authorization and/or employment clearance shall be reconsidered only when subsequent to the time of that determination, new derogatory information has been received or the scope or sensitivity of the Restricted Data or national security information to which the individual has or will have access has significantly increased. All new derogatory information, whether resulting from the NRC's reinvestigation program or other sources, will be evaluated relative to an individual's continued eligibility in accordance with the procedures of this part.

(b) Where, pursuant to these procedures, the Commission or Executive Director for Operations has made a determination denying or revoking access authorization and/or employment clearance to an individual, the individual's eligibility for access authorization and/or employment clearance may be reconsidered when there is a bona fide offer of employment and/or a bona fide need for access to Restricted Data or national security information and either material and relevant new evidence is presented, which the individual and his or her representatives are without fault in failing to present before, or there is is convincing evidence of reformation or rehabilitation. Requests for reconsideration shall be submitted in writing to the Executive Director for Operations through the Director, Office of Administration. Such requests shall be accompanied by an affidavit setting forth in detail the information referred to above. The Executive Director for Operations shall cause the individual to be notified as to whether his or her eligibility for access authorization and/or employment clearance will be reconsidered and if so, the method by which such reconsideration will be accomplished.

(c) Where access authorization and/or employment clearance has been granted to an individual by the Director, Division of Security, without recourse to the procedures set forth in §§ 10.20 through 10.34, the individual's eligibility for access authorization and/or employment clearance shall be reconsidered only in a case where, subsequent to the granting of the access authorization and/or employment clearance, new derogatory information has been received or the scope or sensitivity of the Restricted Data or national security information, to which the individual has or will have access, has significantly increased. All new derogatory information, whether resulting from the NRC's reinvestigation program or other sources, will be evaluated relative to an individual's continued eligibility in accordance with the procedures of this part.

Subpart D—Miscellaneous

§ 10.36 Terminations.

In the event the individual is no longer an applicant for access authorization and/or employment clearance or no longer requires such, the procedures of this part shall be terminated without a final determination as to the individual's eligibility for access authorization and/or employment clearance.

§ 10.37 Attorney representation.

In the event the individual is represented by an attorney or other representative, the individual shall file with the Director, Office of Administration, a document designating such attorney or representative and authorizing such attorney or representative to receive all correspondence, transcripts, and other documents pertaining to the proceeding under this part.

§ 10.38 Certifications.

Whenever information is made a part of the record under the exceptions authorized by § 10.28 (i), (j), or (l), the record shall contain certificates evidencing that the required determinations have been made.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

2. In § 11.21, paragraphs (c) and (d) are revised to read as follows:

§ 11.21 Application of the criteria.

* * * * *

(c) When the reports of investigation of an individual contain information reasonably falling within one or more of the classes of derogatory information listed in § 10.11, it shall create a question as to the individual's eligibility for special nuclear material access authorization. In such cases, the application of the criteria shall be made in light of and with specific regard to whether the existence of such information supports a reasonable belief that the granting of a special nuclear material access authorization would be inimical to the common defense and security. The Director, Division of Security, may authorize the granting of special nuclear material access authorization on the basis of the information in the case or may authorize the conduct of an interview with the individual and, on the basis of such interview and such other investigation as the Director deems appropriate, may authorize the granting of special nuclear material access authorization. Otherwise, a question concerning the eligibility of an individual for special nuclear material access authorization shall be resolved in accordance with the procedures set forth in §§ 10.20–10.38 of this chapter.

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for special nuclear material access authorization by action of the Hearing Examiner,[4] the following principle shall be applied by the Examiner: Where there are grounds sufficient to establish a reasonable belief as to the truth of the information regarded as substantially derogatory and when the existence of such information supports a reasonable belief that granting access would be inimical to the common defense and security, this shall be the basis for a recommendation for denying or revoking special nuclear material access authorization if not satisfactorily rebutted by the individual or shown to be mitigated by circumstance.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

3. In § 25.5 the definition for "Access Authorization" is revised to read as follows:

§ 25.5 Definitions.

"Access authorization" means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with the NRC, NRC contractors, agents, and licensees of the NRC, or other person designated by the Executive Director for Operations, is eligible for a security clearance for access to Restricted Data or national security information.

* * * * *

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

4. In § 95.5 the definition for "Access authorization" is revised to read as follows:

§ 95.5 Definitions.

"Access authorization" means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with the NRC, NRC contractors, agents, and licensees of the NRC, or other person designated by the Executive Director for Operations, is eligible for a security clearance for access to Restricted Data or national security information.

* * * * *

Dated at Bethesda, Md., this 23d day of April 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-12537 Filed 5-6-82; 8:45 am]

BILLING CODE 7590-01-M

[4] The function of the Hearing Examiner is described in Part 10 of this chapter.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545, 555, 561, and 570

[No. 82-310]

Home Loan Amendments; Adjusted Net Worth

Dated: April 28, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to simplify its regulations governing home lending by federally-chartered thrift institutions. The proposal would replace the existing regulations authorizing issuance of specific types of mortgage instruments with a general authorization to make home loans on which the interest rate, the payment, the loan balance or the term to maturity may be adjusted. Such adjustments would have to be tied to specified indices, and the proposed regulation would require associations to provide loan applicants with comprehensive written disclosure statements. The proposal would also make several technical and clarifying amendments to the real estate lending regulations and would remove the definition of adjusted net worth. These proposed admendments are intended to enhance the ability of associations and borrowers to develop a broader variety of mortgage instruments to meet their home financing needs.

DATE: Comments must be received by July 6, 1982.

ADDRESS: Send comments to the Director, Information Services, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, (202–377–6466), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 545.6–2(a) of the Board's regulations authorizes federal savings and loan associations to make loans on the security of homes or combinations of

homes and business property ("home loans") (12 CFR 545.6–2(a) (1981)). Paragraph (a)(1) of that section prohibits increases in the monthly payment on a home loan where the home is or is to be occupied by the borrower. Since 1979, when the Board first permitted the issuance nation-wide of variable-payment loans, each alternative mortgage instrument involving payment adjustment has been authorized as a specific exception to the prohibition in paragraph (a)(1). The loan types so authorized are the graduated payment mortgage (GPM), the variable-rate mortgage (VRM), the reverse-annuity mortgage (RAM), the renegotiable-rate mortgage (RRM), the adjustable mortgage loan (AML), the graduated payment adjustable mortgage loan (GPAML) and the balloon-payment loan. Recently, the Board received several requests to authorize the issuance of a number of new and viable types of mortgage instruments, including instruments pursuant to which the monthly payment or the loan balance would vary based on changes in an index tied to the rate of inflation.

To avoid the proliferation of new regulations that would be required to authorize such mortgage instruments, and based on its view that lenders and borrowers should have broad flexibility to use instruments suitable to their individual needs, the Board proposes to replace both the prohibition against increased payments on loans secured by borrower-occupied homes and the regulations authorizing the use of specific types of mortgage instruments with a general authorization to make home loans on which the interest rate, the payment, the loan balance and the term to maturity may be adjusted. The proposed amendments would establish basic parameters within which adjustments could take place, and would require associations to provide each loan applicant with an extensive written disclosure of the specific terms of the loan offered to the applicant. The individual amendments contemplated under the proposal are discussed below.

Adjustments to Rate, Payment, Loan Balance or Term

The proposed revision to paragraph (a)(1) of § 545.6–2 would provide a general authorization for all types of home loans and would grant an association only those rights and powers expressly incorporated in the loan contract. Proposed paragraph (a)(2) sets forth the parameters within which the interest rate, the payment, the loan balance or the loan term could be adjusted, and expressly provides that such adjustments could be made subject to limitations contained in the loan contract. Any combination of adjustments, as described below, would be permissible. The proposed regulation draws no distinction between home loans based on whether or not the security property is occupied by the borrower. Under the existing regulation, associations are not limited as to adjustment of the rate, payment or balance on loans secured by non-borrower-occupied property.

Interest-Rate Adjustment

Under the proposal, the interest rate could be increased to reflect increases in any index representative of the interest cost of borrowing money, which would include all indices currently permitted to be used under the AML regulation (12 CFR 545.6–4a; 46 FR 24148, 37625 (1981)), or representative of the rate of inflation. This provision for the first time would authorize federal associations to make loans that tie changes in the loan interest rate to actual changes in the rate of inflation. (Although associations currently are permitted to make such loans under their leeway authority (12 CFR 545.6–5(b) (1981)), no more than five percent of assets may be invested in loans made pursuant to that authority.)

The interest rate carried on such a loan is made up of two elements—one element is equivalent to what the cost of borrowing money would be if no inflation were expected, and thus would be much lower than the interest rate on a conventional mortgage; the second element is the most recent percentage change in inflation, as measured by an inflation index. The interest on this type of loan is likely to be lower than that on a conventional loan. This is because lenders are protected from the adverse effects of inflation on the value of the dollar by tying the loan interest rate to an index that reflects the actual performance of inflation rather than to a money-market index, which normally includes an inflation risk premium because of the market's uncertainty over future rates of inflation.

The proposed regulation would also permit an association to decrease the rate at any time. As with the adjustable mortgage loan, current interest-rate adjustments would have to reflect the difference between the value of an index at the time of loan commitment or loan closing and its value at the time of adjustment or as of the time notice of an adjustment must be given.

Payment Adjustment

Under the proposal, the monthly payment would be permitted to be decreased only to reflect a decrease in the interest rate or in the loan balance. This provision is intended to preclude associations from reducing the payment in a situation that, although advantageous to the association, might not be beneficial to the borrower (*e.g.*, a reduction that would lengthen the loan term and increase the borrower's total interest cost). The provision would not prohibit a decrease that is mutually agreed to at the time of the decrease by the association and the borrower.

The proposed regulation would permit a payment increase only if—

(1) The contract requires that increases be made pursuant to a schedule set forth in the contract that specifies the percentage or dollar increase per adjustment—this would permit associations to make loans under which the payments to principal would increase steadily during the loan term and, in combination with subdivision (2)(iii)(*a*) of the proposal (see discussion below), to make what currently are called graduated payment loans and graduated payment adjustable mortgage loans;

(2) The increase reflects an increase in the interest rate or in the loan balance; or

(3) The contract provides for payment increases tied to increases in a national or regional index that measures the rate of inflation, that is readily available to and verifiable by the borrower, and that is beyond the control of the association—such a provision normally would result in the payment of the principal loan balance over a shorter term than that over which the balance of a conventional loan would be paid, since the payments to principal normally would increase at an accelerated pace.

Adjustment of Loan Balance

Under paragraph (a)(2)(iii) of the proposal, the loan balance could be increased or decreased if the adjustment reflects an increase or decrease in the loan rate and the contract ties changes in the loan balance to changes in a national or regional index that measures the rate of inflation, is readily available to and verifiable by the borrower, and is beyond the control of the association. In addition, the loan balance could be adjusted if the contract provides for periodic payments to the borrower at least semi-annually directly from the association.

Specifically, paragraph (a)(2)(iii)(*a*) would permit negative amortization (*i.e.*, the deferral and capitalization of interest). This is authority that federal associations already possess under the Board's alternative mortgage instrument regulations.

Paragraph (a)(2)(iii)(*b*) would authorize federal associations for the first time to make what is commonly known as a price-level adjusted mortgage (PLAM) without the requirement that such loans be carried in associations' leeway lending category (12 CFR 545.6–5(b) (1981)). A PLAM ties the loan balance to an inflation index, thus assuring the lender that the value of the loan will stay current with the value of the dollar. The interest rate carried on a PLAM is equivalent to what the cost of borrowing money would be if no inflation were expected and thus is much lower than the interest rate on a conventional mortgage.

Paragraphs (a)(1) and (a)(2)(iii)(*c*) would provide the authorization currently contained in 12 CFR 545.6–4(c) to issue reverse-annuity mortgages by permitting an association to make a rising-debt loan with payments deferred until maturity, or a loan for the purpose of purchasing an annuity from an insurance or other company with payments deferred until maturity. The proposal also would go one step beyond the existing authority by permitting a lump-sum disbursement of loan proceeds, with payments deferred until maturity. The proposal would *not* permit an association to provide a borrower with a line-of-credit secured by a home with payments deferred until maturity. Such a loan may be made only under an association's consumer lending authority (12 CFR 545.7–10 (1981)). Associations currently may offer such loans under their real estate lending authority only if the contract provides for at least semiannual payments of interest. The Board requests comment on whether such loans with payments deferred until maturity should be permitted. It is noted that the maximum 125 percent loan-to-value limitation in proposed subparagraph (a)(3) would apply to all loans permitting the deferral of payments.

Paragraph (a)(2)(iii)(*d*) would effectively authorize federal associations to make shared appreciation mortgages (SAMs). Authorization of this type of instrument was proposed by the Board on September 30, 1980 (FHLBB Res. No. 80–610; 45 FR 66801 (1980)). SAMs typically differ from other types of mortgages by permitting an association, in exchange for charging a below-market, fixed interest rate over the term of the loan, to charge contingent deferred interest based on the appreciation in value of the property securing the loan. Under the Board's 1980 proposal, contingent interest would have been payable on the earlier of maturity or payment in full of the loan or the sale or transfer of the security property. The share of appreciation payable as contingent interest would have been determined at the time of origination of the loan and would have been limited to a maximum of 40 percent of the net appreciation in value. The term of the loan would have been limited to a maximum of ten years, but the association would have been required to guarantee refinancing of the outstanding indebtedness on the loan, including contingent interest, at maturity.

The Board received approximately 350 comments on the SAM proposal. Almost two-thirds of the comment letters were from individual consumers, 51 letters were from associations, and 39 letters were from realtors. Other commenters included other real estate professionals, trade associations, consumer representatives, accountants, lawyers, title insurers and the Federal Home Loan Banks. Individual consumers opposed the proposal by a 55 to 45 percent split. While some of the negative consumer letters pointed to practical difficulties such as the accuracy of appraisals and affordability of refinancing, the majority viewed authorization for associations to share in the appreciation in value of a house as an attack on homeownership or as a means for lenders to benefit from inflation.

In contrast, consumer letters in favor of the proposal focused on the increased opportunities for homeownership resulting from the below-market rate of interest associated with the instrument. Many of these letters recognized the potential difficulties faced by first-time home buyers in an era of expensive housing and high-cost financing. A strong majority of every other class of commenters also supported the Board's proposal. While many of these comments recommended changes in the proposal, it is fair to conclude that the concept of giving mortgage lenders a share in a home's appreciation in value was well received by the public as one alternative for dealing with the high cost of mortgage financing.

After reviewing the comments, however, it was determined that further staff work was needed on several issues raised by the comments. Therefore, no final action on the proposal was taken at that time. It now appears to the Board that some of the problems raised resulted from the excess of constraints contained in the proposal, although the questions would remain of how the lender's portion of the property's appreciation in value would be treated for tax purposes and what impact the reduced cash flow inherent in SAMs would have on associations.

The current proposal would give associations and borrowers broader flexibility to structure SAMs to meet their needs. The proposal would permit a portion of the interest to be taken in the form of a share in the appreciation in value of a home, but, in contrast to the 1980 proposal, would not limit the maximum term to ten years or the maximum share in the appreciation in a home's value to 40 percent. In addition, as is the case under the existing balloon-loan regulation, associations would not be required to refinance the loan at its maturity. As with the reverse-annuity mortgage, it is believed that deletion of this requirement should add to the marketability of SAMs, although associations would not be prohibited from guaranteeing refinancing.

Adjustment to Loan Term

Paragraph (a)(2)(iv) of the proposal would permit adjustments to the loan term to reflect increases or decreases in the interest rate, the payment or the loan balance. The loan term would not be permitted to be changed independently of a change in one of these items. As under the current regulations, the total loan term could never exceed 40 years.

The Board notes that the proposed amendments would permit associations to make or otherwise deal in "call" or "demand" loans— *i.e.,* loans with long-term amortization schedules that give lenders the right to call the loan due and payable either after a specified number of years following closing or upon the occurrence of a specified event external to the loan (*e.g.,* market rates drop below X%, or the rate of inflation exceeds Y%). Currently, associations may make such loans only under their leeway authority (12 CFR 545.6–5(b) (1981)).

Notice of Adjustment

Notice of an adjustment, or of the muturity of a non- or partially-amortized loan, would have to be given at least 30 but not more than 120 days prior to the adjustment or at least 90 but nor more than 120 days prior to maturity. This should provide borrowers with sufficient advance notice of adjustments while leaving some flexibility to lenders to structure notice schedules compatible with their data-processing systems. It is noted that the proposed disclosure provision, discussed below, would require associations to indicate how far in advance of each adjustment notice will be given, thus effectively forcing associations to decide the matter prior to loan closing. The proposed regulation

would also provide, however, that, where the contract states that rate changes shall occur more frequently than payment changes, notice of rate changes, or of changes to the loan balance or term resulting from rate changes, need not be given until such time as notice of a payment change is given. This provision is similar to the existing notice requirement of the Board's adjustable mortgage loan regulation (12 CFR 545.6–4a; 46 FR 24148 (1981)). In addition, if the contract sets out a schedule of adjustments to the monthly payment, such as would be possible with a graduated payment mortgage loan, which carries a fixed interest rate, then notice would not have to be given of each payment change made pursuant to that schedule.

Prepayment Penalty

The proposed amendments would permit the imposition of a penalty for the prepayment of all or any part of a loan only if the loan carried a fixed interest rate and permitted no adjustments except to the loan balance resulting from the deferral and capitalization of interest. Currently, § 545.8–5(b) (12 CFR 545.8–5(b) (1981)) authorizes associations to provide for prepayment penalties in their loan contracts, except to the extent such penalties are expressly prohibited by other regulations of the Board. The Board's existing alternative mortgage instrument regulations, except the regulation relating to fixed rate balloon-payment loans (12 CFR 545.6–2(a)(4); 46 FR 51893 (1981)), require associations to permit borrowers to prepay such loans in whole or in part at any time without penalty. In the Board's view, since under the proposal associations would have broad flexibility in shaping rate and inflation-sensitive loan instruments, borrowers should continue to be given maximum flexibility in locating alternative services of financing. Therefore, associations would not be permitted to impose a pre-payment penalty on instruments that provide the association with protection against interest-rate fluctuations.

Loan-to-Value Ratio Limitations

The proposed regulation would retain the loan-to-value ratio limitations currently set forth in the home loan regulations with one change—the loan-to-value ratio would be permitted to exceed the ratio at loan closing as long as, during the loan term, the loan balance never exceeded 125 percent of the appraised value of the property at the time of loan closing. The 125-percent limitation would replace the current requirement that the monthly payment be brought to a fully amortizing level at least once each five years, which has proven to create costly administrative and data-processing problems for some associations. The 125-percent limitation would not, however, apply to a loan made under subdivision (2)(iii)(*b*) of the proposed regulation, which would permit PLAMs, nor to a loan that provided for adjustment of the payment at least once each five years to a level sufficient to fully amortize the loan at the then-existing interest rate and loan balance.

The proposal would remove the existing restriction that individuals borrowing on the security of condominium or co-operative dwellings in the process of conversion from rental units in an amount greater than 80 percent of the value of such dwellings must certify that they intend to occupy the dwellings as their principal residences. Such a change would be consistent with the Board's proposal to eliminate from the basic 90-percent loan authority distinctions based on borrower occupancy.

Finally, the proposal would provide that associations making loans exceeding 90 percent of the value of the security property would be required to ensure only that that part of the loan exceeding 90 percent is guaranteed or insured during the time that the loan balance exceeds 90 percent. Currently, during the time the loan balance exceeds 90 percent, the regulation requires insurance of the portion of the loan exceeding 80 percent. Such a change would conform the regulatory provisions to the statutory requirement (Section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(c)). The proposed regulation would not, though, prohibit associations from requiring insurance of a greater portion of the loan balance.

Pledged-Account and Other Loans

The proposed regulation would retain the existing authority to make pledged-account loans, loans to facilitate the trade-in or exchange of property, "blanket" loans on cooperatives as well as loans on individual cooperative units, and non-monthly-installment loans. The paragraph authorizing pledged-account loans would contain a minor amendment to clarify that the restrictions set out in that paragraph apply only when a loan exceeds 90 percent of the *combined* value of the security property and the pledged account.

Disclosure

The disclosure requirements in the proposed amendments are similar to the requirements contained in the Board's existing alternative mortgage instrument regulations except that associations would not be required to use a standardized format or standardized language. Given the variety of mortgage instruments that would be permissible under the proposal, it would be impossible to construct a single or even several standardized disclosures that would be fully descriptive of all possible variations. In view of the fact that the Board believes the disclosures should be as complete, informative and accurate as possible, the proposal omits standardized language in favor of comprehensive requirements as to the information each disclosure must provide.

The proposed disclosure requirements are more extensive in several respects than previous disclosures required by the Board. In addition to requiring a description and an example of how the interest rate, payment, loan balance and term to maturity may be adjusted, the proposed disclosure would require the association to explain that (1) the association and the applicant become bound by the terms of the loan contract upon signing it, (2) even though subsequently either party may request modification of the contract, neither party is bound to agree to such a request, and (3) since normally the contract and mortgage (or deed of trust) alone establish the rights of the borrower, the borrower should be familiar with and understand fully every provision of the contract. The purpose of this disclosure is to alert applicants to the significance of entering the loan transaction, and to encourage both applicants and associations to ensure that all understandings reached by an applicant and an association are incorporated in the contract.

The proposed disclosure provision would also require associations to describe what information will be contained in each notice of an adjustment or, in the case of a non- or partially-amortized loan, of the loan's maturity, and of how far in advance such notice will be provided. An association offering a non- or partially-amortized loan that the association did not intend to contractually obligate itself to refinance would have to state that a large payment will be due at maturity. Associations intending to offer refinancing would have to disclose all terms and conditions applicable to the offer, such as whether the offer was on a one-time or continuing basis and borrower-eligibility standards.

Under the proposal, an association would be required to disclose all

contractual contingencies under which the loan might become due or which might result in a forced sale of the home. An association would also have to describe any provision requiring escrow payments as well as the purpose of such payments and how their amount is established. Finally, the proposed disclosure would require the provision of an example showing the interaction of all variable features of the loan over a period of time, which may be of any length adequate to demonstrate how the loan would operate. The purpose of the latter requirement is to ensure the example consists of more than just one adjustment at one point in time.

The Board specifically requests comment on whether the proposed disclosure provisions would be adequate to ensure that borrowers are given the information needed to compare the mortgage programs of various lenders and to make informed decisions as to which mortgage instrument is best suited to a borrower's individual needs. The Board welcomes suggestions as to what additional disclosures, if any, should be required of associations.

Miscellaneous Amendments

Home Improvement and Manufactured Home Loans

The Board proposes to amend its regulations authorizing the issuance of home improvement and manufactured home loans (12 CFR 545.6–3 and 545.7–6, respectively) to permit the same range of adjustments that would be permissible for home loans under the proposed changes to paragraph (a) of § 545.6–2. Currently, home improvement and manufactured home loans may be structured as ballon payment loans, graduated payment loans and adjustable mortgage loans (*see* 12 CFR 545.6–3, 545.7–6; 46 Fed. Reg. 51897 (1981), 47 Fed. Reg. 10785 (1982)). The rationale for broadening associations' flexibility to make home loans appears to apply equally well to home improvement and manufactured home loans.

Leeway Authority

The Board proposes to amend paragraph (b) of § 545.6–5 of its regulations to require that any loan made thereunder must comply with the requirements of proposed paragraph (a)(2), relating to notice of adjustments, and (a)(8), relating to disclosure of loan terms, of § 545.6–2. Paragraph (b) authorizes associations to invest up to five percent of assets in loans secured by residential or commercial-farming real estate that are not otherwise authorized by the lending regulations. The regulation currently contains no requirements as to disclosure. There appears to be no justification, however, for excluding from full disclosure the terms of every residential loan made by associations.

Initial Loan Charges

The Board proposes to amend its regulations governing initial loan charges (12 CFR 545.8–2 (1981)) to confirm associations' authority to require the prepayment of a fixed amount of interest at the time a loan is made ("points"). Section 545.8–2 currently makes no express reference to this common practice. The proposed amendment would refer to such interest as an "acquisition credit," the definition of which and the accounting for which is contained in § 563.23–1(g)(2) of the Board's regulations (12 CFR 563.23–1(g)(2); 47 FR 3094 (1982)).

Escrow Accounts

The Board proposes to make two changes to its regulation governing the establishment of escrow accounts (12 CFR 545.8–3(b) (1981)). One change would conform the regulation to section 10 of the Real Estate Settlement Procedures Act of 1974 as that section was amended in 1976 (*see* 12 U.S.C. 2609 (1980)). Currently, § 545.8–3 permits federally-chartered thrift institutions to require the deposit in an escrow account, (1) on or before the date of settlement, of a sum equal to taxes, assessments, insurance premiums, and other charges applicable to the period up to the date of settlement plus one-twelfth of the charges expected to accrue during the 12-month period following settlement, plus, (2) beginning with the first month following settlement and each month thereafter, an amount equal to one-twelfth of the charges expected to accrue during the twelve-month period following the first day of each month.

Ambiguous wording, however, has resulted in some associations interpreting the regulation to permit the escrowing of a full year's worth of charges in advance. In addition, the Real Estate Settlement Procedures Act as amended permits lenders to require maintenance of a surplus in escrow equal to one-sixth of the charges expected to become due during the upcoming 12-month period. Previously, lenders were permitted to require a surplus of only one-twelfth of such charges, as is noted above.

The Board therefore proposes to amend paragraph (b) of § 545.8–3 to omit the ambiguous language and conform the regulation to the Real Estate Settlement Procedures Act, as amended. The proposed regulation would permit associations to require the setting aside in escrow, (1) on or before the date of settlement, a sum equivalent to the charges applicable to the period up to the due date of the first payment under the loan plus one-sixth of the charges expected to become due during the 12-month period following the due date of the first payment and, (2) beginning with the due date of the first payment and monthly thereafter, a sum equivalent to one-twelfth of the charges expected to become due during the 12-month perioid following the due date of the first payment. In addition, the association would be permitted to require that a surplus be maintained in escrow equivalent to one-sixth of the charges expected to become due during the following 12-month period.

The second change the Board proposes to make in its escrow account regulations would be to require associations to provide notice to a borrower of a deficiency in the amount required to be kept in escrow. Such a deficiency could arise if taxes or other charges increased. Currently, paragraph (b) of § 545.8–3 provides simply that, "if the association determines there will be a deficiency on the due date, it may require additional monthly deposits * * *" (12 CFR 545.8–3(b)(2) (1981)). This has been interpreted to permit associations to make up any deficiency in an escrow account by reducing the amount of a loan payment allocated to principal and interest due on the loan. While the vast majority of associations provide borrowers with notice of and the opportunity to make up any deficiency prior to adjusting a loan payment, it has come to the Board's attention that some associations have not done so. Therefore, the Board proposes to amend paragraph (b) to require such notice.

Appraisals

The Board also proposes to amend section 545.8–8 of its regulations (12 CFR 545.8–8 (1981)), which requires an association to obtain a signed appraisal from a qualified person designated by the association's board of directors before making a loan secured by the appraised property. The proposed amendments to paragraph (a) of § 545.6–2 would authorize associations to develop loan plans, such as the SAM or PLAM, under which it might be advantageous for an association or borrower to secure a reappraisal of the security property during the term of a loan. It appears unfair to make either party bear the costs of an appraisal desired solely by one party during the

term of a loan. Therefore, the Board proposes to provide that an association must pay for any appraisal of the property during the loan term unless the borrower has requested the appraisal or the appraisal is made pursuant to the borrower's request to modify or refinance the loan. This language would not prohibit an association from requiring a borrower to bear the cost of an appraisal undertaken at maturity of the loan, such as might be necessary if the association were entitled to a portion of the appreciation in value of the security property over the entire loan term.

Definition of Adjusted Net Worth

The Board proposes to remove § 561.14 of its regulations (12 CFR 561.14 (1981)), which defines "adjusted net worth" (*i.e.*, net worth less 15 percent of scheduled items in 1964 and net worth less 20 percent of the scheduled items thereafter). Under a previous version of the net-worth regulations (12 CFR 563.13(b) (1965)), insured institutions were required to make semiannual credits to their Federal Insurance Reserve when their adjusted net worth was less than ten percent of specified assets. This provision was deleted in 1972 (*see* 37 FR 26580 (1972)) and the term "adjusted net worth" is not used elsewhere in the regulations.

Miscellaneous Technical Amendments

The Board also proposes to make a number of technical amendments that would update its regulations. The proposed amendments are as follows:

1. Remove from paragraph (a) of § 545.6–9 the reference to section 545.6–8, which was rescinded effective November 17, 1980 (45 FR 76095 (1980));

2. Remove paragraph (d) of § 545.7–11, which references now-rescinded section 545.8–7 (*see* 45 FR 76095 (1980));

3. Change the reference in Section 555.3 from 80 to 90 percent to reflect the similar change made in paragraph (a) of § 545.6–2 in 1980 (45 FR 76095 (1980));

4. Remove § 555.6, regarding the refinancing of home improvement loans with unsecured loans, in view of associations' broadened authority to make consumer loans (*see* 12 CFR 545.7–10 (1981));

5. Change the citation in § 555.11 from § 545.6–6 to paragraph (c) of § 545.6–2, where the authority to make acquisition loans currently is located;

6. Clarify in § 545.7–9 that a collateral loan need not be secured by an assignment of secured loans, but by an assignment of any loan, whether or not secured, that the federal association could make directly; and

7. Remove § 570.9, regarding insured institutions' lending territory, in view of the previous elimination of geographical restrictions on lending (*see* 45 FR 76095 (1980)).

Commercial Real Estate Loans

Section 545.6–6 of the Board's regulations (12 CFR 545.6–6 (1981)) authorizes loans secured by first liens on "other improved real estate," defined in § 541.17(a) and (c) to be commercial real estate containing a permanent structure or improvements that make it usable by a business or industrial enterprise, or real estate used for commercial farming. The Board requests comment on whether associations should be permitted to issue commercial real estate loans that provide for negative amortization, and, if so, what restrictions, if any, to put on such loans. Currently, § 545.6–6 requires the payment of interest at least semiannually on such loans. By comparison, the Office of the Comptroller of the Currency interprets 12 U.S.C. 371(a)(1) (Supp. 1982) to permit negative amortization on any loan made by a national bank that does not exceed 75 percent of the value of the security property.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 13, 1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective and legal basis underlying the proposed rule.* These elements are incorporated above in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The proposed rule would apply equally to all institutions chartered by the Board.

3. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the proposal.

4. *Alternatives to the proposed rule.* To the extent that small insitutions improve future profitability and reduce interest-rate risk by using the expanded lending authority, the proposal would benefit their operations. The proposal would not have a disproportionate impact on small institutions, and there is no alternative action that would change the impact of broadened lending authority on small institutions.

List of Subjects in 12 CFR Parts 545, 555, 561 and 570

Savings and loan asssociations.

Accordingly, the Board proposes to amend Parts 545 and 555 of Subchapter C and Parts 561 and 570 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, to read as set forth below.

PART 545—OPERATIONS

1. Amend § 545.6–2 by revising paragraph (a), to read as follows:

§ 545.6–2 Other residential real estate loans.

(a) *Home loans*—(1) *Authorization.* A Federal association may make, sell, purchase, participate, or otherwise deal in loans on the security of homes or combinations of homes and business property (including non-amortized and partially-amortized loans) on which the interest rate, the payment, the loan balance or the term to maturity may vary, as provided in this paragraph. Such loans shall be repayable in monthly installments over a term not exceeding 40 years, except that a loan authorized by paragraph (a)(2)(iii)(*c*) of this section or a loan under which an association purchases an annuity from an insurance company on behalf of a borrower need not require any payment until maturity. An association making a home loan shall possess only such rights and powers as are expressly set forth, by incorporation or otherwise, in the loan contract.

(2) *Adjustments to rate, payment, balance or term.* Subject to such limitations on adjustments as are set forth in the loan contract, an association may adjust the interest rate, the payment, the loan balance or the term to maturity as follows:

(i) interest rate—adjustments to the interest rate shall correspond directly to the movement of an interest-rate index or of an index that measures the rate of inflation, either of which is readily available to and verifiable by the borrower and is beyond the control of the association, provided that the interest rate may be decreased at any time;

(ii) payment—the payment may be decreased to reflect a decrease in the interest rate or in the loan balance, and may be increased if (*a*) the contract requires that increases be made pursuant to a schedule set forth in the contract that specifies the percentage or dollar increase in the payment per adjustment, (*b*) the increase reflects an increase in the interest rate or the loan balance, or (*c*) the contract provides for payment increases tied to increases in a national or regional index that measures the rate of inflation, is readily available to and verifiable by the borrower, and is beyond the control of the association;

(iii) loan balance (*i.e.*, principal plus deferred, capitalized interest)—the loan

balance may be increased or decreased if (*a*) the contract provides for the deferral and capitalization of interest, (*b*) the contract provides that changes in the loan balance shall be tied to changes in a national or regional index that measures the rate of inflation, is readily available to and verifiable by the borrower, and is beyond the control of the association, (*c*) the contract provides for lump-sum disbursement of the loan proceeds or for scheduled periodic disbursements to the borrower made directly by the association, or (*d*) the contract provides that a portion of the consideration to be received by the association in return for making the loan shall be interest in the form of a percentage, fixed at or before the time of loan closing, of the amount by which the current market value of the property (as determined in accordance with § 545.6(b) of this Part) exceeds the original appraised value; and

(iv) term to maturity—the loan term may be increased or decreased to reflect an increase or decrease in the interest rate, the payment or the loan balance. In making any of the above-described adjustments, any combination of indices or a moving average of index values may be used as an index, and an association may use more than one index during the term of a loan. Adjustments shall be based on the difference between the index value most recently available as of the time of loan commitment or loan closing, or, if one index is substituted for another during the loan term, the value most recently available as of the date of substitution, and its value as of the time of adjustment or as of the time within which notice of adjustment must be given. At least 30 but not more than 120 days prior to an adjustment and at least 90 but not more than 120 days prior to the maturity of a non- or partially-amortized loan, an association shall provide the borrower with notice of the adjustment or of maturity. However, where the contract provides that changes in the interest rate shall occur more frequently than changes in the payment, the association need not notify the borrower of changes in the rate, or of changes in the loan balance or term resulting from a rate change, until notice of a payment adjustment is given. In addition, where the loan contract sets out a schedule of adjustments to the payment, notice need not be given of each payment change made pursuant to that schedule.

(3) *Loan-to-value ratio.* A home loan shall not at the time of origination exceed 90 percent of the value of the security property. During the term of a home loan, the loan-to-value ratio may increase above 90 percent if pursuant to an increase in an index set forth in paragraph (a)(2)(i) of this section. The Board will assume continued compliance with the loan-to-value-ratio limitations where the original ratio met the requirements of this paragraph (a)(3), but in no event may the loan balance exceed 125 percent of the original appraised value of the property during the term of the loan unless pursuant to subdivision (2)(iii)(*b*) of this paragraph (a) or unless the loan contract provides that the payment shall be adjusted at least once each five years to a level sufficient to amortize the loan at the then-existing interest rate and loan balance over the remaining term of the loan. Notwithstanding the foregoing, the loan-to-value ratio at the time of origination may be 95 percent if:

(i) The loan contract requires that, in addition to full or partial amortization of the loan, one-twelfth of estimated annual taxes and assessments on the security property be paid monthly in advance to the association;

(ii) The borrower, including a purchaser who assumes the loan, has executed a certificate stating that the borrower occupies, or in good faith intends to occupy, the property (or one dwelling on the property) as the borrower's principal residence; and

(iii) The unpaid balance of the loan exceeding 90 percent of the value of the security property is guaranteed or insured by a mortgage insurance company which the Federal Home Loan Mortgage Corporation has determined to be a "qualified private insurer": *Provided,* however, that any unpaid loan balance secured by a pledged savings account shall not be required to be guaranteed or insured under this provision.

(4) *Loans to facilitate trade-in or exchange.* Loans made to facilitate the trade-in or exchange of security property shall not exceed 90 percent of value and shall be repayable within 18 months, with interest payable at least semi-annually.

(5) *Pledged-account loans.* Loans made on the combined security of real estate and savings accounts may be made in excess of the maximum loan-to-value ratios specified in this paragraph (a), with such excess secured by savings accounts: *Provided,* that loans that exceed 90 percent of the value of the combined security are subject to the following restrictions:

(i) The loan shall not exceed the appraised value of the real estate;

(ii) The savings account shall consist only of funds belonging to the borrower, members of the borrower's family, or the borrower's employer; and

(iii) The association shall fully disclose to the prospective borrower the differences (including interest, private-mortgage-insurance costs, and equity interest) between a loan secured by real estate and savings and a loan secured by real estate alone.

(6) *Loans on cooperatives.* Such loans may be made under this paragraph (a), subject to the following requirements:

(i) *Loans on the security of cooperative housing developments ("blanket" loans).* The association shall require that the cooperative housing development maintain reserves at least equal to those required for comparable developments insured by the Federal Housing Administration;

(ii) *Loans on individual cooperative units.* Such loans may be made on the security of (*a*) a security interest in stock, a membership certificate, or other evidence of ownership issued to a stockholder or member by a cooperative housing organization, and (*b*) an assignment of the borrower's interest in the proprietary lease or occupancy agreement issued by such organization.

(7) *Non-monthly-installment loans.* The term-of-years limitation shall be 15 years on loans made with interest payable less frequently than monthly but at least semi-annually and principal payable less frequently than monthly but at least annually in installments sufficient to retire the debt, both interest and principal, within the loan term, and 40 years on loans made on farm residences or combinations of farm residences and commercial farm real estate with principal and interest payable less frequently than monthly but at least annually in installments sufficient to retire the debt, both interest and principal, within the loan term.

(8) *Disclosure.* Prior to making a home loan, an association must provide each loan applicant with a written disclosure describing in plain language the specific terms of the loan offered to the applicant. The purpose of the disclosure is to ensure full understanding of the operation of the loan being offered. The disclosure shall contain such of the following information as is relevant to the type of loan being offered:

(i) A general explanation of the fact that (*a*) the association and the applicant become bound by the terms of the loan contract upon signing it, (*b*) even though subsequently either party may request modification of the contract, neither party is bound to agree to such a request, and (*c*) since normally the contract and mortgage (or deed of trust) alone establish the rights of the

borrower, the borrower should be familiar with and understand the provisions of the contract;

(ii) The term to maturity, and any provisions of the loan contract that would authorize the association to lengthen or shorten the term;

(iii) The initial interest rate and, if the contract provides for adjustment of either the interest rate, the payment, the loan balance or the term in accordance with changes in an index, the base index rate, or, if neither fact is known, the manner in which the initial interest rate and base index rate will be established;

(iv) The amount of the initial payment, if known, and an explanation of how the association establishes an amortization schedule for the loan, including how the association determines both the amount of each payment and what proportion of each payment is credited to interest;

(v) A full explanation of how the interest rate, the payent, the loan balance, or the term to maturity may be adjusted (including identification of the index(es) to be used and how index values may be obtained by the borrower), and how the adjustment of one item may affect the others;

(vi) What information will be contained in each notice of an adjustment or, in the case of non- or partially-amortized loans, of maturity, and how far in advance of an adjustment or maturity each notice will be provided;

(vii) If the loan is non- or partially-amortized and the association does not intend to contractually obligate itself to refinance the loan unless the loan is formally in default, a statement that a large payment will be due at maturity of the loan; if the loan is non- or partially-amortized and the association intends to obligate itself contractually to refinance the loan, the terms and conditions under which it will do so;

(viii) A description of all contractual contingencies under which the loan may become due or which may result in a forced sale of the home;

(ix) Whether the loan contract will provide for escrow payments, the purpose of requiring escrow payments, and how the amount of an escrow payment is established; and

(x) An example of the interaction of all variable features of the loan over any period of time.

* * * * *

2. Amend § 545.6–3 by revising the second sentence thereof, to read as follows:

§ 545.6–3 Home improvement loans.

* * * Installments shall be substantially equal except to the extent that the loan complies with mortgage provisions authorized under § 545.6–2(a) of this Part.

3. Remove existing §§ 545.6–4, 545.6–4a and 545.6–4b, to read as follows:

§ 545.6–4 Alternative mortgage instruments. [Removed eff.]

§ 545.6–4a Adjustable mortgage loans [Removed eff.]

§ 545.6–4b Graduated payment adjustable mortgage loans. [Removed eff.]

4. Amend § 545.6–5 by revising paragraph (b) thereof, to read as follows:

§ 545.6–5 Leeway authority for loans relating to residential real estate and farms.

* * * * *

(b) *Nonconforming secured loans.* In addition to loans in which it may invest under other provisions of this Part, an association may invest an amount not exceeding five percent of its assets in loans, advances of credit, and interests therein, secured by residential real estate or real estate used or to be used for commercial farming, which are not otherwise authorized under this Part: *Provided,* that such loans must conform to the notice and disclosure requirements of § 545.6–2(a)(2) and (8) of this Part.

§ 545.6–9 [Amended]

5. Amend paragraph (a) of § 545.6–9 by removing from the first sentence the phrase ", except limitations in § 545.6–8,".

6. Amend § 545.7–6 by revising paragraph (e)(2)(iii) thereof, to read as follows:

§ 545.7–6 Manufactured home financing.

* * * * *

(e) *Retail financing.* * * *

(2) *Conventional loans.* * * *

(iii) the manufactured home chattel paper is payable within 20 years, in monthly payments which are substantially equal except to the extent that the financing complies with mortgage provisions authorized under § 545.6–2(a) of this Part; and

7. Revise § 545.7–9, to read as follows:

§ 545.7–9 Collateral loans.

An association may make a loan secured by an assignment of loans to the extent that it could, under applicable law and regulations, make or purchase the underlying assigned loan(s).

§ 545.7–11 [Amended]

8. Amend § 545.7–11 by removing paragraph (d) thereof.

9. Revise § 545.8–2, to read as follows:

§ 545.8–2 Initial loan charges.

Except as provided in § 563.35(d) of this Chapter, a Federal association may require a borrower to pay necessary initial charges connected with making a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, loan closing, and other necessary incidental services and costs, in such reasonable amounts as the board of directors may fix. The association may collect the charges from the borrower and pay the persons rendering services. An association also may require the payment of interest at the time of loan closing in the form of "acquisition credits," as defined in § 563.23–1(g)(2) of this Chapter.

10. Amend § 545.8–3 by revising paragraph (b) thereof, to read as follows:

§ 545.8–3 Contract provisions for real estate loans.

* * * * *

(b) *Escrow accounts.* (1) An association may require that all or any part of the estimated annual taxes, assessments, insurance premiums, and other charges on any loan be paid in advance to the association, in addition to interest and principal payments on the loan, to enable the association to pay such charges as they become due. With regard to any loan on the security of a home, made in whole or in part by the association, the association shall not require that the borrower deposit in any escrow account established to assure payment of taxes, assessments, insurance premiums, and other charges, (i) before or on the date of settlement, an aggregate sum in excess of the total amount of such charges owed by the borrower and due and payable during the period ending on the due date of the first installment payment under the loan *plus* one-sixth of the estimated total amount of such charges that will become due and payable during the 12-month period beginning on the due date of the first installment payment, or (ii) in any month beginning with the due date of the first installment payment, one-twelfth of the estimated total amount of such charges that will become due and payable during the 12-month period beginning on the due date of the first installment payment *plus* such amount as is necessary to maintain the additional balance of one-sixth of the estimated total amount of such charges deposited pursuant to paragraph (b)(1) of this section. (2) If the association determines there will be a deficiency on the due date of such charges, it may require that additional deposits, sufficient to make up the deficiency, be

submitted in equal amounts with each payment up to the date upon which such charges become due and payable. After giving the borrower notice of such deficiency and of the additional deposits required to make up the deficiency, the association may deduct the necessary amounts from the borrower's regularly-scheduled installment payments if the borrower fails to make the additional deposits.

11. Amend § 545.8–5 by revising paragraph (b) thereof, to read as follows:

§ 545.8–5 Loan payments.

* * * * *

(b) *Loan payments and repayments.* Payments on the principal indebtedness of all loans on real estate shall be applied directly to reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time wholly or party to offset payments which subsequently accrue under the loan contract. A borrower on a loan secured by a home or combination of home and business property may prepay the loan without penalty unless the loan contract expressly provides for all of the following: (1) a prepayment penalty, (2) a fixed interest rate, and (3) only such increases in the loan balance as result from the deferral and capitalization of interest. The prepayment penalty for a loan secured by a home or combination of home business property shall not be more than six months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

12. Amend § 545.8–8 by adding a second sentence thereto, to read as follows:

§ 545.8–8 Appraisals.

* * *The association shall pay the cost of any appraisal of the security property obtained by the association after loan closing but prior to maturity of a loan unless the borrower specifically requested the appraisal or the appraisal is made pursuant to the borrower's request to modify or refinance the loan.

PART 555—BOARD RULINGS

§ 555.3 [Amended]

13. Amend paragraph (b) of § 555.3 by removing "80" and inserting in its place "90".

14. Remove § 555.6, to read as follows:

§ 555.6 Refinancing unsecured loans. [Removed eff.]

§ 555.11 [Amended]

15. Amend § 555.11 by removing the term "§ 545.6–6" and inserting in its place the term "§ 545.6–2(c)".

PART 561—DEFINITIONS

16. Remove § 561.14, to read as follows:

§ 561.14 Adjusted net worth. [Removed eff.]

PART 570—BOARD RULINGS

17. Remove § 570.9 to read as follows:

§ 570.9 Lending territory; relocation of principal office. [Removed eff.]

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947; 3 C.F.R., 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82–12563 Filed 5–6–82; 8:45 am]

BILLING CODE 6720–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33–6400; 34–18701; IC–12413]

Financial Statement Requirements for Registered Investment Companies; Proposed Revision of Rules

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Commission announces that it is extending for 30 days the date by which comments should be received on a proposed revision of financial statement requirements for registered investment companies. The Commission has received requests that the comment period be extended and believes that a 30-day extension will be beneficial since it will result in the receipt of additional useful comments.

DATE: Comments should be received by the Commission on or before May 30, 1982.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comment letters should refer to File No. S7–918. All comments will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Clarence M. Staubs, or John W. Albert, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549 (202–272–2133).

SUPPLEMENTARY INFORMATION: On January 11, 1982, the Commission proposed for public comment Release No. 33–6374 (46 FR 2776) which would revise requirements for financial statements of registered investment companies. In order to receive the benefit of the comments of a greater number of interested parties, and in view of the requests received by the Commission for additional time in which to comment, the Commission has extended the comment period on this release by 30 days, until May 30, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 30, 1982.

[FR Doc 82–12532 Filed 5–6–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (New Mexico–14)]

High-Cost Gas Produced From Tight Formations; New Mexico

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Dakota Formation be

designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 2, 1982.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 18, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: May 3, 1982.

I. Background

On April 19, 1982, the State of New Mexico Energy and Minerals Department Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Dakota Formation located in San Juan County, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Dakota Formation be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service (formerly the U.S. Geological Survey) concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Dakota Formation is located in San Juan County, New Mexico, in a portion of Township 31 North, Range 13 West, NMPM, in the Basin Dakota Gas Pool, in the northwestern portion of the San Juan Basin near Hogback Monocline. The average depth to the top of the Dakota Formation is 6,544 feet. The gross thickness of the formation is approximately 400 feet.

The recommended area is subject to New Mexico Order No. R–1670–V, issued on May 22, 1979, which authorizes infill drilling in the Basin-Dakota Gas Pool. Accordingly, certain portions within the proposed area may be subject to exclusion pursuant to § 271.703(c)(2)(i)(D) of the regulations.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7116 De Novo convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Dakota Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 2, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (New Mexico–14), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 18, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is revised by adding new paragraph (d)(117) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(78) through (116) [Reserved]

(117) *Dakota Formation in New Mexico.* RM79–76 (New Mexico–14).

(i) *Delineation of formation.* The Dakota Formation is located in Township 31 North, Range 13 West, Sections 1 through 12, Sections 14 through 21, Sections 28 through 32, NMPM, San Juan County, New Mexico. The formation is within the Basin-Dakota Gas Pool, in the northwestern portion of the San Juan Basin near the Hogback Monocline.

(ii) *Depth.* The Dakota Formation delineates the "Dakota Producing Interval" which includes the Granerous Shale Formation and the productive upper portion of the Morrison Formation as well as the Dakota Formation. The average depth to the top of the Dakota Formation is 6,544 feet. Gross thickness of the formation is approximately 400 feet.

[FR Doc. 82–12475 Filed 5–6–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 81N-0050]

Drug Products for Over-the-Counter Human Use for the Treatment of Acute Toxic Ingestion; Establishment of a Monograph

Correction

In FR Doc. 82-3 appearing at page 444 in the issue for Tuesday, January 5, 1982, please make the following corrections:

(1) On page 451, in the right column, in paragraph (d)(1) (§ 357.54(d)(1)), in the second line, please insert "syrup" immediately after "ipecac".

(2) In the same line, the word "indice" should have been "induce".

(3) In the same paragraph, in the fourth line, the word "absorb" should have been "adsorb".

BILLING CODE 1505-01-M

21 CFR Part 357

[Docket No. 81N-0064]

Deodorant Drug Products for Internal Use for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In FR Doc. 82-8 appearing at page 512 in the issue for Tuesday, January 5, 1982, please make the following correction:

On page 519, in the third column, in § 357.850(b)(1), in the first line, the word "of" should have been "or".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Surface Coal Mining and Reclamation Enforcement in Ohio; Review of State Program Submission

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

ACTION: Reopening of public comment period.

SUMMARY: The Office of Surface Mining (OSM) is reopening the period for review and comment on the resubmission by Ohio of its program for the regulation of surface coal mining and reclamation in the State. Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on the proposed Ohio regulatory program in light of modifications and additions that the Ohio Department of Natural Resources (ODNR) submitted to OSM on May 7, 1982. The modifications and additions alter the content of the proposed State program.

DATES: Written comments, data or other relevant information relating to Ohio's program submission must be received on or before 4:00 p.m., June 7, 1982, to be considered.

ADDRESSES: Comments on the Ohio program submission should be sent or hand-delivered to: Office of Surface Mining Reclamation and Enforcement, *Attention:* Ohio Administrative Record, Federal Building and U.S. Court House, 46 East Ohio Street, Indianapolis, Indiana 46204.

FOR FURTHER INFORMATION CONTACT: Edgar A. Imhoff, Regional Director, Office of Surface Mining, Federal Building and U.S. Court House, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION: On January 26, 1982, at 47 FR 3571-3573, the Regional Director, OSM, published notice of the public hearing and public comment period on the resubmitted Ohio program. The comment period closed on February 20, 1982. On March 22 through March 24, 1982, officials of OSM met in executive session in Washington, D.C. with representatives of ODNR to discuss the Ohio regulatory program submission (Administrative Record No. OHIO 270). On April 7 and 8, 1982, officials of OSM met with representatives of ODNR, members of the public and representatives of industry in Columbus, Ohio to discuss the Ohio regulatory program submission (Administrative Record No. 271). Also, on April 28 through April 30, 1982, officials of OSM met in executive session in Columbus, Ohio with representatives of ODNR to discuss issues raised at the earlier meetings (Administrative Record No. 272).

As a result of discussions at the above meetings ODNR submitted on May 7, 1982, to OSM new materials revising and modifying the Ohio regulatory program. The new materials are contained in the Ohio Administrative Record, No. 274.

Thus, OSM is reopening the public comment period until 4:00 p.m., June 7, 1982, to allow the public time to review and comment on the above cited Administrative Record material and to allow the public time to consider and comment on the Ohio program resubmission in light of the new material.

This anouncement is made in keeping with OSM's commitment to public participation as a vital component in fulfulling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: May 4, 1982.

Arthur W. Abbs,

Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 82-12526 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 938

Surface Coal Mining and Reclamation Enforcement in Pennsylvania: Review of State Program Submission

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

ACTION: Extension of public comment period.

SUMMARY: On April 9, 1982, at 47 FR 15368, the Office of Surface Mining (OSM) reopened the public comment period until May 10, 1982, to allow the public sufficient time to consider and comment on revisions to the proposed program submitted by Pennsylvania. On May 5, 1982, Pennsylvania submitted a legal analysis and a section-by-section comparison of the Federal regulations with the corresponding revised sections of Pennsylvania's regulations with narrative explaining any differences and their legal effect and additional material. Therefore, OSM is extending the public comment period until May 21, 1982, so that the public may consider and comment on the legal analysis and the program revisions.

DATES: Written comments, data or other relevant information relating to Pennsylvania's revisions to its proposed program submission, the legal analysis and additional material must be received on or before 4:00 p.m., May 21, 1982, to be considered.

ADDRESSES: Comments on Pennsylvania's revisions to its proposed program should be sent or hand-delivered to: Office of Surface Mining Reclamation Enforcement, Office of the Field Solicitor, Second Floor, 603 Morris Street, Charleston, West Virginia 25301, (*Attention:* Pennsylvania Administrative Record).

The Pennsylvania proposed program and the proposed revisions are available for public inspection at the OSM address above, the Pennsylvania Department of Environmental Resources (DER), Fulton Bank Building, Tenth Floor, Third and Locust Streets, Harrisburg, Pennsylvania 17120, Telephone: (717) 787-4686, and other

OSM and DER field locations in Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Patrick Boggs, Regional Director, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7175.

SUPPLEMENTARY INFORMATION: On April 9, 1982, at 47 FR 15368, OSM reopened the public comment period to allow the public sufficient time to review and comment on revisions to the proposed program submitted by Pennsylvania. This material has been placed in the Pennsylvania Administrative Record, PA No. 321.

On May 5, 1982, Pennsylvania submitted a legal analysis and a section-by-section comparison of sections of the Federal regulations with the corresponding revised sections of Pennsylvania's regulations with narrative explaining any differences and their legal effect. This legal analysis and additional material have been placed in the Pennsylvania Administrative Record, PA No. 336.

Thus, OSM is extending the public comment period until May 21, 1982, so that the public may consider and comment on the legal analysis and other program revisions submitted May 5, 1982.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

List of Subjects in 30 CFR Part 938

Coal Mining, Intergovernmental Relations, Surface Mining, Underground Mining.

Dated: May 4, 1982.

Arthur W. Abbs,

Acting Assistant Director—Programs Operations and Inspection, Office of Surface Mining.

[FR Doc. 82-12525 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-S-FRL-1938-5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: On February 25, 1980, the State of Ohio submitted to EPA revisions to its State Implementation Plan (SIP). The revisions were to rules 01 through 06, 08 and 09, of Chapter 3745–15 of the Ohio Administrative Code (OAC) which establish general provisions for the control of air pollution under section 110 of the Clean Air Act. The purpose of today's action is to propose rulemaking action and to solicit public comment on these revisions.

DATE: Public comments must be received on or before June 7, 1982.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

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

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Seija, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6038.

SUPPLEMENTARY INFORMATION: Rules 01 through 09 of Chapter 3745–15 of the Ohio Administrative Code establish general provisions for the control of air pollution. At various times, rules 01 through 09 have been recodified. Originally, these rules were codified as AP–2–01 through 09. The AP–2 series were the rules approved by EPA as part of the Ohio SIP on April 15, 1974 (39 FR 13539). Subsequent to that date, these rules were recodified as EP–10–01 through 09 and then as 3745–15–01 through 09. On February 25, 1980, the State of Ohio submitted to EPA revisions to rules 3745–15–01 through 06, 08 and 09.

The major changes to Chapter 3745–15 are in rules 01 (Definitions), 04 (Measurement of emissions of air contaminants), 05 (Control plan compliance schedule) and 06 (Malfunction of equipment; scheduled maintenance; reporting). Rules 3745–15–02 (Purpose), 03 (Submission of emission information), and 09 (Severability) have been changed to replace references to the Ohio Environmental Review Board (Board) with references to the Director of Ohio EPA (Director). EPA believes that this change is acceptable and therefore proposes to approve the changes made in Rules 3745–15–02, 03, 08 and 09.

Rule 3745–15–01 defines certain basic terms which are utilized throughout the Air Pollution Control Chapters of the OAC. Terms which are pertinent only to specific Air Pollution Control Chapters are not defined in rule 3745–15–01, but are defined in the appropriate Chapters of the OAC. Rule 3745–15–01 differs from AP–2–01 in that it contains definitions for three new terms in subparagraphs (P), (T) and (S): facility, owner and non-methane hydrocarbon. A facility is defined in subparagraph (P) as "any building, structure, installation, operation or combination thereof which contains one or more stationary sources of air contaminants." An owner, or operator, is defined in subparagraph (T) as "any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment." A nonmethane hydrocarbon is defined in subparagraph (S) as "any chemical compound containing carbon but excluing: carbon monoxide, carbon dioxide, carbides, metallic carbonates, ammonium carbonate and methane." EPA has reviewed these new definitions and has determined that they are acceptable. Therefore, EPA is proposing to approve new subparagraphs (P), (T) and (S).

Rule 3745–15–04 provides the Director of Ohio EPA with the authority to require, under certain circumstances, any person who is responsible for pollutant emissions to conduct tests on the source of those emissions. The purpose of the test is to determine the quantity of emissions from the particular source and, thereby, to determine whether the source is in compliance with the applicable emission limitation. Rule 3745–15–04 differs from AP–2–04 in that it expands the Director's authority by explicitly stating that he may reject the results of any test which is not performed in accordance with approved test procedures or in accordance with the other provisions of this rule. EPA has reviewed this rule and has determined that it is acceptable. Therefore, EPA proposes to approve this rule. EPA notes that, under certain circumstances, the Ohio air pollution control regulations provide the Director of Ohio EPA with the authority to specify an alternate compliance test method. Any test method which is different from what is contained in the federally approved SIP must be submitted as a SIP revision.

Rule 3745–15–05, formerly codified as AP–2–05, has been repealed. This rule

was entitled "Control plan compliance schedule." It established deadlines by which new and existing air pollution sources were to comply with the control requirements of the appropriate air pollution regulation. For new sources, compliance was to be the date of initial operation of the source. For existing sources, compliance was to be immediate. Where an owner or operator of an existing source was not able to demonstrate compliance, the rule established alternate procedures for the source to follow to ensure that it did not operate in violation of the appropriate emission limitation.

Rule 3745–15–05 states that the compliance schedules specified in other Air Pollution Control Chapters of the Ohio Administrative Code (OAC) are to supersede the requirements of rule 3745–15–05. Thus, rule 3745–15–05 becomes unnecessary when other OAC Chapters specify compliance dates. Chapter 3745–17 (Control of Particulate Emissions) and 3745–21 (Control Volatile Organic Compounds) specify compliance dates for new and existing air pollution sources. EPA believes that rule 3745–15–05 is no longer necessary. Therefore, EPA proposes to delete 3745–15–05 from the Ohio SIP.

Rule 06 of Chapter 3745–15, formerly codified as AP–2–06, establishes procedures to be followed by a source in the case of the malfunction or scheduled maintenance of its air pollution control equipment. The State has revised paragraphs (A), (B), and (C) and has added a new paragraph.

According to old rule AP–2–06(A), when an owner shuts down its air pollution control equipment due to the scheduled maintenance of the control equipment, but left the air pollution source in operation, it was required to supply the Ohio Environmental Review Board (Board) with certain information 24 hours prior to the planned shutdown of the control equipment. New rule 3745–15–06(A), while retaining this provision, has added three new provisions in subparagraphs (1), (2) and (3). A definition of malfunction is contained in subparagraph (1). In particular rule 3745–15–06(A)(1) states that "* * * maintenance of air pollution control equipment which is scheduled to prevent a malfunction, which would occur within 2 weeks if the maintenance were not performed, shall be considered to be a malfunction. Subparagraph (2) requires the owner to shut down the air pollution source whenever the scheduled maintenance of its air pollution control equipment requires the control equipment to be shut down or bypassed. Subparagraph (3) allows an exemption from the requirements of subparagraph (2) when the owner demonstrates that a complete shutdown of the source may result in damage to the source or is otherwise impossible or impractical. This exemption is subject to the Director's judgment and will require the source to report certain information about the emissions that will result, the length of time that the control equipment will be shut down, the measures being taken to minimize the length of the shutdown and the estimated amount of pollutant emissions as a result of the shutdown of the control equipment.

Old rule AP–2–06(B) required the owner or operator of an air pollution source to immediately notify the Board when any malfunction which caused a violation occurred and when it was corrected. New rule 3745–15–06(B), while retaining these provisions, also requires the owner or operator to also supply the Ohio EPA with certain additional information such as the identification of the source, the duration of the malfunction, the quantity of air contaminants likely to be emitted and the measures that will be implemented to reduce any potential adverse impact on the public health or welfare. If the malfunction has lasted more than 72 hours, then the owner of the air pollution source must develop and submit to Ohio EPA a detailed report which identifies a program which will prevent, detect and correct, as expeditiously as practicable, similar future breakdowns or failures of the air pollution source.

Old rule AP–2–06(C) authorized the Board to take appropriate action with respect to the source after the Board had determined that either the control equipment shutdown was avoidable, or was induced or prolonged in bad faith, or was not in accordance with certain provisions of AP–2–06. New rule 3745–15–06(C) has been revised to give the Director the authority which was previously vested in the Board. Additionally, the Director's authority has been expanded. The Director is now empowered to take appropriate action if the reporting requirements of this rule have not been met; the equipment was not properly operated and maintained prior to breakdown; shutdown of the source or operation during the period of maintenance or breakdown has become practicable; the shutdown or breakdown was or has become avoidable; or was induced or prolonged in bad faith; or the emissions endanger or tend to endanger the health or safety of the public.

A new paragraph (D) has been added to rule 3745–15–06. This paragraph allows the Director to require the submission of a preventive maintenance and malfunctiuon abatement plan to prevent, detect, and correct malfunctions or equipment failures which could result in emissions exceeding any applicable law. Such malfunction abatement plans, however, would only be required in situations where the Director has determined that excessive or unduly prolonged malfunctions of any emission source, air pollution control equipment or related facility have occurred. The required contents of such a malfunction plan are specified in this paragraph. Any acceptable preventive maintenance and malfunction abatement plan will be specified in the terms and conditions of an applicable permit or variance for the source. Where such a malfunction plan is approved, the owner or operator of the source must maintain operation and maintenance records for a minimum of 2 years to demonstrate that the plan has been implemented properly.

EPA's approval of new rule 3745–15–06 is contingent on the rule's compatibility with EPA's malfunction policy. this policy is stated in the April 27, 1977 **Federal Register** (42 FR 21472). According to the malfunction policy, EPA will not approve any regulatory provision which would automatically exempt a source from complying with its applicable mass and/or visible emission limitation. In addition, the malfunction policy provides that EPA will independently evaluate, on a case-by-case basis, the appropriateness of any exemption granted. This evaluation would include any exemption regarding the impossibility or impracticality of shutdown of any source which was granted pursuant to the Director's authority as set out in 3745–15–06(A)(3).

EPA does not believe that this rule is inconsistent with its malfunction policy as published in the April 27, 1977, **Federal Register** (42 FR 21472). Although this rule does not specify what the appropriate action shall be if there is a malfunction, EPA interprets paragraph 3745–15–06(c) as empowering the Director with the authority to approve or disapprove a source's request to operate the source without its control equipment and to take appropriate enforcement action against a source which has operated in bad faith or has caused emissions which endanger or tend to endanger the health or safety of the

public. EPA does not interpret paragraph (C) or any other paragraph of rule 3745–15–06 as providing a source with an automatic opportunity to violate any mass or visible emission limitation due to a maintenance/malfunction problem. EPA, therefore, proposes to approve new rule 3745–15–06.

A 30-day public comment period is being provided on this notice of proposed rulemaking. EPA is specifically soliciting the State and interested individuals to comment on its interpretation of rule 3745–15–06(C) and its proposed approval of rule 3745–15–06. Public comment received on or before June 7, 1982, will be considered in EPA's final rulemaking. When possible comments should be submitted in triplicate. All comments received will be available for inspection during normal business hours at the Region V Office listed at the beginning of this notice. Please call the contact person listed at the beginning of this notice before visiting the Region V Office.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January, 27, 1981 (46 FR 8709) that approvals of State Implementation Plans under section 110 of the Act would not have a significant economic impact on a substantial number of small entities. Today's action proposes to approve a State action under section 110 of the Act. It imposes no new requirements beyond those which the State has already imposed.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it approves provisions which the State adopted and submitted to EPA. EPA is not imposing any requirements which are different from those already required by the State.

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

List of Subjects in 40 CFR Part 52

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

(Section 110 of the Clean Air Act)

Dated: August 28, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc 82–12511 Filed 5–6–82; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 60

[AD–FRL 2119–4]

Standards of Performance for New Stationary Sources; VOC Fugitive Emission Sources; Availability of Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Document and Request for Comments.

SUMMARY: Standards of performance for fugitive emission sources of volatile organic compounds (VOC) in the organic chemical manufacturing industry were proposed on January 5, 1981 (46 FR 1136). EPA has prepared a document to describe the estimation methodologies and data and the resulting fugitive emissions, emission reductions and costs that will be used in making final decisions concerning standards for the organic chemical manufacturing industry. The document represents EPA's current understanding of fugitive emission sources and the effectiveness of controls as applied to these and other VOC fugitive emission sources. Public comments on this document are requested and will be considered before making final decisions on these standards.

DATES: *Comments.* Comments on the proposed standards must be received by July 6, 1982.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket No. A–79–32, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Documents. EPA has prepared an additional information document (AID) which discusses potential changes to the technical basis of the background information document (BID) for fugitive emission sources in the synthetic organic chemical manufacturing industry. The AID (EPA–450/3–82–010) may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "Fugitive Emission Sources of Organic Compounds—Additional Information on Emissions, Emission Reductions, and Costs," EPA–450/3–82–010.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Wyatt, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5578. Do not call this telephone number to request the AID.

SUPPLEMENTARY INFORMATION:

Background

EPA proposed standards on January 5, 1981 (46 FR 1136), for fugitive emission sources of volatile organic compounds (VOC) within the synthetic organic chemical manufacturing industry (SOCMI). EPA provided an accompanying background information document (BID) to describe the technological and cost basis of these proposed standards. The BID presents a technical discussion of fugitive emission sources and emission reduction techniques for these sources of VOC. The BID also estimates VOC emission reductions and costs of alternative emission reduction techniques. When EPA proposed these standards, EPA invited comments on the standards, including the technical discussions and calculations in the BID.

After reviewing comments on the proposed standards for fugitive emission sources within SOCMI, EPA published a notice of availability of reports and comment period extension in the **Federal Register** on April 14, 1981 (46 FR 21789). That notice announced the availability of several technical reports that were completed by EPA's Office of Research and Development (ORD) after the standards had been proposed. EPA requested comments on the ORD reports because they contained results of pertinent studies. The studies provided additional information on VOC emissions and emission reductions for fugitive emission sources.

EPA has completed a review of the ORD reports and public comments on these reports. Based on this review, EPA has reached preliminary conclusions on the estimation methodologies and data which most accurately reflect the emissions, emission reductions and cost impacts of emission reduction techniques for fugitive emission sources within SOCMI. These methodologies and data will form the basis for final decisions on the standards for fugitive emission sources of VOC within the organic chemical manufacturing industry. To assure the best possible basis for these decisions, EPA is publishing the results of the review presented in an additional information document (AID). The methodologies and data used in the BID for VOC fugitive emission sources are generally similar to those in the background information document for benzene fugitive emission sources for which a standard was proposed on January 5, 1981 (46 FR 1165), and in the document that discusses the control techniques guidelines for synthetic organic

chemical, polymer, and resin manufacturing equipment. Therefore, the AID and comments on the AID will be considered before making final decisions on standards for fugitive emission sources of benzene and before publishing the final document that discusses the control techniques guidelines. It should be understood that the AID and the conclusions in it may not apply in all respects to fugitive emission sources of benzene or VOC in other industries. For example, the methodologies for calculating SOCMI VOC fugitive emissions and emission reductions presented in the AID are generally applicable to other VOC fugitive emission sources. However, data used in the methodologies for calculating SOCMI emissions are not necessarily applicable to other source categories where, for instance, better data exist for those source categories. A summary of the conclusions presented in the AID are presented in the next section of this notice.

It should also be understood that the conclusions summarized below and detailed in the AID do not reflect decisions on final standards. These decisions will not be made until the methodologies and data receive public review.

Summary of Conclusions and Changes

The principal conclusions concern which methodologies and data to use in estimating emissions, emission reductions, and costs for control techniques for fugitive emission sources. After EPA reviewed the methodologies and data in the BID for VOC fugitive emission sources, in the ORD reports, and in comments on these reports, EPA concluded that the impacts presented in the BID are reasonably valid. EPA also concluded, however, that new data are available and certain revisions to the methodologies are possible to improve estimates of emissions, emission reductions, and costs for fugitive emission sources.

Emission Estimates. In the BID for VOC fugitive emission sources, estimates of VOC emissions are based on a comprehensive study of fugitive emission sources within petroleum refineries. When the standards were proposed, EPA considered data for fugitive emission sources within SOCMI. However, these data were not used in making emission estimates because EPA did not gather the data for determining emission factors, and, therefore, EPA did not consider them representative of the industry.

In contrast, commenters requested that EPA use these data and other new data in making emission estimates for this industry. EPA agrees that these data can be used to estimate the precent of fugitive emission sources which leak. However, EPA continues to believe that, except for valves in gas service, data from petroleum refineries provide the best estimates of the quantity of VOC emissions from sources which leak. The percent of fugitive emission sources which leak and the quantity of VOC emissions from sources which leak are primary factors which influence the magnitude of emission estimates for VOC fugitive emission sources.

Data contained in the ORD reports on the percent of fugitive emission sources which leak are based on a cross section of process units within this industry and not a representative selection of process units. EPA believes, however, that this cross section of process units can be used to estimate the percent of fugitive emission sources which leak. Data contained in the ORD reports and other new data on the quantity of VOC from sources which leak were not developed to estimate emissions of VOC from fugitive emission sources. Rather, they were developed to estimate the effect of maintenance on fugitive emission sources. In contrast, data in the petroleum refinery study were developed specifically to estimate the magnitude of VOC emissions from fugitive emission sources. These data can be used to estimate the quantity of VOC from sources which leak. After comparing emission estimates based on the petroleum refinery study to those based on the ORD reports, EPA considers the data on the quantity of VOC from petroleum refinery sources which leak to represent the quantity of VOC from SOCMI sources which leak, except for valves in gas service. For valves in gas service, EPA has decided to use the data in the ORD reports to represent emissions from valves which leak. EPA considers emission estimates based on these sets of data to represent the emissions of VOC from fugitive emissions sources within SOCMI.

Emission Reduction Estimates. In the BID, emission reduction estimates were based partly on engineering judgments that were supported by data obtained in a study of petroleum refineries and presented in Appendix C of the BID. Commenters requested that EPA use data from the ORD studies in estimating emission reductions for fugitive emission sources. As explained in the AID, EPA has decided to use, when technically reasonable, data from the ORD studies. In addition, EPA has decided to use a leak detection and repair model (LDAR model) that estimates the emission reduction effectiveness and other consequences of a leak detection and repair program.

The LDAR model is more complex than the approach used in the BID and requires more data. The LDAR model allows analysis of the impacts of emission reduction techniques on a per-source basis. This model also allows better analysis of the effects of staggered leak detection and repair programs, such as the program allowed by the proposed standards. Data are available to use the LDAR model for some fugitive emission sources (pumps in light liquid service and valves in gas and light liquid service); however, they are not available for other fugitive emission sources. As a consequence, EPA plans to use the LDAR model for pumps and valves and the approach in the BID for other fugitive emission sources. Even though EPA will reconsider its engineering judgments in the BID, EPA considers the approach in the BID reasonable when it is not practicable to use the LDAR model.

Cost Aspects. In the BID for VOC fugitive emission sources, EPA also presented estimated costs of the emission reduction techniques in the BID. EPA has now reviewed these aspects of the BID in light of comments on the BID and data in the ORD reports. On this basis, EPA concludes that the BID in general continues to reflect EPA's technical conclusions but that some of the data used in cost estimates should be changed. Even though some of the data have changed, the cost methodology and most of the data used in cost estimates have not changed. In addition, EPA has adjusted the model units based on information contained in the ORD reports.

Requests for Comments

EPA requests comments on its conclusions concerning emission estimates, emission reduction estimates, and other aspects of EPA technical judgments and the rationale for these conclusions as presented in the AID. This **Federal Register** notice and the AID discuss technical decisions only; they do not discuss any regulatory decisions. Therefore, EPA is requesting comments only on its technical decisions and the rationale for these decisions as presented in the AID.

EPA specifically requests comments on (1) the use of the LDAR model for pumps and valves and (2) the data selected by EPA for use in estimating the impacts of emission reduction techniques for fugitive emission sources. Persons providing comments should give a complete technical explanation of their view and, if they disagree with

EPA's judgments, recommend alternative methodologies and data to be used in estimating the impacts of emission reduction techniques for fugitive emission sources.

(Secs. 111 and 301(a), Clean Air Act as amended (42 U.S.C. 7411 and 7801(a)))

Dated: April 26, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82-12527 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 122, 123, 124, and 146

[W-1-FRL 2120-3]

New Hampshire Water Supply and Pollution Control Commission; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the New Hampshire Water Supply and Pollution Control Commission requesting approval of its Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the New Hampshire Water Supply and Pollution Control Commission to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by May 28, 1982. A public hearing will be held June 4, 1982, 10:00 a.m. Comments must be received by June 7, 1982. Should EPA not receive sufficient public comments or requests to present oral testimony by May 28, 1982, the Agency reserves the right to cancel the public hearing.

ADDRESSES: Comments and requests to testify may be mailed to Jerome J. Healey, Drinking Water Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. Copies of the application and pertinent material are available for review and/or copying between 9:00 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region I, Library, 21st Floor, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5791

New Hampshire Water Supply and Pollution Control Commission, P.O. Box 95, Hazen Drive, Concord, New Hampshire 03301, (603) 271-3398.

The hearing will be held in the Health and Welfare Building, Room 112C, Hazen Drive, Concord, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Jerome J. Healey, Drinking Water Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-6486. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The application from the New Hampshire Water Supply and Pollution Control Commission is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and the memorandum of agreement between the New Hampshire Water Supply and Pollution Control Commission and the Region I office of the Environmental Protection Agency.

List of Subjects in 40 CFR Parts 122, 123, 124, 146

Hazardous materials, Waste treatment and disposal, Water supply.

Dated: April 23, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-12528 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-252; RM-4032]

Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorization Therefor; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: The Commission has granted in part a request by TRT Telecommunications Corporation ("TRT") for three week extension of time in which to file Comments and Reply Comments in *Further Notice of Proposed Rulemaking* (47 FR 17308, April 22, 1982). There we asked the public to comment by April 30, 1982, on our proposal to expand the scope of the *Competitive Carrier Rulemaking* (45 FR 76148, November 18, 1980) to include the domestic operations of the international record carriers ("IRCs"). The Commission decided that, given its interest in expediting consideration of issues pending in the *Competitive Carrier* proceeding, TRT has shown good cause for an extension of only two weeks.

DATES: Under the revised schedule, Comments must be received on or before May 14, 1982, and Reply Comments must be received on or before May 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Anne M. Coffey, Tariff Division, Common Carrier Bureau, (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 29, 1982.

Released: May 3, 1982.

1. On April 27, 1982, TRT Telecommunications Corporation ("TRT") requested a three week extension of time in which to file comments and replies, respectively, in the above-captioned matter. See Further Notice of Proposed Rulemaking ("IRC Further Notice"), FCC 82-187, (released April 21, 1982). There, we invited the public to comment by April 30, 1982, on whether the international record carriers ("IRCs") are non-dominant in their provision of domestic telex service, and what effect their entry will have on Western Union Telegraph Company's market power. In so doing, we proposed to expand the scope of the Competitive Carrier Rulemaking to include the IRC's domestic offerings.[1]

2. In support of its request, TRT claims that the IRCs are now undertaking to comply with the requirements of the Record Carrier Competition Act of 1981 ("RCCA"), as well as the Commission's order in Docket No. 82-122 for establishment and implementation of interconnection arrangements mandated

[1] Notice of Inquiry and Proposed Rulemaking (CC Docket No. 79-252), 77 FCC 2d 308 (1979), First Report and Order, 85 FCC 2d 1 (1980), Further Notice of Proposed Rulemaking, 84 FCC 2d 445 (1981).

by the RCCA. See Interim Order, FCC–82–158 (released April 8, 1982). TRT asserts that its involvement in this proceeding has made compliance with the IRC Further Notice's comment period (*i.e.*, seven days) unworkable. In any event, it maintains, assessment of the IRCs' non-dominance will be impossible until these interconnection arrangements have been implemented.

3. We disagree with the contention that it is premature for the Commission to solicit information on the IRCs' role in the domestic market. As the Commission itself observed in the IRC Further Notice, n. 4, certain IRCs already have effective tariffs on file for provision of domestic telex service. Moreover, we believe that sufficient progress has been made in the interconnection proceeding to enable parties to comment on the competitive impact of the IRC's domestic entry.

4. The IRC Further Notice established a relatively short comment period in order to facilitate an expeditious resolution of the issues pending in the Competitive Carrier docket. While this concern remains paramount, we also believe TRT has shown good cause for an extension, albeit a more limited one than requested. We conclude that a two week extension of the comment and reply periods, respectively, will best enable us to accommodate these competing considerations. We therefore will allow the parties until May 14, 1982 to file comments, and until May 28, 1982 to file replies.

5. Accordingly, it is ordered That the petition for extension of time filed by TRT Telecommunications Corporation is granted to the extent indicated above, and is otherwise denied.

6. It is further ordered That this order shall be published in the **Federal Register**, but shall be effective upon its release.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc 82–12444 Filed 5–6–82; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 47, No. 89
Friday, May 7, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Services

Certain Stockyards and Livestock Markets; Notice of Approval and Withdrawal of Approval

Correction

In FR Doc. 82–9517 appearing at page 15381 in the issue for Friday, April 9, 1982, please make the following correction:

On page 15388, in the first column, after the last entry in the table "*Torrington Livestock Commission Co." delete all material to the end of the document. The material to be deleted begins with "The State of New York" and ends with "*Services*". The "FR Doc." line and Billing Code, however, are correct.

In place of the deleted material please insert the following:

"*Effective Date:* The foregoing notice shall become effective on April 9, 1982.

Done at Washington, D.C., this 5th day of April 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services."

BILLING CODE 1505–01–M

Rural Electrification Administration

Continental Telephone Company of Missouri; Wentzville, Missouri; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974 (Vol. 39 No. 180, pages 33228–33229), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $32,500,000 to Continental Telephone Company of Missouri, Wentzville, Missouri. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Eugene J. Fix, President, Continental Telephone Company of Missouri, P.O. Box 307, Wentzville, Missouri 63385.

To assure consideration, proposals must be submitted June 7, 1982 to Mr. Eugene J. Fix. The right is reserved to given such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of Missouri and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated at Washington, D.C., this 29th day or April, 1982.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 82–12543 Filed 5–6–82; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Cushman Road Agricultural Land Drainage RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cushman Road Agricultural Land Drainage RC&D Measure Plan, Franklin County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, 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 argicultural land drainage to relieve wetness problems that are extensive enough to adversely effect the communities efficiency of land use, level of income, and quality of the environment. The planned works of improvement include modification of 8,225 feet of existing channel by clearing and deepening to a depth of approximately 5 feet, revegetation of disturbed areas, and installation of side inlets for surface water control.

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**. (June 7, 1982).

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 26, 1982.

Paul A. Dodd,

State Conservationist.

[FR Doc. 82–12286 Filed 5–6–82; 8:45 am]

BILLING CODE 3410–16–M

Asticou Gardens RC&D Measure, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

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

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone (207) 866–2132.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include removing sediment and installing two sediment basins. Conservation practices include sediment control basins and seeding.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register** (June 7, 1982).

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 28, 1982.

Billy R. Abercrombie,

State Conservationist.

[FR Doc. 82–12379 Filed 5–6–82; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 10:00 a.m., and will end at 12 noon, on May 26, 1982, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110. The purpose of this meeting is to hold a news conference to issue a report on teacher layoffs and to announce a new project on successful affirmative action efforts in Massachusetts.

Persons desiring additional information should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts, 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 4, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–12505 Filed 5–6–82; 8:45 am]

BILLING CODE 6335–01–M

Oregon Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oregon Advisory Committee to the Commission will convene at 12:00 p.m., and will end at 5:00 p.m., on May 26, 1982, at the Portland Hilton, 921 South West Sixth, in the Studio Suite, Portland, Oregon, 97204. The purpose of this meeting is to orientate the new members of the Advisory Committee and to discuss program plans for the remaining period of Fiscal Year 1982.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Thomas J. Sloan, 215 North West Orchard Drive, Portland, Oregon, 97229, (503) 627–8127 or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle Washington, 98174, (206) 442–1246.

The meeting will be conducted to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 4, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–12506 Filed 5–6–82; 8:45 am]

BILLING CODE 6335–01–M

Texas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 8:30a, and will end at 10:00p, on May 27, 1982, at the Sheraton Crest Inn, 111 East First Street, Austin, Texas. The purpose of this meeting will be to conduct a consultation on block grants in Texas.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, 1421 Pine Street, Texarkana, Texas 75501, (214) 794–9741 or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, (512) 229–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 4, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–12507 Filed 5–6–82; 8:45 am]

BILLING CODE 6335–01–M

Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 1:00p and will end at 5:00p, on May 20, 1982, at the John Marshall

Hotel, Fifth and Franklin Streets, Richmond, Virginia 23219. The purpose of this meeting is to discuss plans for a forum on migrant and seasonal farmworkers, and programs plans for the remainder of the fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Reverend Curtis W. Harris, 209 Terminal Street, Hopewell, Virginia 23860, (804) 458–7404 or the Mid-Atlantic Regional Office, 2120 L Street, North West, Room 510, Washington, D.C. 20037, (202) 254–6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 4, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–12508 Filed 5–6–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to review status reports on the development of fishery management plans, consider foreign fishing applications, if any, and conduct other fishery management business.

DATES: The public meetings will convene on Wednesday, June 2, 1982, at approximately 10:30 a.m., and will adjourn at approximately 5 p.m.; reconvene on Thursday, June 3, 1982, at approximately 8:30 a.m., and will adjourn at approximately noon.

ADDRESS: The public meetions will take place at the Prince Charles Room of the Oak Manor Motor Hotel, 8181 Airline Highway, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: May 3, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82–12403 Filed 5–6–82; 8:45 am]

BILLING CODE 3510–22–M

Taking of Engangered Species; Issuance of Permit

On October 1, 1981, Notice was published in the **Federal Register** (46 FR 48324) that an application had been filed with the Fish and Wildlife Service by Lawler, Matusky and Skelly Engineers, One Blue Hill Plaza, Peal River, New York 10965 for a permit to capture, weigh, measure, and release shortnose sturgeon (*Acipenser brevirostrum*) in the Hudson River diring fisheries monitoring research. The application was transmitted to the National Marine Fisheries Service for processing.

Notice is hereby given that on May 3, 1982, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to Lawler, Matusky and Skelly Engineers, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: May 3, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82–12401 Filed 5–6–82; 8:45 am]

BILLING CODE 3510–22–M

Southeast Fisheries Center; Modification

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) the Scientific Research Permit No. 267 issued to the Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149 (44 FR 37024) is modified as follows:

Section B–2 is deleted and replaced by the following: "2. This Permit is valid with respect to the authorized taking until December 31, 1984."

This modification becomes effective May 7, 1982.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southeast Region, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149.

Dated: April 28, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82–12402 Filed 5–6–82; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Level of Restraint for Certain Cotton Fabrics From Thailand

May 4, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 3 million square yards the consultation level of 8 million square yards established for other woven cotton fabrics, such as lawn and voile, among others, in Category 320, produced or manufactured in Thailand and exported during the twelve-month period which bagan on January 1, 1982. The new level will be 11 million square yards.

(A detailed described description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand provides consultation levels for certain categories of textile products, such as Category 320, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. At the request of the Government of Thailand,

the Government of the United States has agreed to increase the level for cotton textile products in Category 320 by 3 million square yards to 11 million square yards.

EFFECTIVE DATE: May 4, 1982.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61689) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool, and man-made fiber textile products, 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, 1982. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amends the letter of December 14, 1981 to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 320, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982, in excess of the increased level of 11 million square yards.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

May 4, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 14, 1981, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint.

Under the terms of 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 October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 4, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 320, produced or manufactured in Thailand, in excess of 11 million square yards.[1]

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textile products have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82–12843 Filed 5–6–82; 11:13 am]

BILLING CODE 3510–25–M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 80–4]

Partial Distribution of 1979 Cable Royalty Fees; Request for Comments

AGENCY: Copyright Royalty Tribunal.

ACTION: Request for comments on possible partial distribution of the 1979 cable royalty fees.

SUMMARY: The Copyright Royalty Tribunal (Tribunal) published in the **Federal Register** of March 8, 1982 (47 FR 9879–9900) its final determination concerning the 1979 Cable Royalty Fees Distribution Proceeding.

Several parties filed petitions for judicial review of the Tribunal's final determination. On April 23, 1982, a joint motion for a partial distribution of 50% of the 1979 cable royalty fees to the claimant categories in the same proportionate shares as the categories were allocated in the Tribunal's Notice of Final Determination (47 FR 9879) was filed with the Tribunal by the following parties:

1. Program Suppliers, represented by the MPAA and the following other companies in this category: Multimedia, SIN, Mutual of Omaha and NAB.
2. Joint Sports Claimants and NCAA.
3. Public Broadcasting Service.
4. U.S. Television Broadcasters.
5. Music Performing Rights Societies (ASCAP, BMI, SESAC).
6. Canadian Television Broadcasters.
7. National Public Radio.

The Tribunal approved a similar motion in the 1978 Cable Royalty Fees Distribution Proceeding (46 FR 21637), which order was upheld by the Court of Appeals for the District of Columbia Circuit.

The Tribunal now invites comments on whether there should be a partial distribution of the 1979 cable royalty fees. Any comments on this subject shall be submitted not later than May 20, 1982. Reply comments may be submitted not later than May 24, 1982. The Tribunal will consider this item at a meeting to be held on May 26, 1982 at 2:00 p.m. at the Postal Rate Commission, 2000 L Street, N.W., Room 500, Washington, D.C. 20036.

ADDRESS: Comments shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Rm. 450 Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Commissioner Frances Garcia, Chairman, (202) 653–5157.

Dated: May 4, 1982.

Frances Garcia,

Chairman.

[FR Doc. 82–12538 Filed 5–6–82; 8:45 am]

BILLING CODE 1410–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant a Limited Exclusive License to Swiss Serum and Vaccine Institute Berne

Pursuant to the provisions of the General Services Administration's temporary licensing regulations, the Department of the Army announces its intention to grant to Swiss Serum and Vaccine Institute Berne of Berne, Switzerland, a limited exclusive license under U.S. Patent Application Serial Number 289,013 filed July 31, 1981, entitled "Oral Vaccine for Immunization Against Enteric Disease" invented by Samuel B. Formal.

This license will be granted unless compelling reasons for not granting such a license are received by the Chief, Intellectual Property Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310 within 60 days of this notice.

For further information concerning this notice, contact: LTC Neil K. Nydegger, HQDA (DAJA–IP) Pentagon,

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

Room 2D 444, Washington, DC 20310, Telephone No. 695–9356.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 82–12540 Filed 5–6–82; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Defense Science Board Task Force on Continuous Patrol Aircraft (CPA): Advisory Committee Meeting

The Defense Science Board Task Force on Continuous Patrol Aircraft will meet in closed session on May 28 1982 in Washington, D.C.

The mission of the mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 28 May 1982, the Task Force will continue discussions on the survivability of continuous patrol aircraft.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

May 4, 1982.

[FR Doc. 82–12486 Filed 5–6–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Rapid Deployment Forces (RDF): Advisory Committee Meeting

The Defense Science Board Task Force on Rapid Deployment Forces will meet in closed session on 2–3 June 1982 at MacDill Air Force Base, Florida.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 2–3 June 1982, the Task Force will conclude discussions on the application of technology to rapidly deploying forces.

In accordance with 5 U.S.C. App. 1 § 10(d)(1976), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

May 4, 1982.

[FR Doc. 82–12487 Filed 5–6–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Delegation of Authority to Issue Interpretations of DOE Regulations to the Assistant General Counsel for Coal Regulations, the Assistant General Counsel for Conservation and Renewable Energy, the Assistant General Counsel for Natural Gas and Mineral Leasing and the Assistant General Counsel for Regulatory Oversight

AGENCY: Department of Energy.

ACTION: Notice of delegations.

SUMMARY: Notice is hereby given of delegations of the DOE General Counsel's authority to issue interpretations of the DOE regulations, to the Assistant General Counsel for Coal Regulations, the Assistant General Counsel for Conservation and Renewable Energy, the Assistant General Counsel for Natural Gas and Mineral Leasing, and the Assistant General Counsel for Regulatory Oversight. In light of the dissolution of the Office of Interpretations and Rulings, the delegation of authority to issue interpretations of the DOE regulations to the Assistant General Counsel for Interpretations and Rulings has been revoked. In its place, the above-referenced Assistant General Counsels have been delegated the authority to issue interpretations of regulations for which they are responsible.

EFFECTIVE DATE: April 27, 1982.

FOR FURTHER INFORMATION CONTACT: Barbara D. Sherman, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–8618.

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

R. Tenney Johnson,

General Counsel.

Delegation of Authority to the Assistant General Counsel for Natural Gas and Mineral Leasing

Pursuant to the authority vested in me as the General Counsel of the Department of Energy (DOE), there is hereby delegated to the Assistant General Counsel for Natural Gas and Mineral Leasing, on a nonexclusive basis, the authority:

(1) To issue interpretations of regulations promulgated under the Natural Gas Act and the Natural Gas Policy Act.

(2) To sign and documents, relating to such interpretations, submitted to the **Federal Register** for publication.

The authority delgated herein shall not be further delegated in whole or in part.

In exercising the authority delegated by this Order, the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the General Counsel or his delegate(s).

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the General Counsel from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

The authority delegated on April 6, 1978 to the Assistant General Counsel for Interpretations and Rulings is revoked.

This Order is effective April 27, 1982.

R. Tenney Johnson,

General Counsel.

Delegation of Authority to the Assistant General Counsel for Coal Regulations

Pursuant to the authority vested in me as the General Counsel of the Department of Energy (DOE), there is hereby delegated to the Assistant General Counsel for Coal Regulations, on a nonexclusive basis, the authority:

(1) To issue interpretations of regulations promulgated under the Power Plant and Industrial Fuel Use Act of 1978 and the Energy Supply and Environmental Coordination Act of 1974.

(2) To sign any documents, relating to such interpretations, submitted to the **Federal Register** for publication.

The authority delegated herein shall not be further delegated in whole or in part.

In exercising the authority delegated by this Order, the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the General Counsel or his delegate(s).

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the General Counsel from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

The authority delegated on April 6, 1978 to the Assistant General Counsel for Interpretations and Rulings to issue interpretations is revoked.

This Order is effective April 27, 1982.

R. Tenney Johnson,

General Counsel.

Delegation of Authority to the Acting Assistant General Counsel for Conservation and Renewable Energy

Pursuant to the authority vested in me as the General Counsel of the Department of Energy (DOE), there is hereby delegated to the Assistant General Counsel for Conservation and Solar Energy, on a nonexclusive basis, the authority:

(1) To issue interpretations of regulations promulgated under the Energy Security Act; the Energy Policy and Conservation Act; the Automobile Fuel Efficiency Act; the Emergency Energy Conservation Act of 1979; the Energy Conservation and Production Act; the National Energy Conservation Policy Act; and the National Energy Extension Service Act.

(2) To sign any documents, relating to such interpretations, submitted to the **Federal Register** for publication.

The authority delegated herein shall not be further delegated in whole or in part.

In exercising the authority delegated by this Order, the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the General Counsel or his delegate(s).

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the General Counsel from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

The authority delegated on April 6, 1978 to the Assistant General Counsel for Interpretations and Rulings is revoked.

This Order is effective April 27, 1982.

R. Tenney Johnson,

General Counsel.

Delegation of Authority To the Assistant General Counsel for Regulatory Oversight

Pursuant to the authority vested in me as the General Counsel of the Department of Energy (DOE), there is hereby delegated to the Assistant General Counsel for Regulatory Oversight, on a nonexclusive basis, the authority:

(1) To issue interpretations of regulations promulgated under the Emergency Petroleum Allocation Act of 1973, as amended.

(2) To sign any documents, relating to such interpretations, submitted to the **Federal Register** for publication.

The authority delegated herein shall not be further delegated in whole or in part.

In exercising the authority delegated by this Order, the delegate shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the General Counsel or his delegate(s).

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the General Counsel from exercising any of the authority so delegated whenever in his judgment his exercise of such authority is necessary or appropriate to administer the functions vested in him.

The authority delegated on April 6, 1978 to the Assistant General Counsel for Interpretations and Rulings is revoked.

This Order is effective April 27, 1982.

R. Tenney Johnson,

General Counsel.

[FR Doc. 82-12392 Filed 5-6-82; 8:45 am]

BILLING CODE 6450-01-M

U.S. and European Atomic Energy Community; Proposed Subesquent Arrangements for Peaceful Uses of Atomic Energy

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the following sales:

Contract Number S-EU-732, to the Office des Rayonnements Ionisants, France, 575.9 grams of natural uranium for use as standard reference material.

Contract Number S-EU-733, to the University of Durham, the United Kingdom, 29.45 grams of natural uranium, and 5.1 grams of thorium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subesequent arrangements will take effect no sooner than May 24, 1982.

Dated: May 3, 1982.

For the Department of Energy.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-12394 Filed 5-6-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Order; Guam Oil and Refining Company, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Guam Oil and Refining Company, Inc. (GORCO) as a final order of the Department.

EFFECTIVE DATE: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, RG-30, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9165.

SUPPLEMENTARY INFORMATION: On January 7, 1982, 47 FR 844, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with GORCO on December 18, 1981, which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

After careful consideration of the comments received in response to the Notice of Proposed Consent Order, the following modifications to the Consent Order have been made:

(1) The $2.5 million paid pursuant to the Consent Order shall be deposited into the Deposit Fund Escrow Account of the U.S. Treasury for future disposition by the ERA.

(2) The Consent Order shall become final upon execution of the Consent Order as modified.

Six comments were received. None of the comments objected to the settlement. Citing the recent decision of the Temporary Emergency Court of Appeals in *Citronelle-Mobile Gathering, Inc. v. Edwards,* Nos. 5-60 and 5-61 (January 21, 1982), each of the comments questioned the appropriateness of making a payment to the U.S. Treasury, rather than having payments made to allegedly overcharged customers. Three of the comments also suggested that with respect to alleged violations relating to GORCO's participation in the Entitlements Program, all of the refiners that participated in the program should receive refunds.

Unlike the facts underlying this Consent Order, the *Citronelle* case dealt with a contested remedial order in

which overcharges were adjudicated and purchasers identified. In any event, it has been DOE's practice to provide, when possible, for refunds to be made directly to those customers who DOE believes bore the ultimate burden of the violation. DOE regulations at 10 CFR 205.199I, provide for refunds to such injured purchasers even when they purchased petroleum products from intermediate distributors. However, for a variety of reasons, it is not always possible to identify specific customers as injured or to determine the extent of their injury. This is particularly so concerning the Entitlements Program.

DOE's dispute with GORCO primarily concerned GORCO's compliance with the Entitlements Program. Several comments suggested that it should be possible to compute the effect of reversing the entitlements benefits received by GORCO to determine the impact on the Entitlement Program. While it may be theoretically possible to do so, we do not believe it is administratively feasible, particularly if such a recalculation were required each time an entitlements dispute was resolved. The administrative burden would be multiplied by the need to monitor the reissuance of orders for the months involved and to determine the impact on each refiner's price determinations for product sold and resold in the distribution chain. Furthermore, each refiner's opportunity to pass through increased costs suggests that a refiner whose entitlements burden was increased did not necessarily bear the burden of GORCO's action.

Notwithstanding the foregoing, DOE will consider further the disposition of the monies to be paid by GORCO pursuant to the Consent Order. However, because this review will not involve GORCO's obligation under the Consent Order, we determined to make the Consent Order final. The funds will be deposited into an escrow account maintained by the DOE. We will determine the appropriate use of these funds. GORCO will have no responsibility in this decision.

Accordingly, DOE and GORCO executed a Consent Order with the modifications noted above which was effective on the date of execution, April 1, 1982.

Issued in Washington, D.C. on the 28th day of April 1982.

Milton C. Lorenz,

Special Counsel.

[FR Doc. 82-12391 Filed 5-6-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

Correction

In FR Doc. 82-10948 appearing on page 16883 in the issue of Tuesday, April 20, 1982, make the following correction. On page 16884, first column, in the table, the "Dollars per million Btu's" for "Virginia", the figure "3.71" should read "3.61".

BILLING CODE 1505-01-M

Federal Energy Regulatory Commission

[Docket No. ER76-530-000]

Arizona Public Service Co.; Notice of Refund

April 29, 1982.

Take notice that on April 19, 1982, Arizona Public Service Company filed a refund report pursuant to the Commission's order on remand issued January 25, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 14, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12412 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-69-000]

Arkansas Louisiana Gas Co.; Proposed Change in FERC GAS Tariff

April 29, 1982.

Take notice that on April 12, 1982, Arkansas Louisiana Gas Company (Arkla) tendered for filing revised tariff sheets to its FERC Gas Tariff, Original Volume No. 3, all of which are dated as issued on April 9, 1982, proposed to be effective thirty days after filing (or earlier as authorized), and identified as follows:

First Revised Sheet No. 180, Superseding Original Sheet No. 180
First Revised Sheet No. 182, Superseding Original Sheet No. 182
Eight Revised Sheet No. 185, Superseding 27th Revised Sheet No. 185
Third Revised Sheet No. 186, Superseding First Substitute Second Revised Sheet No. 186

Arkla states that it only has FERC rate schedules for pipeline-type sales:

(1) Rate Schedule X-26 covering Arkla's sale for resale to Cities Service Gas Company at Jane, Missouri; and
(2) Rate Schedule G-2 that Arkla inherited when it acquired the properties of another gas company in 1960, under which Arkla is still selling gas for resale to several relatively small city-gate customers in Oklahoma and Kansas.

In addition, Arkla states that a source of inconvenience and potential confusion in their rate cases for many years has been the fact that the pressure base for measurement purposes in Arkla's Rate Schedule X-26 is 14.65 psia while the pressure base in Rate Schedule G-2 is FERC's regular pipeline standard 14.73.

Consequently, Arkla, to correct this historical anomaly in its Gas Tariff, has amended the several affected provisions in the contract between the parties to change the pressure base in Rate Schedule X-26 to 14.73 psia in order to be consistent with the pressure base in Arkla's other Rate Schedule G-2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12417 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-713-000]

Arkansas Power and Light Co.; Notice of Refund

April 29, 1982.

Take notice that on April 20, 1982, Arkansas Power and Light Company filed a refund compliance report pursuant to the Commission's order issued March 9, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or

before May 14, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-10418 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-344-000]

Carolina Power & Light Co.; Notice of Refund Report

April 28, 1982.

Take notice that on April 23, 1982, Carolina Power & Light Company filed a refund compliance report pursuant to the Commission's order issued March 25, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 11, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12413 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-467-000]

The Cleveland Electric Illuminating Co.; Notice of Filing

April 29, 1982.

The filing company submits the following:

Take notice that on April 20, 1982, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 50 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on April 1, 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-12414 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4075-001]

Consolidated Hydroelectric, Inc.; Notice of Application for License (5MW or Less)

April 29, 1982.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 26, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the East Fork Indian Creek Project No. 4075. The project would be located on East Fork Indian Creek in Siskiyou County, California. Correspondence with the Applicant should be directed to: Terence L. O'Rourke, Consolidated Hydroelectric, Inc., 434 Redcliff Drive, Redding, California 96002.

Project Description—The proposed project would consist of: 1) An 8-foot high rock-filled gravity diversion structure with a fishladder; 2) a concrete intake structure; 3) a 12,135-foot long low pressure buried pipeline; 4) a 3,380-foot long, 48-inch diameter steel penstock; 5) a powerhouse containing two generating units, each rated at 2.35 MW; 6) a 3-mile long access road; and 7) a 3-mile long, 69-kV transmission line. The average annual energy generation is estimated to be 12.4 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Power & Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, or before July 1, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12421 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-474-000]

Florida Power & Light Co.; Notice of Tariff Change

April 30, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on April 22, 1982, tendered for filing the following tariff sheets as a part of its FPC Electric Tariff, Original Volume No. 1: Second Revised Sheet No. 2, Third Revised Sheet No. 23, Original Sheet No. 24 and Original Sheet No. 25.

FPL states that the Second Revised Sheet No. 2 is a revised Table of Contents and Third Revised Sheet No. 23, Original Sheet No. 24 and Original Sheet No. 25 are a revised Index of Customers and Delivery Points as of April 1, 1982.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the filed tariff sheets be made effective April 1, 1982.

Copies of the filing were served upon FPL's sales-for-resale customers and upon the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR Section 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-12422 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-470-000]

Interstate Power Co.; Notice of Filing

April 29, 1982.

The filing Company submits the following:

Take notice that Interstate Power Company (Interstate) on April 22, 1982, tendered for filing an electric service agreement dated March 29, 1982 with the City of Springfield, Minnesota. The substitute Amendment described above provides for the delivery of firm power and energy Interstate receives from Western Area Power Administration (WAPA) for delivery to the City. A transmission service charge of 4.34 miles per Kwh will be applicable to energy deliver as described above. The transmission service charge is the same as that approved in Docket ER76-555 and applied to other wholesale towns which receive wheeling service.

Interstate requests waiver of the Commission's notice requirements to allow for an effective date of March 29, 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-12416 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES-82-51-000]

Iowa Electric Light & Power Co.; Notice of Application

April 30, 1982.

Take notice that on April 26, 1982, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant ot Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authority to issue and sell 1,000,000 shares of Common Stock pursuant to the Company's Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make protest with reference to this Application should on or before May 20, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12423 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-468-000]

Kansas City Power & Light Co.; Notice of Filing

April 29, 1982.

The filing Company submits the following:

Take notice that on April 21, 1982, Kansas City Power & Light Company (KCPL) filed with the Commission revised Service Schedules for Firm Power Service to supersede and replace Service Schedules for Firm Power Service in contracts and agreements with the following wholesale customers:

1. Missouri Power & Light Company (MPL), FPC No. 73.
2. City of Marshall, Missouri (Marshall), FPC No. 83.
3. Missouri Public Service Company (MPS), FPC No. 74.
4. City of Gardner, Kansas (Gardner), FPC No. 79.
5. City of Higginsville, Missouri (Higginsville), FERC No. 91.
6. City of Pomona, Kansas (Pomona), FPC No. 82.
7. City of Prescott, Kansas (Prescott), FPC No. 76.
8. City of Salisbury, Missouri (Salisbury), FERC No. 87.
9. City of Slater, Missouri (Slater), FPC No. 81.
10. City of Baldwin City, Kansas (Baldwin), FERC No. 85.
11. City of Carrollton, Missouri (Carrollton), FERC No. 86.
12. City of Garnett, Kansas (Garnett), FPC No. 78.
13. City of Osawatomie, Kansas (Osawatomie), FPC No. 77.
14. City of Ottawa, Kansas (Ottawa), FERC No. 90.
15. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County), FPC No. 69.
16. United Electric Cooperative, Inc. (United), FPC No. 84.
17. Kansas Electric Power Cooperative, Inc.—Coffey County (KEPCo-Coffey), FPC No. 69.
18. Kansas Electric Power Cooperative, Inc.—United (KEPCo-United), FPC No. 84.

KCPL states that proposed effective date for each new Schedule of Rates and Charges is June 20, 1982, or in the alternative, June 21, 1982, and that the new Schedules of Rates and Charges reflect an increase of $978,910 in annual revenues to KCPL based on its cost of service to wholesale firm power customers during the 12-month test period ended December 31, 1981. Additionally, KCPL states that the changes embodied in the new Service Schedules include only changed rates for Demand and Energy Charges and minor wording changes to standardize schedule formats.

Any person desiring to be heard to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become party a must file a petition to intervene. Copies of KCPL's submittal are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12426 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-453-000]

Kansas Gas & Electric Co.; Notice of Filing

April 29, 1982.

The filing Company submits the following:

Take notice that on April 9, 1982, Kansas Gas and Electric Company (KG&E) tendered for filing Exhibits A and C of the Transmission Agreement tendered for filing on January 28, 1982, between KG&E and Kansas Electric Power Cooperative (KEPCo).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12415 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-104-000]

Koppers Co., Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 30, 1982.

On April 1, 1982, Koppers Co., Inc., Organic Materials Group, Pittsburgh,, Pennsylvania 15219 filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in Oroville, California. The electric power production capacity of the facility will range from 3.0 megawatts with 30,000 1b/hr, 65 psi extraction steam, to 5.5 megawatts with zero extraction, depending on the plant's need of process steam. The primary energy source will be biomass in the form of wood waste and agricultural waste products. Installation of the facility will begin in January 1988. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before June 7, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12424 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4861-001]

Modesto Irrigation District; Application for Preliminary Permit

May 3, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on August 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4861 to be known as the Kanaka Creek Project located on Kanaka Creek in the Tahoe National Forest in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231–11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A 6-foot-high, 100-foot-long diversion structure located at elevation 2,850 feet; (2) a 60-inch-diameter, 3,700-foot-long conduit; (3) a 38-inch-diameter, 720-foot-long penstock; (4) a powerhouse at elevation 2,350 feet containing a single 4,700-kW generating unit; and (5) associated electrical and transmission equipment. Applicant estimates that the project would generate an average of 41,400 MWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorized construction. During the term of the permit Applicant would conduct engineering, financial, and environmental feasibility studies. Applicant estimates that the studies will cost $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4100 filed on February 2, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or § 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be

obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12425 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-71-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Notice of Proposed Changes in FERC Gas Tariff

April 29, 1982.

Take notice that Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), on April 26, 1982, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and transportation services by $169,992,742 annually, based on sales volumes, transportation volumes, and costs for the twelve months ended January 31, 1982, as adjusted for the Test Period. In addition, the proposed changes would modify the Tariff to provide for a Btu adjusted billing procedure for commodity sales volumes, to revise the contract overrun provisions, and to revise the Billing and Payment provisions.

Northern states the principal reasons for the proposed rate increase are (1) increased costs of obtaining new gas supplies; (2) the need to provide a return of 15.12% on its utility investment; (3) loss of revenues due primarily to reduction in sales volumes; and (4) increased costs of operations.

The company states that copies of the filing have been mailed to each of its Gas Utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-12427 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-471-000]

Pacific Power & Light Co.; Notice of Filing

April 30, 1982.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on April 23, 1982, tendered for filing, in accordance with § 35.13a(d) Part IV of the Commission's Interim Rule (Docket No. RM81-41), Pacific's Revised Appendix 1 for the state of Oregon dated November 8, 1981. The Revised Appendix 1 calculates an average system cost for the state of Oregon applicable to the exchange of power between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective November 8, 1982, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville and the Oregon Public Untility Commissioner.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-12428 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-478-002]

Public Service Company of New Mexico; Notice of Compliance Filing

April 29, 1982.

The filing Company submits the following:

Take notice that on April 14, 1982, the Public Service Company of New Mexico filed revisions to the rate schedule for service to the City of Gallup, New Mexico, filed on March 31, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 17, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12429 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-469-000]

Southern Company Services, Inc.; Notice of Filing

April 30, 1982.

The filing Company submits the following:

Take notice that on April 26, 1982, Southern Company Services, Inc. on behalf of Alabama Power Company,

Georgia Power Company, Gulf Power Company, and Mississippi Power Company (The Southern Companies), tendered for filing a power sale agreement providing for a long term power sale from the Southern Companies to Savannah Electric and Power Company. The power sale agreement between the Southern Companies and Savannah Electric and Power Company provides for a long term power sale from the Southern Companies to Savannah Electric and Power Company and specifies the rates for capacity and energy transactions to be conducted pursuant to such agreement.

Southern Companies requests an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12430 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-466-000]

Utah Power & Light Co.; Notice of Filing

April 29, 1982.

The filing Company submits the following:

Take notice that on April 20, 1982, Utah Power & Light Company (Utah) tendered for filing Appendix 1 to Residential Purchase and Sale Agreement between Utah and the Bonneville Power Administration (BPA).

Utah states that this filing applies to the exchange of power beginning on October 1, 1981 and continuing through February 28, 1982.

Copies of this filing have been sent to BPA and the Idaho Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12431 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-20-006]

Algonquin Gas Transmission Co.; Proposed Tariff Sheet

April 29, 1982.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on April 21, 1982, tendered for filing Third Revised Sheet No. 32 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that such filing is being made to reflect an increase from 1.02 cents to 1.43 cents under Section 6.4 ("Basic Withdrawal Quantity Adjustment") of the Rate Schedule STB Provisions of Algonquin Gas' FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas further states that such increase was inadvertently omitted from its February 19, 1982 filing under Rate Schedule STB to track an increase under Texas Eastern Gas Transmission Corporation's ("Texas Eastern") Rate Schedule SS-II.

Algonquin Gas respectfully requests that the Commission grant any requisite special permissions to allow it to become effective February 14, 1982, the same date as the underlying rate change from Texas Eastern.

Algonquin Gas notes that a copy of this filing is being mailed to each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12419 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-472-000]

American Electric Power Service Corp.; Notice of filing

April 30, 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 23, 1982, tendered for filing on behalf of its affiliate Ohio Power Company Modification No. 20 dated March 1, 1982 to the Operating Agreement dated June 14, 1982, between Ohio Power Company and the Cleveland Electric Illuminating Company.

Section 1 of this Agreement revises the Short Term Power Service Schedule to include a provision which shall allow either party to sell short term power on a daily basis at the rate of one-fifth (1/5) of their weekly demand rate. The terms and conditions of this proposed change are substantially the same as the short term power service schedule presently on file with the Commission between Indiana & Michigan Electric Company (an AEP operating subsidiary) and Illinois Power Company (Docket ER81-767-000) which has been accepted by the Commission by Letter Order dated November 9, 1981.

AEP requests an effective date of April 1, 1982, and therefore requests waive of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1982. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12420 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-128-007, et al.]

Alabama-Tennessee Natural Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

April 30, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may summit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 17, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Apr. 14, 1982	Alabama-Tennessee Natural Gas Company.	RP81-128-007	LFUT report.
Apr. 15, 1982	Northern Natural Gas Company	RP81-52-003	Report.
Apr. 15, 1982	Western Gas Interstate Company	RP81-10-006	Report.
Apr. 16, 1982	Transwestern Pipeline Company	RP82-24-001	LFUT report.
Apr. 19, 1982	Southern Natural Gas Company	RP81-105-014	LFUT report.
Apr. 9, 1982	Transcontinental Gas Pipe Line Corporation.	RP77-108-021	Report.
Apr. 22, 1982	Transwestern Pipeline Company	RP82-24-002	LFTU report.
Apr. 26, 1982	Arkansas Louisiana Gas Company	RP81-101-006	LFUT report.
Apr. 26, 1982	Florida Gas Transmission Company	RP81-7-005	Compliance report.
Apr. 26, 1982	Tennessee Gas Pipeline Company	RP81-44-004	Report.

[FR Doc. 82-12446 Filed 5-6-82; 8:45 am]

BILIING CODE 6717-01-M

[Docket No. CP82-266-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Application

May 3, 1982.

Take notice that on March 30, 1982, Arkansas Louisiana Gas Company, a division of Arlka, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP82-266-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing with the date of the order and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant. Applicant request authorization herein to make routine rearrangements of facilities and service including taps and town border stations as necessary to accommodate more efficient natural gas distribution service. Such facilities, it is asserted, are required to meet growth needs of service areas served by Applicant's distribution system.

Applicant states that the total cost of the proposed facilities would not exceed $300,000 and would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12461 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6112-000]

Village of Chittenango, New York; Application for Preliminary Permit

May 3, 1982.

Take notice that the Village of Chittenango, New York (Applicant filed on March 19, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6112 to be known as the Chittenango Project located on Chittenango Creek in Madison County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Senior Project Engineer, Daverman & Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed run-of-river project would consist of: (1) An existing 137-foot long and 9-foot high stone masonry dam owned by the New York State Department of Transportation; (2) an existing reservoir with a surface area of 1.5 acres at a surface elevation of 1,192 feet m.s.l.; (3) modification of the existing controlled

spillway section to form an intake structure; (4) a proposed powerhouse containing one 100–kW tubular turbine/generator unit; (5) a proposed tailrace; (6) a proposed 250-foot long 13.2–kV transmission line; (7) a proposed electrical substation; and (8) appurtenant facilities. Applicant estimates that average annual energy output would be 400,000 kWh. Project energy would be sold to and/or exchanged with Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $15,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 9, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 9,, 1982, and should specify the type of application forthcoming. Application for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–12458 Filed 5–6–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6137–000]

Big Wood Canal Co.; Application for Exemption of Small Conduit Hydroelectric Facility

May 3, 1982.

Take notice that on March 29, 1982, The Big Wood Canal Company (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) (16 U.S.C. 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Black Canyon No. 3 Project (FERC Project No. 6137) would be located on Gooding Main Canal in Gooding County, near Gooding, Idaho. Correspondence with the Applicant should be directed to: Consulting Associates, Inc., Helen Chenoweth, P.O. Box 893, Boise, Idaho 83701.

Purpose of Project—The project energy would be sold to the Idaho Power Company.

Project Description—The proposed project would consist of: (1) Intake facilities; (2) a 350-foot long, 24-inch diameter steel penstock; (3) a powerhouse with a rated capacity of 150 kW operating under a head of 62 feet and with an average annual generation of 580,000 kWhs.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission,

Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12447 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6126-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 3, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 25, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6126 to be known as the Ohio River Lock and Dam No. 53 Hydroelectric Project located on the Ohio River, 11 miles upstream from Mound City, Illinois in Ballard County, Kentucky, and Pulaski County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Ohio River Lock and Dam No. 53 and would consist of: (1) A proposed powerhouse with generating units having an estimated installed capacity of 23,000 kW and producing an average annual energy output of 200 GWh; (2) a proposed ½-mile 161 kV transmission line to connect to an existing Union Electric Company line; and (3) appurtenant facilities. The proposed market for the power is Union Electric Company and Electric Energy, Inc.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant has requested a 36-month permit to prepare a project report including preliminary designs, and results of hydrological, environmental, and economic feasibility studies. The cost of these activities along with obtaining agreements with the public utilities, consulting Federal, State, and local agencies, and preparing a license application is estimated by the Applicant at $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 9, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obainted by agencies directly from the Applicant.) If an agency not does file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petiton to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—An filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12448 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6102-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 5, 1982.

Take notice that ENERGENICS SYSTEMS, INC. (Applicant) filed on March 18, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6102 to be known as the Oologah Lake Dam Project located on the Verdigris River in Rogers and Nowata Counties, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., ENERGENICS SYSTEMS, INC., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing Corps of Engineers' Oologah Dam and would consist of: (1) A new powerhouse containing one or more generating units with a total rated capacity of 2.3 MW; (2) existing 115-kV transmission lines, owned by the Verdigris Valley Electric Cooperative; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10.0 GWh. The most likely market for the energy derived at the proposed project is the Verdigris Valley Electric Cooperative.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 10, 1982, the competing application itself [see 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application

for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12462 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6214-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 4, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on April 15, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)-825(r)] for Project No. 6214 to be known as the Curwensville Project located on the West Branch of the Susquehanna River in Clearfield County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the Corps of Engineers' constructed Curwensville Dam and Reservoir, and would consist of: 1) A new penstock 10 feet in diameter and 150 feet long; 2) a new powerhouse containing a crossflow turbine/generator unit operating under a head of 25 feet and rated at 1.75 MW; 3) a new tailrace 8.5 feet wide, 4.25 feet deep and 75 feet long; 4) a new 115-kV transmission line 5 miles long; and 5) appurtenant facilities. The 6,000,000 kWH of energy generated yearly by the project would be sold to the Pennsylvania Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 9, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12463 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6189-000]

Falling Waters Development, Inc. VIII; Notice of Application for Preliminary Permit

May 5, 1982.

Take notice that Falling Waters Development, Inc. VIII (Applicant) filed on April 8, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6189 to be known as the Falling Waters Development, Inc. VIII Project located on Mawah Creek, Near Weitchpec, in Humboldt County, California. The Application is on file with the Commission with the Commission and is avaialble for public inspection. Correspondence with the Applicant should be directed to: Mr. E. H. Ochinero, 2811 Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 5-foot high, 10-long diversion structure; (2) a 800-foot long, 24-inch diameter conduit; (3) a 650-foot long, 18-inch diameter penstock; (4) a powerhouse with an installed capacity of 300 Kw and (5) a 0.5-mile long, 12-kV transmission line from the powerhouse to a proposed Falling Waters Development, Inc. transmission facility. The Applicant estimates that the average annual energy production would be 2.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 16, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 14, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, if an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12449 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6192-000]

Goldenwest Power; Application for Preliminary Permit

May 5, 1982.

Take notice that Goldenwest Power (Applicant) filed on April 8, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6192 to be known as the Tully Creek Power Project located on Tully Creek, near Weitchpec in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. H. Ochinero, 2811 Bechelli Lane, Redding, California 96002.

Project Description—The project would consist of: (1) A 5-foot high, 50-foot long diversion structure; (2) a 9,000-foot long, 60-inch diameter conduit; (3) a 1,100-foot long, 4 8-inch diameter penstock; (4) a powerhouse with an installed capacity of 1,300 kW; and (5) a 9-mile long, 12-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 11.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 16, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 F.R. 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to

submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 16, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 14, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12450 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6177-000]

Lawrence J. McMurtrey; Application for Preliminary Pemit

May 4, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on April 7, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6177 to be known as the Howard Creek Project located on Howard Creek, within the Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122 196th NE., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) A 36-inch wide concrete intake structure placed in the streambed at elevation 3,000 feet; (2) a diversion pipeline 10,000 feet long; (3) a powerhouse at 1,120 feet containing a turbine generator with 3.45 MW capacity and 15.13 GWh annual energy production; and (4) a transmission line 7 miles long. The potential market for project-generated energy includes Puget Sound Power and Light, the Bonneville Power Administration and the Intalco Aluminum Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981].

The Commission will accept applicatios for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriated].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12464 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6179-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

May 4, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on April 7, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6179 to be known as the Upper Found Creek Project located on Found Creek, within the Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122-196th NE., Redmond, Washington 98052.

Project Description—The proposed project would consist of (1) a 36-inch wide concrete intake structure place in the streambed at elevation 3,000 feet; (2) a diversion pipeline 8,000 feet long; (3) a powerhouse at 2,000 feet containing a turbine generator with 1.87 MW capacity and 8.2 GWh annual energy production; and (4) a transmission line 8 miles long. The potential market for project-generated energy includes Puget Sound Power and Light, the Bonneville Power Administration and the Intalco Aluminum Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Any Application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12465 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6182-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

May 4, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on April 7, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6182 to be known as the Excelsion Creek Project located on Excelsion Creek, within Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122—196th NE., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) A 36-inch wide concrete intake structure placed in the streambed at elevation 2,000 feet; (2) a diversion pipeline 4,000 feet long; (3) a powerhouse at 1,100 feet containing a turbine generator with 1.63 MW capacity and 7.15 GWh annual energy production; and (4) a transmission line 4 miles long. The potential market for project-generated energy includes Puget Sound Power and Light, the Bonneville Power Administration and the Intalco Aluminum Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic, environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response

to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12466 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6184-000]

Lawrence J. McMurtrey; Application for Preliminary Permit

May 4, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on April 7, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 6184 to be known as the Goblin Creek Project located on Goblin Creek, within Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122—196th NE., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) A 36-inch wide concrete intake structure placed in the streambed at elevation 3,000 feet; (2) a diversion pipeline 10,000 feet long; (3) a powerhouse at 1,920 feet containing a turbine generator with 1.98 MW capacity and 8.66 GWh annual energy production; and (4) a transmission line 14 miles long. The potential market for project-generated energy includes Puget Sound Power and Light, the Bonneville Power Administration and the Intalco Aluminum Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimate cost of permit activities is $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12467 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4869-001]

Modesto Irrigation District; Application for Preliminary Permit

May 4, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4869 to be known as the Deadwood Creek Project located on Deadwood Creek in the Plumas National Forest in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231-11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A 5-foot-high, 40-foot-long diversion structure located at elevation 2,975 feet; (2) a 42-inch-diameter, 4,000-foot-long conduit; (3) a 42-inch-diameter, 1,150-foot-long penstock; (4) a powerhouse at elevation 2,250 feet containing a single 2,750-kW generating unit; and (5) associated electrical and transmission equipment. Applicant estimates that the project would generate an average of 23,900 MWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. During the term of the permit Applicant would conduct engineering, financial, and environmental feasibility studies. Applicant estimates that the studies will cost $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4392 filed on March 23, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12468 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-153-001]

Mountain Fuel Supply Co.; Amendment to Application

May 3, 1982.

Take notice that on March 29, 1982,[1] Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP82-153-001 an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect its intention to utilize the Red Wash interconnection in Utah as a redelivery point to Northwest Pipeline Corporation (Northwest), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant submits that in its application it requested pursuant to a gas transportation and exchange agreement dated December 15, 1980, authorization to transport and exchange up to 35,000 Mcf of natural gas per day that Northwest may control in the areas of Utah within the vicinity of Applicant's Southern System for which Applicant presently holds a Hinshaw exemption granted by order issued August 6, 1964, in Docket No. CP64-221 (32 F.P.C. 535). It is further submitted that such application specifically disclaimed any request for authorization to utilize the nearby existing Red Wash interconnection between the facilities of Applicant and Northwest.

Applicant asserts that because of the anticipated increase in the volumes available for transportation on the Southern System operating conditions require the activation on a permanent basis of the Red Wash interconnection as a redelivery point to Northwest.

It is stated that only minor compression and other facilities, consisting of an 800 horsepower site compressor, control and metering facilities, and minor yard piping to connect the compressor, would be installed to effect delivery to Northwest at Red Wash. Applicant further states that such additional facilities would be installed pursuant to the budget authorization granted Applicant by order issued January 13, 1981, in Docket No. CP81-50.

Therefore, Applicant requests that the application filed in the instant docket be amended so as to include a request for authorization for the use of the above-described Red Wash interconnection for the redelivery of natural gas to Northwest in Utah.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the

[1] The amendment was initially tendered for filing on March 29, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 1, 1982; thus, filing was not completed until the latter date.

Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considerd by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12469 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5752-000]

New York State Department of Environmental Conservation; Notice of Application for License (Over 5 MW)

May 3, 1982.

Take notice that the New York State Department of Environmental Conservation (Applicant) filed on December 14, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Ticonderoga Project No. 5752. The project would be located on Ticonderoga Creek in the Village of Ticonderoga, Essex County, New York. Correspondence with the Applicant should be directed to: Mr. Herbert Doig, Assistant Commissioner—Natural Resources, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233.

Project Description—The proposed project would consist of two tandem developments, the first comprising: (1) The existing "Dam A", 8 feet high and 110 feet long, with an uncontrolled spillway 59 feet long, with three slide gates; (2) Lake George, 31 miles long and 2.5 miles wide, with a usable storage of 15,000 acre feet; (3) a new concrete intake structure; (4) a new penstock nine feet in diameter, 380 feet underground and 2,170 feet above ground; (5) a new concrete powerhouse, 37 by 74 feet, containing one 4.2- and one 2.1-MW turbine/generator unit operating under a net head of 122 feet; (6) a rehabilitated tailrace 40 feet wide and 120 feet long; (7) a new three-phase, 13.2-kV transmission line; and (8) appurtenant facilities.

The second development would consist of: (1) The existing "Dam D", 11 feet high and 350 feet long, with a primary spillway 60 feet long and a secondary spillway 110 feet long; (2) a pond covering six acres with no usable storage; (3) a renovated intake structure; (4) a new underground penstock, 9 feet, 10 inches in diameter and 2,570 feet long; (5) a new concrete powerhouse, 37 by 75 feet, containing one 3.15- and one 1.55-MW turbine/generator unit operating under a net head of 85 feet; (6) a new tailrace, 45 feet wide and 120 feet long; (7) a new three-phase, 13.2-kV transmission line; and (8) appurtenant facilities.

Purpose of Project—The average annual generation of 37.7 million kWh would be sold to the Niagara Mohawk Power Corporation.

Competing Applications—This application was filed as a competing application to Long Lake Energy Corporation's application for Project No. 4356–001 filed on September 21, 1981. Public notice of the filing of the initial application, which has already been given established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12451 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-289-000]

Panhandle Eastern Pipe Line Co.; Application

May 3, 1982.

Take notice that on April 19, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82–289–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Toledo Edison Company (Toledo Edison), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Toledo Edison's distribution company is currently operating at a poor load factor due to current economic conditions and as a result has excess gas which it desires to sell to its power generating plant. It is explained that this sale would be in addition to the 1,500 Mcf of gas per day which Applicant is delivering to the power plant under its current industrial sales contract.

Pursuant to a transportation agreement dated February 23, 1982, Applicant proposes to receive up to 5,000 Mcf of such excess gas per day by displacement at the existing point of interconnection between the facilities of Applicant and Toledo Edison's distribution company in Defiance, Ohio, and redeliver these volumes on an interruptible basis at the existing point of interconnection between Applicant and Toledo Edison's power plant also in Defiance, Ohio. Applicant asserts that Toledo Edison would pay a unit charge of 2.48 cents.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12470 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6193-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit

May 3, 1982.

Take notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on April 8, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 6193 to be known as the Prairie Mountain Waterpower Project located on Davis Creek, partially within Gifford Pinchot National Forest in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary H. Kalich, Manager, Public Utility District No. 1 of Lewis County, Post Office Box 330, Chehalis, Washington 98532, with a copy to Mr. James V. Williamson, Partner, R. W. Beck and Associates, 200 Tower Building, 7th Avenue at Olive Way, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) A 5-foot high concrete gravity dam at elevation 2,000 feet; (2) a 24-inch pipeline 6,600 feet long and penstock 2,900 feet long; (3) a powerhouse at elevation 960 feet containing a turbine generator with 2.3 MW capacity and 8.6 GWh annual energy production, and (4) a transmission line 0.25 mile long. Generated energy would be used as a system resource or sold to the Bonneville Power Administration.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasiblity and to support application for a license to construct and operate the project. The estimated cost of permit activities is $200,000.

Competing Applications—This application was filed as a competing application to Western Power, Incorporated's application for Project No. 5449 filed on October 5, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12452 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6089-000]

Rainsong Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 4, 1982.

Take notice that on March 15, 1982, Rainsong Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposes hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6089) would be located on Skate Creek, Lewis County, Washington. Correspondence with the Applicant should be directed to: Mr. Jerry L. Johnson, Agent, Post Office Box 485, Lynden, Washington 98264.

Project Description—The proposed project would consist of: (1) A 80-foot long, 6-foot high diversion structure; (2) a 11,000-foot long, 60-inch diameter pipeline/penstock; (3) a powerhouse containing one generating unit with a rated capacity of 5 MW; and (4) a 3,000-foot long transmission line from the powerhouse to an existing 69-kV transmission line. The Applicant estimates that the average annual energy production would be 32.00 GWh. The project is located entirely on Federal lands within the Gifford Pinchot National Forest.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects projects the Exemptee from

permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, the State of Washington Department of Fisheries and State of Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file coments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 21, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before June 21, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by tahe Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12471 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6061-000]

Southern Pacific Land Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 5, 1982.

Take notice that on March 8, 1982, Southern Pacific Land Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6061) would be located on Haypress Creek, near Sierra City, Sierra County, California. Correspondence with the Applicant should be directed to: Mr. Erik A. Stenstedt, Southern Pacific Land Company, One Market Plaza, San Francisco, California 94105.

Project Description—The project would consist of: (1) A 6-foot high, 18-foot long diversion structure; (2) a 3,100-foot long, 54-inch diameter low pressure conduit; (3) a 2,500-foot long, 36-inch diameter penstock; (4) a powerhouse containing one generating unit with an installed capacity of 4.9 MW; and (5) a 60-kV transmission line from the powerhouse to an existing Sierra City Substation or a proposed transmission line. The Applicant estimates that the average annual energy production would be 12 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission on or before July 16, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12453 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6028-000]

Southern Pacific Land Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 5, 1982.

Take notice that on February 25, 1982, Southern Pacific Land Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6028) would be located on Haypress Creek, within the lands of Tahoe National Forest, near Sierra City, Sierra County, California. Correspondence with the Applicant should be directed to: Mr. Erik A. Stendstedt, Southern Pacific Land Company, One Market Plaza, San Francisco, California 94105.

Project Description—The project would consist of: (1) A 6-foot high, 18-foot long diversion structure at Haypress Creek; (2) a 1,300-foot long diversion channel; (3) a 6-foot high, 18-foot long diversion structure at Milton Creek; (4) a 4,200-foot long, 54-inch diameter low pressure conduit; (5) a 1,100-foot long, 36-inch diameter penstock; (6) a powerhouse containing one generating unit with an installed capacity of 4 MW; and (7) a 60-kV transmission line from the powerhouse to an existing Sierra City Substation or a proposed transmission line. The Applicant estimates that the average annual energy production would be 8.5 million kWh

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 25, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 25, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12454 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 405-011]

Susquehanna Power Co. and; Philadelphia Electric Power Co.; Application for Amendment of License

May 3, 1982

Take notice that on March 23, 1982, the Susquehanna Power Company and the Philadelphia Electric Power Company (Licensees) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for amendment of their license for the Conowingo Project No. 405, located on the Susquehanna River, in York and Lancaster Counties, Pennsylvania and Cecil and Harford Counties, Maryland. Correspondence with the Licensees should be directed to: Mr. Eugene J. Bradley, 2301 Market Street, Philadelphia, Pennsylvania 19109.

The license amendment would involve the removal of the existing highway bridge built on the powerhouse, spillway, and abutment sections of the dam, and that portion of the bridge over the Conrail railroad, to be replaced by the construction of a new highway bridge and modifications to the east and west approaches. The new bridge will consist of two 14-foot wide traffic lanes at the spillway and abutment sections. A cantilevered concrete cap will be constructed on exising piers to support precast concrete members of the new bridge structure at this location. At the powerhouse, the new bridge will have a cast-in-place concrete deck on steel framing, supported by the existing powerhouse structure and the existing headworks structures. The new roadway will be widened to approximately 21.5 feet without modifying the existing powerhouse structure. The bridge over the Conrail railroad will be widened to improve the intersection of U.S. Route 1 with Maryland 222 at the east approach. Modifications to the bridge approaches will consist of improved grade conditions at the east and west approaches, and a truck climbing lane at the east approach.

Anyone desiring to be heard or make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1982. The Commission's address is 825 North Capitol Street, NE., Washington, D.C. 20426. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12456 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-285-000]

Texas Gas Transmission Corp.; Application

May 3, 1982.

Take notice that on April 15, 1982, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP82-285-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell natural gas to the City of Carrollton, Kentucky (Carrollton), in lieu of Ohio River Pipeline Corporation (Ohio River Pipeline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that pursuant to a sales agreement dated March 8, 1982, Ohio River Gas Company, Inc. (Ohio River) which is now engaged in the business of rendering gas utility service in the town of Milton, Kentucky, has agreed to transfer all of its gas utility properties to Carrollton which through the Carrollton Utilities Commission renders gas utility service to the residents of Carrollton. It is further submitted that such sale is conditioned upon approval of both the Kentucky Public Service Commission and the authorization saught in the instant application from the Commission.

Petitioner asserts that after the effective date of such sale Carrollton would render gas service to those areas and customers being served by Ohio River. It is further asserted that in order to accomplish such service Ohio River Pipeline, an affiliate and supplier of Ohio River, has agreed to transfer to Carrollton its right to purchase from Applicant 600 Mcf of natural gas per day which approximates the peak day requirements of the City of Milton, Kentucky. Applicant states that Ohio River Pipeline has also agreed to the transfer of the following seasonal entitlements: Summer—62,424 Mcf, Winter—59,963 Mcf.

Applicant proposes for the purpose of administrative efficiency, to file with the Commission two superseding service agreements between Applicant and Ohio River Pipeline and Applicant and Carrollton reflecting the changes brought about by the sale of the subject facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12472 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6020-000]

Thousand Trails, Inc.; Application for Preliminary Permit

May 5, 1982.

Take notice that Thousand Trails, Inc. (Applicant) filed on February 24, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 6020 to be known as the Thousand Trails, Inc. Small Hydro Project located on a Tributary of the Yuba River in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James J. Jaeger, Project Manager, Thousand Trails, Inc., 4800 South/88th Way, Seattle, Washington 98188.

Project Description—The proposed project would consist of: (1) A 56.6-foot high, 340-foot long existing Los Verjels Dam with a storage capacity of 1,500 acre-foot; (2) two 14-inch diameter, 71-foot long penstocks; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 50 kW; and (4) appurtenant facilities. Applicant estimates a 0.2 GWh average annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $20,000. Excess power would be sold to Pacific Gas and Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before August 16, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 15, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12455 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-476-000]

Vermont Electric Power Co.; Filing

April 30, 1982.

The filing company submits the following:

Take notice that on April 26, 1982, Vermont Electric Power Company, Inc. (VELCO) tendered for filing Rate Schedules containing a Unit Contract between VELCO and Fitchburg Gas and Electric Light Company (Fitchburg) of Fitchburg, Massachusetts, dated as of May 1, 1982 and a revised Exhibit A to Power Purchase Agreement dated as of June 1, 1981, FERC Rate Schedule No. 234, Supplement No. 18 between VELCO and the Village of Stowe (Stowe).

VELCO states that the service to be rendered under these Rate Schedules consists of the sale of capacity and related energy from the Merrimack No. 2 Unit and the Vermont Yankee Nuclear Electric Generating Unit for the monthly amounts and period as follows:

	Fitchburg	Stowe
KW	403	930
KWH	153,000	524,000
Charges	$4,700	$13,000

VELCO states that charges of the power will be at VELCO's costs. Therefore, there will be no change in the overall rate of return of VELCO.

VELCO further states that the service under these Rate Schedules will commence on May 1, 1982, and will terminate on October 31, 1982.

VELCO requests an effective date of May 1, 1982, and therefore, requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12457 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6145-000]

Delmer Wagner; Application for Preliminary Permit

May 5, 1982.

Take notice that Delmer Wagner (Applicant) filed on March 30, 1982, an

application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)) for Project No. 6145 to be known as the Grave Creek Project located on Grave Creek near Grants Pass In Josephine County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Delmer Wagner, 326 Pine Grove Road, Rogue River, Oregon 97537.

Project Description—The proposed project would consist of: (1) a 4-foot high, 30-foot long diversion dam; (2) a 2,775-foot long diversion ditch; (3) a 3.5-foot diameter, 990-foot long pipeline; (4) a powerhouse with a total installed capacity of 900 kW; and (5) a 12-kV, 1,000-foot long transmission line interconnecting with an existing transmission line. The Applicant estimates that the average annual energy output would be 1.44 million kWh.

Purposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a preliminary permit for a 24 months during which he would conduct engineering, environmental, economic studies and prepare an FERC license application.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself, or a notice of intent to file such an application (se: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.).

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 10, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–12473 Filed 5–6–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6054–000]

Ralph Wagner, Consulting Engineer, Inc.; Application for Preliminary Permit

May 4, 1982.

Take notice that Ralph Wagner, Consulting Engineer, Inc. (Applicant) filed on March 3, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6054 to be known as the Lake Arrowhead Waste Water Power Project located on an existing Lake Arrowhead Sanitation Districts Pipeline within the San Bernardino National Forest in San Bernardino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ralph Wagner, 27896 Peninsula Drive South, P.O. Box 13, Lake Arrowhead, California 92352.

Project Description—The proposed project would consist of: (1) A 8 to 10-inch diameter, 8.5-mile long existing Lake Arrowhead Sanitation District Pipeline; (2) a equalization basin with an estimated storage capacity of 625,000-gallons; (3) a series of 10 reaction turbines installed in the pipeline with a total rated capacity of 300 kW; and (4) appurtenant facilities. Applicant estimates a 260,000 kWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $6950.00. Power would be sold to Southern California Edison Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 12, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 12, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 20, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application.

(A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12474 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6141-000]

Willow Creek Community Services District; Application for Preliminary Permit

May 3, 1982.

Take notice that Willow Creek Community Services District (Applicant) filed on March 30, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6141 to be known as the Willow Creek Power Project located on the Willow Creek near the town of Willow Creek, partly within the Six Rivers National Forest in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Marc Rowley, General Manager, Willow Creek Community Services District, P.O. Box 255, Willow Creek, California 95573.

Project Description—The proposed project consists of two developments:

A. The Upper Facility Comprising: (1) A 3-foot high diversion structure; (2) a 20-inch diameter, 10,200-foot long penstock; (3) a powerhouse containing generating units with combined rated capacity of 500 kW; and (4) a 500-foot long, 12.5-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company (PG&E) line south of the powerhouse.

B. The Lower Facility, approximately 3 miles downstream of the Upper Facility, comprising: (1) A 3-foot high diverson structure; (2) a 24-inch diameter, 9,000-foot long penstock; (3) a powerhouse containing generating units with combined rated capacity of 500 kW; and (4) a 300-foot long, 12.5-kV transmission line connecting the powerhouse to an existing PG&E line east of the powerhouse.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 9, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before July 9, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than September 7, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before July 9, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12459 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5563-000]

Wyandotte Hydro Associates; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 5, 1982.

Take notice that on October 26, 1981, and amended on March 1, 1982, East Coast Engineering (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5563 would be located on the Cocheco River in Strafford County, New Hampshire. Correspondence with the Applicant should be directed to: James M. Rea, Wyandotte Hydro Associates, c/o East Coast Engineering, P.O. Box 25, Barrington, New Hampshire 03825.

Project Description—The project would consist of: (1) The existing City Dam #1, a concrete gravity structure 13.2 feet high and 215 feet long; (2) an existing impoundment with a maximum storage capacity of 423 acre-feet at a normal water-surface elevation of 221.75 feet m.s.l.; (3) a rebuilt intake structure; (4) a new powerhouse with a single unit having a generating capacity of 51 kW; (5) a new 400-foot long transmission line connecting with the existing Public Service Company of New Hampshire (PSC) 4.16-kVA distribution line; (6) the existing Hatfield Dam, a concrete gravity structure 20 feet high and 106 feet long; (7) an existing impoundment with a maximum storage capacity of 7 acre-feet and a normal water surface elevation of 210.71 feet m.s.l.; (8) the existing 6 inch diameter riveted steel penstock 285 feet long; (9) an existing powerhouse, to be refurbished and to contain 3 new units having a total generating capacity between 266 kW and 300 kW; (10) the existing tailrace; (11) a new 400-foot long transmission line connecting with the existing PSC of New Hampshire 4.16-kVA distribution line; and (12) appurtenant facilities. The Applicant states that the total average annual energy output of 1,500,000 kW would be sold to the PSC. The existing project facilities are owned by the City of Rochester, New Hampshire.

Purpose of Project—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire State Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 23, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before June 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12460 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 30, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABRAXAS PETROLEUM CORP				RECEIVED:	04/09/82	JA: TX			
8227143	F-04-045648	4224931410		102-2	103	KNOX #1	ALICE DEEP (YEGUA) AL	110.0	TENNESSEE GAS PIP
-AEC OIL & GAS				RECEIVED:	04/09/82	JA: TX			
8227168	F-7B-046654	4242932875		102-2		J N CRUDGINGTON #1	REID-MCLENNAN (MISS)	15.0	PETCO
-AMERADA HESS CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227305	F-8A-048567	4216500000		108		ADAIR SAN ANDRES UNIT #305	ADAIR	0.8	PIONEER NATURAL G
8227306	F-7C-048568	4238300000		108		G L ALDWELL #202	SPRABERRY TREND	5.5	EL PASO NATURAL G
-AMNEX PETROLEUM INC				RECEIVED:	04/09/82	JA: TX			
8227198	F-03-047631	4214930935		102-2	103	LETA UNIT #1	GIDDINGS (AUSTIN CHAL	54.0	CLAJON GAS CO
8227152	F-03-045969	4214931164		102-2	103	VIDA UNIT #1	GIDDINGS (EDWARDS GAS	446.4	CLAJON GAS CO
8227200	F-03-047634	4205131998		102-2	103	WARD UNIT #1	BIG A (TAYLOR)	415.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED:	04/09/82	JA: TX			
8227395	F-08-048839	4213533661		103		NORTH COWDEN UNIT #1099	COWDEN NORTH	1.1	WESTAR TRANSMISSI
8227396	F-08-048840	4233531889		102-4		SUSIE SNYDER RANKIN #1	COAHOMA N (WOLFCAMP)	2.7	
-ANDERSON PETROLEUM INC				RECEIVED:	04/09/82	JA: TX			
8227125	F-7C-044241	4210533507		103	107-TF	ALMEDA M HOOVER 2-21	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8227097	F-7C-042061	4210533511		103	107-TF	AUSTIN C MILLSPAUGH "A1" 5-12	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8227022	F-7C-031337	4210532628		103	107-TF	ELOISE CARSON CLEGG ET VIR "C"1-61	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8227096	F-7C-042060	4210533588		103	107-TF	L B COX JR D 2-25A	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8227084	F-7C-040573	4210533207		103	107-TF	PEERY HOLMSLEY "A2" 2-1	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
8227085	F-7C-040578	4210533211		103	107-TF	PEERY HOLMSLEY 2-68	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY				RECEIVED:	04/09/82	JA: TX			
8227275	F-7C-048451	4223500364		108		KETCHUM MT CLEARFORK UT #55-16	KETCHUM MT (CLEARFORK	1.7	J L DAVIS
8227069	F-04-039066	4221531081		102-4		SCHUSTER UNIT #2	DONNA (10820)	205.0	TENNESSEE GAS PIP
-ASPEN PETROLEUM INC				RECEIVED:	04/09/82	JA: TX			
8227312	F-10-048585	4217930918		103		FIELDS #3 04899	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
8227314	F-10-048587	4217930940		103		FIELDS #7 04899	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
8227313	F-10-048586	4217930970		103		FIELDS #8 04899	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
8227343	F-10-048652	4217930924		103		HARRIS #1 04971	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
8227342	F-10-048651	4217930923		103		HARRIS #2 04971	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
8227341	F-10-048650	4217930995		103		HARRIS #5 04971	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
8227340	F-10-048649	4217930994		103		HARRIS #6 04971	PANHANDLE GRAY COUNTY	72.0	NORTHERN NATURAL
-B D K PRODUCTION CO INC				RECEIVED:	04/09/82	JA: TX			
8227150	F-03-045935	4214900000		102-2	103	YOUNG-MUTSCHNIK #1	GIDDINGS	150.0	PHILLIPS PETROLEU
-BAR M PETROLEUM CO INC				RECEIVED:	04/09/82	JA: TX			
8227300	F-03-048561	4228731083		103		BECKER #1	GIDDINGS (AUSTIN CHAL	7.0	PERRY GAS PRODUCT
-BERRY BROTHERS PETROLEUM INC				RECEIVED:	04/09/82	JA: TX			
8227155	F-03-046070	4205100000		102-2		KILGORE UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8227156	F-03-046251	4205100000		102-2		MCGOWAN UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-BLUE JAY EXPLORATION CO				RECEIVED:	04/09/82	JA: TX			
8227238	F-02-048081	4246931857		102-4		LINWOOD KOLLE #1	COLLETTOVILLE CREEK (	50.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8227166	F-02-046548	4246900000		102-4	103	WALDINE FRANKE #1
-BLUESKY OIL & GAS INC				RECEIVED:		04/09/82 JA: TX
8227052	F-03-037101	4214930698		102-2		ARNIM "M" UNIT #13
8227102	F-01-042615	4217730680		102-2		H GESCHEIDLE #1
8227057	F-03-037440	4204130560		102-2	103	R CONAWAY UNIT III #1
-BURK ROYALTY CO				RECEIVED:		04/09/82 JA: TX
8227204	F-01-047689	4250731242		102-4	103	J W & BESSIE FITE STUART
-C & K PETROLEUM INC				RECEIVED:		04/09/82 JA: TX
8227068	F-10-039040	4235731106		103		GUIPEL #1
-CALUMET CORP				RECEIVED:		04/09/82 JA: TX
8227289	F-09-048517	4250300000		108		ROSSER #2 RRC #89592
-CARTER EXPLORATION CO				RECEIVED:		04/09/82 JA: TX
8227082	F-04-039958	4242700000		102-4		F B GUERRA ESTATE #1
-CASHCO OIL CO				RECEIVED:		04/09/82 JA: TX
8227110	F-03-042894	4218530292		102-4	103	B B HICKS #2
8227029	F-03-033094	4218530247		102-2		GIBBS BROTHERS #1
8227028	F-03-033086	4218532052		102-2		MCDUFFIE #1
8227027	F-03-033085	4218530250		102-2		YEAGER ADAMS #1
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		04/09/82 JA: TX
8227137	F-03-045243	4205132021		102-2	103	ALFRED H ROBERTS #1
8227043	F-01-035737	4212700000		103		BETTY ANN STEDMAN RANCH #11
*8227148	F-04-045838	4224900000		108		G P WARDNER #124 J
8227071	F-03-039214	4205100000		102-2		MARY ANN ZGABAY "A" #1
-CHARLES L WALKER				RECEIVED:		04/09/82 JA: TX
*8227332	F-08-048634	4200333017		103		SAVAGE #6
-CICO OIL & GAS CO				RECEIVED:		04/09/82 JA: TX
8227058	F-02-037602	4246931690		102-4		R H WELDER #1-T ID#93323
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:		04/09/82 JA: TX
8227164	F-09-046541	4223732295		103		CAMPBELL-WOOD #1 (19025)
8227163	F-09-046530	4223733657		102-4		D C CRANFORD ESTATE "A" #1
8227162	F-09-046529	4223733758		102-4		D C CRANFORD ESTATE "B" #1
8227040	F-09-035579	4249731562		102-4		D W PEWITT #1 ID NO 86191
8227165	F-09-046544	4223733683		103		DAVID HAIRE #1
8227042	F-09-035581	4249731920		102-4		HALL-STARK #1 ID NO 90428
8227280	F-09-048479	4223733515		102-4		SHAWVER "D" #1 (LEASE NO 21586)
8227041	F-09-035580	4249731767		102-4		T W MILLER #1 ID NO 90579
8227161	F-09-046528	4223734051		102-4		TODD LOOP #1
-CISCO PETROLEUM CORP				RECEIVED:		04/09/82 JA: TX
8227279	F-78-048477	4213333093		102-4		ROBINSON #2 15402
-CITIES SERVICE COMPANY				RECEIVED:		04/09/82 JA: TX
8227178	F-03-047052	4204130594		102-2		GARZA "B" #1
-CLARION RESOURCES INC				RECEIVED:		04/09/82 JA: TX
8227019	F-78-028518	4222100000		103	108	ATOR-CROSS 84713
8227122	F-78-043956	4214300000		102-4		MINNIE Q LOWE 1 71168
8227123	F-78-044102	4214300000		102-4	103	RICHARDS-CALABRIA 1
-CLAYTON W WILLIAMS JR				RECEIVED:		04/09/82 JA: TX
8227032	F-03-033910	4205100000		102-2		CHRISTOPHER HAL #1
8227113	F-03-043137	4205100000		102-2		KAZMIR-MATCKE UNIT A #2
8227024	F-03-032010	4205100000		102-2		MELVIN LEWIS UNIT #1
8227067	F-03-038695	4205100000		102-2		WALTER ALBRECHT UNIT #1
-CLEAR FORK GAS CO				RECEIVED:		04/09/82 JA: TX
8227274	F-78-048448	4244700000		102-4		S T POAGE #1-16096
-COLA PETROLEUM INC				RECEIVED:		04/09/82 JA: TX

FIELD NAME	PROD	PURCHASER
BATTLE (VICKSBURG 2ND	200.0	
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
PEACH CREEK (AUSTIN C	0.0	VALERO TRANSMISSI
KURTEN (WOODBINE)	0.0	PRODUCER'S GAS CO
JOHNSON (PEARSALL)	0.0	SONCETT ENERGY IN
LOCKHART (MORROW BASA	0.0	AMERICAN PIPELINE
EILEEN JANE CONGLOMER	12.8	PETROLEUM CORP OF
DELMITA (FRIO 5920' F	500.0	TENNESSEE GAS PIP
MARTINS PRAIRIE (SUB	0.0	LONE STAR GAS CO
MARTINS PRAIRE (SUB-C	0.0	LONE STAR GAS CO
IOLA (SUB-CLARKSVILLE	0.0	LONE STAR GAS CO
IOLA (GEORGETOWN)	0.0	LONE STAR GAS CO
GIDDINGS (AUSTIN CHAL	39.0	FERGUSON CROSSING
STEDMAN	0.0	
STRATTON (WARDNER WES	4.2	TENNESSEE GAS PIP
GIDDINGS	0.0	FERGUSON CROSSING
SHAFTER LAKE (SAN AND	9.0	PHILLIPS PETROLEU
ROB WELDER SW (WILCOX	180.0	VALERO TRANSMISSI
NEWPORT S (BEND CONGL	0.0	CITIES SERVICE CO
PERRIN N (4500)	0.0	LONE STAR GAS CO
PERRIN EAST (STRAWN U	0.0	LONE STAR GAS CO
TERESA (CONGLOMERATE)	0.0	NATURAL GAS PIPEL
CUNDIFF SOUTH (ATOKA	0.0	LONE STAR GAS CO
TERESA (CONGLOMERATE)	0.0	NATURAL GAS PIPEL
LENORA (D-ZONE CONGL)	0.0	CITIES SERVICE CO
TERESA (CONGLOMERATE)	0.0	NATURAL GAS PIPEL
PERRIN SW (CONGL 4850	0.0	LONE STAR GAS CO
MANGUM WEST (3100)	36.5	WEST CEN-TEX GAS
BRYAN (GEORGETOWN)	288.0	PRODUCERS GAS CO
LIPAN (MARBLE FALLS)	10.0	NORTHERN GAS PROD
MINNIE (STRAWN 1380)	18.0	NORTHERN GAS PROD
MINNIE (STRAWN 1380)	36.0	NORTHERN GAS PROD
CLAY NE (DEEP)	0.0	VALERO TRANSMISSI
GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
GIDDINGS	0.0	VALERO TRANSMISSI
CURLEY S (CADDO)	0.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227199	F-06-047633	4240131001		103	107-TF	KENNEDY #4	OAK HILL S (COTTON VA	290.0	TEXAS EASTERN TRA
-CONOCO INC				RECEIVED:	04/09/82	JA: TX			
8227195	F-08-047593	4222732477		103		H R CLAY-E-#56 ID#18993	HOWARD GLASSCOCK	3.7	PHILLIPS PETROLEU
8227277	F-04-048458	4213100000		108		ROBERT DRISCOLL #110	CONOCO-DRISCOLL (UPPE	1.0	TRANSCONTINENTAL
8227203	F-04-047684	4242700000		108		T B SLICK EST B-266 #162	RINCON (FRIO B-2)	17.0	TENNESSEE GAS PIP
-CORDOVA RESOURCES INC				RECEIVED:	04/09/82	JA: TX			
8227129	F-7B-044501	4213332972		103	108	D K SCOTT #3	EASTLAND COUNTY REGUL	16.0	ODESSA NATURAL GA
-COTTON PETROLEUM CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227216	F-10-047806	4235731181		103		MCLAIN "A" #1	PAN PETRO (MORROW UPP	10.0	
8227167	F-10-046600	4229530888		103		PARKER "B" #2	KIOWA CREEK N MORROW	0.0	NORTHERN NATURAL
-D E BROWN				RECEIVED:	04/09/82	JA: TX			
8227287	F-09-048511	4223700000		108		HOUSE RANCH #1 RRC #48789	NEHER CONGLOMERATE FI	21.7	SOUTHWESTERN GAS
-DALECO RESOURCES				RECEIVED:	04/09/82	JA: TX			
8227136	F-03-044926	4205100000		102-4		JESSE MOORE #5	CLAY NE (EDWARDS LIME	0.0	CLAJON GAS CO
-DAMSON OIL CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227104	F-04-042721	4240900000		102-4		RACHAEL S KOLB #1	MORGAN W (FRIO 5140)	0.0	VALERO TRANSMISSI
-DELTA DRILLING CO				RECEIVED:	04/09/82	JA: TX			
8227039	F-7C-035358	4243500000		103	107-TF	SHURLEY #4	SAWYER (CANYON)	0.0	NORTHERN NATURAL
-DELTA OIL & GAS CO				RECEIVED:	04/09/82	JA: TX			
8227352	F-7B-048672	4242900000		108		BLANCHE WINSTON RRC #32821	STEPHENS COUNTY REGUL	4.9	LONE STAR GAS CO
8227263	F-7B-048201	4242900000		108		E J & MARSHALL THOMPSON RRC #68485	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
8227327	F-7B-048626	4242900000		108		ERNEST WRIGHT RRC #72674	KELLY/STRAWN	1.4	LONE STAR GAS CO
8227265	F-7B-048322	4242900000		108		J E TOMLIN "A" RRC #85788	TOMLIN (LAKE SAND)	3.0	LONE STAR GAS CO
8227284	F-7B-048506	4242900000		108		R J KELLY ESTATE "A" RRC #65152	KELLY/STRAWN	4.7	LONE STAR GAS CO
8227286	F-7B-048508	4242900000		108		R J KELLY ESTATE RRC #64706	KELLY/STRAWN	4.2	LONE STAR GAS CO
8227285	F-7B-048507	4242900000		108		R J KELLY ESTATE RRC #65092	KELLY/STRAWN	4.5	LONE STAR GAS CO
8227326	F-7B-048625	4242900000		108		R J KELLY ESTATE RRC #72673	KELLY/STRAWN	2.8	LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227146	F-10-045772	4229531074		103		GEORGE EARL TUBB "B" 2-370	LIPSCOMB SW	473.0	
8227339	F-10-048648	4221100000		108		JOHN C ISAACS "J" #8	CANADIAN SE	8.0	NORTHERN NATURAL
8227338	F-10-048647	4221100000		108		JOHN C ISAACS "K" #1-206	CANADIAN WEST	20.0	NORTHERN NATURAL
8227130	F-10-044542	4229530968		103		W A MURPHY "B" #2-427	LIPSCOMB SOUTH	230.0	
-DOME OIL & GAS CO				RECEIVED:	04/09/82	JA: TX			
8227020	F-7B-028526	4214300000		103	108	MEYER #1 - RRC #85222	LIPAN (MARBLE FALLS)	16.0	NORTHERN GAS PROD
-DORCHESTER EXPLORATION INC				RECEIVED:	04/09/82	JA: TX			
*8227237	F-08-048079	4243131036		103		F CONGER 30-4	CONGER (PENN)	0.0	TEXAS UTILITIES F
8227273	F-08-048447	4243131057		103		FOSTER 9	CONGER (PENN)	355.0	ESPERANZA PIPELIN
*8227240	F-08-048100	4243131027		103		R T FOSTER 11-4	CONGER (PENN)	0.0	TEXAS UTILITIES F
*8227094	F-08-041947	4243131003		103		WESTBROOK 5-3	CONGER (PENN)	1095.0	VALERO TRANSMISSI
-E D ANDERSON				RECEIVED:	04/09/82	JA: TX			
8227364	F-7B-048705	4223700000		108		C J COKER #1	GRAFORD (BEND CONGL)	0.0	LONE STAR GAS CO
8227366	F-7B-048708	4236300000		108		C P CLAYTON #1	GRAFORD (BEND CONGL)	0.0	LONE STAR GAS CO
8227365	F-7B-048707	4236300000		108		J T COOK #1	GRAFORD (BEND CONGL)	0.0	LONE STAR GAS CO
-E H WORTHAM				RECEIVED:	04/09/82	JA: TX			
8227269	F-09-048419	4200934686		103		A D BRITTON #1 RRC#20523	ARCHER COUNTY REGULAR	7.0	EAGLE PETROLEUM C
8227270	F-09-048420	4200900000		103		A D BRITTON #2 RRC#20523	ARCHER COUNTY REGULAR	7.0	EAGLE PETROLEUM C
8227268	F-09-048418	4200934223		103		PERKINS "G" #1 RRC#19959	ARCHER COUNTY REGULAR	25.0	EAGLE PETROLEUM C
8227271	F-09-048421	4200935347		103		UNITED PRESBYTERIAN UNIT-RRC #21592	ARCHER COUNTY REGULAR	18.0	EAGLE PETROLEUM C
-EAGLE EXPLORATION CO INC				RECEIVED:	04/09/82	JA: TX			
8227229	F-10-048003	4219500000		102-4		NOBLES-CATOR #3	MORSE N (CLEVELAND)	90.0	PANHANDLE EASTERN
-EASTLAND WELL SERVICE INC				RECEIVED:	04/09/82	JA: TX			
8227278	F-7B-048460	4213300000		103		W L CURTIS #1 (13726)	FOSTER (MARBLE FALLS)	73.0	ODESSA NATURAL CO
-ECHO PRODUCTION INC				RECEIVED:	04/09/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227248	F-09-048127	4250300000		102-4	103	CEARLEY #1	FRANK (4200)	73.0	SOUTHWESTERN GAS
-EGAN-WILSON PETROLEUM INC				RECEIVED:		04/09/82 JA: TX			
8227109	F-04-042882	4240900000		103		J D PATRICK JR #1	PATRICK (5900)	275.0	ESPERANZA TRANSMI
-ENERGY RESERVES GROUP INC				RECEIVED:		04/09/82 JA: TX			
8227187	F-7C-047469	4223531179		103		ELA C SUGG 69 #3	SPRABERRY (TREND AREA	20.9	NORTHERN NATURAL
-EXPANDO OIL CO				RECEIVED:		04/09/82 JA: TX			
8227121	F-09-043589	4223733788		102-4		HOEFLE #2	STEWART CONGLOMERATE-	0.0	SOUTHWESTERN GAS
-EXXON CORPORATION				RECEIVED:		04/09/82 JA: TX			
8227282	F-02-048496	4205731029		103		E H WELDER #45 ID #04308	HEYSER (F-41)	74.0	TENNESSEE GAS PIP
8227256	F-08-048147	4237133491		103		FORT STOCKTON UNIT #618	FORT STOCKTON	1.0	NUECES CO
8227302	F-08-048563	4210300000		108		J B TUBB A/C 2 #3	SAND HILLS (JUDKINS)	8.0	EL PASO NATURAL G
8227135	F-08-044857	4210332620		103		J B TUBB E #2L	SAND HILLS (TUBB)	35.0	EL PASO NATURAL G
8227359	F-08-048687	4210300000		108		J B TUBB F #2	SAND HILLS (TUBB)	9.0	EL PASO NATURAL G
8227357	F-08-048685	4210300000		108		J C TUBB A/C 1 #113	SAND HILLS (MCKNIGHT)	5.0	EL PASO NATURAL G
8227356	F-08-048684	4210300000		108		J C TUBB A/C 1 #18	SAND HILLS (MCKNIGHT)	4.0	EL PASO NATURAL G
8227169	F-08-046655	4210332665		103		J C TUBB A/C 1 #252U	SAND HILLS (MCKNIGHT)	21.0	EL PASO NATURAL G
8227358	F-08-048686	4210300000		108		J C TUBB A/C 1 #82	SAND HILLS (MC KNIGHT	9.0	EL PASO NATURAL G
8227303	F-08-048564	4210300000		108		J C TUBB A/C 2 #22	SAND HILLS (JUDKINS)	8.0	EL PASO NATURAL G
8227301	F-08-048562	4210300000		108		J C TUBB A/C 2 #25	SAND HILLS (JUDKINS)	10.0	EL PASO NATURAL G
*8227255	F-04-048144	4226130663		102-4		K R TIO MOYA 8 (96281)	CALANDRIA (F-06 W)	400.0	ARMCO STEEL CORP
*8227329	F-04-048628	4226130663		102-4		K R TIO MOYA 9 (96894)	CALANDRIA (F-47)	550.0	ARMCO STEEL CORP
*8227254	F-04-048143	4227331585		102-4		K R VISNAGA 23 (96614)	EL INFERNILLO (I-87)	985.0	ARMCO STEEL CORP
*8227385	F-02-048766	4239100000		108		MARY ELLEN O'CONNOR A-8 (83087)	MARY ELLEN O'CONNOR (	14.0	ARMCO STEEL CORP
8227179	F-04-047069	4226130644		103		MRS S K EAST 127-D (ID PENDING)	RITA (12-X SEG III)	110.0	NATURAL GAS PIPEL
*8227308	F-06-048571	4240100000		103		NE TRAWICK GAS UNIT 4-2	TRAWICK NE (PETTIT)	100.0	ARMCO STEEL CORP
*8227370	F-06-048713	4207330428		102-4		ORVAN B JONES #1	REKLAW (TRAVIS PEAK)	280.0	ARMCO STEEL CORP
*8227283	F-04-048498	4213135235		103		PAUL E WHITE B-111 #96602	LUNDELL MIRANDO NO 1	37.0	ARMCO STEEL CORP
*8227372	F-06-048715	4240131187		102-4		R E L SILVEY "C" OIL UNIT NO 1-1	OVERTON NE (PETTIT)	50.0	ARMCO STEEL CORP
8227353	F-04-048680	4226130662		103		SARITA FLD OIL & GAS U 166 ID#04130	SARITA (8-D.S)	51.0	NATURAL GAS PIPEL
8227171	F-04-046699	4226130639		103		SARITA OIL & GAS UNIT 162-D	SARITA (1-A)	160.0	NATURAL GAS PIPEL
8227170	F-04-046687	4226130636		103		SARITA OIL & GAS UNIT 163	SARITA (5-G W)	292.0	NATURAL GAS PIPEL
8227174	F-7C-046896	4223531784		103		STATE UNIVERSITY "EM" #1	CAL SOUTH (CANYON)	1.0	
8227371	F-03-048714	4220131137		103		WEBSTER FIELD UNIT #1319	WEBSTER	25.0	HOUSTON PIPELINE
8227307	F-03-048570	4220100000		103		WEBSTER FIELD UNIT #2773	WEBSTER	146.0	HOUSTON PIPELINE
8227373	F-03-048716	4220131282		103		WEBSTER FIELD UNIT #2774	WEBSTER	60.0	HOUSTON PIPELINE
-FAGADAU ENERGY CORP				RECEIVED:		04/09/82 JA: TX			
8227227	F-09-047919	4207732433		103		SCALING RANCH "C" #1 21775	CLAY COUNTY REGULAR	25.0	BLUEGROVE GASOLIN
-FERGUSON & BOSWORTH				RECEIVED:		04/09/82 JA: TX			
8227127	F-04-044430	4224931406		102-4		HAVERLAH #1	WILDCAT	0.0	VALLEY GAS TRANSM
-FORTUNE PRODUCTION CO				RECEIVED:		04/09/82 JA: TX			
8227330	F-7C-048632	4241331029		102-4	103	UNIVERSITY "11" #1	UNIVERSITY 54 (CANYON	199.0	CRA INC
8227330	F-7C-048632	4241331029		107-TF		UNIVERSITY "11" #1	UNIVERSITY 54 (CANYON	199.0	CRA INC
8227331	F-7C-048633	4241331029		102-2	103	UNIVERSITY "11" #1	UNIVERSITY 54 (ELLENB	79.2	CRA INC
-FUNK EXPLORATION INC				RECEIVED:		04/09/82 JA: TX			
8227201	F-10-047650	4229531038		103		P S REYNOLDS #1	RICKS (MORROW UPPER)	0.0	HIGH PLAINS NATUR
8227208	F-10-047731	4229531078		103		P S REYNOLDS #2	RICKS (MORROW UPPER)	0.0	HIGH PLAINS NATUR
-GALAXY OIL COMPANY				RECEIVED:		04/09/82 JA: TX			
8227060	F-03-037861	4204130521		102-2		LILLY CARLL WATSON 92616	BRYAN (AUSTIN CHALK)	550.0	PRODUCERS GAS CO
-GENERAL PRODUCTION CORP				RECEIVED:		04/09/82 JA: TX			
8227088	F-03-040814	4228730882		103		E MICHAEL LALLINGER #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8227030	F-03-033239	4205131140		103		T A PEEK "A" #1	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED:		04/09/82 JA: TX			
8227103	F-03-042697	4205100000		102-2		BELLE BRISCOE #1	GIDDINGS (AUSTIN CHAL	200.0	FERGUSON CROSSING

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227059	F-03-037741	4205100000		102-2		C LEDNICKY #1	GIDDINGS (AUSTIN CHAL	105.0	FERGUSON CROSSING
-GHR ENERGY CORP				RECEIVED:	04/09/82	JA: TX			
8227188	F-04-047472	4250531389		102-4		ASCHE #3	CHARCO (9400)	730.0	VALERO TRANSMISSI
*8227106	F-04-042844	4247932970		102-4	107-TF	BRUNI RANCH #6-T	BRUNI RANCH (LOBO 10.	365.0	VALERO TRANSMISSI
8227086	F-04-040617	4247932989		102-4	107-TF	LECHENGER #4	SAMUELS (LOBO)	183.0	VALERO TRANSMISSI
8227112	F-04-043050	4247932497		102-4	107-TF	LUNDELL #14	LUNDELL (LOBO)	438.0	VALERO TRANSMISSI
-GILLRING OIL CO				RECEIVED:	04/09/82	JA: TX			
8227264	F-04-048211	4235500000		108		C P TALBERT #4-ID33836	AGUA DULCE /6020/ FIE	20.0	TENNESSEE GAS PIP
-GO OIL CORP				RECEIVED:	04/09/82	JA: TX			
8227064	F-7B-038289	4205900000		102-4		BERRY #3	BAIRD EAST (STRAWN SA	0.0	LONE STAR GAS CO
-GOLDSTON OIL CORP				RECEIVED:	04/09/82	JA: TX			
8227328	F-03-048627	4248132240		103		LISSIE GAS UNIT #1 #2	LISSIE SOUTH (WILCOX	350.0	TENNESSEE GAS PIP
-GRACE PETROLEUM CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227389	F-7C-048799	4223510302		108		ELTA T MURPHY "A" #1	SPRAYBERRY TREND	0.0	EL PASO NATURAL G
8227049	F-06-036389	4236531139		103	107-TF	WOOLWORTH GAS UNIT #1	CARTHAGE (COTTON VALL	0.0	
-GREAT WEST OPERATING CO INC				RECEIVED:	04/09/82	JA: TX			
8227099	F-7B-042339	4213332783		102-4		SCHREINER #2	SHOAF-MERGNER (DUFFER	100.0	ODESSA NATURAL GA
-GULF OIL CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227379	F-08-048748	4213533827		103		C A GOLDSMITH 1360	LAWSON (SAN ANDRES)	766.5	PHILLIPS PETROLEU
8227378	F-08-048744	4213533828		103		C A GOLDSMITH 1361	LAWSON (SAN ANDRES)	693.5	PHILLIPS PETROLEU
8227334	F-09-048639	4249700000		103		I G YATES #8	BOONSVILLE (CADDO CON	62.0	NATURAL GAS PIPEL
8227048	F-06-036207	4240130998		103	107-TF	JOHN THOMPSON #2	OAK HILL (COTTON VALL	0.0	DELHI GAS PIPELIN
8227220	F-08-047820	4249530458		108		KEYSTONE CATTLE CO #328	KEYSTONE (SAN ANDRES)	1.0	CABOT CORP
8227335	F-09-048640	4249700000		103		L O FANCHER #2	BOONSVILLE (CADDO CON	13.1	NATURAL GAS PIPEL
8227219	F-08-047819	4238900191		108		RANDOLPH A T STATE #5	SABRE (DELAWARE)	1.0	CONTINENTAL OIL &
8227221	F-08-047821	4238900194		108		RANDOLPH A T STATE #8	SABRE (DELAWARE)	1.0	CONTINENTAL OIL &
-GULF SANDS OIL CO				RECEIVED:	04/09/82	JA: TX			
8227034	F-02-034573	4202631296		102-4		ESTELLA MAE PURCELL CAGE NO 1	LITTLE JOHN (3600)	54.0	GULF STATE EQUITY
-GUS EDWARDS CO				RECEIVED:	04/09/82	JA: TX			
8227390	F-03-048808	4205131677		102-2		VARREECE BERRY #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-H & L OPERATING COMPANY				RECEIVED:	04/09/82	JA: TX			
8227236	F-10-048054	4229531077		102-4		HOCKING "A" #1-59	BOOKER N (MORROW UPPE	10.0	PHILLIPS PETROLEU
8227247	F-10-048120	4235731224		102-4		SELL #2-38	BOOKER N (MORROW UPPE	73.0	PHILLIPS PETROLEU
-H-M OIL CO				RECEIVED:	04/09/82	JA: TX			
8227228	F-03-047959	4248132262		102-4	103	AUGUST BACAK #1	HOLUB (5520)	0.0	UNITED TEXAS TRAN
8227209	F-03-047732	4248132120		102-4	103	FLORENCE FROMEN #1	HOLUB (6980)	0.0	UNITED TEXAS TRAN
-HAMILL RESOURCES INC				RECEIVED:	04/09/82	JA: TX			
8227361	F-04-048689	4227331609		102-4		MICHALK-MEYER #1 RRC ID #96957	RICARDO NORTH (FRIO 5	100.0	HOUSTON PIPELINE
-HARRISON INTERESTS LTD				RECEIVED:	04/09/82	JA: TX			
8227276	F-7C-048455	4210533631		102-4	103	UNIVERSITY LAND 8-33 #26	PERNER RANCH (STRAWN)	100.0	INTRATEX GAS CO
-HENRY PETROLEUM CORP				RECEIVED:	04/09/82	JA: TX			
8227038	F-02-034903	4249300000		102-2		LASKOWSKI "B" #1	PATTON (AUSTIN CHALK)	0.0	
-HNG OIL COMPANY				RECEIVED:	04/09/82	JA: TX			
8227186	F-7C-047446	4243500000		103	107-TF	ESPY "41" #5	SAWYER (CANYON)	55.8	INTRATEX GAS CO
8227176	F-7C-046952	4243532568		103	107-TF	FIELDS "52" #4	SAWYER CANYON	182.0	INTRATEX GAS CO
-HOME PETROLEUM CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227063	F-05-038191	4216130616		107-TF		LORENA C MANAHAN #1	CANEY CREEK (BOSSIER)	327.0	UNITED TEXAS TRAN
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED:	04/09/82	JA: TX			
8227369	F-10-048711	4235731202		103		SWINK "A" #2-119	HORIZON (CLEVELAND)	21.0	DIAMOND SHAMROCK
8227374	F-10-048718	4235731203		103		SWINK "A" #3-119	HORIZON (CLEVELAND)	21.0	DIAMOND SHAMROCK
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227101	F-03-042507	4214930684		102-2		HARDING UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	SOUTH CEN-TEX GAS
8227139	F-03-045331	4228700000		103		O J FARRACK #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8227100	F-03-042445	4231330318		103		W H RANDOLPH #1
-HUNT OIL COMPANY				RECEIVED:	04/09/82	JA: TX
8227107	F-03-042845	4235130144		102-4		KIRBY LUMBER CO #1
-INVESTEK INC				RECEIVED:	04/09/82	JA: TX
8227360	F-09-048688	4207700000		102-4		TALLY A #1
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:	04/09/82	JA: TX
8227181	F-7C-047128	4210533657		103	107-TF	UNIVERSITY 30-4 #1
-J M HUBER CORPORATION				RECEIVED:	04/09/82	JA: TX
8227386	F-10-048770	4206530943		103		BURNETT "RC" #10
8227140	F-10-045371	4223331077		103		CHRISTIAN SHAFFER #5
8227387	F-10-048771	4223331279		103		SOUTH HERRING #165
-JAMES COLVIN				RECEIVED:	04/09/82	JA: TX
8227037	F-10-034831	4208700000		108		MORGAN #1 TRRC ID #33884
-JEM PETROLEUM CORP				RECEIVED:	04/09/82	JA: TX
8227367	F-8A-048709	4203330717		103		MCKNIGHT #2
8227355	F-7B-048683	4243331346		103		UPSHAW #1
-JENNINGS EXPLORATION CO				RECEIVED:	04/09/82	JA: TX
8227281	F-01-048494	4250731472		102-4		GEORGE THOREEN 93059
-JONES CO				RECEIVED:	04/09/82	JA: TX
8227239	F-7B-048094	4242933003		102-4		MINNIE CORBETT #1
-K L H OIL & GAS INC				RECEIVED:	04/09/82	JA: TX
8227225	F-7B-047860	4204932701		102-4		O B FOMBY "A" #10
-K R WITHROW ENGINEERING INC				RECEIVED:	04/09/82	JA: TX
8227304	F-09-048566	4218100000		102-4		DON HEFTON #1
8227288	F-09-048515	4218100000		102-4		GRAYSON COUNTY FARM #2
-L & M OIL CO				RECEIVED:	04/09/82	JA: TX
8227177	F-09-047050	4207732261		102-4	103	GARNER "E" #2
-LADD PETROLEUM CORPORATION				RECEIVED:	04/09/82	JA: TX
8227131	F-09-044603	4236731375		103		BELL UNIT #2
8227246	F-01-048115	4212732069		103		FITZSIMONS RANCH #1-42T
8227245	F-01-048114	4212732091		103		FITZSIMONS RANCH #1-45
8227244	F-01-048113	4212731953		103		FITZSIMONS RANCH #1-46
8227243	F-01-048112	4212732106		103		FITZSIMONS RANCH #2-46
8227242	F-01-048111	4212732100		103		FITZSIMONS RANCH #3-46
-LAMBERT HOLLUB DRILLING CO				RECEIVED:	04/09/82	JA: TX
8227180	F-03-047079	4205131602		103		TARWATER "A" #1-RRC #N/A
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	04/09/82	JA: TX
8227066	F-06-038594	4222530372		102-4		FRANK C DAILY #1
-LUCKY BIRD PETROLEUM, INC.				RECEIVED:	04/09/82	JA: TX
8227394	F-10-048836	4206500000		103		PREWIT #1
8227393	F-10-048835	4206500000		103		THORNBURG #5
-MARSHALL EXPLORATION INC				RECEIVED:	04/09/82	JA: TX
8227065	F-06-038419	4241930344		102-4		CROCKER #1
8227119	F-7B-043542	4236332323		108		DUNNAWAY "A" #2
8227080	F-06-039872	4236531218		103		MCNEESE #2
8227173	F-06-046880	4220330531		108		W K FURRH #1
-MATAGORDA PRODUCTION CO				RECEIVED:	04/09/82	JA: TX
8227021	F-02-030197	4217531361		103		J E MCCORD #2
-MCBRAYER OIL CORP				RECEIVED:	04/09/82	JA: TX
8227108	F-05-042872	4234900000		107-TF		SEALE GAS UNIT #1
-MCCORMICK OPERATING CO				RECEIVED:	04/09/82	JA: TX
8227078	F-06-039754	4240131189		103	107-TF	THOMPSON GAS UNIT NO 4-A
-MCFARLANE OIL CO INC				RECEIVED:	04/09/82	JA: TX

FIELD NAME	PROD	PURCHASER
FT TRINIDAD-BARRETT E	13.0	LONE STAR GAS CO
WEIRGATE (WOODBINE)	360.0	NATIONAL GATHERIN
TALLY CONGLOMERATE	146.0	SANFORD FAGADAU
OZONA (CANYON SAND)	320.0	PHILLIPS PETROLEU
PANHANDLE	15.0	PHILLIPS PETROLEU
PANHANDLE	40.0	COLORADO INTERSTA
PANHANDLE	43.0	COLORADO INTERSTA
EAST PANHANDLE	18.0	EL PASO NATURAL G
LUCY NE (STRAWN-B) FI	10.0	SUN OIL CO
UPSHAW (CONGLOMERATE)	18.0	CITIES SERVICE CO
THOREEN (ELAINE 3530)	109.0	
CORBETT (CONGL MID)	242.0	SOUTHWESTERN GAS
DALE (CADDO)	7.0	ODESSA NATURAL CO
SOUTHMAYD	40.0	WARREN PETROLEUM
SOUTHMAYD NE (DAVIS)	40.0	WARREN PETROLEUM
GRETCHEN (ELLEN-B)-PR	18.0	TEXAS UTILITIES F
BOONSVILLE (BEND CONG	134.4	LONE STAR GAS CO
HUGH FITZSIMONS (SAN	27.3	
HUGH FITZSIMONS (SAN	80.8	
HUGH FITZSIMONS (SAN	1.6	
HUGH FITZSIMONS (SAN	10.4	
HUGH FITZSIMONS (SAN	73.1	
WILLARD	0.3	
NAVARRO CROSSING	365.0	LONE STAR GAS CO
PANHANDLE	0.0	GETTY OIL CO
PANHANDLE	0.0	GETTY OIL CO
WILDCAT (PETTIT)	200.0	UNITED GAS PIPELI
NORTH BRANSON (BIG SA	24.0	SOUTHWESTERN GAS
BELLE BOWER (TRAVIS P	119.0	UNITED GAS PIPELI
ELYSIAN N (COTTON VAL	18.0	NATURAL GAS PIPEL
DALLAS HUSKY (VICKSBU	0.0	TEXAS EASTERN TRA
WILDCAT (COTTON VALLE	447.1	DELHI GAS PIPELIN
OAK HILL (COTTON VALL	585.0	HYDROCARBON TRANS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227035	F-02-034756	4246900000		103		MCFARLANE FEE #4	PLACEDO	0.0	TENNECO CHEMICALS
8227036	F-02-034820	4246900000		103		PICKERING & ROOS #37	PLACEDO	0.0	TENNECO CHEMICALS
-MEWBOURNE OIL COMPANY				RECEIVED:		04/09/82 JA: TX			
8227114	F-06-043293	4240100000		102-4		LEON ROPER #1	ROPER (PETTIT)	75.0	UNITED GAS PIPE L
-MGF OIL CORP				RECEIVED:		04/09/82 JA: TX			
8227093	F-7C-041822	4238300000		103		UNIVERSITY "16-A" #1	SPRABERRY (TREND AREA	0.0	J L DAVIS
-MITCHELL ENERGY CORPORATION				RECEIVED:		04/09/82 JA: TX			
8227092	F-09-041707	4249732174		103		A S C C U #10-3	ALVORD SOUTH (CADDO C	55.0	NATURAL GAS PIPEL
8227018	F-09-025344	4249731770		103		ALVORD SOUTH (CADDO CONGL) U #95	ALVORD SOUTH (CADDO C	40.0	NATURAL GAS PIPEL
8227044	F-09-035920	4249732039		103		E O HARRIS #2	BOONSVILLE (BEND CONG	225.0	NATURAL GAS PIPEL
8227033	F-05-034504	4216130639		103	107-TF	G C HARRISON #1	COTTON GIN (COTTON VA	330.0	
8227153	F-09-046007	4223734106		108		J R HALSELL #16	ARCO (CONGLOMERATE)	50.0	SOUTHWESTERN GAS
8227160	F-09-046450	4249700000		108		N D CULWELL #1 28613	BOONSVILLE (BEND CONG	11.9	NATURAL GAS PIPEL
8227050	F-09-036873	4249700000		108		TCWB #7 #28827	CAP YATES (CONSOLIDAT	4.5	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:		04/09/82 JA: TX			
8227185	F-8A-047415	4221932626		103		MAPLE WILSON #72	SLAUGHTER	0.4	AMOCO PRODUCTION
8227309	F-08-048575	4233531411		103		MARY FOSTER #116	IATAN EAST HOWARD	0.4	GETTY OIL CO
*8227337	F-08-048646	4232930859		103		PRESTON SPRABERRY UNIT #2108	SPRABERRY (TREND AREA	1.8	PHILLIPS PETROLEU
-MOLE OPERATING COMPANY INC				RECEIVED:		04/09/82 JA: TX			
8227202	F-8A-047663	4211500000		102-4		BAPTIST FOUNDATION OF TEXAS #1	CHRISTINE (SPRABERRY)	0.0	GETTY OIL CO
-MONSANTO COMPANY				RECEIVED:		04/09/82 JA: TX			
8227295	F-10-048518	4235700000		107-PE		HALLIBURTON #1	KIOWA CREEK	146.0	DIAMOND SHAMROCK
8227272	F-8A-048446	4250132163		103		SAWYER #9	WASSON	9.0	SHELL OIL CO
-MURPHY H BAXTER				RECEIVED:		04/09/82 JA: TX			
8227362	F-03-048692	4215700000		102-4		ALMEDA HAROLD CORP	FRELS (WILCOX FIRST)	350.0	TENNGASCO INC
-NATURAL GAS ANADARKO INC				RECEIVED:		04/09/82 JA: TX			
8227076	F-10-039707	4235731108		102-4		BENNY #1-404		140.0	TRANSWESTERN PIPE
8227077	F-10-039710	4235731080		102-4		LELAND #2-301	TURNER S E (MORROW LO	360.0	TRANSWESTERN PIPE
-NUGGET OIL CORP				RECEIVED:		04/09/82 JA: TX			
8227233	F-02-048020	4212331172		102-4		J B LEWRIGHT #2	WARMSLEY (HILGARTNER)	55.0	VALERO TRANSMISSI
-OWL PETROLEUM CO				RECEIVED:		04/09/82 JA: TX			
8227075	F-03-039462	4248131780		102-4		D S BABCOCK #1	MENEFEE (FRIO 4825)	40.0	TRANSCONTINENTAL
8227074	F-03039461	4248132015		102-4		D S BABCOCK #3	MENEFEE (FRIO 4150)	45.0	TRANSCONTINENTAL
-OXOCO EXPLORATION CORP				RECEIVED:		04/09/82 JA: TX			
8227315	F-06-048589	4242330372		103		ROOSTH & GENECOV #1 TEXAS #10428	CHAPEL HILL (UPPER RO	68.0	EAST TEXAS PRODUC
-PANHANDLE PRODUCING COMPANY				RECEIVED:		04/09/82 JA: TX			
8227232	F-10-048011	4223300000		103		COCKRELL C-20 (00816)	PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
8227230	F-10-048009	4223300000		103		COCKRELL C-21 (00816)	PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
8227231	F-10-048010	4223300000		103		COCKRELL C-22 (00816)	PANHANDLE HUTCHINSON	0.0	GETTY OIL CO
-PAR PRODUCING CO				RECEIVED:		04/09/82 JA: TX			
8227142	F-03-045546	4214900000		102-2		ROY PIETSCH #1	GIDDINGS (AUSTIN CHAL	36.5	PHILLIPS PETROLEU
-PARAMOUNT PETROLEUM CORPORATION				RECEIVED:		04/09/82 JA: TX			
8227133	F-06-044724	4220300000		108		DAVID PILOT GAS UNIT RRC #35151	WOODLAWN (RODESSA)	0.0	
-PENINSULA RESOURCES CORPORATION				RECEIVED:		04/09/82 JA: TX			
8227147	F-02-045829	4229732684		102-4		LYNE #1	KATZ-SLICK (WILCOX B)	0.0	HOUSTON PIPE LINE
8227087	F-04-040757	4224931378		102-4	103	MINTEN "B" #1	FALFURRIAS (8100')	180.0	DELHI GAS PIPELIN
-PENNZOIL PRODUCING COMPANY				RECEIVED:		04/09/82 JA: TX			
8227257	F-04-048150	4221501845		108		ADERHOLD UNIT #3-M	SAN CARLOS (FF-18)	18.0	TRUNKLINE GAS CO
8227053	F-06-037104	4236500000		103	107-TF	CRENSHAW UNIT #2	BETHANY EAST (COTTON	600.0	UNITED GAS PIPE L
8227144	F-06-045714	4207330432		102-4		SOUTH #1	PERCY WHEELER /TRAVIS	550.0	
8227115	F-06-043295	4236531289		103	107-TF	WILSON UNIT #2	CARTHAGE (COTTON VALL	420.0	UNITED GAS PIPE L
8227054	F-06-037105	4206730340		103	107-TF	WYATT KING #2	KILDARE (COTTON VALLE	720.0	TEXAS EASTERN TRA
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:		04/09/82 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227226	F-08-047906	4247532061		103		TREBOL #17	WARD-ESTES NORTH	0.4	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		04/09/82 JA: TX			
8227072	F-10-039253	4217900000		108		PANHANDLE #3	PANHANDLE GRAY	0.0	
-PRENTICE PETROLEUM INC				RECEIVED:		04/09/82 JA: TX			
8227345	F-7B-048656	4213300000		108		HOLLIS SHULTS #1 (14986)	BLIND HOG (RANGER)	4.0	SIOUX PIPELINE
-PYRO ENERGY CORP				RECEIVED:		04/09/82 JA: TX			
8227336	F-01-048645	4217731175		102-2		B W ILEY #2	CHRISTIAN (6800)	0.0	VALERO TRANSMISSI
8227388	F-01-048795	4217731044		103		L F BURCHARD B #4	CHRISTION (6800)	0.0	VALERO TRANSMISSI
-R A W ENERGY CORP				RECEIVED:		04/09/82 JA: TX			
8227182	F-7B-047241	4236732070		102-4		HOLLOWAY #3-U	LAKE MINERAL WELLS (4	72.0	SOUTHWESTERN GAS
8227183	F-7B-047243	4236732070		102-4		TEXACO #1	M E S ELLENBERGER	0.0	SOUTHWESTERN GAS
8227141	F-75-045500	4236332784		102-4		WIGGINS #1 RRC #96806	KESSLER (3980)	1460.0	SOUTHWESTERN GAS
-R LACY INC				RECEIVED:		04/09/82 JA: TX			
8227126	F-06-044268	4236531330		102-4		BURNETT UNIT 10 #6 RRC # N/A	CARTHAGE (TRAVIS PEAK	183.0	ARKANSAS LOUISIAN
-RALPH L WAY INC				RECEIVED:		04/09/82 JA: TX			
8227194	F-08-047563	4232931003		103		MASHBURN #1	SPRABERRY TREND AREA	95.8	PHILLIPS PETROLEU
-RANDOLPH ACOCK				RECEIVED:		04/09/82 JA: TX			
8227193	F-03-047554	4205131561		102-2		F S NEAL #1	CALDWELL (AUSTIN CHAL	100.0	CLAJON GAS CO
-REMUDA OIL & GAS CO				RECEIVED:		04/09/82 JA: TX			
8227266	F-06-048412	4240131220		103		OREN HAYS #1	LANEVILLE NE (PETTIT	36.5	TEXAS UTILITIES F
8227267	F-06-048413	4240131219		103		W C JARREL #1	LANEVILLE NE (PETTIT	365.0	TEXAS UTILITIES F
-SAGE ENERGY CO				RECEIVED:		04/09/82 JA: TX			
8227299	F-03-048558	4205131314		102-2		ASH UNIT #1 RRC #14743	GIDDINGS (AUSTIN CHAL	140.0	PHILLIPS PETROLEU
8227298	F-03-048557	4205131330		102-2		BIRCH CREEK "A" #2 RRC #13891	GIDDINGS (AUSTIN CHAL	150.0	PHILLIPS PETROLEU
8227297	F-03-048556	4214931235		102-2		BROWN UNIT #1 RRC #15063	GIDDINGS (AUSTIN CHAL	15.0	PHILLIPS PETROLEU
8227128	F-03-044474	4214931145		102-2		LA RUE UNIT #1 RRC #14664	GIDDINGS (AUSTIN CHAL	36.0	PHILLIPS PETROLEU
8227296	F-03-048554	4205131528		102-2		MEL UNIT #1 RRC #14859	GIDDINGS (AUSTIN CHAL	30.0	PHILLIPS PETROLEU
8227295	F-03-048553	4214931215		102-2		PLUM "F" #1 RRC #14858	GIDDINGS (AUSTIN CHAL	21.0	PHILLIPS PETROLEU
8227294	F-03-048552	4214931173		102-2		PLUM "K" #1 RRC #14960	GIDDINGS (AUSTIN CHAL	130.0	PHILLIPS PETROLEU
8227234	F-7C-048045	4238331951		103		UNIVERSITY 2-GA #1 RRC#08908	FARMER (SAN ANDRES)	0.1	NORTHERN NATURAL
8227235	F-7C-048046	4238300000		103		UNIVERSITY2-G #2 RRC#08905	FARMER (SAN ANDRES)	0.1	NORTHERN NATURAL
8227293	F-03-048551	4214931604		102-2		WHISKEY RIVER #1 RRC #14530	GIDDINGS (AUSTIN CHAL	280.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION				RECEIVED:		04/09/82 JA: TX			
8227259	F-8A-048166	4216532072		103		SOUTH CENTRAL ROBERTSON UNIT 54	ROBERTSON NORTH/CLEAR	10.0	PHILLIPS PETROLEU
-SANDIA RESOURCES CORP				RECEIVED:		04/09/82 JA: TX			
8227149	F-7B-045880	4208332390		102-4		WHITTINGTON #1 (97361)	SANDIA (FRY)	76.0	UNION TEXAS PETRO
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:		04/09/82 JA: TX			
8227189	F-8A-047509	4250132126		103		REEVES UNIT #132	REEVES (SAN ANDRES)	1.0	PHILLIPS PETROLEU
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:		04/09/82 JA: TX			
8227222	F-03-047829	4228731103		103		KURIO #3	GIDDINGS (AUSTIN CHAL	365.0	PERRY PIPELINE CO
-SAXON OIL COMPANY				RECEIVED:		04/09/82 JA: TX			
8227184	F-7C-047373	4246100000		103		BRUSENHAN #2	SPRABERRY (TREND AREA	0.0	MOBIL PRODUCING T
8227205	F-08-047702	4231700000		103		CORRIGAN #1	BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
8227118	F-08-043473	4211500000		103		GAY WADE "7" #1	BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
8227090	F-7C-041248	4246131799		103		RATLIFF "A" #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
8227354	F-7C-048681	4238331957		103		UNIVERSITY 28 "A"-1 #1	TEXON WEST (SPRABERRY	13.6	DORCHESTER GAS PR
8227206	F-7C-047703	4238300000		103		UNIVERSITY 28-9 #2	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
8227207	F-08-047707	4231700000		103		WEMPLE #1	BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
-SEATEX ENERGY CORP				RECEIVED:		04/09/82 JA: TX			
8227377	F-09-048739	4250335473		103		KINDLEY #1 OIL LEASE #21808	JAMES N (MISS)	20.0	SUN GAS TRANSMISS
-SEELY OIL CO				RECEIVED:		04/09/82 JA: TX			
8227392	F-7B-048834	4236332700		103		BOWMAN-STATE GAS UNIT #2 97392	MINERAL WELLS (BIG SA	175.0	SOUTHWESTERN GAS
-SHELL OIL CO				RECEIVED:		04/09/82 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*8227253	F-8A-048135	4216531873		103		DENVER UNIT #6736	WASSON	0.4	SHELL OIL CO
*8227252	F-8A-048134	4216531868		103		DENVER UNIT #6737	WASSON	4.8	SHELL OIL CO
*8227251	F-8A-048133	4216532067		103		DENVER UNIT #6824	WASSON	3.3	SHELL OIL CO
*8227250	F-8A-048131	4216532060		103		DENVER UNIT #7433	WASSON	4.8	SHELL OIL CO
*8227249	F-8A-048130	4216532080		103		DENVER UNIT WELL NO 7718	WASSON	0.4	SHELL OIL CO
8227083	F-04-040497	4250531222		107-DP		G L LEYENDECKER #1-R	FANDANGO (UPPER WILCO	750.0	UNITED TEXAS TRAN
8227368	F-08-048710	4249531416		103		SEALY SMITH FOUNDATION 68 2R	DARMER NE (PENN)	3.7	WARREN PETROLEUM
8227098	F-08-042279	4213500000		108		TXL-E-#12	TXL (SAN ANDRES)	4.5	SHELL OIL CO
-SHOW PETROLEUM INC				RECEIVED:	04/09/82	JA: TX			
8227260	F-7B-048172	4242932926		102-4		BONEY #1	RANGER NW (MARBLE FAL	5.0	LONE STAR GAS CO
8227262	F-7B-048174	4213333087		102-4		DILLINDER "F" #1	DESDEMONA N (CONGL)	1.0	NORTHERN GAS PROD
8227261	F-7B-048173	4242932990		102-4		HAMES "C" #4	RANGER NW (MARBLE FAL	2.0	LONE STAR GAS CO
-SIMPSON-MANN INC				RECEIVED:	04/09/82	JA: TX			
8227192	F-7C-047517	4210533245		103	107-TF	BAGGETT UNIT 1 #6-2	ADAMS BAGGETT RANCH (	162.0	VALERO TRANSMISSI
8227190	F-7C-047514	4210533266		103	107-TF	BAGGETT UNIT 2 #7-1	ADAMS BAGGETT RANCH (	165.6	VALERO TRANSMISSI
8227191	F-7C-047515	4210533265		103	107-TF	BAGGETT UNIT 3 #8-1	ADAMS BAGGETT RANCH (	237.6	VALERO TRANSMISSI
-SOUTHLAND ROYALTY CO				RECEIVED:	04/09/82	JA: TX			
8227363	F-08-048694	4210332694		103		EDWARDS GRAYBURG UNIT #7-33	EDWARDS	1.0	PHILLIPS PETROLEU
-STAHL PETROLEUM CO				RECEIVED:	04/09/82	JA: TX			
*8227383	F-10-048761	4248330817		108		LULA #2	EAST PANHANDLE	0.0	TRANSWESTERN PIPE
*8227382	F-10-048760	4248330824		108		LULA #3	EAST PANHANDLE	0.0	TRANSWESTERN PIPE
8227380	F-10-048758	4217900000		108		PATTERSON #2	WEST PANHANDLE	0.0	EL PASO NATURAL G
*8227384	F-10-048762	4248330811		108		ROGERS #1	EAST PANHANDLE	0.0	TRANSWESTERN PIPE
*8227381	F-10-048759	4217930648		108		WEBB #1 #88328	EAST PANHANDLE	4.4	TRANSWESTERN PIPE
-SUGARBERRY OIL & GAS CORP				RECEIVED:	04/09/82	JA: TX			
8227196	F-7C-047609	4241331137		107-TF		CASE #4	VELREX (HENDERSON UPP	76.7	CRA INC
8227197	F-7C-047611	4241331123		107-TF		HARPER #2	VELREX (HENDERSON UPP	164.3	CRA INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/09/82	JA: TX			
8227319	F-01-048599	4212732177		103		BIG WELLS (SAN MIGUEL) UNIT #2502	BIG WELLS (SAN MIGUEL	19.0	HOUSTON PIPELINE
8227325	F-06-048610	4220330872		103	107-TF	BLOCKER HEIRS GAS UNIT #1	BLOCKER (COTTON VALLE	45.0	UNITED GAS PIPE L
8227320	F-09-048600	4249700000		108		HENRY KELLY UNIT #1	BOONSVILLE (BEND CONG	13.0	NATURAL GAS PIPE
8227322	F-04-048605	4242731370		103		I V MONTALVO -C- #40	SUN NORTH/DX-G/	566.0	
8227323	F-04-048608	4242731448		103		MARTHA A TILLETT	LOCKHART	20.0	TENNESSEE GAS PIP
8227317	F-08-048595	4200332950		103		NELLIE C MARTIN #7	MARTIN (TUBB)	79.0	PHILLIPS PETROLEU
8227321	F-10-048603	4235700000		108		R F NEWMAN #1-A	SMITH PERRYTON (L MOR	4.0	NATURAL GAS PIPE
8227324	F-8A-048609	4221933218		103		SOUTHEAST LEVELLAND UNIT #263	LEVELLAND	4.0	AMOCO PRODUCTION
8227316	F-08-048594	4210332637		103		UNIVERSITY "L" #9	DUNE	0.3	PHILLIPS PETROLEU
8227318	F-8A-048598	4207931412		103		WRIGHT UNIT #2-4	LEVELLAND	3.0	CITIES SERVICE CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	04/09/82	JA: TX			
8227158	F-6F-046296	4218300000		108		M T COLE #34	EAST TEXAS	1.0	ARCO OIL & GAS CO
-TAUBERT & STEED				RECEIVED:	04/09/82	JA: TX			
8227025	F-8A-032292	4226930278		102-4		S B BURNETT ESTATE N-8	ANNE TANDY (STRAWN 54	0.7	LONE STAR GAS CO
-TENROC CORP				RECEIVED:	04/09/82	JA: TX			
8227134	F-03-044816	4247730428		102-2		NEINAST "B" #4	GIDDINGS (AUSTIN CHAL	525.0	PHILLIPS PETROLEU
-TERRA RESOURCES INC				RECEIVED:	04/09/82	JA: TX			
8227089	F-04-041103	4213134960		102-4		FROST NATIONAL BANK & TRUST #1	RANCHO SOLO	1500.0	VALERO TRANSMISSI
-TEXACO INC				RECEIVED:	04/09/82	JA: TX			
8227095	F-04-042026	4221500000		107-DP		A E GUERRA #20	MCALLEN RANCH EAST (V	438.0	TENNESSEE GAS PIP
8227073	F-03-039432	4229131383		107-DP		BOYT-HEIRS G/U O/A #1	COTTONWOOD S E (YEGUA	1460.0	
8227124	F-08-044192	4243130948		103		E B COPE #3	CONGER SW (PENN)	161.3	VALERO TRANSMISSI
8227310	F-10-048580	4242100000		108		M DORTCH #6	STRATFORD (CISCO LIME	6.8	TRANSWESTERN PIPE
8227311	F-8A-048582	4216532251		103		ROBERTSON UNIT #40	ROBERTSON N (CLEARFOR	17.1	PHILLIPS PETROLEU
8227172	F-08-046778	4200331169		103		STATE OF TEXAS "S" #3	BLOCK 12 (YATES)	122.3	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-TEXAS GENERAL PETROLEUM CORP				RECEIVED:	04/09/82	JA: TX
8227045	F-04-035995	4235531599		102-4		LESLIE MUMME THOMAS #1-T
-TEXAS OIL & GAS CORP				RECEIVED:	04/09/82	JA: TX
8227026	F-02-032954	4205730906		102-4		CLARK "H" #1
8227023	F-06-031860	4240131036		103		GILBERT "A" #1
8227070	F-08-039157	4232900000		107-PE		TOYAH SECTION 23 #2-20935
-THE ANSCHUTZ CORPORATION				RECEIVED:	04/09/82	JA: TX
8227046	F-02-036026	4229732599		102-4		ROY LAY #2 (RRC ID #92124)
-THROCKMORTON GAS SYSTEMS				RECEIVED:	04/09/82	JA: TX
8227151	F-7B-045952	4244731678		102-4		F T RICHARDS #1 (14584)
8227055	F-7B-037150	4244732299		102-4		RICHARDS #4-H 16477
8227061	F-7B-038025	4244732554		102-4		RICHARDS "H" #6
8227056	F-7B-037151	4244732370		102-4		RICHARDS H-5 16477
-TRAVELERS OIL CO				RECEIVED:	04/09/82	JA: TX
8227031	F-10-033496	4217900000		108		CHAPMAN "A" #2 25853
-TREPEL PETROL EXPLOR & DEV CORP				RECEIVED:	04/09/82	JA: TX
8227391		4245130657		103		J W JOHNSON #1
-U S OPERATING INC				RECEIVED:	04/09/82	JA: TX
8227120	F-03-043551	4228730839		102-2		ADEENA #1
8227117	F-08-043356	4205131811		102-2		CLARA #1
8227116	F-03-043555	4205131149		102-2		DOLORES UNIT #1
8227157	F-03-046279	4228731018		102-2		IRENE #1 RRC ID N/A
8227159	F-03-046440	4228731036		102-2		KERRY #1 RRC ID N/A
8227105	F-03-042826	4205131620		102-2		LILLY UNIT #1
8227051	F-03-037085	4228730477		102-4		PATTI UNIT #1 RRC ID N/A
8227138	F-03-045274	4205131964		102-2		SABRINA UNIT #1
8227132	F-03-044705	4205131867		102-2		WANDA UNIT #1 RRC ID N/A
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/09/82	JA: TX
8227241	F-08-048103	4200332992		103		FUHRMAN-MASCHO UNIT #706 BLK #10
-UPHAM OIL & GAS CO				RECEIVED:	04/09/82	JA: TX
8227154	F-09-046015	4223700000		102-4		RALPH TIPTON UNIT #2
-VANDERBILT RESOURCES CORPORATION				RECEIVED:	04/09/82	JA: TX
8227145	F-01-045716	4217700000		102-4	103	BURCHARD #1
-VAUGHN PETROLEUM INC				RECEIVED:	04/09/82	JA: TX
8227224	F-7B-047856	4235331210		102-4		BOYD EDNA 17973
8227333	F-7B-048636	4235331211		102-4		J C MORRIS EST 18004
-VORTT EXPLORATION CO INC				RECEIVED:	04/09/82	JA: TX
8227047	F-09-036161	4250332622		102-4		A BERNHARDT #1 (19602)
8227215	F-7B-047796	4236332340		108		D BAUM UNIT I #1 (88442)
8227214	F-7B-047794	4236332613		108		D BAUM UNIT III #1 (93944)
8227212	F-7B-047790	4236332482		108		D E EATON UNIT I #1 (93943)
8227211	F-7B-047789	4236332426		108		LEON JENKINS UNIT I #1 (94397)
8227213	F-7B-047793	4236332412		108		V KELLY #1 (93733)
-W B TRAMMELL				RECEIVED:	04/09/82	JA: TX
8227258	F-7B-048159	4215131416		102-4		W B TRAMMELL #3-24
-W L BRUCE OPERATOR				RECEIVED:	04/09/82	JA: TX
8227375	F-10-048732	4206531055		103		ENSERCH #1 RRC #04953
8227376	F-10-048733	4217931036		103		FRASHIER #1 RRC #04928
-WES-TEX DRILLING COMPANY				RECEIVED:	04/09/82	JA: TX
8227079	F-08-039861	4222732203		103		J L JONES HEIRS #7
8227081	F-7B-039931	4235330725		103		MCLAUGHLIN #1
8227210	F-7C-047743	4243532533		103		VALLIANT #2
-WHEELER OIL COMPANY				RECEIVED:	04/09/82	JA: TX

FIELD NAME	PROD	PURCHASER
DOUGHERTY	0.5	UNITED GAS PIPE L
LONG MOTT (9100)	0.0	UNITED GAS PIPELI
MINDEN E (TRAVIS PEAK	0.0	
TOYAH (DEVONIAN)	250.0	DELHI GAS PIPELIN
DINERO W (4300')	80.0	VALLEY GAS TRANSM
JERRY (MISS)	0.0	WARREN PETROLEUM
RICHARDS RANCH (CONGL	0.0	WARREN PETROLEUM
RICHARDS RANCH (TANNE	0.0	WARREN PETROLEUM
RICHARDS RANCH (CONGL	0.0	WARREN PETROLEUM
EAST PANHANDLE	6.0	TRANSWESTERN PIPE
MT SUSAN S (STRN LIME	30.0	ARCO OIL & GAS CO
GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	91.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
FUHRMAN-MASCHO	3.0	PHILLIPS PETROLEU
NEW DISCOVERY	0.0	LONE STAR GAS CO
PEACH CREEK (AUSTIN C	175.0	VALERO TRANSMISSI
J&J (CADDO)	0.0	PALO DURO PIPE LI
THANKSGIVING (ELLENBE	0.0	PALO DURO PIPELIN
FRANKIE B (CADDO MIDD	0.0	GAS ASSOCIATED SY
MINERAL WELLS S (STRA	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRA	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRA	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (CONG	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRA	0.0	SOUTHWESTERN GAS
JUDY GAIL EAST (CANYO	0.0	PALO DURO PIPELIN
PANHANDLE CARSON	144.0	GETTY OIL CO
PANHANDLE	144.0	CABOT PIPELINE CO
VINCENT (CLEAR FORK L	12.0	GETTY OIL CO
ADAIR CREEK (COOK SAN	0.0	SUN GAS CO
WHITEHEAD (STRAWN)	0.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227291	F-10-048543	4248330704		103		AUSTIN (97261) #1	EAST PANHANDLE	5.0	HIGH PLAINS NATUR
8227351	F-10-048669	4208730102		103		HAWKINS (97257) #3	EAST PANHANDLE	5.0	EL PASO NATURAL G
8227292	F-10-048544	4248330807		103		HOLMES (97259) #1	EAST PANHANDLE	12.0	HIGH PLAINS NATUR
-WILBROOK EXPLORATION INC				RECEIVED:	04/09/82	JA: TX			
8227350	F-7B-048661	4213332449		102-4		PARSLEY #1 (16341)	MANGUM NORTH (3200)	44.0	ODESSA NATURAL CO
8227349	F-7B-048660	4213332576		102-4		PARSLEY #2 (16341)	MANGUM NORTH (3200)	41.0	ODESSA NATURAL CO
8227346	F-7B-048657	4213332450		102-4		WOOLLEY #1 (16449)	MANGUM NORTH (3200)	96.0	ODESSA NATURAL CO
8227347	F-7B-048658	4213332575		102-4		WOOLLEY #2 (16449)	MANGUM NORTH (3200)	42.0	ODESSA NATURAL CO
8227348	F-7B-048659	4213332914		102-4		WOOLLEY #3 (16449)	MANGUM NORTH (3200)	9.0	ODESSA NATURAL CO
-WILLIAM PERLMAN				RECEIVED:	04/09/82	JA: TX			
8227017	F-7C-025115	4210532762		103	107-TF	GENERAL CRUDE 100-1 89783	OZONA (CANYON)	20.0	EL PASO NATURAL G
8227091	F-7C-041442	4244330271		103	107-TF	MITCHELL STATE 22-4	OZONA (CANYON)	0.0	EL PASO NATURAL G
8227062	F-7C-038142	4243532473		102-4		S H ALLISON 11-1	CAUTHORN RANCH (STRAW	0.0	EL PASO NATURAL G
-WINDSOR PRODUCING CO				RECEIVED:	04/09/82	JA: TX			
8227111	F-03-042977	4228731040		102-2	103	ERWIN UNIT #1	GIDDINGS (BUDA)	36.5	PGP GAS PRODUCTS
8227175	F-03-046915	4228731033		102-2	103	HARRY MITSCHKE ESTATE #1	GIDDINGS (BUDA)	0.0	PERRY PIPELINE CO
-WINN EXPLORATION/DULCE CO				RECEIVED:	04/09/82	JA: TX			
8227218	F-01-047814	4250731227		102-4		PRYOR RANCH #30-C 96409	WINN-DULCE	0.0	NORTHERN NATURAL
8227217	F-01-047813	4250731227		102-4		PRYOR RANCH #30-T 96408	WINN-DULCE	0.0	NORTHERN NATURAL
-WOODS PETROLEUM CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227223	F-10-047851	4222131237		102-4		THIERSTEIN #75-1	MEG (GRANITE WASH)	1533.0	NORTHERN NATURAL
-WORLDWIDE ENERGY CORPORATION				RECEIVED:	04/09/82	JA: TX			
8227344	F-06-048653	4242330499		102-4		DENMAN #F-1	SUNSHINE (RODESSA)	165.0	SEMCO GAS INC
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-BKK PROSPECTING LTD				RECEIVED:	04/12/82	JA: WV			
8227412		4707301134		107-DV		BOARD OF EDUCATION #2	UNION	2.8	COLUMBIA GAS TRAN
8227411		4707301150		107-DV		HIRAM WHERRY #2	UNION	54.8	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED:	04/12/82	JA: WV			
8227397		4708300478	D	103		PREISSE #1	ELLAMORE	40.0	COLUMBIA GAS TRAN
8227398		4708300477	D	103		PREISSE #2	ELLAMORE	50.0	COLUMBIA GAS TRAN
-CHASE PETROLEUM				RECEIVED:	04/12/82	JA: WV			
8227405		4704102890		103		STALNAKER #6	COURT HOUSE & SKIN CR	20.0	CONSOLIDATED GAS
8227404		4704102891		103		STALNAKER #7	COURT HOUSE & SKIN CR	20.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	04/12/82	JA: WV			
8227399		4703302273	D	103		B-323	EAGLE	0.0	CONSOLIDATED GAS
8227403		4700101455		103		B-382	ELK	0.0	CONSOLIDATED GAS
-QUAKER STATE OIL REFINING CORP				RECEIVED:	04/12/82	JA: WV			
8227410		4703923582		103		J H COPENHAVER #14	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8227409		4703923583		103		J H COPENHAVER #15	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8227408		4703923589		103		O GILBERT #12	ELK DISTRICT	5.5	COLUMBIA GAS TRAN
-ROBERT R JONES				RECEIVED:	04/12/82	JA: WV			
8227407		4702103765		103		ROGERS #1-A	GLENVILLE NORTH	50.0	CONSOLIDATED GAS
-UNITED PETRO LTD				RECEIVED:	04/12/82	JA: WV			
8227401		4701303220		103		RANDY FRY #2	RUSH RUN	6.0	CONSOLIDATED GAS
8227402		4701303219		103		RANDY MARGOLIS #1	RUSH RUN	6.0	CONSOLIDATED GAS
8227400		4701303203		103		W VA PULP & PAPER #2	RUSSETT	6.0	CONSOLIDATED GAS
-W C HURTT DRILLING CO				RECEIVED:	04/12/82	JA: WV			
8227406		4708504811		103		FLEMMING #1	UNION	36.0	CONSOLIDATED GAS

8227094	TEXAS UTILITIES FUEL CO
8227106	UNITED TEXAS TRANSMISSION CO
8227148	COLUMBIA GAS TRANSMISSION CORP
8227237	VALERO TRANSMISSION CO
8227240	VALERO TRANSMISSION CORP
8227249	COLTEXO CORP
8227250	COLTEXO CORP
8227251	COLTEXO CORP
8227252	COLTEXO CORP
8227253	COLTEXO CORP
8227254	E I DUPONT DE NEMOURS & CO INC
8227255	E I DUPONT DE NEMOURS & CO INC
8227283	E I DUPONT DE NEMOURS & CO INC
8227308	E I DUPONT DE NEMOURS & CO INC
8227329	E I DUPONT DE NEMOURS & CO INC
8227332	EL PASO NATURAL GAS CO
8227337	EL PASO NATURAL GAS CO
8227370	E I DUPONT DE*NEMOURS & CO INC
8227372	E I DUPONT DE*NEMOURS & CO INC
8227381	COLTEXO CORP
8227382	WARREN PETROLEUM CO
8227383	WARREN PETROLEUM CO
8227384	WARREN PETROLEUM CO
8227385	E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before May 24, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–12554 Filed 5–6–82; 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 30, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMAX PETROLEUM CORPORATION			RECEIVED:	04/14/82		JA: TX			
8227635	F-03-048765	4207131131	102-4	103		STATE TRACT 116 #1	TRIUNE (FRIO F-1)	73.0	UNITED TEXAS TRAN
-AMERICAN CRUDE INC			RECEIVED:	04/14/82		JA: TX			
8227436	F-08-038147	4231732219	102-4			STANLEY #1	LUCKY STAN (ATOKA REE	273.7	NORTHERN NATURAL
-AMERICAN QUASAR PETROLEUM CO			RECEIVED:	04/14/82		JA: TX			
8227474	F-06-042491	4244530988	102-4			MITCHELL FLACHE #1-71	BROWNFIELD S (STRAWN)	0.0	
-AMOCO PRODUCTION CO			RECEIVED:	04/14/82		JA: TX			
8227643	F-08-048825	4200332430	102-4			FRANK COWDEN R/A "E" #19	COWDEN N (STRAWN)	260.6	WESTAR TRANSMISSI
8227602	F-08-048225	4200333018	103			MIDLAND FARMS UNIT #554	MIDLAND FARMS	6.2	AMOCO PRODUCTION
8227642	F-08-048824	4213533676	103			NORTH COWDEN UNIT #1109	COWDEN NORTH	4.4	WESTAR TRANSMISSI
8227641	F-08-048823	4213533669	103			NORTH COWDEN UNIT #1113	COWDEN NORTH	17.2	WESTAR TRANSMISSI
8227639	F-8A-048821	4221933358	103			SUNDOWN UNIT #53	SLAUGHTER	5.1	EL PASO NATURAL G
8227640	F-8A-048822	4250131976	103			WASSON ODC UNIT #532	WASSON	2.6	SHELL OIL CO
-ANDERSON PETROLEUM INC			RECEIVED:	04/14/82		JA: TX			
8227502	F-7C-044460	4210533652	103	107-TF		AUSTIN C MILLSPAUGH "A1" 3-5	OZONA (CANYON SAND)	35.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY			RECEIVED:	04/14/82		JA: TX			
8227744	F-8A-049145	4216532200	103			ASHENHURST "D" #1	SEMINOLE EAST (SAN AN	5.0	PHILLIPS PETROLEU
-BAR M PETROLEUM CO INC			RECEIVED:	04/14/82		JA: TX			
8227601	F-03-048209	4228730968	103			FITE #1	GIDDINGS (AUSTIN CHAL	73.0	PERRY PIPELINE CO
-BOB WALLACE OIL INC			RECEIVED:	04/14/82		JA: TX			
8227617	F-10-048495	4206531079	103			CULBERTSON (04944) #3-6	PANHANDLE CARSON COUN	236.0	CABOT PIPELINE CO
-BORDER EXPLORATION CO			RECEIVED:	04/14/82		JA: TX			
8227495	F-04-044227	4242731570	103			NIMMO G U #1 3-P	YZAGUIRRE (9400')	521.0	VALERO TRANSMISSI
-BRIDWELL OIL CO			RECEIVED:	04/14/82		JA: TX			
8227695	F-09-049021	4249700000	103			BERRY "A" #1	CHICO WEST (CONGL 570	75.0	TEXAS UTILITIES F
8227697	F-7B-049024	4213300000	103			JACK G BISHOP #1	EASTLAND COUNTY REGUL	10.0	NORTHERN GAS PROD
8227696	F-7B-049022	4213300000	103			JACK G BISHOP #2	EASTLAND COUNTY REGUL	10.0	NORTHERN GAS PROD
8227698	F-7C-049025	4239900000	103			MRS H S BRIGHT "A" #2	CREE-SYKES (GARDNER U	36.0	UNION TEXAS PETRO
8227427	F-09-037930	4207731192	103			SCALING RANCH "P" #1	LAZY "B" (STRAWN)	6.0	FAGADAU ENERGY CO
-BTA OIL PRODUCERS			RECEIVED:	04/14/82		JA: TX			
8227612	F-7C-048469	4238331807	103			JACKSON -B- #13	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
-C & K PETROLEUM INC			RECEIVED:	04/14/82		JA: TX			
8227440	F-10-039323	4235731110	103			SANTA FE #1	LOCKHART (MORROW BASA	0.0	
-CAMPBELL ENERGY CORP			RECEIVED:	04/14/82		JA: TX			
8227548	F-03-047377	4248132020	103			N D CORBETT #1	SPANISH CAMP (SPANISH	90.0	NATURAL GAS PIPEL
-CASSELL OIL CO			RECEIVED:	04/14/82		JA: TX			
8227537	F-7B-046911	4204931655	102-4			O B BYRD #1	PALO DAVIS (DUFFER)	109.5	ODESSA NATURAL CO
8227538	F-7B-046934	4204932076	102-4			O B BYRD #2	PALO DAVIS (DUFFER)	66.8	ODESSA NATURAL CO
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	04/14/82		JA: TX			
8227514	F-02-045836	4239100000	108			O'CONNOR LAWRENCE W ESTATE OF #11	MARY ELLEN O'CONNER (	8.4	TENNESSEE GAS PIP
-CHAS-MANN PETROLEUM INC			RECEIVED:	04/14/82		JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD.	PURCHASER
8227662	F-7B-048883	4213333346		102-4		CHARLES G PENCE -PC- #1 (17942)	CAMERON P (MARBLE FAL	31.0	ODESSA NATURAL CO
-CHEVRON U S A INC				RECEIVED:		04/14/82 JA: TX			
8227738	F-8A-049125	4241532073		103		SACROC UNIT #139-4	KELLY-SNYDER	64.0	EL PASO NATURAL G
8227701	F-8A-049031	4241532070		103		SACROC UNIT #141-6	KELLY-SNYDER	22.0	EL PASO NATURAL G
8227702	F-8A-049032	4241531928		103		SACROC UNIT #61-7	KELLY-SNYDER	309.0	EL PASO NATURAL G
8227700	F-8A-049030	4241532069		103		SACROC UNIT #67-12	KELLY-SNYDER	74.0	EL PASO NATURAL G
8227740	F-8A-049127	4241532021		103		SACROC UNIT #69-7	KELLY - SNYDER	13.0	EL PASO NATURAL G
8227699	F-8A-049029	4241531937		103		SACROC UNIT #70-7	KELLY-SNYDER	14.0	EL PASO NATURAL G
8227739	F-8A-049126	4241531939		103		SACROC UNIT #72-7	KELLY - SNYDER	2.0	EL PASO NATURAL G
8227741	F-8A-049128	4241532032		103		SACROC UNIT #9-14	KELLY - SNYDER	4.0	EL PASO NATURAL G
-CINCO OIL & GAS INC &	NRM			RECEIVED:		04/14/82 JA: TX			
8227600	F-01-048207	4217700000		102-3		REAVES #1	PEACH CREEK (AUSTIN C	905.0	TIPPERARY CORP
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:		04/14/82 JA: TX			
8227672	F-09-048941	4223732074		103		COX-STEWART UNIT #1 1 (LSE #18806)	HANLON (CADDO)	0.0	SOUTHWESTERN GAS
8227614	F-09-048480	4223734046		102-4		SHAWVER "E" #1 (LEASE NO 21876)	PERRIN SW (4850 CONGL	0.0	CITIES SERVICE CO
-CLEAR FORK GAS CO				RECEIVED:		04/14/82 JA: TX			
8227671	F-7B-048937	4244731832		102-4		JOE EDENS "C" #1 14848	HUGHES-ODELL NE (CADD	0.0	LONE STAR GAS CO
-COLOGNE PRODUCTION CO				RECEIVED:		04/14/82 JA: TX			
8227572	F-02-047880	4246931727		102-4	103	CHRISTIAN SCHAAR -B- #6	COLOGNE (4040')	100.0	HOUSTON PIPELINE
-COMINCO AMERICAN INC				RECEIVED:		04/14/82 JA: TX			
8227451	F-10-039792	4229500000		102-4		STUART RANCH "B" #9	LADY (MORROW UPPER)	0.0	MICHIGAN WISCONSI
-CONOCO INC				RECEIVED:		04/14/82 JA: TX			
8227494	F-09-044202	4248500000		108		T J & J L WAGGONER-ADE-#62 ID#18376	WICHITA COUNTY REGULA	0.1	EAGLE PETROLEUM C
8227591	F-08-048078	4213533713		103		TXL 44-5-#1	LAWSON (SAN ANDRES)	10.2	PHILLIPS PETROLEU
8227627	F-7B-048642	4243331394		103		W FLOWERS UNIT #62 ID #11787	FLOWERS W (CANYON SAN	125.9	CITIES SERVICE CO
-CONVEST ENERGY CORP				RECEIVED:		04/14/82 JA: TX			
8227542	F-8A-047253	4226330832		102-2		WAYNE WILLIAMS 4-S	POLLAN - STRAWN	0.0	EL PASO NATURAL G
-CORDOVA RESOURCES INC				RECEIVED:		04/14/82 JA: TX			
8227644	F-7B-048828	4213332761		103		ALEXANDER "C" #1	EASTLAND COUNTY REGUL	356.2	SOUTHWESTERN GAS
8227580	F-7B-047917	4213333111		103		T BOUQUET #2	NORTH PIONEER (CADDO)	125.6	SOUTHWESTERN GAS
8227503	F-7B-044494	4213300000		103	108	WEBB "B" #1	EASTLAND COUNTY REGUL	0.4	ODESSA NATURAL CO
-CROWN EXPLORATION CO				RECEIVED:		04/14/82 JA: TX			
8227690	F-8A-049003	4203300000		102-4		HODNETT-SHAFER-WOLF UNIT #1	REINECKE SOUTH (WOLFC	0.0	GETTY OIL CO
-DALECO RESOURCES				RECEIVED:		04/14/82 JA: TX			
8227424	F-03-036816	4205130767		102-2		MABLE WILKINS #2	CLAY-NE (AUSTIN CHALK	0.0	CLAJON GAS CO
-DAVID ALBERT OIL & GAS				RECEIVED:		04/14/82 JA: TX			
8227593	F-09-048171	4223700000		108		TST#1 RRC#71972	JACK COUNTY REGULAR	0.0	CITIES SERVICE CO
-DELHI OIL CORP				RECEIVED:		04/14/82 JA: TX			
8227462	F-03-041097	4214900000		102-2		APPELT #5 (RRC # NOT ASSIGNED)	GIDDINGS (EDWARDS GAS	1600.0	PHILLIPS PETROLEU
-DELTA OIL & GAS CO				RECEIVED:		04/14/82 JA: TX			
8227742	F-7B-049130	4242900000		108		BLANCHE WINSTON "A" RRC#32888	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
8227735	F-7B-049114	4242900000		108		JUDITH WINSTON KIGHT 1U RRC#14747	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
-DEMARCO OIL & GAS INC				RECEIVED:		04/14/82 JA: TX			
8227598	F-7B-048199	4244131758		103		PATTERSON 17466	LAWN SOUTHWEST	12.0	UNION TEXAS PETRO
-DIVERSE ENERGY INC				RECEIVED:		04/14/82 JA: TX			
8227656	F-7B-048864	4244732684		102-4		KUNKEL #1	WATSON (CONGL)	9.0	DELHI GAS PIPELIN
8227655	F-7B-048863	4244732807		102-4		KUNKEL #2	WATSON (CONGL)	12.0	DELHI GAS PIPELIN
8227654	F-7B-048862	4244732088		102-4		LEECH #1	WATSON (CONGL)	0.0	DELHI GAS PIPELIN
8227653	F-7B-048861	4244732572		103		TEINERT-HARDIN #1	THROCKMORTON COUNTY R	9.0	DELHI GAS PIPELIN
8227657	F-7B-048866	4244732789		103		TEINERT-RILEY #1	THROCKMORTON COUNTY R	9.0	DELHI GAS PIPELIN
-DMC OIL & GAS PRODUCERS				RECEIVED:		04/14/82 JA: TX			
8227736	F-7B-049121	4213300000		103		HANSON "A" #1	EASTLAND COUNTY - REG	108.0	ODESSA NATURAL CO
-DORCHESTER EXPLORATION INC				RECEIVED:		04/14/82 JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*8227449	F-08-039591	4243130969		103		WESTBROOK 8	CONGER (PENN)	1462.0	TEXAS UTILITY FUE
-EASTLAND OIL CO				RECEIVED:	04/14/82	JA: TX			
8227611	F-08-048401	4233500000		102-4		HARRELL #2	CHAMPION LAKE (YATES)	0.0	ODESSA NATURAL CO
8227636	F-08-048797	4233500000		102-4		WULFIEN "F" #2	CHAMPION LAKE (YATES)	25.0	ODESSA NATURAL CO
-EDWARDS HAMILTON & FORD				RECEIVED:	04/14/82	JA: TX			
8227557	F-02-047524	4246900000		102-4		WELDER R H #2	COUSINS (FRIO 3050)	208.0	VALERO TRANSMISSI
-EDWIN L COX				RECEIVED:	04/14/82	JA: TX			
8227585	F-04-047958	4247933150		103	107-TF	OLMITOS RANCH #1	MUJERES CREEK (LOBO 6	730.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	04/14/82	JA: TX			
8227477	F-7C-042712	4243530316		108		MECKEL #7	SONORA-CANYON UPPER	22.0	EL PASO NATURAL G
-EPOCH PETROLEUM CORP				RECEIVED:	04/14/82	JA: TX			
8227565	F-06-047746	4206730361		103		S E GEORGE #1 ID 96515	RODESSA (HILL NORTH)	550.0	ARKANSAS LOUISIAN
-ERSO INC				RECEIVED:	04/14/82	JA: TX			
8227563	F-06-047682	4236500000		103	107-TF	LOUIS WERNER #3	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
-ESTORIL PRODUCING CORP				RECEIVED:	04/14/82	JA: TX			
8227545	F-7C-047286	4210532646		103		M ELLIOTT #1	BUCKHORN (ELLENBURGER	486.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	04/14/82	JA: TX			
*8227637	F-06-048[illegible]	4240131191		102-4		A WILSON OIL UNIT #1-1	OVERTON NE (PETTIT)	75.0	ARMCO STEEL CORP
8227679	F-03-04[illegible]973	4237330501		103		C B GRANBURY A/C 4 #80	LIVINGSTON (WILCOX)	18.6	UNITED TEXAS TRAN
*8227680	F-03-0[illegible]978	4214930831		102-2		CHARLES KOCIAN #1	GIDDINGS (AUSTIN CHAL	36.5	ARMCO STEEL CORP
*8227678	F-03-0[illegible]972	4214930585		102-2		DOROTHY R PAVLICA #1	GIDDINGS (AUSTIN CHAL	5.5	ARMCO STEEL CORP
*8227687	F-03-0[illegible]999	4214930603		102-2		DOROTHY R PAVLICA "B" #1	GIDDINGS (AUSTIN CHAL	5.5	ARMCO STEEL CORP
8227688	F-03-0[illegible]9000	4220131166		103		EXXON-WEST FEE "C" A/C 1 #82	CLEAR LAKE W (FRIO)	143.0	HOUSTON PIPELINE
8227682	F-06-048980	4207330452		103		HARRY L CARTER C-12	NECHES (WOODBINE)	41.1	UNITED GAS PIPELI
8227707	F-08-049047	4210331860		103		J B TUBB A/C 1 #159L	SAND HILLS (TUBB)	29.0	ODESSA NATURAL GA
8227708	F-08-049048	4210331920		103		J B TUBB A/C 1 #171	SAND HILLS (TUBB)	138.0	ODESSA NATURAL GA
8227706	F-08-049046	4210332187		103		J B TUBB A/C 1 #212U	SAND HILLS (MCKNIGHT)	43.0	ODESSA NATURAL GA
8227472	F-08-042397	4210332628		103		J B TUBB A/C 1 #247L	SAND HILLS (TUBB)	46.0	EL PASO NATURAL G
8227689	F-06-049001	4207330448		103		JOHN E CHRISTIAN #3	NECHES (WOODBINE)	3.8	UNITED GAS PIPELI
*8227709	F-04-049049	4227331596		102-4		K R LOS SAUCES 7 (09957)	BISHOP EAST (H-78)	26.0	ARMCO STEEL CORP
*8227710	F-04-049051	4227331622		102-4		K R MORGAN M-77-F (09958)	BORREGOS WEST (F-63)	11.0	ARMCO STEEL CORP
*8227681	F-03-048979	4215731186		103		LOCKWOOD & SHARP A-93	THOMPSON	171.1	ARMCO STEEL CORP
8227623	F-10-048549	4219530797		103		OIL DEVELOPMENT CO OF TEX #8	HANSFORD (MARMATON)	5.0	NORTHERN NATURAL
*8227605	F-04-048246	4213132505		103		PAUL E WHITE B-109 #89607	LUNDELL (HOCKLEY J)	73.0	ARMCO STEEL CORP
8227711	F-04-049052	4204730960		103		RJK JR TR VIBORAS PAST 96-D #97146	VIBORAS (F-52)	730.0	ARMCO STEEL CORP
8227519	F-04-045968	4248930659		103		SAUZ RANCH MULATOS PAST 167 #97151	WILLAMAR WEST (MIOCEN	250.0	NATURAL GAS PIPEL
*8227560	F-06-047635	4234730519		103		TRAWICK GAS UNIT 60 1U	TRAWICK (JAMES)	100.0	ARMCO STEEL CORP
-FAGADAU ENERGY CORP				RECEIVED:	04/14/82	JA: TX			
8227540	F-7B-046989	4242932824		103		C W WULFJEN #1 96641	FOUR J (ATOKA 4000) F	100.0	WARREN PETROLEUM
8227638	F-7B-048820	4242933110		102-4		CECIL BROWN #3 RRC #16902	FOUR J (CONGL 3650)	50.0	WARREN PETROLEUM
-FEAGAN ENERGY INC				RECEIVED:	04/14/82	JA: TX			
8227686	F-7C-048998	4241331130		103	107-TF	GETTY-ROYSTER #1	ELDORADO N (CANYON -A	103.8	ARCO OIL & GAS CO
-FLAG-REDFERN OIL CO				RECEIVED:	04/14/82	JA: TX			
8227667	F-08-048911	4247532340		103		RILEY #1	RHODA WALKER (CANYON	36.5	
8227666	F-08-048909	4247532403		103		RILEY #2-A	RHODA WALKER (CANYON	36.5	
-FORA CO				RECEIVED:	04/14/82	JA: TX			
8227632	F-10-048726	4206530879		103		PERCIVAL #7	PANHANDLE CARSON COUN	9.0	GETTY OIL CO
8227630	F-10-048724	4206530962		103		PERCIVAL "B" #1A	PANHANDLE CARSON COUN	8.0	KERR-MCGEE
8227631	F-10-048725	4223331044		103		SANFORD #1	PANHANDLE HUTCHINSON	25.0	PHILLIPS PETROLEU
-FOREST OIL CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227509	F-04-045503	4221500000		107-TF		A A MCALLEN #13	MCALLEN RANCH (VICKSB	350.0	VALERO TRANSMISSI
-G & C GAS CO				RECEIVED:	04/14/82	JA: TX			
8227450	F-7B-039667	4236332515		102-4		HAROLD SLEMMONS #1 (94300)	WILLIE MAE (2ND CONGL	503.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-GETTY OIL COMPANY				RECEIVED: 04/14/82 JA: TX		
8227498	F-03-044253	4205100000		102-2		C O FICK #1
8227506	F-03-044698	4205100000		102-2		C O FICK "A" UNIT #1
8227470	F-04-042089	4247900000		102-4	107-TF	EL GATO #4
8227497	F-03-044251	4205100000		102-2		H VAJDAK "A" #1
8227526	F-7B-046189	4235331135		103		LAKE TRAMMEL UNIT #102
8227416	F-06-029300	4236531166		103	107-TF	MINNIE BELL YOUNG #1
8227496	F-03-044247	4205100000		102-2		NADA WOMBLE #1
8227501	F-03-044449	4205100000		102-2		SANTA FE ENERGY CO #2
8227568	F-08-047823	4249531118		103		UNIVERSITY 7-21 #1
8227505	F-03-044697	4205100000		102-2		W H GIESENSCHLAG "D" UNIT #1
-GHK CORPORATION				RECEIVED: 04/14/82 JA: TX		
8227413	F-10-002056	4208700000		108-ER		L M TITTLE 1-84 2-044-38268-3
-GOLDEN PETOLEUM				RECEIVED: 04/14/82 JA: TX		
8227518	F-09-045922	4223733577		103		EATHERLY-BETHESDA LTD #2
-GRACE PETROLEUM CORPORATION				RECEIVED: 04/14/82 JA: TX		
8227571	F-06-047870	4241930316		102-4		C H BEARD GAS UNIT #1
-GRAHAM ENERGY LTD				RECEIVED: 04/14/82 JA: TX		
8227703	F-7C-049035	4235331222		102-4		JAMESON "G" #2 09083
-GULF OIL CORPORATION				RECEIVED: 04/14/82 JA: TX		
8227676	F-10-048962	4242100000		107-PE		BLAKE TRUST #1
8227745	F-10-049146	4219500000		108		CLEMENTINE #1
8227603	F-08-048235	4245732423		103		CRAWAR FIELD UNIT #18
8227586	F-08-047960	4247501181		108		ESTES E W #116
8227587	F-08-047961	4247501227		108		ESTES E W #162
8227584	F-08-047953	4247510599		108		ESTES E W #186
8227583	F-08-047952	4247510091		108		ESTES E W #192
8227589	F-08-047966	4247530297		108		ESTES E W #227
8227737	F-08-049122	4247532433		103		HUTCHINGS STOCK ASSN #1063
8227515	F-08-045851	4247532393		103		HUTCHINGS STOCK ASSN #1133
8227712	F-08-049059	4247532399		103		HUTCHINGS STOCK ASSN #1136
8227418	F-03-031842	4247532139		103		P WALKER #4
-H&S PRODUCTION INC				RECEIVED: 04/14/82 JA: TX		
8227556	F-09-047508	4207732486		103		UNDERWOOD #1 RRC#21719
-HAILEY ENERGY				RECEIVED: 04/14/82 JA: TX		
8227582	F-7B-047943	4213333243		102-4		COCA COLA #1 (97430)
-HARRISON INTERESTS LTD				RECEIVED: 04/14/82 JA: TX		
8227674	F-7C-048955	4210532707		102-4	103	NO 19 UNIVERSITY LAND 21-30
-HENDERSON CLAY PRODUCTS INC				RECEIVED: 04/14/82 JA: TX		
8227478	F-06-042949	4240131257		102-4		MCWILLIAMS BROS -A- #1
-HENRY HYDROCARBON INC				RECEIVED: 04/14/82 JA: TX		
8227439	F-7B-039024	4236300000		103		JENKINS #1
-HENRY PETROLEUM CORP				RECEIVED: 04/14/82 JA: TX		
8227463	F-01-041375	4249300000		102-2		JASKINIA UNIT #1
-HILLIARD OIL & GAS INC				RECEIVED: 04/14/82 JA: TX		
8227561	F-06-047637	4206700000		103	107-TF	HASKELL YOUNG #3
-HINSON BROTHERS A PARTNERSHIP				RECEIVED: 04/14/82 JA: TX		
8227634	F-02-048751	4223900000		108		HINSON #3 OB&JH FENNER UNIT 76199
-HNG OIL COMPANY				RECEIVED: 04/14/82 JA: TX		
8227646	F-02-048848	4202500000		108		C H BAST #1
8227685	F-02-048996	4202500000		108		HOLZMARK "D" #2
8227647	F-7C-048849	4243500000		103	107-TF	ROSS "43" #1
-HOME PETROLEUM CORPORATION				RECEIVED: 04/14/82 JA: TX		

FIELD NAME	PROD	PURCHASER
GIDDINGS (AUSTIN CHAL	50.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
EL GATO (LOWER WILCOX	365.0	TRANSCONTINENTAL
GIDDINGS (AUSTIN CHAL	140.0	FERGUSON CROSSING
LAKE TRAMMEL W (CANYO	15.0	WEST LAKE NATURAL
DIRGIN (COTTON VALLEY	0.0	
GIDDINGS (AUSTIN CHAL	300.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
BLOCK 21 NW (WOLFCAMP	11.0	NATURAL GAS PIPEL
(GIDDINGS (AUSTIN CHA	0.0	FERGUSON CROSSING
PANHANDLE EAST	2.5	EL PASO NATURAL G
BRYSON SW (STRAWN)	30.0	SOUTHWEST GAS PIP
GARRISON	0.0	UNITED GAS PIPELI
SILVER (CANYON)	292.0	SUN OIL CO
TEXAS HUGOTON	36.0	DIAMOND SHAMROCK
CLEMENTINE	5.0	NORTHERN NATURAL
CRAWAR (ELLENBURGER)	128.8	TRANSWESTERN PIPE
WARD-ESTES NORTH	1.0	CABOT CORP
WARD-ESTES NORTH	1.0	CABOT CORP
WARD-ESTES NORTH	1.0	CABOT CORP
WARD-ESTES NORTH	1.0	CABOT CORP
WARD-ESTES NORTH	1.0	CABOT CORP
WARD-ESTES NORTH	38.0	CABOT CORP
WAGON WHEEL (PENN)	0.0	CABOT CORP
WAGON WHEEL (PENN)	68.0	CABOT CORP
QUITO EAST (CHERRY CA	366.0	TEXACO
MONTAGUE COUNTY REGUL	0.0	CITIES SERVICE CO
LOYCE (STRAWN)	290.0	SOUTHWESTERN GAS
HOWARDS CREEK N (PENN	45.0	INTRATEX GAS CO
RUFUS (TRAVIS PEAK)	146.0	HENDERSON CLAY PR
MINERAL WELLS (CADDO)	35.0	SOUTHWESTERN GAS
PRUSKE (BUDA)	0.0	
KILDARE (COTTON VALLE	540.0	TEXAS EASTERN TRA
FENNER (FRIO 3200)	0.0	TRUNKLINE GAS CO
MINERAL (MACKHANK LOW	56.2	TRANSCONTINENTAL
RAGSDALE (1100)	57.8	HOUSTON PIPELINE
SAWYER (CANYON)	942.0	INTRATEX GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227426	F-05-037537	4216130616		103		LORENA C MANAHAN #1	MIMMS CREEK (BOSSIER)	327.0	UNITED TEXAS TRAN
8227479	F-05-042966	4216130663		103	107-TF	MARIE RICHARDSON #1	REED (HAYNESVILLE)	125.7	UNITED TEXAS TRAN
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227606	F-03-048320	4231330328		103		HENSARLING #1	FT TRINIDAD BARRETT (	0.0	LONE STAR GAS CO
8227610	F-08-048384	4231732395		103		NAIL C-12 #1	SPRABERRY (TREND AREA	0.0	
-HUMBLE EXPLORATION CO INC				RECEIVED:	04/14/82	JA: TX			
8227444	F-03-039469	4214930827		102-2	103	MARGARET JOHNSON #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-INEXCO OIL COMPANY				RECEIVED:	04/14/82	JA: TX			
8227567	F-03-047817	4214931172		102-2		EVELYN CARLSON UNIT #1	GIDDINGS (AUSTIN CHAL	13.0	PHILLIPS PETROLEU
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:	04/14/82	JA: TX			
8227562	F-7C-047642	4243532520		103	107-TF	MAYER "A" #6	SAWYER (CANYON)	150.0	NORTHERN NATURAL
8227619	F-7C-048519	4210533748		102-4		UNIVERSITY 29-27 #1	UNIVERSITY 29 (STRAWN	270.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227716	F-10-049071	4223331296		103		BRYAN MAYFIELD UNIT #9-26	PANHANDLE	55.0	COLORADO INTERSTA
8227743	F-10-049143	4223331288		103		SOUTH HERRING #164	PANHANDLE	55.0	COLORADO INTERSTA
-JACK L PHILLIPS				RECEIVED:	04/14/82	JA: TX			
8227618	F-06-048504	4220330713		103		E RAVENS #1 96845	BETHANY (TRAVIS PEAK	146.0	TEJAS GAS CORP
-JIM GUINN				RECEIVED:	04/14/82	JA: TX			
8227481	F-09-043250	4250334720		103		W H HUGHES #1	WILDCAT	139.0	LONE STAR GAS CO
-JOHN H YOUNG INC				RECEIVED:	04/14/82	JA: TX			
8227527	F-03-046191	4214930852		102-3		M WILLMAN UNIT #1 92816	GIDDINGS (AUSTIN CHAL	595.0	CLAJON GAS CO
-JOHN L COX				RECEIVED:	04/14/82	JA: TX			
8227429	F-7C-037992	4238331952		103		AGNESS SCOTT #1	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227454	F-7C-039891	4238331868		103		HALFF ESTATE "42" #1 RRC #NA	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
8227433	F-08-038009	4231700000		103		MABEE B #6-X (#22451)	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8227434	F-08-038010	4231700000		103		MABEE B #8-X (22451)	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8227468	F-7C-041783	4238332053		103		MARY HUGHES "168" #1	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227467	F-7C-041782	4238332054		103		MARY HUGHES "168" #2	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227431	F-7C-038005	4238331908		103		MARY HUGHES "169" #1	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227466	F-7C-041781	4238332051		103		MARY HUGHES "182" #2	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227469	F-7C-041790	4238332052		103		MARY HUGHES "182" #3	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227432	F-7C-038006	4238331909		103		MARY HUGHES "183" #1	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227453	F-7C-039886	4246100000		103		NEAL "30" #1 RRC #NA	SPRABERRY (TREND AREA	20.0	MOBIL PRODUCING T
8227488	F-7C-043620	4246131819		103		NEAL "39" #1	SPRABERRY (TREND AREA	10.0	MOBIL PROD TEXAS-
8227430	F-7C-038000	4246131776		103		POWELL "23" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING-T
8227465	F-7C-041760	4246100000		103		POWELL "28" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8227487	F-7C-043619	4246131815		103		POWELL "30" #1	SPRABERRY (TREND AREA	10.0	MOBIL PROD TEXAS-
8227452	F-7C-039883	4246100000		103		POWELL "33" #1 RRC #NA	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8227464	F-7C-041759	4246100000		103		POWELL "33" #2	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8227490	F-7C-043653	4246131817		103		POWELL "34" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8227428	F-7C-037988	4238300000		103		ROCKER B "N" #18-X (#05142)	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227423	F-7C-034699	4238331763		103		ROCKER B "P" #8-X (RRC #05173)	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8227489	F-7C-043623	4246100000		103		VIRGIL POWELL #1	DAVIS (PENN)	10.0	MOBIL PROD TEXAS-
8227435	F-7C-038011	4246131745		103		W GREENE #1 (NA)	BENEDUM (FUSSELMAN)	20.0	PHILLIPS PETROLEU
-K L H OIL & GAS INC				RECEIVED:	04/14/82	JA: TX			
8227713	F-7B-049060	4204932839		102-4		O B FOMBY #12 (16890)	DALE (CADDO)	24.0	ODESSA NATURAL CO
8227714	F-7B-049061	4204932840		102-4		O B FOMBY #13 (16890)	DALE (CADDO)	22.0	ODESSA NATURAL CO
8227715	F-7B-049062	4204932852		102-4		O B FOMBY #15 (16890)	DALE (CADDO)	26.0	ODESSA NATURAL CO
-K&H LTD W E CARL & GULF ENERGY				RECEIVED:	04/14/82	JA: TX			
8227483	F-04-043504	4250531406		102-4		BERTA VELA CAVAZOS #3	EL GRULLO (7780)	0.0	INTRASTATE GATHER
-KERR-MCGEE CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227663	F-10-048893	4223331240		103		COCKRELL #34	PANHANDLE (HUTCHINSON	55.0	GETTY OIL CO
-KILLAM & HURD LTD				RECEIVED:	04/14/82	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227442	F-04-039390	4247932900		102-4	107-TF	A M BRUNI EST "1571" #4	JUANITA (LOBO)	0.0	
-KIM PETROLEUM CO INC				RECEIVED:	04/14/82	JA: TX			
8227546	F-10-047308	4206531022		103		KIRBY #1	PANHANDLE CARSON COUN	146.0	NORTHERN NATURAL
-KIRBY EXPLORATION CO				RECEIVED:	04/14/82	JA: TX			
8227446	F-10-039575	4239330807		102-4		LARD 1-61	LARD RANCH (GRANITE W	275.0	SOUTHERN NATURAL
8227448	F-10-039577	4239330779		102-4		MAULSBY 1-4	LARD RANCH (GRANITE W	640.0	SOUTHERN NATURAL
8227447	F-10-039576	4239330808		102-4		MAULSBY 2-4	LARD RANCH (GRANITE W	425.0	SOUTHERN NATURAL
-L & B OIL CO INC				RECEIVED:	04/14/82	JA: TX			
8227536	F-03-046881	4240730451		102-4		ROBERTS ET AL UNIT #2	SHEPHERD S (WILCOX 86	290.0	TENNESSEE GAS PIP
-LA PARRITA OIL & GAS CORP				RECEIVED:	04/14/82	JA: TX			
8227609	F-04-048379	4226130642		102-4	103	L C MAY #1	SARITA W (2000)	1971.0	TEXAS EASTERN TRA
-LAUREL FUEL CO				RECEIVED:	04/14/82	JA: TX			
8227415	F-03-028538	4248131954		102-4		WINTERMAN #3 RRC ID #90185	BONUS S (WILCOX-13900	52.0	TRUNKLINE GAS CO
-LEAR PETROLEUM CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227455	F-03-040487	4218530276		102-2		LEAR #1 MCDUFFIE	IOLA (GEORGETOWN)	720.0	PRODUCER'S GAS CO
8227491	F-03-043656	4218530295		102-2		LEAR SELECTED LANDS #1	IOLA (SUBCLARKSVILLE)	12.7	PRODUCER'S GAS CO
-LENOIR M JOSEY INC				RECEIVED:	04/14/82	JA: TX			
8227473	F-06-042463	4240131196		103	107-TF	T PRITCHARD UNIT #2	OAK HILL (COTTON VALL	0.0	DELHI GAS PIPELIN
-LULING OIL AND GAS CO INC				RECEIVED:	04/14/82	JA: TX			
8227683	F-7B-048981	4208300000		103		WHITTINGTON "A" LEASE #1	GLEN COVE E	0.0	UNION TEXAS PETRO
-MARATHON OIL COMPANY				RECEIVED:	04/14/82	JA: TX			
8227525	F-7C-046186	4238332076		103		UNIVERSITY "L" #8	AMIGO (SAN ANDRES)	27.0	BIG LAKE GAS CORP
8227520	F-7C-046179	4210533666		103		UNIVERSITY "M" #8	AMIGO (SAN ANDRES)	27.0	BIG LAKE GAS CORP
8227524	F-7C-046184	4238332072		103		UNIVERSITY "N" #5	AMIGO (SAN ANDRES)	33.0	BIG LAKE GAS CORP
8227521	F-7C-046180	4238332075		103		UNIVERSITY "N" #6	AMIGO (SAN ANDRES)	33.0	BIG LAKE GAS CORP
8227523	F-7C-046183	4238332074		103		UNIVERSITY "N" #8	AMIGO (SAN ANDRES)	33.0	BIG LAKE GAS CORP
8227522	F-7C-046182	4210533668		103		UNIVERSITY "O" #6	AMIGO (SAN ANDRES)	33.0	BIG LAKE GAS CORP
-MARSHALL AND WINSTON INC				RECEIVED:	04/14/82	JA: TX			
8227517	F-08-045867	4233531967		103		J F MCCABE "C" #2	JAMESON N (ELLENBURGE	15.0	SUN GAS CO
8227516	F-08-045866	4233532111		103		J F MCCABE "C" #3	JAMESON NORTH (ELLEN)	7.0	SUN GAS CO
-MARSHALL EXPLORATION INC				RECEIVED:	04/14/82	JA: TX			
8227485	F-7B-043540	4236332303		108		DUNNAWAY #1	NORTH BRANSON (CONGL	55.0	SOUTHWESTERN GAS
8227484	F-7B-043539	4236332332		108		J B DAVIS "B" #3	NORTH BRANSON (BIG SA	394.0	SOUTHWESTERN GAS
-MAY PETROLEUM INC				RECEIVED:	04/14/82	JA: TX			
8227691	F-10-049004	4235731145		103		MCCLAIN #1	PAN PETRO (MORROW UPP	36.5	PHILLIPS PETROLEU
-MCCORMICK OPERATING CO				RECEIVED:	04/14/82	JA: TX			
8227499	F-06-044391	4240131255		103	107-TF	BURNETT #1	OAK HILL (COTTON VALL	215.0	HYDROCARBON TRANS
8227507	F-08-044874	4231732390		102-4		DOROTHY #1	J L M (MISSISSIPPIAN)	19.0	NORTHERN NATURAL
8227500	F-06-044392	4240131260		103	107-TF	LONGHORN #3	OAK HILL (COTTON VALL	200.0	HYDROCARBON TRANS
8227539	F-06-046950	4240131323		103	107-TF	LONGHORN #4	OAK HILL (COTTON VALL	300.0	HYDROCARBON LTD
8227508	F-06-045411	4240131295		103	107-TF	OVERTON #3	OAK HILL (COTTON VALL	225.0	HYDROCARBON TRANS
-MCKENZIE OPERATING CO INC				RECEIVED:	04/14/82	JA: TX			
8227559	F-7B-047582	4236300000		102-4		WELCH #1	MINERAL WELLS S (4270	538.0	SOUTHWESTERN GAS
-MEG PETROLEUM CORP				RECEIVED:	04/14/82	JA: TX			
8227534	F-7C-046686	4223531791		102-2	103	SUGG-FARMAR #3	ROCK PEN (CANYON)	198.0	NORTHERN NATURAL
-MEWBOURNE OIL COMPANY				RECEIVED:	04/14/82	JA: TX			
8227550	F-10-047452	4235731113		103		HARDY #7	BULER N (CLEVELAND)	22.0	TRANSWESTERN PIPE
-MHW INC				RECEIVED:	04/14/82	JA: TX			
8227512	F-7B-045734	4213333374		102-4		CHOATE "B" #6	WILDCAT	45.0	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227597	F-09-048183	4249732166		103		C L GAGE C #1 21697	BOONSVILLE SOUTH (ATO	5.6	NATURAL GAS PIPEL
8227566	F-7B-047765	4236700000		108		G D WILEY #4 #91453	CARTER CREEK (BEND CO	11.8	SOUTHWESTERN GAS
8227492	F-03-043849	4228700000		102-2	103	GERSCH UNIT C #1	GIDDINGS (BUDA)	26.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227438	F-03-038368	4228730576		102-2		KRAUSE UNIT A #1	GIDDINGS (BUDA)	0.0	PGP GAS PRODUCTS
8227531	F-03-046341	4204130673		102-2		PATTERSON #1 14934	KURTEN (WOODBINE)	19.0	FERGUSON CROSSING
8227530	F-09-046338	4249700000		103		TARRANT CNTY WATERBOARD #35 #17355	MORRIS (CONSOLIDATED	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	04/14/82	JA: TX			
8227511	F-03-045731	4224531521		103		C B WRIGHTSMAN "A" #1	STOWELL S (ENGLIN)	298.2	LIQUID ENERGY COR
8227726	F-7B-049098	4217900000		108-SA		FEE LAND #5	PANHANDLE WEST	244.3	PHILLIPS PETROLEU
*8227728	F-04-049100	4224900000		108-SA		LAGLORIA GAS UNIT #85	LAGLORIA/LOS OLMOS	11.6	NATURAL GAS PIPEL
8227725	F-10-049097	4234100000		108-SA		MARY MILLER #1	PANHANDLE WEST	8.5	PANHANDLE EASTERN
8227730	F-08-049104	4237105419		108-SA		STATE VOLLMAR #2	ABELL (CLEARFORK)	91.1	PGP GAS PRODUCTS
8227727	F-10-049099	4206500000		108-SA		VICARS #2	PANHANDLE WEST	17.6	NORTHERN NATURAL
8227460	F-04-040899	4235531767		103		W F L LEHMAN #6	MOBIL DAVID (ANDERSON	1.5	VALERO TRANSMISSI
8227729	F-02-049102	4217530165		108-SA		W W BOYCE #14	BOYCE SOUTH (PETTUS)	366.6	UNITED GAS PIPELI
-MORAN EXPLORATION INC				RECEIVED:	04/14/82	JA: TX			
8227581	F-7C-047927	4223531745		103		MURPHY "B" #4	SPRABERRY (TREND AREA	0.0	NORTHERN NATURAL
-MR OIL CO				RECEIVED:	04/14/82	JA: TX			
8227476	F-08-042678	4247500000		108		AMERICAN NATIONAL LIFE INS CO #35	WARD-ESTES NORTH	0.4	CABOT CORP
8227665	F-08-048907	4247532409		103		DORR #14 #25917	WARD SOUTH	75.0	DELHI GAS PIPELIN
-NATOMAS NORTH AMERICA INC				RECEIVED:	04/14/82	JA: TX			
8227480	F-09-043067	4232131115		102-2		CORNELIUS #1	CORNELIUS (FRIO LO 10	706.6	TEXCOL GAS SERVIC
-NORTH CENTRAL OIL CORP				RECEIVED:	04/14/82	JA: TX			
8227421	F-04-033258	4247900000		107-TF		WEBB COUNTY SCHOOL BOARD #1-87366	MANCHO PRADO (L-1)	0.0	TRANSCONTINENTAL
-NORTH CENTRAL OIL CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227417	F-04-030669	4247900000		102-4	107-TF	WEBB COUNTY SCHOOL BOARD #2	MANCHO PRADO (L-1)	365.0	TRANSCONTINENTAL
-OLYMPIA OIL CO				RECEIVED:	04/14/82	JA: TX			
8227445	F-7B-039501	4205933122		102-4		STEWART #1-A	NUGENT'S NOOK (DUFFER	130.0	DELHI GAS PIPELIN
-OMEGA ENERGY				RECEIVED:	04/14/82	JA: TX			
8227661	F-10-048880	4217930876		103		DAVIDSON (04985) #1	PANHANDLE GRAY COUNTY	61.0	CABOT PIPELINE CO
-OMNI-EXPLORATION INC				RECEIVED:	04/14/82	JA: TX			
8227670	F-02-048929	4217531432		103		LOUIS HEINRICH #2	GOWITT (WILCOX 8800)	0.0	HOUSTON PIPE LINE
-OXOCO EXPLORATION CORP				RECEIVED:	04/14/82	JA: TX			
8227625	F-06-048590	4242330407		103		FORD #1 TEXAS #91566	CHAPEL HILL (PALUXY 5	43.0	EAST TEXAS PRODUC
-P & R OIL INC				RECEIVED:	04/14/82	JA: TX			
8227746	F-7B-049152	4242932460		102-4		TOLLE #1 (89463)	BAGGETT (RANGER)	185.0	LONE STAR GAS CO
-PARKER & PARSLEY INC				RECEIVED:	04/14/82	JA: TX			
8227532	F-08-046592	4217331193		103		HUTCHISON "C" #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8227552	F-08-047461	4232931038		103		MURRAY #1	SPRABERRY (TREND AREA	15.0	EL PASO NATURAL G
8227553	F-08-047462	4232931043		103		MURRAY "A" #1	SPRABERRY (TREND AREA	15.0	EL PASO NATURAL G
8227551	F-08-047460	4232931033		103		STIMSON-BURLEY "A" #1	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
8227616	F-08-048491	4232931039		103		STIMSON-BURLEY "B" #1	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
8227615	F-08-048490	4232931044		103		STIMSON-BURLEY "B" #2	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
8227677	F-08-048968	4232931045		103		STIMSON-BURLEY "B" #3	SPRABERRY (TREND AREA	15.0	ADOBE OIL & GAS C
-PENINSULA RESOURCES CORPORATION				RECEIVED:	04/14/82	JA: TX			
8227457	F-04-040764	4227331550		103		KAUFER #1 LOWER	S MAY (B-MASSIVE 3)	270.0	TEXAS EASTERN TRA
-PENNZOIL PRODUCING COMPANY				RECEIVED:	04/14/82	JA: TX			
8227461	F-06-041024	4206700000		103	107-TF	DAVIS #1	KILDARE (COTTON VALLE	900.0	
8227633	F-04-048730	4235531376		108		MINNIE BROWN #5	AGUA DULCE (5350')	20.0	UNITED GAS PIPELI
8227547	F-04-047363	4250531441		102-4		ROBERTO VELA #1	COMITAS S (8850')	949.0	
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	04/14/82	JA: TX			
8227590	F-7B-048025	4242932759		103		A S VEALE #10	TULLOS (CADDO)	2.9	LONE STAR GAS CO
8227664	F-08-048895	4249531281		103		IDA HENDRICK "F" #16	HENDRICK	57.3	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/14/82	JA: TX			
8227719	F-7C-049082	4238301167		108		(03593) ZULETTE #4	SPRABERRY (TREND AREA	13.0	NORTHERN NATURAL
8227420	F-10-032635	4217900000		108		ANNIE #9	PANHANDLE GRAY	0.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8227419	F-10-032626	4217900000		108		DAVIDSON M #4
8227721	F-08-049084	4200332407		108		EMBAR B #41
8227733	F-08-049107	4213502429		108		GOLDSMITH ANDECTOR #J-05
8227734	F-08-049108	4213508450		108		GOLDSMITH ANDECTOR #K-02
8227732	F-08-049106	4213502629		108		GOLDSMITH ANDECTOR UNIT F-04
8227720	F-08-049083	4200310950		108		HOLT H #5
8227533	F-06-046628	4242300000		108		MCMINN #2
8227718	F-08-049081	4200304588		108		UNIVERSITY ANDREWS #69
8227731	F-7C-049105	4238330328		108		WEATHERBY B #2
-PIONEER PRODUCTION CORPORATION				RECEIVED:	04/14/82	JA: TX
8227486	F-10-043573	4229531008		103		DOROTHY WHEELER #1-369
-PRICE DRILLING & EXPLORATION CO				RECEIVED:	04/14/82	JA: TX
8227458	F-04-040810	4247931817		102-4		J O WALKER #1
8227459	F-04-040811	4247931875		102-4		S BENAVIDES ESTATE #1-2272
-PRO OIL				RECEIVED:	04/14/82	JA: TX
8227594	F-7C-048179	4245130832		102-2	103	PRO OIL GLASS #3
8227596	F-7C-048181	4245130822		102-2	103	PRO OIL PERRY #4"D"
8227595	F-7C-048180	4245130821		102-2	103	PRO OIL PERRY #5 "E"
-PRODECO EXPLORATIONINC				RECEIVED:	04/14/82	JA: TX
8227576	F-03-047884	4204130574		102-2		A C RISINGER UNIT I #1-A (14119)
8227577	F-03-047886	4204130633		102-2		A C RISINGER UNIT III #1 (14769)
8227579	F-03-047888	4204130600		102-2		B A RISINGER UNIT I #1 (14566)
8227573	F-03-047881	4204130618		102-2		CHAS D PALMER UNIT I #1 (14766)
8227588	F-03-047964	4204130641		102-2		DEGELIA UNIT I #1 (14768)
8227574	F-03-047882	4204130598		102-2		FRAME UNIT I #1 (14754)
8227578	F-03-047887	4204130690		102-2		PULTS UNIT I #1 (14941)
8227575	F-03-047883	4204130667		102-2		WEIDO UNIT I #1 (14932)
-PYRO ENERGY CORP				RECEIVED:	04/14/82	JA: TX
8227620	F-01-048539	4217730941		102-2		A E SCHIEBERLE #1
-R C HARRIS				RECEIVED:	04/14/82	JA: TX
8227658	F-02-048869	4202531568		102-4		MARTINSON #1 (RRC #97345)
-R K G ENGINEERING INC				RECEIVED:	04/14/82	JA: TX
8227608	F-08-048363	4237133139		103		MOBIL 13 (26097)
-RAIDER OIL CORP				RECEIVED:	04/14/82	JA: TX
8227629	F-09-048690	4207732291		103		L C CAMPSEY #1 RRC ID #21435
-RALPH L WAY INC				RECEIVED:	04/14/82	JA: TX
8227694	F-7C-049014	4238331895		103		UNIVERSITY "8" #12
8227693	F-7C-049013	4238331887		103		UNIVERSITY "8" #8
-REO INDUSTRIES INC				RECEIVED:	04/14/82	JA: TX
8227717	F-10-049076	4223300000		103		WHITTENBURG A 8-17
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	04/14/82	JA: TX
8227510	F-04-045673	4235531719		102-4		STATE TRACT #58 #1
-RIO PETROLEUM INC				RECEIVED:	04/14/82	JA: TX
8227669	F-10-048922	4206530869		103		RIO #1 NANCY
-RK PETROLEUM CORP				RECEIVED:	04/14/82	JA: TX
8227554	F-08-047464	4231732456		103		CASTLE 1-X
-ROBERT E BYRNE				RECEIVED:	04/14/82	JA: TX
8227622	F-7B-048548	4213332072		108		KING #1 (15648)
-ROCKWOOD RESOURCES INC				RECEIVED:	04/14/82	JA: TX
8227613	F-02-048478	4217531535		102-4		FRANKE NO 1
-RYDER SCOTT OIL CO				RECEIVED:	04/14/82	JA: TX
8227549	F-09-047395	4207732368		102-4		SLAYTON #1
-SAGE ENERGY CO				RECEIVED:	04/14/82	JA: TX

FIELD NAME	PROD	PURCHASER
PANHANDLE GRAY	0.0	
EMBAR (PERMIAN)	2.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	15.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	19.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	23.0	EL PASO NATURAL G
TRIPLE N (PENN UPPER)	6.0	NORTHERN NATURAL
SOUTH TYLER	3.0	
EMBAR (PERMIAN)	10.0	EL PASO NATURAL G
SPRABERRY (TREND AREA	3.0	INTRATEX GAS CO
LIPSCOMB SW (CLEVELAN	6.3	PIONEER CORP
CAROLINA-TEX SW (1260	73.0	VALERO TRANSMISSI
CAROLINA-TEX SW (1260	73.0	VALERO TRANSMISSI
S S R (CANYON UPPER)	50.0	ODESSA NATURAL CO
R L G (CANYON LOWER)	50.0	ODESSA NATURAL CO
R L G (CANYON LOWER)	50.0	ODESSA NATURAL CO
KURTEN (WOODBINE)	255.5	PRODUCERS GAS CO
KURTEN (WOODBINE)	82.1	PRODUCERS GAS CO
KURTEN (WOODBINE)	949.0	PRODUCERS GAS CO
KURTEN (BUDA)	949.0	FERGUSON CROSSING
KURTEN (BUDA)	723.0	FERGUSON CROSSING
KURTEN (BUDA)	650.0	FERGUSON CROSSING
KURTEN (WOODBINE)	1095.0	PRODUCERS GAS CO
KURTEN (BUDA)	1095.0	FERGUSON CROSSING
TWIN RIVERS (AUSTIN C	0.0	VALERO TRANSMISSI
TULETA WEST - 12910	456.3	TRANSCONTINENTAL
TROPORO (DEVONIAN)	0.0	NORTHERN NATURAL
DILLARD SW (ELLENBURG	10.2	TEXAS UTILITIES F
FARMER (SAN ANDRES)	17.3	NORTHERN NATURAL
FARMER (SAN ANDRES)	20.9	NORTHERN NATURAL
PANHANDLE HUTCHINSON	270.0	TRANS-PAN GATHERI
CRANE ISLAND SOUTH (I	193.0	HOUSTON PIPE LINE
BOBBITT (BROWN DOLOMI	0.0	PIONEER CORP
SPRABERRY/TREND AREA	28.5	PHILLIPS PETROLEU
EASTLAND COUNTY REGUL	13.0	LONE STAR GAS CO
MAETZE (2970)	0.0	DELHI GAS PIPELIN
SLAYTON (CONGL)	75.0	SANFORD P FAGADAU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8227624	F-03-048555	4214900000		102-2		JOE #1 RRC #	GIDDINGS (AUSTIN CHAL	13.0	PHILLIPS PETROLEU
-SMA-JAM CORP				RECEIVED:	04/14/82	JA: TX			
8227558	F-03-047548	4214930995		103		J WETH #2	GIDDINGS (AUSTIN CHAL	36.5	PHILLIPS PETROLEU
8227443	F-03-039427	4214930781		103		POLLY #1	GIDDINGS (AUSTIN CHAL	7.3	SOUTH CEN TEX GAS
8227513	F-01-045739	4217730825		103		RONNIE #1	MAG (AUSTIN CHALK)	21.9	TIPPERARY GATHERI
-SNOW OIL CO				RECEIVED:	04/14/82	JA: TX			
8227747	F-7B-049154	4213333560		102-4		ALEXANDER #2 (17907)	CISCO (CONGL 3600)	350.0	LONE STAR GAS CO
-SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED:	04/14/82	JA: TX			
8227668	F-7B-048920	4236732113		102-4		GREEN #1 (ID NO 97428)	HOLDEN (STRAWN)	0.0	LONE STAR GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	04/14/82	JA: TX			
8227626	F-10-048604	4235700000		108		HOMER GURLEY GAS #1-L	N FARNSWORTH (MISSISS	10.0	NATURAL GAS PIPEL
8227555	F-10-047489	4235700000		108		PERRY UNIT "A" #1	PERRYTON (MORROW LOWE	0.5	NORTHERN NATURAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	04/14/82	JA: TX			
8227422	F-04-033581	4242731467		102-4		BETTY J B HILES #1	LOCKHART	173.0	TENNESSEE GAS PIP
8227529	F-8A-046293	4207931374		103		LEAGUE 91 PROJECT #2-8	SLAUGHTER	22.0	AMOCO PRODUCTION
-TAMARACK PETROLEUM CO INC				RECEIVED:	04/14/82	JA: TX			
8227599	F-08-048200	4232900000		103		DIXON #1 (RRC #25814)	SPRABERRY (TREND AREA	8.0	EL PASO NATURAL G
-TAYLOR OPERATING COMPANY				RECEIVED:	04/14/82	JA: TX			
8227471	F-09-042120	4207700000		103		NOLEN #1 (21210)	BUFFALO SPRINGS SOUTH	44.5	LONE STAR GAS CO
-TDC EXPLORATION INC				RECEIVED:	04/14/82	JA: TX			
8227621	F-03-048545	4214931265		102-2		HAVEMANN UNIT #1	GIDDINGS (AUSTIN CHAL	18.0	SOUTH CEN-TEX GAS
-TEMPLETON ENERGY INC				RECEIVED:	04/14/82	JA: TX			
8227628	F-04-048644	4224931496		102-4		FITZSIMMONS #1	BRAMAN 8150	365.0	
-TEXACO INC				RECEIVED:	04/14/82	JA: TX			
8227504	F-8A-044547	4221933223		103		BOB SLAUGHTER BLK #331	SLAUGHTER	0.0	AMOCO PRODUCTION
8227528	F-8A-046200	4221933229		103		BOB SLAUGHTER BLK #335	SLAUGHTER	0.1	AMOCO PRODUCTION
8227564	F-8A-047712	4221933227		103		BOB SLAUGHTER BLOCK #336	SLAUGHTER	0.4	AMOCO PRODUCTION
8227569	F-10-047866	4217900000		108		G H SAUNDERS NCT-1 #1	PANHANDLE EAST	16.1	COLTEXO CORP
8227570	F-10-047867	4217900000		108		G H SAUNDERS NCT-2 #111	PANHANDLE EAST	16.0	COLTEXO CORP
8227704	F-10-049037	4217900000		108		H W OLCOTT #2	PANHANDLE EAST	1.7	WESTAR TRANSMISSI
8227650	F-8A-048857	4221933300		103		IRA P DELOACHE #31	LEVELLAND	8.7	AMOCO
8227543	F-8A-047270	4221933299		103		IRA P DELOACHE #32	LEVELLAND	0.0	AMOCO PRODUCTION
8227705	F-8A-049039	4221933387		103		MONTGOMERY ESTATE DAVIES NCT-2 #85	LEVELLAND	58.0	AMOCO PRODUCTION
8227541	F-8A-047053	4250132060		103		ROBERTS UNIT #4446	WASSON	27.1	SHELL OIL CO
8227544	F-8A-047272	4216532250		103		ROBERTSON UNIT #41	ROBERTSON N (CLEARFOR	39.1	PHILLIPS PETROLEU
8227535	F-08-046834	4243130910		103		STERLING M FEE #3	CONGER (PENN)	245.3	VALERO TRANSMISSI
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	04/14/82	JA: TX			
8227425	F-06-037065	4240131123		103	107	-TF C GRIFFITH UNIT #1	DIRGIN (COTTON VALLEY	400.0	DELHI GAS PIPELIN
-THROCKMORTON GAS SYSTEMS				RECEIVED:	04/14/82	JA: TX			
8227437	F-7B-038261	4244732553		102-4		MORRISON #3-A	RICHARDS (CONGL UPPER	0.0	WARREN PETROLEUM
-TOM L INGRAM				RECEIVED:	04/14/82	JA: TX			
8227649	F-08-048853	4200332888		103		THORNBERRY "H" #1	FUHRMAN-MASCHO	36.5	PHILLIPS PETROLEU
8227648	F-08-048852	4200332887		103		THORNBERRY "H" #2	FUHRMAN-MASCHO	18.3	PHILLIPS PETROLEU
-TRANS-AMERICAN DEVELOPMENT CORP				RECEIVED:	04/14/82	JA: TX			
8227475	F-8A-042591	4236700000		102-2		TIDWELL #1	WILDCAT (NEW FIELD NO	100.0	SOUTHWESTERN GAS
-TUCKER DRILLING COMPANY INC				RECEIVED:	04/14/82	JA: TX			
8227645	F-7C-048846	4223531848		103		J W FIELD #4	ARDEN S (CANYON SAND	168.8	ESPERANZA PIPELIN
-TX PETROLEUM CO				RECEIVED:	04/14/82	JA: TX			
8227482	F-04-043266	4224931441		102-4		H BIERSTEDT #1	GRABEN (4950)	91.0	VALERO TRANSMISSI
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/14/82	JA: TX			
8227692	F-08-049012	4200332955		103		FUHRMAN-MASCHO UNIT #606 BLK 10	FUHRMAN-MASCHO	80.0	PHILLIPS PETROLEU
-UNION TEXAS PETROLEUM				RECEIVED:	04/14/82	JA: TX			
8227441	F-08-039347	4230130294		102-4		RED BLUFF 8 #1	RED BLUFF (WOLFCAMP)	2920.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	04/14/82	JA: TX			
8227673	F-10-048952	4229531110		103		RANDALL #7	BRADFORD (TONKAWA)	30.0	PHILLIPS PETROLEU
-VERNON E FAULCONER INC				RECEIVED:	04/14/82	JA: TX			
8227675	F-06-048959	4236500000		108		T C CADENHEAD RRC ID #29380	BETHANY (PETTIT)	1.5	TENNESSEE GAS PIP
-W L PENNINGTON INC				RECEIVED:	04/14/82	JA: TX			
8227456	F-10-040557	4208730154		108-ER		EMMERT 4-99 ID #93034	PANHANDLE EAST	20.0	EL PASO NATURAL G
-W W BOLDT				RECEIVED:	04/14/82	JA: TX			
8227493	F-7B-043949	4208332672		102-4		W N BAKER #1 (97429)	BAKER (MORRIS)	436.0	LONE STAR GAS CO
-WAGNER & BROWN				RECEIVED:	04/14/82	JA: TX			
8227607	F-08-048324	4243131075		103		MAHAFFEY "A" #1-4	CONGER (PENN)	51.0	VALERO TRANSMISSI
-WALTER EXPLORATION INC				RECEIVED:	04/14/82	JA: TX			
8227604	F-8A-048245	4210130313		102-4		OPAL-RRC ID #97157	INDEPENDENT (BEND CON	500.0	PALO DURO PIPELIN
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	04/14/82	JA: TX			
8227652	F-08-048859	4210332662		103		W N WADDELL #1154	DUNE	10.1	EL PASO NATURAL G
8227651	F-08-048858	4210332692		103		W N WADDELL #1206	SAND HILLS (WICHITA A	69.2	EL PASO NATURAL G
-WARRIOR MANAGEMENT CO				RECEIVED:	04/14/82	JA: TX			
8227592	F-04-048149	4242731439		102-4	103	STATE OF TEXAS #1	ROSS N (1580)	47.0	TENNESSEE GAS PIP
-WES-MOR DRILLING INC				RECEIVED:	04/14/82	JA: TX			
8227684	F-7B-048992	4236300000		108		STEPHENS "A" #1 RRC ID #45570	BRAD SW (BIG SALINE C	0.0	LONE STAR GAS CO
-WES-TEX DRILLING COMPANY				RECEIVED:	04/14/82	JA: TX			
8227722	F-7B-049087	4235331138		103		MCLAUGHLIN #3	ADAIR CREEK (COOK SAN	0.0	SUN GAS CO
8227723	F-7B-049088	4235331206		103		MCLAUGHLIN #4	ADAIR CREEK (COOK SAN	0.0	SUN GAS CO
-WILLIAM PERLMAN				RECEIVED:	04/14/82	JA: TX			
8227414	F-7C-027532	4244330006		107-TF		TOM MITCHELL STATE 22-1	OZONA (CANYON)	0.0	EL PASO NATURAL G
-WY-VEL CORP				RECEIVED:	04/14/82	JA: TX			
8227724	F-10-049091	4206530999		103		BURNETT (04270) #8	PANHANDLE CARSON COUN	77.0	GETTY OIL CO
8227660	F-10-048876	4223331245		103		SOUTHLAND (04341) #8	PANHANDLE HUTCHINSON	48.0	PHILLIPS PETROLEU
8227659	F-10-048875	4223331244		103		SOUTHLAND (04341) #9	PANHANDLE HUTCHINSON	40.0	PHILLIPS PETROLEU

OTHER PURCHASERS VOLUME NO :643

8227449	VALERO TRANSMISSION CO
8227560	E I DUPONT DE NEMOURS & CO INC
8227605	E I DUPONT DE NEMOURS & CO INC
8227637	E I DUPONT DE NEMOURS & CO INC
8227678	E I DUPONT DE NEMOURS & CO INC
8227680	E I DUPONT DE NEMOURS & CO INC
8227681	E I DUPONT DE NEMOURS & CO INC
8227687	E I DUPONT DE NEMOURS & CO INC
8227709	E I DUPONT DE NEMOURS & CO INC
8227710	E I DUPONT DE NEMOURS & CO INC
8227728	TRANSCONTINENTAL GAS P L CORP

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-12555 Filed 5-6-82; 8:45 am]

BILLING CODE 6717-01-C

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59087; TSH FRL 2120-1]

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: June 7, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59087]" and the specific TME number should be sent to:

82T-1280

Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the TMEs received by the EPA:

TME 82-15

Close of Review Board. June 10, 1982.

Manufacturer. Celanese Plastics and Specialties Company.

Chemical. (G) Cationic substituted acid amide.

Use/Production. (G) Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, 12 workers, 8 hrs/da, 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 100-1,000 kg/yr to land. Off-gases treated by scrubber system, wastes disposed of by activated sludge system and on-site incineration.

TME 82-16

Close of Review Period. June 10, 1982.

Manufacturer. Celanese Plastics and Specialties Company.

Chemical. (G) Cationic substituted acid amide polymer.

Use/Production. (G) Additive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, 12 workers, 8 hrs/da, 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 100-1,000 kg/yr to land, 10-100 kg/yr to water. Off-gases treated by scrubber system, wastes disposed of by activated sludge system and on-site incineration.

Dated: April 30, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-12478 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51412; TSH FRL 2119-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 82-305 & 82-306—July 22, 1982.

PMN 82-307, 82-308, 82-309, 82-310, 82-311, 82-312 & 82-313—July 25, 1982.

PMN 82-314, 82-315 & 82-316—July 26, 1982.

PMN 82-317 & 82-318—July 27, 1982.

PMN 82-319, 82-320 & 82-321—July 28, 1982.

Written comments by:

PMN 82-305 & 82-306—June 22, 1982.

PMN 82-307, 82-308, 82-309, 82-310, 82-311, 82-312 & 82-313—June 25, 1982.

PMN 82-314, 82-315 & 82-316—June 26, 1982.

PMN 82-317 & 82-318—June 27, 1982.

PMN 82-319, 82-320 & 82-321—June 28, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51412]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-305

Manufacturer. Hercules Incorporated.

Chemical. (G) Modified hydroxyethylcellulose.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data available.

Exposure. Manufacture: dermal and inhalation, 150 workers, 7 hrs/da.

Environmental Release/Disposal. Confidential.

PMN 82-306

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzenamine.

Use/Production. (G) A minor constituent of an article for commercial and consumer use. Prod. range: 6,000-8,000 kg/yr.

Toxicity Data. Acute oral: > 3,000 mg/kg, Acute dermal: > 1,000 mg/kg, Skin: Slight, Eye: Slight.

Exposure. Manufacture and processing: dermal and inhalation, a total of 65 workers, up to 3 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. No release to land with minimal to air and water. Disposal by biological treatment system and incineration.

PMN 82-307

Manufacturer. Confidential.

Chemical. (G) Polyhaloalkoxyaroyl halide.
Use/Production. (G) Site-limited captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. None.
Environmental Release/Disposal. None. Disposal by incineration.

PMN 82–308

Importer. Confidential.
Chemical. (G) Substituted benzotriazole..
Use/Import. (G) Open use. Import range: Confidential.
Toxicity Data. Acute oral: 1,500 mg/kg, Skin: Moderate irritant, Eye: Marked irritant.
Exposure. Processing: dermal, 2 hrs/da, 20 da/yr.
Environmental Release/Disposal. No release. Disposal by incineration and approved landfill.

PMN 82–309

Manufacturer. Celanese Plastics and Specialties Company.
Chemical. (G) Cationic substituted acid amide.
Use/Production. (G) Intermediate. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 12 workers, up to 8 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 100–1,000 kg/yr to land. Disposal by incineration.

PMN 82–310

Manufacturer. Celanese Plastics and Specialties Company.
Chemical. (G) Cationic substituted acid amide polymer.
Use/Production. (S) Additive. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 12 workers, up to 8 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, 10–100 kg/yr to water and 100–1,000 kg/yr to land. Disposal by incineration.

PMN 82–311

Manufacturer. Confidential.
Chemical. (G) Unsaturated alkyl amino alkyl dioxlane.
Use/Production. (G) Site-limited intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: < 500 mg/kg and > 1,000 mg/kg, Acute dermal: Neat[2]–743 mg/kg, Toulene–982 mg/kg.
Exposure. During sampling.
Environmental Release/Disposal. Disposal by EPA approved incinerator.

PMN 82–312

Manufacturer. Confidential.
Chemical. (G) Dihaloethylacetate.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: 470 mg/kg, Acute dermal: 1,558 mg/kg, Acute inhalation 16 parts per million (ppm).
Exposure. During sampling.
Environmental Release/Disposal. Disposal by EPA approved incinerator.

PMN 82–313

Manufacturer. PPG Industries, Inc.
Chemical. (S) Acetamide, 2,2-dichloro-N-(1,3-dioxlan-2-ylmethyl)-N-2-propenyl.
Use/Production. (S) Pesticide safener. Prod. range: Confidential.
Toxicity Data. Confidential.
Exposure. Accidential spills.
Environmental Release/Disposal. Disposal by EPA approved incinerator.

PMN 82–314

Manufacturer. Confidential.
Chemical. (G) Copolymer of alkyl acrylates and methacrylates.
Use/Production. (S) Site-limited coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. None.
Environmental Release/Disposal. No release.

PMN 82–315

Manufacturer. Confidential.
Chemical. (G) Polyester polymer derived from a carbomonocyclic anhydride and containing a mixture of substituted alkane diols.
Use/Production. (G) Open use. Prod. range: 0–6,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal, inhalation and eye, a total of 33 workers, up to 6 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with less than 10 up to 10,000 kg/yr to land. Disposal by incineration and landfill.

PMN 82–316

Manufacturer. Texaco Chemical Company.
Chemical. (S) 4-butylmorpholine.
Use/Production. (S) Industrial and commerical polyurethane catalyst. Prod. range: Confidential.
Toxicity Data. Acute oral: 0.338 g/kg, Acute dermal: 1.82 g/kg, Skin: 1.38/8.0, Eye: 31.5/110.0, Ames Test: Negative.
Exposure. Manufacture and disposal: dermal and inhalation, a total of 2 workers, up to 2 hrs/da, up to 50 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land 1–2 hrs/da, 50 da/yr. Disposal by publicly owned treatment works (POTW).

PMN 82–317

Manufacturer. Monsanto Company.
Chemical. (G) Metal alkanoate.
Use/Production. (S) Plastic film additive. Prod. range: Confidential.
Toxicity Data. Acute oral: < 5,010 mg/kg, Acute dermal: 2,000 mg/kg, Skin: None, Eye: Slight.
Exposure. Manufacture and processing: dermal.
Environmental Release/Disposal. Released to water and land. Disposal by incineration and approved landfill.

PMN 82–318

Importer. Confidential.
Chemical. (G) A mixture of naphthalene sulfonic acid, -(substituted amino)-hydroxy-((substituted phenyl)azo) and naphthalene sulfonic acid, -(substituted amino)-hydroxy -((substituted phenyl)azo), compounded with organic acids.
Use/Import. (S) Industrial colorant for paper. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Negligible.
Environmental Release/Disposal. No release to air, water or land.

PMN 82–319

Manufacturer. Confidential.
Chemical. (G) Alkyl oligoglycosides.
Use/Production. (S) Surfactant for commercial and consumer use. Prod. range: Confidential.
Toxicity Data. Acute oral: > 12.5 g/kg, Acute dermal: > 2 g/kg, Skin: Mild irritant, Eye: Mild transient irritant, Skin sensitization: None, LC_{50}: 8–102mg/1.
Exposure. Dermal, inhalation and eye, a total of 44 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. Release to air and water. Disposal by POTW.

PMN 82–320

Manufacturer. Confidential.
Chemical. (S) Phenol, 4-nitroso-, magnesium salt, hexahydrate.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: 508 mg/kg, bw males, 670 mg/kg bw females, Eye: Moderate to severe irritant, Ames Test: Positive.
Exposure. Disposal: dermal, 8 workers, 8 hrs/da, 240 da/yr.
Environmental Release/Disposal. 1,000–10,000 kg/yr released to water 24 hrs/da, 365 da/yr. Disposal by National

Pollution Disposal Elimination System (NPDES).

PMN 82-321

Manufacturer. E. I. du Pont de Nemours and Company, Inc.

Chemical. (G) Polyester random copolyester.

Use/Production. (S) Isolated intermediate. Prod. range: Confidential.

Toxicity Data. Skin: Slight irritant.

Exposure. Manufacture: dermal, a total of 4 workers, up to 24 hrs/da, up to 36 da/yr.

Environmental Release/Disposal. Disposal by incineration.

Dated: April 30, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-12479 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

[SA FRL 2119-1]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a one-day meeting of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room 3908, U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C., on May 25, 1982. The meeting will begin at 9:00 a.m. and last until approximately 5:00 p.m.

The purpose of this meeting is to organize the Committee's review of technical support data pertaining to the Effluent Guidelines for the Organic Chemicals/Plastics and Synthetic Fibers Industries developed under the Clean Water Act.

EPA's Office of Water Regulations and Standards (OWRS) has identified the following four categories of issues to discuss with the Committee:

1. *Analytical Methods:* At the inception of OWRS's study of organic priority pollutant discharges from the organics/plastics industry, no analytical methods existed which has been validated (precision and accuracy defined) for the industry. Therefore, EPA relied upon a site-specific methodology to gather data on these pollutants. The site-specfic methodology incorporated a QA/QC (quality assurance/quality control) program to establish the precision and accuracy of each site-specific method. The methods became generally applicable through subsequent use and development. The Committee has been asked to review this site-specific development of analytical methods.

2. *Relationships Between Feedstock/Generic Chemical Process Combinations Used in the Industry and the Occurrence of Priority Pollutants in the Industry:* OWRS studied 176 products, manufactured through 123 processes, in the industry and concluded that priority pollutants in these 176 product/processes are discharged as the result of five types of sources. Based on similarities among the raw materials and chemical processes used in all industry product/processes, OWRS developed a predictive approach to identify occurrences of priority pollutants in discharges from product/processes other than the 176 studied. This result provides a basis for extending of regulatory coverage beyond the 176 product/processes to the entire industry. The Committee has been asked to review the predictive approach.

3. *Estimation of the Performance of Treatment Technologies by Mathematical Models Based on Theoretical and Empirical Factors:* OWRS has developed mathematical models to represent the performance of both physical/chemical and biological treatment systems under a variety of conditions. These models are based on theoretical and empirical information developed by OWRS during its study as well as data contained in the technical literature. The models are used to calculate treatment system sizes and operating characteristics and to determine the costs of achieving various levels of treatment. The Committee has been asked to review the models.

4. *Performance Capability of Treatment Technology Combinations:* PWRS has designed models of various combinations of treatment technologies to determine the appropriate set and sequencing of individual treatment modules needed to treat all wastes at an entire typical facility and to compute the associated cost. The combinations have been found, with computer assistance, by specifying selection rules (rules which direct the computer to "select" treatment equipment in particular sequences to meet designated treatment levels) based on factors such as the types and quantities of pollutants discharged from various product/processes within a plant and the relative costs of different treatment combinations. The Committee has been asked to review the selection rules and treatment levels used to select combinations of treatment technologies for entire plants, including an evaluation of their applicability throughout the industry; the validity of the operating and design ranges used in the selection criteria; and the representativeness of the resulting combinations.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Acting Director, Science Advisory Board, at (202) 755-0696 before close of business May 20, 1982.

Terry F. Yosie,

Acting Director, Science Advisory Board.

April 29, 1982.

[FR Doc. 82-12480 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

[A-2 FRL 2119-2]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between February 1, 1982 and March 31, 1982, the U.S. Environmental Protection Agency, Region II, issued eleven final determinations relative to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 (45 FR 52676). A listing of these final determinations includes eight applicability determinations and three final permit decisions. These PSD determinations are final actions under the Clean Air Act.

DATES: The effective dates for the above PSD determinations are delineated in the following chart. (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278 (212) 264-4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the EPA has made final determinations for the following sources:

This notice contains only a list of the sources which have received PSD determinations. Copies of these determinations and related materials are available for public inspection at: Environmental Protection Agency, Region II Office, Permits Administration Branch, Office of Policy and Management, 26 Federal Plaza, Room

432, New York, New York 10278, (212) 264–4711.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these determinations is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by (60 days from the date on which these determinations is published in the **Federal Register**). Under Section 306(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Jacqueline E. Schafer,

Regional Administrator.

Name of applicant	Type of source	Approximate location	Type of final action	Date of final action
B. F. Goodrich Company	Expansion of polyvinyl chloride plant	Pedricktown, NJ	PSD applicability	2/9/82
Hess Oil Virgin Islands Corporation	Expansion of petroleum refinery/addition of new fluid catalytic cracking units.	St. Croix, USVI	Final PSD permit	2/9/82
Westchester County Industrial Development Agency.	New solid waste resource recovery facility	Peekskill, NY	Final PSD permit	2/22/82
The Procter and Gamble Company	New waste wood-fired boiler to be installed at existing plant	Staten Island, NY	Final PSD permit	2/25/82
Alpha Portland Cement Company	Increase in liquid waste fuel consumption at existing cement plant.	Cementon, NY	PSD nonapplicability	2/25/82
New York City Department of Environmental Protection.	Modifications to design of secondary sewage treatment plant (North River Water Pollution Control Project).	New York City, NY	PSD nonapplicability	2/25/82
U.S. Army Corps of Engineers	Addition of a heat recovery incinerator at army training base	Fort Dix, NJ	PSD applicability	2/25/82
Eastman Kodak Company	Addition of a new pulverized coal suspension-fired boiler at existing chemical plant.	Rochester, NY	PSD applicability	3/3/82
Puerto Rico Aqueduct and Sewer Authority	New sludge incinerator	Aguadilla, PR	PSD nonapplicability	3/4/82
Puerto Rican Cement Company	New coal handling facility	Ponce, PR	PSD nonapplicability	3/5/82
General Electric Company	Addition of a new vent gas fume incinerator at existing chemical plant.	Waterford, NY	PSD nonapplicability	3/17/82

[FR Doc. 82-12481 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Policy for Use of the Federal Portion of the Land and Water Conservation Fund

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of final policy statement.

SUMMARY: The Assistant Secretary for Fish and Wildlife and Parks has adopted a policy statement concerning use of the Federal portion of the Land and Water Conservation Fund (LWCF). This policy statement provides broad guidance to four Federal agencies in use of the LWCF to achieve natural, cultural, wildlife, and recreation management objectives in accordance with Congressional mandates and statutory authorities.

The policy applies to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management, in the Department of the Interior and the Forest Service in the Department of Agriculture. The statement was developed by the LWCF Policy Group which is composed of the Directors of these three Interior agencies, Chief of the Forest Service, and a chairman who is designated by the Assistant Secretary for Fish and Wildlife and Parks. The LWCF Policy Group (LPG) was originally established in 1974 to review, comment on and coordinate proposals that may affect the Federal portion of the Land and Water Conservation Fund.

EFFECTIVE DATE: May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Ric Davidge, Chairman, LWCF Policy Group, Room 3156, Department of the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The public was invited to comment on the proposed policy statement which appeared in the **Federal Register** March 18, 1982, (Vol. 47, No. 53, pages 11777–8).

There were several comments received via phone expressing support for the policy statement and an interest in the rapid implementation of the policy. Seventy-five written comments were received. Seventy fully supported the policy and its immediate implementation by all of the Federal agencies using the Land and Water Conservation Fund. Five comments expressed concerns that the new policy was too general to be evaluated, eliminated the use of full fee title acquisition, was contrary to the 1980 policy for potential additions to the Federal estate, and that a fair analysis could not be made without analysis of the case studies that are not as yet available.

The new policy is by design general. Its purpose is to encourage the use of cost effective tools to protest the essential resource values in authorized areas. Full fee title acquisition is anticipated in areas where this method of acquisition is required by the land protection plan. Each individual area land protection plan must comply with all environmental protection requirements and it is at this specific point where the application of the policy should be evaluated. This policy is an extension of the 1980 policy for potential additions to the Federal estate in that it encourages the same alternative protection and acquisition methods but for authorized rather than proposed areas. Review and comment on the subject policy should not have been dependent upon a review of the case studies that were to be made available by the National Park Service after April 12, 1982, as reported in the March 18, 1982, **Federal Register.** These case studies were undertaken to provide the National Park Service with an initial sample of how land protection plans could be recrafted and were not a test of the policy per se. It is anticipated that these case studies will be available on or about June 22, 1982.

The policy was developed in response to the decreasing availability of Land and Water Conservation Fund monies annually appropriated by Congress, concerns voiced by a number of sources including hearings by the Senate Subcommittee on Public Lands and Reserved Waters on July 9 and 10 of 1981; and reports by the General Accounting Office concerning Federal land acquisition practices. The recently adopted policy generally refines and expands the basic concepts included in the policy statement which appeared in the **Federal Register** of May 7, 1980 (45 FR 30306). The previous policy statement only addressed studies and recommendations for new areas to be funded under the Land and Water Conservation Fund program. The recent drop in the level of the annual Land and Water Conservation Fund appropriation created a need to apply the various

alternatives to fee title land acquisition to all currently authorized areas in an effort to stretch available LWCF monies. The recently adopted policy supplements the 1980 statement to include existing units of the National Park, Wildlife Refuge, Forest, and recreation or conservation area systems where acquisition of private land is planned using LWCF monies.

The policy provides general guidance and does not replace the more detailed policies and procedures governing the land acquisition and management programs of each agency. However, each agency affected by the Policy is expected to make revisions in its policies and procedures as necessary and appropriate to reflect the direction of the general policy. This direction includes emphasis on responsiveness to Congressional mandates; cost effective alternatives to Federal fee simple purchase of private lands; improved cooperation with landowners, other Federal agencies, and State and local governments, and the private sector; and development of plans considering socio-cultural impacts.

ADOPTED POLICY: The following statement has been adopted after consideration of public comments: Policy for Use of the Federal Portion of the Land and Water Conservation Fund.

The Federal portion of the Land and Water Conservation Fund will be used to acquire lands, waters, and interests therein necessary to achieve the natural, cultural, wildlife, and recreation management objectives of the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service. The fund will be used in accord with management objectives for each currently authorized area based on agency missions and Congressional mandates. The agencies using the Federal portion of the Land and Water Conservation Fund will, to the extent consistent with statutory authorities:

—Identify what land or interests in land need to be in Federal ownership to achieve management unit purposes consistient with public objectives in the unit.

—Use to the maximum extent practical cost-effective alternatives to direct Federal purchase of private lands and, when acquisition is necessary, acquire or retain only the mininum interests necessary to meet management objections.

—Cooperate with landowners, other Federal agencies, State and local governments, and the private sector to manage land for public use or protect it for resource conservation.

—Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure the socio-cultural impacts are considered and that the most outstanding areas are adequately managed.

Dated: April 29, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-12393 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-10-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2121-1]

Availability of Environmental Impact Statements Filed April 26 Through April 30, 1982 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, Ms. Kathi Wilson, (202) 245-3006.

Corps of Engineers:
- EIS No. 820248, Draft, COE, GU, Apra Harbor/Commercial Port Navigation Improvement, Due: June 21, 1982.
- EIS No. 820237, Draft, COE, HI, Alenaio Stream and Watershed Flood Control, Hawaii County, Due: June 21, 1982.
- EIS No. 820244, Final, COE, LA, Lafourche Parish Sand Dredging Operations, Permits, Due: June 7, 1982.
- EIS No. 820252, Final, COE, MI, Grand Marais Harbor Shoreline Erosion Control, Alger County, Due: June 7, 1982.
- EIS No. 820235, Final, COE, OR, North Bay Marine Industrial Park Development, Permit, Coos County, Due: June 7, 1982.
- EIS No. 820249, FSuppl, COE, SEV, AL, MS, Tennessee-Tombigbee Waterway Navigation Project, Due: June 14, 1982.

Department of Energy:
- EIS No. 820255, Draft, BPA, SEV, PRO, 1982 BPA Wholesale Power Rate Increase, Due: June 25, 1982.
- EIS No. 820250, FSuppl, BPA, WA, Crow Butte Slough Crossing/Ashe Slatt Transmission Line, Benton Co., Due: June 7, 1982.

Department of Interior:
- EIS No. 820239, Draft, BLM, CA, San Gorgonio Pass Wind Energy*Site-Specific Project, Due: June 6, 1982.
- EIS No. 820236, Draft, BLM, NM, West Socorro Rangeland Management Program, Due: July 9, 1982.
- EIS No. 820246, Draft, BLM, OR, Brothers Area Grazing Management Program, Due: June 30, 1982.

Department of Transportation:
- EIS No. 820247, Draft, FHW, IN, Western-Grand Avenue Improvements, Fayette County, Due: June 29, 1982.
- EIS No. 820254, Draft, FHW, MN, TH-60 Improvement, St. James to Worthington, Due: June 30, 1982.
- EIS No. 820253, Draft, FHW, TN, I-40 Interchange Construction at Hammer Road, Knox County, Due: June 21, 1982.

Environmental Protection Agency:
- EIS No. 820245, Final, EPA, SEV, REG, Lead-Acid Battery Manufacture, Standards, Due: June 7, 1982.
- EIS No. 820242, Final, EPA, NM, Twining Wastewater Treatment Facilities, Grant, Taos County, Due: June 7, 1982.

Department of Housing and Urban Development:
- EIS No. 820241, Final, HUD, GA, Indian Creek Development, Mortgage Insurance, Dougherty County, Due: June 7, 1982.

Nuclear Regulatory Commission:
- EIS No. 820251, Final, NRC, FL, St. Lucie Plant, Unit No. 2, License, St. Lucie County, Due: June 7, 1982.

Department of Agriculture:
- EIS No. 820240, Draft, AFS, MT, Beaverhead National Forest Land Management Plan, Due: June 21, 1982.
- EIS No. 820238, DSuppl, AFS, OR, Umpqua National Forest Land Management Plan, Due: June 21, 1982.
- EIS No. 820243, Final, SCS, MS, Upper Yocona River Watershed Flood Control Project, Due: June 7, 1982.

Amended Notices:
- EIS No. 820224, Draft, AFS, AK, Situh River Wild and Scenic Designation Study. *Published FR 4-30-82 with incorrect due date, Due: *July 28, 1982.
- EIS No. 820229, Draft, DLA, CA, Terminal Island Complex, Fuel Pier Relocation, Los Angeles County. *Published FR 4-30-82 with incorrect due date, Due: *July 1, 1982.
- EIS No. 790363, Draft, NOA, MXG, East and West Flower Gardens Marine Sanctuary. *Published FR 4-13-79—Officially Withdrawn, Due:
- EIS No. 820222, FSuppl, COE, IA, Rettendorf Local Flood Protection Plan, Mississippi River, Scott Co. *Published FR 4-30-82—Review period reestablished due to noncompletion of distribution, Due: June 7, 1982.

Dated: May 4, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-12552 Filed 5-6-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2121-1]

Cancellation of Environmental Impact Statement; East Texas Synthetics Project and Troup Lignite Mine

AGENCY: U.S. Environmental Protection Agency, Region 6.

ACTION: Cancellation of the EIS on the East Texas Synthetics Project and Troup Lignite Mine.

SUMMARY: Exxon Company, USA, has decided it will not proceed at this time with the East Texas Synthetics Project and Troup Lignite Mine near Troup, Texas. In light of this development, EPA has terminated the Environmental Impact Statement that was under preparation for the proposed issuance of

a NPDES permit. Therefore, the Notice of Intent, published in the Federal Register of October 27, 1980 (45 FR 70973), is hereby rescinded. For further information contact: Mr. Clinton B. Spotts, Regional EIS Coordinator, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270; telephone: 214–767–2716 or 8–729–2716.

Dated: May 4, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82–12553 Filed 5–6–82; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL 2119–3]

National Air Pollution Control Techniques Advisory Committee; Notice of Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on June 16 and 17, 1982, at the Olde Colony Motor Lodge, Commonwealth Room—Convention Center, North Washington and First Streets, Alexandria, Virginia 22313. The commerical telephone number is (703) 548–6300.

The tentative agenda for the meeting is as follows:

June 16 (Wednesday)

9:00 a.m.—Fossil and Nonfossil Fuel Fired Industrial Boilers-Patriculate and Nitrogen Oxide Emissions, New Source Performance Standard (Section 111 of the Clean Air Act)

June 17 (Thursday)

9:00 a.m.—Continuation of June 16—As Required

9:30 a.m.—Discussion of the Advantages and Disadvantages of Incorporation of "Bubble" Provisions. New Source Performance Standards (Section 111 of the Clean Air Act)

11:00 a.m.—Status Report on Development of Hazardous Pollutants: Benzene, Arsenic, Coke Oven Emissions, Arcylonitrile, Cadmium, Carbon Tetrachloride, and Solvents (Section 112 of the Clean Air Act)

1:00 p.m.—Status Report on Review/Revision of National Ambient Air Quality Standards: Particulate Matter, Sulfur Oxides, Ozone, Carbon Monoxide, Hydrocarbons, Lead, and Nitrogen Dioxide (Section 109 of the Clean Air Act)

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by June 8, 1982. The commerical telephone number is (919) 541–5571, and the FTS number is 629–5571.

The docket containing material relevant to industrial boilers (A–79–02) is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: April 23, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 82–12484 Filed 5–6–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Commission Selects Participants for En Banc Meeting on AT&T's Migration Strategy

April 29, 1982.

On April 22 the Commission released a Public Notice (published at 47 CFR 18047; April 27, 1982) announcing an en banc meeting on AT&T's migration strategy. The Notice asked interested parties to notify the Commission of their intent to participate by April 26, 1982.

The parties who will have an opportunity to address the Commission at the en banc meeting have now been established. The parties to be represented at the meeting, the panels upon which they will appear, their scheduled times of appearance, and the time which has been allotted to each party are listed below. The meeting will commence at 9:00 a.m. on May 18, 1982, with a Staff overview of AT&T's migration strategy and Commission proceedings which relate to embedded customers' premises equipment. The Staff presentation will be open to the public. Thereafter, two panels of speakers will appear before the Commission. Subsequent to each panel's presentations, the Commission may direct questions to panel members.

Each panel member should submit to the Commission a written statement of his views no later than May 11, 1982. The written statement need not be confined to the oral remarks to be made before the Commission but may contain additional pertinent material. We reiterate that other parties who will not appear at the meeting may also submit written statements by May 11, 1982, and these will receive consideration by the Commission. Written statements should be sent to the Secretary, FCC, 1919 M Street, NW., Washington, D.C. 20554.

For further information please contact Theodore Boll, (202) 632–7084.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Schedule for En Banc Meeting

9:00 Staff Presentation and Introduction

9:15–10:45 *Panel One*

1. American Telephone and Telegraph Company—25 minutes
2. Ad Hoc Telecommunications Users Committee—20 minutes
3. National Retail Merchants Association—10 minutes
4. W. Kenneth Edwards (on behalf of Sonitrol Distributors Council, Inc. and the Western Burglar and Fire Alarm Association)—15 minutes

10:50–12:40 *Panel Two*

1. NARUC/State Commission—15 minutes
2. Society of Telecommunications Consultants—10 minutes
3. North American Telephone Association—20 minutes
4. Associated Telephone Answering Exchanges, Inc.—20 minutes
5. International Communications Association—20 minutes

[FR Doc. 82–12404 Filed 5–6–82; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 82–231 and 82–232; File Nos. 21429–CD–P–(1)–82 and 21987–CD–P–(1)–82]

La Vergne's Telephone Answering Service and Southern Message Service, Inc.; Hearing Designation Order.

In the matter of applications of La Vergne's Telephone Answering Servcie (CC Docket No. 82–231; File No. 21429–CD–P–(1)–82), for a construction permit to add an additional one-way frequency, 158.70 MHz, for Station KLF657 in the Domestic Public Land Mobile Radio Service at Alexandria, Louisiana and Southern Message Service, Inc. (CC Docket No. 82–232; File No. 21987–CD–P–(1)–82), for a construction permit for a new one-way station to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service at Natchitoches, Louisiana: Designating Applications for Consolidated Hearing on Stated Issues.

Adopted April 23, 1982.

Released April 29, 1982.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of La Vergne's Telephone Answering Service (La Vergne's) and Southern Message Service, Inc. (Southern).[1] These

[1] We note that while Southern's application is for a new facility, La Vergne's is seeking to add an additional frequency for Station KLF657. A grant of either application would preclude a grant of the other.

applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of La Vergne's Telephone Answering Service, File No. 21429–CD–P–(1)–82, and Southern Message Service, Inc., File No. 21987–CD–P–(1)–82, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,[2] based upon the standards set forth in § 22.504(a) of the Commisison's Rules,[3] and to determine the relative demand for the proposed service in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants shall file written notices of appearances under § 1.221(c) of the Commission's Rules within 20 days of the release date of this order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

0[FR Doc. 82–12397 Filed 5–6–82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82–237 and 82–238; File Nos. 5924–CM–P–80 and 10693–CM–P–80]

Microband Corporation of America and Hi-Band Broadcasting Co.; Hearing Designation Orders

In the matter of applications Microband Corporation of America (CC Docket No. 82–237; File No. 5924–CM–P–80), and Hi-Band Broadcasting Company (CC Docket No. 82–238; File No. 10693–CM–P–80), for construction permits in the multipoint distribution service for a New Station at Fayetteville, North Carolina, memorandum opinion and order Designating Applications for Consolidated Hearing on Stated Issues.

Adopted: April 20, 1982.

Released: April 30, 1982.

1. For consideration are the above-referenced applications.[1]

These applications are for construction permits in the Mutipoint Distribution Service and they propose operations on Channel 1 at Fayetteville, North Carolina. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

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.

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:[3]

(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 Microband Corporation of America, Hi-Band Broadcasting Company 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. 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. 82–12398 Filed 5–6–82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 82–239 and 82–240; File Nos. 2711–CM–P–79 and 3840–CM–P–79]

Microband Corporation of America and Midwest Corp.; Hearing Designation Order

In the matter of applications of Microband Corporation of America (CC Docket No. 82–239; File Nos. 2711–CM–P–79), and Midwest Corporation (CC Docket Nos. 82–240; File No. 3840–CM–P–79), for Construction Permits in the Multipoint Distribution Service for a New Station at Greenville, South Carolina; Memorandum opinion and order.

Adopted: April 20, 1982.

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[2] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[3] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(a) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *Transfer of Control/MDS, 85 FCC 2d 1023 (1981).*

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

Released: April 30, 1982.

1. For consideration are the above-referenced applications.[1] These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 at Greenville, South Carolina. The applications are therefore mutually exclusive under present procedures and require comparative consideration. The applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the capitioned 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.

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:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in hearby 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 Microband Corporation of America, Midwest 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. 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. 82-12399 Filed 5-6-82; 8:45 am]

BILLING CODE 6712-01-M

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband 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.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

FEDERAL DEPOSIT INSURANCE CORPORATION

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review.

TITLE OF INFORMATION COLLECTION: Requests for Relief from Reimbursement under the Truth in Lending Act.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980, the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550-17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, Washington, D.C. 20503. Comments should be received on or before July 6, 1982.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389-4351.

SUMMARY: The Board of Directors of the FDIC has delegated authority to the FDIC's Board of Review to act on requests by insured nonmember banks for relief from the requirement for making adjustments to the accounts of affected consumers for certain violations of the Truth in Lending Act, as amended (15 U.S.C. 1601, *et seq.*). In the **Federal Register** announcement of the delegation of authority (47 FR 9810 (1982), to be codified at 12 CFR 303.11(f)), the Board of Directors indicated that a bank requesting such relief has the option, but is not required, to include such information as: (a) a description of each type of violation; (b) a citation of applicable provisions of the Truth in Lending Act; (c) the bank's argument for relief from reimbursement; (d) efforts made to correct violations; (e) total reimbursement involved; and (f) a statement of whether the reimbursement will have any significant impact on the safety or soundness of the bank.

The FDIC estimates that approximately 50 insured nonmember banks will expend a total of approximately 200 staff hours in submitting this information in support of requests for relief during the current year. The FDIC anticipates that progressively fewer banks will request relief in later years.

Dated: May 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-12535 Filed 5-6-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Sea Express Service—Joint Service; Cancellation of Agreement No. 9967

Agreement No. 9967, approved by the Federal Maritime Commission pursuant to section 15, Shipping Act, 1916, on December 29, 1971, authorizes Thai Merchantile Marine Limited and P. T. Samudera Indonesia to operate a joint service in the foreign commerce of the United States under the name of Sea Express Service. Thai Merchantile Marine Limited, P. T. Samudera Indonesia and Sea Express Service do not maintain tariffs on file with this Commission and, therefore, apparently are no longer operating as ocean common carriers in the foreign commerce of the United States. Therefore, it appears that the parties to Agreement No. 9967 are no longer parties subject to the Shipping Act, 1916, and the agreement should be terminated. Accordingly, notice is hereby given that Agreement No. 9967 will be terminated effective 15 days following publication of this notice in the **Federal Register.**

Dated: May 3, 1982.
Robert G. Drew,
Director, Bureau of Agreements.
[FR Doc. 82-12400 Filed 5-6-82; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 25.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 25, 1982.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island (consumer finance activities; Wisconsin): To engage through its subsidiary, Kensington Mortgage and Finance Corp., in the origination of loans for the purchase of mobile homes. This activity would be conducted from an office in Milwaukee, Wisconsin, serving the State of Wisconsin.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank Limited* and its subsidiary, *Barclays Bank International Limited*, London, England (commercial finance—Texas, Arkansas, Louisiana and New Mexico): To engage through a Subsidiary, BarclaysAmerican/Business Credit, Inc., in marketing and administering commercial loans secured by accounts receivable, inventory and chattel mortgages. These activities would be conducted from an office in Dallas, Texas, serving customers in Texas, Arkansas, Louisiana and New Mexico. This notice is for the relocation of an existing office located at One Main Place, Dallas, Texas, to an office at 3500 Oaklawn Avenue, Dallas, Texas.

C. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Valley Corporation*, Bethlehem, Pennsylvania (leasing activities; Pennsylvania, New York, New Jersey, Delaware and Maryland): To engage, through its subsidiary, First Valley Leasing, Inc., in the making of commercial leases of personal property in accordance with the Federal Reserve Board's Regulation Y. These activities would be conducted from an office at One Bethlehem Plaza, Bethlehem, Pennsylvania, serving Pennsylvania, New York, New Jersey, Delaware, and Maryland.

D. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *NCNB Corporation*, Charlotte North Carolina, (consumer finance and insurance activities; Florida): To engage, through its subsidiary, TranSouth Financial Corporation of Florida, in making direct loans for consumer and other purposes under the Florida Consumer Finance Act, purchasing retail installment notes and contracts and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit and through its subsidiary, TranSouth Mortgage Corporation of Florida, in making direct loans for consumer and other purposes under the general usury statues, pruchasing retail installment notes and contracts, making direct loans to dealers for the financing of inventory (floor planning) and working capital purposes and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit from a common office to be located at 3901 N.W. 79th Avenue, Miami, Florida 33166, serving an area consisting of a 25 mile radius of said office. This notification is for the relocation of an existing office at 8373 Bird Road, Miami, Florida 33155.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Interstate Bancorp*, Los Angeles, California (investment or financial advisory activities to the extent set forth in the Board's Regulation Y; Nevada, Oregon, California, Arizona, Utah and Idaho): To engage through its wholly-owned subsidiary, First Interstate Investment Advisers of Nevada, Inc., in acting as an investment or financial adviser to the extent set forth in the Board's Regulation Y. These activities would be conducted from offices in Reno, Nevada, and Las Vegas, Nevada, serving Nevada, Oregon, California, Arizona, Utah, and Idaho.

2. *Old National Bancorporation*, Spokane, Washington, (mortgage banking and insurance agency activities; Washington): Making or acquiring, for its own account or for the account of others, loans or other extensions of credit, secured by real estate mortgages or deeds of trust, and the servicing of such loans, and such other activities as are incidental to the operations of a mortgage company, including, but not limited to, acting as agent or broker for the sale of mortgage redemption life and disability insurance and property and casualty insurance to be issued in connection with the making, acquiring or servicing of such loans. Such activities will be conducted at offices at the following location; 1111 Third Avenue, Suite 1400, Seattle, Washington 98101, serving the State of Washington.

3. *Treasure Valley Bancorp*, Fruitland, Idaho (insurance activities; Idaho): To engage through its subsidiary, Peoples Insurance, in the sale of general insurance in a town with a population not exceeding 5,000. These activities would be conducted from an office at Gayway Center #2, Fruitland, Idaho, serving the community of Fruitland, Idaho and surrounding rural areas.

4. *U.S. Bancorp*, Portland, Oregon (lending, servicing, insurance and real estate appraisal activities; Arizona): To engage through a proposed *de novo* branch office of its subsidiary, U.S. Creditcorp, in the activities of making, acquiring and servicing of loans and other extensions of credit secured by real estate mortgages for its own account or for the account of others,

including but not limited to first and second mortgage loans, commercial, income and business loans; to act as insurance agent with regard to credit life and disability insurance solely in connection with extensions of credit by Creditcorp and to perform real estate appraisals in conformance with the provisions of sections 225.4(a)(1), 225.4(c)(2), 225.4(a)(9)(i)(a), and 225.4(a)(14) of Regulation Y. The proposed activities will be conducted from an office located in Phoenix, Arizona, within an area bounded by Thomas Road in the south, McDonald Drive and extension of McDonald Drive in the north, 24th Street on the west and 60th Street in the east. The geographic area to be served will be principally Phoenix and Maricopa County, Arizona.

5. *U.S. Bancorp,* Portland, Oregon (consumer loan and insurance activities; California): To engage through a proposed de novo subsidiary, U.S. Bancorp Financial Services, Inc. ("Bancorp Services"), a proposed wholly-owned subsidiary of an existing non-bank subsidiary, U.S. Bancorp Financial, Inc. ("Bancorp Financial"), in the activities of making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including, but not limited to, consumer loans; installments sales contracts and other forms of receivables; making investments and acting as and acting as insurance agent with regard to credit life and disability insurance, property and casualty insurance, solely in connection with extensions of credit by Banccorp Services. Bancorp relies upon the relevant provision of § 225.4(a) of Regulation Y as follows: 225.4(a)(1), (2), (3), and (9)(i)(a). These activities would be conducted from an office at 753–1 El Camino Real, Sunnyvale, California 94087. The geographic area to be served will be principally the SMSA defined as Santa Clara County. A primary service area within the SMSA has been identified as the City of Sunnyvale.

Board of Governors of the Federal Reserve System, May 3, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc 82-12387 Filed 5-6-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 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 Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Commerce Bancshares, Inc.,* Houston, Texas; to acquire 100 percent of the voting shares or assets of Texas Commerce Bank-Champions Park, N.A., Houston, Texas. Comments on this application must be received not later than May 29, 1982.

2. *United Texas Financal Corporation,* Dallas, Texas; to acquire 100 percent of the voting shares or assets of The Farmers National Bank of Seymour, Seymour, Texas. Comments on this application must be received not later than May 29, 1982.

B. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *Industrial Bancshares, Inc.,* Kansas City, Kansas, and Valley View Bancshares, Inc., Overland Park, Kansas; to acquire 7.45 percent respectively of the voting shares or assets of Security Bancshares, Inc., Kansas City, Kansas. Comments on this application must be received not later than May 29, 1962.

2. *U.S. Bancorp,* Portland, Oregon; to acquire 100 percent of the voting shares or assets of Bank of Milton-Freewater, Milton-Freewater, Oregon (In Organization). Comments on this application must be received not later than May 29, 1982.

Board of Governors of the Federal Reserve System, May 3, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-12390 Filed 5-6-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying 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 Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Fidelity BancShares (N.C.), Inc.,* Fuquary-Varina, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of The Fidelity Bank, Fuguary-Varina, North Carolina. Comments on this application must be received not later than June 2, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First American Acquisition Corp.,* Nashville, Tennessee; to become a bank holding company by acquiring 50 percent or more of the voting shares of First Eastern Bank, Kingsport, Tennessee. Comments on this application must be received not later than May 24, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Elgin State Bancorp, Inc.,* Elgin, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of The Elgin State Bank, Elgin, Illinois. Comments on this application must be received not later than June 2, 1982.

2. *Parke Bancorp,* Rockville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to The Parke State Bank, Rockville, Indiana. Comments on this application must be received not later than June 2, 1982.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *MidAmerica BancSystem, Inc.*, Fairview Heights, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of MidAmerica Bank and Trust Company of Alton, Alton, Illinois; MidAmerica Bank and Trust Company of Edgemont, East St. Louis, Illinois; and MidAmerica Bank and Trust Company of Fairview Heights, Fairview Heights, Illinois. Comments on this application must be received not later than June 2, 1982.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. SGV Financial Corp., El Monte, California; to become a bank holding company by acquiring 100 percent of the voting shares of San Gabriel Valley Bank, El Monte, California. Comments on this application must be received not later than June 2, 1982.

F. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *Dixie Bancorp Inc.*, Miami, Florida, and *Dixie Financial Services Inc.*, Miami, Florida; to become bank holding companies by acquiring 80 percent or more of the voting shares of Dixie National Bank of Dade County, N.A., Miami, Florida. Comments on this application must be received not later than June 2, 1982.

Board of Governors of the Federal Reserve System, May 3, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-12386 Filed 5-6-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Southern Wisconsin Bancshares Corporation*, Mineral Point, Wisconsin; to become a bank holding company by acquiring 90 percent of the voting shares of Farmers Savings Bank, Mineral Point, Wisconsin. Comments on this application must be received not later than May 29, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Valley Capital Corporation*, Las Vegas, Nevada; to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to Valley bank of Nevada, Las Vegas, Nevada. Valley Capital Corporation, has also applied to become a bank holding company under section 18(c) of the Federal Deposit Insurance Act. Comments on this application must be received not later than May 29, 1982.

C. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *American-DeKalb Bancorp Inc.*, DeKalb, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The American National Bank of DeKalb, DeKalb, Illinois. Comments on this application must be received not later than May 29, 1982.

Board of Governors of the Federal Reserve System, May 3, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-12389 Filed 5-6-82; 8:45 am]

BILLING CODE 6210-01-M

MidAmerica BancSystem, Inc.; Formation of Bank Holding Company

MidAmerica BancSystem, Inc., Fairview Heights, Illinois, has applied for the Board's approval under section 3(a)(5)) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5) to merge with Carbondale Bancshares, Inc., Carbondale, Illinois; Illinois Bancshares, Inc., Mascoutah, Illinois; and MidAmerica Bancshares, Inc., Lebanon, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

MidAmerica BancSystem, Inc., Fairview Heights, Illinois, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Lincoln Trail Insurance Agency, Inc., Lebanon, Illinois, a subsidiary of MidAmerica Bancshares, Inc.

Applicant states that the proposed subsidiary would engage in the activities of acting as insurance agent or broker with respect to credit life, accident, health, property, and casualty insurance directly related to an extension of credit by subsidiaries of Applicant. These activities would be performed from offices of Applicant's subsidiary in Lebanon, Illinois, and the geographic ares to be served are Carbondale, Masoutah, Lebanon, Alton, East St. Louis, and Fairview Heights, Illinois. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarying the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 2, 1982.

Board of Governors of the Federal Reserve System, May 3, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-12388 Filed 5-6-82; 8:45 am]

BILLING CODE 6210-01-M

Chase Manhattan Corp.; Proposed Acquisition of Suburban Coastal Corp.

The Chase Manhattan Corporation, New York, New York, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR

225.4(b)(2)), for permission to acquire through its subsidiary, Chase Home Mortgage Corporation, substantially all of the assets of Suburban Coastal Corp. ("Coastal"), Wayne, New Jersey, a mortgage banker engaged in the servicing of residential mortgage loans on a national basis, the origination of mortgage loans, and the sale of mortgage term life insurance, and accident and health insurance and disability insurance directly related to the proposed lending activities from offices in the following locations: Arizona (Phoenix and Tucson), California (Newport Beach, Carmichael, Covina, Fresno, Modesto, San Mateo, Santa Ana, and Woodland Hills), Colorado (Denver), Florida (Orlando, Jacksonville, West Jacksonville, Lantana, Lauderhill, Miami, Palm Beach Gardens, South Daytona, and Tampa), Illinois (Rolling Meadows, Oak Brook, and Schaumberg), Louisiana (New Orleans), Maryland (Rockville and Baltimore), Minnesota (Minneapolis), Nevada (Las Vegas), Pennsylvania (Pittsburgh), Texas (Arlington, Bedford, Dallas, Fort Worth, Grand Prairie, and Houston), Washington (Bellevue), and Wisconsin (Green Bay and Milwaukee). In addition, Applicant will also indirectly acquire Coastal's wholly-owned subsidiary, Suburban Coastal Systems Corp., which will engage in the processing of financial data for Coastal and on an interim basis for Coastal's parent, Suburban Savings and Loan Association.

These activities have been determined by the Board in section 225.4(a) (1), (3), (8) and (9) of Regulation Y as closely related to banking.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 24, 1982.

Board of Governors of the Federal Reserve System, May 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-12636 Filed 5-6-82; 11:09 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82P-0113]

Precision-Cosmet Co., Inc.; Premarket Approval of Tenant™ and Kelman™ Type II Anterior Chamber Intraocular Lenses

Correction

In FR Doc. 82-10503, published on page 16888, on Tuesday, April 20, 1982, in the second column, in the first paragraph under **"Opportunity for Administrative Review"**, in the seventeenth line, "A petitioner shall identify advisory" should be corrected to read "A petitioner shall identify the form of review requested (hearing or independent advisory".

BILLING CODE 1505-01-M

[FDA-225-82-4003]

Cooperative Food and Cosmetic Program; Memorandum of Understanding With the Defense Personnel Support Center, Department of Defense

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Defense Personnel Support Center, Department of Defense. The agreement concerns food and cosmetic recalls and hazardous food situations involving military sales. The purpose of the understanding is to clarify responsibilities and to maintain continuity of cooperative efforts regardless of personnel changes.

EFFECTIVE DATE: March 23, 1982.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the Federal Register all agreements and memoranda of understanding between FDA and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the Defense Personnel Support Center, Department of Defense and the Food and Drug Administration, Department of Health and Human Services

I. Purpose

The purpose of this agreement is to formalize and understanding between the Defense Personnel Support Center (DPSC), Philadelphia, PA, and the Food and Drug Administration (FDA), Rockville, MD, under which FDA assumes the responsibility for providing to DPSC notices of food and cosmetic recalls and of any hazardous food situation brought to FDA's attention that may involve military sales, and the DPSC assumes the responsibility for notifying FDA of food and cosmetic products found to be hazardous or unfit for their intended use or otherwise in violation of the Federal Food, Drug, and Cosmetic Act (the act). This agreement is intended to clarify responsibilities and to maintain continuity of cooperative efforts regardless of personnel changes.

II. Background

FDA and DPSC have for several years, by verbal agreement, cooperated in the evaluation, notification, and coordination of actions concerning food and cosmetic deficiencies and recall situations through telephonic, written, or TWX communication.

FDA is charged with the enforcement of the act. It is FDA's policy that recalls are an appropriate method for removing or correcting marketed consumer products that violate the laws administered by FDA. Within FDA, the Emergency and Epidemiological Operations Branch (EEOB) serves as the agency focal point for information, advice, and direction regarding the field operations aspects of all recalls. Included among EEOB responsibilities is the notification of certain Federal agencies, such as DPSC, which have mutual or complementary responsibilities for recalls.

The Director of Subsistence for DPSC has been designated as the sole agent for the Department of Defense (DoD) to coordinate all activities related to the

handling of food and cosmetic products deemed adulterated, misbranded, or hazardous. This includes responsibility for assuming expeditious notification and coordination of all food and cosmetic recall actions within worldwide military channels and with other Federal agencies serviced by the DoD overseas communication network.

III. Substance of Agreement

A. DPSC will:

1. Evaluate reports of adulterated or misbranded foods and cosmetics received from within DoD, from FDA, and from other sources to determine actions to be taken by DoD.

2. Telephone FDA to advise of and to discuss any deficiencies in FDA-regulated products brought to DPSC's attention by DoD or other sources. If requested by FDA, DPSC will provide a copy of the complaint report and military laboratory analysis.

Normal duty hour notification will be made directly to the Emergency and Epidemiological Operations Branch (EEOB), 301–443–1240.

Off-duty notification will be made to FDA's answering service, 202–737–0448. Name, telephone number, and reason for the call will be left with the answering service, so that EEOB personnel may return the call.

3. Provide FDA with an information copy of "ALLFOODACT" messages transmitted.

4. Serve as liaison between FDA and worldwide military commanders/installations in regard to recalls or other actions concerning foods and cosmetics.

5. Establish standard operating procedures for off-hour Duty Officers to contact responsible personnel to activate DPSC's recall/alert system upon off-hour contact by FDA.

B. FDA will:

1. Provide DPSC with information on all food and cosmetic recalls via the "Initial Notification of Recall" document routinely distributed to all FDA field offices and other government agencies.

2. Provide DPSC with telephonic notification, before release if possible or as soon as possible thereafter, of messages or press releases of all class I food and cosmetic recalls, or other food and cosmetic situations that may be of significance to the military. This notification will enable DPSC to expeditiously release "ALLFOODACTS" messages.

Normal duty hour notification will be made directly to the Acquisition Support Section, DPSC–STQA, 215–952–2956/2957.

Off-hour notification will be made to the HQ DPSC Staff Duty Officer, 215–952–2341.

3. Coordinate with DPSC on all appropriate followup actions, including evaluation of reported product deficiencies, verification of recall notification to consignees, and determination of disposition of recalled products.

4. Provide DPSC with a list of military consignees of products recalled under class I or II designations as such information becomes available. FDA will also provide information on military consignees of food or cosmetic products that are not under recall but that may be in violation of the provisions of the act.

IV. Name and Address of Participating Parties

A. Department of Defense, Defense Personnel Support Center, 2800 S. 20th St., Philadelphia, PA 19101.

B. Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

V. Liaison Officers

A. For the Defense Personnel Support Center: Chief, Acquisition Support Section (DPSC–STQA), Directorate of Subsistence, Defense Personnel Support Center, Philadelphia, PA 19101, 215–952–2956/2957.

B. For the Food and Drug Administration: Director, Emergency and Epidemiological Operations Branch (HFO–510), Executive Director of Regional Operations, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1240.

VI. Period of Agreement

This agreement becomes effective upon signature of both parties and will continue indefinitely. It may be revised by mutual consent or terminated by either party upon 180 days written notice.

Dated: February 22, 1982.

Approved and accepted for the Defense Personnel Support Center

Bobbe E. Hunsiker Lt. Col., USAF,

Director, Installation Services, Defense Pers. Supt. Cntr.

Dated: March 23, 1982.

Approved and accepted for the Food and Drug Administration

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs, Food and Drug Administration.

Effective date. This memorandum of understanding became effective March 23, 1982.

Dated: April 29, 1982.

William F. Randolph,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-12129 Filed 5-6-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0145]

International Drug Scheduling; Convention on Psychotropic Substances; Benzodiazepines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests interested persons to submit data or comments concerning abuse potential, actual abuse, and medical usefulness of 15 "benzodiazepine" or "minor tranquilizer" drugs. This information will be considered in preparing a response from the United States to the World Health Organization (WHO) regarding the abuse liability of these drugs. WHO will use this information to consider whether to recommend that international restrictions be placed on these drugs. Benzodiazepines are used to treat anxiety or seizure disorders and have a tranquilizing action on the central nervous system. This notice requesting information is required by law.

DATE: Comments by June 21, 1982.

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

FOR FURTHER INFORMATION CONTACT: Edwin V. Dutra, Jr., Bureau of Drugs (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: The United States is a party to the 1971 Convention on Psychotropic Substances. Article 2 of the Convention on Psychotropic Substances provides that if a party to that Convention or the World Health Organization (WHO) has information about a substance that is not yet under international control, which in its opinion may require such control, it shall so notify the Secretary-General of the United Nations and provide the Secretary-General with information in support of its opinion.

The Controlled Substances Act (CSA) (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970) provides that, when WHO notifies the United States under Article 2 of the Convention on Psychotropic Substances

that it has information that may justify adding a drug or other substance to one of the schedules of that Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State must transmit the notice to the Secretary of the Department of Health and Human Services (HHS). The Secretary of HHS must then publish the notice in the **Federal Register** and provide opportunity for interested persons to submit comments to assist HHS in preparing scientific and medical evaluations about the drug or substance.

The Secretary of HHS received the following notice from WHO on behalf of the Secretary-General:

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to inform His Excellency's Government that he has been asked to assist the Director General of the World Health Organization in obtaining data on certain substances. A WHO expert group will review these substances in September with a view to determining whether any of them should be brought under the control of the 1971 Convention on Psychotropic Substances. The substances to be reviewed are alprazolam, bromazepam, camazepam, clobazam, cloxazolam, estazolam, fludiazepam, flunitrazepam, halazepam, ketazolam, nimetazepam, nordazepam, pinazepam, tetrazepam and triazolam.

The Secretary-General would therefore be most grateful if His Excellency's Government would submit data on each substance concerning the extent or likelihood of abuse, the degree of seriousness of the public health and social problems associated with such abuse and the usefulness in medical therapy.

It would also be very useful if His Excellency's Government would indicate whether any of the above-mentioned substances have been seized from the illicit drug traffic during the past three years, and, if so, the amount seized, the number of such seizures and, where this could be determined, the provenance of the substances. Any additional information on clandestine laboratories where these substances may have been manufactured and on precursors used in this process would also be valuable.

In view of the fact that the Secretary-General must prepare a report for WHO on this subject, it would be appreciated if the information requested in this note could be sent to the Director, United Nations Division of Narcotic Drugs, Vienna International Centre, P.O. Box 500, A–1400 Vienna, Austria, as soon as possible, and preferably before 30 June 1982.

Therefore, as required by section 201(d)(2)(A) of the Controlled Substances Act (21 U.S.C. 811(d)(2)(A)), FDA on behalf of HHS invites interested persons to submit data or comments regarding the named benzodiazepine drugs. As stated in the notice above, the 15 minor tranquilizer drugs are alprazolam, bromazepam, camazepam clobazam, cloxazolam, estazolam, fludiazepam, flunitrazepam, halazepam, ketazolam, nimetazepam, nordazepam, pinazepam, tetrazepam, and triazolam.

Alprazolam and halazepam are the only drugs among the group of 15 that are currently commercially available in the United States and controlled under the CSA. Both are currently controlled domestically in schedule IV of the Controlled Substances Act. It should be noted, however, that drugs not marketed nor controlled currently in the United State if controlled under the Psychotropic Convention would have to be placed into a schedule under the CSA. Drugs (or substances) that are not legally marketed in the United States but which are controlled under the CSA are normally placed in CSA schedule I even if they are under investigation to establish their medical usefulness. None of the 15 "tranquilizer" drugs listed above is currently scheduled internationally.

Data and information received in response to this notice will be used to prepare a scientific and medical evaluation of these 15 drugs, with a particular focus on each drug's abuse liability. HHS will forward that evaluation to WHO, through the Secretary of State, for WHO's consideration in deciding whether to recommend international control of any of these drugs. Such control could limit, among other things, the manufacture and distribution (import/export) of these drugs, and could impose certain recordkeeping requirements on them.

HHS will not make any recommendations to WHO regarding whether any of these 15 drugs should be subjected to international controls. Rather, HHS will defer such consideration until WHO has made official recommendations to the Commission on Narcotic Drugs, which are expected to be made in the fall of 1982. Any HHS position regarding international control of these drugs will be preceded by another **Federal Register** notice soliciting public comment, as required by 21 U.S.C. 811(d)(2)(B).

Interested persons may, on or before June 21, 1982, submit to the Docket Management Branch (address above), written comments regarding this action. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Note.—In the **Federal Register** of April 10, 1981 (46 FR 21447), FDA requested the submission of information similar to the information requested by this notice for 12 other benzodiazepine drugs. These other 12 drugs are chlordiazepoxide, clonazepam, clorazepate, diazepam, flurazepam, lorazepam, medazepam, nitrazepam, oxazepam, oxazolam, prazepam, and temazepam.

These other 12 drugs were recommended for international control by WHO to the Commission on Narcotic Drugs (CND) at the February 1982 session. At that CND session, however, these 12 drugs were not voted upon for control, but were sent back to the WHO for further review. These 12 drugs and the 15 drugs that are the subject of this notice are now expected to be considered together by WHO when making its recommendations to the CND for the possible international control of each member of the entire class at the February 1983 session.

The information and comments submitted in response to the April 10, 1981 **Federal Register** notice on these other 12 benzodiazepine drugs have been retained by FDA. Thus, it is not necessary for interested persons to resubmit those data for these other 12 drugs. Any new information on these other 12 drugs, i.e., information generated since April 1981 may, however, be submitted to the Docket Management Branch (address above).

Dated May 4, 1982.

William Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–12556 Filed 5–6–82; 8:45 am]

BILLING CODE 4160–01–M

Office of Human Development Services

Administration on Aging

[Program Announcement No. 13638–822]

Multidisciplinary Centers of Gerontology Program: Long Term Care Gerontology Centers

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Financial Assistance for the Long Term Care Gerontology Centers Program.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted for the Multidisciplinary Centers of Gerontology Program authorized by Title IV of the Older Americans Act of 1965, as amended (42 U.S.C. 3032) to support Stage I, Planning and Development of Long Term Care Gerontology Centers only. Eligibility for these awards is limited to institutions located in Department of Health and Human Services Region VI (Arkansas, Louisiana, Oklahoma, New Mexico, Texas) which have not received a planning award prior to this announcement under Title IV

Multidisciplinary Centers of Gerontology: Long Term Care Gerontology Centers.

DATE: Closing date for receipt of applications is July 15, 1982.

Scope of this Announcement

This program announcement describes the purpose and overall goals and objectives of the Long Term Care Gerontology Centers Program announced in this issue of the Federal Register. Information describing specific project activities and application requirements for Stage I Planning Grants which are covered by this announcement and other special requirements of the program are contained in *Guidelines for Preparation of Grant Applications—Long Term Care Gerontology Centers Title IV of the Older Americans Act—Fiscal Year 1982.*

Program Purpose

The purpose of the Long Term Care Gerontology Centers Program is to foster the planning and development of multidisciplinary gerontology centers oriented around the continuum of community-based health and social services for the elderly.

Program Goal and Objectives

The goal of the Administration on Aging's Long Term Care Gerontology Centers program is to foster the capability to develop the knowledge base and methods required for improving the health care and social services needed by functionally impaired older people. The objectives of these centers will be to promote an interdisciplinary approach to career and continuing education and training, the development of models of service delivery oriented around the health and social services needs of the functionally impaired elderly, and research. An essential condition for achieving these program objectives is the development of a viable organizational center structure. The program objectives will be achieved through a collaborative effort to join the interests of the Federal government and educational institutions to assist states and communities to improve the planning, management, and implementation of services for the functionally impaired elderly. Such an effort is expected to produce knowledge about the long term care needs of older people and develop a cadre of professionals from a multiplicity of disciplines who can meet these needs. Centers will have applied settings and carry out their mission through collaboration with health, social service, and aging agencies.

Long Term Care Gerontology Centers will combine the functions of a university based or affiliated medical school, other health and social services professional schools, and, if appropriate, a public or private non-profit health or social service organization to achieve the goals and objectives of the program. Centers will accomplish the following programmatic objectives:

- Develop the health and social services personnel required to meet the needs of functionally impaired older persons through interdisciplinary career and continuing education and training; and provide to the aging network (i.e., State and Area Agencies on Aging, and service providing agencies supported under Older Americans Act programs), as well as other public and private agencies, curricula and other education and training materials designed to advance the skills of practitioners in the field,
- Develop and evaluate models of health care and social services provided through interdisciplinary teams on a continuum of care, in order to enable functionally impaired older persons to remain in the least restrictive settings consonant with their needs,
- Develop a knowledge base for long term care through the conduct of interdisciplinary clinical, applied, and policy research,
- Provide technical assistance to State and Area Agencies on Aging, health care and social service agencies, academic institutions, and professional organizations, and
- Disseminate findings from the Center's research and model development activities as well as other information concerning long term care to State and Area Agencies on Aging, service providers and consumers, policy makers and program managers, educators and researchers.

It is expected that centers have established the appropriate governance and structure in order to develop the organizational capability required to achieve the programmatic objectives. Therefore, Long Term Care Gerontology Centers will have accomplished the following organizational objectives:

- Have institutional support and commitment to the center at the highest levels of the larger organization and hold a relatively high position in the institutional hierarchy,
- Have their own charter, goals and objectives, and responsibility for a range of administrative functions including budgetary control, faculty appointment, and space allocation,
- Have their own center director, core faculty, and facilities in order to carry out center programmatic, administrative, and data collection activities,
- Have the ability to generate their own funding, and maintain such funds for use within the center, especially for various discretionary programmatic activities,
- Utilize in a full participatory way their own advisory or steering committee and develop and use its own internal peer review system for the allocation of discretionary funds.

There are three (3) stages of center development:

- Stage I—Planning
- Stage II—Operational
- Stage III—Comprehensive

1. Planning Stage of Center Development

At the planning stage, grantees specify their programmatic and organizational goals and objectives, organize their resources, establish university commitments, and create and/or expand community linkages. The Administration on Aging provides centers one year of support for planning. Such centers have the potential, through the competitive process, to obtain multiyear awards for the operational stage.

2. Operational Stage of Center Development

At the operational stage, centers will be implementing activities relative to their organizational structure and in the program areas of education, development of service and practice models, and research. The Administration on Aging will give operational stage centers up to four years of core support.

3. Comprehensive Stage of Center Development

It is the Administration on Aging's intent eventually to designate a select number of Comprehensive Centers. Comprehensive designation will be a recognition that these select centers have achieved programmatic excellence and strong organizational development within the institution.

A center may apply for comprehensive designation at the end of any budget period in the operational stage at which time a full review will be held to determine the center's readiness for comprehensive status. A complete review will take place at the end of the fourth operational year to determine if a center can be designated as comprehensive.

Coordination With Appropriate Office on Aging

Activities conducted under Title IV Long Term Care Gerontology Center grants are expected to be coordinated with the appropriate DHHS Regional Office and with State and Area Agencies on Aging. This coordination will facilitate information exchange on policy and program developments in long term care, provide a basis for informed transfer and dissemination of findings from research and model demonstrations, and facilitate program and policy technical assistance to State and local governmental officials.

Coordination will facilitate educational placement opportunities for students, explore opportunities for collaborative training, research and demonstrations in social services, mental health, rehabilitation, and health services as related to the purposes and programs of the Centers. Centers will regularly provide information to the appropriate offices on aging and collaborate with the agencies regarding education and training, research, and service activities and seek advice and counsel with respect to these activities.

Eligible Applicants

Only public or non-profit organizations or institutions are eligible under the provisions of Title IV, Multidisciplinary Centers of Gerontology.

To be eligible for this Stage I, Planning Award competition, applicants must be located within the Department of Health and Human Services Region VI (Arkansas, Louisiana, Oklahoma, New Mexico, Texas) and have not received a planning award prior to this announcement under Title IV, Multidisciplinary Centers of Gerontology: Long Term Care Gerontology Centers. Eligible applicants are any university or public or private non-profit health or social service organization provided the applicant is affiliated with a medical school, or has a letter of agreement with a medical school.

Available Funds

It is anticipated that the Administration on Aging will make two awards beginning September 30, 1982 for Center planning projects for a period of twelve (12) months in the amount of $100,000 each.

Grantee Share of the Project

Cost sharing is considered to be an important means of demonstrating an applicant's commitment to the objectives of this program. Grantees are expected to provide at least five (5) percent of the total allowable project costs. The grantee share may be cash or in-kind, and must be project related and allowable under the Department's applicable regulations published in 45 CFR Part 74, subparts G and Q (see 43 FR 34076, August 2, 1978).

The Application Process

Availability of Forms and Technical Assistance

Application for a grant under the Long Term Care Gerontology Centers Program must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *Guidelines for Preparation of Grant Applications, Long Term Care Gerontology Centers, Title IV of the Older Americans Act, Fiscal Year 1982.* Copies of the Guidelines, as well as technical information to assist in the preparation of applications, may be obtained by writing or calling: Division of Long Term Care, Administration on Aging, Room 4146, DHHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, Telephone: (202) 245–0768.

Application Submission

One (1) singed original and four (4) copies of the grant application, including all attachments, must be prepared. The original and two (2) copies must be submitted to: Department of Health and Human Services, Office of Human Development Services, Grants and Contracts Management Division, Room 1740, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

One (1) copy is to be submitted to the appropriate State Agency on Aging and one (1) copy is to be submitted to the Regional Program Director of the DHHS Region VI Office of Aging. Addresses of State Agencies on Aging are included in the application instructions.

A–95 Notification Process

Applications for Long Term Care Gerontology Centers must follow the provisions of OMB Circular A–95. Applicants for grants must, prior to the submission of an application, notify *both* the State and Areawide A–95 Clearinghouse of their interest to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977), or the DHHS Regional Office of Aging for information on how they can meet the A–95 requirements.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will undergo a competitive review and evaluation by qualified persons outside the Administration on Aging. Applications considered as approvable by the review committee will be reviewed by AoA staff for consistency with AoA policy and priorities and appropriateness of the funding which is requested. In making a decision on awards the Commissioner on Aging will consider results of the review, AoA staff recommendations, and comments by the appropriate State Agency on Aging. Successful applicants will be notified through the issuance of Notice of a Financial Assistance Awarded. This notice sets forth the amount of funds awarded, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Consideration for Funding

In determining the order of funding of applications which have been recommended for approval, priority will be given to applications which propose to establish a center responsive to the special needs of underserved populations including minority and rural elderly.

Criteria for Review and Evaluation of Applications

Each application will be administratively reviewed to determine that it meets the objectives of the program; includes all required elements for a complete review; and meets all applicable Federal statutes and regulations.

Review Criteria for Stage I Planning Grants:

Criterion 1. The application proposes a project consistent with the programmatic and organizational objectives for a Long Term Care Gerontology Center as set forth in the guidelines. 25 points.

Criterion 2. The project narrative adequately describes and documents the purpose and the need for the project the applicant proposes. 10 points.

Criterion 3. The implementation plan is capable, if properly executed, of assuring the accomplishment of the proposed project's programmatic and organizational objectives. Specifically:

a. The proposal appropriately identifies the tasks to be accomplished related to:

(1) The programmatic objectives.

(2) The organizational objectives. 10 points.

b. The proposal presents an appropriate and feasible method of approach to task accomplishment over the proposed project period relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 10 points.

c. The proposal documents the extent to which the necessary commitments from within and outside the applicant institution have been secured to assure task accomplishment relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 10 points.

d. The proposal provides time-lines for task accomplishment that are appropriate and reasonable relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 5 points.

e. The proposal indicates staff loadings by tasks that are appropriate and reasonable relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 5 points.

f. The proposal specifies how task accomplishment will be evaluated relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 5 points.

Criterion 4. The proposed resources are appropriate and sufficient to assure the accomplishment of both of the project's programmatic and organizational goals. Specifically:

a. The proposed project staff are well qualified and sufficient to carry out the project tasks relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 5 points.

b. Sufficient time of senior staff is allocated to the project to assure adequate and appropriate management of the project taks relative to:

(1) The programmatic objectives.

(2) The organizational objectives. 5 points.

c. Other facilities and resources are appropriate and adequate to assure task accomplishment related to:

(1) The programmatic objectives.

(2) The organizational objectives. 5 points.

Criterion 5. The proposed budget is appropriate, justifiable, and reasonable in relation to support needed for project activities. 5 points.

Closing Dates for Receipt of Application

The closing date for receipt of applications under this program announcement is July 15, 1982. All applications must be received by no later than 5:30 p.m. on the applicable closing date. Applications sent by mail will be considered to be received on time if:

- The application was sent by registered or certified mail and mailed no later than July 12, 1982 as evidenced by the U.S. Postal Service postmark on the wrapper or the original receipt from the U.S. Postal Service, unless the application arrives too late to be considered by the review panel;
- The application is received on or before close of business on July 15, 1982 in the DHHS mailroom in Washington, D.C.; or
- The application is hand-delivered to the address included under "application submission" in this announcement by close of business July 15, 1982.

Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays and Federal holidays. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13.638, Multidisciplinary Centers of Gerontology Program)

Dated: April 23, 1982.

Lennie-Marie P. Tolliver,

Commissioner on Aging.

Approved: May 4, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-12566 Filed 5-6-82; 8:45 am]

BILLING CODE 4130-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 30.

Public Health Service

National Institutes of Health

Subject: Pretesting of Printed Health Messages—NEW

Respondents: Individuals

Office of the Assistant Secretary for Health

Subject: Hispanic Health and Nutrition Examination Survey—(Dress Rehearsal and Full Survey)—REVISION

Respondents: Individuals or households

OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: State Estimate and Financial Status Reports for both Indochinese and Cuban/Haitian Refugees—ORR-1 (4-82), ORR-2 (4-82)—NEW

Respondents: State or local governments

OMB Desk Officer: Richard Eisinger

Health Care Finance Administration

Subject: Surveys on the Institutional Status of Medicare Beneficiaries for Calculating Average Per Capita Costs for HMO's—Extension/No Changes

Respondents: Businesses or other institutions

Subject: Professional Standards Review Organization Grant Application Forms—Extension/No Changes

Respondents: Businesses or other institutions

OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524.F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; ATTN: (name of OMB Desk Officer)

Dated: April 29, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-12445 Filed 5-6-82; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

Continued use of Certain Former Public Health Service Facilities; Delegation of Authority

Notice is hereby given that on April 20, 1982, the Secretary of Health and Human Services delegated to be

Assistant Secretary for Health, with authority to redelegate, all the authority vested in the Secretary under section 911 of Public Law 97-99, the "Military Construction Authorization Act, 1982" (42 U.S.C. 248c), as amended, concerning the contined use of certain former Public Health Service facilities.

Dated: April 26, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-12488 Filed 5-6-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 11304]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 82-10371, appearing on Page 16420 of the issue of Friday, April 16, 1982, add "Sec. 34, W½NE¼, W½, and NW¼SE¼" to the land description under the heading "T. 40 S., R. 8 W."

Dated: April 29, 1982.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-12409 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-84-M

Western Counties Pre-Planning Analysis; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the pre-planning analysis for the Western Counties Wilderness Study Report (also known as the Western Counties Wilderness Study Project) and Environmental Impact Statement (EIS) is available for public review and comment.

DATES: Comments are being accepted from the public on or before June 7, 1982.

FOR FURTHER INFORMATION CONTACT: Russell Kaldenberg, Project Manager, Escondido Resource Area, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: The study effort will evaluate wilderness values, reosurces, and uses for approximately 31,000 acres in western Riverside and San Diego Counties, California. Five Wilderness Study Areas (WSAs) are involved: Beauty Mountain (11,342 acres), Hauser Mountain (5,489 acres), Western Otay Mountain (5,751 acres), Southern Otay Mountain (7,941 acres), and Agua Tibia (360 acres).

The preplan describes the following topics:

1. Purpose of and need for the action;
2. Geographic setting;
3. Scope and Level of Analysis Planned;
4. Significant Resource Values and Issues;
5. Alternative Management Options;
6. Preliminary Environmental Document Outline;
7. EIS Preparation Schedule and Public Participation Schedule;
8. Other Government Agency Involvement;
9. EIS Preparation Staff.

Dated: April 28, 1982.

Westley Chambers,

Acting District Manager.

[FR Doc. 82-12407 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-84-M

[AA-39904 and AA-39921]

Alaska Native Claims Selection

The document entitled Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area was ratified by Pub. L. 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), authorized the Secretary of the Interior to identify and reserve within 2 years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On May 20, 1980, Patent No. 50-80-0081 and Interim Conveyance No. 316 were issued to Cook Inlet Region, Inc., for 5,600.12 acres and approximately 3,870.00 acres, respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), and are described as follows:

Patent No. 50-80-0081 of May 20, 1980

Seward Meridian, Alaska (Surveyed)

T. 5 N., R. 9 W.
Sec. 16, NE¼NW¼.
Containing 40.00 acres.
T. 4 N., R. 11 W.
Sec. 16, W½NW¼.
Containing 80.00 acres.
T. 1 S., R. 13 W.
Sec. 22, E½E½, E½SW¼, W½SE¼;
Sec. 23, W½, SE¼;
Sec. 24, E½, SW¼;
Secs. 25 and 26, all;
Sec. 27, E½, E½W½, SW¼NW¼, W½SW¼;
Secs. 35 and 36, all.
Containing 4,440.00 acres.
T. 2 S., R. 13 W.
Sec. 3, lot 1, SE¼,NW¼.
Containing 80.12 acres.
T. 5 S., R. 14 W.
Sec. 2, S½SW¼, SW¼SE¼;
Sec. 10, E½, E½W½, SW¼SW¼;
Sec. 15, NE¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, NW¼, N½SW¼.
Containing 960.00 acres.
Aggregating 5,600.12 acres.

Interim Conveyance No. 316 of May 20, 1980

Seward Meridian, Alaska (Surveyed)

T. 1 S., R. 11 W.
That portion of Tract "A" previously described as protracted:
Sec. 4, all.
Containing approximately 652.00 acres.
T. 1 S., R. 12 W.
Those portions of the surveyed township previously described as protracted:
Sec. 1, all;
Sec. 7, S½SE¼;
Sec. 8, S½, S½N½
Sec. 18, NE¼, W½;
Sec. 19, W½;
Sec. 30, all.
Containing approximately 2,550.00 acres.
T. 2 S., R. 13 W.
That portion of Tract "A" previously described as protracted:
Sec. 3, SE¼SE¼.
Containing approximately 40.00 acres.
T. 3 S., R. 13 W.
That portion of the surveyed township previously described as protracted:
Sec. 30, all.
Containing approximately 628.00 acres.
Aggregating approximately 3,870.00 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands with no Sec. 17(b) easements reserved. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50-80-0081 and Interim Conveyance No. 316.

In accordance with Departmental regulations 43 CFR 2650.7(d), notice of this decision is being published once in

the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99501, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99510. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until June 7, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the Appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-12492 Filed 4-6-82; 8:45 am]

BILLING CODE 4310-84-M

[CA-6230]

California; Proposed Withdrawal

On May 3, 1982, a petition was approved allowing the Bureau of Reclamation to file a withdrawl application for the National Forest lands described in an emergency withdrawal published in the Federal Register of May 16, 1979, F.R. Doc. 79–15265, pages 28666 and 28667. The application will withdraw the lands from the mining laws subject to valid existing rights.

The withdrawal will be used for the protection of the Casitas Reservior watershed in the Los Padres National Forest.

For a period of 2 years from the date of publication of this notice in the Federal Register, the lands will be segregated from location and entry under the mining laws as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Bureau of Reclamation.

All communications in connection with this proposed withdrawal should be addressed to the Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

May 3, 1982.

[FR Doc. 82-12493 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-84-M

[Sale CA 12524]

Public Lands in Kern County, Calif.; Realty Action

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), at no less than the fair market value shown. Legal description: Lots 5 to 11, inclusive, in sec. 18, T. 26 S., R. 33 E., Mount Diablo Meridian, California, a strip of land, 50' x 416', containing a total of 0.48 acre; value: $825 for each lot. The subject land will be sold by direct sale to Hubert F. Lucas, Charles A. and Margaret Gray, Edward J. and Deborah A. Grelle, Francis H. and Wilma R. Belt, Lloyd A. and Agnes Williams, Virgil W., Jr., and Gwynn A. Hansen, and Elmer H. and Jeanette Norman. The above named people placed improvements on the subject land based upon an incorrect survey marker. Thus, their improvements and backyards each extend 50 feet onto the public land. It is this land, unintentionally developed and used by the above named, which is proposed for sale. The sale is compatible with Bureau planning. The subject land is difficult and uneconomic to manage because of the presence of the unauthorized improvements, and is not suitable for management by another Federal department or agency. The public interest would be well served by offering this land for sale. The terms and conditions applicable to the sale are: (1) A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945); (2) All minerals in the land will be reserved to the United States (43 U.S.C. 1719); and (3) Lot 7 will be subject to a right-of-way granted to the Southern California Edison Company for electric distribution line purposes under serial number Los Angeles 0153094 (Act of March 4, 1911, 43 U.S.C. 961). Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the California State Office, Bureau of Land Management, Room E–2811, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: April 29, 1982.

Harold R. Dietz,

Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 82-12408 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-84-M

Gulf of Mexico Outer Continental Shelf Oil and Gas Leasing; Intent To Prepare a NEPA Document for Proposed OCS Oil and Gas Lease Sales 81 and 84

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) and subsequent implementing Council on Environmental Quality regulations, and in keeping with the objective of streamlining the Outer Continental Shelf (OCS) leasing process, the Bureau of Land Management's New Orleans OCS Office intends to prepare a NEPA document for proposed OCS Lease Sale 81 covering the Central Gulf of Mexico OCS planning area and proposed OCS Lease Sale 84 covering the Western Gulf of Mexico OCS planning area. These planning areas include blocks offshore the coastal States of Alabama, Mississippi, Louisiana and Texas. Proposed Sales 81 and 84 are tentatively scheduled for April and July of 1984, respectively.

The purpose of the NEPA document for Sales 81 and 84 is to provide a detailed statement describing the environmental impact of, and alternatives to, a proposed major Federal action. The major Federal action, if implemented, would be the offering for lease for oil and gas

purposes, certain blocks in the Gulf of Mexico. The NEPA document will describe OCS oil and gas leasing program objectives and policies for the Central and Western Gulf of Mexico, including, but not limited to, the amount and location of leasing acreage; development and transportation assumptions; lease stipulations and other mitigation measures; and studies program requirements. It will also describe the environmental effects of the leasing program and the major alternatives being considered. It will focus on the major concerns and issues related to OCS oil and gas developments in the Gulf of Mexico. These concerns and issues will be identified and analyzed along with related decision options and alternatives during the scoping process. Alternatives that may be considered include: holding the sales as proposed, delay the proposed sales, no action, and modifying the proposal by deletion of blocks for various reasons such as biological, national security, etc.

The scoping process for Sales 81 and 84 will update and supplement the scoping process initiated for the Gulf of Mexico Regional Environmental Impact Statement which specifically addresses proposed OCS Lease Sales 72, 74, and 79, presently under preparation. Scoping activities will include meetings with representatives of government, industry, and environmental interest groups. Additionally, solicitation will be made for the identification of issues and concerns from the public at large through coastal media contacts comprised of newspapers, radio and television. Should response from these solicitations indicate considerable public interest and concern about the proposals and need for additional public contact to define the concern, the New Orleans OCS Office will implement more direct communications with identified individuals and interest groups.

Additional information concerning this NEPA document or comments on issues to be addressed in this document should be brought to the attention of Mr. Douglas Elvers, Chief, Environmental Assessment Division, New Orleans OCS Office, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130, telephone (504–589–6541).

Dated: May 4, 1982.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 82-12498 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil Shale Land Classification Order Nevada No. 1

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of classification of oil shale land in Nevada.

SUMMARY: By Executive Order 5327, April 15, 1930, lands containing oil shale deposits owned by the United States were withdrawn from lease or other disposal and reserved for investigation, examination, and classification. Accordingly, this order classifies lands described in Nevada as prospectively valuable oil shale lands, and as non-oil shale lands.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald W. Michelson, Deputy Minerals Manager, Resource Evaluation, Minerals Management Service, Western Region, 345 Middlefield Rd., (Mailstop 80), Menlo Park, California, Telephone: (415) 323–8111, ext. 2053, FTS 467–2053.

SUPPLEMENTARY INFORMATION: This order is issued under authority of the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950 under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title remains in the United States, are classified as follows:

Oil Shale Land Classification Order Nevada No. 1

Mount Diablo Meridian

Prospectively Valuable Oil Shale Lands

T. 33 N., R. 54 E.,
Secs. 1 to 3, inclusive;
Secs. 9 to 12, inclusive;
Secs. 14 to 17, inclusive;
Secs. 19 to 23, inclusive;
Secs. 29 and 30.
T. 34 N., R. 54 E.,
Secs. 12 and 13;
Secs. 23 to 26, inclusive;
Secs. 35 and 36;
T. 33 N., R. 55 E.,
Secs. 5 to 7, inclusive;
Secs. 12 and 13;
Secs. 23 to 27, inclusive;
Secs. 34 to 36, inclusive;
T. 34 N., R. 55 E.,
Secs. 1 to 14, inclusive;
Sec. 15, N½, N½S½, SW¼SW¼, SE¼SE¼;
Secs. 16 to 21, inclusive;
Sec. 22, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
Secs. 23 to 25, inclusive;
Sec. 26, E½, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 27, N½NE¼, NE¼NW¼;
Sec. 28, N½, N½S½, S½SW¼, SW¼SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½NE¼, W½;
Sec. 35 and 36.
T. 35 N., R. 55 E.,
Secs. 12 to 14, inclusive;
Secs. 22 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 33 N., R. 56 E.,
Secs. 2 to 19, inclusive;
Secs. 16 to 20, inclusive;
Sec. 30.
T. 34 N., R. 56 E.,
Sec. 6.
Sec. 7, lots 1 to 4 inclusive, W½NE¼, E½NW¼, NE¼SW¼;
Sec. 18, lots 1, 2, 10, and 11;
Sec. 19, lots 1, to 4, inclusive, E½SW¼;
Secs. 27 and 28;
Sec. 29, lot 4, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
Sec. 30, NW¼NW¼, S½;
Secs. 31 to 35, inclusive.
T. 35 N., R. 56 E.,
Sec. 5;
Secs. 7 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 to 32, inclusive.

Non-Oil Shale Lands

T. 34 N., R. 55 E.,
Sec. 15, SE¼SW¼, SW¼SE¼;
Sec. 22, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, SW¼NW¼, W½SW¼;
Sec. 27, NW¼NW¼, S½N½, S½;
Sec. 28, SE¼SE¼;
Sec. 33, E½NE¼, SE¼.
T. 34 N., R. 56 E.,
Sec. 7, E½NE¼, SE¼SW¼, SE¼;
Sec. 8;
Sec. 17;
Sec. 18, lots 3 to 9, inclusive, lots 12 to 14, inclusive, E½NW¼;
Sec. 19, lots 6 and 7, NE¼, E½NW¼, N½SE¼;
Sec. 20;
Sec. 29, lots 1 to 3, inclusive, NW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 30, NE¼, E½NW¼, SW¼NW¼.

The areas described aggregate: 80,919 acres (32,747 hectares), more or less, of which are classified as prospectmore or less, of which are classified as prospectively valuable oil shale lands; and 4,4963 acres (2,009 hectares), more or less, of which are classified as non-oil shale lands.

Dated: April 22, 1982.

William P. Pendley,

Director, Minerals Management Service.

[FR Doc. 82-12497 Filed 5-6-82; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Padre Island National Seashore; Kleberg, Willacy and Kenedy Counties; Texas; Availability of a Finding of No Significant Impact for the Draft General Management Plan/ Development Concept Plan/ Environmental Assessment

An Evironmental Assessment for the Draft General Management Plan/ Development Concept Plan for Padre Island National Seashore, Kleberg,

Willacy and Kenedy Counties, Texas, was distributed and made available by publication in the Federal Register of December 15, 1981, and a News Release in local news media sources.

A Finding of No Significant Impact has now been completed and plan proposals selected, based on public review input received and on management ojbectives. The plan proposals selected best provide a management strategy to insure all reasonable ways of achieving the intent of Congress and the management objectives of Padre Island National Seashore.

Copies of the Finding of No Significant Impact for the Draft General Management Plan/Development Concept Plan/Environmental Assessment are available at the following locations: Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418; and the Southwest Regional Office, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

Anyone wishing to provide comments on the Finding of No Significant Impact for the Draft General Management Plan/Development Concept Plan/Environmental Assessment should provide them to the Superintendent, Padre Island National Seashore, at the address provided above, on or before June 7, 1982.

It is the conclusion of the National Park Service that the plan proposals will not constitute a major Federal action significantly affecting the human enviornment; therefore, an environmental impact statement will not be prepared. Following public review of the Finding of No Significant Impact, a final General Management Plan/Development Concept Plan will be prepared and implemented.

Dated: April 27, 1982.

Donald A. Dayton.

Acting Regional Director, Southwest Region.

[FR Doc. 82-12494 Filed 5-6-82; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC 43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 28, 1982.

Tiger Transportation, Inc. (No. MC-104186), and Eugene Tripp Trucking (No. MC-143328) have filed a petition for waiver of Subpart B (§1057.11 and § 1057.12), except for paragraphs (b) and (c) of § 1057.11 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled.

2. Petitioners jointly administer a common safety program.

3. Petitioners have acceptable fitness records.

4. Greater economy and efficiency would result if the waiver were granted.

It is ordered: 1. That the petition of Tiger Transportation, Inc., and Eugene Tripp Trucking, for waiver of Subpart B (§ 1057.11 and § 1057.12), except for paragraphs (b) and (c) of § 1057.11, is granted, provided that petitioners agree in writing that control and responsibility for operating the equipment shall be in the lessee from the time lessee takes possession of the equipment and the receipt required under § 1057.11(b) is given to the lessor, until possession is returned to the lessor or the equipment is interchanged with another authorized carrier, and a copy of the agreement is carried in the vehicle while it is in the lessee's possession.

2. The waiver granted in this decision does not affect the application of the leasing regulations to leases between owner-operators and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien, Board Member McFarland not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12435 Filed 5-6-82; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC 43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 29, 1982.

Apple Lines, Inc. (No. MC-114632) and Merchants Dutch Express, Inc. (No. MC-143389), petition for waiver of Paragraph (d)(1) of § 1057.12 of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057). Neither petitioner holds authority to transport household goods. However, the purpose of the waiver is to allow execution of a master lease providing for intermittent possession by Apple Lines of the equipment owned by Merchants Dutch Express and also providing that receipts will not be given when possession is transferred, but at the time the master lease is executed.

Findings

1. There is no evidence petitioners are commonly controlled or have a jointly administered safety program.

2. The petition presents no evidence to justify waiver of paragraph (d)(1) of § 1057.11 in order to permit intermittent leasing. The facts show nothing peculiar with respect to petitioners' operations, when compared with other authorized transportation other than household goods.

3. In addition, petitioners have not requested waiver of paragraph (b) of § 1057.11 (which requires an exchange of receipts at the time possession of equipment is taken) nor have they presented any evidence to support such waiver, even though they would not observe such requirements if waiver of paragraph (d)(1) were granted.

It is ordered, that the petition of Apple Lines, Inc. (No. MC-114632) and Merchants Dutch Express, Inc. (No. MC-143389), for waiver of Paragraph (d)(1) of § 1057.12 is denied.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien, Board Member J. Warren McFarland not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12434 Filed 5-6-82; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-115)]

Railroads; Burlington Northern Railroad Co.; Abandonment Between Lass and Garden Plain, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its rail line between milepost 54.06 near Lass to railroad milepost 59.63 at the end of the line near Garden Plain, a distance of 5.57 miles located in Whiteside County, IL, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available

during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Acting Deputy Director, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12436 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29918]

Railroads; Batten Kill Railroad Co.; Petition for Exemption From 49 U.S.C. 10901, 11301, 11322, 10713, 10705a, and 10762

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemptions.

SUMMARY: The Commission exempts the following related transactions from the requirement of its prior review and approval: (1) Under 49 U.S.C. 10901, the acquisition by Eagle Bridge—Thomson Development Corporation (a noncarrier corporate governmental agency of the State of New York), and subsequent lease and operation by Batten Kill Railroad Company (BKRR), of 35.03 miles of track of Delaware and Hudson Railway Company (D&H) and a wholly owned subsidiary (a) between Eagle Bridge and Salem, NY, (b) between Greenwich and Greenwich Junction, NY, and (c) between Greenwich Junction and Thomson, NY; (2) under 49 U.S.C. 11301, the issuance of certain common stock and promissory notes by BKRR; (3) under 49 U.S.C. 11322, the holding of a directorship with BKRR by a corporate officer of D&H, subject to specified conditions; (4) under 49 U.S.C. 10713, the 30 day notice requirement for filing of a contract between BKRR and a shipper (Agway, Inc.), subject to specified conditions; (5) under 49 U.S.C. 10705a, the 45 day notice requirement for the filing of new surcharges, subject to conditions; and (6) under 49 U.S.C. 10762 the 20 day notice requirement for the filing of new rates, subject to conditions.

DATES: These exemptions will be effective on May 7, 1982. Protests to the exemptions from the notice requirements referred to in (4), (5) and (6) of the above "Summary" must be filed within 15 days after this publication. Petitions to reopen must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, Washington, DC 20423;
and

(2) Petitioner's representative: Andrew P. Goldstein, 706 Ring Building, 1200 18th Street, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: A decision in this proceeding, served concurrently with this notice, contains further information. For a copy of the full decision, write to: TS Infosystems, Inc., Room 2227, 12th St. and Constitution Ave., NW., Washington, DC 20423;
or call:
(202) 289-4357—Local, (800) 424-5403—toll free for outside DC area.

Decided: May 5, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12433 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

[Second Revised I.C.C. Order No. 81 under Service Order No. 1344]

Railroads; Consolidated Rail Corp., et al.; Rerouting Traffic

TO: Consolidated Rail Corporation; Michigan Interstate Railway Company; Chesapeake and Ohio Railway; Grand Trunk Western Railroad Company; Michigan Northern Railway Company; Green Bay and Western Railroad Company; Chicago and North Western Transportation Company; Soo Line Railroad Company; Norfolk and Western Railway Company, and Detroit, Toledo and Ironton Railroad Company.

In the opinion of J. Warren FcFarland, Agent, the Ann Arbor Railroad System (Michigan Interstate Railway Company—Operator) is unable to transport traffic over its line north of Ann Arbor, Michigan, and to Kewaunee and Manitowoc, Wisconsin, via Frankfort, Michigan, due to the termination of its Designated operations for the State of Michigan. This matter is considered to be outside the scope of a single railroad as provided by Ex Parte No. 376, and therefore, requires this action by the Commission.

It is ordered:

(a) *Rerouting traffic.* The Ann Arbor Railroad System (AA) (Michigan Interstate Railway Company—Operator) being unable to transport promptly all traffic over its line north of Ann Arbor, Michigan, and to Kewaunee and Manitowoc, Wisconsin, via Frankfort, Michigan, due to the termination of its Designated operations at those points (See AA Embargo 2-82, Amendment 2, 4/23/82) that line and its connections are authorized to divert or reroute any traffic destined to or via the points indicated. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars, in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., April 23, 1982.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1982, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1982.

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 82-12432 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; 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 (formerly section 5) 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 reconsiderations; 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 1132.4 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 indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also 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-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have not 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 effect notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79747. By decision of April 23, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to EUGENE THORNTON, d.b.a. THORNTON'S MOTOR FREIGHT, of Linton Falls, NJ, of Permit No. MC-140540 (Sub-No. 2) issued November 17, 1981, to L. MONTGOMERY, INC., of Linton Falls, NJ, authorizing the transportation of rubber and plastic products between points in the United States, under continuing contract(s) with Thompson Industries Co., of Phoenix, AZ. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904.

MC-FC-79755. By decision of April 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to J. J. MESA TRUCKING CO., INC. of San Antonio, TX of Certificate No. MC 51207 and subs thereunder issued to P.S.T. TRANSPORT, INC. of San Antonio, TX authorizing (1) *malt beverages,* from the facilities of Pearl Brewing Company, Inc. at San Antonio, TX, to points in AL, AR, AZ, CA, FL, IL, IN, LA, MS, NC, NM, NV, OH, OR, SC, TN, and WA. (2) *materials and supplies* used in the manufacture of malt beverages, from the above-named points to the facilities of Perl Brewing Company, Inc., at San Antonio, TX. Applicants' representative: Ronald Mercier, 1500 S. Zarzamora St., San Antonio, TX 78207. TA lease is sought, transferred is a carrier.

MC-FC-79756. By decision of April 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CONNOR EXPRESS, INC. of certificate No. MC 21572 (Sub-No. 3) and No. MC 21572 (Sub-No. 4) issued August 25, 1978 to SCRINNER'S EXPRESS, INC. authorizing the transportation of (A) *general commodities* (with the usual exceptions) (1) over regular routes, between numerous OH points including Cincinnati, Cleveland, Toledo, Circleville, Ravenna, Dayton, Zenia, Springfield, Lebanon, Lima, Sidney, Piqua, Fremont, Bellefontaine, Wapakoneta, and Columbus and (2) *special equipment,* over irregular routes, between Cincinnati OH, on the one hand, on the other points in OH, and (3) over regular routes between Huntington, WV, and Portsmouth, OH, serving all intermediate points. Applicants' representative: Micheal Spurlock, 275 East State Street, Columbus, OH 43215.

Note.—Application for TA has been filed. Transferee is a non-carrier.

MC-FC-79758. By decision of April 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to DALLAS G & G EXPRESS, INC. of Dallas, TX of Certificate No. MC 151134 issued to KARTRAN INCORPORATED of Garland, TX, authorizing general commodiites (with usual exceptions), in containers, between points in Harris and Galveston Counties, TX, on the one hand, and, on the other, points in Archer, Bonham, Clay, Colin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hunt, Jack, Johnson, Faufman, Lamar, Montauq, Olney, Palo Pinto, Parker, Rockwall, Stephens, Tarfant, Wichita and Wise Counties, TX, restricted to traffic having a prior or subsequent movement by water or rail. Applicants' representative: William Sheridan, P.O. Box 5049, Irving, TX 75062. TA lease is sought. Transferee is not a carrier.

MC FC-79766. By decision of April 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to BROOKLINE MOVING CO., IN. of Certificate No. MC-76518 issued to FULTON MOVING COMPANY, INC. authorizing the transportation of household goods, between Boston, MA and points in Massachusets, within 25 miles of Boston, on the one hand, and, on the other, points in MA, VT, NH, ME, RI, CT and NY. Applicants' representative: George C. O'Brien, 342 Wild Harbor Rd., North Falmouth, MA

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12438 Filed 5-6-82; 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: Buckhorn Inc., P.O. Box 689, 3592 Corporate Drive, Columbus, Ohio 43216-0689.

2. Wholly-owned subsidiaries which will participate in the operations and State of Incorporation:

a. Applied Distribution Systems, Inc. an Ohio Corporation.

b. Applied Distribution Systems Corp., an Ohio Corporation.

c. Applied Distribution Systems Company, an Ohio Corporation.

d. NesTier Corporation, an Ohio Corporation.

e. New Idria, Inc., a Nevada Corporation.

1. Parent Corporation and address of principal office: A. Burlington Industries, Inc., 3330 West Friendly Avenue, Post Office Box 21207, Greensboro, North Carolina 27420.

2. Wholly-owned subsidiaries which will participate in the operation, address of its principal offices, and state and country of incorporation:

A. B. I. Transportation, Inc., Tucker Street Extension, Post Office Box 691, Burlington, North Carolina 27215, Incorporated in the State of Delaware.

B. Burlington Carpet Mills Canada, Ltd., 130 St. Joseph Boulevard, Lachine, Quebec H8S–2L4, Canada, Incorporated in Canada.

C. Burlington Carpet Sales Canada, Ltd., 501 Norsinch Drive, Downsview, Ontario M3N–1Y7, Canada, Incorporated in Canada.

D. Burlington Canada, Inc., 130 St. Joseph Boulevard, Lachine, Quebec H8S–2L4, Canada, Incorporated in Canada.

E. Textile Morelos, S.A. de C.V., San Juan del Aguila No. 401, Cuetnazaca, Motelos, Mexico, Incorporated in Mexico.

F. Noblis-Lees, S.A. de C.V., Calzada Ermita-Ixtapalapa No. 401 Local "(C)", Colonia Unidad Modelo, Mexico 13 D.F. Mexico, Incorporated in Mexico.

1. Parent corporation and address of principal office: Chrysler Corporation, 12000 Lynn Townsend Drive, Highland Park, Michigan, Mailing address: P.O. Box 1919, Detroit, Michigan 48288.

2. Wholly-owned subsidiaries which will participate in the operations, and State of Incorporation:

(a) Wholly-owned domestic subsidiaries: Chrysler Export Corporation, Chrysler Export Sales, Inc., Chrysler Outboard Corporation, Chrysler Plastic Products Corporation, Chrysler Transport, Inc., New Process Gear Corporation, Nu Car Prep System, Inc., Van Pool Services, Inc.

All of the above-named subsidiaries are incorporated in the State of Delaware.

(b) Wholly-owned Canadian subsidiaries: Chrysler Canada Ltd., Chrysler Canada Outboard Ltd.

1. The parent corporation and address of principal office: Color Tile, Inc., 1820 Two Tandy Center, Fort Worth, Texas 76102.

2. The wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Color Tile Supermart, Inc., a Colorado corporation,

(ii) Color Tile Manufacturing, Inc., a Texas corporation,

(iii) C. Title Transportation, Inc., a Texas corporation.

1. Parent corporation and address of principal office: PepsiCo, Inc., Purchase, NY 10577.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(1) Beverages, Foods & Service Industries, Inc., c/o PepsiCo, Purchase, NY 10577.

(2) Conroe Packaging, Inc., 222 Loop 336 East, P.O. Box Y, Conroe, TX 77301.

(3) Frito-Lay, Inc., P.O. Box 35034, Dallas, TX 75235.

(4) National Beverages, Inc., 1700 Directors Row, Orlando, FL 32809.

(5) PBG Beverage Distributors, Inc., c/o PepsiCo, Purchase, NY 10577.

(6) Pepsi-Cola Bottling Co. of Los Angeles, Inc., P.O. Box 3338, Torrance, CA 90510.

(7) Pepsi-Cola Bottling Co. of Puerto Rico, Inc., P.O. Box 1709, Hato Rey, Puerto Rico 00919.

(8) Pepsi-Cola Interamericana, S.A., c/o PepsiCo, Purchase, NY 10577.

(9) Pepsi-Cola Metropolitan Bottling Company, Inc., c/o PepsiCo, Purchase, NY 10577.

(10) Pepsi-Cola Panamericana, S.A., c/o PepsiCo, Purchase, NY 10577.

(11) PepsiCo World Trading Company, Inc., c/o PepsiCo, Purchase, NY 10577.

(12) Advance Moving & Storage, Inc., 650 North Second Ave., Phoenix, AZ 85003.

(13) Agency Media Services, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(14) Fleet Insurance Management, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(15) Great Falls North American, Inc., P.O. Box 1414, Great Falls, MT 59401.

(16) Lee Way Motor Freight, Inc., P.O. Box 12750, Oklahoma City, OK 73157.

(17) Marlew of El Paso, Inc., 8201 Lockheed Drive, El Paso, TX 79225.

(18) Moving Credit, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(19) NACAL, Inc., 12842 Valley View, Garden Grove, CA 92645.

(20) North American Distribution Systems, Inc., P.O. Box 411, New Haven, IN 46774.

(21) North American Forwarding, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(22) North American Moving & Storage, Inc., 2122 Bremer Road, Fort Wayne, IN 46803.

(23) North American Properties, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(24) North American Van Lines, Inc., P.O. Box 988, Fort Wayne, IN 46801.

(25) North American Van Lines of Texas, Inc., 811 Central Expressway, Richardson, TX 75080.

(26) Tractor Power, Inc., d/b/a Fleet Service, c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(27) Transportation Collections, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801.

(28) Triangle Fleet Service, Inc., 801 W. California Road, Fort Wayne, IN 46808.

(29) PepsiCo Building Systems, Inc., 3031 LaJolla St., Anaheim, CA 92806.

(30) Pizza Hut, Inc., P.O. Box 428, Wichita, KS 67201.

(31) Aurora Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(32) Bender Pizza, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(33) Buckeye PH, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(34) Blues Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(35) Chesapeake Bay Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(36) Denver Pizza, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(37) East Moline Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(38) Fiesta Cantina of Ohio, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(39) Franchise Services, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(40) Franchise Services of Kansas, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(41) Indianapolis Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(42) J & G Products, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(43) Lake Michigan Management Co., Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(44) Long's Appleton, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(45) Long's Green Bay #2, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(46) Long's Marshfield, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(47) Long's Neenah, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(48) Long's Wausau #2, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(49) Mountaineer Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(50) Oriole Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(51) Pizza Hut, Inc. of LaCrosse, c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(52) Pizza Hut of America, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(53) Pizza Hut of Boston, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(54) Pizza Hut of Columbia, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(55) Pizza Hut of Gainesville, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(56) Pizza Hut of Georgia, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(57) Pizza Hut of Jeffersonville, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(58) Pizza Hut of Kalamazoo, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(59) Pizza Hut of Knoxville Corporation c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(60) Pizza Huts of Las Vegas, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(61) Pizza Hut of Louisiana, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(62) Pizza Hut of Louisville, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(63) Pizza Hut of Massachusetts, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(64) Pizza Huts of North Carolina, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(65) Pizza Hut of North Haven, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(66) Pizza Hut of Oklahoma, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(67) Pizza Hut of Oregon, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(68) Pizza Hut of Racine, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(69) Pizza Hut of Rochester, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(70) Pizza Hut of San Diego, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(71) Pizza Hut of Santa Fe, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(72) Pizza Hut of Spokane, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(73) Pizza Hut of Utah, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(74) Pizza Hut of Virginia, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(75) Pizza Hut of West Allis, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(76) Pizza Hut of Wichita, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(77) Pizza Hut of Wisconsin, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(78) Pizza Hut of Zion, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(79) Ross Pizza, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(80) Second Concept, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(81) Sioux Falls Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(82) Sun Devil Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(83) Taco Kid of Whichita #2, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201.

(84) Taco Bell, 17381 Red Hill Ave., Irvine, CA 92714.

(85) Bell Food Services, Inc., c/o Taco Bell, 17381 Red Hill Ave., Irvine, CA 92714.

(86) Taco Bell of Ohio, Inc., c/o Taco Bell, 17381 Red Hill Ave., Irvine, CA 92714.

(87) Southwest Snack Equipment, Inc., 900 North Loop 12, Irving, TX 75061.

(88) Marlew of Lubbock, Inc., 23rd St. at Ave. E., Box 818, Lubbock, TX 79408.

(89) Tri-City Moving & Storage, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801

(90) PepsiCo Foods System, Inc., P.O. Box 3037, Wichita, KS 67201.

(91) Wilson Sporting Goods Co., 2233 West St., River Grove, IL. 60171.

(92) Sabritas S.A. de C.V., Apartado Postal 15–112, Mexico 15, D.S., Mexico.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-12439 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-81]

Motor Carriers Permanent Authority Decision; Decision-Notice

Decided: May 3, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the followng operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be sat forth in a notification of effectiveness of this decision-notice Within 60 days after publication and applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 160291 (republication) filed March 25, 1982, previously noticed in the **Federal Register** issue of April 22, 1982. Applicant: TOTAL TRANSPORTATION TRUCKING, INC., P.O. Box 6931, Cleveland, OH 44101. Representative: William J. Eely (same address as applicant), (216) 341–5448. Transporting *general commodities* (except classes A and B explosives, and household goods) having a prior or subsequent movement by rail, between points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, TN, VA, WV, and DC.

Note.—This application is directly related to MC–F–14833, published in the FR issue of April 22, 1982. The purpose of this republication is to delete the commodities in bulk exception.

[FR Doc. 82–12440 Filed 5–6–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–77

Decided: April 28, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–541 (Sub-1), filed April 23, 1982. Applicant: ALASKA EXPRESS FORWARDERS, INC., 1123 North 4th Ave., Kent, WA 98031. Representative: David W. Wiley, 110 Norton Bldg., Seattle, WA 98031, (206) 622–4067. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in AK and WA, on the one hand, and, on the other, points in CA and OR.

MC 13070 (Sub-5), filed April 20, 1982. Applicant: GERALD P. LIPPOLD AND RODNEY L. ARNETT, d.b.a. LIPPOLD & ARNETT, 1302 So. Broad St., Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Nabisco Brands, Inc., of East Hanover, NJ 07936.

MC 29550 (Sub-1), filed April 20, 1982. Applicant: TERMINAL VAN LINES, INC., 4001 25th St. No., St. Petersburg, FL 33733. Representative: Bernard C. Pestcoe, 201 Alhambra Circle, Suite 511, Coral Gables, FL 33134, (305) 445–9668. Transporting *Household goods,* between points in FL, on the one hand, and, on the other, points in MA, VT, NH, RI, WI, TX, OK, LA, MS, AR, MO, IA, and MN.

MC 30260 (Sub-5), filed April 23, 1982. Applicant: DELMONT MOTOR EXPRESS, INC., 1024 Lackawanna Ave., Elmira, NY 14901. Representative: Jermery Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–3525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Bradford, Lycoming, and Tioga Counties, PA, and Chemung and Steuben Counties, NY, on the one hand, and, on the other, points in PA and NY.

MC 37640 (Sub-11), filed April 20, 1982. Applicant: TRANSPORTATION ENTERPRISES, INC., 1135 Gunter, Austin, TX 78702. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting *passengers and their baggage,* in charter and special operations, beginning and ending at points in Williamson, Travis, Hays, Comal and Bexar Counties, TX, and extending to points in the U.S. (except AK and HI).

MC 99680 (Sub-19), filed April 23, 1982. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th St. Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Over regular routes, transporting: *general commodities* (except classes A and B explosives, household goods and commodities in bulk); Between Quincy, IL and Keokuk, IA: From Quincy over U.S. Hwy 24 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Wayland, then over U.S. Hwy 136 to Keokuk and return over the same route, serving all intermediate points.

MC 102181 (Sub-13), filed April 20, 1982. Applicant: O. H. & F., INC., P.O. Box 129, Grayville, IL 62844. Representative: Richard Elliott (same address as Applicant). Transporting *Mercer commodities,* between points in IL, IN, KY, MI, MS, MO, NE, NY, OH, PA, TN, and WV, on the one hand, and, on the other, points in CO, MT, ND, and WY.

MC 103051 (Sub-1), filed April 20, 1982. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, TN 37209. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216)–566–5639. Transporting (1) *commodities in bulk;* and (2) *building materials,* between points in the U.S. (except AK and HI).

MC 114011 (Sub-8), filed April 20, 1982. Applicant: PETE'S SERVICE & TRUCK RENTAL, INC., 550 Brunson St., St. Paul, MN 55101. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612)–542–1121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Minneapolis, MN, and points in Blue Earth County, MN, and Saint Croix County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 115931 (Sub-197), filed April 20, 1982. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Transporting *forest products, lumber and wood products, and pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Potlatch Corporation, of San Francisco, CA.

MC 119531 (Sub-187), filed April 20, 1982. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, OH 44482–1031. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between the facilities used by ITOFCA, Inc., at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124841 (Sub-9), filed April 19, 1982. Applicant: MOUNTAIN OIL TRANSPORT, INC., P.O. Box 2216, Walla Walla, WA 99362. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *food and related products,* between points in WA, OR, ID, MT, NV, AZ, CO, NM, SD, ND, IA, WY, WI, MN, IL, NE, IN, TX, and OK.

MC 141870 (Sub-7), filed April 23, 1982. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578–3212. Transporting *commodities as are dealt in by food and grocery houses,* between points in AL, NY, NJ, MA, PA, IL, GA, TX, WI, VA, MD, SC, KS, MO and RI, under continuing contract(s) with Kane-Miller Corp., and its subsidiaries, of Birmingham, AL.

MC 142240 (Sub-1), filed April 20, 1982. Applicant: WESTERN HYWAY DISTRIBUTING CO., INC., 2700 Wear Rd., Bakersfield, CA 93302. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting (1) *chemicals and related products,* between points in CA, on the one hand, and, on the other, points in AZ; and (2) *petroleum, natural gas and their products,* (a) between points in CA, on the one hand, and, on the other, points in AZ and NV; and (b) between points in Clark County, NV, on the one hand, and, on the other, points in Mohave County, AZ.

MC 147491 (Sub-6), filed April 13, 1982. Applicant: TAB TRUCKING, INC., 4342 Janitrol Road, Columbus, OH 43228. Representative: Paul R. Brown, 31 West Whittier St., Columbus, OH 43206, (614) 445–7228. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI.

MC 148490 (Sub-17), filed April 21, 1982. Applicant: C. & N. EVANS TRUCKING COMPANY, INC., Route 2, Box 39 E, Stoneville, NC 27048–9630. Representative: Harry G. Grubbs (same address as applicant), (919) 573–3761. Transporting *food and related products,* between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, under continuing contract(s) with Krispy Kreme Doughnut Corporation, of Winston-Salem, NC.

MC 149351 (Sub-6), filed April 20, 1982. Applicant: HEYMAN TRUCKING, INC., Box 97, 212 Mulberry St., Stephens City, VA 22655. Representative: Edward N. Button, 635 Oak Hill Avenue, Hagerstown, MD 21740. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobile accessories, between Philadelphia, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150951 (Sub-10), filed April 15, 1982. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston Street, Cranston, RI 02920. Representative: Paul M. Overton, (same address as applicant), (401) 943–4800. Transporting *rubber products,* between points in the U.S., under continuing contract(s) with Fulfex, Inc., of Bristol, RI.

MC 150951 (Sub-12), filed April 23, 1982. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton, (same address as applicant), (401) 943–4800. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Eastern Color & Chemical Company, of Providence, RI.

MC 155981 (Sub-1), filed April 20, 1982. Applicant: ARMORED SERVICES, INC., Suite 614, St. Joseph Bank Bldg., South Bend, IN 46601. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *currency, coin, securities, checks, documents, and other valuables,* between points in the U.S., under continuing contract(s) with banks and banking institutions.

MC 156800 (Sub-4), filed April 20, 1982. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. 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 Connecticut Shippers Association of Meriden, CT, and Universal Wire Products, Inc., of North Haven, CT.

MC 157100 (Sub-1), filed April 22, 1982. Applicant: CHARLES D. & SHERYL J. HOEKEMA, d.b.a. CHARLES HOEKEMA TRUCKING, Route 1, Box 20A–1, Manhattan, MT 59741. Representative: Joe Gerbase, 100 Transwestern I Bldg., Billings, MT 59101, (406) 248–2611. Transporting *lumber and wood products,* between points in MT, ID, OR, and WA, on the one hand, and, on the other, points in IA, NE, IL, MN, SD, MO, WI, and KS.

MC 160721 filed April 20, 1982. Applicant: RICHARD BELLERUD & ORVIN BELLERUD, d.b.a. B & H ENTERPRISES, P.O. Box 344, Grafton, ND 58237. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *food*

and related products, between points in ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161210, filed March 25, 1982. Applicant: J–R TRANSPORTATION SERVICES, INC., RD #6, P.O. Box 385, Hammonton, NJ 08037. Representative: Ray DeSimone (same address as applicant), (609) 561–9257. 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 (1) Alberto-Culver Company, of Melrose Park, IL; (2) American Color & Chemical Corp., of Reading, PA; (3) American Food Labs, of Brooklyn, NY; (4) Caloric Corporation, of Topton, PA; (5) Colonial Metals Co., of Columbia, PA; (6) Construction Fasteners, Inc., of Wyomissing, PA; (7) R. T. French Co., of Souderton, PA; (8) General Battery Corporation, of Reading, PA; (9) Glyco Inc., of Greenwich, CT; (10) Hoeganaes Corporation, of Riverton, NJ, (11) Olin Corporation, of Stamford, CT; (12) Pennwalt Corporation, of Philadelphia, PA; (13) Reed & Prince Mfg. Co., of Jaffrey, NH; (14) Scott Paper Company, of Philadelphia, PA; and (15) Tamaqua Cable Products Corporation, of Schuykill, PA.

MC 161370 filed April 20, 1982. Applicant: ROBERT L. KELLER, d.b.a. KELLER TRANSIT, P.O. Box 6, Kempton, IN 46049. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6555. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Central Indiana Supply Company, of Indianapolis, IN.

MC 161601, filed April 20, 1982. Applicant: PENN FREIGHTWAYS, INC., 24 Brooklane Dr., Harrison City, PA 15636. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, (412) 281–9494. 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 Gibraltar Steel Corporation, of Buffalo, NY, Henry Miller Spring and Manufacturing Company and Penn Associates, both of Pittsburgh, PA.

MC 161610, filed April 20, 1982. Applicant: C. A. TUCKER d.b.a. "AB" TUCKER TRUCKING, Rt. 4, Box 57B, Lubbock, TX 79424. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *agricultural machinery,* between points in TX, OK, KS, NE, CO, LA, TN, MS, AR, NM, MO, CA, and AZ.

MC 161651, filed April 23, 1982. Applicant: R. HELFRICH & SON CORP., 503 South Laurel Ave., West Keansburg, NJ 07734. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212)–239–4610. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Monmouth and Ocean Counties, NJ, and extending to points in the U.S. (except AK and HI).

Volume No. OP1–79

Decided: April 30, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 38400 (Sub-9), filed April 23, 1982. Applicant: HITCHCOCK BROS., INC., Box 212, Canaan, CT 06018. Representative: C. Frank Hitchcock (same address as applicant) (203) 824–5332. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 87231, (Sub-30), filed April 20, 1982. Applicant: BAY & BAY TRANSFER CO., INC., 7200 West 128th St., Savage, MN 55378. Representative: Pamela N. Merkle, 300 Roanoke Bldg., Minneapolis, MN 55402, (612) 343–2978. Transporting *silica sand,* between points in MI and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 99961, (Sub-5), filed April 26, 1982. Applicant: BIG CHIEF TRUCK LINES, INC. Rt. 1 Box 321–B, Lafayette, LA 70505. Representative: Ronald Marchand, (same address as applicant), (318) 837–1885. Transporting *oilfield drilling rigs, supplies and waste material,* between points in LA and MS.

MC 107010 (Sub-71), filed April 23, 1982. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1) *food and related products,* (2) *petroleum, natural gas and their products,* and (3) *chemicals and related products,* between points in NE, IA, KS and MO, on the one hand, and, on the other, points in WI, IL, MN, IA, MO, AR, LA, ND, SD, NE, KS, OK, TX, NM, CO, WY and MT.

MC 108380 (Sub-112), filed April 23, 1982. Applicant: JOHNSTON'S FUEL LINERS, INC., 808 Birch St., Newcastle, WY 82701. Representative: Manuel Andrade, Jr., 770 Grant St., Suite 228, Denver, CO 80203, (303) 861–4273. Transporting (1) *bentonite, additives and chemicals,* between points in WY, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, OK and TX (except AK and HI), (2) *machinery, metal products and building materials,* between points in WY, on the one hand, and, on the other, points in AZ, CO, IA, ID, IL, IN, KS, KY, MN, MO, NE, OH, OK, OR, SD, TX, and WI, (3) *machinery, metal products and building materials,* between points in CA, ID, MT and OR, on the one hand, and, on the other, points in CO, WY, KS, MO, SD and TX, and (4) *such commodities* as are dealt in and used in the construction, manufacture and design of oil and gas processing equipment, between points in WY, on the one hand, and, on the other, those points in the U.S. in and west of AL, TN, NC, VA, WV and PA (except AK and HI).

MC 111941 (Sub-45), filed April 23, 1982. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943, (219) 982–2175. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with Resource Recovery of Indiana, Inc., of Morristown, IN.

MC 111941 (Sub-46), filed April 27, 1982. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204–3491, (317) 638–1301. Transporting *metal products,* between those points in IN on and north of U.S. Hwy 40, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, AZ, UT, WY, MT, ND, SD, NE, NM, CO, CT, RI, MA, VT, NH and ME.

MC 115880 (Sub-6), filed April 27, 1982. Applicant: BROOKFIELD BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755–9500. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Twenty First Century Tours, of Maspeth, NY.

MC 116710 (Sub-44), filed April 12, 1982. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA 71111. Representative: Claire M. Goldsworthy, 535 North 6th St., Baton Rouge, LA 70802, (504) 383–4528. Transporting *commodities in bulk,* between points in

the U.S., under continuing contract(s) with Ethyl Corporation, of Richmond, VA.

MC 134970 (Sub-35), filed April 23, 1982. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses,* between points in AL, AR, KS, KY, IL, IN, IA, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, TX, and WI.

MC 138861 (Sub-44), filed April 16, 1982. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. 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 142601 (Sub-9), filed April 28, 1982. Applicant: CECO TRANSORT, INC., 1400 Kensington Rd., Oak Brook, IL 60521. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. 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 ITOFCA, Inc., of Downers Grove, IL.

MC 148490 (Sub-18), filed April 21, 1982. Applicant: C. & N. EVANS TRUCKING COMPANY, INC., Route 2, Box 39E, Stoneville, NC 27048–9630. Representative: Harry G. Grubbs, (same address as applicant) (919) 573–3761. Transporting *textile mill products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pannill Knitting Company, Inc., of Martinsville, VA.

MC 148731 (Sub-7), filed April 26, 1982. Applicant: MINKEVITCH TRUCKING & HAULING, 6290 S. Holladay Blvd., Salt Lake City, UT 84121. Representative: Fred J. Minkevitch, Jr., (same address as applicant), (801) 972–6373. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Domtar Industries, Inc., of Schiller Park, IL.

MC 150301 (Sub-20), filed April 20, 1982. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. 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 Davidson Rubber Division, Ex-Cell-O Corporation, of Dover, NH.

MC 151721 (Sub-5), filed April 23, 1982. Applicant: LAUFENBERG FEED & AGRI-SERVICE, INC., Route 1, Box 90–A, Highland, WI 53543. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *fertilizer, fertilizer ingredients, and such commodities* as are dealt in or used by farm supply stores, between points in IL, IA, MN, and WI.

MC 156690, filed April 26, 1982. Applicant: PIEDMONT, INC., 2706 Bartol Ave., Baltimore, MD 21209. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *lumber and wood products,* between Baltimore, MD, and points in York County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157230, filed April 23, 1982. Applicant: NERCON TRANSPORT, INC., 3972 Fond du Lac Road, Oshkosh, WI 54901. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *metal products,* between points in Chicago, IL, on the one hand, and, on the other, points in Fond du Lac, Outagamie, and Winnebago Counties, WI, and (2) *machinery and metal products,* between points in Winnebago and Oconto Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157280 (Sub-1), filed April 23, 1982. Applicant: DATIM, INC., 925 East Broadway, Madison, WI 53716. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *food and related products,* between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 158621 (Sub-1), filed April 12, 1982. Applicant: BACHMAN TRANSPORT CORPORATION, 50 N. 4th St., P.O. Box 898, Reading, PA 19603. Representative: James F. Rehr, (same address as applicant) (215) 320–7878. Transporting (1) *food and related products,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) *such commodities* as are dealt in or used by food business houses, between the facilities used by Wetterau Incorporated, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159220 (Sub-2), filed April 26, 1982. Applicant: REFRIGERATED INTERNATIONAL CARGO HAULERS, INC., 1170 Niagara St., Buffalo, NY 14240. Representative: Charles H. White, Jr., 1019 19th St., N.W., Suite 800, Washington, DC 20036, (404) 577–5100. 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 Wegman Food Markets, Inc., of Rochester, NY.

MC 160290, filed April 26, 1982. Applicant: GERARD C. PETERS AND JOHN G. PETERS, d.b.a. PETERS BROS. TRUCKING, 4948 North Oakley Avenue, Chicago, IL 60625. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603, (312) 236–0548. Transporting (1) *machinery,* between points in the U.S., under continuing contract(s) with Italtractor America Inc., of Addison, IL; and (2) *such commodities* as dealt in or used in the manufacture, distribution and installation of cable television, between points in the U.S., under continuing contact(s) with Cable TV Supply Co., of Addison, IL.

MC 161641, filed April 23, 1982. Applicant: R AND P TRUCKING, INC., P.O. Box 1678, Covington, GA 30209. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *plastic articles,* between the facilities used by Mobil Chemical Company in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161670, filed April 26, 1982. Applicant: DORIS J. PEAK d.b.a. BLUE GOOSE CHARTER LEASING, 1004 E. Orangefair Lane, Anaheim, CA 92801. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702, (714)–677–8107. Transporting *passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Los Angeles and Orange Counties, CA, and extending to points in AZ, NV and UT.

MC 161680, filed April 26, 1982. Applicant: J. L. SHACKELFORD, 852 Holcombe Avenue, Mobile, AL 36606. Representative: J. L. Shackelford, (Same address as applicant), (205) 473–9453. As a broker at Mobile, AL, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in Mobile and Baldwin Counties, AL, on the one hand, and, on the other, points in the U.S. (including AK and HI).

MC 161690, filed April 26, 1982. Applicant: TIMBER PRODUCTS SALES CO., OREGON LTD. P.O.Box 269, Springfield, OR 97501. Representative: Kerry D. Montgomery, 400 Pacific Bldg., 520 S. W. Yamhill St., Portland, OR 97204, (503)–228–5275. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk, between points in CA, CO, ID, MT, NV, OR, TX, WA, WY and UT.

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Decided: April 29, 1982.
By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 70267 (Sub-23), filed April 23, 1982. Applicant: ECKERT TRUCKING, INC., 1090 E. Springettsbury Ave., York, PA 17403. Representative: David Zimmerman, (same address as applicant), (717) 843–0995. Transporting (1) *scrap metals,* (2) *metal products,* and (3) *machinery,* between points in DE, FL, GA, IL, IN, MD, MI, NJ, NY, NC, OH, PA, SC, VA, WV, and DC.

MC 124027 (Sub-19), filed April 26, 1982. Applicant: MIDWEST BULK, INC., 901 Lyndale Ave., Neenah, WI 54956. Representative: Frank M. Coyne, 25 W. Main St., Madison, WI 53703. (608) 255–1388. Transporting *coke,* between points in Winnebago County, WI, on the one hand and, on the other, points in IL, IA, MN, and those in the Upper Peninsula of MI.

MC 135827 (Sub-6), filed April 23, 1982. Applicant: PANTIER, INC., 1501 2nd St., Perry, IA 50220. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *chemicals,* between points in Webster County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 136247 (Sub-21), filed April 23, 1982. Applicant: WRIGHT TRUCKING, INC., P.O. Box 346, 303-18th St., S.W., Jamestown, ND 58401. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108, (701) 235–3300. Transporting *food and related products,* between points in Columbia County, WI and points in ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 139857 (Sub-4), filed April 26, 1982. Applicant: T. W. TRANSPORT, INC., P.O. Box 3347, Spokane, WA. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220, (509) 328–1252. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 146807 (Sub-36), filed March 29, 1982, previously noticed in the FR issue of April 20, 1982, and republished herein. Applicant: S-N-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski, Scranton Life Bldg., Suite 430, Scranton, PA 18503 (717) 346–5761. Transporting *chemicals and related products,* between points in CA, NV, NY, PA, OR, WA, MN, TX, IL, IN, MO, KS, GA, TN, MI and LA. NOTE: The purpose of this republication is to reflect the full scope of the authority sought.

MC 148597 (Sub-1), filed April 23, 1982. Applicant: NORRIS SUPPLY COMPANY, INC., Box 2006, Sparks, NV 89431. Representative: Mike Pavlakis, Box 646, Carson City, NV 89702 (702) 882–0202. Transporting *petroleum products, crude petroleum, natural gas or gasoline, and coal products,* between Lincoln and Carson City, and points in Humboldt, Elko, Pershing, Churchill, Lander, Eureka, White Pine, Storey, Lyon, Douglas, Mineral, Esmeralda, and Nye Counties, NV, San Francisco, San Mateo, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, Yolo, Sacramento, Sutter, Yuba, Colusa, Lake, Mendocino, Glenn, Butte, Tehama, Shasta, Trinity, Humboldt, Del Norte, Siskiyou, San Joaquin, Amador, Calaveras, Tuolumne, Mariposa, Madera, Fresno, Tulare, Kings, Monterey, San Benito, Merced, Stanislaus, Santa Clara, Santa Cruz, and points in Alpine, Mono and Inyo Counties west of U.S. Hwy 395, east of U.S. Hwy 6 and south of Bishop, CA, and Klamath County, OR.

MC 155487, filed April 22, 1982. Applicant: BUR–COLD EXPRESS, INC., P.O. Box 3192, Brownsville, TX 78520. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731 (512) 451–7409. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IN, IA, LA, MN, OK, TX, and WI, on the one hand, and, on the other, points in the U.S. (except AK, HI, CO, ID, MT, NE, NV, ND, OR, SD, UT, WA, and WY).

MC 155637, filed April 12, 1982. Applicant: DAVID STEIN d.b.a. DISTRIBUTION SERVICES, INC., 3663 Route 60 East Barboursville, WV 25504. Representative: Homer Hanna 1510 Kanawha Blvd. East, Charleston, WV 25311 (304) 342–2137. Transporting *cleaning compounds, prepared foods, food supplements, and personal care products,* between Pittsburgh, PA, Chicago, IL, Atlanta, GA, and points in Middlesex County, NJ, on the one hand, and, on the other, points in WV, OH, KY, PA, VA, NC, SC, GA, AL, TN, MS, IN, and FL, under continuing contract(s) with Shaklee Corporation, of San Francisco, CA.

MC 158617, filed April 23, 1982. Applicant: TENAJA TRANSPORT, INC., 2111 Clark Lane, Redondo Beach, CA 90278. Representative: William A. Phelps, Jr. (same address as applicant) (213) 633–0494. Transporting (1) *forest products,* (2) *clay, concrete, glass and stone products,* (3) *commodities* which because of their size or weight require the use of special handling or equipment, (4) *building materials,* (5) *construction equipment,* (6) *rubber and plastic products,* (7) *lumber and wood products, (7) furniture and fixtures,* (8) *machinery,* (9) *metal products and electrical equipment,* between points in the U.S., under continuing contract(s) with Pacific Frames, Inc., of Los Angeles, CA; Standun, Inc., of Compton, CA; C.G.I. Systems, of Paramount, CA; Willoughby-Norris Construction Co., of Hermosa Beach, CA, and Dick Cepek, Inc., of South Gate, CA.

MC 160657, filed April 20, 1982. Applicant: A AND B TRUCKING, INC., Highway 17A North P.O. Box 582, Summerville, SC 29483. Representative: Joseph M. Epting, P.O. Box 11414, Columbia, SC 29211 (803) 799–9427. Transporting *wrecked and disabled vehicles and scrap metal,* between points in Richmond County, GA and points in Charleston and Georgetown Counties, SC, under continuing contract(s) with Automotive Recycling Company, a division of Addlestone International Corporation, of Augusta, GA.

MC 160847, filed April 20, 1982. Applicant: SCOTT CARTAGE CO., INC., P.O. Box 716, Midlothian, IL 60445. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transportation *plastic products,* between points in Cook County, IL, on the one hand, and, on the other, points in IN, KS, MI, MN, MO, MD, OH, PA, TX, and WI.

MC 161597, filed April 20, 1982. Applicant: SARAH LEE RICHARDSON, 1300 Warwick Dr., P.O. Box 325, Marion, SC 29571. Representative: William H. Seals, P.O. Box 1041, Marion, SC 29751, (803) 423–5122. To operate as a *broker,* at Marion, SC, in arranging for the transportation of *passengers and their baggage,* between points in SC, on the one hand, and, on the other, points in the U.S.

MC 161607, filed April 20, 1982. Applicant: J. B. SAWYER TRUCKING, INC., 2205 Shannon Drive, Valparaiso, IN 46383. Representative: John B. Sawyer (same address as applicant)

(219) 462–4779. Transportating *lumber and wood products,* between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161647, filed April 23, 1982. Applicant: CORE, LTD., 336 State St., North Haven, CT 06473. Representative: John E. Fay, 663 Maple Ave., Hartford, CT 06114, (203) 525–2661. Transporting *beverages and containers,* between points in Hartford County, CT, on the one hand, and, on the other, points in MA, NH, NJ, PA, and RI, under continuing contract(s) with Pepsi Cola Bottling Co. of Hartford/Springfield, Inc. of Windsor, CT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–12438 Filed 5–6–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 76]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the **Federal Register.**

An original and one copy of petitions for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleadings shall address specifically the issue(s) indicated as the purpose for republication.

MC 107151 (Sub-30), (republications), filed June 19, 1981 published in **Federal Register,** and republished this issue. Applicant: H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103. Representative: Donald L. Sand (same address as applicant). The Commission, by decisions of Review Board 2, decided November 16, 1981 served December 2, 1981 and division 2, decided March 4, 1982 served March 10, 1982, found that the present and future public convenience and necessity require operation by applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* between points in Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Idaho, and Washington. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the broader scope of authority which was granted.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc 82–12441 Filed 5–6–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 253]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 30, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal. CANADIAN CARRIER APPLICANTS: In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC–157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 217 (Sub-28)X, filed March 19, 1982. Applicant: POINT TRANSFER, INC., P.O. Box 1441 Station C, Canton, OH 44708. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Lead and Subs 3, 4, 5, 6, 11 and 21 (1) remove all exceptions other than classes A and B explosives, household goods and commodities in bulk from general commodities authority, lead and Subs 3, 5, and 6; (2)(a) allow service at all intermediate points on regular routes, (b) broaden off-route points from Bethany, WV to Brooke County, Youngstown, OH to Mahoning and Trumbull Counties; Elizabeth, Glassport, McKeesport, West Newton, Mars, Callery, Evans City and Ellwood City, PA to Allegheny, Westmoreland, Butler, and Lawrence Counties, PA and Sodus and Palmyra, NY to Wayne County, NY and (c) remove restriction to service at named NY off-route points for pick-up only, lead; (3) off-route point service at plantsite (Darrowville, OH) to Summit County, Sub 3, (4) New Galilee, PA and points within 5 miles thereof to Beaver and Lawrence Counties, PA, Sub 4; (5) remove restriction limiting traffic moving from, to, or through New Galilee, PA and points within five miles thereof, Sub 6; (6) facilities at Burns Habor, Porter County, IN to Porter County, Sub 5, (7) remove originating at/destined to restriction, Sub 5, (8) broaden automobile bodies, wrecked or scrapped to "waste or scrap metals not identified by industry producing", Sub 11; precast building components and prefabricated building modules to "buildings and building materials," Sub 21F, part (1); (9) facilities at Summit County, OH to Summit County, Sub 21; (10) to radial authority, lead and Sub 11, (11) household goods and general commodities (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading to "household goods and general commodities (except classes A and B explosives and commodities in bulk), Sub 4.

MC 35320 (Sub-666)X, filed March 29, 1982. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: John T. Coon (same address as applicant). Lead certificate (1) (a) remove: except those of unusual value, commodities in bulk, those requiring special equipment, those

injurious or contaminating to other lading, articles requiring other than van-type equipment, livestock, cotton, cigaretts, intoxicating beverages, sand, gravel, coal and automobiles, from general commodities (with exceptions); (b) broaden: perishable food products requiring refrigeration in transit, dairy products, fruits, fresh and dried, vegetables, milk, packing-house products and supplies, to "food and related products"; cosmetics, toilet preparations, and beauty supplies, to "chemicals and related products"; grains and seeds, in bulk, during a specific season each year, and natural stone and volcanic cinders, in bulk, to "commodities in bulk"; wool and mohair, water well equipment, casings, generators, motors and transformers, pole line construction materials and machinery, civilian conservation corporation supplies and construction equipment and machinery, materials, supplies and equipment incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum to "textile mill products, machinery, building materials and mercer commodities"; lard substitutes, glass, pecans and petroleum products to "clay, concrete, glass or stone products, food and related products, and petroleum, natural gas and their products"; (2) (a) authorize service on all intermediate points, regular routes; (b) change one-way to radial authority, irregular routes; (3) expand: (a) off-route points within five miles of specified routes between Hill, NM, and the NM–TX State line, to points in El Paso County, TX and Dona Ana County, NM (regular route #34); (b) points in AZ within 25 miles of Routes Number 9 to 13 inclusive, to points in Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Santa Cruz, Yavapai and Yuma Counties, AZ; (c) points in that part of NM within three miles of U.S. Highway 70 . . ., U.S. Highway 80 and New Mexico Highway 478 . . ., to Hidalgo, Luna, Dona Ana Counties, NM; (d) points in CA on and within ten miles of U.S. Highway 89 and points within 10 miles of U.S. Highway 70 between Indio and Los Angeles to Los Angeles, Orange, Riverside and San Bernardino Counties, CA; (e) points within 125 miles of Oklahoma City, OK to all points in Oklahoma except those in Ottawa, Texas and Cimarron County, OK; (4) remove various restrictions such as: the transportation of arbon black only; restricted to pick-up and delivery of commodities other than household goods as defined by the Commission; restricted to traffic moving from El Paso, TX, and restricted to delivery of empty milk containers; originating at and/or destined to restrictions.

MC 87928 (Sub-56)X, filed April 12, 1982. Applicant: WEBBER TRANSPORT CO., 885 U.S. Route 1, Avenel, NJ 07001. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Sub-Nos. 53X and 55: (1) replace Naperville with DuPage County, IL in Sub 53X (part 64); (2) broaden commodity description from automobiles, trucks, and chassis, new, used, unfinished and/or wrecked to "motor vehicle" in Sub 55; (3) remove the restrictions limiting traffic to that in initial" and "in secondary" movements, "in truckaway and driveway service" and to that having an immediately prior movement by rail in Sub 55; and (4) change one-way to radial authority in Sub 55.

MC 121589 (Sub-12)X, filed March 30, 1982. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Subs 2, 3, 5F, 6F, and 7. Broaden: general commodities with exceptions, to "general commodities (except classes A and B explosives and household goods as defined by the Commission)" (Sub 2); to radial authority (Subs 3, 5F, and 6F); drainage systems and irrigation equipment, and grain bins to "metal products and machinery" (Sub 3); iron and steel articles to "metal products" (Subs 5F and 7); grain and grain products, in bags, to "food and related products" (Sub 6F); off-route points (regular route) of Avoca and Nehawka, NE to Cass and Otoe Counties, NE; Manley, NE to Cass County, NE; Cook, NE to Johnson County, NE; Otoe, Talmage, Palmyra, and Unadilla, NE to Otoe County, NE; Springfield, NE to Sarpy County, NE; and Ohama, NE (irregular route) to Washington, Douglas, Sarpy and Cass Counties, NE, and Pottawattamie and Mills Counties, IA and points in Butler, Seward, Saline Counties, NE east of NE Hwy 15 to the entire county, (Sub 2); Carthage, MO to Jasper County, MO; and Kansas City, MO to Jackson, Cass, Clay and Platte Counties, MO and Wyandotte, Johnson and Leavenworth Counties, KS (Sub 3); Omaha, NE to same counties as Sub 2 and Fergus Falls, MN to Otter Tail County, MN (Sub 6F); remove "(except Nebraska City)" from points in Otoe County, NE (Sub 3).

MC 136699 (Sub-2)X, filed April 22, 1982. Applicant: ROBERT ASCHENBRENNER, d.b.a. BOB'S TRUCKING, P.O. Box 37, Surrey, ND 58785. Representative: Harris P. Kenner, Box 970, 615 South Broadway, Minot, ND 58701. Sub 1 permit, broaden (1) to "such commodities as are used in the manufacture and distribution of non-alcoholic beverages," from non-alcoholic beverages in cans, glass beverage containers, and sugar in bags; and (2) to "between points in the U.S.," under continuing contracts(s) with the named shipper.

MC 144617 (Sub-1)X, filed April 20, 1982. Applicant: AUSTIN TRUCKING COMPANY, INC., 14 West Morgan Street, Austin, IN 47102. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead permit, broaden (1) to "food and related products, and equipment, materials and supplies used in the manufacture of food and related products," from (a) canned goods (except frozen) and (b) materials, equipment and supplies used in the manufacture and distribution of canned goods (except commodities in bulk); and (2) to "between points in the U.S.," under continuing contract(s) with the named shipper.

MC 147576 (Sub-1)X, filed April 26, 1982. Applicant: AWC TRANSPORTATION INC., 2113 West 30th St., Jacksonville, FL 32209. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Lead certificate: broaden to county-wide authority: facilities—Jacksonville, to Duval, Nassau, Baker, Bradford, and Clay Counties, FL.

MC 148649 (Sub-1)X, filed April 16, 1982. Applicant: H & W INC., 2411 La Fayette Parkway, Opelika, AL 36801. Representative: William P. Jackson, P.O. Box 1240, Arlington, VA 22210. Lead permit: broaden (1) lumber to "lumber and wood products" (2) to between points in the U.S. (except AK and HI) under continuing contract(s) with a named shipper.

[FR Doc 82-12442 Filed 5-6-82; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29896]

Dakota Rail, Inc.; Exemption; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption—Correction.

SUMMARY: This document is to correct the notice in this proceeding previously published on April 29, 1982, at 47 FR 18441. Under 49 U.S.C. 10505, the Interstate Commerce Commission exempted the operation by Dakota Rail,

Inc., of certain track in South Dakota from prior approval under 49 U.S.C. 10901.

The effective date given for the exemption was incorrectly published as May 28, 1982, with petitions to reopen to be filed by May 19, 1982. The correct date of effectiveness for the exemption is April 29, 1982, with petitions to reopen to be filed by May 19, 1982.

DATES: This notice is corrected to read: Exemption effective on April 29, 1982. Petitions to reopen must be filed by May 19, 1982.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

Agatha L. Mergenovich,

Secretary.

[FR Doc 82-12476 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 346 (Sub-7)]

Railroad Exemption; Export Coal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral argument on proposed exemption.

SUMMARY: This proceeding involves the possible full or partial exemption of export coal from regulation. Because of its importance, oral argument will be heard on June 16, 1982. The filing of supplemental written statements on certain other issues is also being permitted.

DATES: The oral argument will be heard at 9:30 a.m. on June 16, 1982. Notification, by letter or telephone, of participation in the oral argument must be received by June 4, 1982. Supplemental statements must be received by June 4, 1982.

ADDRESS: The oral argument will be heard in Hearing Room A at the Interstate Commerce Commission Building, 12th Street and Constitution Avenue, N.W., Washington, D.C.

If you desire to participate, please inform: James H. Bayne, Assistant Secretary, Interstate Commerce Commission, Room 2215, 12th St. & Constitution Ave., N.W., Washington, D.C. 20423.

Send an original and, if possible, 15 copies of supplemental written statements to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

On Oral Argument: James H. Bayne, (202) 275-7429.

On Supplemental Statements: Principal Attorney, Section of Rates, (202) 275-7277.

SUPPLEMENTARY INFORMATION: This proceeding involves the possible full or partial exemption of export coal from regulation. Because of its importance, oral argument will be heard on June 16, 1982. Participation is not limited to parties who filed written comments earlier in response to the notice of proposed exemption, published September 4, 1981 (46 FR 44529).

Parties wishing to appear at oral argument are requested to focus on the topics in the Appendix and to inform the Secretary's Office in advance of the specific topics they will address. We contemplate allowing petitioners and opponents each a total of 1½ hours for their respective presentations.

When an organization or individual notifies us that it wishes to make an oral presentation, it should also indicate a telephone number, whether the appearance is in support of or in opposition to the exemption, and the amount of time sought. Those with similar interests should designate a single spokesman to advance their views. A schedule of appearances and presentation times will be made available before the argument.

We especially encourage the participation of small entities and have directed our Office of Communications to ensure sufficiently wide publicity through the trade associations and the trade press to bring this matter to their attention.

Additionally, we are concerned that there may be gaps in the record. For this reason interested parties may supplement the record by June 4, 1982 on the following:

1. To what extent are railroads tied to pre-Staggers Act contracts for export coal? In addition, what percentage of export coal is delivered to foreign customers who are tied to long-term purchasing contracts with particular mines, especially those with only one transportation source?

2. Is the United States the dominant supplier of metallurgical ("met") coal?

a. What are the shares, by country, of world met coal exports, production, and reserves?

b. What is the likelihood of innovation rendering met coal less crucial to the coking process?

c. Can foreign coal be substituted for American coal in the coking process?

3. Is there significant competition in the world market for steam coal?

a. Is there one world market, or is world trade divided into submarkets, such as Eastern Eurpoe and the Pacific Rim countries?

b. If there are several distinct submarkets, do the same countries supply each market? If not, are there any trade barriers which preclude wider competition, and if so, how?

c. What premium will foreign buyers pay for the perceived reliability of U.S. coal?

d. Are there capacity constraints in other countries? What is the probable degree of competition?

e. Do the Norfolk and Western Railroad and the CSX maintain routing restrictions that effectively limit shippers on either line to the ports served by that line?

(49 U.S.C. 10321, 10505, and 5 U.S.C. 553)

Decided: May 3, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre.

Agatha L. Mergenovich,

Secretary.

Appendix—Topics Which May Be Addressed at Oral Hearing

1. *Competition:* For example, is the world market for coal and other energy sources sufficiently competitive to prevent railroads from significantly increasing their coal rates? Are there effective intermodal or intramodal transportation alternatives available to the shippers of export coal which would tend to prevent railroads from significantly increasing rates?

2. *Effect on Market for Dometic Coal:* For example, to what extent, if any, would the deregulation of export coal affect the price and consumption of domestic coal?

3. *Effect on Volume of Export Movement:* For example, if the exemption is granted, would rail rates for export coal tend to increase? If so, would higher coal rates affect the volume of coal exports?

The Department of Justice has taken that position that abuse of market power does not occur unless coal output is reduced. Please comment on this. Are there other definitions of abuse of market power which we should consider?

4. *Effect on Individual Mines:* For example, would the exemption affect high cost or small mines? Can mines divert coal to the domestic market? If the exemption is granted, should the Commission continue to regulate in the areas of discrimination, car service, war powers, or "commodities clause" sections of the Act?

[FR Doc. 82-12477 Filed 5-6-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Delaware

This notice announces the beginning of a new Extended Benefit Period in the State of Delaware, effective on April 18, 1982.

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).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State unemployment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minuimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determinations of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on April 3, 1982, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on April 18, 1982.

Information for Claimants

The duration of extended benefits payable in a new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on May 4, 1982.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 82-12539 Filed 5-6-82; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-75; Exemption Application No. D-2717]

Exemption From the Prohibitions for Certain Transactions Involving the Adler, Pollock & Sheehan, Inc. Money Purchase Pension Plan Located in Providence, Rhode Island

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the proposed loan of money by the Adler, Pollock & Sheehan, Inc. Money Purchase Pension Plan (the Plan) to Adler, Pollock & Sheehan, Inc. (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 5, 1982, notice was published in the **Federal Register** (47 FR 9617) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspecion at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements for notice to interested persons as stated in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act,

which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed loan by the Plan to the Employer of $110,000, provided the terms and conditions of the loan are at least as favorable to the Plan as those obtainable in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of May 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-12523 Filed 5-6-82; 8:45 am]
BILLING CODE 4510-29-M

[Application Nos. D-3210 and D-3211]

Proposed Exemption for Certain Transactions Involving the Bell System Trust; Located in New York, New York

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) The lease (the Lease) of a portion of an office building (the Building) by the Bell System Trust (the Trust) to Citicorp Acceptance Corporation (CAC), a wholly-owned subsidiary of Citicorp which is a party in interest with respect to the Trust; and (2) the future renewal or extension of the Lease. The proposed exemption, if granted, would affect Citicorp, CAC, the Trust and its participants and beneficiaries, and other parties involved in the proposed transactions.

DATES: Written comments must be received by the Department on or before June 17, 1982.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–3210 and D–3211. 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.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of two applications for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in applications filed on behalf of the Trust by First National Bank, Dallas (FNB), A Trust investment manager, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicant.

1. The Trust is a group trust in which the assets of the Bell System Pension Plan Trust (Pension Plan) and the Bell System Management Pension Plan Trust (Management Plan, collectively, the Plans) have been pooled for investment. As of December 31, 1980, the Plans covered approximately 1.1 million participants and had total assets of approximately $33.5 billion. FNB is one of more than 100 independent investment managers and trustees that have been retained by American Telephone & Telegraph Company (AT&T), the Trust sponsor, to manage the assets of the Trust. As of December 31, 1981, FNB was responsible for the management of approximately $780 million in Trust assets, $44 million of which is invested in real estate. FNB will make all determinations on the Plans' behalf regarding the transactions described herein.

2. Pursuant to a lease which is dated September 15, 1980, Service Corporation of Tulsa (the Seller), which is unrelated to any of the parties involved in the transactions discussed herein, leased approximately 2,746 square feet of space in the Building (about 3.3% of the total) to CAC. The lease was for an initial term of five years for a rental of $2,288.33 per month. It is represented that the terms and conditions of the lease were the same as then used by the Seller for leasing space in the Building to all other tenants, and the rental was comparable to that obtained from other tenants in the Building for similar space.

3. By contract of sale (the Contract) dated December 17, 1981, FNB, acting as nominee on behalf of RepublicBank Dallas, N.A. (RBD), a trustee of the Trust, contracted with the Seller to purchase the Building for the Trust. The Building is known as Lot Three, Block One, MidAmerica Office Park, located in Tulsa, Oklahoma. The purchase price is $7.7 million plus an additional amount not to exceed $50,000 which is incentive compensation relating to the Seller's subsequent management of the Building. The Contract provides that if it is not closed by April 30, 1982, the Trust may cancel the Contract. If the Contract is not so cancelled, the Trust will have to pay an additional $20,000 at any closing so delayed. Upon the closing of the Contract, the Trust will replace the Seller as the lessor under the pre-sale lease and the Lease will become effective.

4. Citibank, N.A., another wholly-owned subsidiary of Citicorp, is a trustee of the Trust. Citibank is not a trustee with regard to any of the assets subject to FNB's discretionary authority. While CAC is not a party in interest with respect to the Trust and the Plans, its parent, Citicorp, is a party in interest under section 3(14)(H) of the Act and the applicant believes that the Lease with CAC might constitute an indirect lease or benefit to Citicorp and therefore a prohibited transaction under section 406(a).

5. It is possible that the Lease with CAC may be renewed or extended on the expiration of the initial term. FNB requests an exemption to cover the possible renewal and extension of the Lease subject to the conditions that:

(a) Any such renewal or extension will be at rental rates no less favorable to the Trust than current rental rates then charged to unrelated parties leasing space in the Building, which shall be not less than the current rental rate charged in Tulsa, Oklahoma for similar space in buildings of comparable size, quality, facilities and location, and

(b) Any such renewal or extension shall contain the same terms and conditions and be in the same form as approved by RBD for current use by the then manager of the Building in leasing space to unrelated parties.

6. In summary, the applicant believes that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) FNB, an independent investment manager, has determined that the proposed transactions are protective of and in the best interests of the Plans' participants and beneficiaries;

(b) The terms and conditions of the Lease were negotiated at arm's length; and

(c) Any renewal or extension of the Lease would be negotiated on an arm's length basis by FNB on behalf of the Trust.

Notice to Interested Persons

Notice of the proposed exemption will be posted on all bulletin boards normally used for employee notices of all companies whose employees are covered by the Plans within ten business days of the date of publication of the notice of pendency in the Federal Register. Such notice will contain a copy of the notice of pendency published in the Federal Register and a statement advising interested persons of their rights to comment on the exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited tansaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the applications, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) 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: (1) The Lease by the Trust to CAC; and (2) the renewal or extension of the Lease, provided that the terms and conditions of the Lease and any extension or renewal thereof are and will remain at least as favorable to the Trust as those it could obtain from an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-12517 Filed 5-6-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3193]

Proposed Exemption for Certain Transactions Involving the Earth Consultants, Inc. Profit Sharing Plan Located in Bellevue, Washington

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of real property by the Earth Consultants, Inc. Profit Sharing Plan (the Plan) to Robert and Eloise Levinson (the Levinsons), parties in interest with respect to the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Levinsons, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 17, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–3193. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a qualified profit sharing plan maintained by Earth Consultants, Inc., a Washington corporation (the Employer). The Plan was established effective August 1, 1976, and currently has 9 participants. The Plan's net assets were valued at $155,383 as of July 31, 1981.

2. Robert Levinson is currently President of the Employer and owns 60% of the outstanding stock issued by that corporation. Mr. Levinson is a Plan participant and a member of the Plan's Administrative Committee. Eloise Levinson, Mr. Levinson's wife, is the Plan Trustee.

3. On May 1, 1979, the Plan purchased for investment purposes vacant property located on the east side of 136th Place N.E., in the Northeasterly portion of the city of Bellevue, Washington (the Property). The Property was purchased on a real estate contract (the Contract) from an unrelated third party for a price of $130,000. The Plan paid $20,000 down and obligated itself to make annual principal payments of $10,000 plus interest of 10% per annum every May 1 for 11 years beginning May 1, 1980. The Plan has made the following payments in connection with the Property: downpayment $20,000, principal payments $20,000, interest $21,000, utilities, water and sewer, $328.09, real property taxes $2,588.28 and legal fees $160 (total payments $64,076.37). An additional $10,000 principal payment and $9,000 interest payment is due on May 1, 1982. The Property currently produces no income. The Property is adjacent to a parcel of realty owned by the Levinsons.

4. The applicant proposes that the Levinsons purchase the Property from the Plan for a total purchase price of $160,000.[1] The terms of sale will call for a cash payment and the assumption of the Plan's remaining obligations under the Contract by the Levinsons. In no event will the cash payment received by the Plan be less than the total cash payments made by the Plan in connection with the Property.

5. An appraisal of the Property prepared by Leslie W. Eastman, Jr., (Mr. Eastman) M.A.I., dated January 22, 1982, concludes that the present value of the Property is $160,000. Mr. Eastman stated that the value of the Property is independent of the value of adjacent property owned by the Levinsons and that the adjacent parcel, which contains an office building, has already been improved to its highest and best use.

6. The applicant represents that the Property is currently unproductive and constitutes a high percentage of the Plan's assets. Sale of the Property, as proposed, would reduce the cash flow demand on the Plan and consequently, Plan liquidity would be increased. The applicant represents that the current real estate market conditions in the Bellevue, Washington area dictate that a sale at this time would be prudent and in the best interests of the Plan and its participants and beneficiaries. There would be no sales commission paid in connection with the sale. In addition, the Plan will not incur additional expenses incident to the sale of the Property.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (a) the sale will be a one time transaction for cash; (b) the sales price of the Property was determined pursuant to an appraisal; (c) the sale will enable the Plan to divest itself of an asset producing no income; (d) the Plan will not have any real estate commissions or fees in connection with the sale; (e) the sale will allow the Plan to improve its liquidity; and (f) the Trustee has determined that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries.

Notice to Interested Persons

On or before May 17, 1982, notice will be given to all Plan participants and beneficiaries by mail. Notice will also be posted at the Employer's office on a bulletin board regularly reviewed by all employees. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified

[1] The Levinsons propose to construct an office building on the Property.

person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 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 the Property by the Plan to the Levinsons provided that the terms and conditions of sale are at least as favorable to the Plan as those obtainable in an arms length transaction with an unrelated party at the time of consummation of the transaction, and further provided that the cash payment received by the Plan is no less than the Plan's cash expenditures in connection with the Property.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–12516 Filed 5–6–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–77; Exemption Application No. D–2919]

Exemption from the Prohibitions for Certain Transactions Involving Gearhart Employees' Trust Plan Located in Fort Worth, Texas

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption will permit the proposed sale of certain real property (the Property) by the Gearhart Employees' Trust Plan (the Plan) to Gearhart Industries, Inc. (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of 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 (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5511) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of

section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 495(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of the Property by the Plan to the Employer for $925,000 provided that this amount is at least the fair market value of the Property at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consumated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–12521 Filed 5–6–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–79; Exemption Application No. D–3074]

Exemption From the Prohibitions for Certain Transactions Involving the Goel Medical Corporation Defined Contribution Pension Plan Located in Merriville, Indiana

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the sale of 20 limited partnership interests (the Partnership Interests) by the Goel Medical Corporation Defined Contribution Pension Plan (the Plan) to Arun Goel, M.D. (Dr. Goel), a disqualified person with respect to the Plan. Since Dr. Goel and his wife Sarla Goel, M.D., are the only shareholders of the employer maintaining the Plan and the only participants in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act), pursuant to 29 CFR 2510.3(3). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of 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. (202) 523–7462. (This in not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 12, 1982, notice was published in the **Federal Register** (47 FR 10926) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in the application filed on behalf of Dr. Goel and the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any praohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the 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 20 Partnership Interests by the Plan to Dr. Goel, provided that the amount received by the Plan is not less than the fair market value of the Partnership Interests at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-12519 Filed 5-6-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-76; Exemption Application No. D-2734]

Exemption From the Prohibitions for Certain Transactions Involving Internal Medicine Group of Cape Girardeau, Inc. Profit Sharing Plan Located In Cape Girardeau, Missouri

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale by the Internal Medicine Group of Cape Girardeau, Inc. Profit Sharing Plan (the Plan) to Internal Medicine Real Estate Company (the Partnership), a partnership composed of shareholders, officers and directors of Internal Medicine of Cape Girardeau, Inc., the Plan sponsor, of certain bonds (the Bonds) issued by Cape Girardeau Doctors Park.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of 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. (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 18, 1981, notice was published in the **Federal Register** (46 FR 61755) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b) (1) and (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 the Bonds by the Plan to the Partnership for a cash purchase price of $25,300, provided that this amount is not less than the Bonds' fair market value on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3d day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-12522 Filed 5-6-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3021]

Proposed Exemption for Certain Transactions Involving the JMB Institutional Realty Corp., Located in Chicago, Illinois

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the

Code). The proposed exemption would allow collective investment funds (together, the Funds) that are managed by the JMB Institutional Realty Corporation (JMB), in which employee benefit plans participate, to engage in certain transactions provided specified conditions are met. The proposed exemption, if granted, would affect participants and beneficiaries of employee benefit plans, employers of employees covered under such plans, the Funds, and other persons engaging in the described transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 21, 1982.

EFFECTIVE DATE: If the proposed exemption is granted, it will be effective June 29, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3021. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the trustees of the JMB Group Trust (the Group Trust), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Preamble

On July 25, 1980, the Department published a class exemption, Prohibited Transaction Exemption 80-51 (PTE 80-51, 45 FR 49709), which permits collective investment funds that are maintained by banks and in which employee benefit plans participate to engage in certain transactions provided that specified conditions are met. The transactions for which the applicant has requested relief are those which are the subject of PTE 80-51.

The Department stated in PTE 80-51 that a comment had been received to the proposed class exemption requesting that it be amended to apply to collective investment funds that are not maintained by banks. Relief was granted for bank collective investment funds because, among other reasons, such funds are regulated by other governmental agencies and constitute a well-defined class of funds. In the case of collective investment funds that are not maintained by banks, the Department found that the record was insufficient to determine the nature of the funds and the entities managing the funds that would comprise the class covered by such broad relief. As a result, the Department stated that it could not make the required statutory findings for such relief, and that relief for non-bank maintained collective investment funds should be dealt with on an individual rather than a class basis.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. JMB acts as manager and investment adviser for the Group Trust. JMB was formed in 1979 for the purpose of managing and operating real estate investments owned by various real estate funds. It is a wholly-owned subsidiary of JMB Realty Corporation which currently has approximately 600 employees. Since its founding in 1968, JMB Realty Corporation has made over $2 billion of real estate investments and has purchased for its own account or those of its clients over 200 properties, principally consisting of office buildings, shopping centers, and other commercial properties.

2. The Group Trust was created on August 1, 1979, as a group trust described in Rev. Rul. 56-267, 1956-1 C.B. 206 (subsequently superseded, without substantial change, by Rev. Rul. 81-100, 1981-13 I.R.B. 32), to provide pension and profit-sharing plans, the trusts of which are qualified under section 401(a) of the Code and exempt from federal income taxation under Code section 501(a), with a medium for pooling a portion of their funds for investment in real estate. The trustees of the Group Trust are Messrs. Neil G. Bluhm, John S. Lillard, Judd D. Malkin, Burton E. Glazov, and Jerome J. Claeys, III, all of whom are officers or directors of JMB or its parent corporation. The trustees are not compensated by the Group Trust.

The Group Trust holds title to real estate, receives income therefrom, and turns over the entire amount of such income, less expenses, to the participating pension and profit-sharing plans. It is anticipated that real estate investments will provide to participating pension and profit-sharing plans attractive returns and also assist fiduciaries in achieving the diversificaion required by the Act.

To avoid holding uninvested cash pending investment in real property or distribution to the participating pension and profit-sharing plans, the Group Trust has retained Scudder, Stevens & Clark, a registered investment adviser under the Investment Advisers Act of 1940, to invest excess cash in short-term investments including, but not limited to, corporate and governmental obligations or related repurchase agreements, certificates of deposit, bankers' acceptances, government obligations, and variable amount notes of credit-worthy borrowers typically having a stated maturity date of one year or less. Scudder, Stevens & Clark receives its normal fees for such services; JMB receives no fees with respect to assets of the Group Trust managed by Scudder, Stevens & Clark or held in cash.

A second Fund, essentially equivalent to the Group Trust, was created on January 1, 1982 (the "Group Trust II"), and it is anticipated that subsequent Funds, also similar to the Group Trust, will be organized thereafter at 12 to 18 month intervals. JMB would serve as the real estate adviser and manager for all such subsequent Funds.

3. As of the September 30, 1981, quarterly valuation date, there were 25 pension and profit-sharing plans participating in the Group Trust (the Partcipating Plans), and the gross total value of the assets of the Group Trust was $161 million. Approximately $20 million in additional subscriptions will be "called" by the trustees and contributed by the 25 Participating Plans in early 1982. Although the Group Trust is "open-end", the trustees have limited

its size by discontinuing offering additional units to new Participating Plans. Thus, the Group Trust is now considered "fully subscribed" and is in the process of investing its assets in real estate.

The Group Trust had no minimum or maximum size for its operation, and the size of subsequent group trusts will be determined principally by the amounts committed by qualified pension and profit-sharing plans. Group Trust II is closed-end, with a maximum size of $200 million, unless increased by the trustees. Although there is no strict minimum size of Group Trust II, if $100 million of subscriptions have not been received by the closing date (April 14, 1982, unless extended by the trustees), subscribing trusts may cancel their subscriptions and redeem their subscription deposits, together with any net earnings on such deposits. There was a minimum investment by each Participating Plan of $150,000 in the Group Trust, and there is a minimum investment of $150,000 in Group II.

All pension and profit-sharing plans applying to invest in the Group Trust or subsequent trusts must be approved by the trustees, but no formal requirements, other than qualification under Code section 401(a), have been imposed. The trustees and JMB, however, have advised the fiduciaries of any plan that wishes to participate that their investment in the Group Trust should not exceed 7% or 8% of the total assets of the plan, and, to the applicants' knowledge, all of the Participating Plans have less than 20% of their total assets invested in real estate.

The decision whether it is appropriate to invest in the Group Trust or in subsequent trusts is not made by JMB or the trustees of the Group Trust, for any particular plan described in Code section 401(a) (except to the extent that the trustees reserve the right to reject any application) but is left to the fiduciaries of the particular plan who are in the best position to determine whether such an investment is appropriate considering the overall investments, policies, and objectives of the particular plan desiring to invest in the Group Trust.

4. The Group Trust may be terminated at any time at the sole discretion of the trustees or by an affirmative vote of Participating Plans holding at least two-thirds of the units of the Group Trust.

Although the original Offering Memorandum had no statement regarding the term of the Group Trust, the trustees and JMB informed each prospective Participating Plan of an intent to liquidate the real estate investments of the Group Trust within 15 years and thereafter to return, on a pro-rata basis, the capital and realized earnings thereon to the Participating Plans (i.e., liquidate the Group Trust) as sales of real estate investments permit. The Group Trust's indefinite existence is intended to permit an orderly winding down of investments and to avoid "forced" sales on less than the most favorable terms for the Group Trust merely because of an artificial "deadline" for liquidation.

Rev. Rul. 56–267 (and its successor, Rev. Rul. 81–100), in accordance with which the Group Trust was formed, prohibits the interest of any Participating Plan in the Group Trust from being transferable or assignable to third parties. Fiduciaries desiring to invest plan assets in the Group Trust have been fully advised that only long-term investment must be considered. If, however, any Participating Plan wishes to dispose of its investment, it may apply to the trustees for redemption of its units in the Group Trust. JMB may sell assets of the Group Trust in order to permit a redemption of the units of a withdrawing Participating Plan, provided that JMB, in its sole discretion, determines that it is not disadvantageous to the Group Trust or the remaining Participating Plans to do so. The Group Trust may also sell additional units to new Participating Plans to raise cash to redeem units of any current Participating Plan. After receiving notification that a Participating Plan desires redemption, the Group Trust is prohibited from making any new real estate investments until the redemption is made.

In addition, upon receipt of an application for redemption from any Participating Plan, before selling any property of the Group Trust or attempting to sell units to new Participating Plans JMB will notify all existing Participating Plans of the availability of additional units which may be purchased on a pro-rata basis at the then existing unit net asset value, at which point the withdrawing Participating Plan's units will be redeemed and reissued to those Participating Plans making additional contributions. Alternatively, any remaining Participating Plan may apply its share of distributable cash flow from the Group Trust to acquire units of any Participating Plan wishing to redeem its units. In that case, the units of the withdrawing Participating Plan would be redeemed and reissued to the remaining Participating Plans as cash flow permits at the unit net asset value at the time of redemption. Thus, property of the Group Trust will be sold or new Participating Plans added only if no existing Participating Plan desires to acquire additional units.

5. The Offering Memorandum by which interests in the Group Trust were offered to qualified pension and profit-sharing plans which were potential investors describes the management, operation, investment objectives, and income tax consequences of the Group Trust, and the compensation received by JMB from the Group Trust. In addition, the Trustees have retained Peat, Marwick, Mitchell & Co., an independent certified public accounting firm (PMM), to prepare a balance sheet, profit and loss statement, and statement of change in financial position for the Group Trust as of the end of each fiscal year, which will be distributed to each Participating Plan within 90 days after the close of the fiscal year. The PMM statements will show all fees paid to JMB and all distributions and new investments made within the year.

Appraisals will be mde from time to time, but not less frequently than every two years on each property, by independent real estate appraisers, and Participating Plans will be notified each fiscal year that such appraisals are available from JMB upon request, without charge.

Furthermore, at least quarterly, the trustees will distribute to each Participating Plan a balance sheet and statement of all property purchased since the date of the last report. All records pertaining to the Group Trust are available for inspection, during reasonable business hours, by fiduciaries or other representatives of the Participating Plans, and JMB has notified each of the Participating Plans that it is always available to discuss matters pertaining to the Group Trust with any of them.

6. As required by Rev. Rul. 56–267 (and its successor, Rev. Rul. 81–100), interests in the Group Trust may only be held by employee benefit plans described in Code section 401(a). None of the individual trustees of the Group Trust, nor any of the employees, officers, directors, or shareholders of JMB or its affiliates serve as a fiduciary of any Participating Plan (except to the extent that they are fiduciaries by reason of the Participating Plan's investment in the Group Trust) or as a director or officer of any sponsor of any Participating Plan.

7. As manager and investment adviser for the Group Trust, JMB evaluates potential real estate investments for the Group Trust, periodically reviews the Group Trust's portfolio to determine if particular properties should be retained, recommends the acquisition or disposition of any real estate

investments or substantial changes in the terms of those investments to the trustees, who must approve all real estate investments on behalf of the Group Trust, and handles the execution of any purchase or sale of real estate on behalf of the trustees and the Group Trust.

In addition, JMB manages and operates the Group Trust on a day to day basis, including authorizing and supervising property maintenance and repair, rent collection, bookkeeping, and lease negotiation. Generally, JMB provides all services, including property management services, when possible, directly. In appropriate cases, JMB may retain unrelated property managers, who are reimbursed out of JMB's management fee, to assist in managing property owned by the Group Trust. Direct expenses of on-site management, however, including costs and salaries of normal on-site building personnel (including on-site supervisory and office staff), are charged to the Group Trust.

8. JMB receives a single management fee which is based in part on the value of the real estate investments of the Group Trust and in part on rents derived from each property. JMB receives no fees with respect to assets not invested in real estate. JMB receives no sales commissions, real estate brokerage fees, or mortgage fees with respect to property transactions nor any lease renewal or lease negotiation fee or commission with respect to management of the property.

9. The applicants seek relief similar to that granted to bank collective investment funds in PTE 80–51. The Group Trust has not intentionally entered into any of the subject transactions and does not intend to enter into such transactions until an exemption is granted. However, by reason of a merger of the sponsor of a Participating Plan with a lessee of a property owned by the Group Trust, a subject transaction has occurred as of June 29, 1981, and the applicants accordingly seek relief retroactive to that date.

10. The Group Trust leases real estate to tenants. Prospective tenants include employers whose plans participate in the Group Trust, persons providing services to such plans, fiduciaries of such plans, and affiliates of each. Any given lease typically accounts for a small percentage of rental income to the Group Trust, and the participation of any single tenant who may be a party in interest is proportionally small.

Nonetheless, without an exemption, it is necessary to verify that every prospective tenant of any property owned by the Group Trust is not a party in interest with respect to any Participating Plan in the Group Trust. If the requested exemption is not granted, the Group Trust may be faced with the prospect of denying leases to the best tenants available or with the prospect of failing to purchase attractive properties, either of which could result in a failure to obtain the best investment return for the Participating Plans of the Group Trust.

11. The Group Trust is annually audited by the national accounting firm of PMM, which has adapted its audit and examination procedures to the requirements of the Group Trust, including reviewing the history of ownership of property acquired by the Group Trust to ensure that JMB and its affiliates have never had a prior interest in the property, reviewing lease transactions to ensure that they are not entered into with any party related to JMB, its affiliates, or any of the Participating Plans, verifying independently all aspects of any property transaction with other parties to the transaction to ensure that the transactions have been fully reported and reflected in the records of the Group Trust, verifying the computation of JMB's fees, and generally reviewing all Group Trust operations to ensure compliance with the Act, the Group Trust Agreement, the Participation Agreements, and the Investment Management Agreement. PMM maintains its own files of parties in interest with respect to Participating Plans and of affiliates of JMB and reviwes these files periodically to ensure that they are accurate and complete.

12. In summary, the applicants represent that the subject transactions meet the criteria of section 408(a) of the Act because: (1) The Funds will provide Participating Plans with the best possible real estate investments and leasing opportunities, efficient and relatively inexpensive property management, and a broader selection of appropriate real estate investment vehicles; (2) each of the protections provided to Participating Plans and their participants and beneficiaries by PTE 80–51 will be satisified for the subject transactions, except that the Funds are privately maintained; and (3) the decisions to invest in any of the Funds are made by knowledgeable fiduciaries of large employee benefit plans on the basis of a detailed offering memorandum. Furthermore, such fiduciaries are unrelated to JMB or any of its affiliates. In addition, the proposed exemption imposes limitations which are designed to prevent the potential for abuse while permitting the relief requested by the applicants.

Notice to Interested Persons

On or before May 21, 1982, the applicants will send by mail a copy of such notice to the fiduciaries of each Participating Plan in the Group Trust and the Group Trust II. The notice will also inform interested persons of their right to comment and request a hearing within the time period set forth in the notice of proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the following 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).

Section I. Exemption for Certain Transactions Involving the Fund

(a) Effective June 29, 1981, the restrictions of sections 406(a), 406(b)(2) and 407(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 transactions described below if the applicable conditions set forth in Section III are met.

(1) *Transactions Between Parties In Interest and the Fund: General.*

Any transaction between a party-in-interest with respect to a Participating Plan and the Fund, or any acquisition or holding by the Fund of employer securities or employer real property, if the party-in-interest is not JMB or one of its affiliates and if, at the time of the transaction, acquisition or holding, the interest of the plan, together with the interests of any other plans maintained by the same employer or employee organization in the Fund, does not exceed 5 percent of the total of all assets in the Fund.

(2) *Special Transactions Not Meeting the Criteria of Section I(a)(1) Between Employers of Employees Covered by a Multiple Employer Plan and the Fund.*

Any transaction between an employer (or an affiliate of an employer) of employees covered by a multiple employer plan that is a Participating Plan and the Fund, or any acquisition or holding by the Fund of employer securities or employer real property, if at the time of the transaction, acquisition or holding—

(A) The interest of the multiple employer plan in the Fund does not exceed 10 percent of the total assets in the Fund, and the employer is not a "substantial employer" with respect to the plan (within the meaning of section 4001(a)(2) of the Act), or

(B) The interest of the multiple employer plan in the Fund exceeds 10 percent of the total assets in the Fund, but the employer is not a "substantial employer" with respect to the plan and would not be a "substantial employer" within the meaning of section 4001(a)(2) of the Act if "5 percent" were substituted for "10 percent" in that definition.

(3) *Acquisitions, Sales or Holding of Employer Securities and Employer Real Property.*

(A) Except as provided in subsection (B) of this section (3), any acquisition, sale or holding of employer securities or employer real property by the Fund which does not meet the requirements of paragraphs (a)(1) and (a)(2) of this Section I, if no commission is paid to JMB or to the employer, or any affiliate of JMB or the employer in connection with the acquisition or sale of employer securities or the acquisition, sale or lease of employer real property; and

(i) In the case of employer real preperty—

(aa) Each parcel of employer real property and the improvements thereon held by the Fund are suitable (or adaptable without exessive cost) for use by different tenants, and

(bb) The property of the Fund that is leased or held for lease to others, in the aggregate, is dispersed geographically.

(ii) In the case of employer securities—

(aa) Neither JMB nor any of its affiliates is an affiliate of the issuer of the security, and

(bb) If the security is an obligation of the issuer, either:

1. The Fund owns the obligation at the time the plan acquires an interest in the Fund, and interests in the Fund are offered and redeemed in accordance with valuation procedures of the Fund applied on a uniform or consistent basis, or

2. Immediately after acquisition of the obligation: (a) not more than 25 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by such plan, and (b) in the case of an obligation that is a restricted security within the meaning of Rule 144 under the Securities Act of 1933, at least 50 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by persons independent of the issuer. JMB, its affiliates and any collective investment fund maintained by JMB or its affiliates shall be considered to be persons independent of the issuer if JMB is not an affiliate of the issuer.

(B) In the case of a Participating Plan that is not an eligible individual account plan (as defined in section 407(d)(3) of the Act), the exemption provided in subsection (A) of this section (3) shall be available only if, immediately after the acquisition of the securities or real property, the aggregate fair market value of employer securities and employer real property with respect to which JMB or its affiliate has investment discretion does not exceed 10 percent of the fair market value of all the assets of the Participating Plan with respect to which JMB or its affiliate has such investment discretion.

(C) For purposes of the exemption contained in subsection (A) of this section (3), the term "employer securities" shall include securities issued by, and the term "employer real property" shall include real property leased to, a person who is a party-in-interest with respect to a Participating Plan by reason of a relationship to the employer described in section 3(14) (E), (G), (H) or (I) of the Act.

(b) Effective June 29, 1981, the restrictions of section 406(a)(1) (A), (B), (C), and (D) and section 406(b) (1) and (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 transactions described below, if the conditions of Section III are met.

(1) *Transactions With Persons Who Are Parties in Interest With Respect to a Participating Plan Solely by Virtue of Being Certain Service Providers or Certain Affiliates of Service Providers.*

Any transaction between the Fund and a person who is a party-in-interest with respect to a Participating Plan if—

(A) The person is a party-in-interest (including a fiduciary) solely by reason of providing services to the Participating Plan, or solely by reason of a relationship to a service provider described in section 3(14) (F), (G), (H) or (I) of the Act, or both, and the person neither exercised nor has any discretionary authority, control, responsibility or influence with respect to the investment of the Participating Plan's assets in, or held by, the Fund, and

(B) The person is not an affiliate of JMB.

(2) *Certain Leases and Goods*

The furnishing of goods to the Fund by a party-in-interest with respect to a

Participating Plan or the leasing of real property owned by the Fund to such party-in-interest and the incidental furnishing of goods to such party-in-interest by the Fund, if—

(A) In the case of goods, they are furnished to or by the Fund in connection with real property owned by the Fund;

(B) The party-in-interest is not JMB, any affiliate of JMB, or one of the other Funds; and

(C) The amount involved in the furnishing of goods or leasing of real property in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of the Fund with the same party-in-interest, or any affiliate thereof) does not exceed the greater of $25,000 or 0.5 percent of the fair market value of the assets of the Fund on the most recent valuation date of the Fund prior to the transaction.

(3) *Management of Real Property*

Any services provided to the Fund by JMB or by an affiliate of JMB in connection with the management of the real property owned by the Fund, if the compensation paid to JMB or its affiliate does not exceed the cost of the services to JMB or its affiliate.

(4) *Transactions Involving Places of Public Accommodation*

The furnishing of services, facilities and any goods incidental to such services and facilities by a place of public accommodation owned by the Fund to a party-in-interest with respect to a Participating Plan, if the services, facilities and incidental goods are furnished on a comparable basis to the general public.

Section II. Excess Holdings Exemption for Employee Benefit Plans

(a) Effective June 29, 1981, the restrictions of sections 406(a), 406(b)(2) and 407(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 any acquisition or holding of qualifying employer securities or qualifying employer real property (other than through the Fund) by a Participating Plan if (1) the acquisition or holding constitutes a prohibited transaction solely by reason of being aggregated with employer securities or employer real property held by the Fund; (2) the requirements of either paragraph (a)(1) or paragraph (a)(2) of Section I of this exemption are met; and (3) the applicable conditions set forth in Section III of this exemption are met.

Section III—General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of JMB or its affiliate, the terms of the transaction are not less favorable to the Fund than the terms generally available in arm's-length transactions between unrelated parties.

(b) JMB or its affiliate maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this Section III to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of JMB or its affiliate, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c)(1) Except as provided in section 2 of this paragraph (c) and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this Section III are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a Partcipating Plan who has authority to acquire or dispose of the interests in the Fund of the Participating Plan or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any Participating Plan or any duly authorized employee or representative of such employer, and

(D) Any participant or beneficiary of any Participating Plan, or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this paragraph (c) shall be authorized to examine trade secrets of JMB or its affiliate, or commercial or financial information which is privileged or confidential.

Section IV—Definitions and General Rules

For the purposes of this exemption,

(a) The term "the Fund" shall include the Group Trust, the Group Trust II and any collective investment fund that may hereafter be established, operated and managed by JMB or its affiliate in essentially the same manner as the current Funds.

(b) An "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any officer, director, employee, relative of, or partner in any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(c) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or sister.

(e) The term "multiple employer plan" means an employee benefit plan that satisfies at least the requirements of section 3(37)(A) (i), (ii) and (v) of the Act and section 414(f)(1) (A), (B) and (E) of the Code.

(f) The time as of which any transaction, acquisition or holding occurs is the date upon which the transaction is entered into, the acquisition is made or the holding commences. In addition, in the case of a transaction that is continuing, the transaction shall be deemed to occur until it is terminated. If any transaction is entered into, or an acquisition is made, on or after the effective date of this exemption, or a renewal that requires the consent of the Fund occurs on or after the effective date of this exemption, and the requirements of this exemption are satisfied at the time the transaction is entered into or renewed, respectively, or at the time the acquisition is made, the requirements will continue to be satisfied thereafter with respect to the transaction or acquisition and the exemption shall apply thereafter to the continued holding of the property so acquired. Notwithstanding the foregoing, this exemption shall cease to apply to a holding exempt by virtue of Section I(a)(1) at such time as the interest of the Participating Plan exceeds the percentage interest limitation of Section I(a)(1), unless no portion of such excess results from an increase in the assets allocated to the Fund by the Participating Plan. For this purpose,

assets allocated do not include the reinvestment of Fund earnings. Nothing in this paragraph (e) shall be construed as exempting a transaction entered into by the Fund which becomes a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(g) Each Participating Plan shall be considered to own the same proportionate undivided interest in each asset of the Fund as its proportionate interest in the total assets of the Fund as calculated on the most recent preceding valuation date of the Fund.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-12513 Filed 5-6-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3172]

Proposed Exemption for Certain Transctions Involving the Retail Clerks Union and Employers Midwest Pension Plan Located in Chicago, Illinois

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed purchase of certain real property (the Property) by the Retail Clerks Union and Employers Midwest Pension Plan (the Plan) from the United Food & Commercial Workers Union Local 1550 (the Union), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Union, the participants and beneficiaries of the Plan and other persons participating in the proposed transactions.

DATE: Written comments and requests for a public hearing must be received by the Department on or before June, 10, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3172. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, Telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a multiemployer pension plan which as of November 30, 1980 had assets of $102,225,121. All Union members become Plan participants as soon as they begin their employment and a short time thereafter become participants in the Retail Clerks Unions and Employers' Midwest Health Benefits Plan (the Health Plan). The Plan has four trustees (two Employer Trustees and two Union Trustees) of whom three are also trustees of the Health Plan. The Plan and the Health Plan also share personnel and equipment.

2. The applicants are requesting an exemption which will permit the Plan to purchase the Property from the Union for cash in the amount of $441,000. The Plan will pay no commissions in the proposed purchase. On May 20, 1981 the Property was appraised by the independent real estate appraisal firm of Lloyd-Thomas/Coats & Burchard Co. (Lloyd-Thomas) which has its office in Chicago, Illinois. Lloyd-Thomas represents that as of May 20, 1981 the Property had a fair market value of $441,000. The Property consists of land and a building (the Building). Currently, thirty percent of the Building is leased to the Plan; forty percent of the Building is leased to the Health Plan; and the remaining thirty percent of the Building is occupied by the Union. The applicants represent that it would be in the best interests of the participants and beneficiaries of the Plan for the Plan to buy the Property because the Plan needs more space and the Property meets the specific needs of the Plan. The applicants state that by purchasing the Property the Plan will be able to maintain its continuity of services in the most economical manner. In addition, the Trustees represent that the purchase of the Property will be a good real estate investment for the Plan. The Union wants to sell the Property because it recently merged with a union that has a building with adequate space for the Union's needs. After the Property is purchased by the Plan, it will be occupied in its entirely by the Plan and the Health Plan. The applicants are not requesting an exemption for the leasing of the Property by the Plan to the Health Plan because they represent that such leasing is covered by Class Exemption 76-1.

3. In summary, the applicants represent that the proposed transaction will satisfy section 408(a) of the Act as follows: (1) the Trustees represent that the proposed transaction is in the best interests of the participants and beneficiaries of the Plan; (2) the sale price of the Property will be determined by an independent appraisal; (3) the Plan will be able to obtain the additional space which it needs; and (4) the Trustees represent that the Plan will obtain a good real estate investment.

Notice to Interested Persons

On or before May 14, 1982, a copy of the notice of pendency and a statement advising participants and beneficiaries

of the Plan of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code dose not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary repsonsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and benficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase of the Property by the Plan from the Union for cash in the amount of $441,000 provided that this amount is not greater than the fair market value of the Property at the time of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-12514 Filed 5-6-82; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-3276]

Proposed Exemption for a Certain Transaction Involving the Sakas, Inc. Employees Pension Plan Located in Baltimore, Ohio

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of 15 acres of real property (the Property) by the Sakas, Inc. Employees Pension Plan (the Plan) to George Sakas (Sakas), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Sakas, the Plan and its participants and beneficiaries, and others participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 18, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–3276. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department of Labor, telephone (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan with 39 participants. The trustee of the Plan is the Huntington National Bank of Columbus, Ohio (the Trustee).

2. Sakes, Inc. (the Plan Sponsor) is a plastic products company. Sakas is the president of the Plan Sponsor.

3. On August 7, 1972, the Plan purchased the Property, which consists of farm land, as an investment. The Plan leased the Property to a local farmer who farmed it and paid a rental for its use. The Property appreciated in value and coupled with the rental income, appeared to be a good investment for the Plan. The Property has never been leased to a party in interest with respect to the Plan.

4. In later years, the Property developed into a swamp. At the present time the Property is developing little income and the Trustee has determined that the Property is no longer a prudent investment for the Plan, and should be sold.

5. Mr. Ray L. Finley, a real estate broker, has determined that the current value of the Property is $15,000. The Plan's current carrying value of the Property is $24,800 based on prior years appreciation.

6. Sakas proposes to purchase the Property for $15,000 in cash, the value established by the appraisal.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) because:

(1) It will be a one-time, cash transaction;

(2) The Plan will be able to dispose of real property which generates little rental income and which is depreciating in value;

(3) The Plan will receive the fair market value of the Property; and

(4) The Trustee of the Plan has determined that the proposed transaction is in the interests of and protective of the Plan and its participants and beneficiaries.

Notice of Interested Persons

Notice of the proposed exemption as published in the **Federal Register**, will be furnished to all employees of the Plan sponsor, all retired employees receiving benefits under the plan and to all former employees who have terminated with a vested interest. These persons will also be informed of their rights to comment and request a hearing. The notice of pendency will be placed on the bulleting board accessible to all employees. Retired employees, beneficiaries and terminated employees with vested benefits will be notified by mail. The notice will be provided within ten (10) days of publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale of the Property by the Plan to Sakas for $15,000, provided that the amount received by the Plan is not less than the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Managment Services Administration, Department of Labor.

[FR Doc. 82–12515 Filed 5–6–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–80; Exemption Application No. D–3113]

Exemption From the Prohibitions for Certain Transactions Involving the Hoyle E. Setzer Pension Plan and Trust Located in Billings, Montana

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed sale of certain real property (the Property) by the Hoyle E. Setzer P.C. Pension Plan and Trust (the Plan) to Hoyle E. Setzer (Setzer), a disqualified person with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of 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. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 5, 1982, notice was published in

the **Federal Register** (47 FR 9616) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The notice erroneously indicated that the comment period would close on March 5, 1982 rather than the correct closing date of April 5, 1982. Because the Plan has only one participant and since no public comments and no requests for a hearing were received by the Department, the Department is granting this exemption in the form in which it was proposed. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secrtary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(C)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the 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 of the Property for $71,452.50 by the Plan to Setzer provided that such price is at least the fair market value of the Property at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–12518 Filed 5–6–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–74; Exemption Application No. D–2462]

Exemption From the Prohibitions for Certain Transactions Involving Tech Plastics, Inc. Employees' Profit Sharing Plan Located in Phoenix, Arizona

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) The proposed exchange (the Exchange) by the Tech Plastics, Inc. Employees' Profit Sharing Plan (the Plan) of 24,160 shares of the common stock (the Stock) of Tech Plastics, Inc. (the Employer), the sponsor of the Plan for certain real property (the Property) owned by Steve Uhlmann (Uhlmann), a party in interest with respect to the Plan, (2) The subsequent proposed leasing of the Property by the Plan to the Employer; and (3) The guarantee by the Employer against any loss by the Plan in the event the Property is sold by the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of 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. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5532) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. The Department received one comment which was from the applicant. In its comment, the applicant noted that paragraph number three of the notice of pendency stated that "the Stock which the Employer will give to Uhlmann in such Exchange will be obtained by the Employer from the Plan." The applicant stated that the Stock which the Plan will give to the Employer will be held by the Employer and that the Employer will issue a like amount of shares of the Employer from shares presently held by the Employer and transfer these shares to Uhlmann. The Department notes and incorporates such change in the grant. No requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being

granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the proposed Exchange of the Stock by the Plan with Uhlmann for the Property provided that the terms and conditions of the Exchange are at least as favorable to the Plan as those which they could receive in a similar transaction with an unrelated party; (2) the proposed leasing of the Property by the Plan to the Employer provided that the terms and conditions of the lease are at least as favorable to the Plan as those which the Plan could receive in a similar transaction; and (3) the guarantee by the Employer against any loss to the Plan in the event of a sale of the Property by the Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–12524 Filed 5–6–82; 8:45 am]
BILLING CODE 4510–24–M

[Prohibited Transaction Exemption 82–78; Exemption Application No. D–2957]

Exemption From the Prohibitions for Certain Transactions Involving W. G. Yates & Sons Construction Co., Employee Trust Located in Philadelphia, Miss.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt for a period of five years, the proposed loans (the Loans) of money by the W. G. Yates & Sons Construction Company Employee Trust (the Plan) to W. G. Yates & Sons Construction Company (the Employer), the Plan sponsor.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of 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. (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5549) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility

provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrtive or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b) (1) and (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 Loans by the Plan to the Employer, provided that the terms and conditions of the Loans remain at least as favorable to the Plan as those it could obtain from an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3d day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–12520 Filed 5–6–82; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Avisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, May 25, 1982, in Room S–4215, C, U.S. Department of Labor, Third and Constitution Avenue, N.W., Washington, D.C.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Administrator's Report.
2. Advisory Council Work Group Reports:

Investment and Fiduciary
Communications
Reporting, Disclosure and Recordkeeping
Prohibited Transactions

3. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Monday, May 24, 1982, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S–4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523–8753.

Signed at Washington, D.C. this 3rd day of May 1982.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs.

[FR Doc. 82–12411 Filed 5–6–82; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Visual Arts Advisory Panel (Sculpture); 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 Visual Arts Advisory Panel (Sculpture) to the National Council on the Arts will be held on June 1–4, 1982, from 9:00 a.m—5:30 p.m. in the Consul Building of the Columbia Plaza Complex, 2400 Virginia Avenue, N.W., 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) 634–6070.

Dated: April 29, 1982.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82–12110 Filed 5–6–82; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.
Dates: May 24, 1982, 9 a.m. to 5 p.m.; May 25, 1982, 9 a.m. to 4 p.m.
Place: National Science Foundation, 1800 G Street, NW., Washington, D.C.; Room 1224.
Type of meeting: Open.
Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9552.
Summary of minutes: May be obtained from Contact Person.
Purpose of committee: To provide advice, recommendations, and oversight related to support for international cooperation in science and engineering.
Agenda: May 24: Recent events affecting the Division of International Programs. Discussion of Science in the International Setting. Cooperative programs with LDC's and Spain; May 25: Continuation of discussion of LDC and Spain programs.

U.S.–China program of NSF. Summarizing discussions. Resolutions and assignments. Future meetings.

M. Rebecca Winkler,

Committee Management Coordinator.

May 4, 1982.

[FR Doc. 82–12500 Filed 5–6–82; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for PCM Subpanel on Genetic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Genetic Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: May 27–29, 1982, 9:00 AM–5:30 PM

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. DeLill Nasser, Program Director, Genetic Biology Program, Room 329, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9687.

Purpose of subpanel: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

FR Doc. 82–12504 Filed 5–6–82; 8:45 am]

BILLING CODE 7555–01–M

Executive Committee of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Executive Committee of the Advisory Committee for Ocean Sciences.

Date and time: May 26 and 27, 1982—9:00 a.m. to 5:00 p.m. each day.

Place: Room 642, National Science Foundation, 1800 G Street, NW, Washington, DC.

Type of Meeting: Open.

Contact person: Dr. M. Grant Gross, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, DC 20550; Telephone: (202) 357–9639.

Summary minutes: May be obtained from the Contact Person, Dr. Grant Gross, at the above address.

Purpose of committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF's Division of Ocean Sciences.

May 26

0900

I. Introduction, Dr. Albert L. Bridgewater, Deputy Assistant Director, AAEO

II. Adoption of the Agenda, Dr. Dirk Frankenberg, Acting Chairman of the Executive Committee, and Dr. M. Grant Gross, Director, OCE

III. Recent OCE Activities, Dr. Gross and OCE staff

IV. Plans for Future Ocean Scientific Drilling, Dr. Allen M. Shinn, Director, Office of Scientific Ocean Drilling

V. Support of External Advisory Committees, Mr. Louis Brown, OCE

VI. NCAR's Long-Range Plans for Computer and Aircraft Facilities, Dr. Lawrence A. Lee, Division of Atmospheric Sciences

VII. OCE Long-Range Planning, Dr. Gross

A. Actions of OCE's Ocean Sciences Research Section (OSRS) with Respect to Long-Range Planning, Dr. Robert E. Wall, Head, OSRS

1145

Lunch

1315

B. Actions of OCE's Oceanographic Facilities Support (OFS) with Respect to Long-Range Planning Mr. Ronald R. La Count, Head, OFS

1700

Adjourn

May 27

0900

Agenda Item VII.B. (continued)

1145

Lunch

1315

VIII. Planning for the Required Advisory Committee Oversight Review of the OCE/OSRS Program, Drs. Gross and Wall, OCE

IX. Arrangements for the Next Meeting, Mr. Frank R. Alexander, OCE

1700

Adjourn

M. Rebecca Winkler,

Committee Management Coordinator.

May 4, 1982.

[FR Doc. 82–12501 Filed 5–6–82; 8:45 am]

BILLING CODE 7555–01–M

Subpanel for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences Subpanel on Sensory Physiology and Perception.

Date and time: May 27–28, 1982, 9:00–5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 643, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. John K. Harting, Staff Associate, Sensory Physiology and Perception Program, National Science Foundation, Washington, D.C., Room 320, (202) 357–9485.

Purpose of subpanel: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 4, 1982.

[FR Doc. 82–12499 Filed 5–6–82; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–462, The National Science Foundation announces the following meeting;

Name: Subpanel on Cellular Physiology of the Advisory Panel for Physiology, Cellular and Molecular Biology.
Date and time: May 27, 28, 1982—starting at 8:30 a.m. to 5:00 p.m.
Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.
Type of meeting: Closed.
Contact person: Dr. Joseph F. Albright, Program Director, Cellular Physiology Program, Room 332, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–7377.
Purpose of subpanel: To provide advice and recommendations concerning support for research in Cellular Physiology.
Agenda: To review and evaluate research proposals as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

May 4, 1982.

[FR Doc. 82–12503 Filed 5–6–82; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Molecular Biology, Group B, of the Advisory Panel for the Division of Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Molecular Biology, Group B, of the Advisory Panel for Physiology, Cellular, and Molecular Biology.
Date and time: May 24 & 25, 1982, 9:00 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Michael A. Cusanovich, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, D.C. 20550.
Purpose of subpanel: To provide advice and recommendations concerning support for research in Molecular Biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 6 U.S.C. 552(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

May 4, 1982.

[FR Doc. 82–12502 Filed 5–6–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–348 and 50–364]

Alabama Power Co. (Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2); Exemption

I

The Alabama Power Company (the licensee) is the holder of Facility Operating License Nos. NPF–2 and NPF–8 which authorize operation of the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located near the City of Dothan, Alabama.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections III.G., is the subject of this exemption request. III.G. specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2). If the requirements for separation and barriers could not be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area, was required (III.G.3).

Section 50.48(c) required completion of all modifications to meet the provisions of Appendix R within a specified time from the effective date of this fire protection rule, February 17, 1981, except for modifications to provide alternative safe shutdown capability. These latter modifications (III.G.3) require NRC review and approval. Hence, § 50.48(c) requires their completion within a certain time after NRC approval. The date for submittal of design descriptions of any modifications to provide alternative safe shutdown capability was specified as March 19, 1981.

By letter dated June 23, 1981, as amended January 28, 1982, and April 20, 1982, Alabama Power Company requested exemptions from 10 CFR 50.48(c) with respect to the requirements of Section III.G of Appendix R as follows:

(1) Extend the date for installation of modifications needed in "inaccessible areas" of Unit 1 (as listed in licensee's letter dated March 19, 1981 and not requiring NRC approval but requiring plant shutdown) from the first outage more than 180 days after the effective date of the Fire Protection Rule, February 17, 1981, to the fifth refueling outage scheduled April 1, 1984.

(2) Extend from March 19, 1981, to July 1, 1982, the date for submittal of design descriptions of alternate or dedicated shutdown systems needed to satisfy Section III.G.3.

When this Fire Protection Rule was approved by the Commission, it was understood that the time required for each licensee to re-examine those previously-approved configurations at its plant to determined whether they meet the requirements of Section III.G of Appendix R to 10 CFR 50 was not well known and would vary depending upon the degree of conformance. For each item of non-conformance that was found, a fire hazards analysis had to be performed to determine whether the existing configuration provided sufficient fire protection. If it did, a basis had to be formulated for an exemption request. If it did not, modifications to either meet the requirements of Appendix R or to provide some other acceptable configuration, that could be justified for an exemption, had to be designed as required by Section III.G.3 of Appendix R. Depending upon the extensiveness and number of the areas involved, the time required for this re-examination, reanalysis and redesign

could vary from a few months to a year or more. The Commission decided, however, to require one, short-term date for all licensees in the interest of ensuring a best-effort, expedited completion of compliance with the Fire Protection Rule, recognizing that there would be a number of licensees who could not meet these time restraints but who could then request appropriate relief through the exemption process. Licensees for 44 of the 72 plants to which Appendix R applies (plants with an operating license issued prior to January 1, 1979) have requested such schedular relief.

The licensees for the remaining 28 plants made submittals to meet the schedular requirements of 50.48(c). All of these submittals, however, were deficient in some respects. In general, much of the information requested in a generic letter (81–12) dated February 20, 1981, to the licensees of all 72 plants, was not provided. Therefore, additional time is being used to complete those submittals also.

III

Prior to the issuance of Appendix R, the Farley Units had been reviewed against the criteria of Appendix R to the Branch Technical Position 9.5–1 (BTP 9.5–1). The BTP 9.5–1 was developed to resolve the lessons learned from the fire at Browns Ferry Nuclear Plant. It is broader in scope than Appendix R, formed the nucleus of the criteria develop further in Appendix R and in its present, revised form constitutes the section of the Standard Review Plan used for the review of applications for construction permits and operating licenses of new plants. The review was completed by the NRC staff and its fire protection consultants and a Fire Protection Safety Evaluation (FPSER) was issued. A summary of the alternate shutdown methods and final Technical Specifications remained unresolved. Resolution of the Technical Specifications issue is documented in a supplement to the FPSER issued with License Amendment No. 26 on March 1, 1982 for Unit 1. The FPSER and its supplement supported the issuance of amendments to the operating license of Farley Unit 1 and issuance of the operating license for Unit 2 [1] which required modifications to be made to plant physical features, systems, and administrative controls to meet the criteria of Appendix A to BTP 9.5–1. All of these modifications have been completed. Therefore, the Farley Units have upgraded to a high degree of fire protection already and the extensive reassessment involved in this request for additional time is to quantify, in detail, the differences between what was recently approved and the specific requirements of Section III.G to Appendix R of 10 CFR 50.

Based on the above considerations, we find that the licensee has completed a substantial part of the fire protection features at Farley Units 1 and 2 in conformance with the requirements of the Fire Protection Rules and is applying significant effort to complete the reassessment of any remaining modifications which might be necessary for strict conformance with Section III.G. We find that because of the already-completed upgrading of these facilities, there is no undue risk to the health and safety of the public involved with continued operation until the completion of this reassessment on July 1, 1982. Therefore, an exemption should be granted to allow such time for completion. However, because we have found that most submittals of the reanalysis to date from other licensees have not been complete; that is, not all of the information requested by Generic Letter 81–12 dated February 20, 1981, was provided, we are adding a condition to this exemption that requires all such information to be submitted by the dated granted.

By letter dated March 19, 1981, Alabama Power Company provided their plan and schedule to achieve compliance with Appendix R including a design schedule and a contractor schedule. This plan and schedule has been reviewed by the NRC staff. We consider it a reasonable schedule which will not require unnecessary plant shutdown time. The licensee's plan includes separates licensee and contractor walkdown inspections as well as analysis of these walkdown inspections.

For the inaccessible areas of Unit 1 the final walkdown inspection is scheduled for about April 1, 1983. This schedule is based on an orderly progression of preparation, walkdown inspection, analysis of each walkdown and design selection. Alabama Power Company has determined that the outlined schedule allows the required actions to be taken within the constraints of planned plant operations. We find that for the inaccessible areas of Unit 1, a delay in completing the installation does not cause undue risk to the health and safety of the public. Therefore, an exemption should be granted for the inaccessible areas.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemptions with respect to the requirements of Section III.G of Appendix R to 10 CFR 50:

(1) The date from the first outage more than 180 days after the effective date of the rule is extended to the first extended outage § 50.48(c)(3)) commencing more than 180 days after the outage presently scheduled for April 1, 1983;

(2) The date, March 19, 1981, for filing exemption requests pursuant to § 50.48(c)(6) which includes a tolling provision is extended to July 1, 1982;

(3) The date, March 19, 1981, for submittal of design descriptions of alternative or dedicated shutdown systems to comply with Section III.G.3, as required by § 50.48(c)(5) is extended to July 1, 1982; and

(4) The date, February 17, 1981, from which the installation schedules established in § 50.48(c) (2) and (3) are calculated, is extended to July 1, 1982.

Provided the following conditions are met:

(1) Requests for exemption pursuant to § 50.48(c)(6) must include:

(a) A concise statement of the extent of the exemption;

(b) A concise description of the proposed alternative design features related to assuring post-fire shutdown capability; and

(c) A sound technical basis that justifies the proposed alternative in terms of protection afforded to post-fire shutdown capability, degree of enhancement in fire safety by full compliance with III.G requirements, or the deteriment to plant safety incurred by full compliance with III.G. A simple statement that the feature for which the exemption is requested was previouslyapproved by the staff is not sufficient. A simple assertion that in the licensee's judgment the feature for which the exemption is requested is adequate fire protection is not sufficient.

(2) The design descriptions of alternative or dedicated shutdown systems to comply with Section III.G.3., as required by § 50.48(c)(5) shall include a point-by-point response to each item in Section 8 of Enclosure 1 to generic

[1] Farley Unit 1—Operating License NPF–2.
Amendment 11 supported by FPSER issued February 12, 1979.
Amendment 26 supported by supplement to FPSER issued March 1, 1982.
Farley Unit 2—Operating License NPF–8 dated March 31, 1981.
Supported by FPSER issued February 12, 1979.

letter 81–12 dated February 20, 1981, and to each item in Enclosure 2 to Generic Letter 81–12, dated February 20, 1981.

If the licensee does not meet the above conditions, the licensee will be found in violation of 19 CFR 50.48(c) even though the submittal may be made within the time granted by the exemption. If such a violation occurs, imposition of a civil penalty will be considered under Section 234 of the Atomic Energy Act, as amended. Such a violation will be a continuing one beginning with the date set in the exemption for submittal and terminating when all inadequacies are corrected.

A delay in the determination of inadequacy by the staff, caused by the work-load associated with reviewing all of the submittals falling due near the same time, will not relieve the licensee of the responsibility for completeness of the submittal, nor will such delay cause any penalty that may be imposed to be mitigated.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Md., this 4th day of May 1982.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 12541 Filed 5-6-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

In the matter of Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company, Texas Municipal Power Agency, Brazos Electric Power Cooperative, Inc., Tex-La Electric Cooperative of Texas, Inc., Comanche Peak Steam Electric Station, Units 1 and 2.

Texas Utilities Generations Co.; Order Extending Latest Construction Completion Dates

The Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company, Texas Municipal Power Agency, Brazos Electric Power Cooperative, Inc., and Tex-La Electric Cooperative of Texas, Inc. are the holders of Construction Permit Nos. CPPR–126 and CPPR–127 issued by the Atomic Energy Commission [1] on December 19, 1974 for construction of the Comanche Peak Steam Electric Station, Units 1 and 2. The Texas Utilities Generating Company has sole responsibility for the design, construction, and operation of the facilities, which are presently under construction at a site located in Somervell County, Texas.

By a letter dated June 19, 1981 the Texas Utilities Generating Company filed a request for an extension to the latest construction completion dates specified in Construction Permit Nos. CPPR–126 and CPPR–127 from August 1, 1981 and August 1, 1983 respectively to August 1, 1985 and August 1, 1987 respectively. Reasons given for the requested extension in time were: (1) construction delays due to extended delivery of materials and components, (2) delays due to design modifications resulting from revised or additional regulatory requirements, (3) construction delays due to difficulties encountered in the installation of various components, primarily pipe hangers and restraints, and (4) to provide a considerable margin for unforeseen contingencies.

This action involves no significant hazards consideration, good cause has been shown for the delays, and the requested extension is for a reasonable period, the bases for which are set forth in the staff's safety evaluation of the request for extension.

The preparation of an environmental impact statement for this particular action is not warranted because there will no significant environmental impact attributable to the Order other than that which has already been predicted and evaluated in the Commission's Final Environmental Statement for Comanche Peak Steam Electric Station, Units 1 and 2, issued in June 1974, or in the Commission's Final Environmental Statement related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2, NUREG–0775, issued in September 1981.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The applicant's letter dated June 19, 1981, and the NRC staff's safety evalution supporting the Order are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Somervell County Public Library, On the Square, Glen Rose, Texas, 76043.

It is hereby ordered that the latest completion date for CPPR–126 be extended from August 1, 1981 to August 1, 1985 for Unit 1, and that the latest completion date for CPPR–127 be extended from August 1, 1983 to August 1, 1987 for Unit 2.

Date of Issuance: April 30, 1982.

Robert Purple,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-12542 Filed 5-6-82; 8:45 am]

BILLING CODE 7590-01-M

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on May 26, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the NRC Research Program on advanced reactors in conjunction with the ACRS Report on the NRC Long Range Research Plan.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, May 26, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary

views regarding the topics to be discussed.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., DST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 4, 1982.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc 82–12551 Filed 5–6–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on May 20, 1982, in Room 330, Old Executive Office Building, Washington, D.C. The meeting will begin at 9:00 a.m. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

A portion of the meeting will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President, and information the premature disclosure of which likely would significantly frustrate implementation of our agency's action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c) (1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin at 9:00 a.m. Because of security in the Old Executive Office Building, persons wishing to attend the open portion of the meeting should contact Dr. Thomas H. Johnson, Special Assistant to the Director of OSTP at (202) 456–7740, prior to 4:30 p.m. on May 19th. Dr Johnson is also available to provide further information.

Robert D. Linder,

Executive Director, Office of Science and Technology Policy.

May 4, 1982.

[FR Doc. 82–12406 Filed 5–4–82; 11:29 am]

BILLING CODE 3170–01–M

White House Science Council; National Airspace System Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: White House Science Council Panel on the National Airspace System Plan.

Dates and times and locations: May 21, 1982—8:30 a.m., Mitre Corporation, 1820 Dolly Madison Boulevard, McLean, Virginia; May 22, 1982—8:30 a.m.—Room 5104 New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20500

Type of meeting: Part Open—May 21, 1982—1:30 p.m.–4:00 p.m., May 22, 1982—8:30 a.m.–3:00 p.m.; Part Closed—May 21, 1982—8:30 a.m.–11:45 a.m., May 22, 1982—3:00 p.m.–4:30 p.m.

Purpose of Panel: To review certain aspects of the Federal Aviation Administration's National Airspace System Plan (NASP) and comment on technological applications embraced by the plan. Comments and recommendations will be provided to the President's Science Advisor by August 1, 1982; May 22, 1982—National Airspace System user groups presentations and comments on the NASP regarding operational and economic impacts.

Reason for closed meeting: Discussion of plan impact/implications in regard to national defense.

Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552b (c)(1), in that they deal with classified defense information. Closing is pursuant to a determination by the Director of the Office of Science and Technology Policy.

Public particpation: Parts of the meeting, as indicated above, are open to the public. Due to limited meeting room capacity, individuals planning attendance should contact the Executive Secretary prior to the meeting. Written comments should be submitted to the panel at the address listed below prior to July 1, 1982.

Contact: James R. Banks, Executive Secretary, White House Science Council Panel on the National Airspace System Plan. Office of Science and Technology Policy, Room 5013, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20500—Telephone (202)395–3157.

Robert D. Linder,

Executive Director, Office of Science and Technology Policy.

[FR Doc. 82–12405 Filed 5–4–82; 11:29 am]

BILLING CODE 3170–01–M

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; New System of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notification of a new system of records.

SUMMARY: This document provides notice of the system of records maintained by the Pension Benefit Guaranty Corporation which covers plan participants and beneficiaries who file appeals with regard to pension benefits under plans trusteed by PBGC. There is also notice of four routine uses relating to the new system of records.

EFFECTIVE DATE: The new system of records and its routine uses shall become effective without further notice on July 6, 1982 unless comments are received on or before that date which would result in a contrary determination and a notice is published to that effect.

ADDRESSES: Send comments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. Written comments will be available for public inspection at the PBGC, Suite 7000, at the same address, on weekdays between 9 A.M. and 4 P.M.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, (202) 254–3010.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation

("PBGC") is establishing a new system of records entitled Administrative Appeals File (PBGC–10). This system will contain information regarding appeals filed by pension plan participants and beneficiaries under 29 CFR Part 2606, Rules for Administrative Review of Agency Decisions. Notice is also given of four routine uses under this system.

Notice of a New System of Records

This document provides notice of the existence and character of a proposed new system of records. This system is designated PBGC–10, Administrative Appeals File. The PBGC will establish and maintain this system, PBGC–10, to enable the PBGC to maintain files of appeals filed by pension plan participants and beneficiaries under certain sections of the PBGC administrative appeals regulation, "Rules for Administrative Review of Agency Decisions", 29 CFR Part 2606. Under this regulation, an individual who is a participant or beneficiary in a terminated pension plan that is covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), may appeal certain PBGC determinations regarding pension benefits paid by PBGC under the terms of that plan. In addition, an individual who is a participant or beneficiary in a plan which has been determined not to be covered under Title IV of ERISA may appeal that determination. This new system of records will contain information regarding these types of appeals, including information regarding the coverage of the pension plan, the calculation of benefits, the participants' and/or beneficiaries' eligibility for benefits and the recapture of benefits from participants and/or beneficiaries. These four determinations are appealable pursuant to 29 CFR 2606.1(b) (5), (6), (7) and (8). The information in the new system will inlcude such personal information as participants' age, length of employment, salary, martial status and medical history. This information will enable the PBGC Appeals Board to make a determination as to the correctness of participants' and beneficiaries' benefit amounts, participants' and beneficiaries' entitlement to benefits, the amounts to be recaptured from participants and beneficiaries by the PBGC in the event of overpayment, and coverage of the plan under Title IV of ERISA.

The records in this system come into existence only when the individual involved begins the appeal process by filing an appeal. The appellants will be aware that certain personal information must be examined, verified and used to determine the accuracy of the PBGC's decision. The effect of this system is to enable plan participants and beneficiaries to be sure they will receive the pension benefit to which they are entitled. For these reasons, the PBGC believes that this system will not adversely affect the privacy and other personal or property rights of individuals covered by this system. This system has no effect on the preservation of the constitutional principles of federalism and separation of power.

A report on this new system of records was filed with the President of the Senate, the Speaker of the House of Representatives and the Office of Management and Budget on May 4, 1982, as required by 5 U.S.C. 552a(o).

Routine Uses

There are four routine uses which are proposed to be applicable to PBGC–10, Administrative Appeals File. The first routine use allows the release of information contained in this system of records to third parties who may be aggrieved by the decision of the Appeals Board. Third parties may include the employer who maintained the plan, any predecessor or successor employer and any member of a controlled group which includes the employer. In the event a participant's benefit has been incorrectly calculated at a lower amount than is actually payable, and the Appeals Board action will increase the benefit, this increase will produce a corresponding increase in employer liability which must be paid to PBGC by the employer. The PBGC must be able to inform the employer how the calculations were made that produced an increase in the employer's liability to PBGC.

The second routine use allows release of information contained in this system of records to a representative, including a labor union, which represents a participant or beneficiary, and has a power-of-attorney, if necessary pursuant to § 2606.6, and wishes to appeal on behalf of the participant or beneficiary. The representative would need to have access to the participant's or beneficiary's appeal file without the administrative burden of requiring each participant or beneficiary to execute a release so that the representative can have access to his or her records.

The third routine use allows release of information to third parties who are trust fund management trustees and who are actually making benefit payments to the participants and/or beneficiaries. This disclosure would be necessary when the benefit amount is to be changed or stopped.

The fourth routine use allows release of information to third parties with whom the Appeals Board contracts to provide expert analysis of material in the appeal file. Such expert analysis would include examination of medical records by a physician or review of benefit calculations by an actuary.

Section 552a(e)(11) of the Privacy Act requires that notice of an intended routine use of records be published at least 30 days prior to the implementation of the use and that the public be given an opportunity to comment on the routine use. The proposed routine uses are set forth below. They will become final 60 days after publication of this notice, when the new system also becomes effective, unless PBGC publishes a notice to the contrary. The propose routine uses read as follows:

1. Disclosed to third parties who may be aggrieved by the decision of the Appeals Board under 29 CFR 2606.58, including disclosure to the employer who maintained the plan, including any predecessor or successor employer and to any member of a controlled group of which the employer is a part.

2. Disclosed to a representative of a participant or beneficiary who has a power-of-attorney, if necessary, under 29 CFR 2606.6, including an official of a labor organization which is the duly-recognized collective bargaining representative of the individual about whom the request is made.

3. Disclosed to third parties, such as banks, insurance companies and trustees, for the purpose of paying benefits to plan participants and beneficiaries.

4. Disclosed to third parties, such as contractors and expert witnesses, for the purpose of providing expert analysis of the appeal.

Interested persons are invited to submit written data, views or arguments on the proposed routine uses. The routine uses may be changed in light of the comments received.

The new system, PBGC–10 and its routine uses are hereby proposed as follows.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

PBGC–10

SYSTEM NAME:

Administrative Appeals File—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Plan participants and beneficiaries in terminated pension plans covered by Title IV of ERISA who have filed appeals with PBGC pursuant to 29 CFR 2606.1(b) (5), (6), (7) or (8), Rules for Administrative Review of Agency Decisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain the name of pension plan, name of the participant or beneficiary and personal information such as address, social security number, sex, date of birth, date of hire, salary, marital status, medical records, date of commencement of plan participation or employment, statements regarding employment, date of termination of plan participation or retirement, benefit payment data, pay status, Social Security Administration determinations, insurance claims and awards, workman's compensation awards, correspondence relating to the Appeal, calculations of benefit amounts, calculations of amounts subject to recapture, and final determination of the Appeals Board. The individual records listed herein are included only as pertinent or applicable to the individual plan participant or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Secs. 4002, 4022, 4041 and 4045, Pub. L. 93–406, 88 Stat. 1004, 1016, 1020, 1027, (1974), as amended by secs. 403(1), 406(a), 403(c) and 403(d), Pub. L. 96–364, 94 Stat. 1302, 1303, 1301, (1980) (29 U.S.C. 1302, 1322, 1341 and 1345).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosed to third parties who will be aggrieved by the decision of the Appeals Board under 29 CFR 2606.58, including disclosure to the employer who maintained the plan, including any predecessor or successor employer and to any member of a controlled group of which the employer is a part.

2. Disclosed to a representative of a participant or beneficiary who has a power of attorney, if necessary under 29 CFR 2606.6, including an official of a labor organization which is the duly-recognized collective bargaining representative of the individual about whom the request is made.

3. Disclosed to third parties, such as banks, insurance companies and trustees, for the purpose of paying benefits to plan participants and beneficiaries.

4. Disclosed to third parties, such as contractors and expert witnesses, for the purpose of providing expert analysis of the appeal.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by participant or beneficiary name, plan name, and appeals number.

SAFEGUARDS:

Manual records are kept in areas of restricted access and in lockable file cabinets which are locked after office hours. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Records are proposed to be retained for a closed file for two fiscal years after the Appeals Board's final opinion is issued, transferred to a Federal Records Center and destroyed 6 years later.

SYSTEM MANAGER(S) AND ADDRESS:

Clerk of the Appeals Board, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Same as notification procedure above.

RECORD SOURCE CATEGORIES:

Information may be received from the Plan Administrator, the Plan Sponsor, the employer who maintained the plan, the labor organization which is the duly-recognized collective bargaining representative of the participant, the Social Security Administration and the participant and/or beneficiary.

[FR Doc. 82-12396 Filed 5-6-82; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 3, 1982.

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:

Hitachi, Ltd., American Depository Shares, 50 Yen Par Value (File No. 7-6212)

Paradyne Corporation, Common Stock, $.10 Par Value (File No. 7-6213)

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 May 24, 1982 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. 82-12491 Filed 5-6-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12415; 812-5119]

Southwest Funding Corp.; Filing of Application

May 3, 1982.

Notice is hereby given that Southwest Funding Corp. ("Applicant"), 165 Broadway, New York, NY 10080, a Delaware corporation, filed an application February 23, 1982, for an order, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant's sole business will consist of issuing and selling its commercial paper notes and advancing the net proceeds of sale thereof, to United States entities ("Borrowers") engaged in the business of purchasing or otherwise acquiring mortgages and other liens on and other interest in real estate. Substantially all of Applicant's assets will consist of promissory notes issued

by Borrowers ("Notes") evidencing the obligations of the Borrowers arising by reason of advances made to the Borrowers by Applicant from the proceeds of sales of Applicant's commercial paper notes. Each Note will be supported by a separate irrevocable letter of credit and issued in favor of the holder of the Note by Mercantile National Bank at Dallas ("Mercantile") for the account of the Borrower.

None of Applicant's outstanding common stock is, or in the future will be, owned by Mercantile or any of the Borrowers, or by any affiliate of any of them. Applicant represents that there has been, and undertakes that in the future there will be, no public offering of Applicant's common stock or of any other equity security of Applicant.

Applicant proposes to enter into arrangements with the Borrowers pursuant to which the Borrowers may request or direct Mercantile to request Applicant to make advances to the Borrowers. To obtain funds to make the advances, Applicant proposes to issue and sell short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 ("Securities Act") by virtue of section 3(a)(3) thereof and generally referred to as commercial paper ("Commercial Paper Notes"). The Commercial Paper Notes will be sold in minimum denominations of $100,000, will have a maturity not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of either the holder or the issuer.

Applicant undertakes not to market any Commercial Paper Notes prior to receiving an opinion of counsel to the effect that the proposed offering of commercial paper is exempt from the registration requirements of the Securities Act by virture of section 3(a)(3) thereof. Applicant further undertakes that, in respect of any future offerings of Applicant's debt securities, it will obtain an opinion of counsel regarding compliance with, or availability of an exemption from, the registration requirements of the Securities Act. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption for the Commercial Paper Notes under section 3(a)(3) of the Securities Act.

The Commercial Paper Notes will be offered publicly, through one or more major dealer, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market. While an announcement of the establishment of the commercial paper facility may be made as matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Commercial Paper Notes will furnish each offeree memoranda describing the businesses of Mercantile and Applicant and providing the most recent annual and quarterly financial information for Mercantile. The memoranda prepared by each dealer will be updated as promptly as practicable to reflect material adverse changes in the financial status of Applicant or Mercantile and will be at least as comprehensive as memoranda customarily used in offering commercial paper.

Applicant states that it will select a major commercial bank to act as issuing and paying agent for the Commercial Paper Notes ("Depositary"). It is expected that Morgan Guaranty Trust Company of New York, through its corporate trust department, will be selected. Mercantile will consent to the appointment of the Depositary. As trustee for the benefit of holders of the Commercial Paper Notes, Applicant states that the Depositary will receive an assignment of Applicant's rights to payments of the Notes and of Applicant's rights under the letters of credit attached thereto. The Depositary will receive proceeds from Applicant's sales of the Commercial Paper Notes and will collect payments made in respect of the Notes upon maturity. Maturing Commercial Paper Notes will be paid by the Depositary with funds from the foregoing sources. Applicant believes, on the basis of estimates provided by Mercantile, that in the first year in which Commercial Paper Notes are issued the face amount of Commercial Paper Notes outstanding will average approximately $50,000,000.

Applicant represents that, prior to their issuance, the Commercial Paper Notes, and any future issue of Applicant's debt securities, will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization. However, no such rating shall be required to be obtained with respect to an issue of the Commercial Paper Notes or of Applicant's debt securities if, in the opinion of counsel, an exemption is available for the issue pursuant to section 4(2) of the Securities Act.

Applicant and each Borrower will enter into an agreement pursuant to which the Applicant will agree to make advances to the Borrower solely from the net proceeds of the Commercial Paper Notes. Each Borrower and Mercantile will enter into a loan agreement pursuant to which Mercantile will agree (i) to issue for the account of the Borrower letters of credit, to be attached to each Note, in favor of the Applicant as the holder of the Note for the advance value of the advance evidenced by the Note and (ii) to make loans to the Borrower. For each Borrower the aggregate amount of (1) Commercial Paper Notes issued to fund advances to that Borrower, (2) disbursements under the letters of credit issued for its account and (3) the loans, will not be permitted to exceed a designated amount specified for that Borrower. Each Borrower will agree to pay the Notes it issues to Applicant, any disbursements made under the letters of credit issued for the Borrower's account and any loans made to the Borrower.

Applicant states that it will advance all of the proceeds from sales of the Commercial Paper Notes to the Borrowers. Each advance will be evidenced by a Note of the Borrower which will have the same maturity date as the maturity date of the Commercial Paper Notes issued by Applicant to obtain funds to make the advance. Each Borrower will be obligated to use the proceeds of the advances in the ordinary course of its business to purchase or otherwise acquire mortgages and other liens on and other interests in real estate or to retire indebtedness to Mercantile specifically incurred by the Borrowers for the purpose of purchasing or otherwise acquiring mortgages and other liens on and other interests in real estate.

According to the application, the payment obligations of each Borrower to Applicant with respect to its Notes will be supported by separate letters of credit attached to each Note and issued in favor of the holders thereof by Mercantile for the account of the Borrower. Each letter of credit will entitle Applicant, as holder of the Note to which it is attached, to demand payment thereunder in the event of a failure of the Borrower for whose account the letters of credit was issued to pay the Borrower's Notes upon maturity. At the request of a Borrower, Mercantile will make loans directly to the Borrower pursuant to the loan agreement. Each Borrower will be obligated to use the proceeds of any Loans in the ordinary course of its business to purchase or otherwise acquire mortgages and other liens on and other interests in real estate.

To secure its obligations to pay the Notes and the Loans to Applicant and Mercantile, Applicant states that each Borrower will execute and deliver to Mercantile a security agreement

pursuant to which the Borrower will pledge and assign to Mercantile, individually and as collateral agent for Applicant as the holder of the Notes, a security interest in mortgage notes secured by mortgages on real estate, cash collateral and Government National Mortgage Association securities having a value equal to or greater than the principal amount of the Notes, letter of credit disbursements and the outstanding loans. While in the first instance the collateral will be held by Mercantile as collateral agent for Applicant as the holder of the Notes, Applicant's interest in the collateral, together with all Applicant's rights in the Notes and all its rights to receive payment thereon and all its rights under the letters of credit, will be assigned to the Depositary as trustee for the benefit of the holders of Commercial Paper Notes.

Each Borrower with which Applicant currently intends to enter into an agreement will either be (i) an entity primarily engaged in the buisness of purchasing or otherwise acquiring mortgages and other liens on and other interests in real estate or (ii) a savings and loan association organized under state law engaged in those activities. Each Borrower with which Applicant currently intends to enter an agreement is currently issuing commercial paper through one or more dealers directly to sophisticated and largely institutional investors that ordinarily participate in the United States commercial paper market. Applicant understands that currently the proceeds of each Borrower's commercial paper and of any loans the Borrower may obtain from Mercantile under an existing loan agreement are used by the Borrower for purposes of purchasing or otherwise acquiring mortgages and other liens on and other interests in real estate. Applicant understands that currently each Borrower issues, executes and delivers to Mercantile a promissory note evidencing the Borrower's indebtedness to Mercantile and that to secure those obligations, each Borrower grants a security interest in all real estate mortgages to Mercantile, individually and as agent for holders of the Notes issued directly by the Borrower.

Applicant undertakes to enter into credit relationships only with entities which are primarily engaged in the business of purchasing or otherwise acquiring mortgages and other liens on an other interests in real estate or with savings and loan associations engaged in those activities. Applicant will receive assurances from each Borrower, both at the time an agreement with such Borrower is entered into and for a period during which any Note of the Borrower is outstanding, that the Borrower either is not an investment company within the meaning of section 3(a) of the Act or is not deemed to be an investment company by virtue of one or more of the exceptions from the definition of investment company provided in section 3(c) of the Act.

As here pertinent, section 3(a)(3) of the Act defines "investment company" as an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Section 3(a)(3) provides, with three exceptions not pertinent to the application, that any security is an "investment security." The definition of "security" in section 2(a)(36) of the Act includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, transferable share, investment contract, voting trust certificate, certificate of deposit for a security or, in general, any interest or instrument commonly known as a security. Applicant states that, under the Act's definition of a security, the Notes, which would constitute virtually all Applicant's assets, could be deemed to be investment securities, and that, pursuant to section 3(a)(3) of the Act, Applicant could be deemed to be an investment company subject to the Act's registration requirements.

Section 3(c)(5) of the Act excepts from the definition of investment company, any person who is not engaged in the business of issuing redeemable securities, face-amount certificates of the installment type or periodic payment plan certificates, and who is primarily engaged in one or more of a variety of businesses, including purchasing or otherwise acquiring mortgages and other liens on and other interests in real estate.

Each Borrower with which Applicant currently contemplates entering into a credit relationship in the future, will either be an entity primarily engaged in the business of making or acquiring real estate mortgage loans and mortgages or be a savings and loan association engaged in those activities. Applicant states that while it would not directly purchase or otherwise acquire mortgages and other liens on and other intersts in real property and, accordingly, would not itself qualify for a section 3(c)(5)(C) exception, and while Applicant is not itself a savings and loan association, Applicant's operations would be conducted only in order to provide funds to entities qualifying under section 3(c)(5)(C) and to savings and loan associations, and, in all cases, only for the purpose of enabling the Borrowers to engage in the activities to which the section 3(c)(5)(C) exception relates.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if an to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that repayment of the Commercial Paper Notes will effectively be supported by the assignment to the Depositary, as trustee for holders of the Commercial Paper Notes, of Applicant's rights to the collateral and under the irrevocable letters of credit issued by Mercantile and attached to each of the Notes. Applicant states that this will adequately protect the holders of the Commercial Paper Notes in the event the Borrowers fail to meet their repayment obligations.

Applicant states that, the exemption sought would be consistent with the purposes fairly intended by the policy and provisions of the Act. As a special purpose corporation established solely to issue commercial paper to obtain funds to make advances to the Borrowers for the purposes specified herein, Applicant submits that its operations do not lend themselves to the abuses against which the Act was directed. Applicant states that its only outstanding securities will be the Commercial Paper Notes, and the entire net proceeds of Applicant's sales of the Commercial Paper Notes (except for amounts needed to repay maturing Commercial Paper Notes and to meet certain of Applicant's expenses) will be advanced to the Borrowers.

Applicants submits that the proposed activities are in the public interest and are consistent with the protection of investors and the purposes of the Act. In addition, Applicant asserts that the activities in which Applicant proposes to engage are essentially indistinguishable from the activities of the Borrowers which either are entitled

to an exception from the definition of the Act pursuant to section 3(c)(5)(C) or are savings and loan associations engaged in the activities contemplated by that section.

Notice is further given that any interested person may, not later than May 28, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–12489 Filed 5–6–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 22484; 70–6736]

System Fuels, Inc., et al.; Proposal To Lease Railroad Equipment

Notice of Proposal To Lease Railroad Equipment

May 3, 1982.

In the matter of System Fuels, Inc., 666 Poydras, Noro Plaza, New Orleans Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205; and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi"), and New Orleans Public Service, Inc. ("New Orleans"), (collectively the "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, together with System Fuels, Inc., ("SFI"), a jointly owned nonutility subsidiary company of the Operating Companies, have filed an application-declaration with this Commission pursuant to sections 9, 10 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 45 promulgated thereunder.

SFI proposes to enter into a lease of railroad equipment ("Lease") with a commercial bank as trustee ("Owner Trustee") designated as such in an agreement between the Owner Trustee and Xerox Credit Corporation or a wholly owned subsidiary thereof, under which SFI will lease from the Owner Trustee 580 100-ton rotary dump coal cars ("Equipment").

The Equipment is presently being manufactured by Bethlehem Steel Corporation ("Bethlehem") and delivery of, and payment for, the Equipment is presently expected to commence in July 1982. Bethlehem will sell the Equipment to the Owner Trustee at a currently established cost of $21,100,000 ("Owner's Cost"). The cost is subject to change but in no event will the cost to the Owner Trustee exceed $23,287,000. SFI will be obligated to purchase any cars which are not purchased by the Owner Trustee as a result of the cost ceiling guarantee.

Concurrently with the initial purchase of Equipment by the Owner Trustee, SFI will enter into the Lease with the Owner Trustee. The basic term of the Lease will terminate on September 1, 2000. SFI will have the option to renew the Lease at that time for one two-year period. The Lease will be a net lease conferring all responsibility for operation maintenance, insurance, certain taxes, and other expenses upon SFI. The Lease will be noncancellable except: (a) In the event of total loss, destruction or irreparable damage of the Equipment; or (b) after September 1, 1987, upon a determination by SFI that the Equipment has become economically obsolete.

Lease payments will be made by SFI in thirty-six semi-annual installments, payable in arrers, commencing on March 1, 1983. Each of the first 12 semi-annual payments will equal approximately 5.03% of the Owner's Cost. Each of the last 24 will equal approximately 6.15% of such cost. These rates are equivalent to an effective annual interest rate over the basic term of the Lease of 8.66%.

So long as SFI makes timely payments and fully performs all of its obligations under the Lease and related documents, the Owner Trustee covenants, as lessor, that it will not hinder or interfere with SFI's peaceable and quite enjoyment of the possession and use of the Equipment.

SFI does not presently contemplate subleasing any of the Equipment. However, SFI may sublease to third parties a portion of the Equipment which at that time represents excess coal transportation capacity. Any such subleasing transactions would be of a temporary nature. SFI will apply the proceeds therefrom to reduce the cost of transportation of fuel and will credit the account in its books normally designated for this type of transaction with the amount of such proceeds.

In connection with the proposed transactons, Arkansas, Louisiana, Mississippi and New Orleans, will convenant and agree that so long as SFI shall have any obligations under the Lease and certain related documents the Operating Companies will, severally in accordance with their present respective shares of ownership of the common stock of SFI, take any and all action as, from time to time, may be necessary to keep SFI in a sound financial condition and to place SFI in a position to perform and discharge, in a timely manner, all of its obligations under the documents referred to above.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 27, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the application-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will received a copy of any notice or order issued in this matter. After said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effecitve.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-12490 Filed 5-6-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 805]

Argentine Republic; Determination Under Section 2(b)(1)(B) of The Export-Import Bank Act of 1945, As Amended, and Executive Order 12166

April 30, 1982.

By virtue of the authority vested in me as Secretary of State by Section 2(b)(1)(B) of the Export-Import Bank Act of 1945, as amended, and Executive Order 12166, I hereby determine that denial by the Export-Import Bank of applications for credit by or with respect to the Argentine Republic for non-financial or non-commercial consideration would clearly and importantly advance United States policy and would be in the national interest.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 82-12395 Filed 5-6-82; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Orders Nos. 97 (Rev. 19) and 114 (Rev. 3)]

Delegations of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: These Delegation Orders are revised to effect the reorganization of the Internal Revenue Service as prescribed by Department of the Treasury Order Numbers: 150-95 and 150-96. The text of the Delegation Orders appears below.

EFFECTIVE DATE: March 21, 1982.

FOR FURTHER INFORMATION CONTACT: Martha M. Seeman, PM:S:FM:IMD, 1111 Constitution Avenue, N.W., Room 3526, Washington, D.C. 20224, Telephone number 202-566-4273 (Not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

Martha M. Seeman,

Acting Chief, Internal Management Documents Branch.

Delegation Order—Closing Agreements Concerning Interal Revenue Tax Liability

[Order No. 97 (Rev. 19)]

Date of issue: March 21, 1982.
Effective Date March 21, 1982.

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; Treasury Department Order No. 150-36; and Treasury Department Order No. 150-83, subject to the transfer of authority covered in Treasury Department Order No. 221, as modified by Treasury Department Order No. 221-3 (Rev. 2), as revised, this authority is hereinafter delegated.

The Chief Counsel is hereby authorized in cases under his/her jurisdiction to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) in respect to any prospective transactions or completed transactions if the request to the Chief Counsel for determination or ruling was made before any affected returns have been filed.

2. The Assistant Commissioner (Examination) is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of person or estate for whom he/she acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods. The Associate Commissioner (Operations) is also authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) with respect to the performance of his/her functions as the competent authority under the tax conventions of the United States.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations) is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) in cases under his/her jurisdiction, that is, in respect of any transaction concerning employee plans or exempt organizations.

4. Regional Commissioners; Regional Counsel; Regional Directors of Appeals; Assistant Regional Commissioners (Examination); District Directors; Chiefs and Associate Chiefs of Appeals Offices; and Appeals Team Chiefs with respect to his/her team cases, are hereby authorized in cases under their jurisdiction (but excluding cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. The Associate Chief Counsel (Technical); the Assistant Commissioner (Employee Plans and Exempt Organizations); Regional Commissioners; Regional Counsel; Regional Directors of Appeals; Chiefs and Associate Chiefs of Appeals Offices; and Appeals Team Chiefs with respect to his/her team cases, are hereby authorized in cases under their jurisdiction docketed in the United States Tax Court and in other Tax Court cases upon the request of Chief Counsel or his/her delegate to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) but only in respect to related specific items affecting other taxable periods.

6. The Director, Foreign Operations District, is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue Tax liability of such person (or of the person or estate for whom he/she acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, under Revenue Procedure 72-22, C.B. 1972-1, 747, and under Revenue Procedure 69-13, C.B. 1969-1, 402, and to enter into and approve a written agreement providing the treatment available under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. The authority delegated herein does not include the authority to set aside any closing agreement.

8. Authority delegated in this Order may not be redelegated, except that the Chief Counsel may redelegate the authority contained in paragraph 1 to the Associate Chief Counsel (Technical) and to the technical advisors on the staff of the Associate Chief Counsel (Technical) for cases that do not involve precedent issues, the Assistant Commissioner (Examination) may redelegate the authority contained in paragraph 2 of this Order to the Deputy Assistant Commissioner (Examination), except that the authority relating to the performance of his/her functions as the competent authority under the tax conventions of the United States may not be redelegated; and the Assistant Commissioner (Employee Plans and Exempt Organizations) may redelegate the authority contained in paragraph 3 of this Order to the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) and to the Technical Advisors on the Staff of the Assistant Commissioner (Employee Plans and Exempt Organizations) for cases that do not involve precedent issues.

9. Delegation Order No. 97 (Rev. 18), issued February 28, 1980, is hereby superseded.

James I. Owens,

Deputy Commissioner.

Delegation Order—Designation to Act as "Competent Authority" Under Tax Treaties

[Order No. 114 (Rev. 3)]

Date of issue: March 21, 1982.

Effective Date: March 21, 1982.

1. Pursuant to the authority delegated to me by Treasury Department Order No. 150-83,

there is hereby delegated to the Associate Commissioner (Operations) and to Director, Foreign Operations District as stated below, the authority to act as "competent or taxation authority" under the tax treaties of the United States.

2. The Associate Commissioner (Operations) shall have the authority to administer all those functions derived from the operating provisions of the tax treaties, other than those delegated below to the Director, Foreign Operations District. This authority may be redelegated, but not lower than the Assistant Commissioner level.

3. The Associate Commissioner (Operations) is also delegated the authority to interpret and apply such tax treaties, but in such matters shall act only with the concurrence of the Associate Chief Counsel (Technical). This authority may be redelegated, but not lower than the Assistant Commissioner level.

4. The Director, Foreign Operations District, shall have the authority to administer the following functions deriving from the operating provisions of the tax treaties: the Routine and Specific Exchange of Information Programs and the Program for Mutual Assistance in Collection. This authority may not be redelegated.

5. Delegation Order No. 114 (Rev. 2), issued August 28, 1980, is superseded.

James I. Owens,

Deputy Commissioner.

[FR Doc. 82-12539 Filed 5-6-82; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Veterans' Advisory Committee on Rehabilitation; Meeting

The Veterans Administration gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by section 1521, title 38, United States Code, will be held in Room 1010 by the Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, June 9 and 10, 1982, at 9 a.m. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and provide recommendations to the Administrator as the Committee determines appropriate.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Dr. Norwood L. Williams, Executive Secretary, Veterans' Advisory Committee on Rehabilitation (phone 202-389-3098) prior to June 1, 1982.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2:30 p.m. on June 10, 1982.

Dated: April 29, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-12485 Filed 5-6-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 89
Friday, May 7, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, May 14, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-681-82 Filed 5-5-82; 3:40 pm]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, May 11, 1982.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote: Freedom of Information Act Appeal No. 82-3-FOIA-46.
2. Freedom of Information Act Appeal No. 82-3-FOIA-038-MK, concerning a request for information from an open investigative case file.
3. Freedom of Information Act Appeal No. 82-3-FOIA-2-AT, concerning a request for information from open Title VII investigative files.
4. Freedom of Information Act Appeal No. 82-3-FOIA-21-SL, concerning a request for records in a charge file.
5. Freedom of Information Act Appeal No. 82-2-FOIA-10-ME, concerning a request for contents of a charge file.
6. Freedom of Information Act Appeal No. 82-2-FOIA-33, concerning a request for the contents of an age charge file.
7. Report on Commission Operations by the Executive Director:

Closed:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Officer, at (202) 634-6748.

This Notice Issued May 4, 1982.

[S-675-82 Filed 5-5-82; 9:16 am]

BILLING CODE 6570-06-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, May 12, 1982.

PLACE: Board room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Bank Membership and Insurance of Accounts—Amador Valley Savings and Loan Association, Pleasanton, California
Proposed Merger—Pipestone Federal Savings and Loan Association, Pipestone, Minnesota *into* Twin City Federal Savings and Loan Association, Minneapolis, Minnesota
Concurrent Branch Office Applications—(1) Home Federal Savings and Loan Association of San Diego, San Diego, California, (2) Coast Federal Savings and Loan Association, Los Angeles, California, (3) California Federal Savings and Loan Association, Los Angeles, California
Bank Membership and Insurance of Accounts—La Cumbre Savings and Loan Association, Santa Barbara, California

[S-676-82 Filed 5-5-82; 9:24 am]

BILLING CODE 6720-01-M

4

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 2 p.m., Wednesday, May 5, 1982.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C.

STATUS: Closed to public observation, pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Personnel and budget-related matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; Telephone: (202) 254-9430.

By direction of the Board.

Dated: May 4, 1982.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[S-678-82 Filed 5-5-82; 12:47 pm]

BILLING CODE 7545-01-M

5

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

TIME AND DATE:

(1) May 6, 1982—8:30 a.m.-4:30 p.m.
(2) May 7, 1982—8 a.m.-4:30 p.m.

PLACE:

(1) Meeting of the Northwest Power Planning Council, May 6, 1982, 700 S.W. Taylor, Suite 200, Portland, Oregon 97205.
(2) Tour of Mid-Columbia Dams and Fisheries Facilities, May 7, 1982. Tour will begin at Campbell's Lodge, 104 West Woodin St., Chelan, Washington.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Council Meeting: Status reports on Mudule I and Module IV plus discussion of the response to "The Path Along the Ridge."
(2) A tour of Mid-Columbia dams and fisheries facilities will begin at Campbell's Lodge and conclude at Desert Airstrip. A quorum of the Council may be present during the tour. Space in the tour vans will be open to the public and press on a first come first serve basis.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[S–679–82 Filed 5–5–82; 2:07 pm]

BILLING CODE 0000–00–M

6

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 17360, April 22, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., May 4, 1982.

CHANGES IN THE MEETING: Forecasting Subcommittee meeting will be May 5, 1982, at 9 a.m.

Edward Sheets,

Executive Director.

[S–680–82 Filed 5–5–82; 2:51 pm]

BILLING CODE 0000–00–M

7

POSTAL RATE COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, May 12, 1982.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket R81–1 (and MC81–2) Attached Mail. (Closed pursuant to 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–677–82 Filed 5–5–82; 10:08 am]

BILLING CODE 7715–01–M

8

UNITED STATES SYNTHETIC FUELS CORPORATION

ACTION: Cancellation of closed meeting.

SUMMARY: Interested members of the public are advised that the closed meeting of the Board of Directors of the United States Synthetic Fuels Corporation to consider matters relating to the Tosco loan guarantee, scheduled for May 10, 1982, and announced at 47 FR 19267, May 4, 1982, has been cancelled. This public announcement is made pursuant to the requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this notice, please contact Mr. Owen J. Malone, Office of General Counsel (202) 653–4230.

May 4, 1982.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

[S–674–82 Filed 5–5–82; 9:09 am]

BILLING CODE 0000–00–M

federal register

Friday
May 7, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

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.

District of Columbia: DC81–3040	June 5, 1981.
Alabama: AL82–1020	Apr. 2, 1982.
Connecticut:	
CT81–3032	May 15, 1981.
CT82–3001	Feb. 5, 1982.
Iowa:	
IA81–4069	Nov. 13, 1981.
IA81–4090	Dec. 11, 1981.
IA81–4091	Nov. 13, 1981.
IA81–4092	Nov. 27, 1981.
IA81–4093	Do.
IA81–4096	Do.
IA81–4097	Do.
Hawaii: HI82–5105	Mar. 12, 1982.
Maryland:	
MD81–3074	Oct. 9, 1981.
DC81–3040	June 5, 1981.
New Jersey: NJ–3053	Oct. 9, 1981.
New York: NY80–3054	Sept. 5, 1980.
Texas:	
TX81–4064	Aug. 7, 1981.
TX81–4074	Oct. 2, 1981.
TX81–4075	Do.
TX81–4076	Do.
TX81–4078	Do.
TX81–4079	Do.
TX82–4005	Jan. 29, 1982.
Virginia: DC81–3040	June 5, 1981.
Arizona: AZ82–5109	Apr. 23, 1982.
Illinois: IL81–2062	Oct. 16, 1981.

Supersedeas Decisions To General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of pulbication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:	
IL79–2077 (IL82–2034)	Sept. 14, 1979.
IL81–2005 (IL82–2031)	Mar. 27, 1981.
Louisiana:	
LA81–4084 (LA82–4021)	Nov. 6, 1981.
LA81–4084 (LA82–4022)	Do.
LA81–4085 (LA82–4023)	Do.
LA81–4086 (LA82–4020)	Do.
Ohio:	
OH81–2064 (OH82–2035)	Dec. 4, 1981.
OH81–2066 (OH82–2036)	Dec. 18, 1981.
Texas: TX81–4083 (TX82–4019)	Nov. 6, 1981.

Please note that we are changing the format for Federal Register wage decisions to coincide with the provisions of All Agency Memorandum No. 132, dated January 29, 1980, which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which cannot be stated in monetary terms will be shown in footnotes. This procedure will be phased in gradually.

Signed at Washington, D.C. this 30th day of April 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-30-M

Modification Page 1

DECISION NO. DC81-3040 - MOD. #7 (46 FR 30290 - June 5, 1981)
District of Columbia; Maryland-Montgomery and Prince Georges; and D.C. Training School; Virginia Independent City of Alexandria; Arlington and Fairfax Counties

Change:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	15.93	2.61
Bricklayers	16.05	2.86
Carpenters	14.92	1.55
Cement Masons	14.00	2.62
Electricians	16.25	1.68+3%
Laborers (Excluding Heavy Construction)		
Common Laborers, landscapers	11.53	1.63
Acetylene burners used on wrecking	12.22	1.63
Air tool op. scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootcretes	11.72	1.63
Pipelayers	11.87	1.63
Powdermen	13.135	1.63
Power saw, wellpoint	11.87	1.63
Plumbers' laborers	10.52	1.51
Line Construction:		
Linemen, cable splicers equipment operators	16.91	.70+3%+5%
Truck with winch, truck pole or steel handling	9.09	.70+3%+5%
Millwrights	15.61	1.55
Piledrivermen	15.25	1.55
Plasterers	14.89	1.46
Roofers:		
Composition	14.72	1.69
Slate, tile mopmen, waterproofer, sprayers, sprandrel and ironite	15.44	1.69
Material handlers (only to supply materials and to prepare decks for new roofs or repairs	9.92	1.69
Heavy Construction (Excluding Water and Sewer Lines):		
Building Construction:		
Power Equipment Operators:		
Group I	16.33	1.62
Group II	15.99	1.62
Group III	15.43	1.62
Group IV	14.22	1.62
Group V	10.26	1.62
Group VI	17.41	1.62
Laborers (Heavy Construction Excluding Water and Sewer Lines):		
Group I	11.63	1.63
Group II	11.82	1.63
Group III	11.90	1.63
Group IV	11.97	1.63
Group V	12.24	1.63
Group VI	12.52	1.63
Group VII	12.605	1.63
Group VIII	13.235	1.63
Laborers (Heavy Construction)		
Group I	12.005	1.63
Group II	12.385	1.63
Group III	13.305	1.63
Group IV	13.655	1.63

Add:

	Basic Hourly Rates	Fringe Benefits
Sewer and Water Line Construction Projects		
Laborers:		
Open Cut:		
Laborers, jackhammer, rammers and spaders	5.78	.61
Timberman, sheeting-men, shoring-men, caulkers, pipelayers helpers	5.93	.61
Bottom man	5.83	.61
Wagon drillers- air track drillers	6.13	.61
Pipelayers	6.13	.61
Rock drillers	5.88	.61
Tunnel:		
Brakeman, bull gang, dumper, trackmen, concrete man	6.415	.61
Chuck tender, power in prime house, form setters and movers, nipper, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' tenders	6.715	.61
Miners, rodmen, re-bar, underground, concrete or gunite nozzlemen, powermen, timbermen and re-timberman wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill riggers, cement finishers (underground), welders and burners, shield driver	7.365	.61
Mucking machine operator air	7.615	.61
Power Equipment Operators:		
Backhoes, cable ways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 cu. yd. and over	10.39	1.45
Backhoes, cableways, cranes, derricks, dragline, tunnel shovels, tunnel mucking machines up to 1 cu. yd., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants, concrete pumps	10.14	1.45
Trenching machines (above 8'3")	9.94	1.45
Backhoes (Hydraulic, under ½ c.y.)	10.02	1.45
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	9.84	1.45
Air compress, tunnel	9.81	1.45
Front end loaders (high lift), bulldozers	9.79	1.45

Modification Page 2

	Basic Hourly Rates	Fringe Benefits
Concrete mixers, power wheel scoops and scrapers, motorgraders, tunnel motor men, blade graders, tunnel mechanics	9.69	1.45
Mechanics	10.02	1.45
Bulldozer, hydraulic tampers	9.59	1.45
Roller	9.49	1.45
Air compressors, pump, welding machine well points	9.415	1.45
Truck Drivers:		
Dump trucks	6.10	.415+a
Dump trucks over 8 wheels	6.20	.415+a
Flat trucks	6.20	.415+a
Trailers	6.45	.415+a
Fuel and Oil trucks	6.10	.415+a
Euclids	6.60	.415+a

FOOTNOTE:
a. $10.00 per week when employee has worked 90 days and work three days in any work week.

DECISION NO. AL82-1020 - Mod. # 1 (47 FR 14341 dated April 2, 1982)

Madision County, Alabama (Building Construction)

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians	$13.80	1.70+4%

DECISION NO. CT81-3032 - MOD. #12 (46 FR 27040 - May 15, 1981) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut	Basic Hourly Rates	Fringe Benefits
Change:		
Heavy & Highway Construction:		
Bricklayers; Cement Masons; Finishers; Stonemasons	12.40	1.75
Carpenters and Pile-drivermen		
Area 1	12.95	2.40+f
Area 2	13.70	1.60+f
Area 3	13.70	1.55+f +e
Area 4	13.70	1.58+f
Laborers		
Laborers	11.05	2.15
Acetylene burners; Asphalt raker; chain saw operators; fence & guard rail erectors; form setters; hand operated vibratory compactor operators; Mason tenders; pipelayers; pneumatic gas & electric drill operators; powdermen & wagon drill operators	11.30	2.15
Air track operators; block paver; curb setters	11.55	2.15
Blasters	11.80	2.15
Truck Drivers		
Class 1	11.26	2.59+a
Class 2	11.36	2.59+a
Class 3	11.46	2.59+a
Class 4	11.41	2.59+a
Class 5	11.51	2.59+a
Class 6	11.56	2.59+a

DECISION NO. CT82-3001 MOD. #5 (47 FR 5621 - February 5, 1982) Fairfield, Litchfield and Windham Counties, Connecticut	Basic Hourly Rates	Fringe Benefits
Change:		
Heavy & Highway Construction:		
Bricklayers; Cement Masons; Finishers; Stonemasons		
Area 1,2,3,6,7,8&9	12.40	1.75
Area 4	13.07	1.08
Area 5	11.95	2.20
Carpenters and Pile-drivermen		
Area 1	13.70	1.55+c+d
Area 2	13.70	1.65+d
Area 3	13.70	1.65+d
Area 4	13.70	1.60+d
Area 5	13.70	1.58+d
Laborers:		
Laborers	11.05	2.15
Acetylene burners; Asphalt raker; chain saw operator; Concrete & power buggy operators; Concrete saw operators; fence & guard rail erectors; form setters; hand operated concrete vibrator operators; hand operated vibratory compactor operators; Mason tenders; pipelayers; pneumatic gas & electric drill operators; powderman & wagon drill operators	11.30	2.15
Air track operators; block paver; curb setters	11.55	2.15
Blaster	11.80	2.15
Truck Drivers		
Class 1	11.26	2.59+a
Class 2	11.36	2.59+a
Class 4	11.41	2.59+a
Class 5	11.51	2.59+a
Class 6	11.56	2.59+a

DECISION NO. IA81-4089 - MOD. #5 (46 FR 56122 - 11/13/81) Clinton County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bldg., Water Treatment & Sewage Disposal Plants:		
Glaziers	$15.71	1.77
Plumbers & pipefitters	16.65	2.32

DECISION NO. IA81-4090 - MOD. #4 (46 FR 60752 - 12/11/81) Des Moines County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bldg., Water Treatment & Sewage Disposal Plants:		
Bricklayers & stonemason	15.08	1.57
Carpenters:		
Carpenters	15.70	2.13
Millwrights & pile-drivermen	16.40	2.13
Cement masons	17.55	
Glaziers	15.71	1.77
Ironworkers	16.45	1.91
Laborers - Group 1	13.75	1.35
Group 2	13.91	1.35
Group 3	14.01	1.35
Group 4	14.12	1.35
Group 5	14.22	1.35
Plasterers	17.18	
Roofers	14.13	
Soft floor layers	15.70	2.13

DECISION NO. IA81-4091 - MOD. #4 (46 FR 56123 - 11/13/81) Dubuque County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bldg., Water Treatment & Sewage Disposal Plants:		
Ironworkers - Southeast portion	16.40	2.375

DECISION NO. IA-81-4092 - MOD. #5 (46 FR 58025 - 11/27/81) Johnson County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bldg., Water Treatment & Sewage Disposal Plants:		
Glaziers	15.71	1.77
Plasterers	16.47	
Sheet metal workers	17.20	1.11

DECISION NO. IA81-4093 - MOD. #5 (46 FR 58018 - 11/27/81) Linn County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bldg., Water Treatment & Sewage Disposal Plant:		
Glaziers	$15.71	1.77
Plasterers	16.47	
Sheet metal workers	17.20	1.11

DECISION NO. IA81-4096 - MOD. #4 (46 FR 58023 - 11/27/81) Woodbury County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers	15.38	1.02
Carpenters:		
Carpenters & drywall hangers	14.18	1.94
Millwrights & pile-drivermen	14.68	1.94
Ironworkers	14.64	1.495
Lathers	14.18	1.94
Marble setters	15.38	1.02
Painters - Group 1	13.1[illegible]	1.95
Group 2	13.63	1.95
Plumbers & pipefitters	15.57	1.84
Terrazzo workers	15.38	1.02
Power equipment ops.:		
Group 1	14.145	2.10
Group 2	13.90	2.10
Group 3	12.63	2.10
Group 4	11.85	2.10

DECISION NO. IA81-4097 - MOD. #4 (46 FR 58016 - 11/27/81) Cerro Gordo County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bldg., Water Treatment & Sewage Disposal Plant:		
Bricklayers	12.92	1.07
Glaziers	13.64	1.31+b +4.35%

DECISION NO.HI82-5105- Mod. #2(47 FR 10948- March 12, 1982) STATEWIDE HAWAII	Basic Hourly Rates	Fringe Benefits
CHANGE		
BRICKLAYERS;Stonemasons	$13.48	$5.15
TERRAZZO WORKERS & TILE SETTERS	14.28	4.35
Terrazzo Base Grinders	12.77	4.35
Terrazzo Floor Grinder and Finisher	11.42	4.35

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DECISION NO. MD81-3074 - MOD. #5
(46 FR 50238 - October 9, 1981)
ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL), BALTIMORE AND BALTIMORE CITY, MARYLAND AND FOR HEAVY CONSTRUCTION PROJECTS IN HARFORD AND HOWARD COUNTIES, MARYLAND

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Cement Masons	13.94	1.72
Ironworkers:		
Ironworkers, finishers, rodmen; pre-cast and pre-stress erectors	13.99	2.38
Fence erectors	13.64	2.38
Sheeters	14.24	2.38
Lead Burners	16.35	1.01
Painters:		
Brush, roller, spackling, taping and wallcovering	12.05	2.29
Steel, spray, swinging stages, boarswain chain, sand and waterblasting, steam cleaning and epoxies	12.80	2.29
Plasterers	13.25	2.10
Plumbers	16.12	2.55
Roofers	11.35	1.35
Sheetmetal Workers	13.84	2.42
Steamfitters	16.68	2.31
Tile, Marble and Terrazo Finishers	9.40	.90
Power Equipment Operators (Building and Heavy Construction):		
Group I	15.08	2.45
Group II	13.78	2.45
Group III	13.07	2.45
Group IV	12.40	2.45
Group V	11.05	2.45
Truck Drivers: Building		
Euclid wagon and dumpster	11.21	2.40
Drop frame gooseneck and trailers	11.07	2.40
Dump	10.82	2.40
Pick-up	11.16	2.40
Truck Drivers: Heavy		
Euclid wagon and dumpsters	10.24	2.40
Drop frame, gooseneck and trailers	10.10	2.40
Dump, sweeper, boring machine and miscellaneous equipment, water trucks, fuel and lube truck	9.85	2.40
Pick-up	9.58	2.40
Line Construction:		
Zone 1 - Zero milestone (Baltimore City Hall) to 45 miles (air line)		
Linemen, cable splicers, digging and equipment operators	15.50	.70+8%
Truck Drivers	9.69	.70+8%
Groundmen	9.30	.70+8%
Zone 2 - Over 45 miles to (air line) limit of jurisdiction		
Linemen, cable splicers, digging and equipment operators	15.75	.70+8%
Truck Drivers	9.94	.70+8%
Groundmen	9.55	.70+8%
Electricians	15.10	1.80+ 3.5%

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DECISION NO. NJ81-3053 - MOD. #12
(46 FR 50243 - October 9, 1981)
BERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN COUNTIES, NEW JERSEY

CHANGE:

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:		
ZONE 3	14.87	4.48
ZONE 4		
Bricklayers & Stone Masons	13.66	1.77
Cement Masons & Plasterers	15.35	2.15
ZONE 7	15.75	1.62
ZONE 8	15.61	2.09
CARPENTERS, INSULATORS & MILLWRIGHTS:		
ZONE 1	14.85	3.63
ZONE 3		
Carpenters	16.05	15- 5/10¢
Millwrights	16.55	"
ZONE 4		
Carpenters	16.05	"
Millwrights	16.55	"
ZONE 5		
Carpenters	15.38	20- 5/10¢
Millwrights	15.88	"
LABORERS, BUILDING CONSTRUCTION:		
ZONE 2	10.55	2.55
ZONE 3		
Laborers	11.30	2.20
Mortar mixers, scaffold men, pneumatic hammer ops., bell men & carpenter tenders	11.05	2.20
ZONE 7	10.30	3.05
ZONE 8		
Laborers	10.75	2.35
Vibrator handler, power hammer handler, tamper & fork lift op.	11.00	2.35
ZONE 9		
Laborer	11.30	1.80
Vibrator handler, power hammer handler, tamper, & fork lift op.	11.55	1.80
ZONE 10	11.75	1.10
ZONE 12	10.80	2.30
ZONE 14	10.65	2.30
ZONE 15	10.70	2.40
ZONE 17	11.35	1.55
PAINTERS:		
ZONE 3		
Painters on new construction and major alterations	13.30	1.88
Painters on repaint work	12.30	1.88
Spraying or application of hazardous or dangerous materials on repaint work	12.90	1.88
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	13.45	1.88
Repaint work as described above	12.45	1.88
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steamcleaning, spraying or application of hazardous materials	13.90	1.88

Decision No. NY-80-3054 - Mod.#2
(45 FR 59104 - September 5, 1980)
Jefferson County, New York

CHANGE:

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
Electrical Overhead & Underground Distribution Work		
Journeyman Lineman & Technician	12.00	5%+3.40 +a
Cable Splicer	16.00	"
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	"
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	"
Groundman Truck Driver (Tractor Trailer)	10.20	"
Driver Mechanic, Groundman - Experienced	9.00	"
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Technician	13.80	"
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	"
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	"
Groundman Truck Driver (Tractor Trailer Unit)	11.73	"
Driver Mechanic, Groundman - Experienced	10.35	"
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems		
Journeyman Lineman & Technician	14.55	"
Cable Splicer	16.005	"
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	"
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	5%+3.40 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.37	"
Driver Mechanic, Groundman - Experienced	10.91	"
All Pipe type Cable Installation, Maintenance Job or Projects		
Journeyman Lineman	14.55	"
Certified Lineman Welder	15.28	"
Cable Splicer	16.005	"
Groundman Equipment Operator	14.55	"
Groundman Truck Driver (Tractor Trailer Unit)	12.37	"
Groundman Truck Drivers	11.64	"
Groundman	10.91	"

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

DECISION NO. TX81-4064 - MOD. #2 (46 FR 40487 - August 7, 1981) El Paso County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$11.75	2.95

DECISION NO. TX81-4074 - MOD. #8 (46 FR 48861 - October 2, 1981) Travis County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	13.35	2.62

DECISION NO. TX81-4075 - MOD. #9 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator constructors:		
Mechanics	15.34	2.465+ a+b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	"
Ironworkers	15.46	2.90
Painters:		
Galveston County:		
Group 1	14.345	3.05
Group 2	14.645	3.05
Group 3	13.59	3.05

DECISION NO. TX81-4076 - MOD. #9 (46 FR 48857 - October 2, 1981) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator constructors:		
Mechanics	15.34	2.465+ a+b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	"
Ironworkers	15.46	2.90

DECISION NO. TX81-4078 - MOD. #7 (46 FR 48865 - October 2, 1981) Bexar County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$12.55	2.87

DECISION NO. TX81-4079 - MOD. #5 (46 FR 48867 - October 2, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Building Construction:		
Ironworkers	13.35	2.62

DECISION NO. TX82-4005 - MOD. #4 (47 FR 4465 - January 29, 1982) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator constructors:		
Mechanics	15.34	2.465+ a+b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	"

DECISION NO. AZ82-5109 - Mod. #1 (47 FR 17723 - April 23, 1982)
Statewide, Arizona

Omit:
Landscape Gardener and Nurseryman classification from Laborers, Group 1:

ADD:

Plumbers:	Basic Hourly Rates	Fringe Benefits
Hoover Dam Only:		
Zone 4	$19.35	$3.83

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DECISION NO. IL81-2062 - MOD. #1 (46 FR 51155 - October 16, 1981) Cook, Illinois	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS; STONEMASONS	$15.61	1.25	1.10		.11
CAULKERS; CLEANERS AND POINTERS	15.25	1.85	1.10		.04
CARPENTERS:					
Building, Heavy & Highway: Carpenters; Millwrights; Piledrivermen and Soft floor layers	15.50	1.43	1.08		.10
IRONWORKERS:					
Riggers & machinery movers	12.755	1.345	2.475	1.75	.15
Metal fence Erectors:					
Black book	16.20	1.28a	1.36		.05
Red book	11.57	1.28a	1.36		.05
MARBLE SETTERS'FINISHERS	12.45	1.10	.05	.50	
PAINTERS:					
Brush, Decorators, Paperhangers and tapers	14.00	.675	.75		.05
	15.80	1.56	1.15		.04
ROOFERS	14.66	1.00	1.27		.05
TILE SETTERS					
TRUCK DRIVERS:					
Building and Residential:					
4 Axle Trucks	13.575	40.00c	49.00c	d & e	
5 Axle Trucks	13.775	40.00c	49.00c	d & e	
6 Axle Trucks	13.975	40.00c	49.00c	d & e	
2-3 Axle Trucks	13.325	40.00c	49.00c	d & e	
Heavy And Highway:					
2-3 Axle Trucks	13.15	1.45	1.00	d & e	
4 Axle Trucks	13.40	1.45	1.00	d & e	
5 Axle Trucks	13.60	1.45	1.00	d & e	
6 Axle Trucks	13.80	1.45	1.00	d & e	
Add:					
FOOTNOTES:					
d. 6 paid holidays A thru E & G					
e. 900 straight-time hours or more in one calender year for same employer - 1 week paid vacation; three years-2 weeks paid vacation; ten years-3 weeks paid vacation; twenty years - 4 weeks paid vacation					

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DECISION NO. IL81-2062 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Common; Plasterer Tenders; Pumps for Dewatering & other unclassified Laborers	12.40	.62	1.30		
Cement Gun Laborers	12.475	.62	1.30		
Scaffold Laborers & Chimney Laborers over 40 ft.	12.50	.62	1.30		
Windlass & Cement Gun Nozzle Laborers - Gunnite	12.55	.62	1.30		
Stone Handlers & Derrickmen	12.60	.62	1.30		
Jackhammermen	12.625	.62	1.30		
Concrete Vibrator; Plumbers' Tenders; & Chain Saw Operators	12.65	.62	1.30		
Firebrick & Boiler Setters' Tenders	12.725	.62	1.30		
Chimney Tenders on Firebrick; Caisson Diggers & Well Point System Men	12.75	.62	1.30		
Boiler Setter Plastic Tenders	12.85	.62	1.30		
Jackhammer on Firebrick Only	12.975	.62	1.30		
Omit:					
Landscape Work					
Add:					
Landscape Work:					
Building, Residential, Heavy & Highway Const.:					
Landscape Plantsmen	8.18			f&g	
Truck Driver - Tractor Trailer (3 axle or more) and Equipment Operator	8.66			f&g	
Truck Driver - 2 Axle	8.24			f&g	

DECISION NO. IL81-2062
(Cont'D)

FOOTNOTES:

f. Six Paid Holidays; New Year's Day; Memorial Day; July Fourth; Labor Day; Thanksgiving Day; Christmas Day

g. 1 year's service - 1 week's Paid Vacation; 3 or more year's service - 2 weeks' Paid Vacation

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Power Equipment Operators:					
Building and Residential Construction:					
Class 1	15.80	1.50	1.35	.80	.05
Class 2	14.50	1.50	1.35	.80	.05
Class 3	13.05	1.50	1.35	.80	.05
Class 4	11.60	1.50	1.35	.80	.05
Sewer, Heavy and Highway Construction:					
Class 1	15.45	1.50	1.35	.80	.05
Class 2	14.90	1.50	1.35	.80	.05
Class 3	13.90	1.50	1.35	.80	.05
Class 4	12.65	1.50	1.35	.80	.05
Class 5	11.55	1.50	1.35	.80	.05

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: *See Below
DECISION NO.: IL82-2034 DATE: Date of Publication
Supersedes Decision No. IL79-2077, dated September 14, 1979 in 44 FR 53642
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

*Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby, & Vermilion

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Champaign, Douglas (N. of US Rte. #36), & Piatt (NE ½) Cos.:					
Carpenters	$14.655	.65	1.30		.08
Piledrivermen	15.155	.65	1.30		.08
Clark, Coles, Cumberland, Douglas (Remainder of Co.), Edgar, Moultrie (Exclu. area N. of Rte. #133), & Shelby (Exclu. Moweaqua & N. thereof) Cos.:					
Carpenters	15.005	.75	1.10		.08
Piledrivermen	15.505	.75	1.10		.08
DeWitt Co.:					
Carpenters	14.58	.75	1.50		.07
Piledrivermen	15.08	.75	1.50		.07
Macon, Moultrie (N. of Rte. #133) Piatt (SW ½), & Shelby (Moweaqua & N. thereof) Cos.:					
Carpenters	15.005	.75	1.00		.08
Piledrivermen	15.505	.75	1.00		.08
Vermilion Co.:					
Carpenters	14.755	.75	1.10		.08
Piledrivermen	15.255	.75	1.10		.08
CEMENT MASONS:					
Champaign, Clark, Cumberland, Douglas, Moultrie (Exclu. NE Corner), Piatt (Monticello & N. thereof), & Shelby (Exclu. Lovington, Bethany & Moweaqua) Cos.	15.475	.55			.025
Coles & Edgar Cos.	15.725				
DeWitt (Clinton & S. thereof), Macon, Moultrie (NE Corner), Piatt (S. of Monticello), & Shelby (Lovington, Bethany & Moweaqua) Cos.	14.80	.65	.575		
Vermilion Co.	14.725		1.00		

DECISION NO. IL82-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Champaign, DeWitt (Santa Anna Twp.), Douglas (N ½), & Piatt (Blue Ridge, Sangamon & Monticello Twps.) Cos.	$16.05	.80	3%+.75		.3%
Clark & Edgar Cos.	16.00	.65	3%+1.00		.01
Coles, Cumberland, DeWitt (Harp, Wapella, Barnett, Clintonia, DeWitt, Turnbridge, Texas, Creek & Nixon Twps.), Douglas (Arcola, Burbon, Garrett Twps. & that portion of Tuscola lying W. of the city of Tuscola & the Ill. Central RR Tracks), Macon, Moultrie, Piatt (Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity Twps.), & Shelby Cos.	16.45	.65	3%+.65		.35%
DeWitt (Waynesville, Wilson & Rutledge Twps.) Co.	15.65	.65	3%+.85		½%
Vermilion Co.	15.97	.65	3%+.50		½%
IRONWORKERS:					
Champaign, Coles, Cumberland, DeWitt (E ½), Douglas, Edgar, Macon (E. of Decatur), Moultrie, Piatt, Shelby (E ½), & Vermilion Cos.	15.50	.95	1.50		.08
Clark Co.	14.15	1.00	2.70		.10
DeWitt (W ½), Macon (Except portion E. of Decatur), & Shelby (W ½) Cos.	16.25	.80	1.05		.08
LINE CONSTRUCTION:					
Champaign, Coles (E. Oakland, Humboldt, Morgan, N. Okaw, & Seven Hickory Twps.), DeWitt, Douglas, Edgar, Macon, Moultrie (Except Whitley Twp.), Piatt, Shelby (W. of Holland, Prairie, Richland, & Windsor Twps.), & Vermilion (Except work performed on Ill. Power Company & REA Co-op properties) Cos.:					

DECISION NO. IL82-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen	$17.16	.45	7%		.5%
Groundmen-Equipment Operator, Class I	16.01	.45	7%		.5%
Groundmen-Truck Driver w/Winch	12.16	.45	7%		.5%
Groundmen-Truck Driver w/o Winch	11.45	.45	7%		.5%
Groundmen	10.91	.45	7%		.5%
Clark, Coles (S ½), Cumberland, Moultrie (Whitley Twp.), Shelby (Except W. of Holland, Prairie, Richland, & Windsor Twps.) Cos.:					
Linemen	15.80	.45	13%		½%
Groundmen Equipment Operator, Class I	13.51	.45	13%		½%
Groundmen Equipment Operator, Class II	12.10	.45	13%		½%
Groundman	10.09	.45	13%		½%
PAINTERS:					
Champaign, Coles, Cumberland, & Douglas Cos.	16.27	.55	.40		.04
Clark & Edgar Cos.:					
Brush up to 30 ft.	14.30	.65	.35		
Brush over 30 ft.	15.10	.65	.35		
Roller up to 30 ft.	15.15	.65	.35		
Roller over 30 ft.	15.95	.65	.35		
Sandblasting up to 30 ft.	15.80	.65	.35		
Sandblasting over 30 ft.	16.60	.65	.35		
Spray up to 30 ft.	15.30	.65	.35		
Spray over 30 ft.	16.10	.65	.35		
DeWitt, Macon, Moultrie, Piatt, & Shelby Cos.:					
Brush & Roller	15.05	.80	.60		
Spray	15.80	.80	.60		
Radio & TV Towers; Steeples; & Structures over 50 ft.	16.05	.80	.60		
LABORERS:					
Champaign, DeWitt, & Piatt (N ½) Cos.:					
Unskilled	15.00	.70	.60		.05
Semi-Skilled	15.20	.70	.60		.05
Skilled	15.35	.70	.60		.05

DECISION NO. IL82-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clark, Douglas, Edgar, Moultrie (E ½), & Piatt (S ½) Cos.:					
Unskilled	$14.75	.55	1.00		.05
Semi-Skilled	14.95	.55	1.00		.05
Skilled	15.10	.55	1.00		.05
Coles & Cumberland Cos.:					
Unskilled	15.00	.80	.50		.05
Semi-Skilled	15.20	.80	.50		.05
Skilled	15.35	.80	.50		.05
Macon & Moultrie (W ½) Cos.:					
Unskilled	14.75	.65	.90		.05
Semi-Skilled	14.95	.65	.90		.05
Skilled	15.10	.65	.90		.05
Shelby Co.:					
Unskilled	14.65	.65	1.00		.05
Semi-Skilled	14.85	.65	1.00		.05
Skilled	15.00	.65	1.00		.05
Vermilion Co.:					
Unskilled	14.10	.65	1.55		.05
Semi-Skilled	14.30	.65	1.55		.05
Skilled	14.45	.65	1.55		.05

LABORERS CLASSIFICATIONS:

UNSKILLED - Common Laborers
SEMI-SKILLED - Asphalt Rakers; Asphalt Saw Operators; Blade Grade Operators; Cement Handlers; Chain Saw Operators; Concrete Saw Operators; Dumping Dry Cement From Dump & Batch Trucks; Form Setters; Handling of Creosote Lumber & Lime; Hopper Men; Mechanical Form Tampers; Powder Men; Powdermen & Dynamite Men ($1.00 premium); Power Tool Operators; Priming & Wrapping of Gas Lines; Puddlers; Rubbing of Concrete; Sewer or Conduit, Tunnel Miners, Top Men, Muckers, & Bottom Men ($.25 premium); Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; & Spotters & Dumpmen or on Levees, Fills, or Grades
SKILLED - Air Spades; Brick Tenders; Gunnite Nozzlemen; & Jackhammers

DECISION NO. IL82-2034 ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS: Champaign, Clark, Coles, Cumberland, Douglas, Edgar, Moultrie, & Vermilion Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$14.95	.75	.75		.08
CLASS II	14.85	.75	.75		.08
CLASS III	14.65	.75	.75		.08
CLASS IV	9.25	.75	.75		.08

CLASS I - Master Mechanic
CLASS II - Utility Operator
CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tournamixers, Two Drum Machine, One Drum Hoists with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade , Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type Drilling Machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Head Equipment Greaser, Barber-Greene Loaders, Formless Paver, Well Point System, Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe Attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

DECISION NO. IL82-2034

POWER EQUIPMENT OPERATORS (CONT'D):

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, Two to Four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 cu. ft. and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop Curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for Hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck Hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Farm Tractor

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POWER EQUIPMENT OPERATORS:

Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$16.25	.85	.95		.05
CLASS II	14.60	.85	.95		.05
CLASS III	13.00	.85	.95		.05

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sideboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hvy & Hwy only)

CLASS III: Air Compressor*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver (1 man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL82-2034

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$14.325	1.15	51.00a		
GROUP II	14.725	1.15	51.00a		
GROUP III	14.925	1.15	51.00a		
GROUP IV	15.175	1.15	51.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: Madison & St. Clair
DECISION NUMBER: IL82-2031
DATE: Date of Publication
Supersedes Decision No. IL81-2005, dated March 27, 1981 in 46 FR 19166
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.49	1.00	1.26		
BOILERMAKERS	17.05	1.275	1.60		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Madison County	15.40	.80	.75		.10
St. Clair County	15.40	.80	.75		.10
CARPENTERS:					
Madison County:					
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:					
Commercial Building	14.585	1.05	1.25		
Residential:					
Southern Part of Madison Co. Bounded by Rte #4 on East, #143 on North, #111 on West & to the Place Where #111 & Madison Co. Line Intersect excluding Bethalto & Godfrey	13.735	1.05	1.25		
Remainder of Madison Co.	14.185	1.05	1.25		
St. Clair County:					
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:					
Commercial Building	14.935	1.05	1.00		
Residential:					
Freeburg	14.435	1.05	1.00		
Chester	14.735	1.05	1.00		
CEMENT MASONS	14.755	1.25	1.02		
ELECTRICIANS:					
Madison Co. (Alton & Vic.)	16.81	.65	3%+1.50		.3%
Madison (Rem. of Co.) & St. Clair Co.	14.80	.59	3%+1.04	.89	½%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	14.19	1.345	1.085	3%+a&b	.035
Helpers	70%JR	1.345	1.085	3%+a&b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	14.79	1.43	2.65	13.2%	.05

DECISION NO. IL82-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS	$15.85	.80	1.05		.05
LABORERS:					
Madison Co.					
Alton					
Common	13.60	.65	.60		.05
Laying Sewer & All Sewer Work	13.70	.65	.60		.05
Well Digging; Gunnite Machine; Gunnite Nozzle Operator; Rip-Rapping	13.85	.65	.60		.05
Wood River					
Common	13.20	.65	1.00		.05
Laying Sewer & All Sewer Work	13.30	.65	1.00		.05
Well Digging; Gunnite Machine & Nozzle Operator	13.45	.65	1.00		.05
Granite City, Madison, Venice, Nameoki & Mitchell					
Common	13.05	1.80c			.05
Cutting, Burning & Welding	13.325	1.80c			.05
Plasterers' & Brick Masons' Tenders	13.55	1.80c			.05
Dynamite & Powdermen	14.575	1.80c			.05
Dynamite & Powdermen Tenders	13.575	1.80c			.05
Collinsville					
Common	13.45	.65	.75		.05
Mason & Plasterers' Tenders	13.95	.65	.75		.05
Dynamite Men	14.75	.65	.75		.05
Dynamite Men Tenders	14.00	.65	.75		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Edwardsville					
Common	$13.85		1.00		.05
Men Working on Sewer Work from Building to Main Sewer	13.95		1.00		.05
Men Working in Main Sewer Ditch & Cutting w/a Torch	14.10		1.00		.05
Plaster & Mason Tenders	14.35		1.00		.05
Glen Carbon					
Common	13.85		1.00		.05
Mason & Plaster Tenders	14.35		1.00		.05
Dynamite Men	15.45		1.00		.05
Highland & St. Jacob					
Common	14.15		.60		.05
Mason & Plasterers Tenders	14.65		.60		.05
Workmen cutting & burning w/a Torch	14.40		.60		.05
Dynamite Men	15.75		.60		.05
Livingston					
Common	14.25		.50		.05
Working on the Bottom of Sewer	14.50		.50		.05
Mason & Plasterer Tenders	14.75		.50		.05
Dynamite Men	15.85		.50		.05
Marine					
Common	14.55		.20		.05
Mason & Plasterer Tenders	15.05		.20		.05
Working on the Bottom of Sewer	14.80		.20		.05
Dynamite Men	16.15		.20		.05
Troy & Vicinity					
Common	13.75		1.00		.05
Mason & Plasterer Tenders	14.25		1.00		.05
Working on the Bottom of Sewer	14.00		1.00		.05
Dynamite Men	15.35		1.00		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
St. Clair County:					
E. St. Louis & Vicinity					
Laborers	$13.05	1.80c			.05
Dynamite Men & Powder Men	14.575	1.80c			.05
Belleville & Vicinity					
Laborers	13.00	.55	1.30		.05
Dynamite Men & Powder Men	14.50	.55	1.30		.05
Working w/a Torch at Bottom of Sewer	13.25	.55	1.30		.05
O'Fallon, Mascoutah, Scott AFB, Shilo & Lebannon & Vicinity					
Laborers	13.60	.65	.60		.05
Bottom Men on Sewer Work	13.85	.65	.60		.05
Dynamite Men	14.45	.65	.60		.05
Freeburg & Vicinity					
Laborers	12.40	.50	.60		.035
All Sewer Work	12.65	.50	.60		.035
Mason & Plaster Tenders	12.90	.50	.60		.035
Dynamite Men	14.00	.50	.60		.035
New Athens & Vicinity					
Laborers	13.25	.55	.95		.05
Bottom Men on Sewer Work	13.50	.55	.95		.05
Mason & Plaster Tenders	13.75	.55	.95		.05
Dynamite Men	14.85	.55	.95		.05
LATHERS: St. Clair County	14.735			.65	.01
PAINTERS:					
Residential - Commercial	14.72	.70	.60		
Industrial & Taping	14.97	.70	.60		
Bridges; Grain Elevators, Water; Radio & TV Towers; Stacks	15.22	.70	.60		
Residential & Commercial Spray & Blast	15.72	.70	.60		
Industrial Spray & Blast	15.97	.70	.60		

DECISION NO. IL82-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$16.275				
PLUMBERS & STEAMFITTERS:					
Alton & Northern part of Madison Co., North of Mitchell	18.90	.48	.96	d	.05
Granite City; Southern ½ of Madison Co., & E. St. Louis & Vic. in St. Clair Co.	14.20	1.00	1.42	1.00	.03
Belleville & Vicinity	15.40	.80	1.00		
ROOFERS:					
Composition-Slate-Tile	13.85	.92	.85		.03
SHEET METAL WORKERS	14.78	.80	1.00	6%	.06
SPRINKLER FITTERS	15.31	.95	1.40		.08
WELDERS - recieve rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 6% of regular hourly rate for employee who has worked in business more than 5 years.

b. 7 Paid Holidays; A through G
c. Includes Pension
d. Paid Holiday: 4 Hours for Christmas Eve if Holiday falls on Monday through Friday

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASTER MECHANIC	$15.67	.87	1.51		.10
GROUP I	15.17	.87	1.51		.10
GROUP II	12.64	.87	1.51		.10
GROUP III	11.99	.87	1.51		.10
GROUP IV	11.89	.87	1.51		.10
GROUP V	11.64	.87	1.51		.10
GROUP VI:					
a	17.32	.87	1.51		.10
b	17.62	.87	1.51		.10
c	13.74	.87	1.51		.10
d	14.24	.87	1.51		.10

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Opers. Plant Opers., Ditching Machines or Backfillers, Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't. Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more, Hoists-2 Drum or more, Hydraulic Backhoes, Ditching Machines or Backfiller Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pumps, Bulk Cement Plants, Cement Pumps, Derrick-Type Drills, Mixers (over 3 bags) and Boat Oprs., (25' & over), Motor Graders or Pushcats, Scoops or Tournapulls, Bulldozers, Endloaders or Fork-Lifts, Power Blade or Elevating Graders, Winch Cats, Boom Tractors, and Pipe Wrapping or Painting Machines, Drills (other than derrick type) 1-drum-hoists, Mud Jacks, Mixers (2 or 3 bags), Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (under 2 bags), all Tractors regardless of size (Straight Tractor Only), Firemen on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machines, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Oprs., (under 25 ft., conveyors (1), Distribution Oprs., On Trucks, Siphons or Jets (1) Winch Heads or Apparatuses (1), Light Plant (1) Mixers (under 2 bags)

GROUP II Air Compressor (1), Water Pumps regardless of size (1) Welding Machines (1)

GROUP III Firemen and Asphalt Spreader Oilers

GROUP IV Heavy Equipment Oilers (truck cranes, dredges, monigans, large cranes, etc.)

GROUP V Oilers

GROUP VI

a. Engineers Operating under air pressure
b. Engineers Operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs. pressure

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$14.325	1.15	51.00a		
GROUP II	14.725	1.15	51.00a		
GROUP III	14.925	1.15	51.00a		
GROUP IV	15.175	1.15	51.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Bossier & Caddo
DECISION NO.: LA82-4021 DATE: Date of Publication
Supersedes Decision No. LA81-4084, dated November 6, 1981, in 46 FR 55203.
DESCRIPTION OF WORK: Residential Projects consisting of single family homes & apartment up to & including 4 stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$14.71	2.475
BRICKLAYERS & STONEMASONS	12.80	1.60
CARPENTERS:		
Carpenters & soft floor layers	12.55	1.48
Millwrights	13.30	1.48
Piledrivermen	12.80	1.48
CEMENT MASONS	11.65	.80
ELECTRICIANS:		
Electricians	14.60	2.40+ 4%
Cable splicers	15.10	"
ELEVATOR CONSTRUCTORS:		
Mechanics	12.56	2.33 + a
Helpers	70%JR	"
Helpers (Prob.)	50%JR	
GLAZIERS	9.88	.34
IRONWORKERS	13.60	2.36
LABORERS:		
GROUP 1 - Laborers	7.53	.57
GROUP 2 - Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers	7.63	.57
GROUP 3 - Mortar mixers	7.68	.57
GROUP 4 - Air jacks, vibrators; sewer pipe layer & wipers	7.73	.57
LATHERS	13.05	1.48
MARBLE, TILE & TERRAZZO WORKERS	11.30	.85
PAINTERS - Painters, tape & float, vinyl & paperhangers	11.40	1.10
PLASTERERS	11.65	.80
PLUMBERS & PIPEFITTERS	12.69	2.99
ROOFERS:		
Roofers	12.86	.24
Kettlemen	8.90	.24
SHEET METAL WORKERS	8.35	3%+.82
SPRINKLER FITTERS	13.69	2.43
TRUCK DRIVERS:		
GROUP 1 - Pick-ups, spotters & dumpers	9.47	
GROUP 2 - Stake bodies; flat beds (all sizes)	9.55	
GROUP 3 - Single axle dump & water trucks; transit mix up to & including 3 yds.	9.80	
GROUP 4 - Tandem axle dump, batch & water truck over 3 tons, pick-ups with trailer	9.95	
GROUP 5 - Mississippi wagons, floats, tractor trailers, rubber-tired tractors & wobble wheel	10.10	
GROUP 6 - Euclids, lowboy, Dempsey dumpsters, Koehring dumps, 5 axle truck, transit mix over 3 yds.	10.30	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.		

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos.-none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate. 7 paid holidays - New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the Friday after Thanksgiving Day; Christmas Day

Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Calcasieu
DECISION NO.: LA82-4022 DATE: Date of Publication
Supersedes Decision No. LA81-4084, dated November 6, 1981, in 46 FR 55203.
DESCRIPTION OF WORK: Residential Projects consisting of single family homes & apartments up to & including 4 stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.755	2.215
BRICKLAYERS & STONEMASONS	14.80	1.73
CARPENTERS:		
Carpenters, piledrivermen & soft floor layers	13.81	1.40
Millwrights	15.91	.07
CEMENT MASONS	13.93	
ELECTRICIANS:		
New & old single or multiple family residence & apt. complex not to exceed 12 units 2-story walk-ups	11.45	.95 + 3-3/10%
Other electricians:		
Electricians	18.25	.95 + 3-5/10%
Cable splicers	18.75	"
ELEVATOR CONSTRUCTORS:		
Mechanics	13.43	2.465 + a
Helpers	70%JR	"
Helpers (Prob.)	50%JR	
GLAZIERS	14.05	.02 + b
IRONWORKERS	14.41	1.55
LABORERS:		
GROUP 1 - Building & general laborers; tenders (carpenter, plaster, cement finisher, masons); tank & vessel cleaners	10.56	.89
GROUP 2 - Mechanical tool op. (except jackhammer); interior of closed tanks & vessels power equipped	10.66	.89
GROUP 3 - Mortar mixers	10.71	.89
GROUP 4 - Jackhammer ops.	10.81	.89
GROUP 5 - Blasterers	11.52	.89
GROUP 6 - Blaster tender; concrete cutters behind paving machines&puddlers form setters & lines asphalt worker	11.08	.89
GROUP 7 - Wipe joints, laying pipe & tile from pumpcrete	10.92	.89
GROUP 8 - Interior of closed tanks & vessels manually	10.61	.89
LATHERS	$13.81	1.40
MARBLE & TERRAZZO WORKERS	14.80	1.73
PAINTERS:		
GROUP 1 - Brush, roller buffer	14.745	.30
GROUP 2 - Paperhangers, taping & floating	14.945	.30
GROUP 3 - Spray, sandblast	15.09	.30
PLASTERERS	14.75	
PLUMBERS & PIPEFITTERS	16.98	2.00
ROOFERS	14.06	.20
SHEET METAL WORKERS	14.75	3%+1.74
SPRINKLER FITTERS	13.69	2.43
TILE SETTERS	11.07	1.70
TRUCK DRIVERS:		
GROUP 1 - Pick-ups	11.31	.70
GROUP 2 - Stake bodies (all sizes)	11.79	.70
GROUP 3 - Truck trailer & dump over 8 yds.; mixer on trucks over 3 yds.; Miss. wagon & Koehring dumpsters & similar dirt moving equip. up to & including 8 yds.	12.02	.70
GROUP 4 - Mixers on truck up to & including 3 yds.	11.81	.70
GROUP 5 - Winch truck	11.91	.70
GROUP 6 - Dump truck	11.83	.70
GROUP 7 - Miss. wagons & Koehring dumpsters & similar dirt moving equip. over 8 yds.	12.25	.70
POWER EQUIPMENT OPS.:		
GROUP 1	10.61	1.95
GROUP 2	10.29	1.95
GROUP 3	10.08	1.95
GROUP 4	10.89	1.95
GROUP 5	14.01	1.95
GROUP 6	11.50	1.95
GROUP 7	12.38	1.95
GROUP 8	12.38	1.95
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.		

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS & GLAZIERS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Firday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS & GLAZIERS
a - 1 st mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; Seven Paid Holidays
b - 5 days paid vacation; Paid Holidays A, C, D, E, G & Good Friday

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Scale ops.; oiler-driver on motor crane; batch plant op.
GROUP 2 - Pumps under 3 inch suction
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination oiler-compressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozers; cableways; cherry pickers (all ty concrete mixer (over 1 sack); cranes; deck winch (2 drum or over); derricks; ditching or trenching machines (riding type); draglines; dredges; fork lifts (other than farm type) outside warehouse; foundation drill; front end loaders (except farm type); grease serviceman; hoist-1 drum (4 stories or more on bld hoist-1 drum (over 40 ft. on structures other than bldgs.); hoist (2 drums or over); locomotive (all types); mechanic; mixer plant op.-central mix; motor patrols; piledrivers; pull cat; pump crete-6" & over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms, welde journeyman; well point system; whirleys; winch cats (cat D-4 & over); winch truck with A-frame (5 tons & over); work boats-requiring licensed operator
GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dowel bar machine; farm-type tractors (when used to pull discs, grass cutters, etc.); hoist-1 drum (under 4 stories on bldgs.); hoist-1 drum (40 ft or under on structures other than bldgs.); Kolum buff machines; mixers (1 sac & under); motorized street sweepers, self-propelled; pump (3" & over); test pump-internal combustion engine powered; water blast pumps
GROUP 7 - Asphalt plant op.; boom trucks; bull floats; concrete spreader; farm type front end loaders; finishing machines (roadway, riding type); rolle (other than plant mix asphalt); straddle buggies; winch truck with A-frame (under 5 tons); work boats-requiring licensed operator
GROUP 8 - Unit operators

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Louisiana
PARISHES: Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles
DECISION NO.: LA82-4023 DATE: Date of Publication
Supersedes Decision No. LA81-4085, dated Nov. 6, 1981, in 46 FR 55206.
DESCRPTION OF WORK: Highway Projects (does not include building structures in rest area projects & airports in Bossier, Caddo, Calcasieu, Jefferson & Orleans Parishes.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS & STONEMASONS:		
ZONE 1	$13.95	1.635
ZONE 2	12.80	1.60
ZONES 3, 4 & 5	14.80	1.73
CARPENTERS & PILEDRIVERMEN:		
ZONE 1	13.20	1.86
ZONE 2	11.97	1.36
ZONE 3	13.08	1.40
ZONE 4	10.40	1.40
ZONE 5	9.90	1.40
CEMENT MASONS:		
ZONE 1	12.57	1.48
ZONE 2	11.80	.70
ZONE 3	13.40	
ZONE 4	11.80	
ZONE 5	11.30	
ELECTRICIANS:		
ZONE 1 - Electricians & cable splicers	15.70	3% + 1.35
ZONE 2 - Electricians	14.60	4% + 2.40
Cable splicers	15.10	"
ZONES 3, 4 & 5:		
Electricians	18.25	.95 + 3-5/10%
Cable splicers	18.75	"
IRONWORKERS:		
ZONE 1	13.56	1.66
ZONE 2	11.80	2.31
ZONE 3	13.50	1.30
ZONE 4	10.50	1.30
ZONE 5	10.00	1.30
LABORERS:		
ZONE 1 - GROUP 1	9.23	.62
GROUP 2	9.33	.62
GROUP 3	9.78	.62
GROUP 4	10.03	.62
ZONE 2 - GROUP 1	7.98	.57
GROUP 2	8.08	.57
GROUP 3	8.53	.57
GROUP 4	8.78	.57
ZONE 3 - GROUP 1	9.28	.57
GROUP 2	9.38	.57
GROUP 3	9.83	.57
GROUP 4	10.08	.57
ZONE 4 - GROUP 1	7.48	.57
GROUP 2	7.58	.57
GROUP 3	8.03	.57
GROUP 4	8.23	.57
ZONE 5 - GROUP 1	$ 7.28	.57
GROUP 2	7.38	.57
GROUP 3	7.83	.57
GROUP 4	8.03	.57
LINE CONSTRUCTION:		
ZONE 1:		
GROUP 1 - Linemen	15.70	3%+1.35
GROUP 2 - Op. hole digging equip,; op. tractor with winch & derrick; op. line truck with winch & derricks working hot lines	75%JR	3%+1.35
GROUP 3 - Op. using hole truck & trailer or pole hauling & setting truck (not in energized lines)	65%JR	3%+1.35
GROUP 4 - Op. using truck without winch	45%JR	3%+1.35
GROUP 5 - Groundmen	50%JR	3%+1.35
ZONE 2:		
GROUP 1 - Linemen;ops.	14.60	2.40 + 3-3/4%
GROUP 2 - Cable splicer	15.10	"
GROUP 3 - Groundmen	12.60	"
ZONES 3, 4 & 5:		
GROUP 1 - Linemen;ops.	18.25	.95 + 3-1/10%
GROUP 2 - Cable splicer	18.75	"
GROUP 3 - Groundmen	16.25	"
PAINTERS:		
ZONE 1:		
GROUP 1 - Painters	12.055	1.895
GROUP 2 - Spray	12.43	1.895
GROUP 3 - Industrial	14.005	1.895
ZONE 2 - All painters	11.40	1.10
ZONES 3, 4 & 5 (Allen Par. except northeast corner):		
GROUP 1 - Brush	14.745	.30
GROUP 2 - Spray,sandblasting,hydroblasting, spider op.,rubberizing & pyroflexing, steam jennies	15.09	.30
Allen Par.(northeast most corner,north of Rt. 10):		
GROUP 1 - Painters	10.35	
GROUP 2 - Spray	10.85	
GROUP 3 - Industrial	11.35	

	Basic Hourly Rates	Fringe Benefits
PLUMBERS & PIPEFITTERS:		
ZONE 1	$14.90	2.43
ZONE 2	12.69	2.99
ZONES 3, 4 & 5	16.98	2.00
POWER EQUIPMENT OPERATORS:		
ZONE 1 - GROUP 1	13.36	1.95
GROUP 2	13.61	1.95
GROUP 3	13.11	1.95
GROUP 4	11.54	1.95
GROUP 5	11.09	1.95
GROUP 6	9.81	1.95
GROUP 7	8.38	1.95
GROUP 8	11.14	1.95
GROUP 9	11.39	1.95
GROUP 10	8.63	1.95
ZONE 2 - GROUP 1	12.28	1.95
GROUP 2	12.53	1.95
GROUP 3	12.03	1.95
GROUP 4	10.72	1.95
GROUP 5	10.02	1.95
GROUP 6	8.74	1.95
GROUP 7	7.77	1.95
GROUP 8	10.35	1.95
GROUP 9	10.62	1.95
GROUP 10	8.35	1.95
ZONE 3 - GROUP 1	13.01	1.95
GROUP 2	13.26	1.95
GROUP 3	12.76	1.95
GROUP 4	11.22	1.95
GROUP 5	10.51	1.95
GROUP 6	9.23	1.95
GROUP 7	7.77	1.95
GROUP 8	10.82	1.95
GROUP 9	11.07	1.95
GROUP 10	8.02	1.95
ZONE 4 - GROUP 1	9.95	1.95
GROUP 2	10.20	1.95
GROUP 3	9.70	1.95
GROUP 4	8.52	1.95
GROUP 5	7.94	1.95
GROUP 6	6.77	1.95
GROUP 7	6.21	1.95
GROUP 8	8.21	1.95
GROUP 9	8.46	1.95
GROUP 10	6.46	1.95
ZONE 5 - GROUP 1	9.45	1.95
GROUP 2	9.70	1.95
GROUP 3	9.20	1.95
GROUP 4	8.02	1.95
GROUP 5	7.44	1.95
GROUP 6	6.27	1.95
GROUP 7	5.71	1.95
GROUP 8	7.71	1.95
GROUP 9	7.96	1.95
GROUP 10	5.96	1.95

	Basic Hourly Rates	Fringe Benefits
SHEET METAL WORKERS:		
ZONE 1	$14.25	3%+2.32
ZONE 2	13.04	3%+1.62
ZONE 3	14.75	3%+1.74
ZONES 4 & 5	14.12	1.51
TRUCK DRIVERS:		
ZONE 1 - GROUP 1	9.33	.70
GROUP 2	9.46	.70
GROUP 3	9.52	.70
GROUP 4	9.60	.70
GROUP 5	9.79	.70
ZONE 2 - GROUP 1	9.21	
GROUP 2	9.31	
GROUP 3	9.54	
GROUP 4	9.75	
GROUP 5	10.17	
ZONE 3 - GROUP 1	9.49	.70
GROUP 2	9.62	.70
GROUP 3	9.68	.70
GROUP 4	9.75	.70
GROUP 5	9.94	.70
ZONE 4 - GROUP 1	7.37	.70
GROUP 2	7.50	.70
GROUP 3	7.56	.70
GROUP 4	7.63	.70
GROUP 5	7.82	.70
ZONE 5 - GROUP 1	7.27	.70
GROUP 2	7.40	.70
GROUP 3	7.46	.70
GROUP 4	7.53	.70
GROUP 5	7.73	.70

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

ZONE DEFINITIONS

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars.
ZONE 2 - Bossier & Caddo Pars.
ZONE 3 - Calcasieu Par.
ZONE 4 - Cameron & Jefferson Davis Pars
ZONE 5 - Allen & Beauregard Pars.

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to foundation driller & demolishing & dismantling man
GROUP 2 - Raker, concrete spreader, carpenter tenders, distributor man, finisher tenders, formsetter tenders, jackhammer op., jetting laborer, painter tenders, pit man, pipelayer or tile layer, power monkey tender, tamper, tree pruner, stonemason tenders, stoker, asphalt raker, concrete shovelers, power tool op. & motorized buggy op.
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; crane with 125 ft. boom
GROUP 2 - Crane with 175 ft. boom
GROUP 3 - Crane all types; derricks; deck winches (2); hi-ho & similar type equip.; 3 drums (or more) stabilizers; pulls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equip. welders; well point system; hoist,2 drums or more; hoist,1 drum,40 vertical ft. or more; scrapers, bulldozers, rubber-tired or track other than farmtype; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farmtype, 1 cu. yd. or over; shovels & backhoes, all types & equivalent equip.; piledrivers; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed ops.; tugboats; fork lifts over 10 ton capacity; foundation drilling machines
GROUP 4 - 2 drums stabiliziers; front end loaders under 1 cu. yd.; A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; 2 tractor (crawler type); 1 drum hoist under 40 vertical ft.; firemen; concrete spreader; pugmill; bituminous distributor on surface treatment & equivalent equip.; bullfloats & equivalent equip.; job grease man; unit op.; work boats not requiring licensed ops.; inboard motored crew boats
GROUP 5 - Single drum stabiliziers; concrete mixer under 1 yd.; spray curing machines; roller on subgrade; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher screed man; pump over 4"; scale op.; crusher op.; concrete jointing machines; concrete saw; tack machines & equivalent equip.; pumpcrete; electric elevator (inside); oiler-driver; farmtype rubber tired tractor, with attachment, except backhoes; kolum buff & similar equip.; fork lifts 10 ton capacity & under; outboard crew boats
GROUP 6 - Batch plant operator
GROUP 7 - Oiler
GROUP 8 - Firemen
GROUP 9 - Fireman operating steam valve
GROUP 10 - Oiler on crane using air to drive piles

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 1 ton & under; warehouseman, material checker, receiving clerk, spotter & dumper
GROUP 2 - 1-1/2 tons to & including 2 tons (exclusive of dump trucks)
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, 4 axle trailers & truck mechanic
GROUP 5 - Special equipment, euclids & 5 axle moving equipment

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Statewide
DECISION NO.: LA82-4020 DATE: Date of Publication
Supersedes Decison No. LA81-4086, dated November 6, 1981, in 46 FR 55189.
DESCRIPTION OF WORK: Building projects (does not include single family homes & apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS - ZONE 1	$16.755	.925	1.23		.06
ZONE 2	14.71	.95	1.48		.045
ZONE 3	13.00	.75	1.40		.07
ZONE 4	13.29	.84	.50		.02

ZONE DEFINITIONS FOR ASBESTOS WORKERS
ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS					
ZONE 1	14.55	.80	1.15		.31
ZONE 2	12.06	.53	.67		
ZONE 3	14.80	.68	1.00		.05
ZONE 4	13.95	.95	.585		.10
ZONE 5	13.00				
ZONE 6	12.80	.85	.75		
ZONE 7	12.70		.30		
ZONE 8	13.80		.75		
ZONE 9	14.00				

ZONE DEFINITIONS FOR BRICKLAYERS & STONEMASONS
ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from Tangipahoa Par. on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Hwy. 90) & Washington Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn
ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1 - Carpenters	$12.65	.55			.05
Millwrights	13.37	.55			.05
Piledrivermen	13.55	.55			.05
ZONE 2 - Carpenters, piledrivermen & soft floor layers	13.81	.85	.48		.07
Millwrights	15.91				.07
ZONE 3 - Carpenters	13.15	.90	.90		
Millwrights	13.84	.90	.90		
Piledrivermen	13.55	.90	.90		
ZONE 4 - Carpenters & piledrivermen	14.30	.65	.70		.11
Millwrights	18.025				1%
ZONE 5 - Carpenters & soft floor layers	13.45	.90	.90		.06
Millwrights	13.84	.90	.90		.06
Piledrivermen	13.55	.90	.90		.06
ZONE 6 - Carpenters & soft floor layers	13.285	.90	.90		.06
Millwrights	13.84	.90	.90		.06
Piledrivermen	13.55	.90	.90		.06
ZONE 7 - Carpenters & soft floor layers	12.55				
Millwrights	13.30				
Piledrivermen	13.05				
ZONE 8 - Carpenters & soft floor layers	12.55	.80	.60		.08
Millwrights	13.30	.80	.60		.08
Piledrivermen	12.80	.80	.60		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9 - Carpenters & soft floor layers	$12.05	.80	.85		.10
Millwrights	12.95	.80	.85		.10
Piledrivermen	12.55	.80	.85		.10

ZONE DEFINITIONS FOR CARPENTERS

ZONE 1 - All of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars.; Parts of Iberia, St. Martin & St. Mary Pars. (west of the Atchafalaya River)

ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Par.) & Washington Parishes

ZONE 4 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Pars.

ZONE 5 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles & St. John the Baptist Pars.; Parts of St. Tammany & Tangipahoa (south of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Par.) Parishes

ZONE 6 - Assumption, Iberia (east of the Atchafalaya River), Lafourche, St. James (south of the Miss. River), St. Martin (eastern segment of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Terrebonne Parishes

ZONE 7 - Avoyelles, Grant, LaSalle, Natchitoches, Rapides & Sabine

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 9 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
ZONE 1	$13.11				.05
ZONE 2	13.93				
ZONE 3	12.10	.55	1.00		.05
ZONE 4	13.555	.79	.60		.09
ZONE 5	12.55				
ZONE 6	9.70				
ZONE 7	11.65	.80			
ZONE 8	12.30		.75		
ZONE 9	11.20		.30		

ZONE DEFINITIONS FOR CEMENT MASONS

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes

ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (north to Interstate Hwy. 12) & Terrebonne Parishes

ZONE 5 - St. Tammany (northern half including Covington north of Hwy 190) & Washington Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn

ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE 1 - Electricians	$16.64	5%	8%		5/10%
Cable splicers	16.89	5%	8%		5/10%
ZONE 2 - Electricians	14.50	.60	3%		.02
Cable splicers	15.00	.60	3%		.02
ZONE 3 - Electricians	18.25	.55	3%+.40		5/10%
Cable splicers	18.75	.55	3%+.40		5/10%
ZONE 4 - Electricians	16.35	.70	3%		2/10%
Cable splicers	16.60	.70	3%		2/10%
ZONE 5 - Electricians	15.70	.80	3%+.50		.05
Cable splicers	15.70	.80	3%+.50		.05
ZONE 6 - Electricians	14.15	1.15	3%		1/2%
Cable splicers	14.65	1.15	3%		1/2%
ZONE 7 - Electricians	14.60	2.40	3%		1%
Cable splicers	15.10	2.40	3%		1%
ZONE 8 - Electricians	14.74	.60	3%		1/2%
Cable splicers	14.99	.60	3%		1/2%

ZONE DEFINITIONS FOR ELECTRICIANS

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Pars.

ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes

ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northest of the Atchafalaya River) & Terrebonne Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Pars.

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1 - Mechanics	$13.43	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
ZONE 2 - Mechanics	12.56	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate

b - 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the Friday after Thanksgiving Day; Christmas Day

ZONE DEFINITIONS FOR ELEVATOR CONSTRUCTORS

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

GLAZIERS -	ZONE 1	14.05			c+d	.02
	ZONE 2	11.25				.01
	ZONE 3	13.80	.32	.40		.01
	ZONE 4	9.88		.30		.04
	ZONE 5	6.80				
	ZONE 6	10.99				

FOOTNOTES FOR GLAZIERS

c - 5 days Paid Vacation

d - 6 Paid Holidays: New Year's Day; Good Friday; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day

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ZONE DEFINITIONS FOR GLAZIERS

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Jefferson, Lafourche, Livingston (south of Hwy. 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster

ZONE 5 - Bienville (eastern portion everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half everything north of a line running east & west through Winfield, excluding Winfield) Parishes

ZONE 6 - St. Tammany (northern 2/3 everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS					
ZONE 1	$14.02	.93	.65		.08
ZONE 2	14.69	.60	.75		.04
ZONE 3	13.60	.60	1.65		.11
ZONE 4	13.85	.60	1.35		.06
ZONE 5	11.50	.60	.95		.04
ZONE 6	14.41	.60	.90		.05

ZONE DEFINITIONS FOR IRONWORKERS

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Pars.; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, east of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (east of a line drawn from the meeting point of the boundaries of the Pars. of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, west of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Pars. (south of a line drawn from Natchez through the city of Cottonport to the Rapides Par. line, then west along the southern border of Rapides Par.)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (west of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Sabine Par. (north of a line drawn from the Natchitoches Par. boundary west through the city of Peason to the Tex.-La. border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (east of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Madison Par. (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia & LaSalle Pars. (north of a line drawn from Natchez through the city of Cottonport to the Rapides Par. line)

ZONE 5 - That part of Madison Par. (including the cities of Mound, Delta & adjacent areas)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
ZONE 1 - Group 1	$ 7.20	.30			
Group 2	7.40	.30			
Group 3	7.45	.30			
ZONE 2 - Group 1	8.52	.30	.40		.05
Group 2	8.72	.30	.40		.05
ZONE 3 - Group 1	10.56	.30	.54		.05
Group 2	10.66	.30	.54		.05
Group 3	10.71	.30	.54		.05
Group 4	11.52	.30	.54		.05
Group 5	11.08	.30	.54		.05
Group 6	10.92	.30	.54		.05
Group 7	10.61	.30	.54		.05
Group 8	10.81	.30	.54		.05
ZONE 4 - Group 1	9.77	.40	.40		.05
Group 2	9.87	.40	.40		.05
Group 3	9.92	.40	.40		.05
ZONE 5 - Group 1	9.37	.40	.40		.05
Group 2	9.47	.40	.40		.05
Group 3	9.52	.40	.40		.05
ZONE 6 - Group 1	10.55	.30	.27		.05
Group 2	10.65	.30	.27		.05
Group 3	10.80	.30	.27		.05
ZONE 7 - Group 1	8.075	.25	.27		.05
Group 2	8.225	.25	.27		.05
Group 3	8.275	.25	.27		.05
ZONE 8 - Group 1	7.81	.30	.40		.05
Group 2	8.01	.30	.40		.05
Group 3	8.06	.30	.40		.05
Group 4	8.11	.30	.40		.05
Group 5	8.46	.30	.40		.05
ZONE 9 - Group 1	7.53	.25	.27		.05
Group 2	7.63	.25	.27		.05
Group 3	7.68	.25	.27		.05
Group 4	7.73	.25	.27		.05
ZONE 10 - Group 1	7.28	.25	.27		.05
Group 2	7.38	.25	.27		.05
Group 3	7.53	.25	.27		.05

LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason tenders, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers

GROUP 3 - Gunite tool operators

LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman

GROUP 2 - Mason mixer; plaster mixer; mechanical tool op. (jackhammer, vibrator, tamper, chipping gun, soil tillers); sandblaster; laying concrete, clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers hot pot & pipe layers); gas & oil pipeline laborers wrappers & dopers

LABORERS - ZONE 3

GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason), tank & vessel cleaners

GROUP 2 - Mechanical tool op. (except jackhammer); interior of closed tanks & vessels power equipped

GROUP 3 - Mortar mixers

GROUP 4 - Blasterers

GROUP 5 - Blaster tenders; concrete cutters behind paving machine & puddlers; form setters & liner asphalt worker

GROUP 6 - Wiping joints, laying pipe & tile from pumpcrete

GROUP 7 - Interior of closed tanks & vessels manually

GROUP 8 - Jackhammer operators

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders

GROUP 2 - Power tool ops. (hammer men, tamper, vibrator, power buggies, concrete chippers & cutters, chain saw ops., etc.); pipelayers (non-metallic)

GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Laborers

GROUP 2 - Laborers handling steel pans, stone mason tenders, mechanical tool ops., sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers , layers & ditchers 4 ft. & over), sandblaster (nozzlemen & pot tender); laying non-metallic pipe over 4 ft. deep, septic diggers & installers over 4 ft. deep, gas & oil pipeline laborers & wrappers

GROUP 3 - Gunite tool operators

LABORERS - ZONE 7

GROUP 1 - Common laborers

GROUP 2 - Jackhammermen, sewermen, mason tenders, plaster tenders, stone mason tenders, vibratormen

GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter tenders; mason tenders (other than cement); plasterers tenders; stone mason tenders; concrete workers; scaffold builders

LABORERS - ZONE 8 (CONT'D)
GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy op.; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother & shovelers; sewer pipelayers; blaster tenders
GROUP 5 - Powderman
LABORERS - ZONE 9
GROUP 1 - Laborers
GROUP 2 - Mason tenders, plaster tenders, asphalt rakers & smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack op.; vibrator ops. sewer pipelayers & wrappers
LABORERS - ZONE 10
GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenters, plasterers), stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artificial stone; building scaffolds; shoring
GROUP 2 - Mechanical tool op. (air, electric, motor, engine, etc.); sewer pipelayers; mortar mixers (hand or machine); gunite op., tile, terrazzo & marble setter finishers
GROUP 3 - Pipe dopers & burners

ZONE DEFINITIONS FOR LABORERS
ZONE 1 - St. Tammany (as far south as Bayou Lacombe & east to the Miss. State Line at Pearlington), Tangipahoa (all but southwestern corner) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (excluding that part of Par. to the Calumet Locks west) & Vermilion
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Pars.; Parts of Assumption, St. James, St. John the Baptist Pars. (north of a line drawn from the southern limits of the town of St. James in St. James Par. to the northern limits of the town of Napoleonville in Assumption Par. & then directly west to the Par. Line, all of St. James Par. except that part which is east of a line drawn from Lutcher to U.S. Hwy. 61 (Airline Hwy.) then west on U.S. 61 to Blind River & on a direct line to Manchac)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western Par. line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Miss. River & the portion of St. John the Baptist on the east bank of the Miss. River as far as the Sycamore Inn at Lutcher & north to Blind River & Manchac) & St. Tammany (north as far as Bayou Lacombe, east to the Miss. State Line at Pearlington) Pars.
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank & including the town of Vacherie), St. Mary (that part of Parish to the Calumet Locks west) & Terrebonne Parishes

LABORERS ZONE DEFINITIONS (CONT'D)
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Ricland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$12.33	.55	.40		.05
ZONE 2	12.48	.55	.40		.05
ZONE 3	12.73	.55	.40		.05
ZONE 4	13.08	.55	.40		.05
ZONE 5	14.30	.65	.70		.10
ZONE 6	12.65	.55			.05
ZONE 7	13.81	.85	.48		.07
ZONE 8	12.55	.80	.60		.08
ZONE 9	12.55				
ZONE 10	12.05	.80	.85		.10

ZONE DEFINITIONS FOR LATHERS
ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans
ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are within a 22.5 mile radius of New Orleans Center
ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans Center
ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius of New Orleans Center

ZONE DEFINITIONS FOR LATHERS (CONT'D)
ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston (western part), Pointe Coupee, St. Helena, St. James (only towns of Union, Hymel, Convent & Lutcher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond & Pontchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Parishes
ZONE 6 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Parishes
ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Avoyelles, Grant, LaSalle, Natchitoches, Rapides & Sabine Pars.
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
ZONE 1 - GROUP 1	$15.70	.80	3%+.50		.05
GROUP 2	75%JR	.80	3%+.50		.05
GROUP 3	65%JR	.80	3%+.50		.05
GROUP 4	45%JR	.80	3%+.50		.05
GROUP 5	50%JR	.80	3%+.50		.05
GROUP 1 - Linemen					
GROUP 2 - Op. hole digging equip.; op. tractor with winch & derrick; op. line truck with winch & derrick working hot lines					
GROUP 3- Op. using hole truck & trailer or pole hauling & setting truck (not in energized lines)					
GROUP 4 - Op. using truck without winch					
GROUP 5 - Groundmen					
ZONE 2					
Linemen	16.64	5%	8%		3/10%
Cable splicers	16.89	5%	8%		3/10%
Equipment operators	12.48	5%	8%		3/10%
Truck drivers & groundmen	7.49	5%	8%		3/10%
ZONE 3					
Linemen, equipment op	18.25	.55	3%+.40		1/10%
Cable splicers	18.75	.55	3%+.40		1/10%
Groundmen	16.25	.55	3%+.40		1/10%
ZONE 4					
Linemen, equipment op.	14.60	.70	3%		
Cable splicers	14.85	.70	3%		
Groundmen	50%JR	.70	3%		
ZONE 5					
Linemen, equipment ops.	15.36		3%		1/2%
Cable splicers	15.61		3%		1/2%
Groundmen	40%JR		3%		1/2%
ZONE 6					
Linemen, equipment ops.	14.15	1.15	3%		1/2%
Cable splicers	14.65	1.15	3%		1/2%
Groundmen	4.19	1.15	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
Linemen, operators	$14.60	2.40	3%		3/4%
Cable splicers	15.10	2.40	3%		3/4%
Groundmen	12.60	2.40	3%		3/4%

ZONE DEFINITIONS FOR LINE CONSTRUCTION
ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Pars.
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Pars.

MARBLE, TILE & TERRAZZO WORKERS & FINISHERS					
ZONE 1					
Marble setters	13.95	.95	.585		.10
Tile & terrazzo workers	13.55	.40			.10
Marble, tile & terrazzo finishers	9.75	.40		.30	
ZONE 2					
Marble & terrazzo workers	14.80	.68	1.00		.05
Tile setters	11.07	.68	1.00		.02
ZONE 3					
Marble setters	14.00				
Terrazzo workers	11.65				
ZONE 4					
Marble, tile & terrazzo workers	12.50		.75		
ZONE 5					
Marble, tile & terrazzo workers	11.30	.85			
ZONE 6					
Marble, tile & terrazzo workers	16.50				
Marble, tile & terrazzo finishers	9.75	.40		.30	
ZONE 7					
Tile setters	13.00				
Tile finishers	9.75	.40		.30	

ZONE DEFINITIONS FOR MARBLE, TILE & TERRAZZO WORKERS & FINISHERS

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes

ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Pars.

ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, De Soto, Red River & Webster Parishes

ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 7 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1 - GROUP 1	$14.745		.30		
GROUP 2	14.945		.30		
GROUP 3	15.09		.30		
GROUP 4	16.535		.30		
ZONE 2 - GROUP 1	11.50		.75		.08
GROUP 2	12.92		.75		.08
ZONE 3 - GROUP 1	12.055	.975	.80		.12
GROUP 2	12.43	.975	.80		.12
GROUP 3	14.005	.975	.80		.12
ZONE 4 - GROUP 1	10.99				
GROUP 2	11.43				
GROUP 3	11.12				
GROUP 4	12.25				
GROUP 5	12.59				
GROUP 6	11.09				
GROUP 7	11.33				
ZONE 5 - GROUP 1	10.35				
GROUP 2	10.85				
GROUP 3	11.35				
ZONE 6 - Painters, tape & float, vinyl & paperhanger	11.40	.75	.30		.05
ZONE 7 - GROUP 1	8.55				
GROUP 2	9.55				
GROUP 3	9.05				
ZONE 8 - Painters	10.85		.75		.08
Industrial	12.92		.75		.08

PAINTERS CLASSIFICATION DEFINITIONS

ZONE 1 - GROUP 1 - Painters brush, roller & buffer
GROUP 2 - Paperhanging, taping & floating
GROUP 3 - Spray, sandblasting, hydroblasting, spider op., rubberizing & pyroflexing, steam jennies, taping & floating machine
GROUP 4 - Water towers, radio & TV towers

ZONE 2 - GROUP 1 - Brush; taping; floating & texture
GROUP 2 - Sandblasting, industrial & steel

ZONE 3 - GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters
GROUP 2 - Structural steel painters of new building under construction; the following overall of 30 ft.: tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter
GROUP 3 - Industrial

ZONE 4 - GROUP 1 - Brush
GROUP 2 - Brush swing stage
GROUP 3 - Brush industrial
GROUP 4 - Spray; spray steel, sandblasting
GROUP 5 - Spray swing stage
GROUP 6 - Paperhanger
GROUP 7 - Sheetrock finishers

ZONE 5 - GROUP 1 - Painters, paperhangers, tapers, floaters, commercial steel, such as churches or any commercial building with closed roof deck or walls
GROUP 2 - Other commercial work brush spray, stage, window jacks flagpoles & steeple work
GROUP 3 - All industrial work including sandblasting or power tools of any kind

ZONE 7 - GROUP 1 - Painters, paperhangers, tapers & floaters
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblating, spray, stack sign, tank painting, steeple jack
GROUP 3 - Structural steel brush

PAINTERS ZONE DEFINITIONS

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberville, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, Tangipahoa (west of Hwy. 51), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Lafourche, Livingston (south of Hwy. 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne

ZONE 4 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Pars.

PAINTERS ZONE DEFINITIONS (CONT'D)
ZONE 5 - Allen (northeastern most corner, north of Rt. 10), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (southern half, everything south of Rt. 6 including City of Natchitoches), Rapides, St. Landry (northern portion) & Winn (southern half from a line running east & west through the intersection of Rts. 84 & 71, including the town of Winnfield at that intersection) Parishes
ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster
ZONE 7 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winnfield, excluding Winnfield) Parishes
ZONE 8 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS					
ZONE 1	$12.45				
ZONE 2	12.25				.01
ZONE 3	14.75				
ZONE 4	14.55				.01
ZONE 5	11.48	.60	.55		.03
ZONE 6	8.00				.01
ZONE 7	11.65	.80			
ZONE 8	13.80		.75		
ZONE 9	12.70		.30		

PLASTERERS ZONE DEFINITIONS
ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Par. line on the west along U.S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy. 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$14.90	1.00	1.30		.13
ZONE 2	16.145	1.26	.955		.09
ZONE 3	13.10	1.05	1.20		.10
ZONE 4	12.69	.80	1.10	1.00	.09
ZONE 5	16.98	.92	1.00		.08
ZONE 6	14.05	.75	.80		.10

PLUMBERS & PIPEFITTERS ZONE DEFINITIONS
ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Par.), St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes
ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Par.), Iberville, Livingston, Pointe Coupee, St. Helena, St. James (western 1/3 of Par.), St. Martin (southern part of eastern 1/2 of Par.), St. Mary, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (south of Hwy. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Hwy. 10 & Winn (south of Hwy. 84) Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.; Parts of Natchitoches & Vernon Pars. (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Hwy. 111 between Anacoco & Haddens) Parishes
ZONE 5 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia (western 1/2 of Par.), Jefferson Davis, Lafayette, St. Landry, St. Martin (west of Hwy. 31) & Vermilion Parishes
ZONE 6 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn north of Hwy. 84) Parishes

POWER EQUIPMENT OPERATORS						
ZONE 1 -	GROUP 1	9.87	.65	1.20		.10
	GROUP 2	10.61	.65	1.20		.10
	GROUP 3	10.75	.65	1.20		.10
	GROUP 4	11.12	.65	1.20		.10
	GROUP 5	12.85	.65	1.20		.10
	GROUP 6	11.95	.65	1.20		.10
ZONES 2, 3 & 4 -	GROUP 1	9.44	.65	1.20		.10
	GROUP 2	10.43	.65	1.20		.10
	GROUP 3	10.53	.65	1.20		.10
	GROUP 4	10.98	.65	1.20		.10
	GROUP 5	13.07	.65	1.20		.10
	GROUP 6	12.32	.65	1.20		.10
ZONE 5 -	GROUP 1	10.61	.65	1.20		.10
	GROUP 2	10.29	.65	1.20		.10
	GROUP 3	10.08	.65	1.20		.10
	GROUP 4	10.89	.65	1.20		.10
	GROUP 5	14.01	.65	1.20		.10
	GROUP 6	11.50	.65	1.20		.10
	GROUP 7	12.38	.65	1.20		.10
	GROUP 8	12.38	.65	1.20		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OP. (CONT'D)					
ZONE 6 - GROUP 1	$14.26	.65	1.20		.10
GROUP 2	14.51	.65	1.20		.10
GROUP 3	14.76	.65	1.20		.10
GROUP 4	15.01	.65	1.20		.10
GROUP 5	15.51	.65	1.20		.10
GROUP 6	15.26	.65	1.20		.10
GROUP 7	14.01	.65	1.20		.10
GROUP 8	12.48	.65	1.20		.10
GROUP 9	10.91	.65	1.20		.10
GROUP 10	9.93	.65	1.20		.10
GROUP 11	9.25	.65	1.20		.10
GROUP 12	10.33	.65	1.20		.10
ZONE 7 - GROUP 1	13.88	.65	1.20		.10
GROUP 2	11.99	.65	1.20		.10
GROUP 3	12.18	.65	1.20		.10
GROUP 4	11.99	.65	1.20		.10
GROUP 5	10.44	.65	1.20		.10
GROUP 6	8.93	.65	1.20		.10
GROUP 7	14.13	.65	1.20		.10
GROUP 8	14.38	.65	1.20		.10
GROUP 9	14.63	.65	1.20		.10
GROUP 10	14.38	.65	1.20		.10
GROUP 11	15.38	.65	1.20		.10
GROUP 12	15.88	.65	1.20		.10

POWER EQUIPMENT OPERATORS - ZONE 1 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

GROUP 4 - Air compressor, Asphalt plant; Bulldozers, D-4 & equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe); Front end loader 1-1/2 yd. bucket & below

GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Dragline; Fork lifts (setting steel, machinery or pipe); Front end loaders over 1-1/2 yd. bucket (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe); Well point system

GROUP 6 - Unit & well point operator

POWER EQUIPMENT OPERATORS - ZONE 2 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

GROUP 4 - Air compressor; Asphalt plant op.; Bulldozer, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)

GROUP 5 - Asphalt spreader, Backhoe, Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes, Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)

GROUP 6 - Well point system & unit operator

POWER EQUIPMENT OPERATORS - ZONE 3 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

GROUP 4 - Air compressor; Asphalt plant; Bulldozer, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)

GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman

GROUP 6 - Well point & unit operator

POWER EQUIPMENT OPERATORS - ZONE 4 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

POWER EQUIPMENT OPERATORS - ZONE 4 (CONT'D) - CLASSIFICATION DEFINITION

GROUP 4 - Air compressor; Asphalt plant; Bulldozer, D-4 & equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)

GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)

GROUP 6 - Unit operator

POWER EQUIPMENT OPERATORS - ZONE 5 - CLASSIFICATION DEFINITIONS

GROUP 1 - Scale op.; Oiler driver on motor crane; Batch plant

GROUP 2 - Pumps under 3 inch suction

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination oiler-compressor; Combination oiler-fireman; Asphalt spreader; Backhoe (all types); Bulldozers; Cableways; Cherry pickers (all types); Concrete mixers (over 1 sack); Cranes; Deck winch (2 drums or over); Derricks; Ditching or trenching machines (riding types); Draglines; Dredges; Fork lifts (other than farm type); Outside warehouses; Foundation drill; Front end loaders (except farm type); Grease serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 ft. on structures other than buildings); Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer plant-central mix; Motor patrols; Piledrivers; Pull cats; Pump crete-6" & over discharge; Push cat; Road pavers; Rollers (plant mix asphalt); Scrapers; Shovels; Sidebooms; Welder, journeyman; Well point system; Whirleys; Winch cats (Cat D-4 & over); Winch truck with A-frame (5 tons & over); Work boats-requiring licensed op.

GROUP 6 - Bush hog; Compressor; Concrete pump-under 6" discharge; Concrete saw; Deck winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowell bar machines; Farm-type tractor (when used to pull discs, grasscutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum buff machines; Mixers (1 sack & under); Motorized street sweepers (self-propelled); Pump (3 inch & over); Test pump-internal combustion engine powered; Water blast pump

GROUP 7 - Asphalt plant; Boom trucks; Bullfloats; Concrete spreader; Farm-type front end loaders; Finishing machines (roadway, riding type); Roller (other than plant mix asphalt); Straddle buggies; Winch truck with A-frame (under 5 tons); Work boats-not requiring licensed operator

GROUP 8 - Unit operator

POWER EQUIPMENT OPERATORS - ZONE 6 - CLASSIFICATION DEFINITIONS

GROUP 1 - Crane op. 60 tons & over; Crane op boom 100 ft. & over but less than 150 ft.; Piledriver op. leads 100 ft. & over but less than 150 ft.

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D) - CLASSIFICATION DEFINITION

GROUP 2 - Crane op. 100 tons up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Piledriver op. leads 150 ft. & over but less than 225 ft.

GROUP 3 - Crane op. 125 tons up to 200 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Piledriver op. leads 225 ft. & over but less than 300 ft.

GROUP 4 - Crane op. 200 tons up to 300 tons

GROUP 5 - Crane op. 300 tons

GROUP 6 - Crane op. boom 300 ft. & over

GROUP 7 - Crane; Backhoe; Cableway; Concrete mixer, 16S & up; Derrick; Dragline; Dredge; Hoist-2 drums; Locomotvie crane; Paving mixer; Piledriver; Road paver; Roller on asphalt or brick (5 tons or over); Shovel; Sideboom cat; Bulldozer; Motor patrol; Scraper; Hydrolift crane; Hydrolift truck, yard crane, cherry picker, etc.; Foundation, boring & reaming machine; Cement stabilizer; Trenching machine; Asphalt spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cu. yd. or more capacity; Tug boat op.; Turnapull, euclid, DW-10 & other similar self-loading earth moving equipment; Concrete pump (not pumpcrete)

GROUP 8 - A-frame truck; Crew boat op.; Fireman; Fork lift; Straddle buggy; Traxcavator, scoopmobile & similar front end loading equipment with scoop or bucket under 1 cu. yd. capacity; Locomotive; Well point system; Unit operator; Hoist-1 drum, 4 stories & over

GROUP 9 - Air compressor; Asphalt plant engineer; Blade grader; Distributor (bitum surface); Finishing machine (concrete, paving); Hoist-1 drum, less than 4 stories; Concrete mixer under 16-S; Oiler driver; Pump crete; Street & road sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operator bush hog & similar grass or bush cutting equipment

GROUP 10 - Batch plant operator

GROUP 11 - Oiler

GROUP 12 - Pumps, over 3 inch suction; Snatch cat

POWER EQUIPMENT OPERATORS - ZONE 7 - CLASSIFICATION DEFINITIONS

GROUP 1 - A-Frame truck when working with ironworkers, pipefitters, boilermakers & electricians; Bulldozers & tractors; Cableways; Concrete mixer (over 16S) paving machines, crane, derricks, draglines & clamshells; Concrete pump/boom combinations; Deck winches (2); Economobile model #620B or equivalent or heavier equipment; Gradealls; Hi-Ho & similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanics; Motor patrols; Piledrivers; Rollers on brick & asphalt; Rubber-tired front end loader, with or without blade attachment, 1 cu. yd. capacity or more; Scraper; Shovels, Backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Welder, journeyman; Work boats requiring licensed ops.

GROUP 2 - A-frame truck except when working with ironworkers or pipefitters; Air compressor; Asphalt plant engineer; Asphalt finisher, screed men; Blade graders; Small boat op.; Bullfloats; Concrete joining machines; Concrete mixer, 16S & under; Concrete spreader; Crusher op.; Deck winch (1); Distributors, asphalt; "Ditch witch" & similar equipment; Electric elevator (inside); Finishing machine; Firemen; Form graders; Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pug mill; Pull tractors; Pump; Pump crete; Rollers except on brick & asphalt; Rubber-tired front end loader (with or without attachments) less than 1 cu. yd. capacity; Scale op.; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddle buggy; Track machines & equivalent machine

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POWER EQUIPMENT OPERATORS - ZONE 7 (CONT'D) CLASSIFICATION DEFINITIONS

GROUP 3 - Unit and well point operator
GROUP 4 - Outside electric elevator operator
GROUP 5 - Batch plant operator, oilers(driver)
GROUP 6 - Oiler
GROUP 7 - Crane op. 60 tons & above; Crane op. boom 100 ft. & over but less than 150 ft.; Tower crane op. boom height 100 ft. & over but less than 150 ft.
GROUP 8 - Crane op. 100 tons & up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Tower crane op. boom height 150 ft. & over but less than 225 ft.
GROUP 9 - Crane op. 125 tons & up to 200 tons
GROUP 10 - Crane op. 200 tons & up to 300 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower crane op. boom height 225 ft. & over up to 30 floors
GROUP 11 - Crane op. 300 tons & up to 400 tons; Crane op. boom 300 ft. & over but less than 400 ft.; Tower crane over 30 floors
GROUP 12 - Crane op. over 400 tons; Crane op boom 400 ft & over

POWER EQUIPMENT OPERATORS ZONE DEFINITIONS

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes
ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the City of Berwick to the junction of Iberville-St. Landry Pars. border)
ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Pars.; Parts of Assumption & St. James Pars. (northwest of a straight line drawn from the City of Berwick to the City of Lutcher); Parts of Iberia & southern & northern St. Martin Pars. (east & west of a line from the City of Berwick north to the eastern boundary of the City of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Pars. (west of a line drawn north from the City of Lutcher to the east side of the City of Hammond to the Louisiana-Mississippi border)
ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Pars.; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Pars. (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi & the Mississippi Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Par., due north of the town of Hackley, then southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to the Atchafalaya Bay & in a line due south to the Gulf of Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
ZONE 1 - Roofers	$14.06		.20		
ZONE 2					
Roofers	10.36	.85	.85	.50	.70
Preparers remove old roofing, place, stock or move materials, tools or equipment for the journeyman	4.90	.55			
ZONE 3					
Roofers	10.98	.75	.95		.04
Preparers removes old roofing, place, stock or move material, tools or equipment for the journeyman	5.00				
ZONE 4 - Roofers	10.50		.30		
Kettlemen	8.80		.30		
ZONE 5 - Roofers	12.86		.20		.04
Kettlemen	8.90		.20		.04

ZONE DEFINITIONS FOR ROOFERS

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1	$14.75	3%+.70	.84		.20
ZONE 2	14.25	3%+.85	1.31		.16
ZONE 3	14.12	.55	.80		.16
ZONE 4	13.04	3%+.80	.60		.22

ZONE DEFINITIONS FOR SHEET METAL WORKERS
ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangline, Iberia, Ibérville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$13.69	.95	1.40		.08
TRUCK DRIVERS					
ZONE 1 - GROUP 1	11.31	.70			
GROUP 2	11.79	.70			
GROUP 3	12.02	.70			
GROUP 4	11.81	.70			
GROUP 5	11.91	.70			
GROUP 6	11.83	.70			
GROUP 7	12.25	.70			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
ZONE 2 - GROUP 1	$ 8.70	.55			
GROUP 2	8.95	.55			
GROUP 3	9.50	.55			
GROUP 4	9.35	.55			
GROUP 5	9.80	.55			
GROUP 6	9.90	.55			
GROUP 7	10.20	.55			
GROUP 8	10.35	.55			
ZONE 3 - GROUP 1	9.47				
GROUP 2	9.55				
GROUP 3	9.80				
GROUP 4	9.95				
GROUP 5	10.10				
GROUP 6	10.30				
GROUP 7	10.65				
ZONE 4 - GROUP 1	11.23				
GROUP 2	11.53				
GROUP 3	11.68				
GROUP 4	11.88				
GROUP 5	12.03				
GROUP 6	11.83				
ZONE 5 - GROUP 1	10.59	.70			
GROUP 2	11.20	.70			
GROUP 3	11.25	.70			
GROUP 4	11.51	.70			

ZONE DEFINITIONS FOR TRUCK DRIVERS
ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

ZONE 1 - GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trrucks trailer & dumps over 8 yds.; mixers on trucks over 3 yds.; Miss. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)
GROUP 4 - Mixers on trucks up to & including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks, dump
GROUP 7 - Miss. wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

ZONE 2 - GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes); platform dump
GROUP 3 - Truck & trailer; dump
GROUP 4 - Mixers on trucks up to & including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Miss. wagons & Koehring dumpster, tandem dumps & similar dirt moving equip, up to & including 8 yds.
GROUP 8 - Miss. wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment over 8 yds.

ZONE 3 - GROUP 1 - Pick-ups, spotters & dumpers of dirt, gravel, etc.
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch & water trucks over 3 tons, pickups with trailer
GROUP 5 - Miss. wagons, floats, tractor trailers; ribber tired tractors & wobble wheels
GROUP 6 - Euclids, lowboys, dempsey dumpster, Koehring dumps, 5 axle trucks, transit mix over 3 yds.
GROUP 7 - Fork lift

ZONE 4 - GROUP 1 - Pick-ups
GROUP 2 - Over 1 ton up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over including but not limited to: winch, dempsey dumpster, lowboy, semi-trailer, euclid, tournapull & similar equipment when used for transporting material
GROUP 5 - Larger trucks, carrying capacity rear axles 50,000 lbs. & over
GROUP 6 - Winch truck with A-frame when used for transporting

ZONE 5 - GROUP 1 - Up to but not including 1-1/2 tons
GROUP 2 - 1-1/2 tons up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications neeeded for work not included within the scope of the classifciations listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: Statewide
DECISION NO: OH82-2035 DATE: Date of Publication
Supersedes Decision No. OH81-2064, dated December 4, 1981 in 46 FR 59442
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

BRICKLAYERS & STONE MASONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS & SCIOTO COUNTIES	$15.07		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.94	.90	.95		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE (except Twps. of Milton & Chippewa) COS. & WYANDOT CO. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	15.38	.90	2.00		.04
ASHTABULA COUNTY					
Bricklayers	16.42	.95	1.50		
Sewer Bricklayers	16.67	.95	1.50		
ATHENS COUNTY	14.90	.90	1.00		.05
BELMONT, JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & MONROE COS.	13.77	.80	1.10		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Twps. of Dixon, Gratis, Isreal, Lanier, & Somers), & WARREN COS.	16.445	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West), STARK, & TUSCARAWAS COS.	15.74	1.20	1.35		.02
CHAMPAIGN, CLARK & LOGAN COS.	13.94	1.25	1.45		.08
CLINTON & HIGHLAND COS.	12.50				
COLUMBIANA CO., (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING CO. & City of Youngstown	14.695	1.00	1.25		.02

DECISION NO. OH82-2035

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO. (Twps. of E. Liverpool, Franklin, Madison, St. Clair, Washington, Wayne & Yellow Creek), JEFFERSON CO. (Twps. of Bush, Creek & Saline)	$ 14.15	.90	1.00		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COUNTIES	13.00	1.30	1.85		.10
CUYAHOGA CO. & MEDINA CO. (except the Twps. of Chatham, Wadsworth, Guilford, Westfield, Sharon, Lafayette, Harrisville, Homer, Litchfield & Spencer)	15.97	1.31	1.33		.10
DARKE, MIAMI, & SHELBY COS.	14.60	1.25	1.45		.08
DEFIANCE, FULTON (except Twps. of Amboy, Fulton, & Swan Creek), HENRY (except Twps. of Barlow, Damascus, Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.	16.22	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY & UNION COS.	15.09	.90	1.50		.10
ERIE, HANCOCK & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY	14.34	.90	1.80		.02
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Rem. of Co.), HENRY (Rem. of Co.), LUCAS, & WOOD (Rem. of Co.) COS.	16.135	1.06	1.90		.03
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA & LAKE COS.	16.72	.90	1.15		75.00p/y
GREENE & MONTGOMERY COS. & Remainder of PREBLE CO.	14.60	1.25	1.45		.08

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HARRISON CO. & the Remainder of JEFFERSON CO.	$14.03	.90	.50		.03
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE COUNTY	15.29		.50		.05
LORAIN CO. & MEDINA CO. (Chatham, Harrisville, Homer, Litchfield, & Spencer Twps.)	18.05		.80	a	.01
MEDINA (Remainder of Co.), PORTAGE, SUMMIT & WAYNE (Twps. of Milton & Chippewa) COS. Bricklayers	15.52	1.17	1.05		.02
NOBLE CO. (Remainder of Co.) & WASHINGTON CO.	14.00	.70	.50		.05
TRUMBULL COUNTY (except City of Youngstown)	14.94	1.00	1.00		.02

FOOTNOTE: a. 2 pd. Holidays: Independence Day & Labor Day

CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS. Carpenters	14.33	.75	1.25		.05
Piledrivermen	14.62	.75	1.25		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS. Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.57	.90	1.25		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, ERIE (East of B & O Railroad Tracks), HURON, LORAIN and RICHLAND COUNTIES					
Carpenters	$ 15.37	.90	1.25	b	.08
Piledrivermen	15.50	1.20	2.02		.09
ASHTABULA, CUYAHOGA, GEAUGA and LAKE COUNTIES					
Carpenters	15.67	1.20	1.85		.09
Piledrivermen	15.50	1.20	2.02		.09
ATHENS, HOCKING, VINTON and WASHINGTON COUNTIES					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.57	.90	1.25		.04
BELMONT and MONROE COUNTIES					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.55	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON and WARREN COUNTIES					
Carpenters	15.80	.90	1.10		.075
Piledrivermen	15.80	.90	1.10		.075
CARROLL, STARK, TUSCARAWAS and WA" 'E COUNTIES					
Carpenters	15.93	.70	1.05		.02
Piledrivermen	16.41	.70	1.05		.02
COLUMBIANA, & JEFFERSON COUNTIES					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.05	6%	10%		.5%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COUNTIES					
Carpenters	14.30	1.00	1.40		.07
Piledrivermen	14.30	1.00	1.40		.07
DEFIANCE, HENRY, PAULDING and WILLIAMS COUNTIES					
Carpenters	16.76	1.06	.75		
Piledrivermen	15.90	1.06	1.25		.10
ERIE (West of B & O Railroad Tracks), OTTAWA, SANDUSKY & SENECA COS. and City of Fostoria in HANCOCK & WOOD COUNTIES					
Carpenters	15.37	.90	1.25	b	.08
Piledrivermen	15.90	1.06	1.25		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON, LUCAS, HANCOCK & WOOD COS. excluding the City of Fostoria					
Carpenters; Piledrivermen	$15.90	1.06	1.25		.10
HARRISON COUNTY					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.55	1.04	1.50		.05
MAHONING & TRUMBULL COS.					
Carpenters	13.87	1.34	1.50		.05
Piledrivermen	14.66	1.34	1.50		.05
MEDINA, PORTAGE, & SUMMIT COS.					
Carpenters	15.35	.75	1.50		.04
Piledrivermen	15.50	1.20	2.02		.09
FOOTNOTE: b. 2 Paid Holidays: Memorial Day and Independence Day					
CEMENT MASONS:					
ASHTABULA, CUYAHOGA, FULTON, GEAUGA, HANCOCK, HENRY, LAKE, LUCAS, PUTNAM, & WOOD COUNTIES	16.23	.70	1.20		.02
BROWN, BUTLER, CLERMONT, COLUMBIANA, DEFIANCE, ERIE, HAMILTON, HIGHLAND, HURON, LORAIN, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, WARREN, & WILLIAMS COS.	15.38	.70	1.20		.02
REMAINING COUNTIES	15.03	.70	1.20		.02
ELECTRICIANS:					
ADAMS, JACKSON (All but Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish, & Union) & SCIOTO COS.	15.48	.50	3%+1.00	1.00	.06
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT COS. & WYANDOT CO. (West of Crane, Pitt, & Tymochtee Twps.)	14.75	1.55	3%+.43		.04

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HURON (Twps. of Greenwich, New Haven, Richmond, & Ripley) Knox (N½ inclu. Clinton, Howard, Liberty, Monroe & Union Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Rem. of Co.) COS.	$16.03	.60	3%+.72		.1%
ASHTABULA CO. (all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.)	17.25	1.00	3%+1.75		.5%
ASHTABULA (Rem. of Co.), GEAUGA (Twps. of Auburn, Middlefield, Parkman, & Troy), MAHONING (Milton Twp.), PORTAGE (Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham) & TRUMbull (except Hubbard & Liberty Twps.) COS.	16.62	1.00	9%		.702%
ATHENS, MEIGS, MONROE, MORGAN, NOBLE, VINTON (East of Clinton, Elk and Swan Twps.) & WASHINGTON COS.	14.90	.50	3%+1.25	1.75	.04
BELMONT CO.	14.66	.50	3%+1.25	1.50	.04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 18 Mi. of Hamilton County Court House	16.70	.85	3%+1.00		½%
From 18 to 21 Miles	17.00	.85	3%+1.00		½%
From 21 to 25 Miles	17.10	.85	3%+1.00		½%
Over 25 Miles	17.25	.85	3%+1.00		½%
BUTLER CO. & WARREN CO. (excluding Clear Creek, Franklin & Wayne Twps.)	16.55	1.00	3%+1.00		½%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	17.00	8%	19%	10%	1%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (Rem. of Co.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N ½ excl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, & Bucks), & WAYNE (S. of Baughman, Chester, Green, & Wayne Twps.) COS.	$ 15.70	1.00	3%+1.00		.3%
CHAMPAIGN & CLARK COS. & MADISON CO. (Twps. of Paint, Pike, Somerford, Stokes & Union)	14.24	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS. & WARREN CO. (Rem. of Co.)					
Within 11 Mi. Radius of 3rd & Main Streets, Dayton	15.63	.75	3%+1.00		.5%
Beyond 11 Mi. Radius	15.86	.75	3%+1.00		.5%
COLUMBIANA CO. (except Twps. of Butler, Fairfield, Knox, Perry, Salem & Unity)	13.30	2.00	3%+.53		.09
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), MAHONNING (exclu. Milton & Smith Twps.), & TRUMBULL (Twps. of Hubbard & Liberty) COS.	16.09	1.00	11%		.5%

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ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COSHOCTON, GUERNSEY, KNOX (Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, and College Twps.), LICKING, MUSKINGUM, PERRY, TUSCARAWAS (S½ incl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, and Bucks) COS.	14.70	.70	3%+1.02		.03
CUYAHOGA, GEAUGA (Twps. of Bainbridge, Chester, & Russell), and LORAIN (Twp. of Columbia) COS.	16.84	1.10	3%+.39		.06
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	19.00	.85	3%+.95		.3%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Rem. of Co.) & PICKAWAY CO. (Excl. Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.) & UNION COS.	14.00	.50	3%+1.02		.06
ERIE CO., HURON CO. (Rem. of Co.)	16.05	.98	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Rem. of Co.), PICKAWAY, PIKE, ROSS, & VINTON COS.	15.80	.70	3%		.06
GALLIA CO.	16.22	.50	3%+1.00	1.00	.04
GEAUGA (except Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell, & Troy Twps.), & LAKE COS.	18.73	.85	3%+.70		.2%
LAWRENCE COUNTY	15.72	.50	3%+1.00	1.00	.04
LORAIN CO. (Rem. of Co.) and MEDINA CO. (Twps. of Litchfield & Liverpool)	16.75	.85	3%+1.00		.1%

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ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Rem. of Co.), PORTAGE (exclu. Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham), SUMMIT, & WAYNE (Rem. of Co.) COS.	16.67	.74	3%+.84		.2%
IRONWORKERS:					
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.					
Up to 10 miles from Union Hall in Ashland, Ky.	15.96	1.00	1.85		.01
10 to 60 miles from Union Hall in Ashland, Ky.	16.27	1.00	1.85		.01
60 Miles & Over from Union Hall in Ashland, Ky.	18.08	1.00	1.85		.01
ADAMS, (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (exclu. E 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall) & WARREN (S ½) COS.					
Reinforcing	15.58	1.00	1.85		.02
Ornamental; Structural	15.03	1.00	1.85		.03
ALLEN (S½), Auglaize, BUTLER (N ½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (excl. S. of a line drawn from Blanchester to Lynchburg), Darke, Greene, Highland (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3),					

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS					
Within 15 miles radius of Local Union Office #290	15.36	1.00	1.85		.10
Outside 15 miles radius of Local Union Office #290	15.51	1.00	1.85		.10
ALLEN (N½), DEFIANCE (except portion S. of a line drawn from where Rt. 66 meets the N. line through Independence to the E. Co. border), Mercer (N½), PAULDING, PUTNAM (except portion E. of a line drawn from the N. border down thru Miller city to where 696 meets the S. border), VAN WERT, & WILLIAMS (except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	15.00	1.00	3.05		.04
ASHLAND, CARROLL, COSHOCTON (exclu. portion w. of a line beginning at NW Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE COS.	14.43	1.05	1.80		.07
ASHTABULA (NE ¼) CO.	14.50	1.86	1.51		.15
ASHTABULA (NW¼), CUYAHOGA, ERIE (Exclu. W 1/3), GEAUGA (except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W.					

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
of a line drawn from the N. border through Monroeville & Willard), LAKE, LORAIN, MEDINA, PORTAGE (Exclu. Ravenna Ordnance Depot), & SUMMIT COS.	16.22	1.05	1.45		.08
ASHTABULA (S ½), COLUMBIANA, GEAUGA (E. of a line from Austinburg to Middlefield & South), MAHONING, PORTAGE (E. of a line from Middlefield to Shalersville to Deerfield), & TRUMBULL COS.	15.26	1.00	1.30		.09
ATHENS, MEIGS, MORGAN, NOBLE & WASHINGTON COS.	13.85	1.00	1.85		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. border) COS.	13.22	1.05	2.55	8%	.05
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a Line Beginning at NW Co. line going through Walhonding & Tunnel Hill to the S. Co. line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (except a line drawn from Roundhead to Maysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N½ of Co.), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line starting at Adams Mill going to Adamsville and going from Adamsville thru Blue Rock to the S. border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte 30) COS.	15.20	1.00	2.60		.05

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CRAWFORD (Area between lines drawn from where hwy 598 & 30 meet thru N. Liberty to the N. border & from said hwy junction point due W. to the border), DEFIANCE (S. of a line drawn from where Rte. 66 meets the N. line thru Independence to the E. Co. border), ERIE (W 1/3), FULTON, HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 miles S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. border thru Monroeville & Willard), LUCAS, OTTAWA, PUTNAM (E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. border), WOOD, & WYANDOT (Area N. of Rte. # 30) Cos.	16.58	1.06	1.82		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COUNTIES	15.10	1.00	2.60		.05
FRANKLIN COUNTY	14.95	1.00	2.60		.05
PAINTERS:					
ADAMS, HIGHLAND, JACKSON, PIKE & SCIOTO COUNTIES					
Brush	14.35		1.00		.03
Spray	15.35		1.00		.03
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT & WILLIAMS COS.					
Brush & Roller	13.05	1.06	.50		.03
Sandblasting; Spray; Steam Cleaning	13.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND COS.					
Brush	12.25		.80		
Structural Steel	12.75		.80		
Spray	13.00		.80		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA, CUYAHOGA, GEAUGA, & LAKE COS., LORAIN (North East Part) and PORTAGE & SUMMIT COS. (North of the Ohio Turnpike)					
Brush	15.06	.97	1.60		.05
Bridge and Open Steel; Closed Steel Over 55'	15.76	.97	1.60		.05
Closed Steel Below 55'; Spray	15.46	.97	1.60		.05
ATHENS & HOCKING COUNTIES					
Brush	14.60				
Spray	15.25				
BROWN, CLERMONT & HAMILTON COS.					
Brush	15.80		.75		
Spray	16.30		.75		
BUTLER & WARREN COUNTIES					
Brush	14.23				
Spray	15.23				
CARROLL, HOLMES, STARK, TUSCARAWAS & WAYNE COS.					
Brush	13.56	1.08	1.00		.02
Spray	14.09	1.08	1.00		.02
Structural Steel	14.27	1.08	1.00		.02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE COUNTIES					
Brush; Roller	15.47		1.00		
Structural Steel	15.87		1.00		
Spray; Sandblast	15.97		1.00		
COLUMBIANA, MAHONING, PORTAGE (Ravenna Ordnance Depot), & TRUMBULL COS.					
Brush	14.65	1.00	1.25		
Sandblasting; Spray	15.35	1.00	1.25		
CHAMPAIGN, CLARK, LOGAN, & MADISON COS.:					
Brush	13.75		1.00		
Spray	14.45		1.00		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, PICKAWAY, ROSS, & UNION COUNTIES					
Brush	$ 14.19	.95	1.00		.02
Structural Steel	14.49	.95	1.00		.02
Spray	14.69	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA & WYANDOT COUNTIES					
Brush	13.80	.70	.90		50.00p/yr
Structural Steel	14.25	.70	.90		50.00p/yr
FULTON, HENRY, LUCAS, OTTAWA & WOOD COUNTIES					
Brush	14.70	1.06	2.00		
Spray	15.25	1.06	2.00		
Bridge Railings	14.95	1.06	2.00		
GALLIA, LAWRENCE, MEIGS, & VINTON COUNTIES					
Brush; Roller	13.20	.70		c	
Sandblasting; Spray; Waterblasting	13.90	.70		c	
KNOX, LICKING, MUSKINGUM and PERRY COUNTIES					
Steel; Bridge	12.50				
Spray	13.00				
Sandblasting	14.00				
LORAIN COUNTY (Rem. of Co.)					
Brush	16.22	1.15	.90	d	
Spray; Sandblasting	16.72	1.15	.90	d	
MEDINA, PORTAGE (Up to & incl. the Ohio Turnpike), & SUMMIT (Up to & incl. the Ohio Turnpike) COS.:					
Brush; Paperhanger; & Roller	14.65	1.07	.60		
Structural Steel	15.40	1.07	.60		
Spray	15.50	1.07	.60		

FOOTNOTES: c. 6 Paid Holidays: Decoration Day; July 4th; Thanksgiving Day; Christmas Day; New Year's Day & Veteran's Day

d. 2 Paid Holidays: Labor Day & July 4th.

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.	$16.34	.95	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY & VAN WERT COS.	15.75	1.10	1.05		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, LORAIN, MORROW, RICHLAND & WYANDOT COS.	16.75	1.08	1.10		.10
ASHTABULA, CUYAHOGA, GEAUGA, LAKE, MEDINA (N. of Rt. 18 exclu. city of Medina), PORTAGE (N. of #303), & SUMMIT (N. of Rt. #303, excl. city of Hudson) COS.:					
Plumbers	16.03	1.20	1.40		.02
Pipefitters; & Steamfitters	15.92	1.45	1.35		.10
BELMONT & MONROE (North of Rt. 78) COS.	13.39	.75	9%	10%	.05
BROWN, CLERMONT, & HAMILTON COS.:					
Plumbers; Gas Fitters	16.57	1.25	1.50		.07
Steamfitters; Pipefitters	16.23	1.095	2.20		.08
BUTLER (North Half) & WARREN (N. of Rte. #63 exclu. Lebanon & S. Lebanon) COS.	17.50	.90	1.00		.05
BUTLER (South Half) & WARREN (S. of Rte. #63 including Lebanon and S. Lebanon) COS.	17.33	.90	1.20		.02
CARROLL CO. (Except Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), STARK & WAYNE COS.	14.67	1.35	.70	e	.10
CARROLL (Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Rte. #78 & from McConnelsville West on State Rte #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	17.00	1.00	.70		

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, GREENE (Twps. of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), LOGAN & MADISON (West of Rt. 38 including the city of London) COS.	$15.65	$1.08	$1.10		.04
CLINTON, DARKE, FAYETTE, GREENE (Rem. of Co.), MIAMI, MONTGOMERY, & PREBLE COUNTIES	17.46	1.05	1.20		.08
COLUMBIANA (excluding Washington & Yellow Creek Twps. & Liverpool Twp. secs. 35 & 36 - West of County Rd. #427), MAHONING COS. & TRUMBULL CO. (Hubbard & Liberty Twps. Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps., & Liverpool Twp. secs 35 & 36 West of County Rd. #427), HARRISON AND JEFFERSON COUNTIES	16.07	1.23	3.43		.12
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	16.90	1.50	1.20		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (Rem. of Co.), MARION, PERRY, PICKAWAY, ROSS & UNION COS.	16.84	1.15	1.05		.07
MEDINA (Rem. of Co.), PORTAGE, & SUMMIT (S. of Rte #303) COS.	15.24	.91	1.60		.05
MEIGS, MONROE (Rem. of Co.), MORGAN (Rem. of Co.), & WASHINGTON COS.	14.76	.78	.75		.06
TRUMBULL CO. (Rem. of Co.)	15.45	1.57	1.15		.03

FOOTNOTE:
e. One paid holiday: Labor Day providing employee has worked 5 consecutive days before and after the holiday.

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LABORERS: (Excluding Railroad Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 14.68	$ 13.25	$ 12.82	.95	$ 1.50		.05
GROUP II	14.805	13.375	12.945	.95	1.50		.05
GROUP III	14.88	13.45	13.02	.95	1.50		.05
GROUP IV	15.03	13.60	13.17	.95	1.50		.05
GROUP V	15.33	13.90	13.47	.95	1.50		.05

GROUP I - Asphalt Laborer; Carpenter Tender; Concrete Curing Applicator; Dump Man (Batch Trucks); Flagman; Grade Checker; Guardrail & Fence Installers; Joint Setter; Laborers (Construction); Landscape Laborer; Mesh Handlers & Placers; Plant Laborers or Yardmen; Right-of-way Laborers; Riprap Laborer & Grouter; Scaffold Erector; Seal Coating Surface Treatment or Road Mix Laborer; Sign Installer; Slurry Seal; Utility Man or Handyman; & Waterproofing Laborer

GROUP II - Asphalt Raker; Concrete Puddler; Kettle Man (Pipeline); Machine Driven Tools; Mason Tender; Mortar Mixer; Power Buggy or Power Wheelbarrow; Sheeting & Shoring Man; & Surface Grinder Man

GROUP III - Air Track & Wagon Drill; Bottom Man; Car Pusher (Without Air); Cofferdam (Below 25 feet deep); Concrete Saw Man; Cutting with Burning Torch; Form Setter; Hand Spiker (Railroad); Pipelayer; Tunnel Laborer (Without Air) and Caisson; Undergroundman (Working in Sewer & Waterline, Cleaning, Repairing & Reconditioning); & Welder Tender (Pipeline)

GROUP IV - Blaster; Muckers; Powder Man; Top Lander; Wrencher (Mechanical Joints & Utility Pipeline); & Yarner

GROUP V - Concrete Crew in Tunnels; Curb Setter & Cutter; Gunnite Nozzle Man; Miner Without Air; Utility Pipeline Tapper; & Waterline Caulker

ZONE DEFINITIONS

ZONE 1 - Cuyahoga, Geauga & Lake Cos.
ZONE 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos.
ZONE 3 - Remainder of Counties

LABORERS: (Railroad Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cuyahoga, Geauga, Lake, Lorain, Lucas, Portage, & Summit Coun Counties	$7.25	.80	.80		.10
Remaining Counties	6.75	.80	.80		.10

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POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning & Trumbull Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 15.61	1.05	1.00		.16
CLASS II	14.92	1.05	1.00		.16
CLASS III	14.28	1.05	1.00		.16
CLASS IV	13.87	1.05	1.00		.16
CLASS V	13.77	1.05	1.00		.16
CLASS VI	15.88	1.05	1.00		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Beam Builder-Automatic; Backfiller W/Drag Attachments; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade attached; Concrete Spreader Finisher Comb., Crane; Crane-Stationary or climbing; Crane-Electric Overhead; Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (Not Trencher or Road Widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal or Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester w/ Boom; Mucking Mach.; Paver-Asphalt Finishing Mach.; Paver - Road Concrete; Paver-Slipform; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Rigs-Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/ Attachments; Trucks-Boom; Truck-Tire-Assigned to Job; Trench Mach.; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O Boom; Cleaning Mach.- Pipeline Type; Coating Mach-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Hoist-Single Drum; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator- Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Signal Man; Spray Cure Mach. Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher-Form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Ladavator; Roller (Walk Behind 1 Ton or over); Steam Jenny; Syphons; Tender-Mechanic; Jacks Hydraulic (Railroad); Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$ 17.38	$ 16.64	$1.41	1.50		.15
CLASS A	17.13	16.39	1.41	1.50		.15
CLASS B	17.03	16.27	1.41	1.50		.15
CLASS C	15.99	15.23	1.41	1.50		.15
CLASS D	15.52	14.80	1.41	1.50		.15
CLASS E	11.83	10.94	1.41	1.50		.15

CLASS A - Air Compressor On Steel Erection; Asphalt Plant Engineer (Cleveland District Only); Boiler Op.; Compressor or Generator When Mounted On Rig; Cableway; Combination Concrete Mixer & Tower; Concrete Plants (Over 4 Yds. Cap.); Concrete Pumps; Cranes (All Types Incl. A Frames, Boom Trucks, Cherry Pickers); Derricks; Draglines; Dredge (Dipper Clam or Suction); Elevation Grader or Euclid Loader; Floating Equipment (All Types); Helicopter Crew (Hoist or Winch); Hoes (All Types); Hoisting Engines (Including Shaft & Tunnel Work); Industrial Type Tractor; Jet Engineer Dryer (D8 or D9) Diesel Tractor; Locomotives (Standard Guage); Maintenance Op. Class A; Mixer (Paving Single or Double Drum); Mucking Mach.; Multiple Scraper; Piledriving Mach. (All Types); Power Shovel; Quad 9 (Double Pusher); Refrigerating Mach. (Freezer Operation); Rotary Drill on Caisson Work; Slip Form Paver; Tower Derricks; Tree Shredder; Trench Mach. (Over 24" Wide); Truck Mounted Concrete Pump; Tug Boat; Tunnel Mach. and/or Mining Machine; Wheel Excavator

CLASS B - Asphalt Paver; Automatic Subgrader Mach. Self-Propelled (CMI Type); Boring Mach. Op. (More than 48"); Bulldozers; Endloader; Kolman Loader (Production Type Dirt); Lead Grease Man; Maintenance Op., Class B (in Zone 2 Portage & Summit Cos. only); Power Grader; Power Scraper; Push Cat; Trench Mach. (24" Wide & Under)

CLASS C - Air Compressor on Tunnel Work (Low Pressure); Asphalt Plant Engineer (in Zone 2 Portage & Summit Cos. Only); Locomotive (Narrow Guage); Concrete Mixers (More than 1 Bag Cap.); Mixers (1 Bag Cap. - Side Loader); Power Boiler over 15 lb. Pressure; Pump Op. Installing & Operating Well Points; Pumps (4" & Over Discharge); Rollers (Asphalt); Utility Op. (Small Equipment); Welding Mach. & Generators.

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS D - Back Fillers; Bar (Joint & Mesh Installing Mach.); Batch Plant; Boring Mach. Op. (48" or less); Bull Floats; Burlap & Curing Mach.; Compressor (Portable, Sewer, Hvy. & Hwy.); Concrete Plant (4 Yd. & Under Cap.); Concrete Saw (Multiple); Conveyors (Hwy.); Crusher, Deckhand; Drill Highway (W. Integral Power); Farm Type Tractors W/ Attachs. (Hwy.); Finishing Mach.; Fireman (Floating Equipment, All Types); Fork Lift (Hwy.); Form Trenchers; Hydro Hammer; Hydro Seeder; Pavement Breaker; Plant Mixers; Post Driver; Post Hole Digger (Power Auger); Power Brush Burner; Power Form Handling Equip.; Road Widening Trencher; Rollers (Brick, Grade, Macadam); Self-Propelled Power Spreader; Self Propelled Power Subgrader; Steam Fireman; Tractor (Pulling Sheepfoot Roller or Grader); Vibratory Compactor W/Integral Power

CLASS E - Drum Fireman (Asphalt Plant); Inboard-Outboard, Motor Boat-Launch; Oil Heaters (Asphalt Plant); Oilers; Power Driven Heaters; Pumps (Under 4" Discharge); Signalmen; Tenders; Tire Repairmen

ZONE DEFINITIONS

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of Counties

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TRUCK DRIVERS ZONE 1 - CUYAHOGA, GEAUGA, and LAKE COUNTIES:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 13.15	38.00a	30.00a	b&c	.05
CLASS II	13.30	38.00a	30.00a	b&c	.05
CLASS III	13.65	38.00a	30.00a	b&c	.05

CLASS I - Straight & Dumps (Including Asphalt); Straight Fuel;

CLASS II - Semi Fuel; Semi Pole Drivers (Hauling Steel Pipe); & Semi Tractor Drivers

CLASS III - Ready-Mix (Agitator or non Agitator); Bulk Concrete Drivers; Dry Batch Trucks; Carry-All Driver; Darts; Double Hook-up Tractor Trailers Including Team Track & Railroad Siding; Euclids; Extra Long Trailers & Semi Pole Trailers, Except When Hauling Steel Pipe; Fork Lifts; Hi-Lifts; Low Boys; Semi-Tractor & Tri-Axle Trailer; Tag Along Trailer, Expandable Trailers, Load (Requiring Road Permits); Tandem Tractor, Tandem Trailer & Tri-Axle Trailer; Tank Asphalt Spreaders; & Tournarockers

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivng Day; F-Christmas Day.

FOOTNOTES:

a. Per Week Per Employee

b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years.

c. Seven paid holidays: A through F Plus National Election Day

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TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 13.47	41.00a	24.00a		.05
CLASS II	13.52	41.00a	24.00a		.05
CLASS III	13.57	41.00a	24.00a		.05
CLASS IV	13.67	41.00a	24.00a		.05
CLASS V	13.94	41.00a	24.00a		.05
CLASS VI	13.77	41.00a	24.00a		.05

CLASS I - Asphalt Distributors; Batch Trucks; 4 Wheel Service Truck; 4 Wheel Dump Trucks; & Oil Distributors
CLASS II Tandems
CLASS III - Fuel Trucks; Pole Trailers; Ready Mix Trucks; & Semi-Tractor Trucks; Asphalt Oil Spraybar Man
CLASS IV - All Trucks Five Axle & Over
CLASS V - Asphalt Oiler Spraybar Man When Operated From Cab
CLASS VI - Euclid Wagons; Euclid End Dumps; Heavy Duty Equipment over 12 cu. yd. cap.; & Low Boys

FOOTNOTE:
a. Per Week Per Employee

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LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO COS., JACKSON CO. (except Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE CO. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & VINTON CO. (E. of Clinton, Elk & Swan Twps.):					
Cable Splicers; Linemen Welders	$18.35	.70	3%+.50	1.00	½%
Linemen	16.68	.70	3%+.50	1.00	½%
Operators: All Mechanized Equipment	13.34	.70	3%+.50	1.00	½%
Groundmen	10.84	.70	3%+.50	1.00	½%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem) COS.:					
Linemen	15.17	.70	3%		½%
Equipment Operators	13.65	.70	3%		½%
Groundmen; Truck Drivers	9.97	.70	3%		½%
ASHLAND, CRAWFORD, HURON (Twps. of Richmond, New Haven, Ripley & Greenwich), KNOX (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown & Jefferson), MARION, MORROW, RICHLAND, & WYANDOT (Twps. of Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee) COS.:					
Equipment Operators; Linemen	16.03	.60	3%+.72		½%
Line Truck Driver	9.62	.60	3%+.72		½%
Groundmen	10.42	.60	3%+.72		½%
ASHTABULA CO., except Twps. of Colebrook, Orville, Wayne, Williamsfield, & Windsor:					
Cable Splicers; Equipment Ops.; Line Truck Drivers; & Linemen	13.05	.90	3%+.85		½%
Groundmen	9.80	.90	3%+.85		½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor), COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy), MAHONING (excl. Smith Twp.), PORTAGE (Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris, Windom Twps.), & TRUMBULL COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	$ 17.08	.70	8%		½%
Groundmen	13.66	.70	9%		½%
BELMONT COUNTY:					
Equipment Operators; Linemen & Technicians	14.66	.50	3%+1.25	1.50	
Cable Splicers; Welders	14.91	.50	3%+1.25	1.50	
Groundmen	11.73	.50	3%+1.25	1.50	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	16.70	.85	3%+1.00		½%
Groundmen	12.53	.85	3%+1.00		½%
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati;					
Linemen; Machine Ops.	17.00	.85	3%+1.00		½%
Groundmen	12.75	.85	3%+1.00		½%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.10	.85	3%+1.00		½%
Groundmen	I2.825	.85	3%+1.00		½%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.25	.85	3%+1.00		½%
Groundmen	12.94	.85	3%+1.00		½%

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	$ 16.55	1.00	3%+1.00		½%
Cable Splicers	17.05	1.00	3%+1.00		½%
Groundmen	11.59	1.00	3%+1.00		½%
CARROLL (N. ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.:					
Cable Splicers	14.59	1.00	3%+1.00		.3%
Linemen	15.70	1.00	3%+1.00		.3%
Line Equipment Ops.	13.44	1.00	3%+1.00		.3%
Groundmen; Truck Drivers	9.84	1.00	3%+1.00		.3%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	17.00	8%	19%	10%	½%
Cable Splicers	17.50	8%	19%	10%	½%
Groundmen	11.05	8%	19%	10%	½%

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, CUYAHOGA, GEAUGA (Bainbridge, Russell & Chester Twps.), LORAIN (Columbia Twp.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	$17.93	.60	3%		½%
Groundmen	11.65	.60	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	15.63	.75	3%+1.00		½%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	15.63	.75	3%+1.00		½%
Line Truck with Winch or Pole & Steel Handling	11.72	.75	3%+1.00		½%
None-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	9.38	.75	3%+1.00		½%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.:					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		½%
Groundmen & Truck Drivers	11.90	15%	7%		½%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	15.69	.50	3%		½%
Groundmen	9.39	.50	3%		½%

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	$ 17.24	.70	3%	a	½%
Technicians	16.72	.70	3%	a	½%
Cable Splicers	19.83	.70	3%	a	½%
Operator Class I	13.79	.70	3%	a	½%
Operator Class II	12.07	.70	3%	a	½%
Groundmen	10.34	.70	3%	a	½%
DELAWARE, MADISON, (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.67	.50	3%		½%
Groundmen	9.39	.50	3%		½%
ERIE, & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. and Linemen	16.05	.98			
Truck Driver (winch) Groundman	8.83	.98			
Groundman	10.43	.98			
FAIRFIELD, KNOX (Butler, Clay, College, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant), & LICKING COS.:					
Cable Splicers; Linemen; Operators: All Mechanized Equipment	14.85	.70	3%		½%
Groundmen - Truck Driver	11.78	.70	3%		½%
Groundmen	9.08	.70	3%		½%

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Excl. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, VINTON (W ½ of Co., incl. Clinton, Elk & Swan Twps.) COS.:					
Cable Splicers	$ 16.985	.70	3%		½%
Linemen; Equipment Operator	15.80	.70	3%		½%
Truck Drivers	9.49	.70	3%		½%
Groundmen	9.08	.70	3%		½%
FRANKLIN COUNTY:					
Cable Splicers; Linemen	14.18	.50	3%		½%
Equipment Operators	12.43	.50	3%		½%
Groundmen	9.39	.50	3%		½%
GEAUGA (Excl. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.), & LAKE COS.:					
Cable Splicers; Equipment Ops. & Linemen	18.73	.85	3%+.70		½%
Truck Drivers (Winch) Groundman; Groundman	12.17	.85	3%+.70		½%
LORAIN (Exclu. Columbia Twp.), & MEDINA (Litchfield & Liverpool Twps.) COS.:					
Cable Splicers; Equipment Op.; & Linemen	16.75	.75	3%+1.00		½%
Truck Driver (winch) Groundman; Groundman	10.89	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), PORTAGE (Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro & Suffield Twps.), SUMMIT, & WAYNE (Northern ½ of Co.) COS.:					

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA CO. (CONT'D)					
Linemen	$16.67	.74	3%+.84		½%
Cable Splicers	17.72	.74	3%+.84		½%
Equipment Operators	12.50	.74	3%+.84		½%
Truck Drivers; Groundman	8.34	.74	3%+.84		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COUNTIES:					
Cable Splicers; Equipment Operators.; Linemen	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE: a. 10 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve Day; & Good Friday.

POWER EQUIPMENT OPERATORS:					
Statewide, except Columbiana, Mahoning & Trumbull Cos.:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type & Shallow Well Pumps on Water wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

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FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' 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)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO.: OH82-2036 DATE: Date of Publication
Supersedes Decision No. OH81-2066, dated December 18, 1981 in 46 FR 61781
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes and apartments up to and including 4 stories)

*ADAMS, ALLEN, ASHLAND, AUGLAIZE, BELMONT, BROWN, BUTLER, CARROLL, CHAMPAIGN, CLARK, CLERMONT, CLINTON, COLUMBIANA, COSHOCTON, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FAIRFIELD, FAYETTE, FRANKLIN, FULTON, GALLIA, GEAUGA, GREENE, GUERNSEY, HAMILTON, HANCOCK, HARDIN, HARRISON, HENRY, HIGHLAND, HOCKING, HOLMES, HURON, JACKSON, JEFFERSON, KNOX, LAWRENCE, LICKING, LOGAN, MADISON, MARION, MEDINA, MEIGS, MERCER, MIAMI, MONROE, MONTGOMERY, MORGAN, MORROW, MUSKINGUM, NOBLE, OTTAWA, PAULDING, PERRY, PICKAWAY, PIKE, PREBLE, PUTNAM, RICHLAND, ROSS, SANDUSKY, SCIOTO, SENECA, SHELBY, TUSCARAWAS, UNION, VAN WERT, VINTON, WARREN, WASHINGTON, WAYNE, WILLIAMS, WOOD, & WYANDOT

ASBESTOS WORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, BUTLER (Twps. of Fairfield, Hanover, Liberty, Milford, Morgan, Oxford, Ripley, Ross, St. Clair, Union & Wayne), CLERMONT, HAMILTON, HIGHLAND, & WARREN (Twps. of Deerfield, Hamilton, Harlan, Salem, Union, & Washington) COS.	$15.96	1.40	1.75		.02
ALLEN, DEFIANCE, MERCER, PAULDING, VAN WERT, & WILLIAMS COS.	15.90	.65	1.45		
ASHLAND, COSHOCTON, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	16.10	.70	1.30		.04
AUGLAIZE, BUTLER (Middletown & Vic.), CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) COS.	13.65	.55	1.57		.02
BELMONT, JEFFERSON, & MONROE COS.	15.06	1.00	2.27		
CARROLL, COLUMBIANA, & HARRISON COS.	15.64	.65	1.75		.02
CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GUERNSEY, HARDIN, HOCKING, KNOX, LICKING, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, ROSS, UNION, & VINTON COS.	17.07	.95	1.45		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE (E½), GEAUGA, & HURON COS.	$ 16.29	.99	1.25		
ERIE (W½), FULTON, HANCOCK, HENRY, OTTAWA, PUTNAM, SANDUSKY, SENECA, WOOD & WYANDOT COS.	16.85	.70	1.70		.02
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, SCIOTO, & WASHINGTON COS.	15.60	.60	1.10		.03
BOILERMAKERS					
ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GREENE, GUERNSEY, HAMILTON, HIGHLAND, HOCKING, JACKSON, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MORGAN, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, VINTON, & WARREN COS.	14.40	1.475	1.20	2.00	.04
ALLEN, ASHLAND, AUGLAIZE, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FULTON, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, SHELBY, UNION, VAN WERT, WILLIAMS, WOOD, & WYANDOT COS.	17.90	1.275	1.50		.28
BELMONT, MONROE, & WASHINGTON COS.	16.50	1.375	1.20		.04
CARROLL, COSHOCTON, GEAUGA, HARRISON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE COS.	15.755	1.275	1.50		.03
COLUMBIANA & JEFFERSON COS.	14.93	5%	7% +1.12		.02
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS					
ADAMS & SCIOTO COS.	15.07		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.94	.90	.95		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.) & WYANDOT (Except Crawford, Ridge, Richland & Tymochtee Twps.) COS.	$15.38	.90	2.00		.04
BELMONT, JEFFERSON (Warren & Mt. Pleasant Twps. & Village of Dillonvale), & MONROE COS.	13.77	.80	1.10		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers & Gratis Twps.) & WARREN COS.	16.445	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Knox, Butler, West, & Hanover), & TUSCARAWAS COS.	15.74	1.20	1.35		.02
CHAMPAIGN, CLARK, & LOGAN COS.	13.94	1.25	1.45		.08
CLINTON & HIGHLAND COS.	12.50				
COLUMBIANA (East Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	14.15	.90	1.00		
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	14.695	1.00	1.25		.02
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	13.00	1.30	1.85		.10
DARKE, MIAMI, & SHELBY COS.	14.60	1.25	1.45		.08
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.	16.22	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	15.09	.90	1.50		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	$14.34	.90	1.80		.02
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysbury, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids Twps.) COS.	16.135	1.06	1.90		.03
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
GREENE, MONTGOMERY, & PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.) COS.	14.60	1.25	1.45		.08
HARRISON, JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & village of Dillonvale) COS.	14.03	.90	.50		.03
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE CO.	15.29		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.	15.97	1.31	1.33		.10
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	15.52	1.17	1.05		
MEDINA (Litchfield, Chatham, Harrisville, Homer, & Spencer Twps.) CO.	18.05		.80	b	.01
NOBLE (Brookfield, Noble, Center, Sharon, Olive, Enoch, Stock, Elk & Jackson Twps.) & WASHINGTON COS.	14.00	.70	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$14.19	.80	1.50		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HANCOCK (City of Fostoria), HURON, OTTAWA, RICHLAND, SANDUSKY, SENECA, & WOOD (City of Fostoria) COS.	15.37	.90	1.25	c	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.83	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	15.80	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	15.93	.70	1.05		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	15.15	1.25	2.00		.07
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	16.76	1.06	.75		
FULTON, HANCOCK (Except city of Fostoria), & WOOD (Except city of Fostoria) COS.	15.90	1.06	1.25		.10
GEAUGA COUNTY	15.67	1.20	1.85		.09
HOCKING, VINTON, & WASHINGTON COS.	13.90	.65	.70		.04
MEDINA COUNTY	15.35	.75	1.50		.04
CEMENT MASONS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	15.86		.60		.05
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, & VAN WERT COS.	12.25	.70	.75		.05
ASHLAND, CRAWFORD, MARION, MORROW, RICHLAND, & WYANDOT (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) COS.	12.95	.80	1.25		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, HARRISON, & JEFFERSON COS.	$ 14.13	.65			.03
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	15.43	1.10	1.15		.30
CARROLL & TUSCARAWAS COS.	15.74	1.20	1.35		.02
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	15.28	.80	1.00		
COLUMBIANA CO.	14.80	.80	1.00		.05
DEFIANCE, PAULDING, & WILLIAMS COS.	15.40	.80	1.40		
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, KNOX, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, & UNION COS.	12.15	.70	1.25		.05
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	14.34	.90	1.80		.02
FULTON, HANCOCK, HENRY, PUTNAM, & WOOD (Exclu. Perry & Bloom Twps.) COS.	15.50	.70	1.40		.02
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES, & WAYNE (Except Milton & Chippewa Twps.) COS.	16.23		2.00		.04
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	15.29		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	18.05		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps. Twps.) CO.	15.19	.70	1.00		.02
MONROE, NOBLE, & WASHINGTON COS.	12.26	.80	1.25		.03

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, JACKSON (Bloomfield, Franklin, Hamilton, Jefferson, Lick, Madison, & Scioto Twps.), PIKE (Camp Creek, Marion, Newton, Scioto, & Sunfish), & SCIOTO COS.	$15.48	.50	3%+1.00	1.00	.06
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.	14.75	1.55	3%+.43		.04
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt & Antrim Twps.) COS.	16.03	.60	3%+.72		.1%
BELMONT COUNTY	14.66	.50	3%+1.25	1.50	.04
BROWN, CLERMONT, & HAMILTON COS.:					
Up to & Incl. 18 mi. radius of Hamilton Co. Court House, Cincinnati	16.70	.85	3%+1.00		½%
Over 18 mi. radius up to & Incl. 21 mi. radius of Hamilton Co. Court House, Cincinnati	17.00	.85	3%+1.00		½%
Over 21 mi. radius up to & Incl. 25 mi. radius of Hamilton Co. Court House, Cincinnati	17.10	.85	3%+1.00		½%
Over 25 mi. radius of Hamilton Co. Court House, Cincinnati	17.25	.85	3%+1.00		½%
BUTLER, & WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington Twps.) COS.	16.55	1.00	3%+1.00		½%
CARROLL (N ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.	15.70	1.00	3%+1.00		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S ½ Exclu. Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	$17.00	8%	19%	10%	1%
CHAMPAIGN, CLARK, & MADISON (Pike, Paint, Somerford, Union, & Stokes Twps.) COS.	14.24	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Twps. of Wayne, Clear Creek, & Franklin Twps.) COS.:					
Electrical Communications Installers within 11 mi. radius of 3rd & Main Street, Dayton	15.63	.75	3%+1.00		.5%
Electrical Communications Installers beyond 11 mi. radius of 3rd & Main Street, Dayton	15.86	.75	3%+1.00		.5%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.	13.30	2.00	3%+.53		.09
COLUMBIANA (Butler, Fairfield, Perry, Salem, & Unity Twps.) CO.	16.09	1.00	11%		.5%
COSHOCTON, GUERNSEY, KNOX (Clay, Jackson, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps.), LICKING, MUSKINGUM, PERRY, & TUSCARAWAS (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry & Bucks Twps.) COS.	14.70	.70	3%+1.02		.03
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	19.00	.85	3%+.95		.3%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Canaan, Darby, Deer Creek, Fairfield, Jefferson, Monroe, Oak Run, Pleasant & Range Twps.), PICKAWAY (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Washington, Muhlenberg, Scioto & Walnut Twps.), & UNION COS.	14.00	.50	3%+1.02		.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.	$16.05	.98	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Except Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.	15.80	.70	3%		.06
GALLIA CO.	16.22	.50	3%+1.00	1.00	.04
GEAUGA (Russell, Chester, & Bainbridge Twps.) CO.	16.84	1.10	3%+.59		.06
GEAUGA (Auburn, Middlefield, Parkman & Troy Twps.) CO.	16.62	1.00	9%		.702%
GEAUGA (Rem. of Co.) CO.	18.73	.85	3%+.70		.2%
LAWRENCE CO.	15.72	.50	3%+1.00	1.00	.04
MEDINA (Litchfield, & Liverpool Twps.) CO.	16.75	.85	3%+1.00		.1%
MEDINA (Rem. of Co.) & WAYNE (N½) COS.	16.67	.74	3%+.84		.2%
MEIGS, MONROE, MORGAN, NOBLE, VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.), & WASHINGTON COS.	14.90	.50	3%+1.25	1.75	.04
ELEVATOR CONSTRUCTORS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, DARKE, GREENE, HAMILTON, HIGHLAND, MIAMI, MONTGOMERY, PREBLE, & WARREN COS.:					
Elevator Constructors	15.65	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, MERCER, PAULDING, PUTNAM, VAN WERT, & WILLIAMS COS.:					
Elevator Constructors	$13.535	1.195	.95	d&e	.035
Helpers	70%JR	1.195	.95	d&e	.035
Helpers (Prob.)	50%JR				
ASHLAND, CHAMPAIGN, CLARK, COSHOCTON, CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, RICHLAND, ROSS, SHELBY, TUSCARAWAS, UNION, & VINTON COS.:					
Elevator Constructors	15.77	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
BELMONT, CARROLL, GUERNSEY, HARRISON, JEFFERSON, MONROE, NOBLE, & WASHINGTON COS.:					
Elevator Constructors	13.91	1.345	1.085	d&e	.035
Helpers	70%JR	1.345	1.085	d&e	.035
Helpers (Prob.)	50%JR				
COLUMBIANA COUNTY:					
Elevator Constructors	14.61	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
ERIE, GEAUGA, & HURON COS.:					
Elevator Constructors	16.13	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
FULTON, HANCOCK, HENRY, OTTAWA, SANDUSKY, SENECA, WOOD, & WYANDOT COS.:					
Elevator Constructors	16.57	1.345	1.085	d&e	.035
Helpers	70%JR	1.345	1.085	d&e	.035
Helpers (Prob.)	50%JR				
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Elevator Constructors	15.57	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA & WAYNE COS.:					
Elevator Constructors	15.645	1.345	.95	d&e	.035
Helpers	70%JR	1.345	.95	d&e	.035
Helpers (Prob.)	50%JR				
GLAZIERS					
ADAMS, BROWN, BUTLER (Hamilton & Vic.), CLERMONT, CLINTON (S½), HAMILTON, HIGHLAND (S. Part), & WARREN (Lebanon & South) COS.	$16.36		1.50		.01
ALLEN, AUGLAIZE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY (N. Part), VAN WERT, & WYANDOT (Western Part) COS.	11.00		.90		
ASHLAND, CRAWFORD, HURON (S½), KNOX, MARION, RICHLAND & WYANDOT (E. Part) COS.:					
Outside Replacement	12.08	.50			.01
Outside All Other Work	12.58	.50			.01
BUTLER (Exclu. Hamilton & Vic.), CHAMPAIGN, CLARK, CLINTON (N½), DARKE, FAYETTE (W½), GREENE, HIGHLAND (N. Part), MIAMI, MONTGOMERY, PREBLE, SHELBY (S. Part), WARREN (N. of Lebanon) COS.	14.53		1.00	f	.01
CARROLL, COSHOCTON, HOLMES, MEDINA (S½), TUSCARAWAS, & WAYNE COS.	14.08	1.21	1.17	.20	.01
COLUMBIANA COUNTY	14.36	1.00	1.50		
DEFIANCE, ERIE (NW Tip to Rte. #4), FULTON, HENRY, OTTAWA, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.89	.85	1.10		.02
DELAWARE, FAIRFIELD, FAYETTE (E½), FRANKLIN, HOCKING, JACKSON, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, & VINTON COS.	13.99		.80		.01
ERIE (Exclu. NW Tip to Rte. #4), GEAUGA, HURON (N½), & MEDINA COS.	16.28	.60	1.75		.01

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IRONWORKERS					
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.:					
Up. to 10 mi. from Union Hall in Ashland, Ky.	$15.96	1.00	1.85		.01
10 to 60 mi. from Union Hall in Ashland, Ky.	16.27	1.00	1.85		.01
Over 60 mi. from Union Hall in Ashland, Ky.	18.08	1.00	1.85		.01
ADAMS (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (Exclu. E. 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), & WARREN (S½) COS.:					
Reinforcing	15.58	1.00	1.85		.02
Ornamental; Structural	15.03	1.00	1.85		.03
ALLEN (S½), AUGLAIZE, BUTLER (N½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (Exclu. S. of a line drawn from Blanchester to Lynchburg), DARKE, GREENE, HIGHLAND (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3), MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.:					
Within 15 mi. mi. radius of Local Union Office #290	15.36	1.00	1.85		.10
Outside 15 mi. radius of Local Union Office #290	15.51	1.00	1.85		.10

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN (N½), DEFIANCE (Except Portion S. of a line drawn from where Rte. 66 meets the N. line through Independence to the E. Co. border), MERCER (N½), PAULDING, PUTNAM (Except Portion E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), VAN WERT & WILLIAMS (Except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	$15.00	1.00	3.05	-	.04
ASHLAND, CARROLL, COSHOCTON (Exclu. Portion W. of a line beginning at N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, TUSCARAWAS, & WAYNE COS.	14.43	1.05	1.80		.07
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a line Beg. at N.W. Co. line going through Walhonding & Tunnel Hill to the S. Co. Line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (Except a line drawn from Roundhead to Maysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N½), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line Starting at Adams Mill going to Adamsville & going from Adamsville thru Blue Rock to the S. Border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte. #30) COS.	15.20	1.00	2.60		.05
CRAWFORD (Area bet. lines drawn from where Hwy #598 & #30 meet thru N. Liberty to the N. Border & from said Hwy junction point due W. to the Border), DEFIANCE (S. of a line drawn from where Rte. #66 meets the N. Line thru Independence to the E. Co. Border), ERIE (W. 1/3), FULTON,					

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 mi. S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. Border thru Monroeville & Willard), OTTAWA, PUTNAM (E. of a line drawn from the N. Border down thru Miller City to where #696 meets the S. Border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. Border), WOOD, & WYANDOT (Area N. of Rte. #30) COS.	$16.58	1.06	1.82		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COS.	15.10	1.00	2.60		.05
COLUMBIANA (Exclu. portion E. of a line from Damascus to Highlandtown), ERIE (Exclu. W 1/3), GEAUGA (Except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W. of a line drawn from the N. Border through Monroeville & Willard), & MEDINA COS.	16.22	1.05	1.45		.08
COLUMBIANA (E. of a line from Damascus to Highlandtown), & GEAUGA (E. of a line from Austinburg to Middlefield & S.) COS.	15.26	1.00	1.30		.09
FRANKLIN CO.	14.95	1.00	2.60		.05
MEIGS, MORGAN, NOBLE, & WASHINGTON COS.	13.85	1.00	1.85		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (Except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. Border) COS.	13.22	1.05	2.55	8%	.05

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LATHERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AUGLAIZE, BUTLER (N½), CHAMPAIGN (W½), CLARK (W½), CLINTON (N½), FAYETTE (W½), LOGAN (W½), MERCER, & WARREN (N½) COS.	$13.39		.40		.01
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.83	1.04	1.50		.05
CLERMONT, HAMILTON, HIGHLAND (Except NE Tip), & WARREN (S½) COS.	15.42		1.10		.075
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	14.65	1.25	2.00		.07
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	16.76	1.06	.75		
ERIE & HURON COS.	16.30				.01
FULTON, HANCOCK, OTTAWA, SANDUSKY, SENECA, & WOOD COS.	15.51	1.06	1.25		.10
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS					
ADAMS & SCIOTO COS.	15.07		.50		.05
ALLEN, AUGLAIZE, MERCER, & VAN WERT COS.:					
Tile Setters	13.94	.90	.95		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.), & WYANDOT (Except Crawford, Ridge, Richland, & Tymochtee Twps.) COS.	15.38	.90	2.00		.04
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers, & Gratis Twps.), & WARREN COS.:					
Marble Setters	16.285	.80	.45		
Terrazzo Workers; & Tile Setters	16.235	.80	.45		

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL & TUSCARAWAS COS.:					
Marble Setters	$13.52	1.05	1.05		
Terrazzo Workers	13.44	1.05	1.05		
Tile Setters	13.35	1.05	1.05		
CHAMPAIGN, CLARK, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.), & SHELBY COS.	13.67	1.25	.75		
CLINTON & HIGHLAND COS.	12.50				
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	16.505				
COLUMBIANA (St. Clair, Madison, Wayne, Franklin, Washington, Yellow Creek, & Liverpool Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	14.15	.90	1.00		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	13.00	1.30	1.85		.10
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside City limits of City of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.:					
Marble Setters	16.22	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	15.45				
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Ridge, Tymochtee, Crawford, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	14.34	.90	1.80		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysburg, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.	$16.135	1.06	1.90		.03
FULTON (Except Fulton, Amboy, & Swan Creek Twps.), & WOOD (Except Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.:					
Terrazzo Workers; & Tile Setters	17.00	1.06	.30		
GALLIA & MEIGS COS.:					
Terrazzo Workers; Tile Setters	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
HARRISON, & JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & the Village of Dillonvale) COS.:					
Tile Setters	13.78	.90	.50		.03
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE CO.	15.29		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.:					
Marble Setters; Terrazzo Workers	15.97	1.31	1.33		.10
Tile Setters	15.905		2.25		
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	14.77	.91	.90		
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	18.05		.80	b	.01
NOBLE (Brookfield, Noble, Creek, Sharon, Olive, Enoch, Stock, Elk, Jackson, & Jefferson Twps.) & WASHINGTON COS.:					
Marble Setters & Tile Setters	14.00	.70	.50		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, FAYETTE, GALLIA, HAMILTON, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, SCIOTO, VINTON, WARREN, & WASHINGTON COS.:					
Finishers & Grinders	$15.35				
Marble Sanders; Polishers; Sawyers; & Waxers	15.515				
Terrazzo Base Grinders (While Operating base grinding machine)	15.77				
ALLEN, DEFIANCE, FULTON, HENRY, PAULDING, PUTNAM, WILLIAMS & WOOD (Exclu. Perry & Bloom Twps.) COS.	14.42	1.06			
ASHLAND, GEAUGA, MEDINA (Exclu. Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & RICHLAND COS.:					
Marble Setters' Finishers	14.51		2.50		
Terrazzo Workers' Finishers	15.07		2.50		
Tile Setters' Finishers	15.04		2.50		
AUGLAIZE, CHAMPAIGN, CLARK, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	10.84				
CARROLL & TUSCARAWAS COS.:					
Terrazzo Workers' Finishers	12.06	1.05	1.05		
Terrazzo Grinders	12.90	1.05	1.05		
Tile Setters' Finishers	11.94	1.05	1.05		
COLUMBIANA, COSHOCTON, HARRISON, HOLMES, JEFFERSON, & WAYNE (Exclu. Milton & Chippewa Twps.) COS.	14.405				
DELAWARE, FAIRFIELD, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	12.65				
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE NORTH OF SANDUSKY	11.47	.90	1.80		.02

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	$14.27	.91	.90		
MILLWRIGHTS					
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT & WYANDOT COS.	14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	15.20	1.20	2.32		.09
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	14.64	.885	8%		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	16.44	.60	1.10		.10
CARROLL, TUSCARAWAS, & WAYNE COS.	16.41	.70	1.05		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	16.11	1.25	1.25		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	14.57	.65	.55		.06
PAINTERS					
ADAMS, HIGHLAND, JACKSON, PIKE, & SCIOTO COS.:					
Brush; Exterior Bldgs. under 25 ft.; Paper or Wall covering; Taping & Washing	13.35		1.00		.03
Floor Sanding; Power Tools; Rollers; & Swing Stage	13.85		1.00		.03
Burning; Sandblasting; Spray & Steamcleaning	14.35		1.00		.03

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUCLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT, & WILLIAMS COS.:					
Brush; Drywall Taping; & Rollers	$13.05	1.06	.50		.03
Wallcovering	13.30	1.06	.50		.03
Sandblasting; Spray; & Steamcleaning	13.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND COS.:					
Brush; Cleaner; Roller; & Washer	12.25		.80		
Drywall; Paperhanger; Pot Tender; Spray & Wall Coverer	13.00		.80		
BROWN, CLERMONT, & HAMILTON COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	15.65		.75		
Steamcleaning	15.80		.75		
Spray	16.15		.75		
Hopper Tender; Sandblasting; & Waterblasting	16.55		.75		
BUTLER & WARREN COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	14.08				
Hopper Tender; Sandblasting & Spray	15.08				
CARROLL, HOLMES, TUSCARAWAS & WAYNE COS.:					
Brush; Rollers	13.26	1.08	1.00		.02
Paperhangers	13.36	1.08	1.00		.02
Drywall	13.66	1.08	1.00		.02
Spray	13.76	1.08	1.00		.02
CHAMPAIGN, CLARK, LOGAN, & MADISON COS.:					
Brush	13.75		1.00		
Drywall Tapers & Finishers	14.10		1.00		
Spray	14.45		1.00		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Brush; Roller	15.47		1.00		
Drywall Taping & Spackling; & Wallcovering	15.82		1.00		
Structural Steel	15.87		1.00		
Cleaning; Sandblast; & Spray	15.97		1.00		

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO.:					
Brush; Hydro-jet Cleaning; Paperhanging; Roller; Steamcleaning; Wallwashing; & Waterproofing	14.45	1.00	1.25		
Drywall Taping	14.60	1.00	1.25		
Open Structural Steel	14.66	1.00	1.25		
Spray	14.95	1.00	1.25		
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, PICKAWAY, ROSS & UNION COS.:					
Drywall Sanders	13.94	.95	1.00		.02
Brush; Paperhangers; Rollers; & Wall Washing	14.19	.95	1.00		.02
Structural Steel	14.49	.95	1.00		.02
Drywall Tapers & Finishers	14.59	.95	1.00		.02
Spray	14.69	.95	1.00		.02
Sandblasting; Steam Cleaning	14.89	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA, & WYANDOT COS.:					
Old Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	12.50	.70	.90		g
Drywall & Paperhangers	12.75	.70	.90		g
Sandblasting; & Spray	13.00	.70	.90		g
New Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	13.80	.70	.90		g
Drywall & Paperhangers	14.05	.70	.90		g
Sandblasting; & Spray	14.30	.70	.90		g
FULTON, HENRY, OTTAWA, & WOOD COS.:					
Brush; Drywall Tapers & Finishers; Paperhangers; Spray & Sandblasting Pot Tenders	14.70	1.06	2.00		
Pressure Cleaning; Sandblasting & Spray	15.25	1.06	2.00		
GALLIA, LAWRENCE, MEIGS & VINTON COS.:					
Brush; Roller	11.55	.70		h	
Drywall Tapers & Finishers; Paperhangers; Wall Washers	12.50	.70		h	
Spray	12.25	.70		h	

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Brush; Paperhangers & Rollers	$15.06	.97	1.60		.05
Spray	15.46	.97	1.60		.05
HOCKING CO.:					
Brush; Roller; Washing; Wallcovering; & Paperhanging	13.50				
Open Structural Steel	14.00				
Taping; Beding; Finishing & Sanding	14.25				
Spray; Sandblasting; Hopper Tender; Swing Stage; & Window Jacks	14.50				
KNOX, LICKING, MUSKINGUM, & PERRY COS.:					
Brush	11.00				
Spray	12.00				
MEDINA CO.:					
Brush; Paperhangers; & Rollers	14.65	1.07	.60		
Structural Steel; Drywall Finishers & Tapers	15.40	1.07	.60		
Spray	15.50	1.07	.60		
PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	14.55	.80	1.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	$14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	15.50	1.20	2.02		.09
BELMONT, HARRISON, & MONROE COS.	14.55	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	15.80	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	16.41	.70	1.05		.02
COLUMBIANA & JEFFERSON COS.	14.05	6%	10%		½%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	15.15	1.25	2.00		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	14.20	.65	.70		.04
PIPEFITTERS; PLUMBERS; & STEAMFITTERS					
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.:					
Within 10 mi. radius of Portsmouth	16.34	.95	1.00		
Over 10 and within 20 mi. radius of Portsmouth	16.59	.95	1.00		
Over 20 and within 35 mi. radius of Portsmouth	16.69	.95	1.00		
Over 35 mi. radius of Portsmouth	16.94	.95	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY, & VAN WERT COS.	15.75	1.10	1.05		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, MORROW, RICHLAND, & WYANDOT COS.	16.75	1.08	1.10		.10

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, & MONROE (N. of Rte #78) COS.	$13.39	.75	9%	10%	.05
BROWN, CLERMONT, HAMILTON, & WARREN (S 1/3 of Co.) COS.:					
Pipefitters; Steamfitters	16.23	1.095	2.20		.08
Plumbers; Gas Fitters	16.57	1.25	1.50		.07
BUTLER (N½), & WARREN (N. of Rte. #63, exclu. Lebanon & South Lebanon) COS.	17.50	.90	1.00		.05
BUTLER (S½) & WARREN (S. of Rte. #63 to Hamilton Co. line, W. to Indiana State line, E. to Rte. #42, incl. Lebanon, S. Lebanon, & Mason) COS.	17.33	.90	1.20		.02
CARROLL (Ross, Monroe, Union, Lee, Orange, Perry, & Loudon Twps.), COSHOCTON, GUERNSEY, HOLMES, MORGAN (S. to State Rte. #78 & from McConnelsville W. on State Rte. #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	17.00	1.00	.70		
CARROLL (Exclu. Ross, Monroe, Lee, Union, Orange, Perry, & Loudon Twps.), & WAYNE COS.	14.67	1.35	.70	1	.10
CHAMPAIGN, CLARK, GREENE (Ross, Cedarville, Jefferson, Ceasar Creek, & New Jasper Twps.), LOGAN, & MADISON (W. of Rte. #38, incl. city of London) COS.	15.65	1.08	1.10		.04
CLINTON, DARKE, FAYETTE, GREENE (Exclu. Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper Twps.), MIAMI, MONTGOMERY, & PREBLE COS.	17.46	1.05	1.20		.08
COLUMBIANA CO. (Exclu. Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427), HARRISON, & JEFFERSON COS.	16.07	1.23	3.43		.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	$16.90	1.50	1.20		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (E. of Rte. #38 not incl. city of London), MARION, PERRY, PICKAWAY, ROSS, & UNION COS.	16.84	1.15	1.05		.07
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.: Pipefitters; Steamfitters	15.92	1.45	1.35		.10
GEAUGA, & MEDINA (N. of #18 & Smith Rd.) COS.: Plumbers	16.03	1.20	1.40		.02
MEDINA (S. of #18, exclu. City of Medina) CO.	15.24	.91	1.60		.05
MEIGS, MONROE (S. of Rte. #78), MORGAN (S. of Rte. #76), & WASHINGTON COS.	14.76	.78	.75		.06
PLASTERERS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	15.86		.60		.05
ALLEN, AUGLAIZE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MERCER, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, UNION, & VAN WERT COS.	14.54	.80	.30		.02
BELMONT, HARRISON, & JEFFERSON COS.	14.28	.55			
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	16.145		1.25		.02
CARROLL & TUSCARAWAS COS.	15.74	1.20	1.35		.02
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	16.45				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO.	$15.61	.80			.03
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	14.34	.90	1.80		.02
FULTON, HANCOCK, HENRY, PUTNAM & WOOD (Exclu. Perry & Bloom Twps.) COS.	18.02	.70			.01
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES & WAYNE (Except Milton & Chippewa Twps.) COS.	16.23		2.00		.04
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	15.29		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	18.05		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	15.06	.70	1.00		.01
ROOFERS					
ADAMS, GALLIA, GUERNSEY, JACKSON, LAWRENCE, MEIGS, MORGAN, MUSKINGUM, NOBLE, PIKE, SCIOTO, & VINTON COS.	13.50		.65		
ALLEN, AUGLAIZE, CHAMPAIGN, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORROW, PERRY, PICKAWAY, PUTNAM, ROSS, UNION, VAN WERT, & WYANDOT COS.	16.11	.92	.65		.01
ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	14.89	1.47	.95		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BROWN, BUTLER, CLERMONT, HAMILTON, & WARREN COS.	$16.67		1.50		.03
CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.:					
Composition, Damp, & Waterproof	15.00	.80	1.00		
Slate, Tile & Asbestos	15.22	.80	1.00		
DEFIANCE, FULTON, HANCOCK, HENRY, PAULDING, WILLIAMS & WOOD COS.	15.95	1.06	2.00		.03
ERIE, GEAUGA, HURON, OTTAWA, SANDUSKY, & SENECA COS.	17.78	.25	.50		.05
SHEET METAL WORKERS					
ADAMS, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GUERNSEY, HOCKING, JACKSON, KNOX, LAWRENCE, LICKING, MADISON, MARION, MEIGS, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, ROSS, SCIOTO, UNION, & VINTON COS.	15.05	1.04+j	1.32		.16
ALLEN, AUGLAIZE, BUTLER, CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, SHELBY, VAN WERT, WARREN & WYANDOT COS.	16.46	1.10+j	1.25		.19
ASHLAND, CARROLL, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.17	.94+j	1.10		.10
BELMONT, HARRISON, JEFFERSON, & MONROE COS.	14.07	.81	1.10		.07
BROWN, CLERMONT, HAMILTON, & HIGHLAND COS.	16.94	1.18	.86		.08
COLUMBIANA CO.	15.14	.75	.83		.06
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SENECA, WILLIAMS, & WOOD COS.	16.145	1.06	2.18		.075
ERIE, HURON, & SANDUSKY COS.	13.91	.85	1.20		.06
GEAUGA CO.	14.69	.90	1.68		.06

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$14.19	.80	1.50		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HURON, OTTAWA, RICHLAND, SANDUSKY, & SENECA COS. & the portion of the city of Fostoria located in HANCOCK & WOOD COS.	15.37	.90	1.25	c	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	13.83	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	11.72	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	15.76	.70	1.05		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COS.	13.80	1.25	1.35		.07
DEFIANCE, FULTON, HANCOCK (Except city of Fostoria), HENRY, PAULDING, WILLIAMS, & WOOD (Except city of Fostoria) COS.	15.14	1.06	1.25		.05
GEAUGA CO.	15.67	1.20	1.85		.09
HOCKING, VINTON, & WASHINGTON COS.	13.50	.65	.70		.04
MEDINA CO.	14.50	.70	2.00		k
SPRINKLER FITTERS					
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.	15.92	1.45	1.35		.10
REMAINING COS.	16.11	.95	1.40		.08

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $75.00 per year
b. 2 paid holidays: C & D
c. 2 paid holidays: B & D
d. 7 paid Holidays: A through F and Day after Thanksgiving
e. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
f. 3 paid holidays: D, E, & F
g. $50.00 per year
h. 6 paid holidays: A, C, E, F, Decoration Day, & Veterans' Day
i. 1 paid Holiday: D, providing the employee has worked 5 consecutive days before and after the holiday.
j. 3% of gross earnings to SASMI
k. $150.00 per year

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LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Bottom men; Building & Construction Laborers; Carpenters' Tenders; Mason Tenders; Mortar Mixers; Pipelayers; Plasterers' Tenders; Sheeting & Shoring Men	$11.57	.75	1.30		.05
Air & Machine Driven Tool Op.; Asphalt Rakers & Smoothers; Burning & Cutting Torches; Chain saws; Form Setters; Hand Spikers & Powered Concrete Buggies	11.82	.75	1.30		.05
Gunnite Machine Op.; Gunnite Nozzlemen; Powdermen & Blasters	12.09	.75	1.30		.05
ALLEN, AUGLAIZE, MERCER, PAULDING, PUTNAM, SHELBY & VAN WERT COS.:					
Building Laborers; Laser Beam; Power Wheelbarrow or Power Buggy	11.00	.95	1.50		.05
All Machine Driven Tools (Gas, Electric, Air); Asphalt Rakers; Caisson; Cement Finishers' Tenders; Cofferdam; Demolition; Packers; Pot Tenders; Pump Man Under 4" Discharge; Spikers by Hand (Railroad); Tamper; Torch Man; Tunnel & Vibrators	11.15	.95	1.50		.05
Blaster Tender; Cylinder, Shaft; Jackhammer; Man-Hole Builders; Mason Tenders; Mortar Mixers; Plasterers' Tenders; Sewer Bottom Man; Sewer Pipelayer; Sewer, Water Conduit, Gas, Oil Pipeline, except Mainlines; Wagon Drill Tender; Blaster-Powderman; Gunnite Ops.; Muckers & Miners (Tunnel & Caisson) Free Air; Sandblasters; & Wagon Drill Ops.	11.30	.95	1.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, KNOX, MORROW, & RICHLAND COS.:					
GROUP 1: Building & Construction Laborers; Carpenter Tenders; Concrete Handler; Finisher Tender; Guard Rail Erector; & Tool Cribmen	$12.66	.95	1.50		.05
GROUP 2: Air & Power Driven Tools; Bottom Men; Burner on Demolition Work; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Set-Up Man; Mason Tender; Mortar Mixer; Mucker; Pipe Layer; Plasterer Tender; Powder Men; Scaffold Builder; Stonemason Tender; Swinging Scaffold; & Tunnel Laborers	12.86	.95	1.50		.05
GROUP 3: Gunnite Operator	13.26	.95	1.50		.05
CARROLL, COSHOCTON, HOLMES, TUSCARAWAS, & WAYNE COS.:					
GROUP 1: Building & Construction Laborers; Carpenter Tender; Concrete Handler; Finisher Tender; Guard Rail Erector; & Tool Cribmen	12.81	.95	1.50		.05
GROUP 2: Air & Power Driven Tools; Bottom Men; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Setup Man; Mucker; Pipelayer; Plasterer Tender; Powder Men; Scaffold Building; Swinging Scaffold; & Tunnel Laborer	13.01	.95	1.50		.05
GROUP 3: Mason Tender; Mortar Mixer; & Stonemason Tender	13.11	.95	1.50		.05
GROUP 4: Gunnite Operator	13.41	.95	1.50		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT CO.:					
Unskilled	$11.72	.80	.80		.05
Semi-Skilled	12.02	.80	.80		.05
Skilled	12.37	.80	.80		.05
BROWN, CLERMONT, CLINTON, & HAMILTON COS.:					
GROUP 1	13.95	.95	.90		.05
GROUP 2	14.05	.95	.90		.05
GROUP 3	14.10	.95	.90		.05
GROUP 4	14.15	.95	.90		.05
GROUP 5	14.30	.95	.90		.05
GROUP 6	14.45	.95	.90		.05
GROUP 7	14.70	.95	.90		.05
GROUP 8	13.42	.95	.90		.05
GROUP 9	13.57	.95	.90		.05

GROUP 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
GROUP 2 - Bottom Man; Pipelayer
GROUP 3 - Burning Torch Operator; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man
GROUP 4 - Bottom Jackhammer Man; Mason Tenders; Plasterers' Tenders; Stonemasons' Tenders
GROUP 5 - Plaster Mixer Pump Operator
GROUP 6 - Tunnel Laborer
GROUP 7 - Gunnite Nozzle Operator
GROUP 8 - Demolition Construction - Wrecking Laborers
GROUP 9 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

BUTLER & WARREN COS.:					
Common Laborers	12.59	.95	1.35		.05
Asphalt Rakers; Hand Air Tamper Chisel; Smoothers Hand Air Pump; Tampers; Vibrator Power Tamper Op.	12.69	.95	1.35		.05
Mason Tenders; Mortar Mixers; & Scaffold Builders	12.92	.95	1.35		.05
Concrete Pumps & Hose Men; Gunnite Operators; & Sandblasters	12.94	.95	1.35		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, & LOGAN COS.:					
Carpenters' Tenders; Laborers	$11.15	.95	1.50		.05
Air & Machine Driven Tool Ops.; Asphalt Raker & Tamper; Barko & Chain Saw; Bottom Man; Gunnite Machine Op. & Nozzle Man; Hand Spikers; Jackhammer; Power Concrete & Buggies; Sewer Pipelayers; & Wagon Drill	11.40	.95	1.50		.05
Mason Tenders; Mortar Mixers; & Plasterers' Tenders	11.55	.95	1.50		.05
Miners & Muckers for Tunnel & Caisson; Powdermen & Blasters	11.65	.95	1.50		.05
COLUMBIANA, HARRISON, & JEFFERSON COS.:					
Carpenters' Tenders; General Laborers	11.30	.95	1.50		.05
Brick Handlers; Men Mixing Cement for Cement Finishers; Mortar Mixer Machine Op.; Mortarmen for Masons & Plasterers; Scaffold Builders; Tenders for Brick Masons, Plasterers, Stonemasons, & Tile Setters	11.47	.95	1.50		.05
Acetylene Burners; Air Blow Pipe; Air Pump; Air Spades; Air Tampers; Power Driven Tools; Chipping Hammers; Concrete Saw; Jackhammers; Laborers Operating Concrete Busters; Panel Cleaning Machine Operators; Pipelayer & Tenders Working in Ditches or Tunnels & Hand Spikers on Railroads, & Laborer Handling Concrete for Test or Working with Tar, Acid, & Creosote; Power Buggy; Power Saw; Sandblaster; Scuba Divers; Vibrators; & Welders	11.50	.95	1.50		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Laborers	$12.09	.95	1.50		.05
All Machine & Power Driven Tools; Chipping Hammers; Power Buggies; Railroad Spikers by Hand; Swinging Scaffold over 15 ft.; & Vibrators	12.24	.95	1.50		.05
Air Drill; Batter Board Setter & Bottom Men; Jackhammer; Man Hole Builders; Sandblasters; & Sewer Pipelayers	12.29	.95	1.50		.05
Caisson Work; Scaffold W/Power Tools	12.34	.95	1.50		.05
Torch Man on Wrecking	12.39	.95	1.50		.05
Caisson Work w/Jackhammer	12.54	.95	1.50		.05
Gunnite Operator; Wagon Drill Operator, and Blaster - Powder Man	12.59	.95	1.50		.05
Tenders for Bricklayers and Masons	12.69	.95	1.50		.05
Tenders for Lathers and Plasterers	12.76	.95	1.50		.05
DEFIANCE, FULTON, HENRY, & WILLIAMS COS.:					
Carpenter Tenders; Cement Finishers' Tenders; Laborers	12.42	.95	1.35		.05
Gunnite Pot Man; Mason Tenders	12.54	.95	1.35		.05
All Power Driven Tools Buggies	12.57	.95	1.35		.05
Burners, Torchmen & Nozzlemen for Concrete Pumps	12.565	.95	1.35		.05
Plasterers' Tenders	12.595	.95	1.35		.05
Bellman; Bottom Man; & Brick Expeditor	12.655	.95	1.35		.05
Nozzle Operator for Gunnite Work	13.07	.95	1.35		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELAWARE, HANCOCK, HARDIN, MARION, SENECA, & WYANDOT COS.:					
GROUP 1: Building & Construction Laborer; Tool Cribman; Carpenter Tender; Finisher Tender; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	$13.11	.95	1.50		.05
GROUP 2: Bottom Men; Scaffold Builder; Tunnel Laborer; Pipelayer; Air & Power Driven Tool; Burner on Demolition Work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Worker; Mortar Mixer; Form Setter; Mason Tender; Plasterer Tender; Hod Carrier; Laser Beam Set-up Man; & Stonemason Tender	13.31	.95	1.50		.05
GROUP 3: Gunnite Operator	13.71	.95	1.50		.05
ERIE, HURON, OTTAWA, & SANDUSKY COS.:					
GROUP 1: Building & Construction Laborer; Carpenter Tender; Concrete Handler; Finisher Tender; Guard Rail Erector; Tool Cribmen; & Utility Construction Laborer	13.81	.95	1.50		.05
GROUP 2: Air & Power Driven Tool; Bottom Men; Burner on Demolition Work; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Set-Up Man; Mason Tender; Mortar Mixer; Mucker; Pipelayer; Plasterer Tender; Powder Men & Dynamite Blaster; Scaffold & Swinging Scaffold; & Tunnel Laborer	14.01	.95	1.50		.05
GROUP 3: Gunnite Operator	14.41	.95	1.50		.05

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, MADISON, PICKAWAY, & UNION COS.:					
Carpenter Tenders; Cleaning, Debris; Cleaning of all Material; Common Laborers; Conveyor Belt; General Clean Up; Handling & Conveying All Material; Lanscape; Loading and Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Salamander; Sod Layers; Washing of all Windows; & Wire Mesh Handlers or Setters	11.74	.70	.90		.10
Air or Electrical Pneumatic Tool Operator; All Scaffold Builders (Swinging Scaffold); Asphalt and Blacktop Rakers; Bottom Man; Brick Tenders; Caisson Bottom Man; Cement Mason Tender; Concrete Saw Operator, and Brush Feeders on Pulverizers; Forklift Operator; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun, Burners; Mortar Mixers & Operator; Pipe Layers; Plasterers' Tenders; Power Buggy Operator; Power Driven Tools; Power Wheelbarrow Operator; Sand and Vacuum Cleaning; Sandblasting of Concrete; Stone Mason Tender; Vibrator Man; Wagon and Churn Drill Operators; & Wall Wrecker & Bar Man on Demolition	12.04	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Equipment Replacing Wheelbarrow & Concrete Buggy; Laborers	$13.49	1.70	1.85		
Fire Brick Tenders; Power Driven Tools & Vibrators; Sewer & Utilities Laborers	13.64	1.70	1.85		
Acetylene Burner; Jackhammer; & Mucker	13.69	1.70	1.85		
Air Track and Wagon Drill; Mason Tender Handling Carbon Block & Bottom, Block Material; & Swinging Scaffold	13.74	1.70	1.85		
Acid Brick Tenders; Blasters & Shooters; Caisson; Cofferdams; Cylinder; Gunnite Operator; Mine Workers w/o Air; & Well	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
LICKING CO.:					
All Portable Heaters; Carpenter Tender; Cleaning of All Material; Common Laborers; Conveyor Belt; General Clean-up Incl. Vacuum Cleaning; Handling and Conveying All Material; Landscape; Loading & Unloading all Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Sod Layers; Washing of all Windows; Water Pumps up to & Incl. 4" Intake	11.74	.70	.90		.05
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders; Asphalt & Blacktop Rakers; Bottom Man; Brick Tender; Brush Feeders on Pulverizers; Burners; Cement Mason Tender; Concrete Saw Operators; Fork Lift Operators					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gunnite Nozzleman; Jackhammer Operator; Laser Gun; Mortar Mixer & Operator; Pipelayers; Plasterers' Tender; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemason Tender; Swinging Scaffolds; Vibrator Man; Wagon & Churn Drill Operators; Wall Wrecker & Bar Man on Demolition; Welders on Demolition	$12.04	.70	.90		.05
MEDINA Co.:					
Carpenter Tenders; Common Laborers; Concrete Bucket Tender; Landscape Laborers; Mason Tender; & Welder Tenders	13.27	.95	1.50		.11
Air Driven boring Machine; Asphalt Raker; Hook-up Man on Demolition Work; Material Mixer; Paving Bed Maker; Power Tools - Air, Gas, or Electric; Scaffold Erector; Structural Precast Erector; Tamper Operator; & Wire Mesh Handler	13.42	.95	1.50		.11
Barco Type Tampers; Bottom Man; Burners; Form Setters; Hod Carriers; Jackhammer; Muckers - Tunnel; Pipelayers; Power Buggy or Power Wheelbarrow; Power Saws; & Rock Drillers	13.42	.95	1.50		.11
Dynamite Men; Gunnite Nozzlemen; Pump Hose Nozzlemen; Tunnel Miners; & Water Line Caulkers	13.27	.95	1.50		.11
MONROE, MORGAN, & WASHINGTON COS:					
Unskilled	11.95	.70	.90		.10
Semi-Skilled	12.30	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY, MUSKINGUM, NOBLE, & PERRY COS.:					
Building & Construction Laborers; Carpenter Tenders; Planters (Landscape); Plumbers Tenders & Tree Trimmers	$11.52	.95	1.35		.05
Air & Machine Driven Tools Operators; Asphalt Plant Aggremeter Operator; Asphalt Plant Mixer Men; Brick Slingers; Car Pushers & Tunnel Laborers; Caulkers; Cement Handlers; Concrete Puddlers (behind mixers); Curb Cutters & Setters; Cutting with Burning Torches; Dumpmen (Batch Trucks); Hand Spikers Operators; Jackhammer Operator; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Proportioning Plant Operator; Pump Men (Under 4"); Road Form Setters; Sewer Bottom Men Sheeting & Shoring Men; Stone Mason Tenders; Vibrator Operator; & Yarners & Wrenchmen	11.62	.95	1.35		.05
Brick Droppers; Lock Tenders; & Powdermen or Blasters	11.87	.95	1.35		.05
ROSS & VINTON COS.:					
All Water Pumps Up to & Incl. 3" Intake; clean-Up Incl. Vacuum Cleaning; Cleaning Debris; Common Laborers; Conveyor Belt; Handling & Conveying All Materials; Landscape; Loading & Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of All Concrete; Sod Layers; & Washing of All Windows	10.27	.95	1.35		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders (Swinging Scaffolds); Asphalt & Blacktop Rakers; Bottom Man; Brick Tenders; Brush Feeders on Pulverizers; Burners; Carpenters' Tenders; Cement Masons' Tenders; Concrete Saw Operators; Forklift Operators; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun; Mortar Mixer & Operators; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemasons' Tenders; Vibrator Man; Wagon & Churn Drill Operators; Wall Wreckers & Bar Man on Demolition; Welders on Demolition	$10.07	.95	1.35		.05
WOOD CO.:					
Unskilled Laborers	14.08	.95	1.50		.11
Plasterers' Tenders; Mixers	14.10	.95	1.50		.11
Mason tenders	14.16	.95	1.50		.11
All Power Driven Tools & Buggies	14.235	.95	1.50		.11
Gunnite Pot Men	14.28	.95	1.50		.11
Mortar Mixers	14.23	.95	1.50		.11
Pipelayers	14.335	.95	1.50		.11

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, JACKSON (Bloomfield, Franklin, Hamilton, Lick, Jefferson, Scioto, & Madison Twps.), LAWRENCE, MEIGS, PIKE (Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), SCIOTO, & VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.) COS.:					
Cable Splicers	$18.35	.70	3%+.50	1.00	½%
Linemen	16.68	.70	3%+.50	1.00	½%
Operators: All Mechanized Equipment	13.34	.70	3%+.50	1.00	½%
Groundmen	10.84	.70	3%+.50	1.00	½%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.:					
Linemen	15.17	.70	3%		½%
Equipment Operators	13.65	.70	3%		½%
Groundmen; Truck Drivers	9.97	.70	3%		½%
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) COS.:					
Equipment Operators; Linemen	16.03	.60	3%+.72		½%
Line Truck Driver	9.62	.60	3%+.72		½%
Groundmen	10.42	.60	3%+.72		½%
BELMONT CO.:					
Linemen; Technicians	14.66	.50	3%+1.25	1.50	
Cable Splicer	14.91	.50	3%+1.25	1.50	
Groundmen	11.73	.50	3%+1.25	1.50	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Operators	16.70	.85	3%+1.00		½%
Groundmen	12.53	.85	3%+1.00		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	$17.00	.85	3%+1.00		½%
Groundmen	12.75	.85	3%+1.00		½%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.10	.85	3%+1.00		½%
Groundmen	12.825	.85	3%+1.00		½%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.25	.85	3%+1.00		½%
Groundmen	12.94	.85	3%+1.00		½%
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	16.55	1.00	3%+1.00		½%
Cable Splicers	17.05	1.00	3%+1.00		½%
Groundmen	11.59	1.00	3%+1.00		½%
CARROLL (N ½ Incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Greene & Wayne Twps.) COS.:					
Cable Splicers	14.59	1.00	3%+1.00		.3%
Line Equipment Ops.	13.44	1.00	3%+1.00		.3%
Groundmen; Truck Drivers	9.84	1.00	3%+1.00		.3%
Linemen	15.70	1.00	3%+1.00		.3%

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	$ 17.00	8%	19%	10%	½%
Cable Splicers	17.50	8%	19%	10%	½%
Groundmen	11.05	8%	19%	10%	½%
CHAMPAIGN, CLARK, GEAUGA (Bainbridge, Russell & Chester Twps.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	17.93	.60	3%		½%
Groundmen	11.65	.60	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	15.63	.75	3%+1.00		½%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	15.63	.75	3%+1.00		½%
Line Truck with Winch or Pole & Steel Handling	11.72	.75	3%+1.00		½%
None-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	9.38	.75	3%+1.00		½%
COLUMBIANA CO. (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.):					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		½%
Groundmen & Truck Drivers	11.90	15%	7%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), & GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy) COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	$17.08	.70	8%		½%
Groundmen	13.66	.70	8%		½%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Op.; Linemen	15.69	.50	3%		½%
Groundmen	9.39	.50	3%		½%
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	17.24	.70	8%	a	½%
Technicians	16.72	.70	8%	a	½%
Cable Splicers	19.83	.70	8%	a	½%
Operator Class I	13.79	.70	8%	a	½%
Operator Class II	12.07	.70	8%	a	½%
Groundmen	10.34	.70	8%	a	½%
DELAWARE, MADISON (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.67	.50	3%		½%
Groundmen	9.39	.50	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. & Linemen	$16.05	.98	3%		½%
Truck Driver (Winch) Groundman	8.83	.98	3%		½%
Groundman	10.43	.98	3%		½%
FAIRFIELD, KNOX (Butler, College, Clay, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant Twps.), & LICKING COS.:					
Cable Splicers; Linemen; Ops.: All Mechanized Equipment	14.85	.70	3%		½%
Groundmen - Truck Driver	11.78	.70	3%		½%
Groundmen	9.08	.70	3%		½%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Exclu. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.:					
Cable Splicers	16.985	.70	3%		½%
Linemen; Equipment Operators	15.80	.70	3%		½%
Truck Drivers	9.49	.70	3%		½%
Groundmen	9.08	.70	3%		½%
FRANKLIN CO.:					
Cable Splicers; Linemen	14.18	.50	3%		½%
Operators	12.43	.50	3%		½%
Groundmen	9.39	.50	3%		½%
GEAUGA (Exclu. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.) CO.:					
Cable Splicers; Equipment Ops. & Linemen	18.73	.85	3%+.70		½%
Truck Drivers (Winch) Groundman; Groundman	12.17	.85	3%+.70		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Litchfield, & Liverpool Twps.) CO.:					
Cable Splicer; Equipment Op.; & Linemen	$16.75	.75	3%+1.00		½%
Truck Drivers(Winch) Groundman; Groundman	10.89	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), & WAYNE (Northern ½ of Co.) COS.:					
Linemen	16.67	.74	3%+.84		½%
Cable Splicers	17.72	.74	3%+.84		½%
Equipment Operators	12.50	.74	3%+.84		½%
Truck Drivers; Groundman	8.34	.74	3%+.84		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Cable Splicers; Linemen; & Equipment Operators	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE:

a. 10 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
All Counties, except Columbiana:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day

b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

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POWER EQUIPMENT OPERATORS COLUMBIANA COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 15.46	1.05	1.15		.16
CLASS II	14.77	1.05	1.15		.16
CLASS III	14.13	1.05	1.15		.16
CLASS IV	13.72	1.05	1.15		.16
CLASS V	13.62	1.05	1.15		.16
CLASS VI	15.73	1.05	1.15		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backfiller W/Drag Attachment; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade Attached; Concrete Spreader Finisher Comb.; Crane; Crane-Stationary or Climbing; Crane- Electric Overhead Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-wheel (not trencher or road widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal and Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front end; Locomotive; Mechanic as Welder; Metro Clip Harvester W/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs-Drilling; Shovels; Spikemaster; Stone-crusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/Attachments; Trench Mach.; Trucks-Boom; Truck-Tire-Assigned to Job; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O-Boom; Cleaning Mach.- Pipeline Type; Coating Mach.-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Hoist-Single Drum; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Mach.-Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trench-er Form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 Ton or Over); Steam Jenny; Syphons; Tender Mechanic; Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

POWER EQUIPMENT OPERATORS	ZONE I Basic Hourly Rates	ZONE II Basic Hourly Rates	ZONE III Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$17.24	$16.96	$17.52	1.41	1.50		.11
GROUP B	17.08	16.80	17.37	1.41	1.50		.11
GROUP C	16.73	16.44	17.02	1.41	1.50		.11
GROUP D	15.92	15.66	16.24	1.41	1.50		.11
GROUP E	15.39	15.33	15.92	1.41	1.50		.11
GROUP F	13.38	13.13	13.74	1.41	1.50		.11

ZONE I: Allen, Ashland, Belmont, Carroll, Coshocton, Defiance, Fulton, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Jefferson, Monroe, Noble, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Tuscarawas, Van Wert, Washington, Wayne, Williams, & Wood Counties

ZONE II: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, & Wyandot Counties

ZONE III: Erie, Geauga, Huron, & Medina Counties

GROUP A - A-Frames; Boiler or Compressor Operator Mounted on Crane (Piggy-Back Operation); Boom Trucks (All Types); Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes (All Types); Derricks (All Types); Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew: Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Hammerhead Tower Cranes; Helicopter Operator and Helicopter Winch Operator When Hoisting Builders Materials; Hoes (All Types); Hoisting Engines (Two or More Drums); Lift Slab or Panel Jack Operator; Locomotives (All Types); Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple Drum); Mobile Concrete Pumps with Boom; Panelboard (All Types on Site); Pile Driver; Power Shovels; Rotary Drills used on Caisson Work for Foundations and Sub-Structure Work; Side Boom; Slip Form Pavers; Straddle Carriers Building Construction on Site); Trench Machine (Over 24" Wide); Tug Boat

GROUP B - Asphalt Paver; Bulldozer; C.M.I. Type Equipment; End-Loaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat

GROUP C - Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (One Drum); House Elevators; Man Lift; Power Boilers (Over 15 lbs. Pressure); Pump Operators Installing Well Points or other Type of Dewatering System; Pumps (4" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trenchers 24" and under

GROUP D - Compressors on Building Construction; Conveyors (Building Material); Generators; Gunnite Machines; Mixers, (Capacity more than One Bag); Mixers (One Bag Capacity, Side Loader); Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher Rollers; Welder Operator

GROUP E - Backfiller & Tampers; Bar and Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machines; Clefplanes; Concrete Spreading Machine; Crushers; Deck Hands; Drum Fireman (Asphalt); Farm Type Tractors Pulling Attachments; Finishing Machines; Form Trenchers High Pressure Pumps Over ½" Discharge; Hydro Seeders; Self-Propelled Power Spreader; Self Propelled Sub-Grader; Tire Repairman; Tractors Pulling Sheeps Foot Roller or Grader; Vibratory Compactor (With Integral Power)

GROUP F - Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Boilers (Less than 15 lbs. Pressure); Pumps under 4" Discharge Submersible Pumps under 4" Discharge; Tenders

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY, UNION, & VAN WERT COS.:					
Lowboys	9.60	31.00a	13.00a		
Tenders	8.60	31.00a	13.00a		
BELMONT, JEFFERSON (N. to Short Creek), & MONROE COS.:					
Pickups; Tenders	11.30	32.35a	46.00a		
Mechanic Tenders	11.31	32.35a	46.00a		
Flatbed Material Trucks; Dumps & Semi-Dumps	11.35	32.35a	46.00a		
Tank Truck (Straight & Semi)	11.38	32.35a	46.00a		
Semi-Tractor Trailers	11.40	32.35a	46.00a		
Pole Trailer	11.50	32.35a	46.00a		
Agitator & Mixer Trucks (Up to 5 cu. yds.)	11.58	32.35a	46.00a		
Euclids; Dumpsters; Turnarockers; Ross Carriers; & Athey Wagons	11.63	32.35a	46.00a		
Agitator & Mixer Trucks (Over 5 cu. yds.)	11.66	32.35a	46.00a		
Lowboy Trailer; Winch; Fork & Distributor Trucks (Front & Back End) & Truck Crane	11.93	32.35a	46.00a		
A-Frame	12.00	32.35a	46.00a		
Mechanics	12.03	32.35a	46.00a		

DECISION NO. OH82-2036

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER & WARREN COS.:					
Jeeps; Pickups; & Single Axle Trucks	$10.89	25.00b	51.00a		
Fork Lifts; Tandem Axles; Dumps; Tandem Axles; & Winch Trucks	11.04	25.00b	51.00a		
Semi-Combination & Combination of Hauling Units	11.14	25.00b	51.00a		
Drag & Lowboys	11.30	25.00b	51.00a		
Euclids; Mechanics	11.34	25.00b	51.00a		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Straight Flat & Dumps; Winches	9.58	39.50a	16.00a	c&d	
Ready Mix Dump Crete	9.64	39.50a	16.00a	c&d	
Tandems & Tractor Trailer Combination	9.69	39.50a	16.00a	c&d	
Euclids to & including 12 Yds.	9.75	39.50a	16.00a	c&d	
Euclids over 12 Yds.	10.11	39.50a	16.00a	c&d	
DELAWARE, FAYETTE, FRANKLIN, MADISON, PICKAWAY & ROSS COS.:					
Dumps & Straight	12.15	43.00a			
Tandem & Semi-Farm Tractor	12.25	43.00a			
Lowboy	12.35	43.00a			
HARRISON & JEFFERSON (S. to Short Creek) COS.:					
Truck Tenders	10.76	39.50a			
Mechanic Tenders	10.77	39.50a			
Flatboy Material Trucks; Dumps & Semi-Dumps	10.81	39.50a			
Tank Trucks (Straight & Semi)	10.84	39.50a			
Semi-Trailers & Tractor Trailers	10.86	39.50a			
Euclids; Dumpsters; Turnarockers; Ross Carrier; Athey Wagons	11.09	39.50a			
Lowboy Trailers; Winches; A-Frames; Forks; Distributors (Front & Back End); & Truck Cranes	11.39	39.50a			
Mechanics	11.49	39.50a			

DECISION NO. OH82-2036

FOOTNOTES:

a. Per week per employee

b. Per week per employee providing employee has been on payroll at least 30 days

c. 1 year's employment - 1 week's paid vacation; 7 years' employment - 2 weeks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period

d. An employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hours' pay for said holidays.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX82-4019 DATE: Date Of Publication

Supersedes Decision No. TX81-4083, dated November 6, 1981 in 46 FR 55213

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving Incidental to Building Construction in Tarrant Co. and for Paving & Utilities Incidental to Building Construction in remaining Cos.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 14.71	.95	1.48		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall	15.63	.67	1.00		.07
ZONE 2 - Grayson Co.	12.77	.67	1.00		.07
ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	15.62	.67	1.00		.04
CARPENTERS:					
ZONE 1 - Grayson Co.:					
Carpenters	14.61	.85	.80		.005
Millwrights	15.01	.85	.80		.005
Piledrivermen	15.11	.85	.80		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.:					
Carpenters	14.44	.85	.80		.08
Millwrights	14.51	.85	1.35		.08
CEMENT MASONS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	13.95	.40	.80		
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	14.45	.65	.75		.02
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.:					
Electricians	14.45	.60	7%		1%
Cable splicers	14.70	.60	7%		1%
ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.:					
Electricians	15.15	.60	8%		1%
Cable splicers	16.67	.60	8%		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	$12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	15.025	.40	.75		.025
IRONWORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto (excluding northwest corner), Rockwall, Tarrant & Wise (excluding northwest 1/2)Cos.	14.20	.80	2.00		.07
ZONE 2 - Palo Pinto (northwest corner) & Wise (northwest 1/2) Cos.	12.425	.55	1.70		.10
LABORERS:					
ZONE 1 - Grayson Co.:					
GROUP 1 - Unskilled labor	9.675	.275	.50		
GROUP 2 - Air tool op. (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	9.925	.275	.50		
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.:					
GROUP 1	9.67	.30	.50		.05
GROUP 2	9.82	.30	.50		.05
GROUP 3	9.92	.30	.50		.05
GROUP 4	10.07	.30	.50		.05

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking & razing of buildings & all structures; Cleaning & clearing of all debris; handling of broken concrete or other damanged or undamanged materials; removing, moving, handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds; tool house men; landscaper; asphalt ironer & raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling & laying); carpenter tender

GROUP 2 - All power tool & equipment operators (gas, electric or air); cutting torch man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials injurious to health, eyes,skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers; scale men on batch plants

GROUP 3 - Concrete & clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carrier mortar mixers; lather tenders, plaster tenders; water pump operators up to 4 inches; cement masons tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines; grout machines, pumpcrete machines, gunite mixing machine, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stockpile; screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brickmasons, lathers, cement finisher, plasterers; ditch work over 6 ft. & cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; gunite worker; gunite nozzleman & terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$15.25				.04
LINE CONSTRUCTION:					
Linemen	15.15	.60	8%		1/2%
Cable splicers	16.66	.60	8%		1/2%
Operators	15.91	.60	8%		1/2%
Groundmen	10.60	.60	8%		1/2%
MARBLE, TILE & TERRAZZO WORKERS: Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise	13.94	.67	.30		.10
MARBLE & TILE FINISHERS: Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise	8.99				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.:					
GROUP 1 - Brush	$13.65	.55	.85		.07
GROUP 2 - All wall covering work: paper, fabric sheeting, flexwood,etc.	13.90	.55	.85		.07
GROUP 3 - Ames tools op.	13.775	.55	.85		.07
GROUP 4 - Structural steel, stage work, bosun, chair, spray gun, sandblasting & window jacks & fire escapes	14.025	.55	.85		.07
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise:					
GROUP 1	14.91	.50	.40		.12
GROUP 2	15.16	.50	.40		.12
GROUP 3	16.16	.50	.40		.12
GROUP 4	15.285	.50	.40		.12

GROUP 1 - Brush

GROUP 2 - Wallcovering; pressure roller; sandblasting; structural steel; bosun chair, window jack & window sill; stage, fire escape; steel storage tank; stilts; mittens; ames tools, drywall finishing

GROUP 3 - Steeple jack (radio & TV towers, smoke stacks, chimneys & water towers & similar facilities & flag poles atop buildings located closer to the edge of the building than the height of the pole); toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

GROUP 4 - Spray

PLASTERERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	14.92	.50	1.50		.04
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	16.95				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hood, Hunt, Kaufman & Rockwall Cos.	$15.77	.71	1.00		.10
ZONE 2 - Denton, Johnson, Palo Pinto, Tarrant & Wise Cos.	14.92	.64	1.00		.12
ROOFERS:					
GROUP 1 - Slate & tile	12.845				
GROUP 2 - Composition & built-up roofing, damp-proofing & bituminous waterproofing	12.695				
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Cos.	12.645	.70	.84		.145
ZONE 2 - Palo Pinto Cos.	12.84				.09
SOFT FLOOR LAYERS	14.40	.50	.60		.06
SOUND INSTALLERS - repair, service & installation of intercommunication telephone interconnect sound & public address equipment, electronic systems, music & television distributing systems for commercial buildings & shall include the pulling of all wires in conduit or raceways or surface wiring, the running of open wires, the running of conduit & raceways not to exceed 10 ft. in length & the wiring of all electrical communication devises of 100 volts or less controlling the equipment described above	10.42	.54	3%	c	
SPRINKLER FITTERS	14.68	.95	1.40		.08

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-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES
a - 1st 6 mos. - none; 6 mos to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

FOOTNOTES (CONT'D)
c - Sick of Injury Pay:
1st day out - no pay
2nd day out - 1/2 pay
3rd day out & thereafter - full pay for a maximum of 10 days pay per year of the Contract
Employees who receive pay for less than 5 sick days per year shall receive on Aug. 31 of each year incentive pay equal in amount to a day's pay for each day that such days were less than 5.

Employees who are members of a reserve component of the Armed Services & are ordered to annual active duty for training as a normal part of their reserve obiligation shall be eligible for & shall receive differential pay equal to the difference between their computed daily base rate (excluding overtime compensation) & their daily military base pay (excluding quarters & subsistence allowances) for each day of military leave where the employee would normally have performed work up to a maximun of 10 work days per year.

Employees absent from work while serving as jurors shall be paid at their hourly rate excluding overtime for the hours actually lost from work less any amount received by the employee as juror's fee.

Up to 3 days paid leave for death of immediate family member (spouse, child, parent, brother, sister, mother-in-law, father-in-law, grandparents & grandchildren)

Paid Vacation:
after 1 year service - 1 week vacation
after 2 years service - 2 weeks vacation
after 5 years service - 2 weeks & 1 day vacation
after 6 years service - 2 years & 2 days vacation
after 7 years service - 2 years & 3 days vacation
after 8 years service - 2 years & 4 days vacation
after 9 years service - 3 weeks vacation

Paid Holidays - A thru G plus the last working day preceding Christmas Day and another day designated by the Company

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1 - Dallas County					
Group 1	$13.62	.65	1.15		.20
Group 2	14.02	.65	1.15		.20

GROUP 1 - Air compressor, water pumps, welding machines (2 to 6 machines) & generators; Blade grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Pulsometer; Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Bob cat with loader

GROUP 2 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted or crawler requires oiler including groves (hydraulic) or similar type over 12-1/2 ton capacity; Escalated rate on crane and derricks booms: .01¢ per hour, per foot over 90 ft. including jib; Draglines; Derricks, power operated (all types); DW-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machines (all); Forklifts used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile-driver; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pump; Welding machines (7 to 13 machines)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.:					
GROUP 1	$ 7.265	.65	1.50		.15
GROUP 2	14.18	.65	1.50		.15
GROUP 3	14.58	.65	1.50		.15

GROUP 1 - Oiler-Fireman

GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill; Elevators Building; Form Graders; Hoist, Single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork lifts (short under 25 feet); Concrete Pumps (all types): Bobcat type equipment

GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoop-mobiles; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck, six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes - power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

federal register

Friday
May 7, 1982

Part III

Department of Agriculture

Food and Nutrition Service

Food Stamp Program; Wage Matching; Final Rule and Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 198]

Food Stamp Program: Wage Matching

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This final rule amends the Food Stamp Program regulations, published October 17, 1978 (43 FR 47846), which implemented the Food Stamp Act of 1977. Public Law 96–249 amended the Internal Revenue Code of 1954 to permit access by officials of the U.S. Department of Agriculture and State agencies which administer the Food Stamp program to certain information provided by the Internal Revenue Service to the Social Security Administration concerning earnings from self-employment, wages and retirement income. In implementing this law, this rulemaking will result in savings due to a reduction in errors and fraud.

EFFECTIVE DATE: These rules are effective on June 7, 1982.

FOR FURTHER INFORMATION CONTACT: If you have any questions, contact Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Food and Nutrition Service, Alexandria, VA, 22302, 703–756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This final action has been reviewed with regard to the requirements of Executive Order 12291, and it has been determined that the rule is not a major rule as defined by that Order. It is not likely to result in an annual effect on the economy of $100 million or more. Several State agencies currently operate a matching system in their Aid to Families with Dependent Children Program, and it will cost very little to expand the use of the system for food stamp purposes. This rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. State food stamp agencies that choose to implement wage matching might experience some increase in Program administrative costs, but it is not anticipated that such an increase would be major. Because this rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of Public Law 96–354, the Regulatory Flexibility Act, and the Administrator of the Food and Nutrition Service has determined that the rule will not have a significant economic impact on a substantial number of small entities. The rule has no impact whatsoever on small businesses or small organizations. It authorizes State agencies to access wage and benefit information in the files of the Social Security Administration in determining food stamp eligibility. The primary impact is on State governments and individual recipients. To the extent that county governments operate the Food Stamp Program within States, they may be affected. However, this does not require States or counties to take any action; it authorizes these actions in an effort to provide tools and flexibility to State and local administrators to reduce error rates. Moreover, there should not be significant economic costs where wage matching is conducted.

Introduction

A provision in the recently passed Farm Bill (Pub. L. 97–98, 95 Stat. 1213, December 22, 1981) mandates wage matching, either with Social Security Administration (SSA) information or unemployment compensation (UC) agencies. However, since the rules based on the new legislation will mandate wage matching, rather than allowing State agencies to opt to wage match, the Department believes that State agencies should be offered the opportunity to comment on the rules implementing mandatory wage matching. Consequently, the Department will issue proposed rules based on the Farm Bill separately. To enable those State agencies which want to begin wage matching to do so as soon as possible, the Department is issuing these final rules based on Pub. L. 96–249, 94 Stat. 357, May 26, 1980.

A full explanation of the rationale and purposes for this rule was provided in the preamble to the proposed rulemaking, published at 46 FR 35658, July 10, 1981. Therefore, this preamble deals only with significant changes from the proposed rulemaking. The reasons supporting those proposed rules which are unchanged by the final rules were carefully examined in light of the comments to determine the continued applicability of each justification. Unless otherwise stated, or unless inconsistent with the final rules or preamble, the rationale contained in the proposal should be regarded as a basis for the pertinent final rules. Thus, a thorough understanding of the grounds for the final rules may require reference to the proposed rulemaking.

A total of 25 commenters sent in comments and suggestions on the proposed rules on wage matching. There were 14 comment letters received from State agencies, five from public interest groups, five from regional Food and Nutrition Service offices and one from the Office of Inspector General, USDA.

There were numerous general comments on the proposed regulation as a whole. The majority of the commenters, State agencies, were generally supportive of the rules. Several commenters believed that the rules should include provisions addressing wage matching with UC data. These commenters pointed out that SSA data is usually outdated and that UC data is much more valuable for wage matching purposes. The Department recognizes the value of the more current UC data. However, that portion of the 1980 legislation relative to UC matching specifically states that the UC provision "shall take effect on January 1, 1983." The Farm Bill legislation does not change this date. Therefore, the Department has not included wage matching with UC data in this rulemaking. SSA wage data will be useful in identifying overpayments and in fraud investigations. It can also serve as an indicator of a household's employment pattern even though the information is not current. Moreover, SSA is the best source for interstate data and self-employment wage data (which is not included in UC wage data).

One commenter supporting the proposed rules suggested that the regulation require State agencies to establish a wage match system for those areas which show the need for a verification system (as reflected in the statewide error rate). The Department feels that this type of decision is best left to the State agency and, consequently, has not included this suggestion in the final rules.

Three public interest groups strongly opposed the proposed rule. One commenter opposed the wage matching rules on the basis that they expand "the unnecessary intrusion of government into the privacy of individuals." The Department would like to reiterate that the option to wage match is provided by statute. Two commenters believed that the proposed rules are weighted in favor of obtaining information without regard to the recipients' privacy rights. The

Department disagrees. State agencies will have to comply with stringent Internal Revenue Service safeguard provisions when accessing SSA data. The Department believes that these safeguards are a more than sufficient protection of individuals' privacy rights. The safeguard issue is discussed in detail later in this preamble.

Discrepancy in Information

Eight comments were received concerning the provision in the proposed rule which would permit a household to resolve a discrepancy between information provided by the household and information received from SSA. Three commenters supported the proposed rules as written although one of these felt that the rules should specify how the discrepancy should be resolved. The Department believes that this degree of specificity is not necessary. Three commenters suggested that the rules should specify the length of time which should be allowed in which to resolve discrepancies. The Department wants to point out that the language in the proposed rules simply reflects current procedures; to add any more requirements in this area would result in overregulation. Consequently, the final rules do not contain a time limit for resolution of discrepancies. One State agency objected to allowing the household to resolve a discrepancy in information. This commenter believed that SSA data should be considered valid even though the household may have later data. The Department believes that the most current and accurate data available should be used to resolve discrepancies, whether from the recipient or SSA, and consequently did not adopt this suggestion in the final rules.

One commenter suggested that the rules be amended to permit the procedural safeguard of a fair hearing to ensure that the household will have a fair chance to resolve alleged discrepancies. The Department agrees that a fair hearing is one way to resolve a discrepancy in information. However, current regulations guarantee a household's right to a fair hearing when the household does not agree with the State agency. Consequently, no additional language to this effect is added in this final rule.

Use of Earnings Information

Two of the public interest groups commenting believed that the use of wage match data to conduct criminal or civil prosecutions is inconsistent with the statute and with legislative intent. They believed that deterrence is the purpose of the wage match, not detection and prosecution of fraud cases. The Department concurs that deterrence is a primary purpose of wage matching. However, the Department believes that wage matching is a deterrent only if it is recognized that fraudulent reporting of income can result in civil or criminal prosecution. As pointed out in the legislative history (H.R. Rep. No. 96–788, 96th Cong., 2nd Sess., 1980, p. 105), "* * * the widespread recognition by applicants and recipients that computer matching will ultimately disclose earnings and benefit information, with ensuing punishment where appropriate, should substantially increase the incentive to report earnings and benefit payments accurately in filling out application forms (as well as subsequent reports)." Based on this history, the Department believes Congress contemplated that when information obtained from SSA indicates likely fraudulent acquisition of coupons by a household, the information would be used in the investigation and possible prosecution of the household for fraud. The final rules continue to reflect this belief but have been reworded slightly for purposes of clarification. The commenters concerned with this area felt that, at the least, the final regulations should contain standards outlining when a fraud investigation or prosecution is proper. It would be difficult, at best, to formulate standards to address the several instances when a fraud investigation or prosecution is proper. The current fraud regulations of 7 CFR 273.16 do not establish such standards and the Department does not believe that a State agency needs this type of direction. Consequently, such standards are not included in the final rules.

Safeguard Procedures

Two commenters felt that the proposed rules do not provide any guidance for SSA as to what information may be released to a State agency. It is not the purpose of this rule, however, to regulate the SSA. That agency must determine what information it may disclose to a State agency under the Code amendment. Therefore, the suggestion for guidance in this area has not been adopted in the final rule.

Relative to safeguards to be observed by State agencies, the proposed rules would have required that a State agency accessing SSA wage information comply with sections 6103 and 7213 of the Code. These sections govern the disclosure and use of information on earnings and retirement income released by SSA to State agencies. The Department has been advised by IRS that the Treasury Secretary has chosen to implement all of the provisions in sections 6103 and 7213 of the Code by publishing a brochure entitled *Tax Information Security Guidelines.* State agencies must follow the requirements in this brochure when accessing SSA data. The final rules have been modified slightly to reference this publication. Since the safeguard provisions, as well as the reporting requirements (an initial report describing safeguard procedures and an annual safeguard activity report) and monitoring information are clearly outlined in the *Tax Information Security Guidelines,* the Department believes it is unnecessary to repeat the provisions in the rule. The brochure is easily obtainable. It should be identified as the *Tax Information Security Guidelines,* Publication 1075 (Rev. 6–81), and requested from the Internal Revenue Service district disclosure officer in the appropriate IRS district.

Technical Corrections

One State agency pointed out that the proposed rules deleted instructions in the current regulations which address action to be taken if information is unavailable through SDX, BENDEX, or SSA files. This was an oversight and has been corrected in the final rules.

The Department also became aware that the proposed rules overlooked a reference in the existing regulation which precluded matching wage data. This reference is in § 273.2 (k)(1)(iii)(A)(3). This oversight has been corrected in the final rules.

Finally, we have deleted in the final rules the reference to disclosure of information to officials of the U.S. Department of Agriculture (USDA). These rules address only the accessing of SSA information by State agencies. Investigators in the USDA Office of Inspector General can access such information under separate legislative authority, in particular the Inspector General Act of 1978.

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

Implementation

State agencies which opt to wage match will need to execute appropriate data exchange agreements with SSA as a prerequisite to securing access to wage information in SSA files. Once these agreements are executed (and after the effective date of these rules), State agencies may implement the wage match provisions at their discretion. SSA has drafted a data exchange agreement for this purpose.

List of Subjects:

7 CFR Part 272

Alaska, Civil Rights, Food stamps, Grant programs/social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs/social programs, Penalties, Reporting and recordkeeping requirements, Social Security, Students.

Therefore Parts 272 and 273 are amended as follows.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (g)(34) is added to § 272.1 as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(34) *Amendment 198.* State agencies opting to match earnings data provided by applicants and participants with information maintained by the Social Security Administration shall first execute data exchange agreements with the Social Security Administration. After the effective date of this rule and after execution of this agreement, State agencies may implement wage match provisions at their discretion.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2 paragraph (f)(7) is removed, paragraph (f)(8) is designated (f)(7) and revised, paragraph (f)(9) is designated (f)(8), and paragraph (k)(1)(iii)(A)(*3*) is revised, as follows:

§ 273.2 Application processing.

* * * * *

(f) *Verification* * * *

(7) *State Data Exchange (SDX) and Beneficiary Data Exchange (BENDEX).*

(i) The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may also use SDX and BENDEX data to verify other foor stamp eligibility criteria. The household shall be given an opportunity to verify the information from another source if the SDX or BENDEX information is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SDX or BENDEX data is unavailable.

(ii) The State agency may verify applicants' and participants' statements regarding income (or the lack of income) through access to data concerning self-employment, wages and payments of retirement income which has been disclosed to the Social Security Administration pursuant to paragraphs (l) (1) or (5) of section 6103 of the Internal Revenue Code of 1954. If such SSA data, which may affect eligibility or benefit levels, contradicts statements made by a household or contained on a household's application, the household shall be afforded an opportunity to resolve the discrepancy prior to the eligibility determination or to an action to terminate or reduce the household's benefits.

(iii) Information on earnings and benefits disclosed by the Social Security Administration may be used only for the purposes of:

(A) Verifying a household's eligibility;

(B) Verifying the proper amount of benefits;

(C) Investigating to determine whether participating households received benefits to which they were not entitled; and

(D) Substantiating information which will be used in conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

(iv) Information on earnings and benefits may be disclosed by SSA and used by a State agency only to the extent provided in the data exchange agreement between SSA and the State agency. These agreements shall specify the procedures to be used in requesting and providing this information. The agreements shall assure compliance with the safeguard, reporting, and other requirements contained in sections 6103 and 7213 of the Internal Revenue Code as implemented by the Internal Revenue Service in its publication, *Tax Information Security Guidelines.* The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA.

* * * * *

(k) *SSI households.* * * *

(1) * * *

(iii) * * *

(A) * * *

(*3*) State agencies may verify other information through SDX and BENDEX but only to the extent permitted by data exchange agreements with SSA.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistances Program No. 10.551 Food Stamps)

Dated: April 20, 1982.

Samuel J. Cornelius,

Administrator.

[FR Doc. 82-12225 Filed 5-6-82; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 213]

Food Stamp Program; Wage Matching

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would amend the Food Stamp Program regulations, published October 17, 1978 (43 FR 47846), as amended, which implemented the Food Stamp Act of 1977. Pub. L. 97–98 amended the Food Stamp Act to require State agencies to request information concerning wages from the Social Security Administration (SSA) unless they request such information from the agencies administering the State unemployment compensation laws. This rulemaking will implement this law and will result in savings by reducing errors and fraud.

DATE: Comment Period: Comments must be received on or before July 6, 1982 to be assured of consideration.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at Park Office Center, 3101 Park Center Drive, Alexandria, Virginia, 22302, Room 708.

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Food and Nutrition Service, Alexandria, Virginia, 22302. Phone (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This proposal has been reviewed with regard to the requirements of Executive Order 12291, and it has been determined that the proposal is not a major rule as defined by that order. It is not likely to result in an annual effect on the economy of $100 million or more. State food stamp agencies, when implementing wage matching, might experience some increase in program administrative costs, but it is not anticipated that such an increase would be major. If State agencies have a matching system operating it will cost very little to expand the use of the system for food stamp purposes. This proposal is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this proposed rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

This proposal has also been reviewed with regard to the requirements of Pub. L. 96–354, and the Administrator of the Food and Nutrition Service has determined that the proposal does not have a significant economic impact on a substantial number of small entities. The proposal has no impact whatsoever on small businesses or small organizations. The primary impact is on State governments and individual recipients. To the extent that county governments operate the Food Stamp Program within States, they will be affected. Moreover, there should not be significant economic costs where wage matching is already conducted.

Introduction

Pub. L. 96–58, 93 Stat. 389, August 14, 1979, amended the Food Stamp Act of 1977 to enable the Secretary and State agencies to require, as condition of eligibility for participation in the Food Stamp Program, that applicants furnish their social security numbers (SSN's). State agencies were authorized by the legislation to use SSN's to access Social Security Administration (SSA) records for the purpose of verifying unearned income for individuals receiving benefits under Title XVI (the Supplement Security Income Program) and as a means of preventing duplicate participation. With the passage of the 1980 amendments to the Food Stamp Act (Pub. L. 96–249, 94 Stat. 357, May 26, 1980), Congress has expanded the use to which the SSN's can be put. Section 127 of the 1980 amendments (94 Stat. 365–366) amends the Internal Revenue Code of 1954 and the Social Security Act to provide statutory authority for accessing wage, benefit, and other information contained in the SSA files and in files maintained by State unemployment compensation (UC) agencies. Subsection (b) of the amendment, allowing access to wage information from State unemployment compensation agencies, is effective January 1, 1983. Most recently, the passage of the Food Stamp and Commodity Distribution Amendments of 1981 expands the use of wage matching by requiring that State agencies request wage information from SSA unless they are requesting the same or similar information from the agencies administering the State unemployment compensation laws. (See Pub. L. 97–98, 95 Stat. 1287, December 22, 1981.)

The legislative history of the 1980 amendments indicates that Congress believes wage matching will prove to be a useful tool for avoiding incorrect eligibility determinations and for limiting and identifying overpayments. See H.R. Rpt. No. 96–788, 96th Cong., 2nd Sess., pp. 101–111. The Department's Inspector General has also testified to this effect. Matching techniques would allow State agencies to identify more readily those households with unreported or incorrectly reported earnings or benefits, thereby preventing error and abuse. The AFDC program now requires wage matching, and has already profited from the availability to States of wage information contained in SSA records. Congress expects that increased matching will also be productive in the Food Stamp Program and consequently is now mandating this activity instead of merely permitting it. Correspondingly, these proposed rules would mandate wage match activity and would supercede final rules being issued simultaneously which simply allow State agencies the option to wage match.

The Department would like to note that the section of the regulations pertaining to wage matching has been reorganized. This was done for purposes of clarity.

When State Agencies Should Wage Match

When developing these proposed rules, which would mandate wage matching, the Department considered whether to specify when State agencies must wage match. Mandating when State agencies will wage match limits State agency discretion in this area. However, specifying when and how often State agencies must wage match would ensure that wage matching is done on a regular basis and would be consistent with the wage matching requirements in the Aid to Families with Dependent Children (AFDC) Program. For AFDC, State agencies are required to wage match with UC data on a quarterly basis or with SSA on a semiannual basis. The quarterly requirement is based on the fact that wage information is reported quarterly by employers to agencies administering

unemployment compensation laws. The semiannual requirement for SSA matching is believed necessary by the Department of Health and Human Services because of the frequency with which applicants and recipients enter and leave the assistance roles. Although most SSA wage information is updated only annually, updating is not done at the same time in the year for everyone. Therefore, changes to various people's wage records become available at different times.

In order to ensure consistency between AFDC and the Food Stamp Program in this area the Department is proposing that State agencies match with SSA wage data semiannually and/or with UC wage data quarterly. In addition, the Department believes that this proposed requirement will result in the optimum use of available wage data.

Agreements Between the State Agency and the Agency Supplying the Information

The proposed rules stipulate that a State agency would have to execute a data exchange agreement with SSA and/or the UC agencies specifying the procedures to be used in requesting and providing wage information. The agreement would contain, at a minimum, the identification of all agency officials with authority to request wage information, methods and timing of the request for information and the safeguard provisions limiting release or redisclosure. These specifics were included to provide some minimum requirements for the agreements with UC agencies. There are currently agreements between SSA and State agencies for AFDC wage matching, and SSA has drafted a data exchange agreement for food stamp wage matching with SSA. The agreement drafted by SSA includes information to meet the minimum requirements established in these rules.

Safeguard Provisions

Section 127(a) of the 1980 amendments provides, through conforming amendments to sections 6103 and 7213 of the Internal Revenue Code, safeguards and procedures to assure proper handling of the information provided by SSA in light of the privacy interests associated with such information. The safeguards and procedures imposed by the Internal Revenue Code provide for, among other things, restricting access to persons who have a legitimate need for the information released, assuring that those persons are trained on privacy issues and assuring proper physical security for the information. The proposed regulation would require that State agencies agree to comply with the provisions in the IRS brochure entitled *Tax Information and Security Guidelines.* This brochure implements the safeguard and monitoring provisions and the reporting provisions (an initial report describing safeguard procedures and an annual safeguard activity report) of sections 6303 and 7213 of the Code. This requirement is contained in the final wage matching rules simultaneously issued with this proposed rule. The brochure should be identified as the *Tax Information and Security Guidelines,* Publication 1075 (Rev. 6–81) and requested from the Internal Revenue Service district disclosure officer in the appropriate IRS district.

Section 127(b) of the 1980 amendments provides that the State agency administering the State unemployment compensation law must establish confidentiality safeguards as are necessary as determined by the Secretary of Labor. Therefore, the proposed rule would require incorporation into the UC data exchange agreements such State agency established safeguards, as well as any other safeguards required by Federal or State law or regulation.

Use of Information

The Department has specified in this proposed rule the same four uses of the information obtained from wage matching that are specified in the final wage matching rules simultaneously published. Specifically, the rules state that data obtained from matching efforts shall be used for verifying a household's eligibility, verifying the proper amount of benefits, investigating to determine whether participating households received benefits to which they were not entitled, and substantiating information which will be used in conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled. As pointed out in the preamble to the proposed wage matching rules published on July 10, 1981, at 46 FR 35658, section 127 of Pub. L. 96–249 amended the Internal Revenue Code of 1954 to permit the Commissioner of Social Security to disclose information from SSA files only to the extent needed to determine Food Stamp Program eligibility and benefit levels. These proposed rule would restrict the use of SSA and UC information by State agencies to these same purposes.

The only issue relative to the use of this data which was questioned by commenters on the July 10, 1981, proposed rules on matching was the fourth use, i.e., its use in civil or criminal prosecutions. Since the legislative history of section 127 clearly indicates that one of the purposes of the section is to detect fraud (H.R. Rpt. 96–788, pp. 101–111), the Department believes Congress contemplated that when information obtained from SSA or UC agencies indicated likely fraudulent acquistition of coupons by a household, the information would be used in the investigation and possible prosecution of the household for fraud. Recognition by applicants and recipients that such prosecution is possible should also act as a deterrent to incorrect reporting of earnings and benefits. As pointed out in the legislative history (H.R. Rpt. No. 96–788, p. 105), "* * * the widespread recognition by applicants and recipients that computer matching will ultimately disclose earnings and benefit information, with ensuing punishment where appropriate, should substantially increase the incentive to report earnings and benefit payments accurately in filling out application forms (as well as subsequent reports)." Based on this history, the proposed rules, like the final wage match rules simultaneously published, reflect as one of the uses of wage matching, the use of the information in investigations and prosecutions.

Entry of SSN Into an Automatic Data Base

The Department has become aware that, while State agencies are requiring SSN's in accordance with current regulations, some State agencies with computerized systems for food stamps are not entering the SSN's into their automated data bases. As pointed out earlier in this preamble, Congress authorized the collection of SSN's so that State agencies would have the means to access, from various sources, wage benefits, and other information about program participants. If State agencies with the computer capability to do so fail to use the SSN as an identifier in data matching efforts, then the purpose in collecting SSN's is thwarted. Consequently, in these proposed rules the Department has added language to the current regulation on SSN's that would require that State agencies with automated data bases for the Food Stamp Program enter all SSN's collected into their data bases.

Discrepancy in Information

In accordance with existing food stamp regulations (§ 273.2(f)(4)(iv)), the proposed rule would provide that if information provided through wage matching contradicts statements made

by the household, the household would be afforded an opportunity to resolve the discrepancy. This is necessary because the household may have more current wage information than the data available from SSA or the UC agency.

Amendatory Language

The Department would like to note that the proposed regulatory language changes the wage match provisions contained in a final rule on this subject issued today and appearing elsewhere in this **Federal Register.**

Implementation

These proposed rules require that State agencies implement wage matching with SSA or UC on January 1, 1983. State agencies may wage match with SSA on UC data before that date if they execute the appropriate data exchange agreements. The January 1, 1983, implementation date is based on subsection (b) of section 127 of Pub. L. 96-249 which contains the statement that the amendments made by the subsection shall take effect on January 1, 1983. This section pertains to information maintained by State unemployment compensation agencies. Congress, in the Food Stamp and Commodity Distribution Amendments of 1981, did not modify this date. As a result, the January 1, 1983, date in the 1980 legislation remains the date when State agencies are required to begin wage matching. The Department believes that the January 1, 1983, date allows adequate time for State agencies to develop wage matching systems.

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

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs/social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs/social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Therefore, Parts 272 and 273 are proposed to be amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (g)(40) is added to § 272.1 as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(40) *Amendment 213.* State agencies shall implement the provisions of this amendment on January 1, 1983. State agencies may opt to match earnings data with information maintained by the Social Security Administration upon publication of final regulations provided they have executed data exchange agreements with the Social Security Administration.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2 paragraph (f)(7) is revised and a new paragraph (f)(9) is added to read as follows:

§ 273.2 Application processing.

* * * * *

(f) *Verification.* * * *

(7) *State Data Exchange (SDX) and Beneficiary Data Exchange (BENDEX).* The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may use SDX and BENDEX data to verify other food stamp eligibility criteria. The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA. The household shall be given an opportunity to verify the information from another source if the SDX of BENDEX information is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SDX or BENDEX data is unavailable.

* * * * *

(9) *Access to wage information.* (i) The State agency shall request wage information available from the Social Security Administration (SSA) under provisions of Section 6103(l)(7) of the Internal Revenue Code of 1954 and/or from agencies administering State unemployment compensation (UC) laws under provisions of Section 303(d) of the Social Security Act. State agencies are not required to request wage information from SSA if such information is available from agencies administering UC laws. State agencies shall request wage data semiannually from SSA and/or quarterly from agencies administering State unemployment compensation laws.

(ii) Information on earnings and benefits disclosed by SSA or UC agencies shall be used only for the purposes of:

(A) Verifying a household's eligibility;

(B) Verifying the proper amount of benefits;

(C) Investigating to determine whether participating households received benefits to which they were not entitled; and

(D) Substantiating information which will be used in conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

(iii) FNS reserves the right to review State Agencies' use of data obtained from wage matching and may require State agencies to take additional specific action to ensure that such data is being used to protect Program integrity.

(iv) Prior to accessing wage information from SSA and/or UC agencies, State agencies shall execute data exchange agreements with SSA and/or the agency administering UC detailing the procedures to be used in requesting and providing wage information. These agreements shall include, at a minimum, the following:

(A) Identification of all agency officials with authority to request wage information;

(B) Methods and timing of the requests for information, including the format to be used, and the period of time needed to furnish the requested wage information; and

(C) Safeguards limiting release or redisclosure as required by Federal or State law or regulation. The agreement with SSA shall assure compliance with the safeguard, reporting, and other requirements contained in sections 6103 and 7213 of the Internal Revenue Code as implemented by the Internal Revenue Service in its publication, *Tax Information Security Guidelines.*

(v) The State agency may access SSA and UC data without release statements from households, provided the State agency makes the appropriate data request to SSA and/or the UC agency and executes the necessary data exchange agreements. The household shall be given an opportunity to verify information from another source if the SSA or UC data is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph

(g) of this section if SSA or UC data is unavailable.

* * * * *

3. In § 273.6 a new paragraph (g) is added as follows:

§ 273.6 Social security numbers.

* * * * *

(g) *Entry of SSN's into automated data bases.* State agencies with automated food stamp data bases shall enter all social security numbers obtained in accordance with § 273.6(a)(1) into their data bases.

(91 Stat. 958 (7 U.S.C. 2011–2027))
(Catalog of Federal Domestic Assistance Program No. 10.551 Food Stamps)

Dated: April 28, 1982.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 82-12226 Filed 5-6-82; 8:45 am]
BILLING CODE 3410-30-M

federal register

Friday
May 7, 1982

Part IV

Department of Health and Human Services

Office of Community Services

Availability of Funds and Requests for Applications Under the Community Services Discretionary Authority

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

[Program Announcement No. OCS-82-1]

Availability of Funds and Requests for Applications Under the Community Services Discretionary Authority

AGENCY: Office of Community Services, HHS.

SUBJECT: Announcement of availability of funds and requests for applications under the Community Services Discretionary Authority.

SUMMARY: The Office of Commmunity Services (OCS) announces that applications are being accepted for grants, and cooperative agreements pursuant to the Secretary's discretionary authority under Title VI, section 681 of the Community Services Block Grant Act.

DATES: Closing date for receipt of applications is June 21, 1982. No applications will be accepted if they are postmarked after that date.

Scope of This Announcement:

Section 681 of the Community Services Block Grant (CSBG) Act authorizes the Secretary of Health and Human Services to make funds available to support ongoing activities of national or regional significance to alleviate the causes of poverty in communities. Approximately $25,000,000 will be available for Fiscal Year 1982 under this discretionary authority.

Applicants must satisfactorily demonstrate that the project they propose represents either an ongoing activity of the applicant or an ongoing activity previously funded by the Community Services Administration (CSA). In either case, applicants must show that such activity is of regional or national significance and clearly related to the purposes of the CSBG Act, i.e. to alleviate the causes of poverty in communities.

For purposes of this announcement, the term "ongoing activity" means an activity that is actually in progress, that will continue to move toward meeting specific goals and objectives with OCS support, and that has a meaningful and measurable impact on the area and population to be served. The term "national or regional significance" means activities that address the causes of poverty in a way that could be replicated in another part of the region or the country. Projects under this announcement must address primarily low-income people as defined in the Annual Revision of Poverty Income Guidelines, **Federal Register**, pp. 15417–15418, April 9, 1982.

The Administration's FY 1983 budget contains no request for funds under the OCS discretionary authority. Accordingly, each applicant must demonstrate the ability to carry out the work program with FY 1982 funds without substantial start-up costs, to achieve measurable results within one year of funding, and to show the ability to continue operating or to meet program objectives after the cessation of OCS funding.

An applicant can be engaged in a qualified "ongoing activity" without having been a recipient of funds from the former Community Services Administration. Grantees previously funded by CSA may apply but such an application would constitute an application for new funding, rather than an application for continuation funding. These applications will be considered in competition with all other acceptable applications.

Community Economic Development will be the area of major program and funding priority. In addition, the Department has identified assistance to States, Territories and Indian organizations in their implementation of the Community Services Block Grant. However, consistent with what we believe to be expressions of interest by the Congress in ongoing antipoverty activities of national or regional significance, we will consider applications in such areas Rural Housing; Community Facilities Development; and Assistance for Migrant and Seasonal Farmworkers. These other areas of consideration are described in the attachment to this announcement.

Under the Economic Development priority area funds will be reserved for other activities of national or regional significance—projects that demonstrate innovative public-private sector linkages or that support other Administration initiatives such as enterprise zones. Funds will be awarded based on the number and quality of proposals received.

Applications must include an Executive Summary of the proposal not to exceed five pages. This outline must address the program principles within this announcement and document that the proposed activities are ongoing activities of national or regional significance.

Each application must specify a number of measurable end products—e.g., the number of new jobs to be created under an economic development proposal, or the number of personnel to be trained under the Assistance to States priority area—and the cost per unit for the end products. The end results and unit costs should appear in the Executive Summary mentioned above.

Projects normally will be funded under this authority for a period not to exceed twelve months, and each project will have a termination date. However, at the discretion of the Director, shorter or longer project periods may be established. The Office of Community Services does not expect that funds will be available for these projects in Fiscal Year 1983. Therefore, the demonstrated capacity of a grantee to secure other sources of funds—before, during, and after the termination date of the project period—will be a key evaluation criterion for all the major priority areas. Projects which have little or no opportunity to continue through other sources of funding will receive lower priority in the review process.

Priority Area 1: Community Economic Development

The overall purpose of this priority area is to encourage the development of special programs by which the residents of urban and rural low-income areas may through self-help and mobilization of the community-at-large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

Narrative Description

Area 1.1 *Urban and Rural Economic Development.* The Office of Community Services will provide funds for business and community development assistance to a limited number of organizations. Funding for these activities will primarily be limited to investment capital and will require the submission of business or community development proposals that meet the test of feasibility. Financial assistance will be limited to those organizations which meet the eligibility requirements under Section(s) 611–619 of the Ominibus Budget Reconciliation Act of 1981.

(a) The objective of this priority area is to test community economic development financing concepts in urban and rural areas. The program emphasizes support for strategies to alleviate poverty by organizations representative of low-income area residents, experienced in dealing with economic development problems. It stresses group, rather than individual, efforts to provide expanded

opportunities for target area residents to increase their ownership of, employment in, and/or income from local economic enterprises.

(b) In accomplishing this objective, a successful applicant must coordinate and leverage its own resources with those of other government agencies and private sources. The project must be complemented by the provision of ample technical assistance in order to enhance the ability of the ventures to become self-sufficient. However, while encouraging the development of new and imaginative community economic development ventures, OCS will assure that the program's operations are conducted on a sound fiscal basis.

(c) The purpose of this priority area is not only provision of resources to eligible applicants, but also the broader objectives of arresting tendencies toward dependency, chronic unemployment, and community deterioration in urban and rural areas. To this end, the program seeks to attract additional private capital into special impact communities, build and expand the ability of local institutions to serve better the economic needs of local residents, and provide new employment and ownership opportunities for low-income people through group ventures and community development financing techniques.

Proposals submitted under this priority area must include the following:

A full description of the proposed use of the requested financial assistance, whether it is a business facility or community development project, and how increased income, ownership or employment opportunities for low-income area residents will be provided; the ability to strengthen linkages with, or leverage from other public and private resources; participation of the private sector.

In order to assure OCS that there is reasonable assurance that the amount of the request, together with other funds available, is adequate for the completion of the project or achievement of the purposes for which the award is being made, this description also should be accompanied by:

(1) A summary statement detailing the total cost of the project, delineating fixed assets and working capital, and explaining what other funds may be available or committed;

(2) Detailed and realistic feasibility studies and costs analyses;

(3) Audited financial statements for the immediately preceding three years or from the commencement of operation, whichever period is shorter, and if funds will be used for the acquisition, preservation or expansion of an existing business, similar audited financial statements for such venture;

(4) Cash-flow projections and pro forma financial statements and balance sheets estimated for three years, with the cash flow projections on a monthly basis and (pro forma) financial statements on a yearly basis;

(5) Estimated purchase price for any proposed purchase of real property, accompanied by an indepenent appraisal of the property establishing that the proposed purchase price is reasonable;

(6) a statement detailing what other conventional private sources or Federal, state or local programs are available, and which of these resources are being utilized for the proposed project.

The OCS will accept funding requests from eligible applicants for administrative overhead. These funds will be limited and no funds will be awarded if the applicant is not successful in receiving an award for investment capital. The applicant must show that it has been previously involved in substantial economic and community development activities and has a successful record of implementation with a high degree of success.

At the minimum, each applicant must document that it has a firmly established and quantifiable record indicating the following activities:

—To plan and implement major activities in (1) business development, (2) housing, (3) physical development, and (4) financial services;

—To leverage and mobilize dollars from the (1) private sector (corporations, banks, etc), (2) foundations, (3) public sector, (4) State and local governments, and (5) individuals;

—To establish and maintain relationships within the community (with public officials, financial institutions, corporations and other community organizations);

—To maintain an asset base and organizational structure in terms of (1) net worth, (2) stability, and (3) capability;

—To develop and maintain a stable and diversified program in terms of business, physical and community development activities that have provided needed services and other benefits to community residents, and otherwise impacted on community-wide problems and needs;

—To recruit and maintain both a qualified and demonstrably capable staff and a functioning Board of Directors that is capable of setting appropriate policy, making necessary program decisions, and providing adequate programmatic oversight;

—To have in place sound administrative and fiscal systems and controls, and;

—To establish and maintain partnerships with the private sector in the form of financial support, volunteerism, executives on loan etc.

The applicant must match each OCS dollar with two non-OCS dollars.

Area 1.2 *Community Economic Development—Demonstrations.* The purpose of this sub-priority area is to provide funding support to a limited number of unique and innovative projects. These projects must further Administration goals of private-public sector partnerships, volunteerism, and new Federal initiatives such as urban and rural enterprise zones. Applicants under this sub-priority area must demonstrate that they are engaged in ongoing activities of national or regional significance.

The Office of Community Services is interested in receiving proposals from national intermediary organizations which have a proven ability to attract funds and pro bono technical assistance from the private sector (corporations, financial institutions and foundations) targeted towards community based economic development efforts.

The Office of Community Services is extremely interested in furthering the objectives of section 615(c) of the Omnibus Budget Reconciliation Act, and the overall objectives of the President's Task Force on Private Sector Initiatives and Ecnomic Recovery Programs on a local level through national intermediary organizations.

The Office of Community Services will accept applications that stress public-private partnerships that are directed towards the development of economic self-sufficiency of distressed communities through a focus on economic expansion. Special consideration will be given to applications from organizations that can both document and demonstrate a record of performance and ability to mobilize private sector resources and involvement in antipoverty efforts. At the minimum, OCS expects each applicant to match every OCS dollar with two dollars from the corporate private sector and/or private foundations.

Priority Area 2: Assistance to States, Territories and Indian Tribes and Tribal Organizations Under the Community Services Block Grant

Narrative Description

The purpose of this priority area is to provide a wide range of assistance to States, territories, Indian tribes and tribal organizations as defined under the Community Services Block Grant. Applications will be accepted from States, territories, tribes and tribal organizations, or non-profit national associations to accomplish the following:

—To make the transition to the Community Services Block Grant without disrupting services to the poor by developing the necessary management and administrative systems and techniques necessary for successful implementation of the CSBG;

—To identify, develop and package successful managerial and administrative practices and low-cost service delivery approaches so that these best practices may be transferred among States, territories and Indian Tribes and tribal organizations;

—To design and develop methods to coordinate community-based antipoverty agencies and efforts with public and private voluntary, civic, social and community resources to meet the needs of the poor.

Applicants for funding under this priority area must present a design and delivery approach that is comprehensive enough to cover the wide range of potential needs of States, territories tribes and tribal organizations in implementing the Community Services Block Grant yet specific to each participant's needs and priorities. Since the assistance will be provided upon request, applicants should design a program that will be perceived by participants as interesting, useful and effective in assisting their efforts to implement the CSBG. To assure that the assistance is important and useful, the providers under this priority area must collect matching funds from the States, Territories or Indian tribes or tribal organizations which receive the assistance. This matching requirement must total at least ten percent of the cost. Applications which show interest on the part of the States, Territories or Indian organizations will receive greater consideration. Up to one-half of the matching requirements, or five percent of the total cost of the assistance, may be comprised of in-kind contributions.

Since there has been little or no activity in this priority area, applicants need not document an ongoing activity, unless present efforts are relevant and applicable. However, each applicant must document that it has previously performed activities of this nature with a similar group of participants in this priority area.

Each applicant must include in their proposal a discussion or evidence of the following:

—How each of the above objectives of the priority area will be implemented;

—Types of assistance needed to meet State/local needs under the CSBG, how this assistance is different from past approaches, why States and others would perceive such assistance as useful in implementing the CSBG, and the benefits of the assistance provided;

—How priority needs of States and others will be identified, how experts in the field and state-of-the-art information, practices and techniques will be utilized, and how the training, if necessary, of personnel will be conducted;

—How requests for assistance will be handled and decisions made on delivery of assistance;

—Breakdown of the costs involved in each discrete activity as well as the costs entailed in carrying out each of the objectives and the relative priority on each objective along with a rationale for the priorities chosen; and

—How this effort will become institutionalized in the State and how the applicant's approach to assistance will build the State's capacity to provide such assistance in the future.

Criteria for Review and Evaluation of all Applications

The competitive review process will take place as described below:

OCS central office personnel will review the Executive Summary and other relevant documents requested in the program announcement to determine whether the basic requirements for applications have been met. If the application is complete and acceptable, Federal, State and local officials, and experts from outside the government will conduct a formal objective review process. Applications ranked highly by the review panels and approved by Executive Staff will be considered for funding.

The application must be relevant to the goals and objectives of the enabling legislation and the Office of Community Services. Specifically, applicants must address the tasks and activities related to the OCS target populations and the particular priority areas of interest.

Each application must contain an Executive Summary, not to exceed five pages, which details the measurable results, intended beneficiaries, the capacity to secure sources of ongoing funding, and an explanation to show that the applicant has been engaged in these ongoing activities which are of national or regional significance. The cost per unit for each measurable outcome must be included in this summary.

Every application must document that the activity being proposed has either (a) made substantial progress towards reducing dependence on Federal funding; and demonstrated a high probability for self-sufficiency for the activity; or (b) the ongoing activity involves significant and substantial involvement of the private sector.

Additionally, Office of Community Services will review each application carefully in terms of responsiveness to the specific requirements and program needs as identified in project descriptions for the individual area of competition to which the applicant is responding.

The Executive Summary of the proposal should address each of the evaluation criteria that will be reviewed in the objective review process.

Criterion I: Project Implementation and Technical Approach Plan (25 points)

A. The application must specify a sound and feasible plan to accomplish identified tasks over the proposed project period. The application should describe how staff will be allocated to accomplish the tasks.

B. The application must contain a well-defined and carefully-designed technical approach which identifies problems and defines issues, and which describes the specific tasks to be completed during the project period. The description must show that these tasks, if executed as projected, will enable the organization to fully achieve the objectives of the project. If applicable, the proposal must contain a suitable plan for encouraging the use of the results of the project by other appropriate users.

C. All proposals should contain an evaluation component. Evaluation data collection and analysis procedures should assess the degree to which intended objectives are achieved. Qualitative and quantitative measures should be used to the maximum extent possible.

Criterion II: Significant Impact (30 points)

A. Projects funded under this program must produce measurable results to alleviate the causes of poverty. Specific

outputs for priority areas 1.1, 1.2 and 2 include, for example:

Area 1: *Community Economic Development—Urban and Rural Economic Development:* The number of new permanent direct jobs to be created; the number of permanent jobs maintained; the amount of public and private dollars leveraged for the project; and the number of business enterprise(s) to be initiated.

Area 1.2: *Community Economic Development Demonstrations:* The number of organizations to be directly assisted; the amount of private sector resources to be mobilized; the degree of involvement by private sector individuals and organizations in the implementation of the project.

Area 2: *Assistance to States, Territories, and Indian Tribes and Tribal Organizations:* The number of days of training provided; the number of personnel to be trained compared to the cost of training; the number and types of entities to be trained and the types of training to be provided.

(B) *Unit Costs:* Each application must provide specific and detailed information relating the Office of Community Services share of the project costs to the cost for each unit of measurable outcome.

Criterion III: Organizational Capability and Capacity (15 points)

A. The application must describe the experience and skills of staff to show their qualifications to carry out the project.

B. The assigned responsibilities of staff must be appropriate to project tasks. Sufficient time of senior staff must be budgeted to assure adequate management of the project.

C. The applicant must document a history of sound management practices, audit compliance and adequate and timely reporting.

D. The applicant must document prior achievement and a record of concern in the program area in terms of effective performance, cost effectiveness, targeting and permanent benefits.

E. The applicant organization must show that it has adequate facilities, resources and experience to carry out the tasks of the proposed project.

F. The application must contain a full description of the applicant organization, including information about its by-laws, articles of incorporation, its governing board and the representational nature of the board, if applicable. Applications must also contain information about the qualifications of the management team.

Criterion IV: Public-Private Partnerships (20 points)

The Office of Community Services does not expect that funding will be available under the Discretionary Authority in Fiscal Year 1983. Therefore, the demonstrated ability of applicants to mobilize and leverage other funds and volunteer services—especially from the corporate private sector—will be an important evaluation criterion. The application should document how other sources of funds will be used to continue the project after the termination date of the OCS award.

The Office of Community Services will give special consideration to applicants which offer significant and substantial linkages and leverage from other private and public resources that are documented and in place. Project descriptions should also demonstrate the increased use of private sector resources in addressing the needs of the target population.

Specifically, under priority area 1.1, Urban and Rural Economic Development, funds provided by the Office of Community Services may not exceed 33 percent of total project funding. Under all other areas, except assistance to States, a minimum two-to-one ratio between non-OCS and OCS dollars is required. Projects which exceed such ratios will receive greater consideration.

Each applicant should provide a detailed description of the amount, type (cash, in-kind contributions, training and technical assistance, etc.), the sources (Federal, State, Local, Corporate and Private) of funding or other support the applicant has received or is receiving.

Criterion V: Budget (10 points)

The proposed budget must be commensurate with the level of effort necessary to accomplish the project objectives. Costs must be reasonable and necessary in relation to the value of the anticipated results.

The contribution of any other public and/or private sector agencies or organizations must be assured in writing and included with the application when it is submitted.

Available Funds: The Office of Community Services expects to award approximately $25 million for projects during the third and fourth quarters of Fiscal Year 1982. The awards will be made on the basis of successful competition in an objective review process among all applicants.

The Application Process:

(1) *Availability of Forms:* Applications under the OCS Discretionary Authority must be submitted on standard forms provided for this purpose. Application kits and packages which include the forms and other information may be obtained by writing to: Office of Community Services, Office of State and Project Assistance, Attn: Discretionary Program Request, 1200 19th Street, N.W., Room 436–A, Washington, D.C. 20506; Telephone: (202) 254–6296.

(2) *Application Submission:* One signed original and two copies of the application, including all statements, must be submitted to the address indicated in the application instructions.

(3) *A–95 Notification Process:* The OCS Discretionary Authority is covered under the provisions of OMB Circular A–95. Applicants, except for Indian tribes or tribal organizations, must notify both the State and Areawide A–95 Clearinghouses of their intent to apply for assistance before they submit their applications.

A signed and dated copy of the Standard Form 424, as submitted to the Clearinghouse by the applicant, must be included with the application.

Comments from A–95 Clearinghouses must be forwarded to OCS within 60 days after the full application is submitted to the Clearinghouse for review and comment. OCS will not accept applications if the A–95 requirements have not been met, or if applications are submitted to the A–95 Clearinghouses after the closing date of this announcement.

Application Consideration: The Office of Community Services will determine the final action to be taken with respect to each application for this program. Applications which are complete, timely and conform to the requirements of this program announcement will be subjected to an objective competitive review and evaluation. Appropriate specialists from inside and outside of the Federal Government will participate in the review process.

The results of the review will be the basis for making final determinations among competing applicants. The comments of the A–95 clearinghouses will also be considered.

After a final decision has been made, applicants will be notified in writing. Successful applicants will receive information concerning funds to be awarded, terms and conditions of the award, budget period for which support will be given, the total grantee share expected, and the total period for which project support will be provided.

Closing Dates for Receipt of Applications: The closing date for receipt of applications for priorities identified in this program announcement is 45 calendar days from the date of this program announcement.

Applications may be mailed or hand delivered to: Office of Community

Services, Office of State and Project Assistance, Attn: Discretionary Program, 1200—19th Street, NW., Suite 436–A, Washington, D.C. 20506.

Applications must be received at the above address by the closing date or be clearly postmarked by that date. Hand delivered applications are accepted during the normal working hours of 8:45 a.m. to 5:30 p.m., Monday through Friday.

An application will be considered to be received on time if:

(1) It was sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service;

(2) It is received on or before the closing date by the Office of Community Services, Department of Health and Human Services in Washington, D.C. (In establishing the date of receipt, consideration will be given to the time date stamp of the mailroom or other documentary evidence of receipt maintained by OCS/HHS).

Robert L. Trachtenberg,

Acting Director, Office of Community Services.

Attachment

Other Areas of National or Regional Significance

Applications for the areas of Rural Housing, Rural Communities Facilities Development, and programs to assist Migrant and Seasonal Farmworkers must meet the criteria for review and evaluation of applications as previously stated above. Examples of specific outcomes for Criterion II: Significant Impact (30 points) are listed following each program description.

Rural Housing Repair, Rehabilitation and Production

Narrative Description: The purpose of this area of consideration is (1) to assist low-income residents in rural communities to rehabilitate or repair existing sub-standard housing units; or to construct or acquire ownership of adequate housing; and/or (2) to support the development of innovative ways to meet the housing needs of the rural poor.

We will consider applications from such entities as non-profit rural housing development corporations and cooperatives and other public and private organizations with proven accomplishments in the area of rural housing.

Proposals should fully describe how the proposed use of funds will result in tangible improvements in the housing conditions of the rural poor, including one or more of the following:

—Interior or exterior structural repairs including weatherization to improve housing conditions that threaten the health, safety or well-being of the rural poor;

—Provision of job opportunities to local unskilled residents while assuring quality work;

—Development of low-income housing alternatives including but not limited to innovative factory systems, pre-fab construction and local self-help projects; and

—Development of innovative housing strategies to help low-income rural residents acquire housing.

Specific Outcomes: The number of sub-standard housing units to be repaired and/or rehabilitated; the number of units to be constructed through low-cost housing production alternatives; the number of low-income residents who will be helped to purchase or acquire adequate housing; the number of unskilled disadvantaged to be employed in such projects; total non-OCS dollars mobilized; and, justifications for selecting target communities that are based on the housing needs of local residents and show the types and amounts of assistance that has been provided in the community in previous years.

Rural Communities Facilities Development

(i.e. Water and Waste Water Treatment Systems Development)

Narrative Description: The purpose of this area of consideration is to help low-income rural communities to develop the capability and expertise to establish and maintain affordable, adequate and appropriate water and waste water treatment facilities. Since many rural poor people live with sub-standard water and waste water treatment systems, and the inadequacy of such systems threatens the health of rural people, this program area addresses the Department's priority efforts in health promotion and illness prevention.

We will consider applications from Regional Technical Resource Centers and public or private organizations with proven technical expertise and accomplishments in water and waste water treatment programs.

Proposals should fully describe how the proposed use of funds will result in tangible improvements in the quality of water and waste water treatment systems for the rural poor including one or more of the following:

—To assist rural communities in the operation and management of water and waste water facilities;

—To develop local expertise and capability in water and waste water development and engineering services;

—To improve the adequacy and dissemination of information to rural communities in engineering services; and

—To improve the State and local water and waste water service delivery system to serve rural communities more adequately.

Funds are not available under this area for the construction or hook-up of water and waste water treatment systems, nor for operating subsidies for such systems. However, applicants should coordinate projects with the Farmers Home Administration (FmHA) and other Federal and State agencies to ensure that hardware for local community projects is available.

Specific Outcomes: The number of rural communities and the number of rural poor individuals directly served by improved water and waste water systems; the decrease in the number of inadequate water systems; the number of newly-established treatment systems; and the increase in local capacity in engineering and other areas of expertise.

Programs to Assist Migrant and Seasonal Farmworkers

Narrative Description: The purpose of this area is to fund a limted number of projects to alleviate the causes of poverty among migrant and seasonal farmworkers.

Special consideration will be given to projects that emphasize the involvement of the private sector in addressing the unique problems of farmworkers. The Office of Community Services is especially interested in projects that increase the proportion of migrant and seasonal farmworkers in alternative work situations. Such projects may use job training vouchers or other mechanisms to accomplish this goal.

Under the Community Services Block Grant Act, States may use block grant funds to provide services and assistance to migrant and seasonal farmworkers. Projects under this area must not duplicate services provided by the States through block grant funds. The Office of Community Services is therefore especially interested in ongoing national and regional programs serving migrant and seasonal farmworkers who must cross State boundaries in pursuit of work.

Specific Outcomes: The number of farmworkers who have gained alternative permanent employment; total non-OCS dollars mobilized; and the degree of private sector involvement in developing alternative work situations.

[FR Doc. 82–12385 Filed 5–6–82; 8:45 am]

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May 7, 1982

Part V

Department of Health and Human Services

Food and Drug Administration

Exemption of Antibiotic Drugs and Antibiotic Susceptibility Medical Devices From Certification

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 314, 433, and 510

[Docket No. 82N-0033]

Exemption of Antibiotic Drugs and Antibiotic Susceptibility Medical Devices From Certification

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug and new animal drug regulations to exempt all classes of antibiotic drugs from batch certification requirements. FDA is also proposing to exempt antibiotic susceptibility devices from batch certification. Because of the high level of manufacturer compliance with existing standards, FDA has tentatively determined that batch-by-batch testing by FDA is not necessary to ensure the safety and efficacy of antibiotic drugs and antibiotic susceptibility devices. Under the exemption, manufacturers would not be required to obtain, before marketing, certification of each batch of antibiotic drug. In the **Federal Register** of May 11, 1982, FDA will announce an interim policy of discretionary replication of manufacturer's tests to avoid interruption of supplies of antibiotic drug products pending its final decision on this proposal.

DATES: Comments by June 7, 1982; requests for informal conference by May 17, 1982.

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

FOR FURTHER INFORMATION CONTACT:

For human drugs: Robert J. Meyer, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

For animal drugs: Frank G. Pugliese, Bureau of Veterinary Medicine (HFV-103), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

For medical devices: Thomas M. Tsakeris, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (the act), antibiotic drugs, like most other new drugs, are required to be shown to be both safe and effective on the basis of adequate and well-controlled investigations, before marketing. Sections 507 and 512(n) of the act (21 U.S.C. 357, 360(b)(n)), however, in setting forth requirements for the approval of antibiotic drugs for human use and certain antibiotic drugs for animal use (i.e., antibiotic drugs composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof), respectively, require that each batch of antibiotic drug also be subject to certification before marketing. Certification procedures, which are set forth in §§ 431.1 and 514.50 (21 CFR 431.1 and 514.50), involve the testing of each batch for compliance with monograph requirements set forth in 21 CFR Parts 436 through 460 and 536 through 555, and require that manufacturers submit to FDA information on the product, a sample of each batch, and the results of their own tests. If, on the basis of the information and replication testing of the batch, FDA determines that the antibiotic drug conforms to the applicable standards of identity, strength, quality, and purity found in the monograph, the agency certifies the batch and issues a certificate attesting that the batch conforms to the applicable monograph standards.

Certification of antibiotic drugs originated with the 1945 penicillin amendments to the act (59 Stat. 463), which required batch certification for penicillin because of the newness of the drug and a heightened concern for its quality. This concern was based largely on the fact that penicillin's method of manufacture involved a biological process, and because potency was determined by biological assay, which was though to require careful control and checking in order to assure its accuracy.

In enacting these requirements, however, Congress was aware that the need for the special type of control offered by certification might subsequently be rendered unnecessary. Section 507(c) permitted the exemption of penicillin from the certification requirements if "developments [occurred] in manufacturing technology or otherwise that may render the need for these special types of control unnecessary * * *" S. Rep. No. 410, 79th Cong., 1st Sess. 3 (1945). The exemption authority of section 507(c) has been retained through subsequent amendments of section 507 and was significantly expanded in 1962 to add the suggested criteria for exemption now found in section 507(c)(1) and (2) (76 Stat. 785, 786, 787).

In the **Federal Register** of October 28, 1980 (45 FR 71354), FDA issued regulations (21 CFR 433.1) setting forth conditions for exempting from certification all human antibiotic drug products intended solely for dermatologic or vaginal use. When the conditions of that section are met, manufacturers are not required to apply for and obtain certification of each batch of any product covered by the exemption. In the preamble to that final rule, FDA stated that exempting dermatologic and vaginal antibiotic drug products was the first step in implementing an FDA program to eliminate or modify batch certification requirements where they are found to be no longer necessary to ensure the safety and efficacy of antibiotic durgs (45 FR 71355).

In proposing the exemption for dermatologic and vaginal antibiotic drug products, FDA pointed out that antibiotic drugs, in general, on the basis of the state of manufacturing technology and the high level of compliance with existing monograph requirements, appeared to be meeting the requirements for consistency set forth in section 507(c) of the act (July 6, 1979; 44 FR 39470). With respect to dermatologic and vaginal antibiotic drug products, FDA pointed specifically to an extremely low rejection rate, one-half of one percent or less, during the 2 years before the proposal. It noted further that dermatologic and vaginal antibiotic products were being considered first because of their manner of use (i.e., local or topical application with a relatively low level of absorption), and because limited conditions for their exemption have existed since 1966. Because topical antibiotic drug products for animal use are indicated and certified for otic as well as dermatologic use, and because none are labeled for vaginal use, no corresponding class exemptions were promulgated for topical animal antibiotic drug products.

Initially, FDA intended to consider exempting the remaining classes of antibiotic drugs (i.e., otic and ophthalmic, oral, injectable, and bulk) from batch certification on a step-by-step basis, continuing with antibiotic drug products for ophthalmic and otic use and finishing with bulk antibiotic drugs. Upon further consideration, the agency believes that it can exempt all remaining classes of antibiotic drugs for human and animal use, including bulk as well as finished dosage forms, from batch certification without compromising the public health

considerations that certification was intended to advance.

For the past several years, the rejection rate for all antibiotic drug products has been extremely low. In a recently published General Accounting Office report entitled "FDA Should Reduce Expensive Antibiotic Testing and Charge Fees Which More Closely Reflect Cost of Certification" (B–203267, October 28, 1981), it was demonstrated that the rejection rate for batches of antibiotic drugs for FY '72 through FY '80 decreased from 0.70 to 0.16 percent. Specifically, by antibiotic class, the rejection rates for FY '77 through FY '80 have averaged: (1) Less than 1 percent for otic and ophthalmic products for human use, no rejections for animal use; (2) less than 1 percent for oral products for human use, less than 1 percent for animal use; (3) less than 1 percent for injectable products for human use, no rejections for animal use; and (4) approximately 1 percent for bulk drug for human and animal use. Thus, FDA finds that the manufacturers of antibiotic drugs have demonstrated a high level of consistency in the quality of their manufacture over the past several years.

The agency has tentatively concluded, therefore, that the high level of compliance with existing monograph requirements demonstrated by manufacturers of antibiotic drugs for human and animal use meets the requirements for consistency in sections 507(c) and 512(n)(3) of the act and warrants exempting all classes of antibiotic drugs, including bulk as well as finished dosage forms, from batch certification. The agency proposes that (1) section 433.1 be revised to provide a general exemption from batch certification of all antibiotic drugs for human use, and (2) a new § 510.520 (21 CFR 510.520) be established to provide a corresponding exemption for all antibiotic drugs for animal use subject to section 512(n) of the act.

Requirements for Exempted Antibiotic Drugs

Under these proposed regulations, manufacturers of antibiotic drugs for human and animal use would be exempt from obtaining FDA's certification of each manufactured batch before marketing. Manufacturers would not be required to submit to FDA samples and test results for individual batches and could distribute these drugs without FDA's notification that a specific batch is certified.

Exemption from certification would not affect other regulations to which antibiotic drugs are subject. Antibiotic drugs would continue to be required to meet all standards of identity, strength, quality, and purity under the appropriate antibiotic monographs. Manufacturers would also be required to continue to conform to all applicable provisions of the current good manufacturing practice (CGMP) regulations. FDA would continue to inspect establishments for compliance with CGMP requirements and to survey products in the marketplace through routine sampling and testing programs. These mechanisms, together with the requirements under the new drug provisions of section 505 (21 U.S.C. 355) and the new animal drug provisions of section 512(n) of the act (discussed later under "New Drug Status"), will be adequate, in FDA's view, to ensure the continued quality of these drugs, just as similar mechanisms are currently satisfactory to ensure the quality of nonantibiotic drugs. The final rule would not affect existing requirements for premarket approval of new drugs, for approval of any proposed changes in the conditions of approved applications, or for reporting of adverse experiences with these drugs.

New Drug Status

In accordance with section 507(e) of the act, antibiotic drugs for human use exempted from batch certification would be new drugs subject to section 505 of the act. To implement that requirement, the agency would apply the same rules and procedures that were adopted in connection with the exemption of dermatologic and vaginal products. The exemption of any approved antibiotic drug product for human use from the certification requirements of section 502(1) (21 U.S.C. 352(1)) and section 507 of the act would be equivalent to the approval of a new drug application (NDA) for the product under section 505 of the act. Under proposed § 433.1 of the regulation, the agency would continue to require the submission of an antibiotic Form 5 application from any person seeking approval to market a new antibiotic drug for human use for which no monograph exists, and an antibiotic Form 6 application from any person seeking approval to market an antibiotic drug for human use for which there is an approved monograph. On the approval date of the antibiotic Form 5 or Form 6 application, the approved form, together with the information that accompanied it, would be considered an approved NDA or abbreviated new drug application (ANDA), respectively. Thus, on the date an antibiotic Form 5 or Form 6 application would be approved for an antibiotic drug for human use, the approved product would be made subject to the new drug requirements of section 505 of the act and would be exempt from the certification requirements of section 507 of the act.

As of the effective date of the final rule based on this proposal, moreover, all approved antibiotic Form 5 applications for antibiotic drugs for human use on file with FDA would be deemed to be approved NDA's under § 314.1(a) (21 CFR 314.1(a)). Previously approved antibiotic Form 6 applications (except those for bulk antibiotic drug substances, discussed later under "Bulk Antibiotic Drugs") for these antibiotic drugs would be deemed to be approved ANDA's under § 314.1(f).

Under section 512(n)(1) of the act, antibiotic drugs for animal use are required to be the subject of approved new animal drug applications (NADA's) under section 512(b) of the act. Thus, exemption from certification would not change the new animal drug status of these animal antibiotic drugs. The agency would continue to require the submission of an NADA from any person seeking approval to market a new antibiotic drug product for animal use subject to section 512(n) of the act.

The exemption of antibiotic drugs from certification would not, as a practical matter, change the practices the agency has followed in approving the marketing of antibiotic drugs by original and subsequent manufacturers. These practices would be retained because they would be needed if manufacturers request certification (discussed later under "Manufacturers' Requests for Certification") or if FDA determines, under the provisions of the regulations, that it needs to reimpose certification for particular antibiotic drugs or classes of antibiotic drugs. FDA would continue, therefore, to retain in the Code of Federal Regulations the regulations (monographs) under which these antibiotic drugs have been approved in the past. These will serve as public standards and, as contemplated by section 507(e), as standards for drug quality, packaging, and labeling for purposes of enforcement of the adulteration and misbranding sections of the act, sections 501(b) and 502(g) (21 U.S.C. 351(b) and 352(g)). The regulations will also describe the conditions for certification for manufacturers who elect to request batch certification of antibiotic drugs as provided for in sections 507(c) and 512(n)(3) of the act. As new antibiotic drugs are approved under an applicable antibiotic Form 5 or Form 6 application or new animal drug application, the regulations would be amended to include appropriate monographs. Subsequent manufacturers of antibiotic

drugs for human use would be permitted, as they are now, to market equivalents of new antibiotic drugs before publication in the **Federal Register** of the appropriate monograph, which would still follow by a short period of time approval of the antibiotic Form 5 application.

In the case of antibiotic drugs for animal use, section 512(i) of the act requires the approval of an NADA to be in the form of a regulation published in the **Federal Register**. Marketing of antibiotic drugs for animal use would continue to be contingent upon publication of the appropriate regulation.

Bulk Antibiotic Drugs

Because FDA reviews data about new drug substances in the context of its review of an application for a new drug product, FDA accepts applications only for finished dosage forms, such as tablets, capsules, or solutions. A manufacturer's data establishing the safety of ingredients, including bulk drug substances, that may be used in new drugs are submitted to the agency in the form of a so-called "drug master file." A drug master file is a body of information that a person (the drug master file holder) submits to the agency permitting its holder to incorporate the information by reference in subsequent applications or submissions to the agency without having to submit repeatedly individual copies of the information. FDA ordinarily neither reviews nor approves or disapproves submissions to a drug master file.

In the case of antibiotics, the agency now certifies bulk antibiotic drug substances, as well as antibiotic drug products, based on antibiotic Form 5 or Form 6 applications. The agency's review and approval of requests for certification of bulk antibiotic drug substances stems from the history of the certification requirements themselves. The rudimentary technology associated with the manufacture of early antibiotic drugs led to the belief that they had a greater potential for quality deficiencies than other drugs. Because levels of potency and impurities in bulk antibiotic drug substances could be more easily determined before they were incorporated into finished dosage forms, the agency started the practice of certifying bulk antibiotic drug substances through the approval of antibiotic Form 5 or Form 6 applications.

Consistent with the agency's determination that the current high quality of antibiotic drugs in general obviates the necessity for batch certification, it is unnecessary to continue the policy of reviewing and approving antibiotic Form 5 or Form 6 applications for bulk antibiotic drug substances. Therefore, on the effective date of the final regulations, all approved antibiotic Form 5 or Form 6 applications for bulk antibiotic drug substances would be incorporated into the drug master file system. After the effective date of the final regulations, all data and other information relating to bulk antibiotic drug substances would be accepted by the agency in the form of a drug master file. (The agency would then proceed to withdraw approval of antibiotic Form 5 or Form 6 applications for bulk antibiotic drug substances that were converted to drug master files.) As in the case of nonantibiotic drugs, data on bulk antibiotics would be reviewed in the context of the agency's review of an application for a new antibiotic drug product. The disclosure of data and information contained in an antibiotic drug master file would be governed by § 431.71 (21 CFR 431.71) (discussed below under "Disclosure of Data and Information in an Antibiotic NDA or ANDA File").

Export of Antibiotic Drug Products

The proposal would not change current policy concerning the export of uncertified antibiotic drugs. Under the proposal, antibiotic drugs for human use that meet the conditions of § 433.1(b) would be deemed approved under section 505 of the act, and, therefore, exportable similarly to other approved new drugs. However, as the new drug provisions of the act would apply to antibiotic drugs for human use only as of the date of approval of the antibiotic Form 5 or Form 6 application, antibiotic drugs that are not yet approved, and thus not yet exempted from certification under § 433.1(b), would remain subject to all provisions governing certifiable antibiotic drugs, including section 502(l) and the export provisions of section 801(d) of the act. The conditions for export of antibiotic drugs for animal use would continue to be governed by the separate statutory restrictions contained in section 801(d), which prohibit the export of a new animal drug that is unsafe within the meaning of section 512 of the act.

Disclosure of Data and Information in an Antibiotic NDA or ANDA File

The current regulations allow public disclosure of data and information contained in the file of an approved human antibiotic drug, including all safety and effectiveness data and information (21 CFR 431.71). The agency has decided that exempting antibiotic drugs from certification does not require a change in the current rule. As subsequent manufacturers of new antibiotic drugs would continue to be able to obtain FDA approval for them if the products conform to the applicable monographs, the reasons currently justifying disclosure of safety and effectiveness data under § 431.71 would likewise continue to apply, even though certification would no longer be required. The same disclosure policy would also continue to apply to safety and effectiveness data for bulk antibiotic substances. Antibiotic drugs for animal use subject to section 512(n) of the act will continue to be subject to the same disclosure regulations as are other new animal drugs, as specified in § 514.10 (21 CFR 514.10).

Drug Products Subject to Drug Reviews

Any final rule issued under this proposal would not affect findings under the Drug Efficacy Study Implementation (DESI) review or the Over-the-Counter Drug Review for Human Drugs, and any drug product subject to requirements as a result of either of those reviews would still be required to conform to them. Insofar as any such requirements might conflict with the provisions of a final rule based on this proposal, the former would prevail. If an antibiotic drug product whose effectiveness has not been resolved in the DESI program were approved through the proposed procedure of conferring NDA or ANDA approval when the final regulation becomes effective, it would have the same status as that of any other less-than-effective DESI drug that is the subject of an approved or effective NDA under the transitional provisions (section 107(c), 76 Stat. 780) of the 1962 Drug Amendments to the act.

As previously stated, antibiotic drug products for animal use are currently required to be the subject of approved new animal drug applications. Therefore, the status of any of these still subject to FDA's implementation of the National Academy of Sciences/National Research Council review remains unchanged.

Reimposition of Certification

The regulatory scheme would include provisions for the reimposition of certification for particular antibiotic drugs or for classes of antibiotic drugs if the agency finds that certification becomes necessary to ensure safety and efficacy of use. To accomplish this, the agency is proposing to continue to follow the procedures of § 433.2.

The reimposition of certification for cause was clearly contemplated by Congress in enacting section 507(c) of the act. See, S. Rep. No. 410, 79th Cong.,

1st Sess. 3 (1945). Specific products would be selected for either voluntary or mandatory certification if an industry-wide quality problem is found to exist and the problem is believed to pose as high potential for health risk. Certification would only be required if it is the best approach to quality assurance. In this case, the requirement for certification would be short-term and would be eliminated once the problem is resolved. Technical or isolated violations of monographs or current good manufacturing practice requirements would be dealt with under the adulteration and misbranding provision of the act. FDA is accordingly reproposing § 433.2 for comment. The animal drug regulations are also proposed to be amended to provide a new § 510.521 (21 CFR 510.521), to contain similar provisions.

Refusal to Approve or Withdrawal of Approval of Antibiotic Drugs

To be exempt from certification under the conditions of § 433.1(b) of this proposal, an antibiotic drug for human use must be the subject of an approved antibiotic Form 5 or Form 6 application. Until the date of the approval of the antibiotic Form 5 or Form 6 application, antibiotic drugs for human use remain subject to all provisions governing certifiable antibiotic drugs. Thus, refusals to approve antibiotic Form 5 or Form 6 applications would continue to be the subject of current antibiotic drug regulations issued under section 507 of the act and requirements under 21 CFR 430.20.

Antibiotic drugs for human use that meet the conditions of § 433.1(b) of the proposal would be deemed approved under section 505 of the act. Thus, withdrawal of approvals for these antibiotic drugs would be subject to the provisions of section 505(e) of the act, including those pertaining to imminent hazard authority, and requirements under 21 CFR 314.115 and 314.116.

Exemption from certification under section 512(n)(3) of the act would not change the new animal drug status of antibiotic drugs for animal use. Accordingly, refusals to approve and withdrawal of approvals would continue to be the subject of requirements under 21 CFR 514.111 and 514.115, as applicable.

Interim Certification Procedures: Discretionary Replication of Manufacturer-Conducted Tests for Antibiotic Drugs

On several occasions in the past, the agency has been informed by manufacturers that the length of time that it has taken to obtain certification delayed the distribution of products and sometimes resulted in unnecessary disruption in the supply of certain antibiotic drug products to the marketplace. In the past, the agency has responded to this problem by issuing a certificate or release based only upon a manufacturer's test results and before the agency's replication of the manufacturer's tests. Upon completion of the agency's testing, the certificate or release was amended and reissued based upon the agency's test results.

The agency will adopt a new policy in order to avoid any potential operational difficulties in FDA's laboratory during the pendency of this proposed rule which might result in long delays in certification and unnecessary disruption in the supply of some antibiotic drug products to the marketplace.

The agency has conducted a review of the certification process with the objective of initiating procedures to avoid these delays and shortages. Based on this review, the agency has decided to adopt an interim policy of discretionary replication of manufacturer tests to avoid interruption of supplies of antibiotic drug products. This interim policy will be announced in the **Federal Register** of May 11, 1982. Under this interim policy, if batch certification submissions of any antibiotic drug product exceed the agency laboratory's capacity to perform all replicate testing within usual and customary time frames, the agency will not, for randomly selected batches, replicate some or all of the manufacturers' tests. Thus, the agency may issue a certificate of certification or release for a batch of an antibiotic drug product based solely or in part on manufacturers' test results, without agency replication. As it has been done in the past, when the availability of facilities permits, the agency may replicate the manufacturer's tests at a later time, and amend and reissue certificates issued on the basis of manufacturer test results alone.

This interim policy will not require the submission of additional data by persons requesting certification or release of antibiotic drug products above that which is routinely received with each request for batch certification or release. The agency believes that this interim policy will prevent disruption in the supply of antibiotics to the marketplace caused by certification delays and, because of the high degree of industry compliance in this area, will not compromise the safety or efficacy of these drug products. The agency specifically requests comments on this new interim policy. The comments will be considered in determining whether revisions of the interim policy are warranted.

Manufacturers' Requests for Certification

Under section 507(c) of the act, when an antibiotic drug has been exempted from the requirement of certification, a manufacturer may, in its discretion, still obtain certification of a batch or batches of that drug if the manufacturer applies for and meets the requirements for certification. Because the agency has determined that replication testing is not necessary to ensure the safety and efficacy of the exempted drugs, the agency will not use its limited laboratory facilities to replicate the manufacturer's tests of these drugs but will base certification on a review of the results of the manufacturer's tests. Appropriate fees will be charged for the certification.

Antibiotic Susceptibility Devices

Certain antibiotic susceptibility devices (e.g., antimicrobial susceptibility test discs and tests powders) are subject to section 507 of the act. Before enactment of the Medical Device Amendments of 1976 (Pub. L. 94–295), these products were considered drugs. Although they now are considered devices due to the amendments' broadened definition of "device" in section 201(h) of the act (21 U.S.C. 321(h)), another provision of the 1976 amendments (section 520(1) of the act) states that a device intended for human use which was subject to the requirements of section 507 on the amendments date of enactment (May 28, 1976) continues to be subject to these requirements until the effective date of one of the following: a regulation classifying the device into class I (general controls), a performance standard for the device if it is classified into class II (performance standards), or a requirement to have in effect in approved premarket approval application if it is classified into class III (premarket approval). (See 42 FR 63472; December 16, 1977.) In the **Federal Register** of April 22, 1980 (45 FR 27204, 27211, and 27213), FDA proposed to classify into class II antimicrobial susceptibility test discs and test powders.

Because manufacturers of antibiotic susceptibility devices that are now subject to certification have demonstrated consistently high quality in the production of these devices, sufficient to ensure their safety and efficacy of use, FDA is proposing under section 507(c) of the act to except all antibiotic susceptibility devices from

batch certification requirements. Those devices that are now subject to requirements under section 507 of the act other than batch certification would continue to be subject to such other requirements. Furthermore, all antibiotic susceptibility devices would, of course, continue to be subject to the other statutory and regulatory requirements applicable to devices. After consideration of the comments received on this proposal, FDA will publish a regulation adding to Title 21, Chapter I, Subchapter H, Code of Federal Regulations, the necessary exempting provisions for antibiotic susceptibility devices. FDA also will explain in the preamble to the regulation how those devices will be regulated.

Pertinent background data on which the agency relies in proposing these amendments are on public display in the Dockets Management Branch (address above).

The agency has determined under 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The agency has considered the economic impact of this proposed rule and has determined that it does not require a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Specifically, the proposal would eliminate batch certification costs for the manufacturers of antibiotic drugs and antibiotic susceptibility devices. The fees totaled approximately $6.1 million in FY '81 for certification of about 19,000 batches of antibiotic drugs and devices. Approximately $1 million of these fees were paid by 84 small pharmaceutical and device manufacturers. The elimination of these fees, although beneficial to both large and small firms, is a comparatively small financial consideration in the manufacture of antibiotic drugs and antibiotic susceptibility devices, whose total sales are estimated to exceed $1 billion per year. Accordingly, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities. Because this proposed rule is subject to 5 U.S.C. 556 and 557, it is not subject to Executive Order 12291.

List of Subjects in 21 CFR

Part 314

Administrative practice and procedure, Drugs.

Part 433

Antibiotics, Labeling.

Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 512(n), 701 (f) and (g), 52 Stat. 1050–1053 as amended, 1055–1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C. 355, 357, 360b(n), 371 (f) and (g))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Parts 314, 433, and 510 be amended as follows:

PART 314—NEW DRUG APPLICATIONS

1. Part 314 is amended in § 314.14 by adding new paragraph (j), to read as follows:

§ 314.14 Confidentiality of data and information in a new drug application (NDA) file.

* * * * *

(j) The availability for public disclosure of any record in a file for an antibiotic drug that is exempt from certification under § 433.1 of this chapter shall be determined in accordance with § 431.71 of this chapter.

PART 433—EXEMPTIONS FROM ANTIBIOTIC CERTIFICATION AND LABELING REQUIREMENTS

2. Part 433 is amended:

a. By revising § 433.1, to read as follows:

§ 433.1 Exemption of antibiotic drugs for human use from batch certification requirements.

(a) Antibiotic drugs for human use are exempt from the batch certification requirements of Part 431 of this chapter if the conditions of this section are met.

(b) The conditions are as follows:

(1) The antibiotic drug is approved for marketing under an appropriate antibiotic Form 5 or Form 6 application.

(2) The antibiotic drug is packaged and labeled for dispensing in accordance with the applicable regulation (monograph) in this chapter except where other labeling has been approved in an applicable antibiotic Form 5 or Form 6 application.

(3) The bulk antibiotic drug used in preparing the antibiotic drug product meets the standards of identity, strength, quality, and purity specified in the applicable regulation (monograph) in this chapter except where other standards have been approved in an applicable antibiotic Form 5 or Form 6 application.

(4) The antibiotic drug product meets the standards of identity, strength, quality, and purity specified in the applicable regulation (monograph) in this chapter except where other standards have been approved in an applicable antibiotic Form 5 or Form 6 application.

(c) In accordance with the provisions of section 507(e) of the act, an antibiotic-containing drug for human use exempt from the requirements for batch certification under this section is subject following its approval to section 505 of the act and applicable regulations for new drugs, generally parts 310 through 314 of this chapter. For each antibiotic drug subject to an exemption under this section:

(1) An approved antibiotic Form 5 application is regarded to be an approved new drug application under § 314.1(a) of this chapter.

(2) An approved antibiotic Form 6 application is regarded to be an approved abbreviated new drug application under § 314.1(f) of this chapter, except that an antibiotic Form 6 application for a bulk antibiotic drug substance approved before the effective date of this section shall be considered a drug master file.

(d) Nothing in this section prevents a manufacturer from applying for batch certification of an antibiotic drug for human use subject to an exemption under this section as provided in section 507(c) of the act.

(e) All exemptions from batch certification requirements for antibiotic drugs for human use under this section are subject to the conditions of effectiveness under § 433.2.

(f) Reporting/recordkeeping requirements contained in this Part 433 have been approved by the Office of Management and Budget and assigned approval numbers 0910–0007, 0910–0009, and 0910–0055.

b. By revising § 433.2, to read as follows:

§ 433.2 Conditions on the effectiveness of exemptions of antibiotic drugs for human use from batch certification requirements.

(a) If at any time after an exemption from batch certification requirements for an antibiotic drug for human use has been granted, the Commissioner finds on the basis of new information before the agency with respect to such

exempted drug, evaluated together with the evidence available to the agency when such exemption was granted, that certification of each batch is necessary to ensure its safety and efficacy of use, the Commissioner shall act immediately to revoke all exemptions from batch certification requirements granted for such drug.

(b) If the Commissioner finds that the person granted an exemption from batch certification requirements for an antibiotic drug for human use has failed to comply with the requirements of section 505 of the act and the regulations promulgated thereunder; or if the Commissioner finds that the requirements of § 433.1 have not been met; or if the Commissioner finds that the petition for exemption from batch certification contains any false statements of fact, the Commissioner may revoke the exemption from batch certification requirements immediately and require batch certification of the drug until such person shows adequate cause why the exemption from batch certification requirements should be reinstated.

(c) If the Commissioner repeals or suspends an exemption from batch certification requirements for an antibiotic drug for human use, a notice to that effect and the reasons therefor will be published in the **Federal Register.**

(d) Any person who contests the revocation or suspension or denial of reinstatement of an exemption from batch certification requirements for an antibiotic drug for human use shall have an opportunity for a regulatory hearing before the Food and Drug Administration under Part 16 of this chapter.

PART 510—NEW ANIMAL DRUGS

3. Part 510 is amended:

a. By adding new § 510.520, to read as follows:

§ 510.520 Exemption from batch certification requirements for antibiotic drugs for animal use subject to section 512(n) of the act.

(a) In addition to the exemptions from certification provided in §§ 510.505, 510.510, and 510.515, antibiotic drugs subject to section 512(n) of the act are also exempt from the batch certification requirements under §§ 514.50 and 514.51 of this chapter, if the following conditions are met:

(1) The antibiotic drug is the subject of a new animal drug application approved under § 514.105 of this chapter.

(2) The antibiotic drug is packaged and labeled in accordance with the conditions of marketing described in the approved new animal drug application.

(3) The bulk antibiotic drug used in preparing the antibiotic drug product meets the standards of identity, strength, quality, and purity specified in the applicable regulation (monograph) in this chapter.

(4) The antibiotic drug product meets the standards of identity, strength, quality, and purity specified in the applicable regulation (monograph) in this chapter.

(b) Nothing in this section prevents a manufacturer from applying for batch certification of an antibiotic drug for animal use subject to an exemption under this section as provided in section 512(n)(3) of the act.

(c) All exemptions from batch certification requirements for antibiotic drugs for animal use under this section are subject to the conditions of effectiveness under § 510.521.

(d) Reporting/recordkeeping requirements contained in this Part 510 have been approved by the Office of Management and Budget and assigned approval numbers 0910–0007, 0910–0009, and 0910–0032.

b. By adding new § 510.521, to read as follows:

§ 510.521 Conditions on the effectiveness of exemptions of antibiotic drugs for animal use from batch certification requirements.

(a) If at any time after an exemption from batch certification requirements for an antibiotic drug for animal use has been granted, the Commissioner finds on the basis of new information before the agency with respect to such exempted drug, evaluated together with the evidence available to the agency when such exemption was granted, that certification of each batch is necessary to ensure its safety and efficacy of use, the Commissioner shall act immediately to revoke all exemptions from batch certification requirements granted for such drug.

(b) If the Commissioner finds that the person granted an exemption from batch certification requirements for an antibiotic drug for animal use subject to section 512(n) of the act has failed to comply with the requirements of section 512 of the act and the regulations promulgated thereunder; or if the Commissioner finds that the requirements of § 510.520 have not been met; or if the Commissioner finds that the petition for exemption from batch certification contains any false statements of fact, the Commissioner may revoke the exemption from batch certification requirements immediately and require batch certification of the drug until such person shows adequate cause why the exemption from batch certification requirements should be reinstated.

(c) If the Commissioner repeals or suspends an exemption from batch certification requirements for an antibiotic drug for animal use, a notice to that effect and the reasons therefor will be published in the **Federal Register.**

(d) Any person who contests the revocation or suspension or denial of reinstatement of an exemption from batch certification requirements for an antibiotic drug for animal use shall have an opportunity for a regulatory hearing before the Food and Drug Administration under Part 16 of this chapter.

The Commissioner has determined, under § 10.40(d) of the regulations (21 CFR 10.40(d)), that good cause exists for a comment period of 30 days rather than the usual 60 days. Nor will any extension of the 30-day comment period be granted. In December 1981, FDA publicly announced its plan to phase out the antibiotic certification program because it is no longer necessary to protect the public health. The President's proposed budget for fiscal year 1983, transmitted to Congress on February 8, 1982, contemplates that the continued need for the antibiotic certification program will receive early consideration. Prompt completion of this rulemaking would facilitate the orderly phase-out of the antibiotic certification program if the regulations are adopted as proposed. The phase-out would include the difficult task of accomplishing a reduction in force due to abolishment of positions in the program. Accordingly, a 30-day comment period is justified.

Interested persons may, on or before June 7, 1982 submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received

comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before May 17, 1982 submit to the Dockets Management Branch (address above) a request for an informal conference. The participants in an informal conference, if one is held, will have until June 7, 1982, or 10 days after the day of the conference, whichever is later, to submit their comments.

Dated: March 10, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: April 30, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

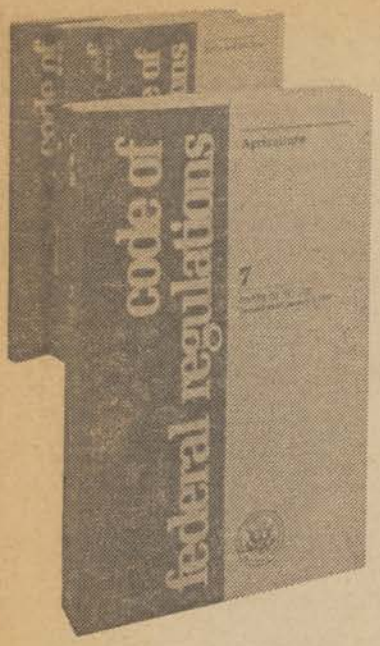
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List of Public Laws

Last Listing May 3, 1982

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